AN EMPIRICAL STUDY OF LOBBYING SUCCESS IN THE CONTEXT OF TURKEY'S ACCESSION NEGOTIATIONS WITH THE EUROPEAN UNION

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I dedicate this dissertation to my grandfather, Emin Ali, who currently passed away and eternalized the absence I had felt in all my experience for he lived abroad in Bulgaria. He was a religious figure -an imam [priest in a mosque] and well at the same time one of the most open-minded and tolerant elderly I know of. This mindset was his primary heritage and is among the building blocks of my ideas about conservatism and tolerance.

ABSTRACT

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Keywords: Europeanization, interest groups, lobbying, lobbying coalitions, issue conflict, lobbing success, gender mainstreaming, Alevi rights, and freedom of the press

Historical analysis of the relationship between the State and civil society in Turkey demonstrate the problematic nature of interactions between these domains. All through the Turkish political history, the actors within civil society had been subject to inherent legal and structural limits in terms of access to the political level and thus had been relegated to a weak-standing. This historical legacy of civil society's portrayal as inept and devoid of any real role in politics had eventuated in academic lack of interest concerning possible transformations in the civil society's potential. Over the last decade, the European Union (EU) negotiation framework has provided a new opportunity context enhancing the chances of decision making participation of groups that operate within the Turkish civil society. One should consider the positive impact of the EU pressures for regular and structural participation of these previously excluded stakeholders. Lobbying groups' increasing access to the political level should have implications for policy outputs; still this access alone is not enough to determine lobbying success. Taking into account Turkey's domestic political setting in flux, what could be some other factors easing or hindering lobbying success? This dissertation aims to answer this question. To this end, it provides comparative analysis of lobbying activities under three alternative issue areas -gender mainstreaming, Alevi rights and press freedoms- which heavily occupied the reform agenda of Turkey in the last decade. With a specific focus on the degree of conflict on these issues; the dissertation demonstrates that conflicts had arisen primarily due to ideology and identity based polarizations in Turkey such as the controversy between secularism versus religious conservatism. The dissertation deliberates on how such polarizations impact lobbying success and moderate the impact of other potential explanatory factors. In the case of an EU negotiating country, one should also take into account how the EU's adaptational pressures determine the direction of reforms and thus lobbying success. Incorporating the impact of this special context, our analytical model is additionally expected to shed light on the literature on Europeanization that concentrate on transposition processes in the Turkish case.

ÖZET

TÜRKİYE'NİN AVRUPA BİRLİĞİ KATILIM MÜZAKERELERİ BAĞLAMINDA LOBİCİLİK BAŞARISI ÜZERİNE AMPİRİK BİR ÇALIŞMA

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Anahtar Sözcükler: Avrupalılaşma, çıkar grupları, lobicilik, lobi koalisyonları, ihtilaf, lobicilik başarısı, toplumsal cinsiyet eşitliği, Alevi hakları, basın özgürlüğü

Türkiye'deki sivil toplum-devlet ilişkisinin tarihsel analizi bu iki alan arasındaki etkileşimin problemli olduğunu ortaya koymaktadır. Sivil toplum alanındaki aktörler, Türk siyasi tarihi boyunca siyaset alanına erişim açısından yasal ve yapısal bir takım sınırlamalara maruz kalmış; dolayısıyla da oldukça zayıf bir konuma indirgenmişlerdir. Sivil toplumu siyasette gerçek bir rol oynamaktan yoksun ve bu konuda yeteneksiz olarak resmeden tarihsel miras, sivil toplumun potansiyelindeki olası dönüşümlere yönelik akademik ilgisizlikle sonuçlanmıştır. Ancak geçtiğimiz on yılda Türkiye'nin Avrupa Birliği (AB) ile müzakere süreci, sivil toplumda etkin olarak çalışan gruplara yeni bir fırsat ortamı sağlamış ve bu grupların karar alma süreçlerine katılım şansını arttırmıştır. Daha önceden bu süreçlerden dışlanan bu paydaşların düzenli ve kurumsal katılımını sağlayacak mekanizmaların oluşturulması yönündeki AB baskılarının olumlu bir etkisi olduğu düşünülebilir. Lobici grupların siyaset alanına artan erişimi siyasa çıktılarını etkileyecektir; ancak bu erişim lobicilik başarısı için tek başına yeterli değildir. Türkiye'nin sürekli değişen iç politika ortamı dikkate alındığında, lobicilik başarısını destekleyen veya engelleyen diğer bir takım faktörler neler olabilir? Bu tez bu soruya cevap vermeyi amaçlamaktadır. Bu amaçla, son on yılda Türkiye'nin gündeminde sıkça yer alan üç alternatif konudaki –toplumsal cinsiyet, Alevi hakları ve basın özgürlüğü- reform süreçlerine yönelik lobicilik faaliyetleri karşılaştırmalı olarak incelenmektedir. Öncelikle bu süreçlerin ne ölçüde ihtilaflı olduğuna odaklanan tez; Türkiye'deki ihtilafların özellikle ideoloji ve kimlik temelli laiklik-muhafazakârlık gibi polarizasyonlardan kaynaklandığını ortaya koymaktadır. Bu tip polarizasyonların lobicilik başarısına etkisi ile, lobicilik başarısını açıklamada kullanılan diğer potansiyel faktörlerin etkisini azaltması tartışılmaktadır. AB ile müzakere sürecinde olan bir ülke söz konusu olduğunda, bu sürecin adaptasyon baskıları ve bu baskıların reformların gidişatını ve dolayısıyla lobicilik başarısını nasıl etkilediği de dikkate alınmalıdır. Bu özel yapının da etkisi incelemeye dâhil edilerek oluşturulan analitik model, Avrupa hukukunun Türkiye'nin iç hukukuna aktarım süreçlerine yoğunlaşan Avrupalılaşma literatürüne de ışık tutmayı amaçlamaktadır.

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I should acknowledge that I alone am responsible for the possible errors and omissions in this dissertation.

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LIST OF ABBREVIATIONS

AABK	European Federation of Alevi Communities
ABF	Alevi Bektashi Federation
ADF	Alevi Associations Federation
AEJ	Association of European Journalists
AKDER	Association for Women's Rights against Discrimination
AKP	Justice and Development Party
ANAP	Motherland Party
AVF	Alevi Foundations Federation
BTK	Information Technologies and Communication Board
BDP	Peace and Democracy Party
CEDAW	Convention on the Elimination of Discrimination against Women
CHP	Republican People Party
CPJ	Committee to Protect Journalists
ÇGD	Progressive Journalists Association
DSP	Democratic Left Party
DTP	Democratic Society Party
ECHR	European Court of Human Rights
EFJ	European Federation of Journalists
EU	European Union
FLFP	Female labor force participation
GÖP	Freedom for Journalists Platform
HBV	Hacı Bektash Veli Anatolian Culture Foundation
ILO	International Labour Organization
INEDT	Internet Technology Association
IPI	International Press Institute
KADER	Association for the Support and Training of Women Candidates
KAGİDER	Turkey's Women Entrepreneurs
KEİG	Women's Labor and Employment Initiative Platform
MHP	Nationalist Action Party
NGO	Non-governmental organization

NPAA	National Program for the Adoption of the Acquis
OECD	Organization for Economic Cooperation and Development
OSCE	Organization for Security and Co-operation in Europe
PKK	Kurdistan Workers' Party
PSAKD	Pir Sultan Abdal Culture Association
RATEM	Professional Union of Broadcasting Organizations
RP	Welfare Party
RTÜK	Radio and Television Supreme Council
SEEMO	South East Europe Media Organization
SP	Felicity Party
TBMM	Turkish Grand National Assembly
TCK	Turkish Penal Code
TESEV	Turkish Economic and Social Studies Foundation
TGC	Journalists Association of Turkey
TGF	Federation of Journalists of Turkey
TGS	Union of Journalists in Turkey
TİB	Telecommunications Communication Presidency
TÜSİAD	Turkish Industry and Business Association
TVYD	Television Broadcasters Association
YÖK	Higher Education Board
WWHR	Women for Women's Human Rights

INTRODUCTION

The political science community has long been discussing the boundaries of defining a particular regime as democratic. These debates have created the need for concepts such as consolidation of democracy, deepening of democracy or institutionalization of democracy and these conceptual novelties were derived from the need to differentiate between advanced democracies and democratizing countries and laid new burdens on the shoulders of the latter. Around six hundred diminished subtypes of democracy were proposed in the literature (see Levitsky & Collier, 1997); and under this gigantic debate on democracy with adjectives, the liberal democracy was idealized as the most developed form (Zakaria, 1997; Diamond 1999) and differentiated from the least developed, electoral democracy, through incorporation of newly designated criteria including respect for human rights, freedom of expression, right to association and religion, as well as, protection of minorities and many others. Advance on the basis of these criteria became an index for democratic consolidation and failure meant relegation to the illiberal category. Under the circumstances, the countries aspiring for the label of liberal democracy including Turkey became no longer able to sell their claim of being democratic unless they comply with this ever expanding list of political criteria. Moreover, the so-called civil society's regular participation into political decision making was propounded as yet another normative criterion purportedly prioritized within the club of advanced democracies. The hub of this club – the EU- pressures Turkey to recognize this ideal that civil society should be given an enhanced role in the policy making processes. Also within the political science literature on democracy, there is this growing emphasis on civil society that it plays critical functions for democratic consolidation (Diamond, 1991, 1994; Linz & Stephan, 1997). Still, excessive belief in the goodness of this totality can be contested; as particular

groups within the civil societies' of 'countries in transition' may lack adherence to democratic ideals. Moreover, problems such as their representative capacity, democraticness of their internal structures, and the level of their independence from their governments may undermine the faith in these groups as agents of democratic consolidation. Given these potential contradictions, the civil society's bearing for democracy may turn into a normative debate.

One could otherwise prefer to cut off from such normative discussions and concentrate on the implications of civil society's decision making participation over policy outputs. The study of this linkage additionally puzzles one's brain with definitional and analytical questions such as how to define the groups that operate within civil society, how to assess their interactions with the political sphere, how to define and assess their influence over decision making, as well as, what possible factors could explain such influence?

Answers to these questions are never straightforward. For instance, problems associated with defining civil society per se have triggered a never ending debate since the period of the concept's emergence in the West and through its subsequent usages and understandings in other parts of the world. Some academic and policy circles reckon that civil society is a political objective to be achieved for further democratization. According to this view, the term was seen "…mainly in 'pragmatic' terms, as a guide in formulating a social and political strategy or action programme" (Keane, 1998: 36). This pragmatism emanates from the scholars' tendency to put too high value on the democratizing function of civil society. As John Ehrenberg puts it, almost all thinkers "…agree that a healthy democracy requires many voluntary associations and much local activity" (1999: 233). Scholars, who formulate civil society as a pro-democratic force, neglect the fact that much depends on other features of civil society such as the characteristics of its organizations and the ways in which they relate to the State and to their societal base. Although most scholars agree that the realm of civil society is outside the State, this division does not necessarily mean that the civil society and the State constitute opposite realms; or that the actors within the former are completely autonomous from the latter. Autonomy of civil society could be a criterion to delineate its development towards some ideal standards; however, internal power dynamics of civil society may turn it into a sphere of inequality and conflict contrary to

its portrayal as a realm of social and political tolerance, and interpersonal trust. Emphasizing both aspects, Ernest Gellner defines the ideal in his mind as a "…set of diverse non-governmental institutions, which is strong enough to counterbalance the State, and, whilst not preventing the State from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent the State from dominating and atomizing the rest of society" (1995: 32). Besides these questions about autonomy and internal power dynamics, some other scholars have also concentrated on a set of additional attributes of civil society that raise questions about openness; voluntariness; ability to self-generate; self-support; and being bound by a set of shared values (for a detailed discussion see Diamond, 1999: 5). Building on such accounts about the definition of civil society, the dissertation acknowledges the necessity to explore not only how different groups, which operate within this so far vaguely defined realm, are interacting with the State; but also how they relate to their adversaries, to their own members, or to the public at large. An analysis of these multiple interactions hints about the attributes of civil society that Diamond includes in his definition.

Parallel to this lack of consensus in the literature about what civil society really is, scholars also naturally diverge in their appraisal of what should be considered as the actors of this excessively contested realm. Some organizations can be included and others can be excluded given reference to and espousal of different criteria. If one's conception of civil society is expansive enough; the list would include any religious, cultural, advocacy-oriented, commercial organizations or economic interest groups, the independent media, universities as well as think tanks -that is the sum of all possible organizational structures which epitomize a channel of communication between the decision-makers and the public. Depending on sampling and other methodological purposes, these groups were also defined and classified as 'interest groups', 'non-governmental organizations', or as 'civil society organizations', or according to their legal status such as 'associations', 'foundations', as well as according to their target and scope as 'pressure groups' or 'lobbying groups'. Efforts to define these concepts have engrossed and convoluted the literature on civil society which still lacks a unified understanding about the legitimate actors of the realm. Many scholars continue to consume their energies on these definitional problems, whereas one could look for quick ways out from them and attach priority to analytical puzzles -specifying relations between the phenomena under discussion.

The analytical puzzle of this dissertation is about the factors easing/hindering lobbying success in the Turkish case. These factors may become variegated depending on the alternative settings within which they are analyzed and these alternative settings may contest the agreement with regard to significance of particular previously tested factors. The literature on interest group influence is full of many such factors proposed to explain variations in the lobbying groups' influence over the policy making processes (Dür & De Bièvre, 2008). A thorough investigation of these alternative explanatory factors is provided in Chapter 1 and what has attracted particular attention within these discussions are the lobbying coalition dynamics (Baumgartner et al., 2009; Klüver, 2011b) and issue specific factors, and among these mainly the level of conflict on policy issues (Mahoney, 2007; Michalowitz, 2007).

Chapter 1 additionally reflects upon the question that 'what, besides these factors, might encourage/discourage political participation of lobbyists and explain their lobbying success in democratizing countries such as Turkey?' Despite Turkey's long encounter with democracy; until late 1990s, the Turkish civil society had been unable to aspire for a role in political decision making. Confinement of Turkey's decision making structures solely to the actors of the political domain has become very much questioned in the process of Turkey's accession negotiations with the EU. Few can deny that Turkey's policy making apparatus had been inadequate in terms of availability of mechanisms to provide democratic participation of civil society and it is still an open question as to what will be the details of the future institutional cosmos of the State-civil society interactions in Turkey. Nevertheless, throughout 2000s actors within these different domains have begun to experience previously unattempted processes of interaction.

Making the most of its incentives and pressures, the EU institutions have been instrumental in regimenting this experimental -if not regularized- dialogue between the traditional decision makers and policy advocates from the level of civil society. The literature on Turkey's Europeanization and its linkage to civil society empowerment has so far provided analysis of several EU-driven factors. These include not only the EU pressures for changes in the structural dynamics of the interplay between the State and civil society –which can be alternatively defined as the new opportunity structures created by the EU negotiation framework-; but also the EU's financial support, as well as, the EU's political pressures and its pressures for legal compliance. The domestic

level lobbyists, who have been active under this context, may additionally aim to directly shape the policy positions of the European level institutions and yet again expect these institutions to pressure their EU-negotiating governments for domestic policy change. Among these alternative causalities, which were also discussed in the literature on Turkey's Europeanization,[1] it would be very challenging to demonstrate the causality between the EU opportunity context and lobbying success; as well as, the causality between the EU's financial aid and lobbying success of domestic level lobbyists. Comparatively, the third dimension –the EU's adaptational pressures- is expected to be more direct and critical in terms of its impact. A detailed discussion of the compatibility between the EU's adaptational pressures and the issue-based preferences of the domestic level lobbyists would also provide insights about the Turkish transposition experiences under the issue fields studied in this dissertation.

Incorporating these potential EU-driven factors into its analysis, the dissertation demonstrates Turkey's uniqueness given its EU negotiation context. It, therefore, deviates from the interest group influence literature as it additionally scrutinizes lobbying under this special context and especially scrutinizes the relative impact of the EU's pressures for legal adaptation.

The main research question of this dissertation is "what kind of role, if any, these different factors play in providing explanations for lobbying success in alternative settings like Turkey?" To be able to explore the ways in which the EU relates to the outcome observed –that is the variation in organized interests' ability to achieve their preferences in the policy outputs-; one should investigate issue areas that became subject to the EU reform processes. Besides, the ability to explore the impact of 'issue conflict' requires selection of policy areas including both issues over which there are clear demarcations within civil society and/or lack of consensus among the powerful actors of the decision making process, as well as, issues that did not become subject to such conflicts so that these empirical cases would provide us with the opportunity to compare.

[1] It should be underlined that this literature does not build on the study of specifically the same kind of variables. There are those works which analyze, for instance, civil society empowerment or civil society's enhanced participation into decision-making, yet lobbying success was not clearly defined as a dependent variable and was, therefore, rather loosely analzed within this literature. See in Chapter 1.

In conformity with these criteria, the dissertation offers empirical and comparative analysis of three alternative issue areas -gender mainstreaming, Alevi rights and freedom of the press. Chapter 1 further legitimizes the dissertation's choice of these policy fields. Chapter 2, Chapter 3 and Chapter 4 are designed to trace the processes of lobbying by sector specific organizations for a plethora of issues under each policy domain and present these empirical case studies along the established analytical model. Comparing the process related evaluations of policy advocates which have been lobbying on a pleathora of issues under each policy domain; the conclusion section reinterprets the evidence about the lobbying success and discusses whether this evidence can also be linked to the normative discussions about the consolidation of democracy.

CHAPTER 1

THE ANALYSIS OF INTEREST GROUP INFLUENCE AND DESIGN OF INQUIRY IN THE TURKISH CASE

The institutional structure of Turkey's political decision making was used to be exceedingly exclusive precluding interest groups' access, thus rendering the study of interest group influence virtually pointless. Although this structure is still decisive for policy outcomes, its self-enclosed profile is no longer intact and interest groups are growingly engaged in the business of having a say over decision making processes. This transformation is very much indebted to the EU criticisms concerning democratic deficit and consecutive measures taken to improve democratic legitimacy of Turkey -a process whereby the dynamics of the political space were moderately altered allowing for lobbying activities to play their role. The variation in this role became an important question and made the issue of interest group influence a highly relevant study item for those who work and theorize about interest groups and democratization in Turkey. Yet, the research on Turkey's decision making dynamics still lack systematic analysis of interest group participation and the conditions under which these groups exert influence. This chapter is set to develop an analytical model to evaluate these conditions in the Turkish case building on and synthesizing the previously unassociated literatures of 'interest group influence' and 'Europeanization' and this synthesis is expected to offer a new approach to advance hypothesis' field of action in both.

Borrowing from the literature on interest group influence, this chapter first deliberates on some alternative commonly studied dependent variables such as 'influence', 'preference attainment', and 'lobbying success' and briefly reviews some

potential measurement techniques and problems. It proceeds with an exhaustive list of factors offered in this literature including structural, interest group specific, and issue specific ones that may explain interest group influence over policy outcomes (Dür & De Bièvre, 2008: 29). It provides focused analysis of some major research projects from which the dissertation derived some of its hypotheses and discusses the possibilities of applying their alternative methodologies in the Turkish case. To this end, three alternative policy areas – gender mainstreaming, Alevi rights and media freedoms- which are highly salient in the process of Turkey's negotiations for the EU membership- are selected as empirical cases for their high potential to exhibit variations with respect to conditions under which lobbying activity takes places –including the degree of issue conflict, the constellations of the issue based coalitions, and the EU connection.

Since Turkey is an EU negotiating country, the lobbying activity cannot be imagined independent of this negotiation framework. The EU preconditions membership to adaptation of certain EU standards and is also active in developing progressive regulation and policy recommendations. On the other hand, concerning certain policy issues the EU may lack or become unable to develop a concrete unified policy stance and befall estranged from the domestic level bargaining on policy development. Thus, the EU relates to the decision making process first through its standards and policy stance (or lack thereof) and plays an active role in pressuring for compliance with its existing standards. This emerges as a direct route of EU impact in explaining the variation in organized interests' ability to exert influence upon the Turkey's EU related reform process. The European level institutions also engage in dialogue with domestic level stakeholders contributing to development of a European level policy stance on certain conflict-ridden issues. In order to have their interests realized, some lobbying groups prefer to utilize this EU channel, bypassing the domestic level decision making authorities and seeking direct access to European level institutions. Besides directly impacting the policy process through its conditionality tool, the EU also pushes for structural rearrangement of the domestic level decision making structures to include mechanisms of consultation with stakeholders from civil society. Last but not least, the EU financially supports projects on human rights, democratization, and development of civil society. Thus the lobbyists, who can generate projects concerning these issues, make the most of the EU's financial support which

represents another potential route of EU impact to boost the lobbyists' ability to participate into the decision making processes; if not their lobbying success.

Overall, in the Turkish case the EU negotiation context interact with every other possible dynamic at play in explaining interest group influence –be it structure specific, interest group specific or issue specific dynamics. A rigorous analysis of interest group influence in Turkey should mull over interest groups within this broader context and account for the ways in which the EU plays a causal role. To this end, this chapter also takes stock of and expects to contribute to the literature on Europeanization in Turkey which hypothesizes about the linkages between the EU level factors and domestic level transformations.

1.1. The Literature on Interest Group Influence

What role for interest groups is a highly relevant question to ask for assessing whether a political decision making structure is democratic. Interest groups are formally organized associations or organizations representing either communal or group specific interests. The major objective of these groups is to exert influence over policies of interest either through lobbying the decision making authorities or through activities directed at the general public in the form of media campaigns, protests and mass demonstrations. The ability to engage in the former type of activity –seeking direct access to decision makers- and the *modus operandi* of this access is of the essence for democratic policy making. The lobbyists' level of influence over policy making structures has implications for democratic policy outcomes.

1.1.1. The Challenges of Assessing Interest Group Influence

Despite its relevance for democratic theory, the methodological impediments associated with testing influence of the interest groups dissuade its empirical investigation (Dür & De Bièvre, 2008: 27). It would be also highly challenging to analyse some other loaded and vague concepts such as 'power' and 'role' of interest groups with respect to policy processes knowing that the study of these concepts would similarly beget exposure to grave measurement biases. A group of interest group

scholars have accepted the challenge and developed interest in combining theory with empirics and sought to come up with novel ways of conceptualizating and operationalizing influence, as well as measuring it either qualitatively or quantitatively.

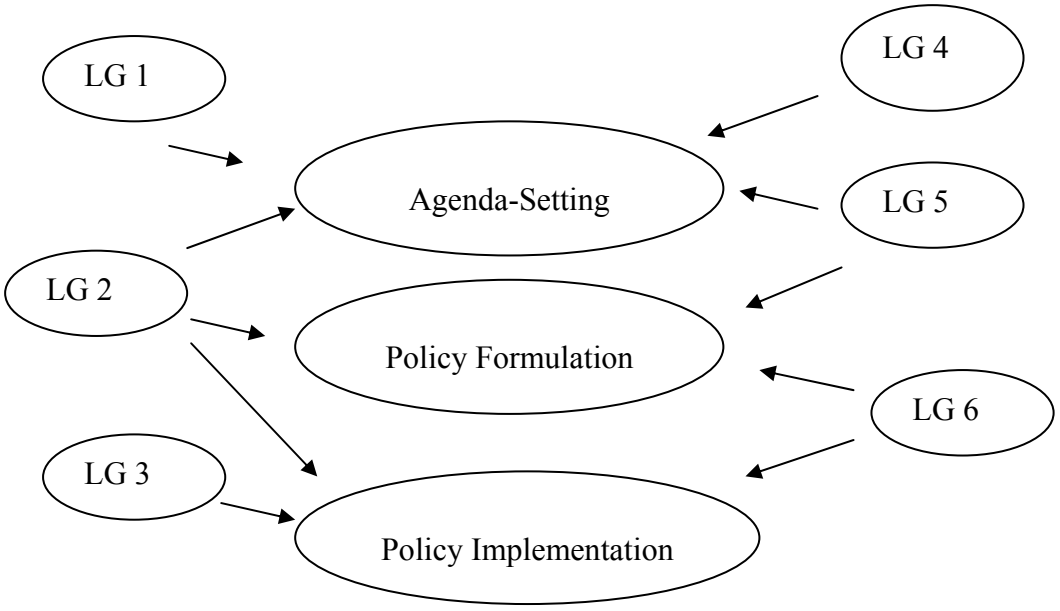
What accounts for differences in organized interests' ability to exert influence upon policy outcomes? To study this question, there had been some successful attempts to settle on a workable definition of influence and some progress was achieved with respect to creation of some promising indicators. The key to success of these scholars was their concentration on the policy outputs. In their elaborate review of these initial efforts, Andreas Dür and Dirk De Bièvre (2008: 28) define influence as 'control over political outcomes.' Prior to Dür and De Bièvre, in the sole comparative research of the field, Christine Mahoney (2007) compared lobbying activity in the US and EU and came up with an analogous definition of influence, but alternatively employed the concept of 'lobbying success'. According to this definition, policy outcomes can be easily compared with lobbyists' policy preferences and operationalized in an ordinal scale including lack of success that is lack of any preference realization, medium level of success when a lobbying group's preferences are partly realized, and high level of success if policy outcomes highly or totally reflect the lobbying group's preferences (for a similar operationalization see: Mahoney, 2007: 37). This procedure is straightforward, yet it leaves us with certain biases immanent to measurement which shall be addressed and can only be partially obviated.

First, decision making processes involve several stages and as Andreas Dür (2008a: 48) argues it is unfeasible for a single research project to address and measure interest group influence at all of these stages; if not employ small-N qualitative methodology which can capitalize on information about each stage of policy making and which is therefore analytically more advantageous to alleviate this specific problem. The stages of policy making mainly involve firstly the stage of agenda-setting, then the process through which the policies are formulated and passed, and finally the process of policy implementation (Dür, 2008a: 48).

Concentration on one of these stages may lead to underestimation of the overall influence of a particular interest. For instance, as demonstrated in the Figure 1.1, Lobbying Group 1 and Lobbying Group 4 may lack the ability to impact the process through which the policies are formulated. Still, these lobbyists may simply consider

themselves as influential; if they have a lobbying concern such as persuading the decision makers about the urgency of particular reforms during the very first stage of agenda-setting. Besides, there might be other groups lobbying at each stage of the policy making process, and others only concentrating on legal content, as well as, others who attach the utmost importance to policy implementation. Thus, although the content of the amended laws are in line with their preferences, some lobbyists may still consider their lobbying unsuccessful if they do not obtain results with respect to policy implementation.

Figure 1.1. Lobbying at different stages of the policy making process



*LG: Lobbying Group

As an example to the first scenario, consider the case when in the summer of 2012 the AKP government made a surprise move to rearrange the legal terms for abortion in Turkey. But during what we can call the stage of agenda setting –that is before such proposal was drawn- there was heavy lobbying by women organizations against further limitations in the legal terms for abortion. Consequently, it could be that these reactions are considered and resulted in discussions at the ministerial level about the design of the proposal that it should not necessarily propound any change in the existing ten week legal period for abortion, and instead include a set of precautions to decrease abortion cases. Although the lobbyists could not realize their demand for further extension of this

period,[2] they successfully reacted to the government's proposal in its agenda setting stage. In light of this course of events, a major question to be answered is 'are we going to consider the pro-abortion lobby as successful since it avoided further limitation of the abortion period or as unsuccessful since its lobbying could not render the extension of this period further to its ideal point?" This case demonstrates that the neglect of influence wielded at different stages of decision making may obscure the validity of a research's findings. With this caveat in mind, the dissertation seeks to unpack the whole policy making processes with respect to settlement of such specific issues. However, it rather concentrates on lobbying success which requires more deliberation on 'the lobbyists' impact over policy outcomes'. Thus, the inferences of the dissertation will be more about only a particular aspect of the influence process- that is the outcome of policy making.

Second, since some policy issues are extremely complex with several details, the policy outcome may not be wholly in line with and reflect all the preferences of a lobbying group. As Christine Mahoney puts it, "even knowing groups' stated objectives and policy outcomes, we may still not have enough information for correct coding. If they got nothing but prevented something worse, have they succeeded? If they got some of what they wanted but not all, have they failed?" (2007: 37). A specific lobbying should still be considered as successful, if it draws the outcome closer to its preferences or even in cases where it avoids its least preferred outcome. The abortion issue again clearly illustrates the point. We should still consider the pro-abortion lobby as successful, since it avoided further limitation of the legal terms for abortion; if not realize their preference for its extension. If one aims to comprehend such degrees of success, then it has methodological implications. To better assess such differences in degrees, a researcher should methodologically go beyond text analysis and surveys, trace the process in detail, and draw on in-depth interviews with the relevant actors.

Third, the concurrence between the issue preferences of the policy makers and a particular lobbying group may lead one to mistakenly exaggerate the latter's influence. For instance, over the last decade some faith based interest groups in Turkey had become increasingly critical about the status of *Diyanet* (the Directorate of Religious Affairs) –an administrative unit under the authority of Turkish Prime Ministry through

[2] For instance, the Turkish Penal Code Women Platform demands extension of this period to twelve weeks. A detailed discussion is provided in Chapter 2.

which the government can oversee religious activity. Yet, there is also the Sunni majority which upholds a counter position on this issue as this majority has a strong interest in the preservation of the *Diyanet* which provides several religious services to the Suuni community. The AKP government is also naturally predisposed to opt for the *Diyanet*'s current status, since the institution represents the major apparatus through which the government controls religious activity. The question then is: how much influence can be attributed to the pro-status quo lobbying group for which the government's policy stance is of best interest. This case highlights one of the gravest problems associated with studying influence that is a lobbying group may have done little to affect the decision making process, yet the outcome regarding a particular issue may reflect its preferences simply due to preference concurrence (For similar accounts, see: Barry, 1980a; Barry 1980b; Klüver, 2011: 490). Thus a research should either be able to delineate whether lobbyist realize their preferences simply due to luck or as a result of intensive lobbying; or instead make inferences only about the winners and losers of the decision making process -that is success/failure with respect to policy outcomes.

In the case of an EU negotiating country, when analyzing such policy making processes, one should also take into account the EU as an external reform anchor. Consider now another policy issue about which there is divergence between the positions of the government and a particular group of lobbyists and consider as well that on the same issue the lobbyists' policy position is close to that of the EU's. For instance, several stakeholders along with women organizations voice their concerns about the AKP government's attempt to recriminalize adultery during the Penal Code amendment process in Turkey. This government proposal had also led to fierce polemics within the political sphere. Besides, the EU launched heavy criticisms against the proposal and played a significant role in its withdrawal through threatening the government with the trump card of not to open accession negotiations. In this specific case, the EU pressure represented a strong disincentive for the government and a solid and ardent support for the lobbying against recriminalization of adultery. Combination of the EU's pressures and domestic level resistance should have together been influential over the policy outcome. Yet, this combination leaves us with the bias that one can overestimate or underestimate the influence of the domestic resistance since this policy position converges with that of the EU, making it challenging to identify the

main cause of the policy shift. These problems thus further legitimize our concentration on lobbying success instead of influence.

Last but not least, an organization may chose to resort to or lobby European supranational institutions, which are then expected to transmit their preferences back to domestic decision makers. For instance, in cases of human rights violations, individuals and NGOs may apply to European Court of Human Rights (ECHR). If this high court discovers a violation of the European Convention on Human Rights, it rules that the respondent government should revise its domestic law accordingly. Moreover, the EU institutions also refer to the ECHR rulings as a supplement in the absence of effective mechanisms of conditionality. The domestic level lobbyists of the EU-negotiating countires may choose to influence the policy positions of these supranational level institutions which are expected, due to conditions of power asymmetry, to act as more effective drivers of domestic policy change in comparison to the lobbyist's strategy of directly lobbying their governments. The inability to assess such indirect channels of success may also radically obscure the validity of a research's findings.

Overall, it is exigent to assess interest group influence which is an extremely complex process. First, there are different stages -such as agenda-setting, formulation and implementation of policies- at each of which policy advocates lobby to wield influence. In order to improve validity and reliability of its findings, a research on lobbying success may either account for participation at these different stages; or in order to stand aloof from this process related complexity, it may -as this dissertation opts for in making its inferences- concentrate on the outcome of the process that is lobbying success defined as preference realization in the policy outputs. An additional complexity arises from the fact that several actors actively take part within these processes. The lobbying groups may chose to interact with and impact not only the governmental structures but also they may choose to strive for the support of some other actors of the process including other groups within civil society, the political parties in the opposition, the EU institutions, as well as supranational courts such as the ECHR through whom they may expect to indirectly impact decisional outcomes. 'How the ability to influence these potential different players of the process interacts with lobbying success?' is another critical question. Finally, some policy issues are many-sided and involve several details. Bearing in mind this issue complexity, one should be

able to address the differences in degrees of success with respect to reform of different aspects of these complex issues.

1.1.2. Alternative Methods of Influence Measurement

The literature measuring interest group influence had been so far sophisticated with qualitative and quantitative techniques including 'process-tracing', 'the attributed influence method' and 'assessing the degree of preference attainment' (Dür, 2008a) and there are also others that offer these techniques' combined application (see: Arts & Verschuren, 1999). Yet, none of these suggestions have provided a fully equipped strategy to avoid all the above discussed measurement biases. Alert of these biases, we can still settle on a feasible strategy to assess lobbying success.

The process-tracing strategy is principally applied by small-N studies (for such studies see, for instance: Cowles, 1995; Warleigh, 2000; Pedler, 2002; Dür, & De Bièvre, 2007; Michalowitz, 2007). It looks for causal mechanisms and intervening variables through which the final policy about a particular issue is produced and to this end it provides detailed examination of each case. The following is a schematic representation of a possible causal chain proposed by Andreas Dür (2008: 49):

The preferences of the interest group → lobbying according to these preferences → access to decision makers → the responses that they receive from the decision makers → the extent to which the final policy reflect interest group preference → the extent to which the interest group is satisfied with the final policy.

In the Turkish case, this causal chain involves some alternative links that some lobbying groups are able to utilize. As argued above, the EU enters into the picture as an extra channel of influence when one is dealing with an EU negotiating country. Some lobbying groups, which can utilize the opportunity structures created by access to EU institutions or through applications to ECHR, may increase their chances of realizing their interests. In their case, one should consider additional causal mechanisms such as lobbying in the EU and the EU's communication of these lobbyists' preferences back to domestic decision makers (see Figure 1.2).

In-depth analysis of these different aspects of the causal chain provides valuable information about the different faces of influence. Yet, process-tracing is an unfeasible method for large-N studies; since its in-depth analysis has to rely on small number of observations (both small number of policy issues and small number of interested parties).

A rather straightforward strategy is to utilize 'attributed influence' method which draws on surveys and interest groups are asked about their self and peer-assessments of influence (see for instance: Edgell & Thomson, 1999; Pappi & Henning, 1999; Dür & De Bièvre, 2007). A major problem associated with this method is that, as Nelson Polsby (1960) argues, the results which rest on this strategy will be about lobbyists' perceptions of influence rather than the actual influence.

To measure lobbying success, some other studies witin the interest group literature concentrated solely on the degree to which an organization attained its preferences (Schneider & Baltz 2004; Mahoney, 2007; Dür, 2008b). Studies applying this method basically make inferences about influence by looking at the distance between the ideal point of the interest group and the final outcome. As in 'attributed influence' strategy, this method also relies on information derived from lobbyists' perceptions of their influence, leaving scholars exposed to similar biases since the interviewed groups may have quite a few reasons to conceal their real assessments of self-influence over policy outcomes.

Overall, the methodological choice is in mutual interaction with the scope and nature of observations and the variables that a research is planning to test; and ultimately impacts the inferences that a research is going to make. In the following part of this chapter on design of inquiry, the dissertation provides further elaboration on its choice from among these alternative methodologies.

1.1.3. Alternative Determinants of Interest Group Influence

The interest group literature proposes several alternative explanatory factors to account for differences in organized interests' ability to exert political influence. These

factors can be classified under the broad categories of structural, interest group specific and issue specific characteristics.

The structural context can be defined as the rules surrounding the policy making process and the degree of democratic accountability of a political system (Mahoney, 2005; Mahoney 2007: 39). As far as the lobbying groups are concerned, these basically involve availability of participatory mechanisms, transparency of decision making, and responsiveness of the government (Michalowitz, 2007: 136). These institutional dynamics are generally deemed as constant in single country studies. If, however, the case under scrutiny is a democratizing country like Turkey and the time period, which corresponds to decision making process, is extensive; then during this process, the structural context may undergo transformations to alter chances of access to decision making. Moreover, such structures could be more available to certain groups whereas inaccessible for others. For instance, the lobbying on women's human rights, one of the issue fields studied in this dissertation, enjoy more regularized access through mechanisms such as the Directorate General for the Status and Problems of Women and its Advisory Board on the Status of Women which engages civil society advocates, academicians and representatives from all Turkish ministries in planning and implementation of the State policies on the status of women. Other than that, the creation of Women-Men Equal Opportunities Commission in March 2009 represents another step for further institutionalization of regularized access for the lobbying on gender mainstreaming. Thus, concerning the ability to partake within the law making processes; women organizations owe much to these advances in the institutional context. Such mechanisms of regularized access are not available in the case of other groups –for instance, Alevi organizations and journalist organizations- which have to rely on the government's willingness to come to table and bargain with such groups of stakeholders.

Secondly, scholars have long debated the impact of numerous interest group specific characteristics on interest group influence. Some address the 'type of an organization', for instance, that whether the organization represents diffused or concentrated interests (see: Olson, 1965; Pollack, 1997; Schneider & Baltz, 2004). Others study 'legitimacy' -operationalized through the age of an organization- (Keefe, 1988); the resources spend on lobbying (McCarthy & Zald, 1978; Furlong, 1997; Dür, 2005; Woll, 2007); membership size of an organization (Keefe, 1988; for the opposite

argument see: Olson, 1965); and the nature of lobbying coalitions (Hojnacki, 1997, Hula, 1999; Baumgartner et al., 2009; Klüver, 2011b).

Organizational resources mainly correspond to money and staff committed to establish contacts with decision makers, to provide information on constituency interests, to provide expertise on policy issues, and information on the opinions of other policy makers which may be provided to authorities in exchange for the realization of a group's preferences. An organization may alternatively devote its resources to mobilization of the general public through media campaigns, through press conferences, press releases and dissemination of research as well as through boycotts and demonstrations to generate public opinion and then expect this societal consensus to become an element of pressure over the decision makers. The amount of resources employed in the service of these different strategies may impact an organization's chances of influencing policy outcomes. Resources can be measured through estimating the sum of the budget and the professional staff dedicated to lobbying on a specific issue. Using the same measures, Scott Furlong (1997) suggests that their combination provides a good measure of a group's commitment to rule making process and argues that as this commitment increase, so too should a group's influence on the process; yet through empirical investigation of this hypothesis, he finds evidence to the contrary. Some other scholars (see for instance: Baumgartner et al., 2009) have also empirically demonstrated the weakness of resource endowment in terms of predicting lobbying success. Resource endowment may increase influence in the form of access to decision making, yet it may or may not result in lobbying success if this success is measured through preference realization in the policy outputs.

With respect to some policy issues, the lobbyists may be supported or opposed by other policy advocates who have vested interests on the same issue. As Sefa Şimşek puts it, "...civil society is generally understood as a single, homogenous society"; yet "there are different civil societies or, more precisely, different groups in a civil society. These groups may have variegated interests and exhibit separate political attitudes" (2004: 47). It is necessary, therefore, to explore not only how different lobbyists relate to the political decision makers but also how they interact with their allies and adversaries within civil society. Organizations with similar preferences tend to rally around these preferences –that is, they form lobbying coalitions- and engage in collective efforts to pull the content of the final policies towards their ideal points. They

prefer to work through issue based coalitions given the reasonable conviction that compared to individual efforts; coalitions would have more potential in terms of influencing policy outcomes. In their analysis of interest group influence, recent interest group scholarship addresses that it is critical to consider and test the size of such lobbying coalitions as one of the key variables in determining lobbying success (Baumgartner et al., 2009). However, intensity of collective lobbying efforts may also account for the ability to influence decision making about a reform issue. The strength of a lobbying coalition therefore may not only depend on the size of its membership relative to the counter lobbying coalition, but also on the magnitude of collective efforts to impact policy making. Besides, the number of powerful actors within a coalition may also account for that coalition's influence over the policy output. Yet, the difficulty associated with measuring concepts such as strength and power should have kept scholars away from investigating these aspects of lobbying coalitions and limited their analysis to size measured through the number of organizations that rally around a particular policy stance.

Thirdly, some scholars also address issue characteristics as additional factors that would account for the variation in lobbying success. Those proposed in the literature are the scope, the salience, the issue conflict and complexity of policy issues, or the occurrence of a focusing event (see Dür & De Bièvre, 2008; Mahoney, 2007; Dür, 2008c; Baumgartner et al., 2009; Klüver, 2010).

Issues can be classified according to their scope -that is, their impact over a broad spectrum of interests. If the scope of an issue is high, the decision makers will be pressured by multiple interests and as Mahoney (2007: 40) points out, decision makers "would not be well-advised to follow the lead of a single special interest" which then constitutes a challenge for the lobbying organizations in terms of realizing their goals. Additionally, issues vary according to their salience. Mahoney (2007: 43) measures issue salience through media coverage of issues in major newspapers and presents evidence in support of the hypothesis that as the salience of an issue increases, the lobbying success decreases. Although these issue characteristics (scope and salience) appear to be important factors to account for lobbying success, some other scholars claim that their impact can be moderated by the relative size of the lobbying coalitions (Baumgartner et al., 2009; Klüver, 2011: 488). For instance, if there is widespread concurrence among different groups on a salient or a large scope reform issue, then their

preferences are likely to be reflected in the final policy. Alternatively, there may be a severe conflict between two opposing groups on a less salient or small-scope issue which would hinder the likelihood of a group to fully realize its preferences. According to these accounts, the impact of scope and salience of an issue is expected to change depending on the configuration of coalitions.

Another issue characteristic is the level of conflict over an issue. Interest groups sometimes lobby for preferences which may diametrically oppose the preferences of some other groups within civil society. A lobbying group may become unable to exert any influence over issues about which there are clear demarcations in society and accordingly about which there is no accord of viewpoints among the powerful actors of the decision making process. In other words, the level of conflict over an issue may negatively impact an organization's chances of wielding influence on the final decision (Salisbury et. al., 1987; Mahoney, 2007). Conflict over an issue can be considered as 'high' when there are strong countervailing forces that push for directly opposite ends; 'medium' when there are multiple perspectives with slight differences of viewpoint; and 'non-existent' when there is consensus on a policy issue. Other than that, a further distinction should be made that counter-interests arise not only among the interest groups but also between interest groups and decision makers. Lobbying success becomes much more difficult if the demands of the lobbying groups clearly violate the core interests of the decision makers (Michalowitz, 2007: 137).

The following section details whether and how these alternative conditions of lobbying success can be analytically observed and methodologically approached in the empirical cases of the dissertation.

1.2. Assessing Interest Group Influence in the Turkish Case

1.2.1. The Challenge of Sampling Interest Groups in the Turkish Case

According to most recent figures (as of January 21, 2013) provided by the Department of Associations, there are 93.777 registered associations that actively operate within the sphere of Turkish civil society. Small percentage of this crowd

actively lobbies the political structures and seeks to exert political influence and instead many groups within Turkish civil society rather operate at the local level and lack the purpose of playing any role with respect to decision making. It is extremely demanding to extract an exact list of influence seeking lobbyists out of this complex and ever changing population and not viable for a single study to cover the whole lobbying universe. One potential way out of this complexity is to first concentrate on certain critical issue fields within which the lobbying activities take place. Once a particular policy domain is specified, it becomes less complicated to discern the relevant players of that domain and this strategy also disentangles one from the challenge of coping with lobbyists with multiple concerns and goals who lobby on many issues across wide range of issue areas.

1.2.2. Choice of Issue Areas

The dissertation resorts to a modest workable strategy of driving information from lobbying under particular issue areas - gender mainstreaming, Alevi rights and media freedoms. Essentially, the selection of these three policy areas is purposive. All of them are critical for Turkey's progress with respect to human rights improvement and democratization and thus became highly salient in the process of Turkey's negotiations for the EU membership. The European Parliament (2011) highlights the situation of women, the lack of protection of national minorities, and the deterioration of press freedom, as the main remaining challenges in Turkey's process of accession to the EU.

Albeit a series of progressive reforms, the legislative framework regulating these issue areas remains largely unsettled. Over the last decade, there had been unprecedented improvements in the scope of human rights in Turkey through reform of the major laws such as the Constitution, the Civil Code, the Penal Code and the Press Code. Yet, today the policy making processes are filled with ongoing polemics about the need for revising their content. Besides, there has been some retrogression through legal arrangements such as the 2006 amendments to the Anti-Terror Law and the Internet Law of 2007 which introduced some strict restrictions on the exercise of freedom of expression. The political domain had also witnessed various reactions to and conflicts concerning certain demands from civil society such as some women

organizations' requests for the establishment of a gender quota system in political representation and the removal of the ban on the Islamic headscarf; the Alevi organizations' demand for removal of the compulsory religious instruction in schools and their demand for official recognition of their places of worship; and the journalists organizations' lobbying for revisions to a pleathora of restrictive provisions of the Anti-Terror Law and the Penal Code.

There are also instances that groups lobbying for rights and freedoms under these three issue categories had shown success at least with respect to access to political decision making, contributed to content formulation processes and showed some success in pulling the content of certain laws towards their preferences. In general, there is progress and yet a considerable level of deadlock and even retreat in the freedoms pertaining to the issues of gender rights, Alevi rights and media freedoms in Turkey. This variation indicates that those, who lobby for these rights and freedoms, should also vary in terms of their ability to influence the related policy making processes. These variations are expected to serve the main purpose of this dissertation -that is to test the alternative determinants of lobbying success under these issue areas.

1.2.2.1. The Literature on Lobbying for Gender Mainstreaming

In the sphere of gender mainstreaming, women organizations represent the main visible group of lobbyists that actively seek to participate within the related policy making processes. Throughout 2000s, they have not only tremendously increased in number, but also developed capacity to collaborate under platform structures (see Table 2.1 in Chapter 2). Their lobbying activities directed at influencing decisional outcomes have also substantially increased during this period with several detailed policy suggestions and important contributions regarding the draft major laws such as the Civil Code and the Penal Code (Ayata & Tütüncü 2008: 381; Coşar & Yeğenoğlu, 2011: 563-564) that concern women's rights in Turkey; and compared to their advocacy efforts in the 1990s, they have shown substantial progress in terms of the ability to influence gender related policy outcomes. Part of the hitherto literature suggests that this progress should be a factor of the women organizations' ability to utilize the opportunity structures provided by the conditionality of the EU membership (Aldıkaçtı-Marshall,

2009; Korkut & Eslen-Ziya, 2011: 391; Ecevit, 2007: 200); emergence of shared feminist discourses among these women organizations (Coşar & Gencoğlu-Onbaşı, 2008: 334-339); their strategy of intensifying advocacy efforts throughout this process (Aldıkaçtı-Marshall, 2009: 372; Ecevit, 2007: 200); and high level of institutionalization within the women's movement (Coşar & Gencoğlu-Onbaşı, 2008: 334).

However, there are still limits to this group of lobbyists' role within decision making as their good relations with the government have been erratic during the AKP era. Observing these relations, a group of scholars have begun to question the sustainability of the AKP's choice for cooperation with women organizations (Coşar & Gencoğlu-Onbaşı, 2008: 326; Coşar & Yeğenoğlu, 2011: 568) given the AKP's "conservative approach to womanhood, shaped first and foremost in terms of the familial sphere on the basis of religious-nationalist understanding" (Coşar & Yeğenoğlu, 2011: 557) boosted by the persistence of "the challenges of the mainstream political culture which stems from the predominantly male-dominated politics where communications with civil society institutions are limited" (Esim & Cindoğlu, 1999: 178). Thus, on the basis of these challenges, this group of scholars warns against exaggerating the leverage of women organizations in the formation of gender policies in Turkey.

Taken as a whole, the existing literature on women organizations' decision making participation patterns in Turkey already gives us some hints about the possible dynamics at play in leading to ups and downs in the route to gender equality. These dynamics bear resemblance to explanatory factors offered in interest group influence literature such as the institutional context, coalition formation and issue conflict. In Chapter 2, the dissertation evaluates the 'relative' impact of these dynamics along with a set of other possible factors and seeks to show how they interact with one another in explaining the variation in success/failure of lobbying across gender issues.

1.2.2.2. The Literature on Lobbying for Alevi Issues

The Alevi organizations' struggle for recognition have stirred increased academic attention in the post-2007 period mainly given their visible access to political decision

making through workshop series initiated in the summer of 2007. Although discontinuous, the workshops had filled a huge gap when taken into account the previous paucity of data, knowledge, interest and lobbying with respect to the Alevi issues. In the post-workshop period one can also observe considerable upsurge of demand making of parliamentarians with respect to certain Alevi issues, reflecting the avail of workshops in raising awareness also within the sphere of politics. Some scholars evaluated this process optimistically asserting that the workshops indeed created a forum for dialogue -with the State, as well as, with the representatives of Sunni majority- within which the Alevi organizations found chance to raise their demands:

> The process of dialogue and deliberation will empower Alevi citizens. As a result of the 'Alevi opening', Alevi and Sunni citizens will get to know each other better through exposure to one another's culture, worldviews, and problems." (Köse, 2010: 161)

> These workshops are a historic beginning for the 'rapprochement' between the Alevis and the state as well as the Alevis and the Sunnis." (Subaşı, 2010: 165)

Other scholars even underline improvements in the pre-workshop period such as: rapid expansion of Alevi organizations (Çamuroğlu, 1997: 26),[3] transformations in the State's policy towards the Alevi community, and rising media attention towards the Alevi issues (Poyraz, 2005). Findings from a group of other studies have attached significance to the EU reform process as an opportunity structure –a catalyst for the Alevis' ability to raise their demands (Poyraz, 2006; Steward, 2007; Grigoriadis, 2006: 454; Ulusoy 2011: 414). However, these supportive conditions including networking among the community associations (Soner & Toktaş 2011: 431), media attention, and international support could not be fully utilized in the face of some unfavorable structural dynamics. Concentrating on these adverse dynamics, part of the literature on the Alevi movement also draws attention to internal divisions within the community (Dressler, 2008: 282), especially the clashes with respect to representation at the political level (Dressler, 2008: 290-291) and the Sunni State policies (Steward, 2007) which have negatively reflected over the ability of the Alevi organizations in demanding the Alevis' human rights. Overall, similar to the women's movement, the Alevi movement was reinvigorated in 2000s under this context of complex supportive and disruptive dynamics. Chapter 3 elaborates on the weight of these different dynamics in

[3] Reha Çamuroğlu asserts that the motive behind this expansion was basically the instinct of Alevi groups to protect their identity against the revival of Islamic fundamentalism.

explaining success/failure of alternative lobbying positions emerged on a set of Alevi issues.

Compared to other religious minority groups with official minority status such as Greeks, Armenians and Jews; the Alevi organizations lobby for a set of community interests which became subject to several legislative proposals that offer diversity with respect to satisfying the needs and demands of a particular community. The Alevi organizations also differ from the representatives of other religious minority groups given the multidimensionality of the Alevi issues and the representation of the Alevi community by highly organized alternative associations which together provide prolific data to utilize and compare with other lobbying experiences included in this dissertation.

The Alevi organizations also diverge from other minority groups concerning the ways in which they relate to the political decision making structures. Hitherto, the negotiations with the representatives of the non-Muslim groups had rather been rhetorical which were not given any chance to play part in the formal decision making processes, thus these groups are not considered within the confines of the analysis. The dissertation also omits from its analysis the lobbying concerning demands of the Kurdish minority in Turkey, since it is extremely challenging to investigate this issue domain given a set of peculiar characteristics of the movement. The ethnic identity based expectations of the Kurdish movement represents one of the thorniest issues of Turkish politics, as -besides peaceful political activities for civil rights- it involves a separatist aspect which is tried to be achieved through violent armed rebellion in the southeast of Turkey. This dual character makes the movement distinct regarding the ways in which its representatives relate to the governing party and the State institutions including the military (as the guerilla warfare leads to an armed confrontation). Besides the above mentioned duality of the movement and the resultant problematic relations with the political authorities, another characteristic of the movement that tell it apart is that in the past two parliamentary periods, representatives of the movement (in the form of political parties) have been able to advocate the interests of the Kurdish community within the structures of the Parliament. Although we can easily identify the actors of the movement within the political domain; it is not that straightforward to uncover the Kurdish associations and it is expected that the political authorities will continue to deny these groups any legitimacy to partake within decision making processes, as long

as they fail to distance themselves from the separatist movement. Overall, the Kurdish lobby does not provide a good comparative fit as it has some special properties which seem to have a bearing on the lobbying success/failure of the movement.

In Chapter 3, the dissertation thus solely concentrates on lobbying with respect to Alevi issues which provide prolific comparable empirical data with issues discussed and actors involved within the related policy making processes.

1.2.2.3. The Literature on Lobbying for Freedom of the Press

Contrary to the fertile academic literature on the lobbying within the sphere of gender mainstreaming and increasing academic interest about the lobbying concerning Alevi rights, there is scant academic interest and discussion as regards the lobbying on the freedom of the media and the press. Most of the academic studies on media sector in Turkey primarily concentrate on press freedom in the form of its independence from the political. To this end, some analyze the partisan coverage of the news media and demonstrate divisions within the media along political orientations (Bayram, 2010) and especially the new tensions created through rapid development of the conservative/pro-AKP government media committed to dissemination of the governing party's viewpoints (see: Kaya & Çakmur, 2010) and responses/reactions from its opposite (see: Keyman, 2010). Others look at partisanship of the newspaper readers and evaluate the competitiveness of the media market through such indicators (see: Çarkoğlu & Yavuz, 2010).

The alignments between major media outlets and political orientations are not specific to Turkey and they prevent the media from truly performing its function of monitoring certain developments in the service of public interests. For instance, Ahmet Uysal (2009) demonstrated how a media environment dominated with ideological concerns, is reflected over the news coverage of social movements and thus the ability of these movements in conveying their viewpoints to the public.

The issues of media pluralism, media-party parallelism and polarizations around ideological dichotomies such as secularism and religious conservatism are critical in understanding media independence. However, to be able to assess the complete picture

on press freedom it is also necessary to discuss the regulatory environment conducive to such political control and influence over the press and the broadcasts. In their elaborate study on media landscape in Turkey, Esra Elmas and Dilek Kurban (2010) provides detailed analysis of this environment reviewing not only the history of the State-media relations but also the media regulatory framework. Their report additionally provides some information about the actors involved in the formulation of this framework and concludes that there remains much to be accomplished and that sector specific associations lack capacity or will to partake in the development of this framework (2010: 429). In her overview of changes in the media related regulations throughout 2000s in Turkey, Mine Gencel Bek (2010) also attributes limited role to civil societal actors and demonstrates how the State's interests were prioritized in reform of the regulatory framework.

This dissertation argues that it would be deterministic to attribute limited role to lobbyists without scrutinizing their access to the political level and delineating their demands and preference realization with respect to content formulation processes concerning each issue of interest. Chapter 4 traces the adjustments in the freedom of the press and the media related legislation throughout 2000s concentrating on alternative policy positions of different stakeholders and evaluates factors behind these competing actors' bargaining capacity or lack thereof. The evidence derived from the debates in TBMM proceedings and content analysis of the media demonstrate that in effect there have been several suggestions raised by sector specific organizations concerning the content of several press and media related reforms and that at least some major organizations were able to get involved within the decision making processes. Besides, the journalist organizations are not the only stakeholders that have interest over the issue of freedom of the press. As Uysal's (2009) study indicates social movements such as women's movement and environmentalist movement have strong interest in press freedom, since the press represents the major medium of access to the public. Thus, press freedoms concerns not only sector specific groups such as journalist organizations, but also every other interest seeking group that struggle to raise their demands through the use of the media and the press.

The previous claims in the literature on this sector thus need to be validated with thorough analysis of the participation patterns of the interested actors and differences in their framings of press freedom and consequent alternative proposals for reform. Once

empirically demonstrated, these different framings and proposals would give further insights about competing interests over the operations of the sector, as well as, its independence from political control.

1.2.3. Potential Factors Determining Lobbying Success under these Issue Areas

1.2.3.1. Issue Conflict

Contrary to the salience of these three policy areas in the EU reform process, the extension of some related freedoms and rights have been belated basically in the background of certain ideological polarizations which became excessively visible and irreconcilable under the changing context of Turkey's socio-political space in the 2000s. Counter-approaches to reform of some policy issues have begun to take shape under this highly polarized climate. From among Turkey's several intertwined socio-political cleavages what loom large are the tensions especially between the identity-citizenship based cleavages. The first one has emerged in the form of polarization between secular versus religious conservative identities and related norms and ideals, and on many policy issues, this polarization has led to alternative policy proposals and triggered tensions at the political level between the ruling AKP and the secular establishment – mainly represented by CHP (the main opposition party in the Parliament), the military and the upper echelons of the judiciary. The EU requests for reform have in some cases contradicted religion, ideology and interest-driven policies of the AKP government and in others have disturbed the balance of power to the disadvantage of the secular establishment and the political opposition. Since AKP became the governing party in 2002, with three successive election victories, it has reinforced its power within the sphere of politics, sought to build up a new understanding of Islam, developed policies compatible with this new understanding, and at the same time sought not to tarnish its pro-EU reformist image. The outcome was a hyphenated party identity as AKP, once in government, pledged for a synthesis in its agenda of change –the party jointly provided pro-European, reformist, democratic and besides some religiously conservative policies. According to Burhanettin Duran the term conservative democracy:

> gives an identity to the party without disturbing the international community and the secularist establishment in Turkey while at the same time assuring its Islamist electorate that Islam continues to play an important role in the party's identity and policies. (2008: 86)

This synthesis, however, has been exposed to fatigue and challenged given the ups and downs in the policy making processes with respect to human rights improvement in Turkey. The representatives of the opposition parties -most intensely the CHP representatives- have tried to exploit the assumption that the AKP government has hidden Islamic intentions and they have also generally referred to this assumption in formulating their policy positions. The clash between the AKP policies –attentive to Islamic sensitivities- and the policy proposals of the opposition parties have led to alternative articulations about what should be considered as a necessary democratic reform.

Within this milieu of clashing secular versus religious conservative discourses, the reform of gender specific issues has emerged as one of the most visible domains of conflict capturing the attention of some scholars writing and theorizing about gender mainstreaming in Turkey (for these see, for instance: Arat, 2010; Coşar & Yeğenoğlu, 2011; Çitak & Tür, 2008; Aldıkaçtı-Marshall, 2008). Besides some visible terrains of this controversy such as the ban on Islamic headscarf, the issues of abortion and adultery; there are several other issues -such as women's political representation, economic empowerment and overall role within society and family- the reform of which in varying degrees had become subject to the impact of the ideological confrontation concerning gender roles embedded within the confrontation between secular versus religious conservative discourses.

The settlement of the demands of the Alevi community represents yet another critical policy domain that worst hit with the conflicts between secular versus religious conservative and in addition to that Sunni versus Alevi sectarian policy positions. Especially the fact that AKP has Sunni-Islamist roots has given rise to reservations among scholars concerning the AKP government's ability to embrace certain demands of the Alevi community (see: Öktem, 2008; Liaras, 2009; Soner & Toktaş, 2011; Çarkoğlu & Bilgili, 2011).

Similarly, the current legal framework on the freedoms pertaining to the media and the press again became a subject of controversy between the two camps. With

respect to punishment of offenses committed through the media and the press, the opposition party representatives often associate the AKP government with the investigations by public prosecutors and the arrest warrants by judges against the journalists. They basically concentrate on the ways in which the new media-government relations would disturb the power balances and argue that the existing regulatory framework and the government's economic sanctions would easily be misused for political ends such as propagating the ruling party ideology, establishing monopoly in media, and suppressing and penalizing the opposition:

> We regrettably and anxiously see that the political power, which seem to advocate freedoms due to conjuncture; in the present situation, have started to make legal arrangements to put into effect a substructure of a repressive regime (see Atilla Kart in Appendix 2).

> The partisan media, which involves the media that was forced to knee before the government's economic sanctions, went beyond the truth and being the voice of the public and is in a position to become the bugle of the government, the ruling party and the community, and turned to be administered through directives (see Murat Bozlak in Appendix 2).

These declarations and others presented in Chapter 4 reveal that the ideological polarizations in the political sphere were also exceedingly manifest in the polemics over the regulation of the media and the press. Accompanying the confrontation of secular-religious conservative discourses, a much more divisive identity cleavage was triggered by increased politization of the Kurdish identity issues which further contributed to conflict-ridden nature of the reforms concerning press freedom. Moreover, the opposition attributes great importance to the media as a fourth power -along with the legislature and the judiciary- to check upon the government's possible propensity to arbitrariness. The failure of this fourth pillar to provide criticisms and controls as regards the operations of the government would strengthen the government's hand with respect to non-cooperative policy making which would also adversely affect the civil society's access to the executive processes.

Taken as a whole, the ongoing ideological and interest based acrimony between secularist versus religious conservative camps is a distinctive dynamic of Turkey which exceptionally manifests itself in the discussions about certain rights and freedoms pertaining to women, the Alevi minority and the press and the media. These three

represent interesting case studies to uncover the weight of ideology and interest based acrimonies within the political sphere in determining the articulation and prospects of human rights reforms in the Turkish case.

Under these broad issue categories there are both issues over which there are clear demarcations in society and accordingly about which there is no accord of viewpoints among the powerful actors of the decision making process; as well as, issues that did not become subject to this conflict to provide us with the opportunity to compare. Thus, the analysis may first outline alternative policy positions in each case; look at their level of conflict with the interests of other actors and also whether and the extent to which these interests violate the policy preferences of the government. The dissertation formulates the following hypotheses:

Hypothesis 1: The more the policy issues are subject to lobbying of directly opposing interests; it is less likely that a lobbying group realizes its preferences in the policy output.

Hypothesis 2: The higher the conflict between the core policy preferences of the government and a lobbying group, it is less likely that this lobbying group realizes its preferences in the policy output.

1.2.3.2. Coalition Formation Dynamics

Comparison of lobbying across the issues of gender mainstreaming, Alevi's minority rights and the media and the press related freedoms is expected to provide valuable information concerning the linkage between coalition formation patterns and lobbying success.

Over the last decade, women organizations had become increasingly successful in establishing issue based coalitions with broad based participation (see Table 2.1. in Chapter 2). This dissertation expects that the capacity to build coalitions around issues of common concern should have been positively reflected upon the lobbyists' ability to alter major legislative acts that frame various gender issues. Yet, there are also specific symbolic issues such as the ban on Islamic headscarf that used to crosscut the movement and lead to alternative framings of women's human rights by different

women organizations (Coşar & Onbaşı, 2008: 326). Thus, it needs to be examined how lobbyists are aligned with alternative policy positions along the policy space on such conflict-ridden issues. One needs to also account for other actors from outside the movement that have a stake over gender policies who are strong enough to constitute potential opposition and who offer alternative conceptions of gender rights.

In comparison to the women's movement, there is a higher level of divergence within the Alevi movement given the range of policy positions endorsed by different Alevi organizations. This group of lobbyists' had been unable to overcome certain collective action problems in reaching a compromise concerning how the political decision makers should settle the issues of their common concern. The dissertation expects that this internal disunity should have added to this group of lobbyists' weakness in attaining its policy preferences. Besides the rival claims of the Alevi organizations concerning the interests of the Alevi community, there is also a strong Sunni-counter lobbying whose faith based interests constitute impediment to certain Alevi expectations for reform. Thus, to demonstrate the linkage between lobbying success and coalition formation patterns under this issue category, one needs to take into account not only the constellations of coalitions by alternative representatives of the Alevi interests; but also the characteristics of the coalitions by the representatives of the Sunni counter-lobby and specify how each are located on the policy space on any given issue.

The journalist organizations mostly unite with respect to their preferences on the issues of press related rights; yet in the past, they failed to warrant sufficient access to decision making processes which ultimately led them -since 2010- to resort to broad based coalition formation with around 90 organizations participating within the Platform for Freedom to Journalists. Whether journalists succeed more through change in their lobbying strategy is a critical question to ask. The nature of the lobbying coalitions that emerged around freedom of the press gives us the opportunity to compare the significance of coalitions not only time wise within this specific issue field, but also with other issue categories studied in this dissertation.

Overall, the dissertation expects to observe variegated policy positions which sometimes coincide and at others clash with one another and in line with the constellations of these positions over the policy spectrum, it also expects divergences

with respect to patterns of coalition formation. Following the recent literature on interest group influence (Klüver, 2011b; Baumgartner, 2009); the dissertation explores the capacity to build coalitions around specific issues under the issue fields of gender mainstreaming, Alevi rights, and media freedoms and probes on the relationship between the relative size of these coalitions and their lobbying success. The dissertation formulates the following hypothesis:

Hypothesis 3: The higher the relative size of a lobbying coalition on a policy issue; it is more likely that this lobbying coalition realizes its preferences in the policy output.

1.2.3.3. Europeanization: Rethinking Lobbying Success in an EU-Negotiating Country

The research on the linkage between Europeanization and domestic change has flourished starting from the mid-1990s and so far the literature has been branched out leading Europeanization to become an encompassing concept. In its broadest sense, this relationship is defined as a process with multiple dimensions and it refers to EU-led transformations such as "processes of cultural change, new identities formation, policy change, administrative innovation, and even modernization" (Radaelli, 2000: 4). The underlying focus in all of these different understandings is on the changes that the EU integration and enlargement processes have entailed. Yet, there are various levels and multiple mechanisms of change, routes of influence and objects of Europeanization (regional integration, change in domestic structures, policies and actor identities). Thus, scholars came up with alternative explanations as to what is meant by Europeanization, depending on their focus on these different levels, mechanisms, routes and objects of change.

The literature further matured when it became evident that the Europeanization experience is not specific to the EU Member States. As borders of the EU moved to south-eastwards with candidacy of Western Balkan countries and Turkey, the effectiveness of the EU's transformative power had to be reconsidered; since mechanisms of EU conditionality and incentives operate in a distinct way under these alternative contexts of candidacy leading to differential impact of the EU. The

asymmetry of relations entrenched within the processes of candidacy -that is in order to qualify for membership, the candidates have to download the EU policies with little room to maneuver- differentiates candidates from the existing Member States. The impact of such asymmetry was extremely evident right after the start of Turkey's EU candidacy with the Helsinki Summit of 1999. Scholars have thus begun to observe a rapid reform process and associate it with the EU's transformative power through their analysis of the impact of the EU level developments, mechanisms of conditionality and incentives and the extent to which these were reflected over Turkey's broader domestic transformations such as the democratic quality of the political regime (Aydın & Keyman, 2004; Müftüler-Bac, 2005) and the extent to which they have encouraged or enforced institutional level transformations, or altered legal and administrative structures (see the discussion in Bölükbaşı et. al. 2010).

In their review of the literature on Turkey's Europeanization, Thomas Diez et al. (2005: 1) criticize the early scholarly efforts for limiting themselves to the study of rather "...the ups and downs of this complex relationship, and on the analysis and assessment of existing as well as possible institutional linkages." They warn that "...Europeanization during membership candidacy is by no means restricted to formal adaptation processes" and drew attention to the loophole in the literature that although some of the earlier studies have addressed the impact of the EU on the development of civil society and citizenship rights in Turkey; their analysis were still primarily concerned with institutional transformations and fell short of explaining the ways in which the EU directly interacts with the civil society actors in order to elicit support for its agenda of democratization (Diez et. al., 2005: 3). Others (see: Tocci, 2005; Göksel & Güneş, 2005; and Rumelili, 2005) also agree that democratization in Turkey cannot be solely linked to the EU policies of conditionality and emphasize the need to study the mechanisms through which EU level factors interact with non-governmental actors who demand political change. In a similar vein, in their assessment of the decade old literature on the EU's transformative impact on Turkey, Bölükbaşı et al. (2010) review a sample of articles in social science citation indexed journals which focus on Europeanization processes in Turkey. They criticize that scholars fail to identify the underlying causal mechanisms that would help better understand the ways in which the EU plays a causal role and they observe that "no unit in the sample employs horizontal Europeanization mechanisms as possible explanations of the ways in which the EU may

or may not lead to domestic change – mechanisms which could have been captured by a bottom-up research design" (Bölükbaşı et al., 2010: 474). They criticize the reviewed works for employing a top-down research design, for their lack of systematic search for other possible causes at the domestic level and for directly attributing the observed effects to the impact of the EU (Bölükbaşı et al., 2010: 467).

Akin to the general literature on Turkey's Europeanization, descriptive studies that adopt a top down research design dominate the literature on civil society participation into the EU reform process. Some earlier studies analyzed the limits and the success of the EU conditionality, the EU's financial aid (Arkan, 2007) and the EU-led reform process in terms of bringing about civil society empowerment in Turkey including aspects such as the legal status of and opportunity structures available to groups within civil society (see, for instance: Grigoriadis, 2009; Keyman & Öniş, 2007; Ulusoy, 2009; Ergun, 2010). A number of MA dissertations also focused on this specific relationship. Some analyzed the role of non-governmental organizations concerning Turkey's integration process with the European Union (see, for instance Kocalar, 2006; Usta, 2006; Noyan, 2007) or these organizations' perceptions about the process (see, for instance: Saygın, 2008) and others had sought to provide comparative account of differences between the approaches towards civil society in Turkey and in Europe (Tüzgiray, 2005). The main problem in these studies is the failure to establish causal linkages and lack of concern for systematic testing of hypotheses based on evidence form empirical data.

Another grave methodological problem in the literature is related to the issue of case selection. Large-scope descriptive studies ignore this problem as they lack concern for systematic empirical data collection. Others either focus on particular civil society organizations (for such studies see: Göksel & Güneş, 2005; Türk, 2008; Yankaya, 2009) or group of organizations that are active in matters pertaining to a specific issue area (for such studies, see: Atan, 2004; Çelik, 2007; Alemdar, 2009) and there are as well studies that only concentrate on the organizations that are most vocal with respect to the EU related reforms (Ünalp-Çepel, 2006; Baykal, 2007).

The literature is also limited given its scant attention to the differences in the expectations of several actors involved within the reform processes and to how the EU boosts or hampers their ability to realize these expectations. Paul Kubicek, for instance,

holds that "liberalization, regardless of how and by whom it occurs, would be welcomed, but one might wonder how well Turkish democracy can be consolidated if reforms are dependent upon actors 'from above' or external to the State itself" (2002: 776). Especially after the start of accession negotiations, the EU became much more attentive to and started to put the emphasis rather on this longstanding problem. With respect to Turkey's progress toward accession, the European Commission reported in 2008 that:

> As regards civil society organizations, governmental bodies regularly consult NGOs. However, there is no coherent legal framework organizing this cooperation. As a result, consultations are held on an *ad hoc* basis, with unclear selection criteria, and do not result in tangible policy outputs (European Commission, 2008: 18).

In the post-2005 period, the EU became much more interested in integrating the Turkish civil society organizations into Turkey's EU-led reform process and in helping and encouraging them to participate within the decision making processes. These transformations, however, first required a change in the hitherto legal status of civil society organizations and a change in the manner in which the State is accustomed to respond to the demands from the civil society realm.

In their analysis of the hitherto chronic weakness of this realm, Turkish scholars primarily address the legacy of Turkey's State tradition. Some historical studies within the literature (see: Mardin, 1969 and 1973; Heper, 1985, 1992 and 2000; Toprak, 1996) refer to early Republican and even Ottoman political traditions, and for continual marginalization of civil society into a narrow sphere of activity; they, before anything else, blame the legacy of State-civil society relations of these earlier traditions. According to Binnaz Toprak, the legacy of the strong State tradition in Turkey left "little room for individual initiative and collective pursuit of interests within autonomous domains, free from State interference" (1996: 91). Alternatively, Ersin Kalaycıoğlu argues that "the actual strength of State is at best dubious" and that "a better way of defining State is as coercive and even arbitrary" (2002: 71). He identifies the Turkish State as interventionist and 'distrustful' towards civil society and relates the weakness of social activity and associability in Turkey to these unconstructive features of the State (Kalaycıoğlu, 2002: 68). Others, who observe State-civil society relations of the late 1980s in Turkey, refer to a legitimacy-crisis of this early State tradition (Keyman & İçduygu, 2003; Göymen, 2008). Moreover, during the same decade the

Turkish civil society entered into a process of progress in both qualitative and quantitative terms (See: Keyman & İçduygu, 2003: 221). Before 2000s, the implications of that progress and the quality of its impact was yet to be seen given the continuing legal limits even over civil society's autonomy from the State and scholars still question the potential for civil society's contribution to democratization processes in Turkey. Although accepting that the EU policies have helped reinforce some pro-democratic forces within civil society; Sefa Şimşek, for instance, emphasizes that "the State cannot easily relinquish its centuries-old habit of manipulating civil society" (2004: 69) and he underlines also how some internal contradictions of the Turkish civil society especially its fragmented structure and quality of relations among the actors of this realm may still obscure the faith in this totality as a pro-democratic force.

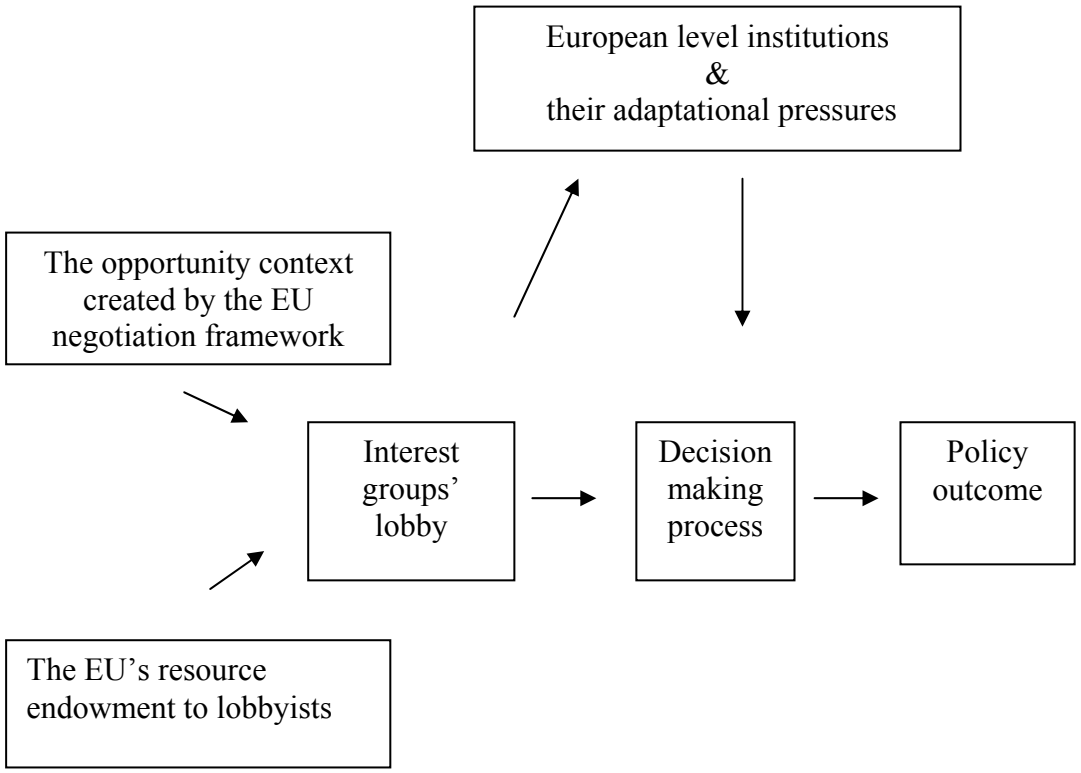
Such continuing reservations, however, do not necessarily reduce the importance of questions about civil society participation into decision making processes and alterations in the dynamics of this participation that Turkey's Europeanization process has entailed. It becomes much more interesting to investigate how the tensions between this century-old legacy and transformations required by the EU negotiation process are reflected over lobbying success and thus the extent to which Europeanization can be appreciated for its potential to stipulate a change in the hitherto state of play concerning the State-civil society relations in Turkey. In explaining these transformations, a number of potential direct and indirect routes of EU impact can be delineated.

1.2.3.3.1. The EU Negotiation Framework as a Political Opportunity Structure

First, the EU negotiation framework leads to transformations in the structural dynamics of the bargaining between the State and groups within civil society, as the EU pushes for creation of some regularly operating domestic consultation mechanisms. Under these mechanisms, the EU demands from the candidate governments to seek collaboration with the stakeholders from civil society. It also sets a timetable for reforms and each time reform of a major law is carried to the agenda of the government, this provides lobbyists with the opportunity to step in and raise their demands pertaining to content formulation of these laws. Although these new political opportunity structures endow the lobbyists with the opportunity to participate (Diez et al. 2005;

Ulusoy, 2009), the success of lobbyists with respect to realizing their demands in the policy outcomes should depend more on the receptiveness of their government based on its policy preferences. The dissertation argues that the relationship between these structures and the success of domestic level lobbying is rather 'spurious' (see Figure 1.2).

Figure 1.2. Alternative routes of EU impact



Opportunity structures may facilitate greater access to decision making, yet the following chapters empirically demonstrate that the lobbyists' success with respect policy outcomes is observed only at lower levels of conflict with the core policy preferences of the government.

1.2.3.3.2. The EU's Resource Endowment

The EU endows lobbyists -especially, the projects on human rights, democratization, and development of civil society- with several resources. Those policy

advocates, who can generate projects concerning these issues, make the most of the EU financial support. However, it is uncertain whether and how the EU's resource endowment strengthens the hand of lobbyists within decision making structures. Moreover, although the EU's financial resource endowment might explain advance in the lobbyists' capacity to participate, it requires us to establish additional links in demonstrating the causality between the EU's resource endowment and lobbying success (see Figure 1.2). For instance, an organization might have access to excessive financial support of the EU, but it may only make a difference over its lobbying success if these resources are successfully committed to the rule-making processes. Besides, the interest group literature does not also provide any empirical support for the resource endowment hypothesis.

1.2.3.3.3. The EU's Adaptational Pressures and Feedbacks from the Domestic Level

Above and beyond 'resource endowment' and 'changes in the opportunity structures', Europeanization impact can be better studied looking at the transformations created by the EU's 'adaptational pressures'. These pressures constitute a more direct and visible hard link (see Figure 1.2) between 'Europeanization' and 'difference in the success patterns of alternative lobbying positions'. To legitimize their demands, a plethora of lobbyists make references to and push for convergence and harmonization with the EU prescribed policies. Yet, these EU level policies may not always concur with the policy objectives of the domestic level lobbyists. They may either not sufficiently satisfy the needs of lobbyists or in other instances they may even become counterproductive for lobbyists' prospects of realizing their interests. For instance, despite protection of minorities is a foundational value of the EU, hitherto it's standards did not sufficiently ameliorate the conditions of Alevis the same way as it does for the officially recognized minorities of Turkey.

Furthermore, the EU's approach to domestic level policy development may sometimes be superficial and advisory as there are policy issues concerning which the EU lacks concrete policy standards or a unified policy stance for the EU to be able to steer a particular policy outcome. In such cases where there is no clear EU template, the policy outcomes may take shape depending on the dynamics of the domestic level bargaining environment as it was, for instance, the case in the controversy in Turkey

concerning the ban on Islamic headscarf. Some lobbyists, who are unable to achieve success when left to the domestic level dynamics, may yet again resort to the European level supranational institutions such as the European Commission, the European Parliament or the European Court of Human Rights and try to influence these institutions policy perspectives and thus generate a policy position at the European level (see Figure 1.2). These institutions are then expected to pass on the lobbyists' preferences back to domestic level and exert pressures for their realization. In the Turkish case, those lobbyists, which target and gain access to these extra-channels and if able to generate a policy position at the European level, are expected increase their chances of attaining their preferences. The dissertation probes whether these channels compensate for (lack of) direct access to domestic level decision makers.

Taken as a whole, the impact of the EU's adaptational pressures is expected to be differential across policy issues and may change over time on account of feedbacks from the domestic level (for similar accounts see, for instance Sedelmeier, 2006: 8). The dissertation explores whether and how these pressures empower certain policy positions yet at the same time obstruct the powers of others. It formulates the following hypothesis:

Hypothesis 4: The more the EU's policy requirements are compatible with the issue-based preferences of the domestic level lobbyists; it is more likely that these lobbyists realize their preferences in the policy outputs.

Once the strengths and weaknesses of this hypothesized relationship are empirically demonstrated, it would also give us insights about the nature of the overall adjustment processes in Turkey (the downloading of the EU requirements). The Turkish transposition experience was once swift, yet never smooth and problem-free. Especially the delays and setbacks in the opening of new negotiation chapters had caused despair about the prospects of membership and consequently led to a slowdown in the pace of reforms. Besides this context sensitive nature of transposition; a rather recent strand of the literature on general EU transposition processes (see, for instance: Mastenbroek & Kaeding, 2006; Treib, 2003 and 2008) suggests that the linkage between the EU requirements and domestic adaptation is not necessarily automatic and depends on the policy-makers' capability/incapability and willingness/unwillingness to transpose the EU requirements. The ability of the EU to yield positive domestic transformations can

also be mitigated by the nature of the political regime, constellations of major parties, and domestic political costs of compliance in the target countries (see: Schimmelfennig, Engert & Knobel: 2003; Schimmelfennig, 2005). These warnings about and growing emphasis on actor preferences from the domestic level and the domestic level dynamics of interaction among these actors -as essential components of transposition- is worthy of consideration.

The dissertation's theoretical model brings all this information together and probes how much of the policy outputs are externally induced administered through the mechanisms of conditionality; by the policy preferences of the decision makers; or by the amount of pressures exerted by stakeholder from the level of civil society. Thus, it is argued that in the Turkish case, indicators of lobbying success can be found at three different levels –the EU, the government and the grassroots.

The research within the interest group literature- although provides alternative tests of several independent variables in explaining interest group influence, do not account for the above discussed first level -that is how the policy requirements from the supranational level may be reflected over the outcome. Naturally, these domestic-international linkages were not subject to scrutiny in interest group literature, the bulk of which concentrates in influence seeking behavior at the supranational level. If a research focuses on decision making processes at the domestic level of an EU negotiating country, it additionally has to consider the potential of this extra channel of influence. To this end, the fourth hypothesis of the dissertation is expected to carry us a step forward in explaining the variation in lobbying success in Turkey. Emphasizing the uniqueness of the Turkish case (along with a number of other EU negotiating countries), the dissertation underlines the significance of alternative channels of influence provided by the EU negotiation framework -an aspect overlooked in the interest group literature. Within that literature, the issue conflict and the nature of coalitions have been widely accepted as the major determinants of lobbying success. However, these macro level observations fail to account for the additional impact of the EU's adaptational pressures and their match with the policy preferences of actors from the domestic level, as well as lobbyists' appeals to supranational EU-level and consequent externally imposed transposition processes in an EU negotiating country. The dissertation demonstrates how in alternative lobbying settings like Turkey, these processes may alter the lobbying

environment and lobbying success when they are added to the model as additional independent variables.

1.3. The Design of Inquiry: Procedures of Data Collection and Analyzing

In its empirical chapters, the dissertation covers Turkey's decade-long reform process under the AKP government and concentrates on a list of critical issues and related law making processes under the issue categories of gender mainstreaming, Alevi rights and freedom of the media and the press. One cannot entirely know in advance whether the selected cases offer all the desired variations and similarities; and the above empirical validation for selecting our cases might not be fully unswerving and convincing. What has driven the choice of these issue areas was especially the fact that all in varying degrees became subject both to the EU reform processes and some deep-rooted ideological -mainly the secularism versus religious conservatism debate- and interest based cleavages within Turkey's socio-political space.

To draw up its issue list and to trace the process within which these issues had become subject to law making, the dissertation primarily conducts content analysis of the Turkish Grand National Assembly proceedings, the news media, and the successive EU Commission reports on Turkey's progress towards accession. This content analysis is expected to provide a priori knowledge about the policy positions of the actors involved within these law making processes. Once alternative lobbying positions are identified, the lobbyists are specified according to these positions. For instance, those women organizations along with their supporters within civil society and within the political domain, who collectively lobby for the implementation of national level gender quotas, are evaluated as a lobbying group and the dissertation assesses the success of this 'pro-gender quota lobby' instead of making inferences about the success of individual organizations. In a similar vein, the dissertation defines all the lobbying experiences according to their specific lobbying positions- i.e.: the pro-headscarf lobby, the lobbying for the recognition of the Alevi places of worship, the lobbying for the reform of the criminal procedures and legal sanctions in the Anti-Terror Law.

To check on and supplement the content analysis, some interviews are conducted with the representatives from organizations selected deliberately as proponents of such alternative lobbying positions (see in Appendix 3). These are actively lobbying stakeholders or coordinators of or the main actors in the largest coalitions which have a policy proposal for the selected issues. Founding members and/or executive committee members and -in cases where these first two group of respondents cannot be reached- active members who partake in the policy development processes are selected as interviewees. At times, these respondents happened to take active roles in more than one organization/or coalition. It should be noted that the observations rest on the policy preferences of the collective lobbying instead of individual policy preferences of the interviewees. Selected statements of some representatives from the targeted organizations (Appendix 1), of some political level actors (Appendix 2), and of the interviewees (Appendix 3) can be seen in the appendixes. The appendixes are all in Turkish and the dissertation also presents direct translations from their content in its related chapters.

To further develop the issue list, the interviewees are asked about the issues they have been most recently working on. Thus, the sampling of both the key issues and key policy positions are processes that contribute to and identify one another.

In the interviews, the interviewees are also asked about their policy proposals on each issue of concern; the size of coalitions emerged around these proposals; their considerations about the gap between these proposals and the policy positions of the government; if there are any counter lobbying on these issues; as well as, their considerations about how the EU's adaptational pressures relates to the outcome and about the details of their contacts with the EU institutions (such as the European Commission and the European Parliament) or other European level institutions like ECHR; and finally whether the intermediation of these institutions help them realize their reform related preferences (for these and all the other semi-structured interview questions, see: Appendix 4).

The data on policy positions provides a measure of conflict over an issue and given the constellations of these positions, the level of conflict can be coded as high, medium and non-existent. The size of the lobbying coalitions can be measured by counting the number of organizations belonging to a specific issue position. Some

groups in civil society manage to establish umbrella organizations on issues of common concern cooperating with other like-minded organizations. Yet, there are plenty of groups within civil society which work for similar causes although they do not come together in formal coalitions. As Mahoney puts it "these advocates need not be allied in an official ad hoc coalition, they may not even be communicating, but if all are pushing in the same direction, it should make a difference in whether they attain their goals in the final outcome" (2007: 54). In a similar vein, this dissertation asserts that the coalition size should be evaluated as the number of all the active groups within civil society as well as within the political domain and even includes reform anchors from the international level all of which holds the same position when working on a specific reform issue. In its empirical cases, the dissertation tries to account for coalitions that emerge around specific policy issues and demonstrates that one can hardly ever reach precise and reliable data about the size of the lobbying coalitions. The dissertation, nevertheless, acknowledges these shortcomings and points to requirement for deeper investigation of these coalitions.

For the dependent variable, the interviewees are again consulted about their level of preference attainment on account of the reforms concerning each issue. They are asked about their preferences and the extent to which the final policy output is in line with these preferences: lack of any preference realization, partial preference realization and high level or total preference realization.

Overall, the observations in the following empirical chapters rests on two alternative methods -process-tracing and preference attainment. Employing both strategies, the dissertation expects to compare the observations from content analysis with observations from the interviews.

1.4. Concluding Remarks

Interactions between interest groups and the actors of the political sphere, as well as the interest groups' activities that aim at supporting or questioning decisional outcomes necessitate us to inquire on the value of interest group participation to politics. If the interest groups' role in decision making continues to increase, then it has implications for political science research.

The issue of civil society's role in Turkey's Europeanization became a highly debated issue; but these discussions need to build more on reliable empirical evidence. Although empirical investigation of interest group influence is a tricky task, the issue of influence is too important to be neglected. Utilizing the previous empirical literature on interest group influence, the dissertation provides test of some previously proposed factors that may determine lobbying success in its case studies.

The analysis of lobbying success in the Turkish case is expected to develop hypothesis field of action both in interest group influence literature and in the literature on Europeanization in Turkey. When searching for factors determining lobbying success, some additional contextual variables such as the EU's adaptational pressures require further consideration in the Turkish case. The dissertation is expected to offer new insights to the interest group literature which does not account for such country specific factors.

The studies that concentrate on Europeanization and civil society relations also overlook the ways in which the EU's adaptational pressures interact with preferences of the actors at the domestic level. The dissertation argues that the EU's civil society empowerment debate should rather revolve around the question of preference attainment of the actors involved. The EU's impact shall not be understood as constant and is expected to vary across issues –both positive and negative impacts are expected. Cross-case comparison of lobbying experience in alternative issue categories should highlight this variation. By this method, the dissertation expects to demonstrate some internal characteristics of lobbying under each policy domain that may have led to variation in the outcome. Thus, results of empirical data from each policy domain are also compared with one another.

CHAPTER 2

THE ISSUES OF GENDER MAINSTREAMING AND ALTERNATIVE LOBBYING POSITIONS

Turkey's gender policies have undergone substantial transformations following Turkey's candidacy in the EU which conditions membership to introduction and implementation of a legal framework that would enhance gender equality. However, there are limits to the EU's role in totally altering gender mainstreaming in the Turkish context which is also shaped by historical, social, economic, cultural as well as religious peculiarities of the country. These country specific factors diversely impact the ways in which Turkey's domestic level actors -including politicians and lobbyists within civil society- articulate and address the issue of gender equality. Especially the weight of religion and culture emerges as a defining factor in the formulations of alternative gender norms and conceptions of women's role in a predominantly Muslim society which has underwent processes of modernization from above. The duality of secular versus religious conservative norms represents one of the greatest barriers against Turkey's upgrade to gender-neutral policies. This duality manifests itself in almost all issue areas related to women's human rights and prevents emergence of a consensus on gender policies that revolve around issues such as equality before the law, affirmative action, violence against women and honor killings, as well as, economic empowerment of women through access to employment, equal pay, social benefits and education.

Over the last decade, the lobbying on gender meainstreaming has been highly visible especially through collective efforts of the women organizations to impact the

content of the amendments to certain laws and regulations that frame various gender issues. Many of them coalesced under platform structures (see Table 2.1) to have their proposals incorporated into the content of the major laws such as the Constitution, the Civil Code, and the Penal Code.

Table 2.1. Some major platforms established around gender issues

Name of the Platform/ Date of Establishment	Representative or Leading Organizations/ Number of Women Organizations Involved
Constitution Women Platform/ 2007	KADER/ 200
Civil Code Women Platform	KADER/ 126
Turkish Penal Code Women Platform/ 2002	WWHR/ 33
European Women's Lobby Turkey Coordination, AKL-TK/ 2004	KADER/ 80
Women's Labor and Employment Initiative Platform (KEİG)/ 2006	KAGİDER/ 29
Women Initiative against Male Domination in Trade Unions/ 2010	KEİG
Women Platform Against Sexual Violence/ 2009	Purple Roof Women's Shelter Foundation/ 28
We will Stop Killings of Women Platform/ 2010	Purple Roof Women's Shelter Foundation
Women's Coalition/ 2002	KADER/ 80
Equality Mechanisms Platform	KADER/ 80
Rightful Women Platform	KADER/ 41

Women organizations also collectively lobby on specific policy issues such as violence against women, women's employment or establishment of institutional equality mechanism without giving a formal name to these collective lobbying efforts. For instance, in 2011 a total of 233 women organizations collectively proposed a Draft Law on the Elimination of All Kinds of Violence and Domestic Violence, and Fight against Violence. Besides these broad-based collective lobbying structures, there are also independent lobbying concerning some specific issues such as the issue of the ban on Islamic headscarf, the criminalization of adultery, as well as gender quotas that require special attention and further elaboration; since these issues are framed by alternative contentions both at the level of society and within the sphere of politics and some of them even generated sharp-cut controversies.

This chapter utilizes the declerations by representatives of some major organizations that actively lobby for women's human rights, coordinate major platforms and seek to contribute to the legal framings of different gender related issues. These are:

- *Kadın Adayları Destekleme ve Eğitme Derneği* [Association for the Support and training of Women Candidates, KADER] coordinates important platforms such as *Anayasa Kadın Platformu* [The Constitution Women Platform] and also *Avrupa Kadın Lobisi Türkiye Koordinasyonu* [The European Women's Lobby Turkey Coordination, AKL-TK]. Moreover, KADER defines its establishment purpose as the removal of social, cultural and legal obstacles to women's political participation.
- *Kadının İnsan Hakları Yeni Çözümler Derneği* [Women for Women's Human Rights, WWHR] which had assumed the coordination of *TCK Kadın Platformu* [The Turkish Penal Code Women Platform]
- *Türkiye Kadın Girişimciler Derneği* [Turkey's Women Entrepreneurs, KAGİDER] cooperates with other women organizations through *Kadın Emeği ve İstihdamı Girişimi* [The Women's Labor and Employment Initiative Platform, KEİG] and specifically works on women's employment and labor issues.
- *Mor Çatı Kadın Sığınağı Vakfi* [The Purple Roof-Women's Shelter Foundation] represents the Women Platform against Sexual Violence and primarily works to fight with violence against women.

- *Ayrımcılığa Karşı Kadın Hakları Derneği* [Association for Women's Rights against Discrimination, AKDER] renowned due to its works and campaigns on the headscarf issue .

These organizations reflect differences in activity domains as they center the majority of their lobbying efforts upon different issues such as political participation, violence, or employment. Except AKDER, they also represent the broader coalitions that they partake. In the following part, the chapter defines the lobbyists according to their lobbying focus. If there are other organizations located on the same side of lobbying space and lobby for a common policy objective, these organizations are regarded as a one lobbying team defined for instance as pro-gender quota lobby, pro-headscarf lobby, or platform against sexual violence. The chapter evaluates the success of these lobbying teams instead of individual organizations.

The major organizations, which lead these lobbying teams, developed in conjunction with the women's movement of the 1990s.[4] Şirin Tekeli for instance, talks about two distinct periods in the history of women's movement in Turkey "being the first period between 1910 and 1920 and the second period from 1980s up to now with preparation phase of 40-45 years" (1998: 37). However, it is necessary to incorporate a third phase in this periodization and consider 2000s separately as events, political actors, the legal structure of the State-civil society relations, as well as, the density of gender policy related demands and pressures from the EU level have greatly changed during the post-1999 Turkey's EU candidacy period.

A major transformation in 2000s was the new opportunity context provided by the EU negotiation framework which has been pressuring for revisions to key laws that include provisions to regulate issues related to gender mainstreaming. Another equally important transformation was the restructuring of the Turkish parliament with coming to power of the conservative AKP and the reemergence of pro-secular CHP as the main opposition party with their ideology induced alternative visions concerning gender policies. In an attempt to adapt to these changing circumstances, the lobbying on gender equality has undergone substantial transformations in terms of its activities, demands, and patterns of coalition formation, as well as, contacts with the international level.

[4] KADER was established in 1997, WWHR in 1993, KAGİDER in 2002, Purple Roof in 1990, and AKDER in 1998.

In the following part, this chapter proceeds in order of major gender related laws and details their content formulation processes. It discusses the alternative framings of and policy suggestions about the resolution of gender issues at the domestic level by Turkish parliamentarians from the political parties with groups in the TBMM, and at the European level by institutions such as the European Commission and the ECHR. The chapter traces parallelism/distinctions between the policy positions of all these actors and the demands of the lobbying on gender mainstreaming. It evaluates the degree of preference attainment by lobbyists and looks into factors that may account for differences in the levels of lobbying success.

2.1. Gender Equality in the Turkish Constitution

The constitutional standards of equality among sexes are extremely important given their reflection over any other laws that frame gender equality. In this respect, there had been some vital reforms in the first half of 2000s. As part of the EU adjustment laws, on October 3, 2001 the Articles 41 and 66 of the Constitution were amended to bring about gender equality within the family. Again to further meet the EU criteria; in 2004 an important revision came with the amendment of the Article 10 of the Constitution which was putting the State under the obligation to ensure equality between men and women. These changes did not satisfy those who lobby for incorporation of affirmative action into the Constitution -a policy change also recommended by the European Commission.

One such affirmative action policy is the establishment of a quota-instrument for electing and appointing staff to representative and administrative institutions of decision making. The increase in women's political representation through affirmative action would open a window opportunity for women to have a say in the formulation of egalitarian laws that would eliminate gender gap in all other areas (O'Regan, 2000; Aldıkaçtı-Marshall, 2010). Based on this rationale, in a 2005 Report, which was submitted to the CEDAW Committee and which was also endorsed by the WWHR, it was proposed that:

> In order to enable the elimination of gender discriminatory practices and expedite effective translation of gender equality before the law into gender equality in practice,

> Turkey is need of a number of legislative changes establishing the grounds for temporary special measures including quotas. The recently adopted version of Article 10 of the Constitution, for instance, does not entail a provision in favor of affirmative action despite extensive lobbying of women's organizations to this end. Furthermore, the lack of a gender quota system hinders women's opportunity for political participation (WWHR, 2005).

The same Report also underlined the need for revisions to the Article 10 to involve "special temporary measures to provide gender equality" and demand also that the Political Parties and Elections Acts should be amended to involve a minimum 30% gender quota system (Ibid).

During the 2004 revisions to the Constitution, a group of CHP parliamentarians were also highly vocal to pressure the government to endorse positive discrimination policies. They proposed rearticulation of the Article 10 as "Women and men are equal. The State has the obligation to ensure the implementation of these rights. Temporary measures and regulations for this purpose should not be regarded as preferential treatment and privilege."[5] CHP parliamentarians especially underlined that the EU criteria cannot be satisfied unless the Article10 involves special temporary measures to effectuate gender equality (see Nevingaye Erbatur in Appendix 2). Another concern was that in the absence of constitutional guarantees, gender quotas might easily be considered as a privilege and thus become unconstitutional, and in that case application of quotas might even be annulled by the Constitutional Court (see Uğur Aksöz in Appendix 2).

Despite these criticisms, back in 2004 the 'no' votes of the AKP parliamentarians had repudiated these demands. Nevertheless, the amendment of the Article 10 was once again brought to the agenda of the Parliament in 2010, this time as part of the AKP's draft constitutional amendment package which foresaw amendments to 26 articles in the Constitution. The AKP's draft offered the addition of the clause that "the measures taken on this behalf cannot be interpreted as contradicting the principle of equality" and the amendment was accepted through a referendum in September, 2010. With its new form, the Article 10 provides that gender quotas are constitutionally enforceable, yet fails to address quotas as required measures. In this respect, the Constitution Women Platform draws attention to the limits of the previous amendments and demands

[5] Turkish Grand National Assembly General Council Record (2004), Term: 22, Year of Legislature: 2, Session: 86, May, 7.

compulsory positive discrimination measures to become constitutional (Constitution Women Platform, 2011). According to the the chair of KADER:

> The measures such as not to take candidacy deposits from women candidates and the implementation of quotas in political representation and employment is of vital importance. Erdoğan has announced that the work on the new constitution will commence starting from 2011. We expect him to as soon as possible get in contact with us about the new constitution and about how to design the article on positive discrimination (see Çiğdem Aydın in Appendix 1).

Concerning the issue of gender quotas, there are two alternative policy positions adopted by political parties that currently have groups in the TBMM. The ruling AKP disapproves of compulsory quotas on the basis of the view that quotas contradict the principle of equality (see Recep Tayyip Erdoğan in Appendix 2). This policy stance of AKP leads to heavy criticisms from the pro-gender quota lobby. For instance, in an attempt to underline the impact of quotas in increasing women's representation, in 2007 Hülya Gülbahar from KADER (see in Appendix 1) compared Turkey with Rwanda –a country which had been renowned due to its culture of patriarchal gender relations, yet politically applies gender quotas leading to high representation rates for women which is currently 56%. In response, the AKP government sustained its policy position and some party representatives developed arguments downplaying the pros of quotas and construed the issue rather as a debate about procedures. For instance, Nimet Çubukçu -the former Minister of Family and Social Policies- provided examples from countries such as France which although applying quotas, have low level of women representation (12.1% in 2007 which was way below the 33% EU-set critical threshold) reflecting that quotas may in fact become unsuccessful projects (see Çubukçu in Appendix 2). Another political party with a group in the current Parliament, which is outspokenly against compulsory quotas, is MHP. According to Şennur Şenel -the head of the women branches of MHP-, quotas are not preferable not only because they contradict the principle of equality but also they are meaningless in the absence of demands from women for candidacy (see in Appendix 2).

Contrary to this anti-quota stance of AKP and MHP, other main groups in the Turkish parliament –the main opposition party CHP and also BDP- joins the lobbying for compulsory gender quota policies. According to its new party bylaw of 2012, CHP adopted a minimum 33% gender quota in preparing candidate lists and in all its party

organs. Besides, BDP applies an even higher (40%) gender quota in its bylaws; the party is ruled by a system of co-chairmanship; and one of the leaders of the party has to be a women. On account of these party level affirmative action policies, BDP is notorious with the highest rate of women representation. The party also provided a draft law for the adoption of a 40% national level gender quota.

Despite the law proposals by parties in the opposition and collective lobbying efforts of women organizations, the AKP government continues to reject national level gender quotas and parity laws. Through a decree in March 2012, the party presidency of AKP expected its local administrative bodies to apply 30% gender and youth quotas. However, the party does not apply quotas in the elections to the Parliament and it still prefers optional quotas and refrains from supporting any constitutionally binding measure.

Table 2.2. Women's representation in the TBMM, 1999-2011

	Ratio of Female Deputies	**Number of Female Deputies**	**Total Number of Deputies**
1999	4.2%	22	550
2002	4.4%	24	550
2007	9.1%	50	550
2011	14.2%	78	550

* Source: Turkish Statistical Institute (2012). *Women in Statistics-2011*.

The application of party level gender quotas cannot guarantee high representation rates for women, since their impact will depend upon the vote rates of the political parties. For three successive political periods since 2002, AKP maintains considerably higher vote rates in comparison to other political groups in the Parliament. Thus, AKP's rejection of mandatory national level gender quotas automatically stultifies the impact of voluntary party level quotas applied by other parties in electing women parliamentarians. Besides, the routine of party leaders to place women at the lower

ranks of the candidate lists prove symbolic and continue to constitute a glass ceiling for women's political representation in Turkey (see Table 2.2).

In the absence of legal measures to promote de facto equality, some women organizations resort to awareness raising campaigns during the pre-election periods. Throughout March-July 2007, KADER initiated such a campaign called 'Mustached Campaign' with the slogan that "Is it a must to be a man to enter the Parliament?" which has sought to generate a public discussion about Turkey's need for quota systems. According to KADER, it was this campaign that led to a rise in the number of women parliamentarians from 24 in the previous parliamentary period to 50 in the aftermath of 2007 elections (KADER, 2009). To achieve further increase in women's political representation, prior to national elections in June 2011, KADER initiated another campaign called '275 Women to the Parliament'. Following the elections, the women's representation rate again remained below the levels expected by women organizations although there had been a sizeable increase from 9.1% in 2007 to 14.2% in 2011 (see Table 2.2) that is 28 more women were able to get into the Parliament.

Table 2.3. Women's representation in the local governments, 1999-2009

	Ratio of Female Mayors	**Ratio of City Councilors**	**Ratio of the Members of Provincial Assembly**
1999	0.6%	1.6%	1.4%
2004	0.6%	2.4%	1.8%
2009	0.9%	4.2%	3.3%

*Source: Turkish Statistical Institute (2012). *Women in Statistics-2011*.

In 2009, KADER also carried out a local election campaign called 'the Three of Us Are of the Same Mind'[6] to attract attention to women's considerably low level of representation in the local administrative bodies (see Table 2.3). Yet, the campaign simply failed as there weren't any sizeable rise in the number of women mayors which was 18 according to the results of the 2004 local elections and had risen only to 26 in 2009.

In order to more effectively push for affirmative action polices, KADER also cooperates with other women organizations through platform structures. It coordinates the Constitution Women Platform composed of more than 200 organizations rallied in reaction to AKP government's 2007 initiative to draft a new civilian Constitution. The Platform supports KADER's cause for making compulsory quotas constitutional and to this end keeps pressuring the political authorities. Another major collective supporting KADER in its demands to increase women's political representation is 'Women Coalition'. The Coalition was established prior to 2002 general elections and initiated campaigns primarily to increase women's representation in every sphere of life.

Finally, the EU also joins the pro-quota front in Turkey and continuously underlines its discontent with women's underrepresentation within Turkey's decision making structures. The EU does not have a particular policy about gender quotas and does not possess the tools to pressure neither its members nor candidates like Turkey to adopt such quotas. The EU has a number of directives and common guidelines concerning policies that relate to equality in the labor market, employment and the right to maternal leave (see Table 2.6), however it lacks such binding directives for equal representation of women within the sphere of politics. Moreover, legislated gender quotas for the elections of national parliaments is not a common practice in the EU, as there are, for instance, Member States such as Denmark and Ireland which lack such measures and in some other cases such as the UK, Sweden, and Germany, there are only party level voluntary quotas (see: European Commission's Network to Promote Women in Decision-making in Politics and the Economy, 2011). Albeit these different practices in the EU Member States; the EU-27 average with respect to women's political

[6] In the pre-2009 local elections period, organizers of the campaign used posters in which the leaders of the largest three parties in the parliament depicted as standing shoulder to shoulder on the practice of rather nominating men as their candidates.

representation in the national parliaments is 25% which is 11 points above the current ratio of 14.2% in Turkey.

As a development encouraging for the pro-gender quota lobby in Turkey, in its 2010 recommendation to the Committee of Ministers of the Council of Europe; the Council of Europe Parliamentary Assembly (2010) demanded women's increased representation in politics and advised that the Member States should consider this problem as a priority and accordingly revise their related policies. It suggested ideally 40% gender quota as a minimum in countries that apply proportional representation list system for national elections and also expected the Committee of Ministers to promote the application of these policies in the Member States and demanded preparation of a draft protocol for the European Convention on Human Rights which would include positive discrimination measures for the under-represented sex (see Council of Europe Parliamentary Assembly, 2010). These rather recent transformations suggest that a European level common policy, which would call for legal measures to guarantee equal participation of women and men into politics, is still on the making and the existing EU level decisions are only advisory. Turkey's success in terms of compliance with these advisory decisions would improve the country's deteriorating image concerning its ability to undertake the EU demanded reforms, yet these decisions are currently unbinding leading the Turkish government to have a free hand in rejecting the application of gender quota instruments at the national level.

Although supported by allies at the domestic political level and at the EU level and notwithstanding the plurality of organizations belonging to pro-gender quota position through support of major mergers such as the Constitution Women Platform and the Women Coalition, the lobbying on gender quotas was not successful in procuring the adoption of national level gender quotas and in achieving any remarkable increase in women's political representation. Civil society organizations also coalesced under the Rightful Women Platform prior to June 2011 elections and under this platform structure 41 powerful civil society organizations lobbied for women's equal political representation with that of men. In an open letter sent to the Prime Minister, the Platform made the following observation:

> While our country is ranked 16th in terms of economical magnitude in the world, it is ranked 126th in terms of women and men equality index. This is a huge problem we have to deal with in order to consolidate our democracy. Compared to the previous period, even if

> the rate of women deputy has increased from 9% to 14% in the parliament, such a figure falls behind the target of 'real democracy' of either yours or your party's.[7]

Overall, the hitherto revisions to the Article 10 on equality only partially address concerns of the pro-gender quota lobby and do not provide guarantees for compulsory positive discrimination policies. Irrespective of the fact that a pleathora of groups and lobbying coalitions simultaneously and heavily pressure for these policies; there was no substantial transformation in the policy stance of the AKP government whose alternative understanding of equality among sexes have been detrimental on the party's articulation of the need for such policies. The demands of the pro-gender quota lobby and the political interests of the governing party have been located at opposite remote ends of the policy continuum and this strong degree of conflict have immensely limited the success potential of the pro-gender quota lobby in Turkey.

The Constitution related lobbying of women organizations is not confined to the issue of positive discrimination. Through cooperation under the Constitution Women Platform, they try to have several other demands considered in the future new Constitution. The Platform has been active for and successful at procuring acceptance of its Constitution related demands by other broad-based platform structures such as the Constitution Platform and Constitution Reconciliation Platform. In October 2007, the Constitution Women Platform published a bulletin on its suggestions about amendments to several constitutional articles on education, political representation, public service, labor rights to ensure equality between men and women and sent it to relevant decision making authorities (Constitution Women Platform, 2007). In this bulletin, the emphasis was primarily placed on the notion of equality. The signatory organizations primarily proposed further extension of the article 10 on equality (Ibid):

- To involve sexual orientation, sexual identity, disability, marital status, ethnic origin and age,
- To ban all kinds of (indirect or direct) gender discrimination,
- To state that "women and man are entitled to equal rights. The State is obliged to effectuate this equality. It takes legal and institutional special and temporary measures including quotas to realize this de facto equality until reaching the target

[7] See in the Platform's official website. Available at: http://www.haklikadinplatformu.org/icerik/46-rightful-women-platform.

of women's access to practical and opportunity wise equality in every sphere of life. These measures cannot be considered as discrimination."

Currently, these demands of the Platform were partially addressed as the Article 10 remains as it was amended in 2010. The other proposals of the Platform had to await reconsideration in the long anticipated new civilian constitution, the drafting process of which finally commenced in late 2011. The drafting process gained real momentum as the representatives from all the political groups within the Parliament have started to collaborate under the ad hoc Constitution Reconciliation Commission. The Commission is composed of eleven men representatives and one women representative from the political parties that have a group in the Parliament, and the only women representative is from BDP. The Commission received several proposals from civil society advocates and during this process; the Constitution Women Platform was also consulted and conveyed its proposals to the Commission.

The Constitution Women Platform, first and above all, suggested the formation of a 'constitution assembly' which would settle on the draft contents of the new Constitution and which would consist of the political parties inside and outside the Parliament, the civil society advocates and women from all strata of society -with 50% representation (Constitution Women Platform, 2011). Yet, this proposal appears to have little chance to materialize as the Constitution Reconciliation Commission had already undertaken the responsibility to prepare a draft new constitution and finalized the preparatory phase throughout which the Commission consulted with civil society, gathered and evaluated data. During this preparatory phase, the demands of the Constitution Women Platform were given place in the TBMM website on the new Constitution. According to the document published in the website, the emphasis is again on the concept of equality (Ibid). The members of the Constitution Women Platform mainly demand equal representation in political, administrative and legal decision making bodies including the political party structures and suggest measures against discrimination and mobbing in the private sector, in workplace and in the State institutions (Ibid). Lately, the earlier discourse on equality and affirmative action policies had been replaced with the emphasis on the phrase 'parity' between men and women which stresses continuous full equality in both theory and practice (see Nuray Özbay in Appendix 3).

2.2. Gender Equality in the New Civil Code

The Turkish Civil Code dates back to 1926 when it was first entered into force and since then revised for nine times, yet at the beginning of 2000s it was still carrying significant obstacles for gender equality. The main problems of the Code were the women's status in comparison to men and the related dilemmas in the exercise of certain rights concerning marriage, divorce, parenting, inheritance, property and surname. A new Civil Code was adopted on November 22, 2001 in line with the short term priorities of Turkey's National Program for the Adoption of the Acquis, NPAA. The new Civil Code was instrumental in terms of bringing about more gender equality through abrogation of the clause that husband is the head of family; guarantees to women's right to property accumulated during marriage; increase in the legal marriage age to 18 for both sexes, which was formerly 15 for women, and 17 for men; and same hereditary rights to out of wedlock children with that of children of the legitimate birth.

The 2000 Report of the European Commission (2000: 19) notes as an achievement that the women organizations had participated in the formulation of the draft Civil Code. 126 women organizations joined the Civil Code Women Platform to push for the realization of their collective demands and many of the Platform's demands were incorporated to the new Code with a few exceptions. Above all, amendment of the marital property regime represents one of the key innovations. The amendment gave the women the right to property accumulated during marriage; however, the Civil Code Women Platform was not content with the law on the enforcement of this regime arguing that it deprives millions of married women from property rights in the new Civil Code.[8] The enforcement law basically states that the couples married before the entering into force of the Civil Code are bound by the previously governing property regime. This case clearly illustrates how the incongruity of different laws would end up in violation of the supposedly recognized rights of the individuals. The enforcement law of the new property regime had also led to fierce polemics in the Turkish parliament and there had been several law proposals to revise this regime so that it would become

[8] *Minidev* (2002), "Kadınların 8 Mart uyarısı: Medeni Kanun'un Yürürlük Yasası değişsin! Hemen şimdi! [Women's 8 March warning: Change the Enforcement Law of the Civil Code!]", modified March, 7. Available at: http://www.minidev.com/stk/sivil_toplum8mart.asp.

retrospectively applicable (see Erdal Karademir from CHP in Appendix 2). Nevertheless, for those married before the entrance into force of the Civil Code, it became possible to avail of the new regime through forming contracts before a notary public which shall be completed before December 31, 2002. According to another CHP parliamentarian, given the patriarchal family structures, the impact of culture, religious customs, and women's education levels in Turkey; it would be against the reality of life to expect women to be able to persuade their spouses into such contracts (see Ahmet Ersin from CHP in Appendix 2). Özlem Özkan from Purple Roof (see in Appendix 3) also criticizes this new property regime underlining similar concerns about the problem of retrospective applicability and argues therefore that it is a extremely unjust to leave 100% of women outside the scope of the law at the time it was introduced. Despite these criticisms, neither currently the AKP government nor the preceding coalition government[9] eased the conditions for retrospective applicability of the new property regime.

There were also criticisms that disapprove of the new regime in its entirety with arguments that root in conservative policy positions. For instance, concerning the draft new Civil Code, a parliamentarian from conservative SP developed the following arguments:

> This system has a frustrating impact on divorce decision of the wealthy spouse. In this respect, it would lead to continuation of the marriage as a nightmare. On the other hand, adultery is a reason for divorce. The adulterer would take half of the property, be sort of awarded and the other spouse would be punished twice (see Fahrettin Kukaracı in Appendix 2);

> We consider the removal of the head of family concept as ill-advised. An arrangement that does not impose the husband to be the head of family would provide equality and would have been more suitable for Turkish societal structure which made it a tradition to adhere to a ruler or a headman even in the smallest community. Now, the family is left without a head. Concerning the choice of joint tenancy, education of children, participation to payment of family expenses, doing housework and similar issues, conflicts will arise (see Fahrettin Kukaracı in Appendix 2).

During the content formulation process of the new Civil Code back in 2001, the coalition government turned down such proposals from SP, which were based on the

[9] DSP, ANAP, and MHP coalition was in power during the amendment process of the Civil Code.

above mentioned and some other considerations of the party members. The issues of the head of family and the regime of participation in acquired property (except its enforcement law) were arranged in the new Code in line with the demands of the Civil Code Women Platform.

Another disputed issue concerning the amendment of the Civil Code is the Article 187 which regulates the changes to the post-marriage surnames of women. According to this Article, women can keep their maiden surname if they wish to; yet they also have to take their husbands' surname. The ECHR judgement in the case of *Ünal Tekeli v. Turkey* opened the way for women to keep their maiden names alone (ECHR, 2004). Yet, women still have to file lawsuits to be able to keep the maiden name only, which also constitutes a profound discrimination. The necessity to revise the legal loopholes in the Article on surname became much more pronounced in TBMM due to the ECHR decision and demands of the women organizations. According to Nevingaye Erbatur from CHP:

> Concerning the Article 187, on which the women's organizations lay stress, there should be revisions including the change of title of the Article as family name, marriage name or last name; the freedom to spouses to choose their surname as they demand; and the children can take the surname of their mothers in the case of marriage. Besides, the surname concept also impacts the understandings of honor. We need a cognitive arrangement to revise the way of thinking that 'You carry my surname, thus you are my honor'. These arrangements would help correction of the mentality that makes women look like the asset of first the father, and then the husband (see her speech in the Parliament in Appendix 2).

As regards these demands, the Turkish Constitutional Court currently provided some unfavorable rulings. In October, 2011 it rejected the claim for women's use of maiden surname alone; yet as a positive development, in December, 2011 it repealed the Article 4 of the Surname Act which states that the child, even if he/she is entrusted to mother, takes the surname that father chose or will choose in the cases of annulment of the marriage or divorce. Recently, a law proposal amending the Article 187 of the Civil Code on surname was submitted to the Justice Commission and to the Women Men Equal Opportunities Commission of the TBMM. The proposal envisages that the woman does not lose the right to use her maiden surname alone, yet in addition she can discretionally use her husband's last name at the end of her maiden name.

Besides the Civil Code Women Platform and parties in the opposition, the EU had also put substantial amount of pressure on the Turkish government to revise the Civil Code and to harmonize it with the common EU policy. In the words of Yeşim Arat "internal and external pressures might have all interacted with one another to precipitate State action on this issue" (2010: 242). The legitimacy of this argument comes from the fact that the women organizations had been also active throughout the 1990s raising demands about the reform of the Civil Code which was delayed until the 2000s. As Arat argues:

> Both those in government who voted for the amendment as well as those in the opposition seemed to agree on the need for a new code, not because they believed in the pressing need to expand women's rights but rather because the amendment had become a condition for accession talks with the European Union (Ibid: 250).

When the 2001 revisions are evaluated as a whole, it is observed that they brought substantial achievements with respect to gender equality. The concerns of the conservative opposition including the issues raised by SP and AKP representatives were repudiated, reflecting the ideological propinquity between the Civil Code Women Platform and the coalition which was in power during the process of Civil Code amendment. The following statements substantiate this argument:

> The Ministry, as a result of the pressures from certain ideologically preponderant associations and institutions, imposes the regime of participation in acquired property to our parliament and society (see SP parliamentarian Fahrettin Kukaracı in Appendix 2);

> With respect to property regime DSP and MHP have reached a compromise; what about the people, the opposition and other parties? These are not emphasized (see AKP parliamentarian Ismail Alptekin in Appendix 2);

> The resistance of the religious conservatives and the nationalists in the parliament took place despite the EU accession process and could only be overcome by a major campaign initiated by women's groups all over the country (Anıl et al., 2005: 7).

These declarations also indicate ideological concerns behind the lack of consensus over the reform of some provisions of the Civil Code. However, the counter-lobbying of the conservative groups within the Parliament was not strong enough to challenge the collective lobbying of women organizations. Overall, the Civil Code Women Platform was able to draw the final content of the Code close to its gender equality related

preferences through the ability of a total of 126 organizations to put forward a unified position, specification of the Civil Code reform as a precondition for the opening of the EU accession talks, as well as, the concurrence between the issue preferences of the governing coalition and the Platform.

Despite the achievements in the new Civil Code, in practice, women continue to suffer abuse of these legal rights. Especially the male dominant culture in Turkey prevents women's access to certain rights such as the right to carry their maiden surnames alone and the right to acquired property which point toward the need for further legal measures and a change in mindset. The process tracing of the Civil Code reform process also demonstrated that lobbyists' success with respect to policy formulation and consequent legal content might become meaningless unless this success reverberates to the implementation processes.

2.3. Gender Equality in the Penal Code

For progress on gender equality amendment of the Penal Code was exceptionally essential since the Code used to have unfavorable provisions that codify the penalties concerning various forms of violence against women including honor killings, rape, virginity tests and sexual assault. In this respect, the gender related provisions of the Code fell short of supplying satisfactory standards for women's bodily, sexual and reproductive rights. These provisions remained as they were adopted from the Italian Penal Code in 1926 until the first revisions through the 6th Harmonization Package of July, 2003. The package brought some minor changes which for instance increased sentences for 'honor killings' in the Articles 462 and 453 of the Penal Code. Around the same time, the AKP government also engrossed a draft for the entire amendment of the Penal Code and submitted it to the Parliament on May 12, 2003. When the women organizations found out about the AKP's draft, they intensified their lobbying efforts in order to influence the final content. The WWHR coordinated a campaign called 'the TCK from Women Perspective' and formed a working group to review the gender related provisions of the existing Penal Code. Later, the campaign has extended to 30 organizations which formed the TCK Women Platform. The Platform argued in a report that the AKP's draft was against international agreements such as CEDAW, as well as, the constitutional principle of equality between men and women (WWHR, 2003).

AKP's initial draft did not include any of the demands of the TCK Women Platform. Through unrelenting lobbying efforts and commitment, the Platform was successful in terms of influencing the amendment process. The member organizations proposed for about 45 amendments to the Penal Code and according to Pınar İlkkaracan (2004: 255) the proposals were accepted with a few exceptions. In a booklet prepared on behalf of WWHR, Ela Anıl et al. (2005) also points to high level of preference attainment as a result of the Platform's intensive lobby:

> Due to the success of the campaign (2002-2004), the new Turkish Penal Code includes more than thirty amendments that constitute a major step towards gender equality and protection of women's human rights, particularly sexual and bodily rights of women and girls in Turkey (2005:1);
>
> The fact that the Platform was so well prepared in advance with the proposed amendments and employed diverse strategies, including using the media and establishing allies from the opposition party, as well as commission consultants, assisted us in having most of our demands accepted by the sub-Commision (2005: 12-13).

With the 2004 revisions, there had been a paradigmatic shift in the Penal Code's language on gender issues. The TCK Women Platform's holistic approach when formulating the new articles on gender helped alter the overall philosophy of the Code. Especially important in this respect is that the sexual crimes were no longer considered as crimes against social order, family, or public morality; instead they are codified in the new Code as crimes against the individual. Other main achievements include increased sentences for these crimes; criminalization of the marital rape and sexual harassment at the workplace; elimination of provisions legitimizing rape and abduction in the cases which the perpetrator marries the victim; measures to prevent sentence reductions to perpetrators of honor killings; elimination of discrimination against non-virgin and unmarried women; revision of the article on 'indecent behavior' to only refer to sexual intercourse in public and exhibitionism; and more precise definition of sexual abuse and removal of the 'consent of the child' phrase. In this respect, Özlem Özkan from Purple Roof (see in Appendix 3) welcomes the changes in the gendered classifications of the offences in the previous law and changes in the gendered concepts; however she adds that in cases of sexual assault, there is this problem that the courts continue to base their decisions on the declerations of women exposed to sexual assault. In this respect, the

women continue to suffer from the problem of the obligation to provide evidence for the assault.

The new Penal Code entered into force on April 1, 2005 and since then the TCK Women Platform has been continuing to lobby for its proposals that were initially left out of the Code's final content. The left out proposals involve the following:[10]

- All crimes committed in the name of honor, not just those committed for tradition and customs shall be considered as an aggravating circumstance.
- Discrimination on the basis of sexual orientation shall be prohibited by law and defined as a crime.
- The article, which foresees the punishment of juvenile sexual intercourse between the ages of 15 and 18, shall be repealed.
- The virginity tests shall be openly prohibited by law and shall be defined as a crime under no circumstances.
- The article on obscenity shall be rearranged as it threatens freedom of expression and legitimizes discrimination based on sexual orientation.
- The legal term for abortion shall be extended to twelve weeks.

Within the political sphere, opposition party representatives also bring up some of these left out proposals. They refer to recommendations of the CEDAW Committee in line with above proposals on honor crimes, virginity tests, and punishments about juvenile sexual intercourse (see Nevingaye Erbatur in Appendix 2). Concerning these left outs, one of the most heated debates revolves around the exclusion of honor crimes from the list of major crimes in the Article 82 of the Code which punishes the perpetrator with life imprisonment. The Article 82 still refers to the 'motive of custom' instead of the internationally accepted 'motive of honor'. Besides this legal loophole, the opposition also blames AKP's so-called paradigm of religious conservatism for the increase in honor-motivated crimes:

> AKP's *muhafazakarlaşma* (conversion to conservatism) paradigm, which the AKP tries to propagate and reign over society, has a huge impact on the increasing honor motivated crimes during the ruling AKP period. With this paradigm, the institution of family is treated with a sexist approach, the women is treated as an object identified with the institution of family, women's place is within home perception is reinforced and most importantly the

[10] WWHR (2011), "Remaining demands and further necessary amendments to the new Turkish Penal Code," accessed December, 13. Available at: http://www.kadininsanhaklari.org/tck_kampanyasi.php.

approach that women is not an individual with free will is developed (see Nursel Aydoğan from BDP in Appendix 2).

During the bargaining process about the Penal Code amendment, another conflictual issue was the criminalization of adultery. Back in 1996, the Turkish Constitutional Court annulled the Penal Code Article 441 regulating adultery by men and later in 1998, the Article 440 regulating adultery by women. When the 2005 Penal Code amendment process was about to come to its conclusion, the AKP government announced the proposal to recriminalize adultery which reinstated fierce polemics between the secular and religious conservative circles. Some AKP representatives argued that the Anatolian women demand such an arrangement (see in Coşkun, 2004). Some women representatives from AKP also argued that the penalty inequalities constituted the basis of Constitutional Court decision to annul the articles on adultery; hence provided that these inequalities are eliminated and contingent upon complaint, it would be appropriate to recriminalize adultery to address the demands coming from society (see Güldal Akşit in Appendix 2).

The EU, which had rather been gender blind with respect to the reform of the overall Penal Code, launched heavy criticisms about the government's move to raise the issue of criminalization of adultery. The EU's trump card of not to open accession negotiations with Turkey dissuaded the government from its proposal. Although the issue was settled in line with the EU demands, some opposition representatives argued that the conflict over criminalization of adultery basically resulted in a number of negative future repercussions. According to Onur Öymen from CHP (see in Appendix 2), the conflict first led to serious suspicions about Turkey's determination to protect secularism and that the EU authorities would no longer be confident about the government's future proposals concerning compliance with the European norms and modernity. The issue also heavily contributed to reconfiguration of the European Commission's report on Turkey's progress towards accession to involve conditions that were not imposed in any other case of EU candidacy.

In May 2012, the seeds of a potential dissension were sown afresh when the AKP government opened to discussion the rearrangement of legal terms for abortion which is currently ten weeks. Whereas there is an intensive lobbying for further extension of this period –the TCK Women Platform expects extension of this period to twelve weeks-, the AKP government came up with plans to reduce the existing legal terms and to

redefine the limits of 'medical obligation' which provides for abortion in risky pregnancies. The Prime Minister Recep Tayyip Erdoğan made declarations to deny the women's right to bodily integrity; if the issue in question is the child's right to live (see in Appendix 1). He argued that there is a strong campaign and laws against abortion in the US and in many other western socities and that they also struggle to that end (Ibid). There had been heavy criticisms against this current anti-abortion campaign of the AKP government. For instance, the Rightful Women Platform in an open letter to the Prime Minister persisted that:

> We suggest you cease to do politics on woman and her body in every platform, whether relevant or not. If you want unwanted pregnancies be prevented in a way other than abortion, we suggest you work towards raising our citizens' awareness on birth control and provide free service… Abortion has been regulated in the Penal Code during your term in government in 2005 and if, all of a sudden, you started seeing abortion as murder, we suggest you make notice of the fact that at least five women being murdered every day in Turkey and make preventative regulations.[11]

In response to such criticisms, the former Minister of Health Recep Akdağ indicated that they may negotiate with the women organizations during the future amendment process, yet added however that these organizations do not represent the whole society (see in Appendix 2) signalling the AKP's determination to legalize its anti-abortion policies.

Regarding the overall Penal Code amendment process back in 2005, the representatives of the TCK Women Platform associate the success of their lobbying rather with the formation of a platform structure prior to the policy processes, their intensive lobbying efforts (see Pınar İlkkaracan in Appendix 3), and they criticize the EU's indifference concerning the revisions to women's human rights related articles except the issue of reduced sentences for perpetrators of honor killings and the conflict-ridden issue of the criminalization of adultery. In the words of İlkkaracan:

> The European Commission was concerned mainly with the abolition of the death penalty, pre-trial detention provisions, and the expansion of the scope of freedom of expression, and not with gender equality or articles concerning sexuality. Despite the lack of EU interest in these areas of reform, WWHR – NEW WAYS saw in the planned reform of the Turkish

[11] See in the website of Rightful Women Platform. Available at: http://www.haklikadinplatformu.org/icerik/53-open-letter-to-prime-minister-recep-tayyip-erdogan.

Penal Code an opportunity to push for reforms on gender equality and sexual rights. (2004: 254-255)

As in the case of Civil Code amendment, to push for their demands about the reform of the Penal Code, the collective lobbying of women organizations had successfully utilized the opportunity structures provided by the EU negotiation process. For the most part, the EU played a causal role at the level of agenda setting. Its standards was dictating the overall reform of the Code, but the EU had little influence over the substance of the provisions related to gender mainstreaming in the Penal Code except its decisive intervention to AKP's move to recriminalize adultery. The success of the TCK Women Platform can rather be associated with its intensive lobbying. The left out demands of the Platform reflects the reservations of the AKP government rooted in religiously conservative values and compatible with its ideology of religious conservatism, the party endorses a counter stance on issues such as honor crimes, sexual orientation, juvenile sexual intercourse, virginity tests, obscenity and abortion. Overall, the conflict between religious conservative versus secular norms had been manifest during the reform of the provisions that set the standards about all these issues. The inability of the TCK Women Platform to have these divisive issues arranged in line with its demands corroborates the weight of issue conflict in determining lobbying success in the case of gender mainstreaming in Turkey.

2.4. Protection of Women/Family from Violence

One of the most significant issues with regard to the fight against domestic violence entails the legal mechanisms through which the victims seek relief from such violence. The establishment and amendment of the legal framework involve:

- The Law on the Protection of Family No. 4320 (1998)
- The Law on the Establishment, Jurisdiction, and Adjudication of Family Courts (2003)
- The Municipal Law No. 5393 (2005)
- Amendment of the Law on the Protection of Family (2007)
- Council of Europe Convention on the Violence against Women (2011)

- Adoption of the Law to Protect Family and Prevent Violence against Women No. 6284 (2012), which replaced the Law No. 4320

The legal actions to protect victims of violence date back to 1990s. The first domestic level legal instrument to specifically address the issue was the Law on the Protection of Family No. 4320 which had been among the most criticized women's human rights related Law since its entry into force in 1998. The Law has been the main reference point for actions to be taken in the case of women's exposure to domestic violence. It provided the victims including women and children to file court cases. However, the Law was rather incomprehensive and thus ineffective leading to unfavorable practices of the courts and the police. For instance, the Law did not include all members of the extended family and failed to provide protection for non-married women. Besides, Özlem Özkan from Purple Roof claims that the Law No. 4320 had promulgated some positive protective measures which were not properly implemented until 2004 (see in Appendix 3). İpek İlkkaracan-Ajas from WWHR also associates the past limits with the discourse uphold by the conservative SP –the senior partner of the then coalition government which was in power when the Law No. 4320 first came to the agenda of the Turkish parliament (see in Appendix 3). Back then, the women organizations have proposed measures to keep the perpetrators of violence away from the domicle. The conservative SP rejected this proposal on the basis of the argument that such measures cannot be adjusted to the Turkish culture. The WWHR, in response, had researched about the legal framework in other Muslim countries and found out that Malaysia applies such a protective measure, a Muslim country which was then set by the SP government as an economic role model for Turkey. In this respect, İlkkaracan Ajas finds it ironic and argues that Turkey should also learn from its role model Maleysia's progress in gender based violence prevention (see in Appendix 3). She emphasizes also that, as a lobbying strategy, these contradictions have been successfully utilized by women organizations and demonstrated the delusiveness of the 'such measures cannot be adjusted to our culture' arguments of the conservative groups at the political level.

With respect to the issue of implemetation, an important advance concerning mechanisms to protect women from domestic violence was the creation of Family Courts in 2003. There had been some criticisms during the content formulation process of this Law as the initial draft failed to incorporate suggestions such as:

- the reconciliation to rely on mutual agreement of the spouses,
- assignment of jurists that specialize on domestic violence,
- and the Law No 4320 to be listed among the jurisdiction of the Family Courts (see Nevingaye Erbatur in Appendix 2)

These limitations remained intact apart from the 2007 amendment to the Law No. 4320 with which the Family Courts became the sole competent court of jurisdiction.

Another important pillar of protecting victims of domestic violence is the supply of shelters. The Municipalities Law No. 5393 was adopted a new in 2005 and addressed this issue of shelters through a provision which listed among the responsibilities of the metropolitan municipalities and the municipalities with a population larger than 50 000 to establish shelters for women and children. This 2005 legal amendment was already in line with the provisions of the Council of Europe Convention of 11 May 2011 on preventing and combating violence against women and domestic violence which also made it obligatory to open shelters in municipalities with a population larger than 50000. After all that time, by 2012, around only 80 centers provide shelter services in Turkey reflecting the State's limited capacity in protecting the victims of violence. Given Turkey's population which is approaching to 75 million, it is not only that these centers should increasein number and evenly spread around the country, but also the existing ones requireextensive restructuring. As in the case of the Civil Code amendment, with this issue of shelters it became evident once again that the legal guarantees do not always automatically translate into policy implementation.

The 2007 amendments to the Law No. 4320 were important in extending the Law to all individuals in the family including children and family members living separately. However, the scope of the Law was still narrow and was incapable of protecting women who lack particular marital status. Besides, the Law remained trivial in many respects including the definition of violence and in terms of addressing the problems encountered in access to legal remedy (see CHP parliamentarian Nevingaye Erbatur in Appendix 2).

On the issue of not being able to prevent violence against women, Turkey is the only country to be found guilty by the ECHR. Concerning the Law on the Protection of the Family, the ECHR concluded in the case of *Opuz vs. Turkey* that:

> The alleged discrimination at issue was not based on the legislation *per se* but rather resulted from the general attitude of the local authorities, such as the manner in which the women were treated at police stations when they reported domestic violence and judicial passivity in providing effective protection to victims (ECHR, 2009).
>
> Mor Çatı has identified serious problems with the implementation of Law no. 4320. In particular, it was observed that domestic violence is still treated with tolerance at police stations, and that some police officers try to act as arbitrators, or take the side of the male, or suggest that the woman drop her complaint (Ibid).

The ECHR welcoming the reform of the existing Law in 2007 concluded, therefore, that in the Turkish case it is rather the implementation of the Law which is problematic and conducive to domestic violence. Besides, in making its judgement, the Court refers to observations of a domestic level women organization, Purple Roof; demonstrating the utilization of this alternative channel by domestic level lobbyists as an indirect route to render particular policy implementation. The steady increase in the slayings of women in Turkey also reflects the inability of the previous legal reforms to sufficiently deter violence against women. According to data provided by the Justice Ministry, there had been a 1400% increase in the slayings of women between 2002 and 2009, and the number of murdered women was 66 in 2002 and had risen to 1126 in 2009 (see in Esayan, 2011). More recent records of the police and gendermarie point to a further increase to 1550 in 2010 and observe also that in the first five months of 2011, 770 women were murdered (see in Günay, 2011). This accelerating rate of violence against women has ultimately impelled the State to take action on the issue. In 2011, the Ministry of Family and Social Policies came up with 'The Draft Law on the Protection of Women and Family Members from Violence' which envisaged radical measures for the protection of women and also stipulated a change in the name of the law so as to protect women that the previous Law excludes by the reason of their marital status.

A group of 233 women organizations participated in the formulation of an alternative draft which they named 'The Draft Law No 4320 on the Elimination of All Kinds of Violence and Domestic Violence, and Fight against Violence.' This group of lobbyists evaluated the draft of the ministry as progressive, yet still inadequate in certain respects and prone to problems with respect to implementation. They, therefore, demanded deliberation with women organizations in the process of determining the final content. Concerning the process of content formulation, the Ministry of Family and Social Policies argued that they sit on the table with all stakeholders and asked for the

opinion of the interested civil society organizations. To the contrary, Özlem Özkan from Purple Roof argues that reform process coincided with the adultery debate and the fact that the Ministry remained silent on this issue had led to disruption of the women organizations' dialogue with the Ministry (see in Appendix 3). Özkan adds that many of their demands were not included in the Ministry's draft despite which the Ministry continued to assert that they prepared the draft through deliberation with women organizations (see in Appendix 3).

As Table 2.4 displays, the Law to Protect Family and Prevent Violence against Women No. 6284 fails to address a number of demands pertaining to the name, scope, definitions, measures and punishments as collectively proposed in the draft of women organizations.

Table 2.4. Comparison of 'the 2012 Law to Protect Family and Prevent Violence against women' with 'the draft of women organizations'

Name of the law	**The Law to Protect Family and Prevent Violence against Women No. 6284, which replaces Law No. 4320 (accepted on March 8, 2012)**	**The Draft Law No. 4320 on the Elimination of All Kinds of Violence and Domestic Violence, and Fight against Violence (proposals of a group of 233 women organizations)**
Scope of protection	Women, children, family members, and victims of arbitrary persistent chase who are exposed to violence and who are in danger of being exposed to violence	Additionally demands the Law to address all individuals and, if exists, relatives of victims, in accordance with international level agreements, and regardless of marital status, or the condition to live under the same roof, or mutual affinity or sexual orientation protection from 'all' kinds of violence.

Implementation of protection	Based on internationally adopted agreements especially the Council of Europe Convention on preventing and combating violence against women and domestic violence.	Additionally demands the Law to be based on the Council of Europe Convention on the Compensation of Victims of Violent Crimes which awaits approval in the Turkish Parliament.
In the support and services provided to victims of violence	The competent authorities should follow fair, effective and swift methods that are sensitive to equality between men and women.	Additionally demands that the competent authorities shall not discriminate on the basis of sexual orientation and on the basis of several other reasons listed in the draft.
Relevant instutitions	Family and Social Policies Ministry, Family Court judge	Women and Equality Ministry along with Family and Social Policies Ministry, Family Court judge along with Criminal Court judge
Definitions of violence	Includes violence, domestic violence, violence against women, victim of violence, violence prevention and monitoring centers, perpetrators of violence, and injuction.	Additionally demands inclusion of definitions such as ‘gender mainstreaming’, ‘discrimination against women’, and ‘violence against women based on gender’. Early and forced marriages, digital and electronic material that humiliate women to be considered as violence. The phrase ‘women’ to include girls under the age of 18.

Measures	Protective: Appropriation of the domicile to the victim, debarment and physical/medical examination of the perpetrator, seizure of congeable weapons. In non-delayable cases, police officers to take these measures. Changes to personal identifying information of victims. Violence prevention and monitoring centers to be established within two years as a pilot scheme.	Protective and preventive: Additionally demands payment of compensation to the victim and her relatives, sexual violence crisis centers to be established witihin a year in every city, establishment of Violence Monitoring and Expert Action Commissions and free call centers, positive discrimination to be addressed in the Law, and allocation of a share from the State budget to protect victims of violence.
Punishments	Obliging imprisonment of perpetrators of violence from 3 to 10 days. In case of recurrence of violence, imprisonment from 15 to 30 days not to exceed 6 months.	In case of recurrence of violence, imprisonment from 6 months to 12 months which cannot be suspended or converted to a fine. In penal proceedings, honor, customs and culture cannot be accepted as motives for violence.

During the content formulation phase, the most heated debate was about the scope of the law. The initial compromise about the scope was violated when the AKP government made an unexpected move to limit the scope to those women who are married, divorced and engaged. The Prime Ministry also demanded to eliminate the clause 'mutual affinity' arguing that the clause is legally abstract (see in İnce, 2011). These interventions were heavily ciriticized and argued to reflect the conservative and

male-dominant mentality of AKP which have its own category of women to exclude those without a particular status:

> This is the continuation of a mentality which tries not to protect women but family and which therefore eradicated the concept of 'women' from the name of the ministry and brought the concept of 'family'. A woman is not an object that exists within family. A woman is an individual that you cannot confine to family (see Selin Çalışkan from 'We will Stop the Killings of Women Platform' in Appendix 1);

> They see the solution from this angle: by treating men and without splitting the family they think that they should work out the problem this way. Those women, who are subject to violence, are not only the married women. Therefore, it is nonsense to talk about break up of family (see Özlem Özkan in Appendix 3).

According to a report of 'We will Stop Killings of Women Platform', between January 2008 and December 2011 the women murdered by their lovers or ex-lovers is estimated to be 11.5% (see in İnce, 2011). In this respect, Canan Arın from the Purple Roof argues that:

> Without looking for existence of the institution of 'family', the law should be extended to include all kinds of relationships and everyone that perpetrate violence or have the potential of perpetrating violence (see in Appendix 1).

These efforts attracted attention to the hazards of an exclusionist definition of the victim and yielded adoption of a more comprehensive –yet, still limited- scope which was extended to include women, children, family members, and victims of arbitrary persistent chase who are exposed to violence and who are in danger of being exposed to violence (see Table 2.4 for comparison with the women organizations' more demanding position with respect to scope). 'We will Stop Killings of Women Platform' also criticizes the Law as it does not specify the women organizations right to take part in the court cases on violence against women.[12] Besides, Purple Roof underlines that the request for documentation or evidence for violence is the most problematic issue and also evaluates this procedure as a negation that it renders all the other positive measures of the new Law meaningless (Purple Roof, 2012). When compared with the draft of women organizations, the Law is also deficient with respect to effective protection given the reduced penal sanctions and problems of infrastructure such as the inadequate

[12] *Bianet* (2012), "Kadın örgütleri müdahil olamadı [Women organizations could not get involved]," February, 28. Available at: http://bianet.org/bianet/insan-haklari/136532-kadin-orgutleri-mudahil-olamadi.

capacity of the existing shelters, uncertainties concerning the services and staff of the support mechanisms (see Table 2.4; see also Özlem Özkan in Appendix 3). For an effective campaign against sexual violence, another initiative called 'the Women Platform against Sexual Violence' has been actively lobbying since February, 2009 for a law on the establishment of sexual assault crisis centers.

In terms of compliance with the internationally set standards, TBMM accepted the Council of Europe Convention on the Violence against Women on November 24, 2011 making Turkey the first country to ratify this agreement.[13] Being the first international level binding document concerning the issue of violence against women, the Convention obliges the acceding countries to collect statistical data on violence against women and to take the necessary legal measures to prevent violence against women. It also obliges the police forces to provide protection for victims of violence, and the courts not to acknowledge crimes committed in the name of honor as justifications of violence. The Convention urges the signatory states to develop treatment programs for those who commit violence, and legal and psychological support for the victims. The signatory States are also expected to create an official institutional structure to carry out the terms of the agreement. The Parliament's ratification of this important initiative of the Council of Europe is a sign of an increasing political willpower to eliminate violence against women in Turkey. However, the delays in the adoption of 'the Council of Europe Convention on the Compensation of Victims of Violent Crimes' resulted in failure of the Law no. 6284 to rank compensation among the measures to support victims of violence.

The EU also currently works on diversifying its policies to combat violence against women. For instance, the European Parliament demands from the Member States to automatically prosecute those who commit violence against women (European Parliament, 2009). In April 2011, the European Parliament announced to adopt a more comprehensive policy and published a new resolution on priorities and outline of a new EU policy framework to fight with violence against women. The measures enumerated in the resolution are very much corresponding to the list of measures in the above discussed Council of Europe Convention on the Violence against Women. An especially important development is that through this 2011 Resolution, the European Parliament

[13] TBMM (2011), *Kadınlara Yönelik Şiddet ve Aile İçi Şiddetin Önlenmesi ve Bunlarla Mücadeleye İlişkin Avrupa Konseyi Sözleşmesinin Onaylanmasının Uygun Bulunduğuna Dair Kanun* No.6251.

proposes the adoption of a criminal-law instrument in the form of a directive against gender-based violence (European Parliament, 2011b). The creation of such a binding document at the EU-level would mean strengthening of the EU's conditionality tool. Currently, however, such a common EU policy on the issue of violence is still undergoing its construction phase. Once incorporated within the body of the EU law, Turkey will become obliged to take more seriously the enhanced EU policy against gender based violence as a new element of its domestic reform endeavor.

Overall, the accelerating murder rates of women, the ECHR decision of 2009, and collective lobbying on gender based violence prevention should have jointly precipitated further State action on the issue. The relevant laws were revised to incorporate more protective measures and ratification of certain international level documents provides for further preventive measures against violence. Besides, the Ministry of Family and Social Policies adopted a National Action Plan to combat Violence against Women (2012-2015) which focuses on the areas of enhancing the legislative framework, raising awareness, empowerment of women, cooperation with stakeholders from civil society and diversification of violence prevention services, as well as health care (European Commission, 2012: 26). Through their increased institutional access to decision making structures, women organizations were able to participate in the formulation of reforms about violence prevention. Institutions such as the Directorate General for the Status and Problems of Women serve a prominent role in the formulation of draft laws and policies to enhance the status and conditions of women and to this end, these institutions provide coordination between the government and women organizations. The women organizations have effectively utilized these structures and actively partake into the law making processes depending on their area of expertise. For instance, a small group of women organizations including Purple Roof had been highly active during the discussions in the parliament and the consultation process concerning the Law No. 6284. Still, a pleathora of other women organizations, if not physically participate into these processes, gave their external support (See Nuray Özbay in Appendix 3) and expect the same kind of support for furthering women's human rights in their own area of expertise. This strategy of division of labor is a very critical aspect of the women organizations lobby.

Although the initial draft of the Law No. 6284 was prepared by contributions of women organizations; in the following process, certain specific arrangements were

sorted out by the government. The government's policy rhetoric on the issue, which is purportedly rooted in religious conservative values, basically overemphasizes the importance of family and women's role as mothers:

> During the process of preparations for fight with violence against women, this is some people's approach to the family… they are not pleased at all; they breathe fire most particularly to the terms mother, motherhood. They cannot stand it. When we say 'mother', they say we are against 'mother'. Woman, woman, woman… What is mother? Isn't it woman? We give prominence to women because of their important role within the family (see Recep Tayyip Erdoğan in Appendix 2).

This approach to women's status within and outside the family clearly manifested itself in the government's policy scheme concerning the case of violence prevention. Overall, the tracing of the content formulation process as regards the Law No. 6284 reveals partial preference attainment on the part of collective lobbying on legal arrangements to protect women from domestic and other types of violence. Nevertheless, through their continuous efforts to address possible future hazards of the approach to women in the draft of the Ministry, this collective lobbying was able to achieve a legal framework that to a degree address its' adherents' most accentuated concerns. The success of this collective lobbying on gender-based violence prevention was, however, negatively impacted by the duality of secular versus religious conservative norms and the associated alternative approaches to concepts such as women's marital status, the condition to live under the same roof, mutual affinity and sexual orientation. The analysis of the lobbying process discloses interplay of many factors in explaining the medium level lobbying success of the collective lobbying by a group of 233 women organizations. Still, the comments and expressions made by the interested policy advocates make it clear that the 'issue conflict' looms large as a powerful determinant of the women organizations' limited preference attainment with respect to policy formulation and especially with respect to policy implementation and that this variable also moderated the impact of the size of lobbying coalition.

2.5. Gender Equality in the Labor Market

Sexist oppression and discrimination springs up in diverse forms and can be observed in every domain of life. In the Turkish case, the barriers to female labor force

participation represents yet another controversial issue. Beyond purely economic factors such as urbanization and consequential decline in agricultural participation, there are complex set of possible dynamics that may additionally increase barriers to women's access to the labor market. These include cultural barriers such as social attitudes to working women, gap between working conditions and gender roles, the resultant low demand levels for female labor; imposed gender based roles which situates women within the confines of home as mothers and housewifes; and the existing structural and legal entry barriers such as, for instance, the insufficiency of childcare services and arrangements about paid maternity leave. Thus, the issues of preventing gender based discrimination in the labor market and reversing the women's low level of participation to labor force have many aspects and require a holistic approach (for research on these barriers see: İlkkaracan, İ., 2010).

2006 onwards, female labor force participation in Turkey portrays slightly an upward-moving trend reaching 28.8% in 2011, yet remains way below the OECD (61.2 percent) and the EU (64.3 percent) averages (see Table 2.5). Turkey's 9th Development Plan expects to increase this rate to 29.6 percent by 2013. This target is reachable but trivial considering the EU's Lisbon target of 60 percent.

Table 2.5. Female labor force participation (FLFP) in Turkey, 1988-2011; and comparison with the OECD and the EU averages of 2007

DATE/	1988/	2000/	2004/	2006/	2008/
FLFP Rate	34.3%	26.6%	23.3%	23.6%	24.5%
DATE/	2009/	2010/	2011/	OECD/	EU-19/
FLFP Rate	26%	27.6%	28.8%	61.2%	64.3%

* Source: World Bank and State Planning Organization of Turkey[14]

[14] World Bank and State Planning Organization of Turkey (2009), "Female Labor Force Participation in Turkey: Trends, Determinants and Policy Framework," Joint Report. Available at: http://siteresources.worldbank.org/TURKEYEXTN/Resources/361711-1268839345767/Female_LFP-en.pdf.

Generally, low labor force participation of women is argued to be an indicator of poor employment opportunities (TÜSİAD, & KAGİDER, 2008). There is an inherent connection between women's low labor force participation and the overall gender gap in a society. According to the Global Gender Gap Report of 2011, which utilizes economic participation and opportunity as a measure of gender gap, Turkey ranks 122 among 135 countries (see Hausmann et al., 2011) and the ability to close this gap is dependent upon policies that would help avert women's marginalization from the sphere of economy.

Among various necessary measures, the reform of the relevant legal framework represents a fundamental step. The first positive development was recorded through May, 2003 revisions to the Labor Law which brought the principle of anti-discrimination in employment. In January, 2004 the Prime Ministry issued a Decree to provide gender equality in the hirings of civil officials and later in 2008, the government prepared an 'Employment Package' amending the Labor Law to further promote women's employment.

From a gender perspective, these revisions are still inadequate with respect to eradicating the past discriminatory practices that women encounter during the process of recruitment, throughout their career, and when seeking promotion. In 2006, 29 women organizations established the Women's Labor and Employment Initiative Platform (KEİG) to address the problems related to women's labor and employment. In April 2009, KEİG came up with a report which provides a number of suggestions about the necessary legislative changes to promote women's participation in work life. According to this report (KEİG, 2009):

- The Labor Law should define the labor relation to include "recruitment process" so that eliminate possible discrimination against women during this process.
- The principle of anti-discrimination should be expanded on the basis of sexual orientation.
- The Labor Law should provide regulations not just to increase women's employment but to improve women's working conditions. The law should cover women working temporarily and with daily fee in house services.
- The authorities should prepare an Agriculture-Labor Code with regulations to address the needs of the women working in the agricultural sector.

- The issue of maternity leave should be redefined as a parental leave, should be a paid leave at least for 6 months period, and it should also be guaranteed that women return to the same/or same value position after the maternity leave.

Additionally, the Platform demands revision of the 'Regulation no. 25522 on Work Conditions of Pregnant or Nursing Women and Nurseries In and Childcare Centers' which brings the obligation to open nurseries to enterprises that have a workplace with between 100 and 150 female workers and to open childcare services to enterprises that have a workplace with 150 and more female workers (Ibid: 9). According to Canan Arıtman, in its existing form, the regulation provides for manipulation of the determined limits that is the employers would opt for keeping the number of women workers below 150 and thus easily become exempt from providing these services (see in Appendix 2). Moreover, with the regulation, majority of the enterprises with fewer women employees are freed from the obligation. Thus, KEİG suggests that the regulation should include a clause to rearrange the existing conditions according to the number of working women and men and the number of total workers "in order to diffuse responsibility between women and men equally, to prevent discrimination in engagement process, to extend the responsibility of crèches" (KEİG, 2009: 19; see also Nuray Özbay from KAGİDER in Appendix 3). As part of its campaign to increase women's employment, KAGİDER as a leading women's organization working on women's employment issues and which also participates in KEİG Platform, puts forward the following proposals (KAGİDER, 2010):

- The flexible working model of the Labor Law should be extended.
- *Türkiye İş Kurumu* [The Turkish Labor Institution] should be more active with helping women to find employment.
- Childcare services should be extended for working women and day care centers should be opened in the workplace.
- The government should carry out the strategic works of the Women's Statute Directorate-General on increasing women's employment.

The responsible ministries took action with initiating a project called 'My Mother's Job is my Future'. With this Project creshes are planned to be opened in organized industry sites which are going to be available to 10025 women and their 6260 children within the age group of 0-6 (see Nihat Ergün in Appendix 2). Although such

projects fail to address women organizations' demands for binding legislative measures; in her evaluation of their overall lobbying experience on the issue of the extension of day care services, İpek İlkkaracan-Ajas nevertheless observes a substantial change since 2005 in the discourse of the governing authorities concerning the linkage between these services and the advance in terms of equality among the sexes (see in Appendix 3). The following is a summary depiction of İlkkaracan's narration about how WWHR had successfully utilized some international level channels such as the United Nations CEDAW Committee and also how it additionally lobbied other influencial groups within civil society so as to raise the government's awareness on this issue (see in Appendix 3):

In 2005, the United Nations CEDAW Committee expects a report about the situation in Turkey → The government sends its formal report → Civil society organizations also send a shadow report as an alternative to that of the government arguing that the limited day care services is one of the reason behind inequalities between women and men in the sphere of economy → In light of the shadow report, a CEDAW Committee representative asks to the government's delegation about the pre-school education rates and creshes in Turkey → During these negotiations in 2005, the delegation fails to link these services to women's human rights → At the domestic level, WWHR also lobbies organizations such as KAGİDER and TUSİAD which in return gave their support to this cause, and KEİG Platform also embraces WWHR's policy position → The issue is kept on the agenda and becomes often-heard → In early 2013, the government starts to work together with the European Commission on the issue of parental leave and flexible working models and invites also women organizations and ask for their opinion on these models → And finally, the Minister of Labor currently declares that the responsibility to open creshes shall not be conditional solely upon the number of women workers in a particular enterprise; but shall become a responsibility on the basis of the number of total workers.

The above observations indicate a variation in the importance that alternative lobbying groups attach to the different stages of the policy making. The WWHR representative, as their lobbying is predominantly directed at the stage of agenda setting, observes as regards this stage a substantial level of success notwithstanding the continuation of some legal loopholes (for a detailed examination of women organizations lobbying at the United Nations CEDAW processes see: İlkkaracan-Ajas,

2008: 14-15). These findings have implications for the inferences of this dissertation. The issue of day care services points to the necessity for thorough examination of the policy making processes; if one claims to assess the overall influence of a particular lobbying.

Besides the issue of day care services, positive discrimination measures can also be utilized as effective mechanisms to promote women's employment. In this respect, KEİG proposes temporary special measures in workplaces until equality in social life is reached (KEİG, 2009). In several instances, some opposition party representatives also proposed establishment of quotas to increase women's labor force participation. A group of women organizations additionally lobby for quotas as regards representation of women in trade unions. They cooperate under 'Women Initiative against Male Domination in Trade Unions' and provide draft bylaws and programs that would involve the concerns of women workers. The Initiative is critical of the government's conservative, neo-liberal labor policies and disapproves of the working model that this policy stance developed for women, which can be identified as part-time, temporary, and dependent upon the call of vendor, as well as flexible and lacks security (see Tahaoğlu, 2011). The initiative, if manages its objective of improving women's unionization and enhancing women's status within the existing unions, would secure a larger coalition for its agenda of promoting women workers' rights.

As a positive development, In May 2010, the Prime Ministry issued a circular on 'Increasing Women's Employment and Enabling Equal Opportunities' which provided for the formation of a Women's Employment National Monitoring and Coordination Committee and this Committee would incorporate all the concerned parties including representatives from civil society. The circular also brought positive discrimination to female workers over the age of 18 through social security premium reductions to enterprises employing women. However, the circular represents an incentive regulation as it did not make quotas compulsory. It simply mirrors the overall government policy concerning gender quotas.

The Ministry of Family and Social Policies also announced that they attach importance to flexible and part time work model and once managed the model would provide women with the opportunity to both take care of their children and work productively in their jobs:

> When you look at the EU rates on women's employment, they say it is 60%. 40% of this works part time and 20% full time. Currently, we reached 30% in full time employment rates. Once we regulate the legal infrastructure of the part time with our Ministry of Labour, we are in a position to quickly reach the EU standards (see Fatma Şahin in Appendix 2).

Although such flexible working models obviously contribute to an upward shift in women's employment rates, they also relegate women to a secondary status in work life and reinforce the perception that women are substitute army of labor force (Filiz, 2011). As Nuray Özbay from KAGİDER maintain "it would not be fair enough to suggest that 'women's employment is very low, let's increase that, let all the women work part-time" and she advocates therefore that although KAGİDER supports improvement of such flexible working models; these should be defined under a social security umbrella and should be established very carefully (see Appendix 3).

Some international level legal documents also pressure the authorities in Turkey to restructure the women's employment related domestic level legislation. Especially the EU negotiation process puts considerable pressure through its binding documents in the form of directives (see Table 2.6).

Table 2.6. The EU directives on gender issues

Name of the Directive/ Date of Acceptance	Main Sanctions
Equal Pay Directive/ 1975	Prohibits discrimination in relation to pay
Equal Treatment Directive/ 1976	Prohibits discrimination as regards access to employment, vocational training and promotion, and working conditions
Social Security Directive/ 1979	Prohibits discrimination in statutory schemes for protection against sickness, invalidity, old age, accidents at work and occupational diseases and unemployment.
Occupational Social Security Directive/ 1986 (amended 1996)	Prohibits discrimination in occupational social security schemes.

Self-employment Directive/ 1986	Provides protection for self-employed women during pregnancy and motherhood.
Pregnant Workers Directive/ 1992	Requires minimum measures to improve safety and health at work of pregnant women.
Parental Leave Directive/ 1996	Provides at least 3 months' parental leave and for individuals to take time off when a dependant is ill or injured.
Burden of Proof Directive/ 1997	Requires changes in Member States' judicial systems so that the burden of proof is shared more fairly in cases where workers made complaints of sex discrimination against their employers.
Equal Treatment in Employment Directive/ 2002	Defines indirect discrimination, harassment and sexual harassment, requires equality bodies to promote, analyze, monitor and support equal treatment between women and men.
Council Directive 2004/113/EC of 13 December 2004 : Goods and Services Directive/ 2004	Prohibits discrimination in access to goods and services available to the public. Extends gender equality legislation outside the employment field for the first time.
Recast Directive Equal Treatment in Employment and Occupation/ 2006	Puts the existing provisions on equal pay, occupational schemes and "the burden of proof" into a single text.

Concerning the gender based discrimination during the process of recruitment; the EU has a 2006 Employment Directive on "the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and

occupation" which rules out all kinds of discrimination including the latent discrimination during the recruitment process. Discriminations of this kind are also prohibited by the ILO Convention concerning Discrimination in Respect of Employment and Occupation which was ratified by the Turkish government.[15] However, transposition remains incomplete as concerning the recruitment process the Turkish Labor Law does not sufficiently conform to these international level documents and needs revisions to eliminate existing discriminatory practices during this process.

The 2006 Employment Directive also defines paternity leave and obliges the Member States to assure that at the end of such leave, men and women "are entitled to return to their jobs or to equivalent posts on terms and conditions which are no less favorable to them." The EU also has a specific Directive on parental leave since 1996 (European Council, 1996) and a Directive "concerning the implementation of measures to encourage improvements in the safety and health of pregnant workers, workers who have recently given birth and women who are breastfeeding" according to which the "maternity leave must be for an uninterrupted period of at least 14 weeks before and/or after delivery, two of which must occur before the delivery" (European Council, 1992). The provisions of the Turkish Labor Law on maternity leave are in line with the body of the EU law. However, the Labor Law does not sufficiently address the issue of job security in the period following the maternity leave. The length of the maternity leave is 16 weeks and is extended to 18 weeks in multiple pregnancy cases both of which are even above the EU set standard. However, in response to some women organizations demand for further extension of this period to 6 months, the Minister of Labour Faruk Çelik stated that they are going to consider this demand in conjuction with its implications over women's employment (see in Appendix 2). A representative from KAGİDER also raised similar concerns arguing that extension of this period would mean women's estrangement from the work life and as the women, who are also mothers, unless supported with a sufficient day care system; would probably withdraw from the labor market (see Nuray Özbay in Appendix 3). These suggestions and concerns demonstrate the need for a holistic approach in the handling of women's human rights issues. Maternity leave in Turkey is already above the EU level set

[15] ILO (1960), "ILO Convention concerning discrimination in respect of employment and occupation," June, 15. Available at: http://www.ilo.org/ilolex/cgi-lex/convde.pl?C111.

minimum standards for reform, yet the domestic level decision makers are open to suggessions for reform of the existing period and negotiate demands from below.

Alternatively, the concept of parental leave, which was embodied within the EU law back in 1996, clearly violates the governing party's idealization of women's status within the family. Besides, the concept is markedly radical for a paternalistic society where the father's entitlement to childcare is principally considered as unthinkable. Under the circumstances, the Turkish Labor Law's future amendment to incorporate the concept of parental leave is not expected to be a smooth process.

Finally, with respect to women working in house services, the European Parliament in a 2007 resolution called on the Turkish government to "improve the situation of home workers, most of whom are women; in this connection," urged "Turkey to sign and ratify … ILO Home Work Convention No 177 and to expand the Turkish Labour Code in order to cover home workers" (European Parliament, 2007).

In general, there are still deficiencies and loopholes in the domestic legal outlook with respect to adjusting to the EU demands concerning women's participation in work force. The measures set at the European level may partially pressure the authorities to adopt the changes demanded by the domestic level lobbying for gender equality in the labor market. However, in terms of compliance with the EU standards, structural and cultural barriers are far beyond problematic than the deficiencies of the labor legislation. Especially, the traditional division of gender roles in Turkey prevents further reform of the existing legislation and leads to problems in terms of implementation (Korkut & Eslen-Ziya, 2011). This division emphasizing women's role as mothers and wifes; and men as breadwinner (Müftüler, 1999: 305) was further reinforced through coming to power of the AKP government in 2002 whose discourse of development is principly based on the protection and empowerment of the traditional family (İlkkaracan, İ., 2012: 17) Accordingly, women have been rather encouraged to reproduce and raise children; instead of seeking employment. In several instances, the Prime Minister Recep Tayyip Erdoğan has urged the Turkish women to give birth to a minimum of three children. In a shadow report, women organizations evaluated these public statements as "a shocking expression of conservatism at the highest level of administration" (Executive Committee for NGO Forum on CEDAW and Women's Platform on the Turkish Penal Code, 2011: 7). The shadow report added that:

> Following the Prime Minister's call, several reports in the media have highlighted provincial mayors who announced material incentives to families upon birth of a third child. Despite protests from NGOs, the Prime Minister has made no retreat and sustained his position (Ibid).

The government is therefore held responsible for its policies reinforcing women's confinement to domicile. Its pro-family stance also estranges the government from giving weight to certain gender egalitarian policy suggestions such as subsidized childcare, compulsory quotas to increase women's employment, or full time working models. Overall, the lobbying for women's increased participation into the labor forceis confronted with barriers that arise from gender roles rooted in culture and that are fortified by the governing party's approach and policy preferences concerning women's role in work life.

2.6. Women's Rights in the Social Security and General Health Insurance Amendment

The reform process concerning Turkey's social security system was a highly controversial issue that its transformation had been a prolonged one. In May 2006, the Parliament adopted the Law on Social Security and General Health Insurance, the implementation of which was suspended until October 2008 due to Constitutional Court's decision to annul some provisions of the Law.

The new social security scheme was designed in a way as to eliminate gender differential treatments. From a gender perspective, however, this policy transformation carries social security risks for two groups of women. The first one is the category of 'dependents' incorporated into the system through their relations with men as wives, mothers and daughters, and their access to social security relies upon the continuation of these relations as well as their father's and husband's eligibility for social security benefits. The 2008 arrangements basically narrowed the scope of social security for this dependent group. For instance, with the arrangements, the dependent daughter's privileged access to health insurance on the bases of their insured parents and the divorced women's access to social security that they previously benefited through their husbands were eliminated; home injuries for women working in the house were left out the scope of social security, and the required days of premium payments were increased (Ibid). Upon reaching the age of eighteen, the women are therefore either forced to

accept unfavorable working conditions, marriage at an early age to benefit from husband's insurance, or they remain without social security. Moreover, according to KEİG, the option of voluntary insurance "that was proposed as an alternative to housewives by the previous social security system and has been benefited from only by a limited number of women till now became inaccessible for this small group too, because of the high premiums" (KEİG, 2009). As Azer Kılıç puts it "the health reform treats women as independent earners before they have been integrated into the labor force, and thus it will actually worsen the situation for majority of women in the short run" (2008: 494). The new Social Security Law ideally seeks to counteract the understanding that women are dependent on the male-head of family; however in practice it debars women from some previously granted welfare benefits. As in the old social security system, the new one remained conditional upon the registered employment status of individuals. In this respect, the system excludes many women given not only women's low labor force participation; but also the pervasive informal employment (İlkkaracan, İ., 2012: 15). The second endangered category is composed of temporary agricultural workers and wage worker women who need to be "included in the social security system until the informal/unregistered economy problem is eliminated" (see Executive Committee for NGO Forum on CEDAW and Women's Platform on the Turkish Penal Code, 2011: 9) Finally, there is also the problem of access to social security by women in shelters without having to pay premiums. As KEİG report states:

> It is crucial to give the right to health insurance and social monthly pay with no premium to women who are subjected to domestic violence to make those women able to leave the place of violence and to support them to start a new life on their own with free will (KEİG, 2009).

Overall, the issue of social security demonstrates the intertwined nature of women's human rights issues. It represents yet another field where women need preferential treatment so as to be emacipated from their inferior status. However, the social security reform in 2008 had brought provisions to the contrary. Pınar İlkkaracan observes the situation as follows:

> It is so ironic that the changes in the social security law were made in the name of gender equality. Some politicians ask why women should be given some privileges. This is a skewed way of understanding gender equality because we are talking about two groups that

> do not have the same opportunities, and therefore measures are needed to ensure a narrowing of this gap. I predict that the unemployment rate of women will go even further down with this new social security law.[16]

The new Social Security Law basically failed to transform the approach to women as dependents and ruled out many women working inside or outside home, and persons working flexible and part time (KEİG, 2009). It was also carried out through a process from which the women organizations were excluded and during the process of enactment of the draft law, their belated suggestions were not taken into consideration (AKDER, 2008). Besides, the women organizations collective efforts were rather ill-timed as KEİG was only able to come up with a report when the Social Security Reform process was about to be finalized (see İpek İlkkaracan-Ajas in Appendix 3). In March, 2008, 87 women organizations collectively signed a manifesto on the government's draft Law on Social Security and General Health Insurance. According to this manifesto they demanded:[17]

- social security to women and men equally in cases of unemployment, accident, ill health, diability, old age, death, pregnancy and motherhood
- women's access to social rights independent of their husbands and fathers
- in return for women's domestic labor, women's entitlement to rights such as early retirement, salary increase for gender based depreciation/de facto service.

These demands of the women organizations were not yet materialize. The EU criteria also had an obstructive impact on the success of lobbying on women's social security related rights. The EU criteria envisage equal treatment of men and women within the social security system. The EU guarantees equal rights to social security through a binding directive and prohibits discrimination on grounds of sex and by reference to marital status as concerns the conditions of access to social security schemes, and the obligation to contribute thereto, as well as concerning the entitlement to social security benefits (European Council, 1979). However, this EU advised formal equality needs to be accompanied by policies to resolve structural labor market problems such as informal employment, gender segregation in the labor market, and

[16] See in: Yonca Poyraz Doğan (2010), "Rights activist İlkkaracan: Turkey needs urgent initiative on gender equality," *Today's Zaman*, March, 8. Available at: http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=8973E7C804438D1D993B2B94C895965E?newsId=203643.

[17] See in the website 'Feminisite'. Available at: http://www.feminisite.net/news.php?act=details&nid=497.

limited opportunities for women's employment; as well as the discriminations associated with women's domestic labor. The new framework's formal equality rather deepens women's vulnerability through forcing them into dependency on their family/kin relations. According to Ayşe Buğra and Çağlar Keyder the current conservative governments approach on the issue of social security portrays a "liberal residualism, flavoured with social conservative values that are premised upon the centrality of the family and the significance of communal solidarity" (2006: 213). In pioneering a new social security system, the AKP government has provided an unusual combination of the rhetoric of compliance with the EU criteria -formal understanding of equality- and its ideology of conservatism underestimating the de facto inequalities that are embedded in women's subordinate status in the Turkish labor market. Thus, compliance with the EU criteria on the equal treatment of women and men concerning access to social security becomes counterproductive for many women, unless it is accompanied with policies to increase employment opportunities for women and policies to eliminate gender discriminations in the labor market.

2.7. Liberalization of the Ban on Islamic Headscarf

In Turkey, the struggle over women's identity involves the regulation of their clothing in public institutions. Especially since the 1980s, with the proliferation of veiled university students and contradictory regulations to abolish or reinstate a ban on headscarf in higher education, the issue became a terrain of vehement controversy between secular versus religious conservative camps advocating their respective standpoints about whether the ban constitutes a human rights violation. In an attempt to provide a legal resolution, in the late 1980s the Parliament came up with two alternative formulations:

- "It is acceptable to cover neck and head because of religious belief."[18]
- "Dress is not subject to any prohibition in higher education, provided that it is not forbidden by law."[19]

Both of these formulations were carried to the Constitutional Court which annulled the first on grounds that it contradicts the principle of secularism; yet the Court

[18] Addition of Article 16 to Higher Education Law with the Law No: 3511 (December 10, 1988).
[19] Addition of Article 17 to Higher Education Law with the Law No: 3670 (October 25, 1990).

did not take any legal action given the watchful tongue of the second which avoided reference to issues of veiling and religion. Throughout the 1990s, despite some universities' decision to independently apply a ban on headscarf; most veiled students were able to enter university campuses thanks to the legal ambiguity and the weight of headscarf-friendly political parties within the political sphere. However, in 1997 the rising tide and visibility of religion in political and public domains was once again countered by the secular establishment when the military openly demaded resignation of Necmettin Erbakan – the leader of RP and coalition partner. The ban was immediately reinstated in 1997 through a YÖK verdict prohibiting veiled students' entry to university campuses and in 1998 YÖK reiterated its critical stance announcing that the university rectors who do not comply with the ban would risk dismissal (Cindoğlu & Zencirci, 2008: 799).

The coming to power of another conservative government in 2002 did not provide for liberalization of the headscarf use for the following five years; since the AKP government preferred to leave aside the issue which would otherwise lead the party to share the same fate with its predecessors. In the face of continuing strong secular opposition, AKP strategically concentrated on building a moderate party image and in this respect vacillated with regard to bringing up the headscarf related demands of its constituency. In the aftermath of 2007 general elections, the proper conditions have begun to emerge with AKP's another landslide victory, supportive MHP's presence in the Parliament to provide for majority to pass necessary legislative amendments, and former AKP parliamentarian Abdullah Gül's rise to presidency to surmount a potential veto point. Moreover, during the same period, a number of public opinion surveys indicated the rising societal support for liberalization of the headscarf use (Erdem, 2007; A&G Research Company, 2008). Relying upon this supportive conjuncture, in February, 2008, AKP proposed constitutional amendments to the Article 10 of the Constitution which sought to bring equality before the law in access to public services and amendment of the Article 42 to prevent ban on exercising right to higher education for a reason not specified in the law. During and after the amendment process, the pro-headscarf coalition was once again countered by the opposing camp composed of CHP, universities, YÖK, the military, and the judiciary. Besides, during this period, the representatives of secular civil society organizations avoided any unequivocal declaration concerning the liberalization of the ban on headscarf:

> Yes, on the one side we have young girls who have difficulty in the process of education because they cover their heads. On the other side, there are those who in fifteen years of age forced to veil against their will and those who fear being obliged to cover their head a few years later along with the neighborhood pressure (see the former chair of TÜSİAD Arzuhan Doğan-Yalçındağ in Appendix 1);

> We're worried that our rights, which we worked so hard to earn, could be lost eventually. We're worried that our lives would become more conservative," "The discussion can be healthy. However we don't want women to become polarized because of the headscarf issue (the former chair of KAGİDER Gülseren Onanç).[20]

The anti-headscarf lobby once again achieved success when the Constitutional Court annulled the amendments given the reasoning that they were against the principle of secularism and carry the threat of society's Islamization. In its criticism against the Court's decision, AKDER –an NGO renowned for its campaigns to liberalize headscarf- asserts that the amended articles were no different than their earlier version and the amendments were urging the State to treat its citizens equally and were underlining that all the citizens have the right to education (AKDER, 2011). AKDER also criticizes that the Court's reasoning fails to comply with domestic or international legal norms and is rather based on the speculative assumption that the removal of the ban would lead to pressuring of the unveiled women (AKDER, 2011). In making this claim, the organization refers to the constitutional articles that "no one can be debarred from the right to education" and "the fundamental rights and freedoms, without touching to their substance, can only be restricted by law and only in relation to the reasons specified in the relevant articles of the constitution" (AKDER, 2011b). In order to eliminate the de facto application of the ban, AKDER additionally proposes the following conditions to become constitutional (AKDER, 2011c):

- "Noone can be debarred from the right to higher education on account of their attire."
- "The right to education and work cannot be restricted on account of one's attire."
- "In providing services and in the enjoyment of these services, the State bodies and public authorities are obliged to act according to the principle of equality before the law."

[20] *Today's Zaman* (2007), "KAGİDER chair calls for compromise," September, 28. Available at: http://www.sundayszaman.com/sunday/newsDetail_getNewsById.action;jsessionid=C125720BBEE5966F1815E3A49D71B3D8?newsId=123355&columnistId=0.

In February, 2010, AKDER initiated a signature campaign called 'Feb. 28 cannot last for a thousand years' demanding the removal of the ban from all the spheres of public life and a total of 104 civil society organizations gave their support to the campaign. In late 2010, YÖK has prohibited the higher education student's expulsion from the university courses on grounds that they do not abide by the disciplinary regulations. This verdict of YÖK can be considered as a development contributing to the success of the pro-headscarf lobby, or it at least provided an interim solution.

Those who situate the issue within a human rights discourse may also claim that the lifting of the headscarf ban should be considered as part of the democratic reforms aimed at EU. Yet, there is no EU level policy as the EU Member States do not have a single unified stance on the issue. Besides, the ECHR ruled against the claim that the ban violates the right to religious freedom and education (ECHR, 2005). Neither the political approach in the EU nor the legal rulings of the ECHR are supportive of the advocates of the freedom to headscarf.

The issue is therefore left to domestic level settlement which seems still exigent unless the ruling AKP comes up with a formula to persuade especially the main opposition party -CHP. Some of the representatives of CHP including its leader Kemal Kılıçdaroğlu issued statements in favor of the YÖK verdict which loosened the past restrictions on headscarf use. Moreover, there are statements of the party representatives that CHP may negotiate about removal of the ban and strategically utilize the issue as a bargaining chip to realize the demands of their party about a number of contentious issues such as the lowering of the 10 percent election threshold in Turkey, the lifting of parliamentary immunities, and the dissolution of YÖK (see: Cemal, 2010). If these demands of CHP are considered as a package, it was proposed by some party representatives that further liberalization of headscarf may also be considered within such package (Ibid). This signifies a change in the CHP's outlook which was long supportive of the ban on headscarf. However, concerning the issue there are frictions within the party as its representatives still voice different opinions.

The debates about the unjust treatment of women wearing headscarf cannot be confined to the issue of right to education. The issue also relates to lobbying on women's participation within politics and work life. The lobbying on the liberalization of headscarf involves demands for access to public domains, representation in elected

bodies and access to employment in civil services. In a more recent campaign called '*Başörtülü Aday Yoksa Oy da Yok!* [If No Veiled Candidate, No Vote!]', AKDER raised these demands and continue to lobby for further freedoms referring to manifest societal consensus and quoting the statements of powerful political and civil societal actors (Arıkan, 2011). In her newspaper article, Arıkan quotes Gürsel Tekin from CHP, KADER's election campaign and TÜSİAD's Constitution Draft Report all of which support the liberalization of the headscarf ban (Ibid). In a workshop on the new Civilian Constitution, the women branches of AKP also recommended ease of restrictions for recruitment to particular professions except teaching, magistracy and law enforcement officials (see in Başaran, 2012).

In the past decade, the issue of headscarf noticeably divided the women organizations. AKDER and others, which in particular lobby for the liberalization of the headscarf use, were at odds with and detached from the mainstream women's lobby. The past isolation of AKDER currently seem to become alleviated as the mainstream women organizations and coalitions have begun to uphold more liberal positions on the ease of the headscarf ban. For instance, the chair of KADER Çiğdem Aydın criticizes the discrimination towards veiled women as they are excluded from participation in politics (see in Appendix 1). Nuray Özbay form KAGİDER makes a distinction between public and private sectors as well as between those who provide public services and those getting these services. She states that their organization's position is unequivocal on this issue; that KAGİDER approves the right to higher education of the veiled students; yet that those who provide public services shall not carry religious symbols; and also that KAGİDER does not also observe a religion-based discrimination in the private sector (see in Appendix 3). As observed from the statements of İpek İlkkaracan-Ajas, WWHR's concerted position on this issue is completely the same with that of KAGİDER (see in Appendix 3). The bulk of the Constitution Women Platform also suggests that the issue of attrie shall not be regulated in the Constitution; the Platform demands freedom to headscarf in higher education and criticizes politization of the issue.[21] This discursive shift among the women organizations demonstrates increasing support for the lobbying on the liberalization of the headscarf use not only in

[21] Tarık Işık (2007), "Kazanımlardan ödün verilmesin [Gains shall not be compromised]," *Radikal*, December, 10. Available at: http://www.radikal.com.tr/haber.php?haberno=241245.

higher education, but also in politics and work life. However, lack of consensus persists concerning the freedom to headscarf use by those who provide public services.

The question remains as to how this complex issue is going to be framed within the awaiting civilian Constitution. It should be once again emphasized that the liberalization of the headscarf use has been extraneous to the EU's human rights discourse as the EU Member States appraise the issue from alternative standpoints. Besides, the ECHR judgement in the case of *Leyla Şahin V. Turkey* had further solidified the EU's indifference on the issue. Furthermore, in the face of strong anti-headscarf lobby at the domestic level and additionally given the sustained pressures of the Turkish General Staff for the ban's continuation; the government had so far refrained from taking big steps and instead attached priority to societal compromise. Overall, the issue of the headscarf ban demonstrates that lobbyists may become unable to exert influence over issues about which there is a strong counter lobby. Still, the anti-headscarf lobby, which was once solid and strong enough to prevent compromise and challenge the success of the pro-headscarf lobby, has begun to ravel out with moderation of some of its constituents including both civil societal and political level actors. If continues, this transformation is expected to increase the likelihood of the pro-headscarf lobby to realize its demands of legally protected access to education and participation in work life and politics.

2.8. General Evaluation of the Lobbying on Gender Mainstreaming

The emprical analysis in this chapter is set out to investigate the conditions shaping success patterns of lobbying on gender mainstreaming in Turkey. A number of different dynamics were elaborated including the EU's adaptational pressures, the constellations of lobbying coalitions, and contacts and policy/preference congruence with allies from the political level. The analysis demonstrates that the effects of these factors are not constant and that their effect is indeed moderated by issue conflict. Especially, the secular versus religious conservative controversy and its linkage to policy proposals of the lobbying on gender mainstreaming decisively impacts the degree to which the lobbyists realize their objectives.

As for the EU impact, there are multiple mechanisms through which the EU has been instrumental in aiding the lobbying on gender equality. First, to achieve membership in the EU, there are EU set standarts which need to be fulfilled by the EU negotiating countries. This puts substantial pressure on the Turkish government to comply with the EU's binding directives on gender mainstreaming. The downloading of the EU requirements enabled considerable progress on gender equality (Müftüler-Bac & Fisher Onar, 2011; Müftüler-Bac, 2012); however, the EU's sanctioning power in the form of directives had been rather limited to the area of eliminating gender discriminations in the labor market. Besides, as demonstrated in the case of the Social Security Reform, the EU prescribed policy transformations do not always concur with policy objectives of the domestic level lobbying on gender mainstreaming. The formal understanding of equality in putting up a new social security framework had been counterproductive given women's subordinate status in the Turkish labor market combined with the AKP government's proclivity to conservative policies further solidifying women's confinement to domicle. Despite certain improvements in the adoption of some legal supportive measures; implementation wise problems are also common given the patriarchal codes of conduct, belief in male superiority, and consequent acceptance of male domination and oppression which are sustained by the traditionally constructed gender roles within the Turkish culture.

In addition to the binding directives, the EU institutions also came up with recommendations pertaining to other issue areas such as positive discrimination and violence prevention. Yet, the EU level decisions pertaining to these issues remain rather advisory. The European Commission currently increased its calls on the Turkish government for the implementation of these measures arguing that "the constitutional amendment providing for positive discrimination in favor of women has yet to produce results" (European Commission, 2011: 33). To push for the necessary adjustments, it also utilizes the ECHR judgements. The Commission underlined in its final report that "as regards domestic violence, the ECHR judgment in the *Opuz v. Turkey* case has yet to be implemented" (European Commission, 2012: 27).

A second route of the EU impact over the process of gender mainstreaming in Turkey is observed at the stage of agenda setting. Throughout the negotiation process, the EU demands reform of the major laws such as the Constitution, the Civil Code, and the Penal Code, and it also expects design of these major documents to offer more

democracy and respect for human rights. However, it normally does not get involved in the details of the content formulation processes. As the EU negotiation process carried these major laws to the agenda of the government, the lobbyists succeed in placing front proposals for rearrangement of gender issues in these laws. The requirements of the negotiation process provided an opportunity context to women organizations; especially concerning their lobbying on the Civil and the Penal Code amendments. However, the governments in power had been responsive to these proposals for reform; to the extent that they do not contradict the governing cadres' ideology induced policy preferences. Whereas during the Civil Code amendment, the coalition government had repudiated the proposals from religiously conservative circles within the Parliament; during the Penal Code amendment, the AKP government turned down the proposals of women organizations touching sensitive issues such as abortion, juvenile sexual intercourse, sexual orientation, virginity tests and honor killings. These two cases clearly exhibit the leverage of secular versus religious conservative controversy in determining success of actors lobbying on gender meainstreaming in Turkey and how this issue conflict dampens the effect of other factors. The European Commission, relying on feedbacks from women organizations, also draws attention to the impact of this issue conflict conveying that "independent women's NGOs have reported that public institutions discriminate in favor of NGOs promoting conservative values" (European Commission, 2011: 33).

Third, it is possible to talk about another and a rather indirect route of EU influence which stipulated a change in structures of dialogue between the State and women organizations. The EU heavily pressured the authorities in Turkey for the formation of domestic level mechanisms of consultation to promote gender equality. The early institutionalization process dates back to 1990 with the formation of a Directorate General for the Status and Problems of Women. The legal status of this institution was ambiguous until November 2004. Since then, the Directorate has been allocated with better functional means to perform the duty of eliminating discrimination against women. One such means was the establishment of an Advisory Board on the Status of Women which gives advice about the functioning of the Directorate and which engages civil society advocates, academicians and representatives from all the Turkish ministries for the planning and implementation of the State policies on the status of women. Another source of institutional empowerment is the EU's allocation of

considerable funds to the Directorate. For instance, the EU provided 1.720.000 euros as part of its Gender Equality Development Project for the period 2007-2008 (see Directorate General for the Status and Problems of Women, 2007: 43).

Another very critical institutional development was the establishment of 'the State Ministry responsible for Women and Family' in 2003. It was annulled in the aftermath of 2011 elections and replaced by the 'Ministry of Family and Social Policies' under the 61st government. Since then, the women organizations intensively lobby for a change in the name of the ministry back to its old version. For instance, the European Women's Lobby Coordination in Turkey argue that the current name is a backward step for women rights since it represents the mindset that associate women with family rather than as individuals (European Women's Lobby, 2011). The Equality Mechanisms Platform also heavily criticized the new name of the Ministry, associated it with the government's approach that women do not exist outside the family, and heavily protested against this arrangement.[22] Besides the problem of the name of the Ministry, the nature of the Ministry's dialogue with women organizations is of utmost importance. The European Commission reports to observe a more enhanced dialogue, since the appointment of the new Minister of Family and Social Policies (2011: 31). However, this dialogue, in the absence of institutional guarantees of access, would only temporarily solve the women organizations' problem of being heard by the decision makers.

Again, instigated by the EU reform process, the most recent institutional renovation was the creation of the Women-Men Equal Opportunities Commission in March, 2009. As Selma Acuner from KADER states:

> The Commission is a great step forward, in opening up democratic spaces in Turkey and also for mainstreaming a gender equality perspective in policy formulations… Establishment of an entity at the Turkish Grand National Assembly, the highest level of decision making mechanism in Turkey, is a proof of embracing an institutional approach for the equality concept or the struggle against inequality (see in: United Nations Development Programme, 2009).

[22] *Bianet* (2011), "Kadınlar eşitlik mekanizmaları için mücadelede kararlı [Women are steadfast on their struggle for equality mechanisms]," June, 10. Available at: http://bianet.org/bianet/kadin/130644-kadinlar-esitlik-mekanizmalari-icin-mucadelede-kararli.

The EU also demands formation of a specific committee on women's rights and gender equality in every Member State. In a 2007 resolution, the European Parliament underlined that it "strongly regrets that a standing committee on women's rights and gender equality has still not been established within the Turkish Parliament and emphasized "that the committee should be established as soon as possible" (European Parliament, 2007). In response to that resolution, the Directorate General for the Status of Women announced that within the framework of its Gender Mainstreaming National Action Plan 2008-2013, the works commenced on a draft plan for the establishment of such a committee (see the Directorate's Action Plan, 2008). By and large, the women organizations' access to decision making had been eased with sophisticated institutionalization of their dialogue with the decision makers. Moreover, via employment of some twinning projects, the EU's pressures over gender reforms had been highly influencial. Pressuring the institutional structures such as the Directorate General for the Status of Women, the EU puts a timetable for reforms and the Directorate comes up with action plans to be completed in line with these timetables. Such mechanisms of regimented interaction with the domestic level of the negotiationg country clearly speeds up the harmonization processes.

The empirical analysis observes multiple ways in which the European level pressures and incentives impact the domestic level bargaining on gender mainstreaming in Turkey. On the one hand, the EU pressures for and supports the introduction of an institutional framework for a standing dialogue between the State and women organizations and ultimately augments the women organizations' prospects for increased access to decision making level. On the other hand, it conditions the continuation of accession talks to accomplishment of particular legal reforms and its negotiation framework creates window opportunities bringing certain issues to the agenda of the government. However, when the content of these reforms are analyzed in detail, in certain instances, the EU impact is observed to be inconsistent as the AKP government managed to promulgate certain conservative standards without contravening the EU's entry requirements.

As long as certain religious conservative values are not removed from the center stage of the ruling party, the women organizations located on the opposite side of the policy space have little chance of fully realizing their gender mainstreaming related objectives.

Although some women organizations had been highly successful with respect to networking among themselves, seem to gain the support from -or at least not confronted by- other groups and networks that operate within the realm of civil society and found allies at the political level which push for the same objectives; their relations with the government authorities had been contentious, fragile and one of distrust. The empirical analysis in this chapter exhibits some degree of relationship between the lobbying coalitions and the lobbying success. Concerning the receptiveness of political authorities, the women organizations owe much to their ability to form issue based coalitions with broad based participation so as to succeed in their efforts to put pressures over policy making processes. In certain instances, the women organizations' intensive lobbying, resource commitment and the strategy of providing holistic reform proposal packages also contributed to the lobbying success. However, when the final contents of the past amendments and their implementation processes are analyzed, it is observed that whether lobbyists do or do not achieve their objectives is determined much more by issue conflict especially driven by secular versus religious conservative controversy. The reform proposal packages of the lobbying on gender mainstreaming were approved in so far as they do not involve provisions that go beyond the policy contours of the ruling party.

In conclusion, the lobbyists both made gains and losses concerning the legislative processes on gender mainstreaming in Turkey. The results of the process tracing of a pleathora of gender issues reiterate the necessity to differentiate between the lobbying success of these actors with respect to policy formulation and their lobbying success pertaining to policy implementation. The bulk of the past legislative amendments have met the demands raised by the lobbying for gender rights; yet these legal reforms did not always automatically eventuate in smooth policy implementation. Therefore, the policy outcomes with respect to revision of major gender related laws shall not misguide one to overemphasize the success of this lobby. Also under this issue category, the EU's effective transposition pressures had been mostly limited to the processes of legal adjustments, albeit that the EU additionally expects smooth implementation of these legal reforms. Besides, a number of controversies with respect to reform of the legal content also seem to remain unresolved and carried into 2010s. Especially, the secular versus religious conservative conflict has fueled these controversies and emerges as the most critical factor in procrastinating compromise.

CHAPTER 3

THE ISSUES OF ALEVI RIGHTS AND ALTERNATIVE LOBBYING POSITIONS

For cooperation with countries in the process of EU accession, the fair treatment of minorities is within the EU's top list political criteria. In an effort to comply with this EU criterion and to reconcile the religious and cultural identity based grievances, the Turkish authorities carried out a number of legal reforms. Until 2007, these efforts did not involve any policies to address the demands of the Alevi community and the political parties had lacked in their party programs any concrete policies to address the Alevi expectations. In due course, there had been a gradual change in this old policy of denial and ignorance following the initial AKP attempts to engage with the representatives of the Alevi groups. In the summer of 2007, the AKP government sought to enhance communication with the Alevi community and initiated a new policy popularly referred to as *Alevi Açılımı* [Alevi Opening]. This initiative of the government had been highly debated in the major media -additionally creating public awareness. Ultimately, some other previously indifferent political parties had also joined the trend and announced their transformed Alevi policies. For instance, CHP did not integrate the Alevi demands within its party program until the revisions in December 2008. The leader of MHP also detailed the party's new Alevi policy in June 2009 which signifies the party's moderation concerning a number of Alevi issues. During the same period, the government designed a series of workshops as forums for dialogue with the representatives of the Alevi community. All of these developments were signalling increasing propensity to alter the treatment of the Alevi question.

The workshop process, which took place between June 2009 and January 2010, was the first time that the Alevi organizations were conferred about the reform content. It provided a platform for deliberation to more than 300 different stakeholders. The representatives of diverse interests within the Alevi community, academicians, and representatives from *Diyanet*, human rights organizations, journalists, and politicians were all invited to the workshops. Whereas the Alevi organizations were all present in the first of these workshop series, the second was dominated by academicians, the third by the representatives of the *Diyanet* and theologians, the fourth by representatives of the civil society organizations including trade unions, human rights organizations and some other NGOs, the fifth by the members of the media, and the sixth by politicians who had been active on Alevi issues. On January 28-30, 2010, the process was concluded in a final meeting which was designed as a platform for collective bargaining In an attempt to alleviate some remaining concerns surfaced during this initial process, the workshops were followed by a series of large-scale meetings with the Alevi spritual leaders and NGO representatives at the end of which the State Ministry came up with a report about the needs of the Alevi community (for a more detailed discussion on this workshop process see: State Ministry of the Turkish Republic: 2010).

Alevi organizations' exclusion from some of these workshop series and the way in which the overall process was conducted rendered these organizations highly critical. Several criticisms were waged against the policy suggestions in the workshop report that were argued to materialize through consensus; yet in fact, according to some representatives of the Alevi community, provide for the assimilation of Alevis. Nevertheless, the workshop process provided the Alevi organizations with the chance to express their alternative demands, communicate these demands to the general public, and directly bargain among themselves, with the State and also with other stakeholders. The analysis in this chapter elaborates on major Alevi issues and on the alternative policy positions and lobbying of different Alevi groups that organize as associations and foundations at the level of civil society. The analysis is primarily built on the experience of:

- *Alevi Bektaşi Federasyonu* [Alevi Bektashi Federation, ABF] which represents the Central Office of *Alevi Kültür Dernekleri* [Alevi Culture Associations] and its 102 branch offices, *Pir Sultan Abdal Kültür Derneği* [Pir Sultan Abdal Culture Association, PSAKD] and its 61 branches and 29 other Alevi organizations.

- *Alevi Vakıfları Federasyonu* [Alevi Foundations Federation, AVF], which was established in 2005 and composed of 11 foundations including prominent ones such as *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı- CEM Vakfı* [Republican Education and Culture Center Foundation, CEM Foundation]
- *Alevi Dernekleri Federasyonu* [Alevi Associations Federation, ADF], which was established in 2008, involves 16 organizations including prominent dervish lodges of Alevis such as *Şahkulu Sultan Vakfı Dergahı* and *Karacaahmet Sultan Derneği,* as well as, organizations such as *Erikli Baba.*
- *Dünya Ehl-i Beyt Vakfı* [World Ahlul Bayt Foundation] which was formed through an Ahlul-Bayt Meeting by 126 Alevi-Bektashi organizations. Currently, there are 256 member organizations in Turkey and around the world.

Representatives from these leading Alevi umbrella organizations all participated in the workshop process (for the complete list see: State Ministry of the Turkish Republic: 2010). The chapter concentrates on the lobbying of these major umbrella organizations given their representative capacity and diverse policy proposals concerning the resolution of some Alevi issues. These before all else include questions concerning the Alevi identity, the relevance of minority status, the compulsory Sunni religious instruction in schools, the status of the Alevi places of worship, the status and services of *Diyanet*, and finally the practice of designating religion in the identity cards.

Unlike the lobbying on gender mainstreaming, the Alevi organizations were less successful in terms of presenting a united front with respect to the details of their lobbying positions. This problem is perhaps a product of the fact that this group of lobbyists had lacked proper contact prior to the workshop process. In effect, the Alevi-based institutionalization process has started more than two decades ago and before the workshop process alternative federation structures have already surfaced (see interview with Doğan Bermek in Appendix 3). Yet, these groups were in disagreement with respect to proper representation and the workshop process had exacerbated this fragmented nature of the Alevi lobby. For setbacks in reforms to address the problems of the community, part of the blame was placed upon the Alevi organizations which had trouble in terms of finding the middle ground on some issues of interest. In essence, despite their differences in nuance, this group of lobbyists issued common complaints. Still, during the workshops they were unable to effectively emphasize this commonality and they were additionally countered by some other stakeholders including those

representing the interests of the Sunni majority. Moreover, coupled with the strong Sunni reflex[23] within the Turkish society; the governing party's proclivity to this reflex represents another possible impediment to peaceful settlement of the Alevi issues and together characterizes a decisive factor in setting the scenery of Alevis' negotiations with the government.

Within the political arena, the Sunni-Alevi demarcation soon crystallized as one of the major pillars of power struggle between the representatives of secular versus religious conservative controversy. With the initiative of the so-called opening to the Alevi community, the AKP government tried to prove that there is a possibility for change in its version of conservatism. Through this initiative, AKP was signaling that the party is ready to recognize the diversity within Islam. In response, the secular opposition has concentrated on the limits of this opening in terms of addressing the Alevi grievances criticizing that this process is lacking concrete legal steps. Notwithstanding its limits, there were also allegations that the government's initiative's underlying motive is to assimilate Alevis into the Sunni mainstream and that the prospects of the Opening were predetermined by the interests of the Sunni majority. Thus, the clash between the Sunni versus Alevi interests had begun to feed and further sharpen the existing secular vesus religious conservative rivalry in the Parliament as the poles of this rivalry had sought to appeal to these competing faith-based interests.

This chapter proceeds in order of major Alevi issues. It capitalizes on the related debates in the Turkish Parliament and presents alternative demands raised by the major Alevi umbrella organizations. It also discusses the EU factor in the settlement of these issues and evaluates the process through which these various perspectives were translated into policy outcomes.

3.1. The Issue of Recognition

Alevis represent the largest sub-national identity group in Turkey which, according to some estimates, constitutes around 10 and 20 percent of the population (Çarkoğlu, 2005). Along with other ethnic and linguistic sub-national groups, Alevis

[23] With the phrase of 'Sunni reflex', the dissertation refers to the counter advocacy of the representatives from the Sunni community and the Sunni policy positions against the Alevis' faith based interests.

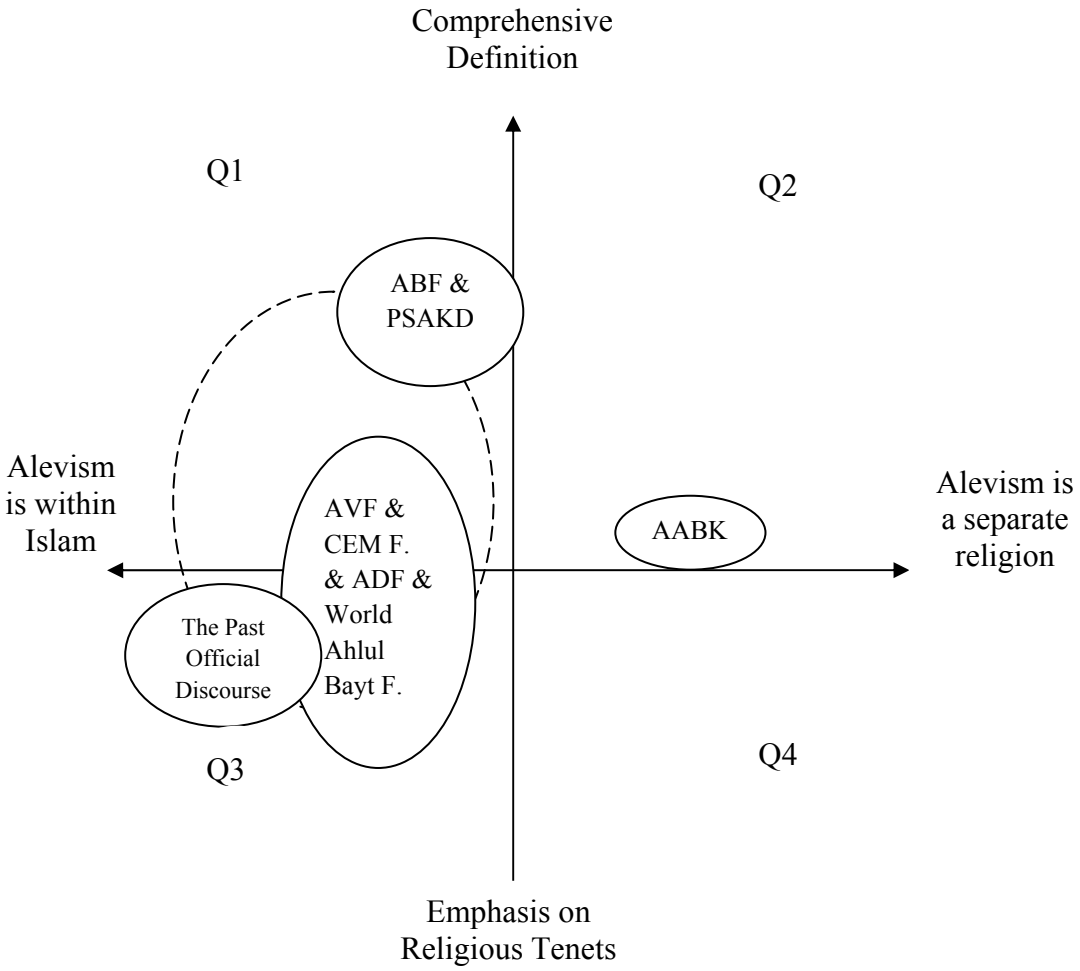
have been excluded from the official minority discourse that remains unchanged since the Treaty of Lausanne of 1923 which restrictively uses the term minority to refer to non-Muslim populations of the country -only Greeks, Armenians and Jews. Apart from the persistence of this official minority discourse, there have been major transformations in rhetoric and practice signifying gradual endorsement of Alevism's distinctiveness. In effect, the issue of recognition is far more complicated as there are a number of alternative understandings as to what differentiate the Alevis from the mainstream Turkish community. Alevism rather operates as an umbrella term for various sectarian groups and is composed of many axis of differentiation. Any constant definition to encapsulate Alevism with a single identity would be misleading as Alevis themselves are still in the process of contesting and constructing the elements of their distinctiveness. It should be underlined that the politics of recognition is beyond the single consideration about recognition of Alevism as a separate homogenous totality. The question is what makes Alevism distinct, as arguably there are different Alevism perceptions and an intra-group rivalry as to which particular clique stands for Alevism.

The differing perceptions of the Alevi identity had impeded a more collaborative approach among the Alevi organizations (Dressler, 2008). It is critical to examine in detail these existent alternative Alevism perceptions, so as to avert the fallacy of associating the Alevi demands with a single Alevi discourse. Among many axes leading to development of alternative self-understandings, definition of Alevism in relation to Islam had been depicted as the most problematic issue to divide the Alevi community. Throughout September 3-19, 2009, *Stratejik Düşünce Enstitüsü* [the Institute of Strategic Thinking] had conducted a survey in 26 provinces of Turkey based on face to face interviews with 2217 respondents, 614 of which were Alevi citizens. According to the results of this survey, 48.6% of the Alevi respondents reported that they consider Alevism as a sect, 19.1% as a culture, and 12.3% as a religion (Institute of Strategic Thinking, 2009: 18). Besides, 57.1% of the non-Alevi respondents also preferred to define Alevism as a sect within Islam (Ibid). These survey results demonstrate that the predominant opinion within the Turkish society rather reflects on Alevism as within Islam. Still, one cannot ignore the fact that both within the Alevi and non-Alevi respondents there are those who give prominence to some other definitional elements.

This elusiveness at the public opinion level is similarly observed among the major Alevi organizations (see Figure 3.1). For instance, the chair of AVF Doğan Bermek, the

chair of CEM Foundation İzzettin Doğan, the chair of World Ahlul Bayt Foundation Fermani Altun, and the chair of ADF Hüsniye Takmaz all underline that they consider Alevism within Islam and assert also that the Alevi base do not question Alevism's connection to Islam despite their differences in nuance (see in Appendix 3; see also Torun, 2009). They also point to different definitions of Alevism either as a sect, as a philosophy or as a humanist interpretation under the Islamic religion (see: Appendix 3; and Torun, 2009).

Figure 3.1. Positions of some Alevi umbrella organizations on issues related to definition of Alevism[24]



*The dashed circle portrays the definition provided in the Alevi workshop report.

[24] The depictions of the policy advocates' locations over the two-dimensional policy space reflect my personal estimations on the basis of my own evaluations about the statements of these organizations' representatives. It should be emphasized that these depictions of the alternative policy positions are not based on any standardized indices and were not therefore measured on the basis of a clearly set criteria. Concerning all the figures of this chapter, the readers should rather pay attention to whether these policy advocates fall within a particular quadrant instead of these advocates' handbuilt spacial positions.

There is yet another group which stresses the need for a more comprehensive definition and aim to free Alevism from its confinement to religious tenets. For instance, ABF and PSAKD counter the contemplation of Alevism solely in terms of its relation to Islam. Ali Yıldırım –a prominent community commentator from PSAKD- provides a detailed definition of Alevism as a philosophy, a life style, a culture and even a societal phenomenon which is rational and against dogmatism, democratic, secular and humanist (see in Appendix 1). This viewpoint both distances Alevism from its religious connotations and seeks to demonstrate its compatibility with the ground rules of modernity. Standing aloof from such an exhaustive definition, ABF also avoids defining Alevism as a religion or as a sect and defines it simply as a teaching to guide its followers.[25]

There are also certain groups within the movement which go further to the extreme such as *Avrupa Alevi Birlikleri Federasyonu* [European Federation of Alevi Communities, AABK] that operate at the European level, lobby the structures such as the European Commission, and strive for the recognition of Alevism as a religion separate from Islam and additionally lobby for minority status. The representatives of the major umbrella organizations such as AVF and ADF assert that such radical accounts found little if any support from the Alevi community in Turkey (see in Appendix 1). Nevertheless, seemingly these counter discourses of some radical approaches on Alevism's relation to Islam inadvertently beget the third parties confused about the Alevi identity.

On the pretext that Alevis are incapable to specify the borders of Alevism, the State which was long ignorant of the distinctiveness of the Alevi identity became aspirant to put an end to these contentions. In the aftermath of Alevi Workshops, it opted for a rather narrow definition in the school textbooks, which would by no means please some of the Alevi organizations.

The school curriculum was revised to incorporate Alevism in its relation to Islam. Alevis are defined as followers and lovers of Hz. Ali, who are on top of it Muslims,

[25] ABF (2013), "Kitapta Alevilik tanımı yanlış [Wrong definition of Alevism in the book]," see in the Website of ABF, accessed February 16, 2013. Available at: http://www.alevifederasyonu.org.tr/index.php?option=com_content&view=article&id=763%3Akitapta-alevilik-tanm-yanl&catid=1%3Ason-haberler&Itemid=2.

whose holy writ is Koran, thus that Alevis believe in the unity of God accepting Hz. Mohammed as the last prophet. In this respect, the State did not take heed of all the Alevi demands for self-definition and defined Alevism on behalf of Alevis without reference to some of the above stated definitions proposed by the representatives of the Alevi organizations. Commenting on the definition of Alevism in the school textbooks, Minister of Education Hüseyin Çelik argues that:

> They said: 'Why we did not write it?' Especially, some specific associations said: 'Why we did not write it?' And we said: While we write about Orthodoxy we did not have Greek Patriarch Bartholomew write it, or while writing on Shafii find a Shafii write it, and find a Hanafi for Hanafism. We have utilized the university teachers, who are specialists on the issue in Turkey, the reservoir of the Directorate of Religious Affairs, and the specialists of the Ministry of National Education (see in Appendix 2).

This policy of denial has led to relegation of Alevism to affinity with a religious belief system under Islam whose analogies with the Islamic faith are emphasized instead of some differentiating aspects as highlighted by some of the Alevi organizations. In a similar vein and without referring to Alevism as a sect within Islam, Turkey's previous Minister of Religious Affairs Ali Bardakoğlu argues:

> Discussing whether Alevis are Muslim or not is an insult against Islam. All Alevis are Muslim. Nobody should be deceived by the West and claim that Alevism is outside the fold of Islam.[26]

The ambiguities about the status of Alevis and the associated problems also became subject to harsh criticisms in the Turkish Parliament:

> In the workshops, the decision to regard Alevism as a sect was issued. Thereupon, is the Directorate of Religious Affairs, which does not see Alevism as a sect, suddenly going to see Alevism as a sect? (See Şevket Köse in Appendix 2);
>
> On November 21, 2004 our Director of Religious Affairs gave a speech to the media stating that 'Alevis are not minority, they are sub-belief group; we cannot bring services to every group; in that case what happens if *Aczmendi*'s make demands'. My dear friends, religious interpretations are inconsequential for the essence, sprit and aim of our religion. In any case, this situation is understandable from their activities and this perverted interpretation is rejected by our society. However, Alevi and Sunni interpretations are

[26] See in: Emre Demir and Ahmet Ozay (2006), "For Minority Status, Alevis Bypass Turkey, Appeal to European Court," *Zaman*, November, 18. Available at: http://wwrn.org/articles/23423/?&place=turkey&section=islam.

> accepted by the majority of our society. If Alevism is a sub-belief group of Islam, so does Sunnism (see Ali Rıza Gülçiçek in Appendix 2).

Others draw attention to lack of legal guarantees to protect Alevis' right to belief if Alevis are defined solely as a belief under Islam. For instance, the Penal Code only refers to religion and sect, and excludes 'religious belief' from its definition of punishments. Referring to Article 216 of the Code, Muharrem Kılıç from CHP highlights that:

> Pressures, defamations and insults against the Alevi belief are not within the scope of punishments. What is protected under the Penal Code is only religion and sect… in that case, the court is going to ask to the Directorate of Religious Affairs about whether Alevism is a sect or a religion or not; and as the Directorate is going to report that Alevism is not a separate religion as well that it does not fall under the conventional four sects, the court case is going to abate (see in Appendix 2).

For continuation of these legal ambiguities, the Alevi organizations were kept responsible given their failure to provide a joint position on the distinctiveness of their community. The final report on the Alevi workshops articulates lack of coherence within the Alevi movement as follows:

> The factionalism that feed on ideological tensions among themselves, the problems that feed on organizational interests and spheres of competition reflect certain weaknesses and contradictions of the Alevi politization. (State Ministry of the Turkish Republic, 2010: 26)

Moreover, the dissidence about how to position Alevism -either as a sect or merely as a culture within Islam or as a religion or a life style separate from Islam- has led to contradictory views about the necessary formulas to address several other Alevi grievances. For instance, those who consider Alevism as a sect within Islam are naturally expected to demand representation within *Diyanet* instead of claiming total abrogation of the institution; to demand inclusion of Alevism in the school curricula instead of claiming termination of compulsory nature of the religious instruction in schools; and demand salary to Alevi spritual leaders instead of claiming 'that the State shall not have religious officials and put them on salary' (see Balkız, 2002). The differences of nuance among the Alevi groups with respect to constructs of their identity had narrowed these groups ability to emphasize their shared aims about the reforms to address every other Alevi grievance.

The issue of how to position Alevism vis-à-vis Islam is not the one and only problem to complicate Alevis' recognition. Alevi organizations also remain cautious of accepting the term 'minority' which is popularly associated with separatism and they refrain from making claims for access to this status as a tool in their struggle for recognition. All the Alevi organizations in Turkey take a dim view of the minority status offered by some circles as a formula to solve the problems of the community. These organizations, although not necessarily demanding minority status, look ahead to official recognition of their distinct identity and correction of the past policies of segregation. Doğan Bermek from AVF argues that the minority status is inconsequential as Turkey does not respect the officially granted minority status of the existing legal minorities (see in Appendix 3). The ABF also sent suggestion to the European Parliament for the removal of the phrase 'non-Sunni Muslim minority' from the European Parliament's Foreign Commission Report. According to the former chair of ABF:

> There is a distinct status and distinct legal system called minority. We are not in favor of such a system. 90% of us think that way… Minority carries a negative connotation in our society… (*With reference to Alevi community*) there is no large group or organization that accept being minority (see Atilla Erden in Appendix 1).

In a similar vein, the former chair of the PSAKD reports that:

> We even criticized the EU which portrays the Alevis as a minority. Alevis are the constitutive elements and founders of the Republic (see Kazım Genç in Appendix 1).

The Alevi public opinion is also largely against proposals for identification with a minority status. As demonstrated in a 2009 poll, only 26.6% of the Alevi respondents have reported to consider themselves as a minority within the Turkish society (Institute of Strategic Thinking, 2009: 25).

In line with these criticisms, the European Commission has gradually changed its terminology about the Alevis who were previously defined as 'the non-Sunni Muslim minority' of Turkey. In its 2006 report, the Commission eliminating the term 'minority', referred to Alevis as the 'Muslim Alevi community', and 2007 onwards the term 'Muslim' was also eliminated from the following reports which from then on referred to Alevis simply by the name of their community. This evolution can be regarded as an

achievement on the part of the Alevi organizations which defy the term minority and also which object to Alevism's outright association with Islam.

At the domestic level the Alevi organizations' inability to carve out a precise Alevi identity has led the government to justify the portraiture of Alevism in the school textbooks in line with its own preferences. Complementing this government policy, the final report on the Alevi workshops criticizes those Alevi groups which object to Alevism's association with Islam:

> Despite the attempts today to engulf it in inexricable elusiveness with definitions that rule out one another on several counts; Alevism is a belief, an interpretation and a lifestyle which took shape within the Islamic tradition. (State Ministry of the Turkish Republic, 2010: 41-42)

In the report, this elusiveness emerges as a factor legitimizing the State preference to intervene and arrange the Alevis' sphere of belief. Nevertheless, the above definition provided in the workshop report is much more comprehensive than the past official rhetoric. The Figure 3.1 depicts the definition provided by the State Ministry with a large dashed circle which points to the area that fall in between different Alevi umbrella organizations' alternative standpoints irrespective of the outlier AABK.

Notwithstanding its professed moderation, one cannot deny the fact that AKP is a conservative party with Sunni Islam proclivity. In this respect, Alevi organizations suspect the current AKP government's ability to recognize and propagate religious diversity which runs counter to its alleged policy of propagating Sunni Islam in public and private domains. In this respect, some Alevi groups also regard AKP's Alevi Opening Initiative as disingenuous. Commenting on the initiative, Ali Yıldırım alleges AKP to play tricks on Alevis in an attempt to assimilate them into its own style of Islam (see in Appendix 1). The government is also alleged to execute this assimilation policy through creating its allies from among the Alevi organizations as well as accused of exacerbating the intra-communal splits:

> It is apparent that the AKP government is going to engage in window dressing politics under the name of opening with intermediation of CEM Foundation which is considered as having an understanding of Alevism close to AKP yet which is not embraced by the Alevi community (see Fevzi Gümüş from PSAKD in Appendix 1).

In response to a public statement by MHP leader Devlet Bahçeli about their preference for negotiation with only groups which consider Alevism within Islam, the former chair of ABF declared that:

> We do not contest whether Alevism is within or outside Islam. We deliberate on the problems of Alevism… We do not by any means approve the attempts to define and split us from the middle (see Ali Balkız in Appendix 1).

It is fair to deduce from these debates that the competing positions on the definition of Alevism simply obstruct further dialogue with some power centers within the political sphere including the AKP government and MHP. The Alevi groups, who although not necessarily contest that Alevism is within Islam but reject Alevism's outright association within Islam, were relegated to apparent inferiority in terms of relations with these power centers. Thus, for integration into the political process, they either have turned to advocacy of the parties in the opposition, particularly of CHP and BDP, or they continue to engage rather in outside lobbying commonly in the form of public protests.

3.2. The Right to Religious Education

The Turkish State provides religious education both in public and private schools starting from the 4th grade in primary education until the university level. The content of this education with its emphasis on the Sunni faith have implications for right to religious conviction of non-Sunni believers like Alevis, since this State-controlled education is compulsory for every pupil other than those of officially recognized religious minorities. According to the Article 24 of the Turkish Constitution, "Education and instruction in religion and ethics shall be conducted under the State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools." Additionally, the Article 12 of the Basic Law on National Education states that "Secularism is the basis of the Turkish State education. Religious culture and ethics shall be among the compulsory subjects taught in primary and upper secondary schools and in schools of an equivalent level."

Entrenched into these major laws, the State has considerable discretionary power over the religious education in Turkey. The idea behind this practice was to protect secularism –a fundamental principle of the Republic- which was articulated in the Turkish case not as separation of the State and religion but as preponderance of the former over the latter. This basically leads to the dilemma that the State's system of religious education will serve protection of secularism as long as the State is represented by secular forces. Otherwise, it may be alternatively employed as an instrument serving the interests of a particular religious conservative ideology to expand its opportunity space. In this respect, the religiously conservative AKP government is expected to reiterate these constitutional principles as regards mandatory religious education without any need to plead an ideological discourse as to why this education shall continue.

Although its title seems comprehensive, the Religious Culture and Knowledge of Ethics classes were used to provide information about the Sunni faith of Islam with little discussion on other religions and without any reference to the Alevi faith. Since the Alevi community lacks minority status, the children of the Alevi families have to attend these classes.

Broadly speaking, there are three possible formulas offered to end this unfair treatment of Alevis by reason of the compulsory religious education in Turkey. These basically comprise:

- Exemption from these classes,
- Constitutional arrangements to end the compulsory nature of these classes,
- Revisions to the contents of these classes for the State not to pioneer religious education that concentrate on the needs of a particular belief group, thus revisions to incorporate the Alevi faith.

Hitherto, the domestic level Administrative Courts have declined the lawsuits for exemptions from the State provided religious instruction. In response, an Alevi family decided to carry their case to the ECHR. In its defense in the ECHR, the government claimed that religious culture and ethics classes provides information on various religions; that it is legitimate to grant "more time to the study of Islam than to other religions and philosophies of life"; that the syllabus "did not take into consideration the

vision of members of *mezhep* [a branch of Islam] or *tarikat* [a religious order] represented in the country"; that this education is "necessary to protect children from myths and erroneous information, which gave rise to fanaticism"; as well that its content complies with secularism (ECHR, 2007). These justifications of the government were challenged by the ECHR which in this case of *Hasan and Eylem Zengin v. Turkey* found deficiencies in the content of the religious instruction in Turkey. The ECHR ruled that "the exemption procedure is not an appropriate method and does not provide sufficient protection" since it requires citizens to lay open their belief which as well constitutes a human rights violation (ECHR, 2007). In due course, applications for exemptions from these religion courses were started to be approved both by the Council of State and also at the local level by the administrative courts in Antalya, Ankara, and Istanbul (European Commission, 2009: 21). The resolutions of these domestic courts did not provide a solution to eliminate the above stated ECHR reservations about the content of these courses. The ECHR alternatively emphasized the "inadequacy of the Turkish educational system, which, with regard to religious instruction, does not meet the requirements of objectivity and pluralism and provides no appropriate method for ensuring respect for parents' convictions" (ECHR, 2007). The high Court based this argument on the fact that religious education, if objective, need not be compulsory only in the case of Muslim students and need not exempt the students belonging to officially recognized minority religious groups (Ibid).

At the domestic level, the Alevi organizations also came up with different proposals concerning the issue of how to put an end to injustices that arise from mandatory religious education in Turkey. CEM Foundation offers revisions to the content of these classes so that these classes would respond to the needs of every belief including Alevism in an objective and critical manner.[27] To this end, as early as 2004 CEM Foundation was involved in a study group under the guidance of the Turkish Economic and Social Studies Foundation (TESEV) and this study group has sought to provide suggestions about changing the content of the Religious Culture and Knowledge of Ethics classes. CEM Foundation supports this proposal as an option, whereas in fact it adopts a critical position on the compulsory nature of these classes.

[27] Cem Foundation (2013), "CEM Vakfı'nın devletten istedikleri [CEM Foundation's demands from the State] in the official Website of CEM Foundation, accessed February 16, 2013. Available at http://www.cemvakfi.org.tr/about/.

The Alevi organizations especially express their opinion about the constitutional protection of these classes:

> There cannot be a constitutional obligation for one course. This is not rational. I am not stating this for I am an Alevi, but also as a human as a citizen (see Doğan Bermek in Appendix 3);

> You put several unrelated things into the Constitution. Be it compulsory religion classes, or be it *Diyanet*; you involve many provisions to prohibit the people's belief concepts. These provisions were incorporated on September 12 (see Fermani Altun in Appendix 3).

In a similar vein, ABF also disapproves of these classes arguing that they are in violation of the ECHR Convention and demands their complete removal through constitutional amendments.[28] ABF and PSAKD also criticizes AKP's final report on the Alevi workshops which envisions continuation of the Religious Culture and Knowledge of Ethics classes and seeks to put in place a new sphere defined as the optional religious training. The former chair of PSAKD argues that such a policy would augment the assimilation of the Alevi students (see Fevzi Gümüş in Appendix 1).

Others suggest that if these classes are going to remain in place, further measures should be taken to meet the requirements of objectivity:

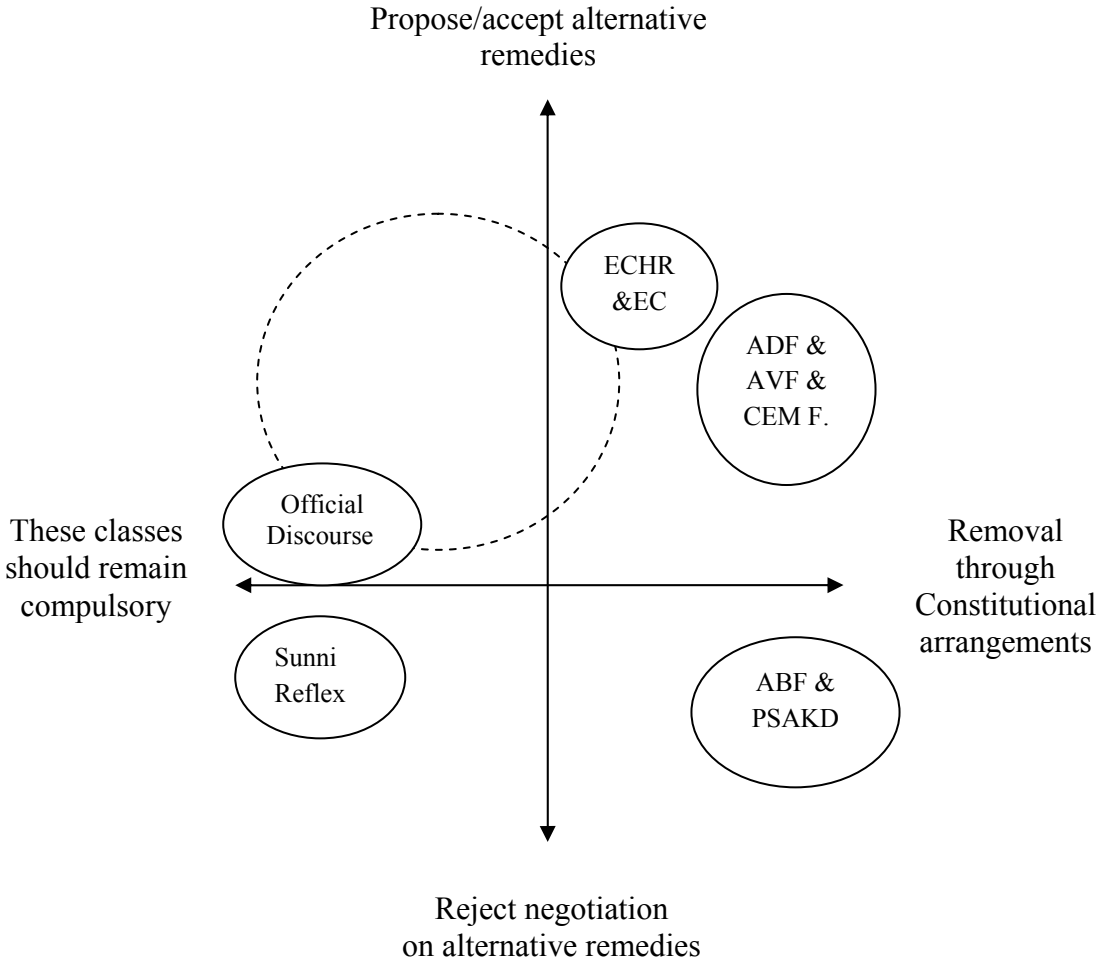
> What you need to do is to completely abrogate the religion classes… If you have them in any case, then you should provide that not the teachers of religious culture and ethics, not the theologians, but historians and philosophy teachers teach these classes. Their objective viewpoint would partially eliminate the problem (Hüsniye Takmaz in Appendix 3).

These suggestions simply went down the drain as the final report on the Alevi workshops underlined that correction of the school textbooks to include subjects on Alevism would be a more viable option since there is also a considerable demand for continuation of these classes and Sunni citizens' demand for enrichment of the content and further instructions about how to practice religion (State Ministry of the Turkish Republic, 2010: 141-142). Concerning the revisions, the government officials also referred to the ECHR rulings arguing that they carried out the ECHR demanded reforms to render school curricula more inclusive (see Faruk Çelik in Appendix 2).

[28] ABF (2013), "Alevi Bektaşi Federasyonu'nun Temel Talepleri [The Fumdamental Demands of the Alevi Bektashi Federation]," see in the official website of ABF, accessed February 16, 2013. Available at: http://www.alevifederasyonu.org.tr/index.php?option=com_content&view=article&id=255&Itemid=264.

The representatives of the Alevi organizations are not content with this current remedy of the government that is an Alevism defined in school textbooks which Alevis would refuse to take for granted.

Figure 3.2. Positions of some Alevi umbrella organizations concerning the religious culture and ethics classes



*The dashed circle portrays the contours of the formula developed in the Alevi workshop report.

With respect to inclusion of Alevism in the school curricula, the former chair of ABF Ali Balkız states that "in the name of Alevism and pretending to take heed of some Alevi values, they will provide information about an Alevism rendered Sunni" (see in Appendix 1). The chair of CEM Foundation İzzettin Doğan, although favors a more moderate position, also disapproves of the way in which the content of these courses had been revised and the way it was presented to the public (see in Appendix 1). In general, despite differences in their proposals for the settlement of the issue, the Alevi

organizations share similar rhetoric of dissatisfaction about the policy outcome. It is observed that reconciliatory stance of some Alevi organizations did not also breed any favorable results (see Figure 3.2).

A group of parliamentarians also voiced concerns about the procedures of the religious instruction in Turkey. There were not only criticisms concerning the way in which the workshops were conducted that is the process through which the content of the religious education was determined (see, for instance, Şerafettin Halis and Şevket Köse in Appendix 2) but also concerning the policy outcome that is how Alevism had been treated in the school curricula (see Fatma Kurtulan in Appendix 2). Many politicians from the opposition parties reiterated the demands for ending the compulsory nature of these classes (see the speeches of BDP parliamentarians including Hasip Kaplan; Aysel Tuğluk; Şerafettin Halis; Mehmet Ufuk Uras; and of CHP parliamentarians including Vahdet Sinan Yerlikaya; Yaşar Ağyüz; and Şevket Köse in the Appendix 2). Some also referred to the ECHR decision on the issue and also the reports of the European Commission and argued that direct and indirect assimilation and restrictive policies against the Alevi belief and culture continue as the school textbooks were not cleaned from discriminatory definitions, phrases and images (Fatma Kurtulan in Appendix 2). Kurtulan also alleges that the government preferred to bring forward the religious components of the Alevi identity as part of the attempts to enlarge its sphere of influence (Ibid). Indicative of how BDP interacts with the Alevi organizations, she also spoke in the name of ABF and reiterated the ABF's demand for termination of the compulsory religious instruction in Turkey (Ibid). Other Alevi organizations as well as various other organized groups within civil society also gave their support to this policy position. These include, for instance, trade unions such as Eğitim-Sen, Authors' Union of Turkey, Emekli-Sen, as well as, Turkish Institution for Public Education and Spreading Kemalism, TÜSİAD, and the Constitution Women Platform. These multiple actors from the level of civil society, although do not participate in a formal coalition structure, push for the same policy outcome. There might be even other actors that gave their support to the same policy position, yet this dissertation might have been unable to clearly identify them due to the limitations of data collection. In this respect, the complex nature of the lobbying concerning termination of compulsory religious education once again demonstrates that it is tremendously challenging to estimate the real number of actors supporting a specific lobbying position and given this uncertainty;

the dissertation simply becomes unable to infer about the significance of the 'coalition size' variable.

The 2009 survey of the Institute of Strategic Thinking observes a vacillating public opinion on the issue, according to which 39.6% of the Alevi respondents and 41.5% of the non-Alevi respondents proclaimed their preference for optional religious education, whereas 49.2% of the Alevi respondents demanded termination of mandatory religious education and only 11.6% of the non-Alevi respondents gave their support to this viewpoint (Strategic Thinking Institute, 2009: 33).

In its progress reports, the European Commission also emphasizes its concern about the compulsory nature of religion and ethics classes and the need for an open debate on such sensitive issues. It criticized that the initiative aimed at improving dialogue with the Alevi community has not been followed through, in particular as regards the solution of the problem of education (European Commission, 2008: 11). The State-provided religious education is also a common practice in the countries which are members of the Council of Europe. According to the final report on the Alevi workshops, 43 out of 47 member states provides religious education in public schools (State Ministry of the Turkish Republic, 2010: 133). Still, students are provided with options such as exemption, freedom to take another course as a substitute, or freedom to choose whether to atend or not to attend these courses (Ibid: 133-134).

In Turkey, Alevi students continue to be subject to a religious education which is by no means approved by the Alevi community. What the government had presented as a remedy in fact seems to mask the existing unfair treatment of the community in terms of access to religious education. The content wise revisions still cannot ensure religious education that is in conformity with the religious convictions of Alevis. Excessive emphasis on the Sunni faith of Islam is preserved and indicates resistance to comply with international human rights law criteria which stipulates pluralist, critical and objective religious education free of religious indoctrination (ECHR, 2007).

The ECHR decision in 2007, although pushed for reforms, did not result in a policy outcome that would satisfy the Alevi community and did not serve the preferences of those who seek termination of the compulsory religious education. According to the final report on the Alevi workshops, all the representatives of the

Alevi community agree that the State shall not provide information on any religion or belief and that those who have demands about religious education should seek access to such education through institutional/organizational means of their own community (State Ministry of the Turkish Republic, 2010: 140). On the contrary, the same Report proposed incorporation of Alevism into school curricula on condition that these revisions purge proclivity to certain belief group and be in line with international standards (Ibid: 139-140). Although declared as the ideal, in the short-run, the State Ministry's report does not anticipate the possibility of terminating these classes and as an interim solution it suggests optional religious education through which the students can have access to information about their own belief and rituals (Ibid: 159).

The lobbying to terminate these classes is snowballing with political level support from parties in the opposition and from other organized groups within civil society. Yet, there is also a strong Sunni reflex which favors continuation of these classes. The drafting process for a new civilian Constitution continues and given the above discussed course of events and the governing party's hard-liner policy position on the issue, it is dubious as to whether this consultative process will bring about removal of compulsory religious education from the list of Constitutional principles.

3.3. The Official Recognition of Alevi Institutions: the Status of Cem Houses and Alevi Spritual Leaders

Another major grievance of the Alevi community concerns the legal status of their places of worship. Alevis are excluded from the minority regime in Turkey which through the Article 40 of the Lausanne Treaty guarantees the right of the non-Muslim communities to independently administer their religious institutions. Cem Houses are not only outside this regime, but also lack official recognition as a place of worship given the State policy of denying Alevism's distinctiveness from Islam and thus the rejection of the need for a sanctuary other than the mosque. Mosques are considered as the unique worship places of Muslims; yet, in practice the Alevi rituals are radically unusual to those of Sunnis, consequently their places for conducting these rituals called *ayn-i cem* [ritual prayer] with *dede* [the spiritual leader] supervising these rituals. For that reason, Alevis refuse to go to mosques where they cannot practice any particularities of their distinctive ritual.

Parallel to the increase in Alevi urbanization, there had been a growing demand for constructing new Cem Houses in urban areas. Yet these demands for the recognition of their traditional religious institutions were basically discarded on grounds that Alevis are Muslims, thus need not worship at places other than the mosques:

> Through the speech of a senior official, the Directorate of Religious Affairs had expressed that the Cem Houses are places for revelry. In addition, it is a complete scandal that the Prime Minister neglected the places of the members of a particular belief through stating in his speech in Berlin that 'the Cem Houses are not places of worship. The only sanctuary for Islam is the mosque'… In countries ruled by democratic secular system, nobody has or should have the right or authority to assert to others 'you will pray in a mosque, not in a Cem House' (see CHP Parliamentarian Ali Rıza Gülçiçek in Appendix 2).

The first intervention to the legal loophole concerning the status of the places of worship came with the Sixth Harmonization Package of July, 2004 which foresaw amendments to the Act on Construction. As a positive development, the amendment replaced the word 'mosque' with the phrase 'places of worship'. However, the new phrase was not clearly defined in the Act making it uncertain as to which sanctuaries are going to be considered as places of worship. Thus, the amendment was not only limited in terms of obviating the existing legal loophole, it also created further ambiguities. The local Courts came up with different interpretations of this revised Act on Construction and in some cases the applications for constructing Cem Houses were rejected on the basis that these Houses are cultural centers rather than places of worship. In others, the Courts decide that the Cem Houses should be considered as places of worship. For instance, in 2008, the Sixth Administrative Court in Ankara rejected the application of CEM Foundation for upgrade of Cem Houses to worship place status, whereas the Sixteenth Court of First Instance in Ankara overturned the decision to close Çankaya Cem House Construction Association on the basis that Cem Houses are places of worship and their approval as such is not in breach of the Constitution. Given these contradicting and arbitrary Court decisions and lack of an overall State policy concerning this issue, Alevis carried their case to the ECHR. (European Commission, 2010: 24). The chair of CEM Foundation İzzettin Doğan officially petitioned to ECHR, stating that "this issue cannot be left to the opinion of the government. This is a basic human right; it is the right to freedom of religion" (see in: Blazer, 2012). This application remains the only one case in the ECHR about the status of Cem Houses, and the chair of AVF Doğan Bermek argues that "the Alevi problems will long persist as the

attitude remains as 'eventually others will find remedy, I need not cope with these problems'" (Bermek, 2012). In this respect, Bermek criticizes other Alevi organizations for their lack of concern when it comes to lobbying these available European level mechanisms.

In practice, Alevis can perform their rituals in the existing Cem Houses. However, as Bermek observes:

> There are about 3000 Cem Houses in Turkey. All of them are unlawful. In one morning when you go to the gate of a Cem House two policemen would come and say that 'we seal this place'. Our Cem Houses remains open on account of societal consensus. Only one of them has occupancy permit. Others are not accepted as Cem Houses in the land registrations; because the State fails to acknowledge Cem Houses (see in Appendix 1).

Similarly, the chair of ADF Hüsniye Takmaz expresses that they lost faith in future possibility of legal changes to the current status of Cem Houses (see in Appendix 3). Fermani Altun from World Ahlul Bayt Foundation also claims that it is a grave human rights violation to consider some of the sanctuaries as invalid in the laws on construction (see in Appendix 3). He adds that:

> Cem Houses cannot be established as Cem Houses in Turkey. They can be established as cultural centers. Then, they are called Cem Houses which is in fact still forbidden by law. Let's say, in the future, the government comes and states that I am closing these Houses according the Law on the Dervish Lodges. In this respect, although it is forbidden, it is overlooked and let alone (see in Appendix 3).

The issue of non-recognition has some other implications including resistance to opening of new Houses, lack of access to the State funds, and segregation in exemptions from a number of taxes enjoyed by the other places of worship. Apart from these, Alevis also claim to suffer from the alleged attempts to destroy Cem Houses and the alleged State sponsored and operated mosque construction in their villages (see Ercan Geçmez in Appendix 1). Last but not least, the rejunevation and protection of the Alevi identity also involves the status of the Alevi spiritual leaders. In the words of Michael Stewart "it is difficult to believe that the imams of Alevi mosques, hired and paid for by the Turkish government, fully support the continuation of heterodox Alevi traditions" (2007: 56). According to this logic, enhancement of the status of Alevi's spiritual leaders represents an important element of the Alevis' institutional reconfiguration. To

this end, CEM Foundation and AVF demands similar State benefits as provided to imams including salary; social security benefits, etc. Some Alevi organization representatives also made proposals for education programs to invigorate the religious knowledge and competence of the Alevi spiritual leaders:

> Whatever every other civilized person needs while doing a particular job; *dede* is no different. The man is going to get sick, send his children to school, and get dressed. Are we going to do these with donations? This is what we do now… We demand salary for every personnel who provide services (see Doğan Bermek in Appendix 3).

The chair of World Ahlul Bayt Foundation Fermani Altun alternatively demands the State to financially support Alevi associations and organizations which would then, in his account, allocate these State funds in a more institutionalized fashion (see in Appendix 2). He also underlines that there is a connection between the current legal status and lack of State support to the Alevi places of worship (see in Appendix 3).

Others counter these proposals on the basis of the interpretation that Alevism may thus be put under the command of the State and become more exposed to the danger of Sunnification. For instance, the chair of ADF Hüsniye Takmaz argues that through State-provided salaries *dedes* will become civil servants of the State and will have to put into practice a State-imposed belief system (see in Appendix 3).

Alevis also controvert the funds allocated to *Diyanet* and reserved for the Sunni community arguing that this is leading to discrimination of Alevis who are tax payer citizens not unlike their Sunni counterparts. Thus, linked to the status problem of Cem Houses, an additional policy proposal is that the State shall not discriminate in terms of services provided to its citizens and has the responsibility to fund the electricity, water, personnel, maintenance, and repair expenses of Cem Houses:

> In this country, there is an Alevi citizen mass numbered 15 million, 20 million? This Alevi citizen mass pay taxes... You accept to pay for the fuel expense of Armenian, Jewish places of worship, but since it is Cem House you do not want to pay for where the people with Alevi faith are praying (see Kamer Genç in Appendix 2);

> The Cem House reality, which occupies an important place in the life of Alevi community, shall be accepted free of political concerns and without turning it into mosque-Cem House antimony. The State shall assist the Cem Houses which are important elements

> of our belief and cultural life; funds shall be allocated from the general budget (see Atila Kaya in Appendix 2);
>
> As in the case of mosques, the expenses of Cem Houses such as electricity and water shall be covered by the State (see İhsan Özkes in Appendix 2);
>
> Supposing that you (*with reference to the AKP government*) have some religious reasons for not considering the Cem Houses as places of worship; but also repudiated are all the proposals we as Republican People's Party have given in every budget period for appropriation of funds from the budget for the support of the Cem Houses, the maintenance and repair of the Cem Houses (see Mustafa Özyürek in Appendix 2).

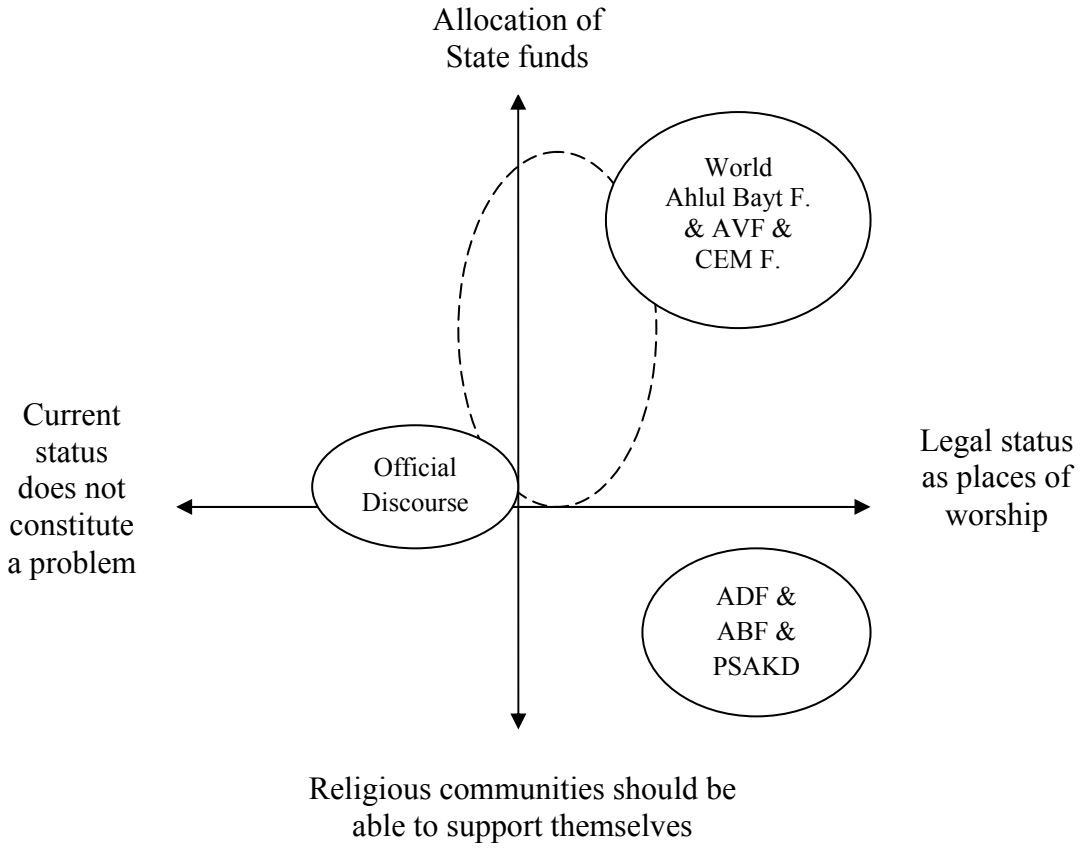
The government officials provided contradictory responses to these demands voiced by the opposition party representatives. Whereas, back in 2008 the former Deputy Prime Minister Nazım Ekren repudiated such proposals as extreme and rejected the need for legal arrangements arguing that "in no period of Islamic history, there had been any sect or religious order within Islam which consider itself within Islam but establish a place of worship as an alternative to the mosque" (see in Appendix 2); in 2010, another State Minister Faruk Çelik (see in Appendix 2) alternatively argued that it is meaningless to talk about the issue of support unless the Parliament reaches a compromise on the status of Cem Houses underlining the future possibility for recognition. Still, the issue of access to the State support may eventuate earlier than the issue of recognition.

Currently, there have been some local level requests for Cem Houses' access to municipal funds. In October 27, 2011, the chair of the Mersin branch office of the Alevi Culture Associations submitted a petition to the Special Provincial Administration to cover electricity, water, personnel, maintenance, and repair expenses of Cem Houses. On November 1, 2011, the petition was transformed into a proposal in the provincial assembly and accepted unanimously by the members of this assembly from each political party. Although the proposal was ultimately turned down by the city major in Mersin; it pioneered a local level action by some Alevi groups in other cities (Blazer, 2012). Yet, any provincial level fund allocation would result in unevenness as it will depend upon the discretion of different provincial authorities. Permanent solution rather lies in the State level policies to address the Alevi grievances. During 2012 budgetary discussions, it was once again proposed in the TBMM Planning and Budget Commission that 200 million Turkish Liras can be reserved to *Diyanet* for allocations to

maintenance and repair of Cem Houses. The Minister of Finance Mehmet Şimşek, turning down this proposal, stated that:

> It is an important issue, I have no reservation. Yet, it cannot be resolved with an additional allocation to the Ministry of Finance. It would be more appropriate to work on it in the following period and bring it to a certain position within the structure of the Directorate of Religious Affairs and then allocate resources. It is not that we don't take heed of this (see in Appendix 2).

Figure 3.3. Positions of some Alevi umbrella organizations on issues related to the Alevi Institutions



*The dashed circle portrays the vacillating approach adopted in the Alevi workshop report.

Observed from these declarations, the government officials have begun to alter their rhetoric and became more open to compromise than they were in the past. The Alevi workshop process is one possible drive behind such change. During the process, the Alevi organizations were able to present a united front on the issue of Cem Houses. All of them advocated for a legal status defined as 'places of worship'. However, some

other participants of the workshops mentioned their reservations that the demanded status would lead to new splits within Islam since every religion has a single place of worship and the supporters of this viewpoint demanded arrangements in the relevant legislation that, without an emphasis on the phrase 'places of worship', the Cem Houses' existing status can be confirmed by the State and the shortages in the existing legislations can be eliminated through amendments to provide Cem Houses with the same means benefited by other places of worship.

Underlining these reservations, the final report on the Alevi workshops also adopted a vacillating approach (see its depiction in Figure 3.3) towards the demands for a worship place status and underlined the reservation that the arguments in favor of these Alevi demands knowingly or not knowingly may imply a religion status for Alevism (State Ministry of the Turkish Republic, 2010: 72). The report nevertheless suggests that Cem Houses should be officially granted a certain legal status and that their expenses should be covered by the State in line with the principle of equality.[29]

More than a year after the announcement of the Alevi Workshop Report, the government did not take any concrete steps to address the issue. The CHP parliamentarians keep pressuring the government and in November 29, 2011 they submitted a law proposal on rearrangement of the clause on places of worship. In May 15, 2012, CHP once again appealed to put this proposal immediately back on the Parliament's agenda, yet the appeal was declined due to a lack of quorum. Overall, the AKP government is hard pressed to carry out the necessary reforms given the united stance of the Alevi organizations which cannot be blamed for political inaction; supportive conclusions of the Alevi Workshop Report which signifies compromise among the participating stakeholders at least concerning the need for a 'certain' legal status; as well as pressures of the parties in the opposition, of the European Commission and of the law suits pending before the ECHR. Moreover, there is no strong public reaction against Cem Houses' access to a place of worship status. The survey of the Institute of Strategic Thinking (2009: 33) stresses that only 28.2% of the non-Alevi respondents voiced preference in favor of witholding such status. According to the same survey, majority of the Alevi respondents (74.9%) have claimed worship place status for Cem Houses signalling also the exigency of this issue in the eyes of the Alevi

[29] *Akşam* (2011), "Alevi çalıştay raporu açıklandı [Alevi workshop report was announced]," March, 31. Available at: http://www.aksam.com.tr/alevi-calistay-raporu-aciklandi--30241h.html.

community (Ibid). Still, the government's future interpretation of the demanded legal status is open for debate.

3.4. The Future Status and Services of the Directorate of Religious Affairs

Diyanet, since its foundation in March 3, 1924, serves the Turkish State in supervising and controlling the sphere of religion. It was created as an administrative unit under the authority of prime ministry and according to the Article 136 of the Turkish Constitution, "the Department of Religious Affairs, which is within the general administration, shall exercise its duties prescribed in its particular law, in accordance with the principles of secularism, removed from all political views and ideas, and aiming at national solidarity and integrity." This Constitutional principle, however, is at odds with the popular Western discourse on secularism according to which the public realm is something to be cleared from any reference to ultimate reality provided by the dogma of religion. Alternatively, in the Turkish case *Diyanet* -as a public institution and through its service of informing the public about religion- is perceived to play a significant role in protecting secularism. Its creation represents testament to reinvention of secularism in Turkey, which is legitimized on the basis of some structural peculiarities of Islam. Sharp-cut political versus religious or public versus private distinctions cannot be secured in societies where the majority adopts religious belief systems that have provisions to arrange the public life. This character of the Islamic faith exceptionally challenges the Turkish State in correcting the balance in co-ordination of these ideally distinct spheres. Thus, the ideal ultimate distinction between these realms, which could have been possible in the case of Western societies and Christianity, was converted in the Turkish case into an ultimate need to manage both. In that sense, *Diyanet* was argued to become a legitimate institution as far as religion does not dominate or influence the State affairs (Bardakoğlu, 2009: 13). This legitimization, however, posits a dilemma given the issue of how different religious groups, which consider themselves as distinct from the mainstream, should be treated under such a system of State controlled religious activity.

Through the new context of religious rights based advocacy movements in Turkey and especially with the emergent Alevi demands for recognition, the monopoly of

Diyanet over religious activity has became a highly contested issue as the institution visibly suffers from the domination of the Sunni faith of Islam. The services such as *fatwa* [informing the society on matters of religion], publications of Koran, management of mosques, coordination of hajj, and appointment of muftis indeed only fulfill the needs of the Sunni majority and in this respect fall short of fulfilling what can be defined as the collective need. For the Alevi community, the status and services of *Diyanet* leads to discrimination not only given the shortages to cover the needs of Alevism; but also the institution is deficient with respect to upholding an impartial position due to its adoption of Sunnism and its representatives' past hostilities towards the Alevi community.

To alleviate the problem of State impartiality as frustrated through the institution of *Diyanet,* stakeholders deliberate mainly over three possible remedies. There are those who favor leaving religious affairs totally to the initiative of religious communities, those who argue that different religious beliefs including the Alevi faith should also be represented within *Diyanet*, as well as those who suggest that *Diyanet* should cease to be a State institution and gain an autonomous position. Different Alevi organizations are located at different ends of this policy spectrum (see in Appendix 1 and Appendix 3).

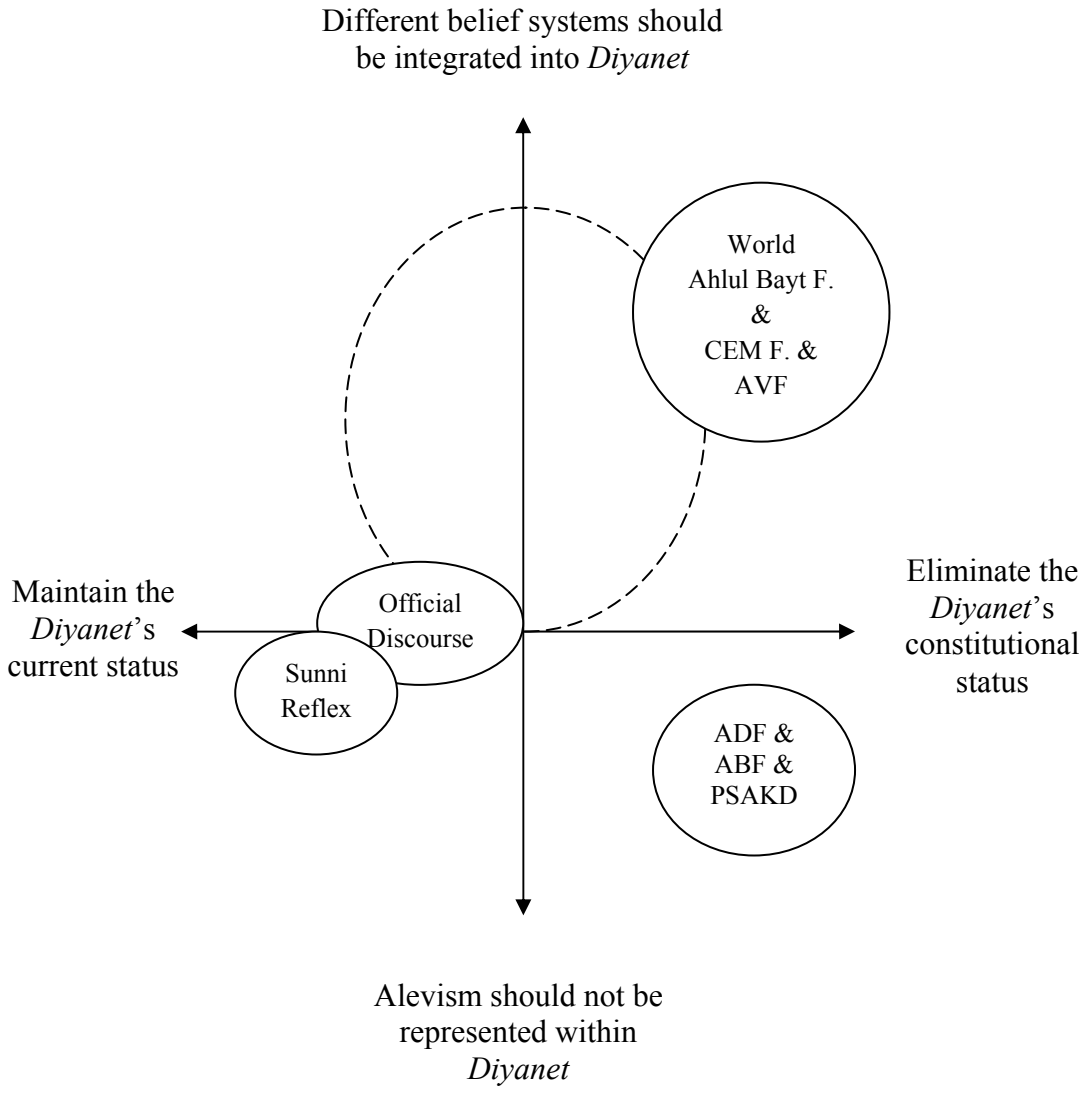
ABF and PSAKD demand the abolishment of *Diyanet* and termination of the State's alleged religious assimilation policies arguing that the existence of this institution basically violates the principle of laicism and feeds political Islam.[30] This policy position entails radical changes to the long established secularist model of Turkey according to which the State possesses the power to intervene into the sphere of religion. *Diyanet*'s total abolishment would mean the State's renunciation from this undue control over religious affairs, but it would to a large extent eliminate the problem of State impartiality towards different religions.

As an alternative to ABF and PSAKD's demands for total abolishment of this isnstitution, the chair of AVF Doğan Bermek rather draws attention to the problems associated with *Diyanet*'s current constitutional status:

[30] ABF (2013), "Alevi Bektaşi Federasyonu'nun Temel Talepleri [The Fumdamental Demands of the Alevi Bektashi Federation]," accessed February 16, 2013. Available at: http://www.alevifederasyonu.org.tr/index.php?option=com_content&view=article&id=255&Itemid=264.

Similar to the religion classes, today if the government wishes it can close down the Directorate of Security Affairs; it can state that I am closing down the Ministry of Health; there is no need for the Ministry. It cannot close down *Diyanet*; because *Diyanet* is a Constitutional institution… What we demand is that this institution should cease to be Constitutional. We can then discuss whether it is necessary or not (See in Appendix 3).

Figure 3.4. Positions of some Alevi umbrella organizations on the status and services of the *Diyanet*



*The dashed circle portrays the vacillating position embraced in the Alevi workshop report.

Fermani Altun from World Ahlul Bayt Foundation additionally suggests that *Diyanet*, the existence of which contradicts secularism, should cease to be a State institution and should be transformed into an autonomous council (see in Appendix 1). Through the institution of *Diyanet*, the State also covers the utility costs of the

registered mosques and gives scope for tax exemptions which are denied in the case of Alevis and non-Muslim religious groups. According to another proposal by Kazım Genç from PSAKD, "even if the Religious Affairs Directorate remains in place, we would like a share from the general budget, but the government should be able to inspect where the money goes" (see in Poyraz-Doğan, 2007). Organizations -such as CEM Foundation and World Ahlul Bayt Foundation-demand also institutional reconfiguration of *Diyanet* and integration of their belief system into this institution so that Alevis would enjoy access to religious services that the State provides for its Sunni Muslim population and accordingly part of the State budget would be allocated for electricity and water expenses of the Alevi places of worship (Köse: 2010). Hüsniye Takmaz from ADF alternatively repudiates all these claims arguing that:

> There cannot be an institution called Directorate of Religious Affairs in a secular democratic constitutional State. Besides, it is no longer an institution but is something further than a ministry. I mean, you cannot define it as a Directorate since it is in possession of a budget of 3-4 ministries (see in Appendix 3).

Although the representatives from different Alevi umbrella organizations are still unable to put forward a precise unified policy stance about the future status of *Diyanet*, the dominant Alevi discourse basically repudiates the legitimacy of this institution's current constitutional status and calls for equal treatment of different belief systems (see Figure 3.4).

Within the political sphere, there is a clear consensus on the relative impossibility of realizing demands for total abrogation of *Diyanet*. As also enunciated by the Constitutional Court, the main raison d'être for supporting *Diyanet*'s relevance is the challenge of how to otherwise forestall the threat of *irtica* [religious reactionism].

> We favor the continuation of *Diyanet* as a State institution given the persistence of the risk of *irtica*; otherwise our ultimate target is *Diyanet*'s –that is, the services of religion- total relinquishment to communities; however to reach that end, *irtica* should no longer be a risk, in other words, the demand for religious government should be removed from the agenda (see Süleyman Yağız speaking on behalf of DSP group in Appendix 2).

> Under the circumstances, if it is left to communities, we all know that anomalous, fallacious malpractices, which would regard its truth as truth of Islam, steps in over various domains (see Haluk Koç speaking on on behalf of CHP group in Appendix 2).

Given these reservations, the dominant discourse in the Parliament rather underlines the need for reconfiguration of *Diyanet*'s current status either through autonomy (see Mehmet Nezir Karabaş in Appendix 2) or at least through adjustment of its services to address the collective demand without excluding any sub-belief group within the Turkish society (see Haluk Koç and Mehmet Şandır in Appendix 2).

Others question the impartiality of the institution, not only in terms of the ability to include every sub-belief group; but also arguing that the institution plays right into the hands of the conservative government which is alleged to reinvent the institutional dynamics of *Diyanet*, and in return receive support for its conservative policies:

> In the election of Müftis, merely those who swear an oath of allegiance to AKP are preferred. *Diyanet* is not an institution, backyard, benefice of the government, and mosques are not its political bureau. Islam can never be diminished to be put under the flag of a political party (see İhsan Özkes in Appendix 2).

In this respect, the secular opposition suffers from a formidable dilemma. On the one hand, its *irtica*-related concerns favor continuation of the State supervised and standardized religious activity. However, the same secular opposition, if continues to remain in opposition in the following parliamentary periods, is not expected to ever be at ease with the *Diyanet*'s current status. The opposition's political interests are severely damaged due to the AKP government's uninterrupted preeminence in politics and thus the gradual increase in its control over every institution of the political domain. Besides, it should be noted also that the claims for reconfiguration of the *Diyanet*'s existing status and services were not yet openly voiced as a party level policy and only some parliamentarians have raised the issue on the basis of their fervor for the betterment of sub-belief groups in Turkey.

The European Commission had also given scant attention to the issue and its position seems rather to be irresolute. The problem was first mentioned in its 2003 Progress Report. Referring to Alevis, the Commission stated that "concerns persist with regard to representation in the Directorate for Religious Affairs" (European Commission, 2003: 36). A year later, the Commission came up with the alternative suggestion that the State "should not directly support one particular religion (the Sunnis) as it currently does through the *Diyanet*" (Ibid, 2004: 45). Finally, the 2005 report once again brought up the issue that Alevis are not officially represented under the institution

of *Diyanet* (European Commission, 2005: 31). Since then, the successive reports of the European Commission ceased to propose the issue as a possible item to be included within the government's reform agenda. Overall, the European Commission failed to offer at least a clear advisory opinion on the regulation of the status and services of *Diyanet* reflecting the domestic level turmoil over the issue. Lacking consistent feedbacks from the domestic level, the EU fails to come up with an overt position. Moreover, in the words of Doğan Bermek "every State has its own structure and that is why the Directorate of Religious Affairs does not yet concern the EU. It is our domestic issue… The Commission expresses opinion about the attitude of the institution and it cannot deliver an opinion about the legal status" (see in Appendix 3). Given different practices across the EU Member States and consequent lack of a cohesive EU position, the future resolution of the issue was left to power dynamics at Turkey's domestic political arena.

The Turkish State's hitherto exigency to keep an eye on religious activity and its institutional legacy engendered incongruity in today's conjuncture where sub-belief groups have intensified their criticisms against the injustices that arise from the State's intrusion into the sphere of religion. *Diyanet* is situated at the center of these criticisms as there are demands for abrogation of the institution countered by a strong Sunni lobby which benefits from the State-provided religious services. Given this high level of conflict over the issue, some Alevi groups directed their lobbying towards demanding equal access to religious services rendered not under the auspices of *Diyanet* but through a new realm reserved for Alevis. Some Alevi groups came up with this demand because they do not have confidence in the comprehensiveness of the *Diyanet*'s religious discourse and disapprove that the institution rather gives weight to Islam's Sunni interpretation (State Ministry of the Turkish Republic, 2010: 119) Besides, in a 2009 survey, this also emerges as the dominant opinion within the Alevi public that is 73.3% of the Alevi respondents, who participated in this survey, had expressed their preference for an independent high council to organize their religious affairs (Strategic Thinking Institute, 2009: 33). Such a civil autonomous restructuring of *Diyanet* would eliminate the criticisms not only about the State interference to the sphere of religion but also about the Sunni's unbalanced access to the State provided religious services. In the near future, it would be extremely optimistic to expect the government to reciprocate these Alevi complaints that is because *Diyanet*, through its existing structure, both

serves the AKP government and its Sunni electorate. Moreover, according to the survey of the Institute of Strategic Thinking only 23.9% of the non-Alevi respondents seem to support the Alevi expectations about the establishment of an autonomous institution to take care of the Alevis' religious affairs (Ibid). Besides, the nuisance of reactionary religious movements also dissuades the secular opposition from unconditional endorsement of these Alevi claims.

With reference to all these discussion on the status and services of *Diyanet*, the final report on the Alevi workshops draws attention to the increased politization of the issue which problematizes its imperturbable handling. The report points to the need for legal remedies, yet adds that *Diyanet* is not an institution designed for faith groups such as Alevism. It also underlines the demands of the Alevi groups which reject connection to institutional network of *Diyanet* under any circumstances and that these groups' independent institutionalization could only be accepted in line with the secular principles of the Turkish State.[31]

3.5. Removal of the Religion Section from the Identity Cards

The Turkish Constitution guarantees one's right not to disclose his or her religious beliefs. In contradiction with this constitutional principle, until the New Population Services Law of April 25, 2006 it was obligatory to indicate religion in the identity cards of the Turkish citizens. The issue of designation of religion in the identity cards, therefore, became another contradiction of the secular Turkish State whose unconventional modified understanding of secularism promoted a particular religion as a means to unify and mobilize the collective consciousness; yet, the mechanisms employed in the service of this policy have become unfavorable for the members of the minority religions. Alevis, who disapprove of the claim that Alevism is a sect within Islam, represent the most visibly frustrated group under the existing practice.

In order to draw attention to discriminations associated with the practice of designating religion in the identity cards in Turkey, the European Commission against Racism and Intolerance came up with three reports -respectively in 1999, 2000 and

[31] *Akşam* (2011), "Alevi Çalıştay raporu açıklandı [Alevi Workshop Report was announced]," March, 31. Available at: http://www.aksam.com.tr/alevi-calistay-raporu-aciklandi--30241h.html.

2004. In response to these criticisms and before AKP's coming to power, the issue was carried to the agenda of the preceeding coalition government composed of DSP, ANP, and MHP. The junior partner MHP resisted to the EU-anchored proposal for the elimination of the obligation to designate religion in the identity cards. Lack of consensus within the coalition government had prevented the expected legal changes (Esen & Gönenç: 2007/2008: 585).

In due course, the struggle for reform continued with the domestic level lawsuit by Sinan Işık (a member of the Alevi community in Turkey). The applicant demanded the removal of the obligation to indicate his religion in his identity card. Yet, the court rejected the application on the basis of a legal advice from *Diyanet* which argued that Alevi faith is a sect within Islam and thus the indication of 'Islam' in the identity cards is appropriate. This case clearly demonstrates the peculiar understanding of secularism prevalent in Turkey, according to which the State defines its official religion, manifests itself through *Diyanet* and utilizes this institutional mechanism to remain in control of the religious domain. Nevertheless, currently even representatives from *Diyanet* have transformed their policy position on the issue. For instance, the previous Minister of Religious Affairs Ali Bardakoğlu expressed his concern that indication of a particular religion or a sect in the identity cards indeed aggravates the cleavages within the Turkish society.[32]

According to the Article 43 of the 1972 Population Register Law, citizens could already change the information in their identity cards' religion section –however, only thorugh a court decision. The 2006 amendment to the Population Services Law has eased this procedure making it possible to change the information in this section simply through petitioning to the Directorate of Population. The new arrangement did not change the legal procedures about leaving this section blank or changing the designated religion. In this respect, it is not necessarily ground-breaking for the members of the minority religions as they will have to continue to disclose their religious beliefs and might therefore become exposed to latent discriminations. As Selin Esen and Levent Gönenç argue "although the state's policy itself (i.e., the inclusion of religious information on ID cards) is not directly the source of harm, even an indirect correlation between the harm of religious discrimination through social pressure and the action of

[32] *Radikal* (2010), "Din hanesi kaldırılmalı [The religion section shall be removed]," October, 24. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1025232&CategoryID=98.

the State suffices to qualify this policy as non-neutral under the concept of neutrality of consequences" (2007/2008: 600-601).

Considering such reservations, the ECHR ruled with respect to the case of *Sinan Işık v. Turkey* that the deletion of the religion box on the identity cards could be an appropriate form of reparation to put an end to the breach in question (ECHR, 2010). The current practice is still not in line with this final ECHR decision and also in breach of the Article 15 of the Turkish Constitution that "no one shall be forced to disclose his or her religion, conscience, belief and convictions."

Interestingly, according to the results of a 2009 poll, the public opinion in general appears to be against this ECHR demanded arrangement and also the Alevi public opinion, in particular, rather seems to be ambivalent. According to this poll, 76.9% of the non-Alevi citizens and 42.7% of the Alevi citizens argued that the religion section shall not be removed from the identity cards (Strategic Thinking Institute, 2009: 33). The representatives from Alevi umbrella organizations also voiced different opinions. ABF and AVF demand the sections' complete removal from the identity cards:[33]

> That religion section, if empty, then you are under neighborhood pressure… You are under neighborhood pressure if you write I am an Alevi, you are under neighborhood pressure if you write I am a Shafi. There is no need for religion section. What relationship is there between citizenship and religion (see Doğan Bermek in Appendix 3)?

Yet, there are still others –for instance, Hüsniye Takmaz from ADF (see in Appendix 3) - who are unable to put forward an institutional position, as well as others - for instance, Fermani Altun from the World Ahlul Bayt Foundation- who seems to be content with the current practice:

> In reality it is not that right. You are going to pass your identity card to someone who is going to look whether you are Alevi, Sunni, or from which other religion. What kind of an attitude should be expected from those civil servants… What do we have to do with a religion section in the identity cards? Let the people's religion sections remain empty (see Hüsniye Takmaz in Appendix 3);

> Nobody intervenes with peoples' religious practice preferences, their spirituality. In this respect, they either have their religion written or not (see Fermani Altun in Appendix 3).

[33] ABF (2013), "Alevi Bektaşi Federasyonu'nun Temel Talepleri [The Fumdamental Demands of the Alevi Bektaşi Federation]," accessed February 16, 2013. Available at: http://www.alevifederasyonu.org.tr/index.php?option=com_content&view=article&id=255&Itemid=264.

Although all of these representatives from the major Alevi organizations adduce certain negative aspects of the religion sections' existence, their declarations make it clear that there is no effective lobbying concerning this issue.

The religion section in the identity cards is quite likely to soon cease to exist as the pressures from the European level are received favorably by the domestic political authorities. About the final ECHR decision on the issues, the Prime Minister Recep Tayyip Erdoğan commented that:

> The ECHR's latest decision is an issue that shows parallelism with the step taken by our Constitutional Court. The existence or non-existence of a section on religion in the IDs would not make a big difference. In this respect, I do not consider the ECHR decision as abnormal (see in Appendix 2).

This practice of designating religion in the identity cards is nonconforming from the vantage of the EU Member States. Only Greece used to have such a practice until 2000 and the religion section was deleted from the Greek identity cards as part of the country's EU-harmonization efforts. Once Greece got rid of this section, however, there was heavy lobbying by the religious authorities who demanded restoration of religion section at least as optional, similar to the current practice in Turkey. In the Turkish case, it is uncertain as to how those favoring the section's existence would react if the issue of its deletion becomes a solid government proposal.

3.6. General Evaluation of the Lobbying for the Alevi Issues

The past official negligence concerning the demands of the Alevi community might be a product of what Çarkoğlu and Bilgili (2011: 351) refer to as the misleading interpretation of Turkey's religious landscape as homogeneous and thus the denial of divisions among the Muslim sectarian groups. This misleading official interpretation had begun to collapse under the context of Turkey's EU negotiations, for continuation of which the authorities were hard pressed to come to terms with religious as well as ethnic divisions within the country and consult with the relevant stakeholders from civil society who had begun to raise demands on the basis of these divisions. In the case of Alevi community, it was not before 2005 with the enabling of the EU laws that the Alevi associations and foundations could organize under larger federation structures and

prior to the workshop process these structures lacked proper contact with one another, as well as lacked any access to decision making. The AKP government's EU-induced reconciliatory approach vis-à-vis the Alevi claims and its decision to introduce a series of workshops opened a new channel of communication. Still, the community organizations perceived them as very much limited in terms of producing favorable results.

A 2009 survey also suggests that most of the Alevi population is dissatisfied with this process of opening to the Alevi community -49.2% expressed discontent with the Alevi Opening and only 14.9% reported to be content about the process (Institute of Strategic Thinking, 2009: 82). The same survey demonstrates mistrust in the government's initiative as according to survey results 59.8% of the Alevi respondents consider the initiative as a policy of Sunnification (Ibid: 49).

The workshop process was one time only and remained discontinuous as the Alevi organizations lack proper institutionalized dialogue with the decision making structures. The empirical analysis of this process reveals lack of legal progress in the resolution of the Alevi's human rights based demands. The politics of Opening was stuck in the discussions about 'policy development' concluded with a final report on the Alevi workshops and did not yet proceed to the next step of 'policy execution'. One can, therefore, only partially evaluate the Alevi groups' lobbying success through assessing the results of the policy development process (the workshop process) which was finalized with an official report published by the State Ministry. During the workshops, the Alevi organizations were expected to speak with one voice. However, this group of lobbyists came up with alternative policy suggestions concerning the underlying problems of their community even including the issue of how to define Alevism. Hitherto, the interpretation of Alevism had been very much litigious with different Alevi groups acknowledging alternative definitions and some even disapprove of the need for a fixed definition of Alevism. The analysis of the course of events proves the opposite and reveals that this discursive multiplicity and associated intra group rivalry challenged and complicated the Alevi organizations' ability to address their common grievances. This competitive character of the Alevi lobby has also been utilized to allege as a pretext for the government's irresolute position on the Alevi issues.

Despite differences in strategies, willingness to cooperate with the government, and solutions offered; as a matter of fact, the Alevi organizations are all of one mind about the main problems suffered by their community. First, all these problems are connected with the recognition of Alevism's distinctiveness and all the Alevi organizations are especially at odds with the attempts to define Alevism on behalf of Alevis. Second, in line with this demand, another common grievance of the community organizations is the content of the religious education pertaining to their belief system, since the government made clear its obstinacy about not to terminate the compulsory nature of this education. Thirdly, the Alevi groups also complain about the State's idiocratic understanding of secularism and the *Diyanet*'s limited representative capacity and services. In this respect, the State is required to find remedy to discriminations associated with this institutional tradition. Fourth, Alevis suffer from problems related to recognition of their religious institutions. The Alevi organizations are united in their demands for a legal worship place status and concerning this demand they also receive the support of some political level actors as well as the support of several other groups within civil society. Still, this growing support has so far failed to render the Alevi organizations successful in attaining their demands for a legal worship place status.

This united position on the common Alevi grievances did not remain unchallenged. During the workshop process, academicians from university departments of religious studies, representatives from *Diyanet*, as well as some politicians and civil society organizations had voiced the reservations of the Sunni majority. This counter lobby and its interests decisively impacted the policy options offered in the final report on the Alevi workshops. Especially, on three issues central to the Alevi community - compulsory religious education, the status of Cem Houses, and the status of *Diyanet*- the Sunni religious interests had visibly run counter to the Alevi expectations for reform further dragging the process into a deadlock.

The Alevi organizations gave different reactions to this Sunni reflex and employed different lobbying strategies. For instance, CEM Foundation, AVF and World Ahlul Bayt Foundation rather preferred to follow a policy of reconciliation with the government hoping to produce negotiable policies that would not contravene the policy contours of the Sunni interests. Others such as ABF and PSAKD considered these concessions as betrayal, distanced themselves from the government, and concentrated on outside lobbying in the form of public protests. This latter groups' cautious stance

and criticisms about the opening politics of the government heightened tensions not only with the government but also within the community organizations. Finally, ADF claims to uphold a bridging function between these alternative positions. According to its chair Hüsniye Takmaz, AVF is a little bit more close to the State and ABF is just the opposite as it is less concerned with experiencing Alevism intensely and she claims therefore that ADF stands in the middle and represents an important step in the merger of other Alevi umbrella organizations such as AVF and ABF (see in Appendix 3). Having realized the disadvantages of the failure to effectively present their common grounds, these major federations have begun to provide more integrity in the post-workshop period. Yet, this strategy of increased communication among alternative federations and emphasis on common demands did not yield any favorable results as the workshop process remains discontinuous.

The EU authorities also evaluated the government's initiative of Opening to the Alevi community as incomplete. In July 2011, the European Commissioner for Enlargement and European Neighborhood Policy Štefan Füle criticized that:

> The dialogue with the Alevis and the non-Muslim religious communities launched by the Turkish authorities has yet to produce tangible results. The Commission keeps raising issues regarding freedom of religion with the Turkish authorities.[34]

The protection of minorities is a foundational value of the EU which, however, fails to provide any solid standards on the issue of minority rights. Nevertheless, the EU has a number of adaptation pressures in the case of candidate countries through its demand for compliance with other international and regional level law instruments as developed, for instance, by the Council of Europe, Organization for Security and Co-operation in Europe (OSCE), etc. Still, these pressures do not sufficiently ameliorate Alevis' conditions the same way as it does in the case of officially protected minorities. The fact that the most Alevi groups rebuff entitlement to a minority category further complicates the picture as Alevi's become unable to utilize these international level minority rights instruments.

The EU also lacks any consistent feedbacks from the Alevi organizations operating at the domestic level of Turkey. Alevi organizations are also self-critical

[34] Štefan Füle (2011), "Answer given by Mr Füle on behalf of the Commission," see in the website of European Parliament, July, 13. Available at: http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-005498&language=RO.

arguing that they showed low level of mobilization with respect to the EU reform process. For instance, according to Erdoğan Aydın (2004) from PSAKD, the European Union Progress Reports had been limited with reference to the Alevi issues and this is very much connected with the Alevis' inability to express the systematic human rights abuses, the failure to disclose these before the EU, and the inefficacy to mold public opinion concerning their problems. Doğan Bermek from AVF similarly points to continuation of this lack of concern about lobbying the EU structures. Although he states that they organize routine meetings with the EU delegation in Turkey and engage in contacts with several representatives from the EU institutions; he adds that these relations with the EU remains very much limited and criticizes other Alevi groups for not efficiently lobbying the available EU mechanisms (see in Appendix 3). Hüsniye Takmaz from ADF alternatively argues that the EU rather gave prominence to the problems of the Kurdish community as a result of which the Alevi organizations became of secondary importance and thus estranged from the EU process which eventuated in rupture between the Alevis and the EU (see in Appendix 3).

Alternatively, the ECHR had been a source of help and the Alevi citizens were able to make the most of this channel of influence. In a number of instances, the decisions of the Court had been instrumental in pressuring for the readjustment of Turkey's domestic jurisprudence. Moreover, the ECHR decisions are detrimental over setting the agenda of other European level institutions. For instance, the case of religion section on identity cards was never mentioned by the European Commission in its progress reports until the 2010 ECHR decision. The same year, right after and with reference to the ECHR decision, the Commission for the first time drew attention to this issue stating that "personal documents, such as identity cards, include information on religion, leaving potential for discriminatory practices." (European Commission, 2010: 24). Thus, through their search for remedy in the ECHR, Alevis were able to raise awareness of the European Commission concerning specific human rights abuses. In turn, the European Commission embarks upon pressuring for the elimination of these abuses.

A major conclusion of this chapter is that the pressures from the European level institutions had been limited, still decisive, in steering the agenda of reforms concerning the rights of the Alevi community. Most importantly, the workshop process, initiated in response to these pressures, laid bare the sensitive spots of the Sunni-Alevi cleavage and

demonstrated the weight of this cleavage in determining the frontiers of future reform endeavor. The design of this workshop process created a competitive lobbying environment within which the Alevi organizations were unable to present a united front and their policy proposals were countered by several other interested parties, especially those representing the Sunni interests.

The 'opening process'-related preferences of the Sunni interests seems to visibly concur with the preferences of AKP which single-handedly holds the executive power and also commands the majority in the Parliament. Beyond doubt, this political structure affects who attain their preferences and who don't. Hüsniye Takmaz from ADF draws attention to the issue with underlining the government's repudiation of hundreds of law proposals by CHP which were addressing the Alevi demands (see in Appendix 3). Some other Alevi organizations' representatives are less content with the support that they have received from CHP. They argue that those issuing these proposals are individual parliamentarians and criticize CHP for not being able to come up with a tangible party level policy (see Doğan Bermek in Appendix 3) and for lack of concrete policies to address their demands (see Fermani Altun in Appendix 3).

In the face of domestic-level structural constraints specifically the Sunni reflex within the Turkish society and the Alevi organizations' lack of institutionalized access to the political level, the Alevi groups first need to overcome their collective action problems and would increase their lobbying success through concentrating on lobbying the European level institutions which so far proved to be the only effectual mechanism challenging the policy intransigence on the issues of Alevi rights in Turkey.

CHAPTER 4

THE ISSUES OF FREEDOM OF THE MEDIA AND THE PRESS AND ALTERNATIVE LOBBYING POSITIONS

The freedom of the media and the press indicates openness of a political system thus represents an essential aspect of democracy. In a democratic country where these freedoms are legally protected and where the instruments of the press are able to operate independent of political control; the public have more chances of access to accurate and unbiassed news and information about politics. Especially concerning this critical role of the press in shaping political choices of citizens, the governments are naturally alert about the information disseminated through the press and develop interest in controlling it either through attempts to monopolize ownership of its instruments; or by means of legal limitations over the practice. These limitations and the degree to which the governments bring them into play have ramifications over the democraticness of a political structure.

In the Turkish case, this conventional situation of imbalance between freedom of the press and security interests of the government became distinctly apparent by reason of two major developments throughout 2000s. Especially, coming to power of the AKP government in 2002 and subsequent resurgence of Islam has given rise to ideological confrontation along secular versus religious conservative lines. This confrontation had taken a new form in 2007 with investigations into a clandestine ultra-secularist nationalist network called *Ergenekon* which had been allegedly engaging in activities to overthrow the elected AKP government through use of force. Since then, several military officers, acedemicians and journalists were taken into custody on charges of

membership within this network. In addition to the unearth of this criminal case of *Ergenekon*, increased politization of the Kurdish identity came to the fore as another major axis of political power struggle in Turkey. The separatist demands within the Kurdish identity politics has become a major threat risk for Turkey's national unity and those affiliated with the movement including journalists became a target on the pretext that they utilize journalism as a cover to promote illegal separatist activities. Since arrests in relation to these domestic threats were extended to those engaging in journalistic activity, the AKP government has been exposed to mounting criticisms that its fight against these domestic challenges is curtailing press freedom and that showing these challenges as reasons for arrests; the government might be seeking to turn the crisis into an opportunity to silence opposite political views. For instance, Doğan Tılıç - the spokesperson for G-9 Journalist Organizations Platform and the former chair of ÇGD- states that "we have concerns that during this endless investigation there are attempts to eliminate all opposition, everyone who thinks differently" and that "the more the AKP consolidates its power, the more intolerant it becomes. I see a direct link between the AKP's consolidation of its power and press freedom."[35] As Freedom House observes "with heightened polarization regarding issues of secularism, nationalism, and separatism, reform efforts toward enhanced freedom of expression stalled in 2007" (Freedom House, 2008). Since then, the media and the press have rapidly turned into spheres for manifestation of these power relations and have begun to shape the ideological polarizations that fuel them.

This state of affairs has deteriorated Turkey's image about press freedom and there have been a steady decline from 2008 onwards in Turkey's rankings within the worldwide freedom of the press indexes provided by organizations such as Reporters without Borders and the Freedom House.

In the indexes of Reporters without Borders, Turkey had fallen down from its position of 102nd in 2008 to 148th in 2011-2012 (see Table 4.1). Similarly, the Freedom House reported a sharp decline in Turkey's freedom of the press score in 2010 on account of the persecution of journalists based on certain provisions of the Penal Code and the Anti-Terror Law (Karlekar, 2011). In the Freedom House indexes, Turkey

[35] The G-9 Journalist Organizations Platform is composed of 11 major journalist organizations in Turkey all of which are also members of the Freedom for Journalists Platform, see below. For Doğan Tılıç's statement, see: Ivan Watson and Yeşim Cömert (2011), "Turkey arrests 3 opposition journalists," *CNN*, February, 18. Available at: http://edition.cnn.com/2011/WORLD/meast/02/18/turkey.media.arrests/index.html.

ranked 116th in 2011 and relegated to 121th in 2012 and was placed at the bottom of the Western European list in both of these indexes (Table 4.1).

Table 4.1. Turkey's rankings within freedom of the press indexes, 2008-2012

	Freedom House Index (196 countries)	Freedom House Index-Western European List (25 countries)	Reporters without Borders Index (178 countries)
2008	N/A	N/A	102
2009	N/A	N/A	122
2010	N/A	N/A	138
2011	116	25	148
2012	121	25	148

*N/A: Not Available.

Source: Freedom House and Reporters without Borders.

Another problem that critics may consider as an indicator of Turkey's deteriorating conditions about freedom of the press is the increase in the appeals filed to the ECHR and the fact that, compared to other countries, Turkey had receieved the highest number of ECHR decisions (exceeding 200 decisions) for violations of press freedom and freedom of expression.[36] In its 2012 report, the European Commission also underlined this upsurge in the applications to the ECHR and waged several criticisms against the situation in Turkey. As major problems, the European Commission (2012: 21-22) especially pointed to abuses caused by the interpretation of the legal famework as regards organized crime and terrorism, consequent court cases against journalists; consequent wide-spread self-censorship, as well as concentration of the media in industrial conglomerates.

Whereas these international level anchors demand unconditional freedom of the press and have been pressuring for revisions to Turkey's legal framework, the Turkish

[36] *Bianet* (2011), "Turkey takes lead in violations of freedom of expression," November, 30. Available at: http://www.bianet.org/english/freedom-of-expression/134404-turkey-takes-lead-in-violations-of-freedom-of-expression.

government has been naturally half-hearted about some of these demanded revisions; since in its existent form the legal framework can be utilized as shield against the challenge of aforementioned domestic criminal and terrorist threats and as a mechanism to assist the government in realizing its policy preferences. The question then lies, how much the government can unleash the press in legal terms whilst looking after these interests? The dilemma of the Turkish government in constructing the balance between press freedom and its security and policy interests gives an idea about the ups and downs in the reform process initiated as part of the country's EU bid.

This chapter is set to provide a general idea about the debates in relation construction of this balance. In doing so, it looks into the legal framework on press freedom which involves not only sector-specific laws such as the Press Law, the Broadcasting Law, and the Law on the Internet; but also the Turkish Penal Code and the Anti-Terror Law which are broad and vaguely worded to enable charges against newsgathering and publication of critical and opposing political views. These major laws involve several provisions which are highly problematic for freedom of the press. In bringing cases against the journalists, the courts and the prosecutors primarily provoke the provisions of these major laws that stipulate numerous reasons to restrain the profession. The 1982 Constitution of Turkey also addresses freedom of the press. It states that "the press is free, and shall not be censored." Yet, the Constitution itself, in its Article 26, itemises the conditions under which this freedom might be restricted and it is also accompanied with multiple incompatible laws and regulations. As part of the EU harmonization efforts, there had been revisions to certain provisions of these laws and there were some additional measures such as the Law No. 6352 on the suspension of prosecutions and convictions for press-related crimes which aimed at changing the system that adjudicates anti-State and terrorism cases. Despite these reform efforts, the regulatory framework is still marked by flows and its implementation is highly problematic. The analysis in this chapter details the content formulation processes of these major legal documents and elaborates on the related lobbying experience of some major journalist organizations including:

- *Türkiye Basın Konseyi* [The Turkish Press Council]
- *Türkiye Gazeteciler Cemiyeti* [The Journalists Association of Turkey, TGC]
- *Çağdaş Gazeteciler Derneği* [The Progressive Journalists Association, ÇGD]
- *Türkiye Gazeteciler Sendikası* [The Union of Journalists in Turkey, TGS]

- *Türkiye Gazeteciler Federasyonu* [The Federation of Journalists of Turkey, TGF]

These organizations' history of institutionalization at the civil society level dates back to 1940s. Established back in 1946, TGC is the oldest of these organizations and since then works on the ethics of the profession and on matters of freedom of the press and freedom of expression. Soon after TGC, TGS was established in 1952 and received its current name in 1963 and rapidly turned into a nationwide organization with the joining of unions at the local level. ÇGD's establishment in 1978 further contributed to institutionalization of the sector as since then ÇGD works on matters of freedom of the press and freedom of expression, on the right to receive information, on the rights and the unionization of journalists. The association is also a member organization of the International Federation of Journalists and has several representation offices throughout the country. TGF is yet another important organization within the sector. It was established in 1998 as an upper structure for 71 professional organizations. Recently, a group of member organizations, which oppose the current leadership of TGF, were discharged and other 40 of these organizations established *Türkiye Gazeteciler Platformu* [Turkish Journalists Platform] to criticize these alledgedly anti-democratic discharges and enrollment of new organizations without consultation with the existing members. Given these developments, the latest general assembly of the Federation and its election results became a cause for concern. Finally, the Press Council was formed in 1988 as a mechanism of self-control pertaining to matters of press freedom and to set the ethics and principles of the profession. There were, however, some reservations about the formation of such structures of self-control rooted in the understanding that plans to place restrictions on the profession would worsen press freedom in an environment where the political power is already inclined to exercise excessive control over the press. On the basis of these threats, organizations such as ÇGD and TGS have adopted a critical stance and decided not to take part within the Press Council. The Council proved otherwise and concentrated on matters about press freedom and engaged in activities to revise some restrictive press related provisions.

Since 2010, all these organizations, as well as, around 90 other sector specific organizations cooperate under anew upper structure named *Gazetecilere Özgürlük Platformu* [the Platform for Freedom to Journalists, GÖP] through which they have been seeking to communicate their collective demands concerning freedom of the press. In addition to GÖP, there is another platform structure called G-9 Journalist

Organizations Platform established by 11 major journalist organizations, all of which are also GÖP participants. The chapter details the functioning of this cooperation and additionally looks into how these domestic level advocates relate to some prominent international and European level journalist organizations and unions working on press freedom worldwide such as the Reporters without Borders, the International Press Institute (IPI), and the Association of European Journalists (AEJ).

The chapter is not solely confined to the lobbying experience of the journalist organizations. It adopts a holistic approach to the study of the related law making processes and presents also alternative framings of law proposals by domestic level politicians as well as by the EU institutions. In general, the chapter explores and evaluates the success of alternative lobbying positions endorsed by these different actors and expects to demonstrate the factors that would account for differences in the levels of their preference attainment.

4.1. Freedom of the Press in the Turkish Constitution

The language of the 1982 Constitution is *prima facie* a vigorous champion of the press freedom. In its Article 28, the Constitution states that "the press is free, and shall not be censored. The establishment of a printing house shall not be subject to prior permission or the deposit of a financial guarantee. The State shall take the necessary measures to ensure freedom of the press and freedom of information." However, there are numerous exceptions to the use of this right, as enumerated in the Article 26, including "national security, public order and public safety, the basic characteristics of the Republic and safeguarding the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a State secret, protecting the reputation and rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary."

In the summer of 2012, reframing of the constitutional articles on press freedom was opened to debate in the Constitution Reconciliation Commission. As positive developments, in its draft Constitution, the Commission reframed the first clause of the

Article 28 as "the press is free and *is one of the essential elements of democracy* and cannot be censored *under any circumstances*," as well as, revised the second clause as "the State shall take the necessary measures to ensure freedom of the press and freedom of information*, to secure emergence of public opinion and to provide pluralism in the media*" (Sazak, 2012). With these additions highlighted in italics, the draft Constitution addresses two major problems. It not only aims to discourage censorship of any kind, but also renders the State responsible about the problem of monopolization in the media. Once adopted, these revisions would render the Turkish Constitution's language more ardent in terms of guaranteeing the freedom of the press. Still, the language-wise adjustments may remain cosmetic, if the future civilian Constitution maintains and extends the existing list of reasons to restrict freedom of the press.

The draft of the Constitution Reconciliation Commission excluded many such reasons specified in the 1982 Constitution; yet included some of those proposed by the AKP government such as "protection of public order and public morals, others' rights, and to prevent warmongering and the propogation of every sort of discrimination, hostility or rancor and hatred" (see Ibid; see also: Yılmaz, 2012). The AKP representatives in the Constitution Reconciliation Commission additionally proposed reasons such as "to avert crimes, to protect national security, to provide judicial independence and impartiality," as well as, new clauses stipulating that "no publications intended to violate the presumption of innocence can be issued" and that "the State takes measures to protect minors from publications that involve child abuse, sexuality and violence" (ibid). These additional AKP proposals were not included in the new draft; yet the draft's content was still not good enough for the opposition parties. As CHP and BDP representatives objected to the phrases of 'public order' and 'public morals' and lodged a statement of opposition, MHP insisted on incorporation of 'national security' to the list and also lodged a statement of opposition (Sazak, 2012).

Another conflictual issue during these discussions was the potential limits that would generate from provisions concerning authorization and seizure of the instruments of the press. The AKP proposal was highly supportive of the limits over these instruments as it put forward measures to give the authorities the power to seize them, if considered as tools of crimes listed in the Constitution (Yılmaz, 2012) which would mean that the government becomes able to utilize these measures whenever it deems necessary. Besides, the AKP proposal had sought to remove the guarantee on

establishing printing houses without prior permission or financial assurances (Ibid). The draft of the Constitution Reconciliation Commission did not embrace these AKP proposals, yet it stipulated a permission system for broadcasters including radio, television and cinema (Sazak, 2012). The Constitution Reconciliation Commission also eliminated punishments such as closure and suspension of the instruments of the press and instead its draft brought new provisions to confiscate and prevent distribution, however, tied these to judicial decision (Ibid).

These tensions in the Constitution Reconciliation Commission over the wording of the constitutional articles regulating press freedom demonstrate ideology induced framings of different political parties. The AKP's perseverance on the issues of 'public order' and 'public morals', and its proposal about prohibition of publications that involve child abuse, sexuality, and violence gives an idea about the party's adherence to religious conservative values. Alternatively, MHP is attached to a firm position on national security, which plainly reflects this party's nationalist orientation. Contrary to these positions, what stands out in the CHP's proposed list of reasons to restrict press freedom is "to forcibly change the democratic secular constitutional order based on human rights" (Pişkin, 2012). This proposal of CHP and its opposition to the AKP's proposed reasons mirrors CHP's policy stance along the secular versus religious conservative divide.

Besides this ideology induced clash at the political level, journalist organizations gave various reactions to reform of the constitutional articles on press freedom. For instance, Atilla Sertel -the chair of TGF- proclaimed his total agreement with the AKP's proposal that "no publications intended to violate the presumption of innocence can be issued" (see in Appendix 1). Sertel deviates from the AKP position in the sense that he considers it extremely dangerous to place limitations with broad concepts such as sexuality, public order, national security, the limits of which would vary from person to person (see in Appendix 1). Ahmet Abakay -the chair of ÇGD- compared the AKP proposal with the martial law and argues that provisions such as public morals and private life are the same as provisions that prohibit strikes (see in Appendix 1). Abakay adds that while they expected elimination of the limitations in the 1982 Constitution, additional sanctions were tried to be imposed by the new proposal of the AKP government (Ibid). Similarly, IPI and its affiliate, the SEEMO urged the Constitution Reconciliation Commission to reject the proposals of AKP which they deem to

"severely weaken the current language protecting media freedom in Turkey" (see in Ellis, 2012).

The journalist organizations are not only critical of the content of the draft new Constitution, but also of the fact that they were not consulted about their concerns and simply excluded from the decision making process. This exclusion had resulted in indifference of some journalist organizations with respect to preparing a proposal for content revisions. For instance, Zafer Atay from TGC deems unlikely that their proposals would be considered given the malfunctioning of the Constitution Reconciliation Commission (Appendix 3). Kaan Karcılıoğlu from the Press Council similarly reports that there is lack of dialogue between their organization and the Constitution Reconciliation Commission (Appendix 3). He additionally states that they did not also feel the need to bring forward a proposal for revisions to the constitutional articles given their compatibility with the provisions of the European Convention on Human Rights (Appendix 3).

Overall, content formulation of the draft new Constitution's articles on press freedom is still on the table as political parties lodged statements of opposition into some of the drafted articles. When these draft articles are evaluated in their current language, it is observed that they are not satisfying for some sector specific organizations given these organizations' content related preferences. Still, there are other groups which remain indifferent concerning the reform of the constitutional articles on press freedom. Concerning this issue, there seems to be no solid cooperation among the sector specific organizations and therefore these organizations fail to agree on a particular policy stance.

Although the draft Constitution adopted a liberal approach as regards the conditions for authorization and seizure of the instruments of the press; the content of the provisions on the reasons to limit press freedom remains unsettled. Especially, the conflict between secular versus religious conservative norms had been manifest in reform of these limitations. It is obvious that, among other things, especially this conflict will render difficult the emergence of a political level compromise on these standards. On the surface, AKP proposals do not violate the limitations aforementioned

in the Article 10 of the European Convention on Human Rights.[37] Still, the same article involves a preventive measure as it also states that "this right shall be practiced without interference by public authority and regardless of frontiers." Such preventive measures were neither incorporated into the Turkish Constitution nor into its draft amended version. These omissions, therefore, raise serious doubts about the ability of these basic laws in framing an effective language to protect press freedom in Turkey.

4.2. Freedom of the Press in the Press Law

Until its total abolishment in 2004, the former Turkish Press Law No. 5680 had been valid since July 15, 1950 for fifty three years. It was not only archaic in terms of its language; but also problematic in many aspects including strict limits and controls on free operations of the press as well as the inbalance between crimes and punishments. As part of the efforts to bring up to date this former Press Law, until 2004 there had been some minor revisions through successive EU harmonization packages. For instance, with the fourth reform package the Article 15 of the Press Law was amended to protect the owners of periodicals, editors and writers from revealing their sources (European Commission, 2003: 30). Prior to initiation of the Press Law's amendment process, the European Commission had recommended a holistic approach in the execution of reforms including not only the laws which are specifically designed to regulate the realm; but also the provisions of the Penal Code and the Anti-Terror Law (2003: 31) which are even more shattering in terms of their implications over press freedom.

These requests of the Commission for entire revision of the relevant legislations were not catered. The following year, the Parliament put on its agenda only the amendment of the Press Law, leaving aside the Penal Code and Anti-Terror Law Articles that severely restrict press freedom in the Turkish case. A draft Press Law was carried to the Parliament's Justice Commission in April 2, 2004 and adopted within two

[37] The Article reads as: "The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

months in June 9, 2004. The new law can be considered as an achievement as it reframed or repealed many archaic provisions of the previous 53 years old Press Law. With the new Law:[38]

- It was underlined that press freedom involves the right to receive, disseminate, criticize, interpret information and the right to compose.
- The right of journalists not to disclose their sources was strengthened.
- The right to reply and correction was reinforced.
- Prison sentences were largely replaced by fines.
- Sanctions such as the closure of publications, halting distribution and confiscating printing machines were removed.
- The possibility to confiscate printed materials, such as books and periodicals, was reduced.
- Foreigners will now be able to edit or own Turkish publications.
- However, in line with the 1982 Constitution, the Article 19 states that those who publish information concerning the ongoing court proceedings shall be punished with a heavy fine.

Representatives from the Press Council, TGC, *Parlamento Muhabirleri Derneği* [the Association of Parliamentary Reporters], and TGS were present during the negotiations in the subcommittee which was then responsible for drafting the Press Law.

In an effort to contribute to the formulation of reform content, the Press Council sent a report to the Justice Commission presenting its opinions about the draft law. The Council reported to contribute to the passage of the new Press Law as follows:

> The Council had always advocated the making of a new Press Law and getting involved in the workings of the Parliaments' Commission, made efforts for arrangements to widen the freedom of expression. As a result, the Parliament adopted a Press Law which can be considered as highly positive with respect to this freedom (see in Kazan, 2006).

Others have also reported to regard the draft as a positive one with the exception of a number of its provisions. First and foremost, they criticized the remnant fuzzy definitions in the draft such as 'disclosure of the State secret' and 'national security'

[38] TBMM (2004), *Basın Kanunu* No: 5187.

(Uçansoy, 2004). The Press Council underlined the need for replacement of the phrase 'freedom of the press' with the phrase 'freedom of communication' and concerning punishments, the Council criticized that the fines in the draft are still against the principle of proportionality (Kazan, 2006). According to Orhan Erinç -the chair of TGC- the reasons for restrictions on press freedom as listed in the Press Law are in line with the Article 10 of the European Convention on Human Rights and therefore they are not specific to Turkey (see in Appendix 1). In his account, the problem is whether these restrictions are going to be applied through a contemporary democratic approach or through *ceberrut devlet* [despotic State] approach (see Appendix 1). Therefore, language-wise, he proposes that the Article 3 of the Press Law on reasons to restrict press freedom should involve the statement that "without the intervention of public authorities" (see in: Önderoğlu, 2009). During the amendment process, TGC also expressed to the Justice Commission that when determining the pecuniary penalties, there should be a regard for the distinction among widespread, regional and local newspapers (TGC, 2007: 28). Deniz Zeyrek from ÇGD criticized some other vague legal definitions in the law, as well as, foreigners' right to own publications and American media monopolies' free access to the Turkish market (see in Appendix 1). Behzat Erkoç from TGS raised similar concerns stating that foreigners will become able to publish freely in Turkey whereas the Turkish laws will remain impotent with respect to judging these cases (see in Appendix 1).

Albeit all the aforementioned reservations, these journalist organizations evaluated the overall amendment process as an achievement (Uçansoy, 2004). Yet, the reform of the Press Law alone has been so far insufficient to protect press freedom in Turkey as demonstrated by increasing political pressures over the press and journalist arrests.

The discussions about amendment of the Press Law and remaining problems as addressed by sector specific organizations mirror the discussions in the current amendment process of the Turkish Constitution. These range from the reasons to restrict press freedom, the issue of censorship, and proportionality of punishments including heavy fines and seizure of publications. Thus, for Turkey to reach the EU standards on press freedom, comprehensive approach to elimination of legal limitations in multiple legislations is required.

The necessity of such an approach yet again came to the fore in May, 2011 when the Constitutional Court decided that the Article 26 of the Press Law is in contravention of the Article 36 of the Constitution on fair trial. The Court found an inbalance between individuals' right to legal remedies and freedom of the press and therefore "approved the removal of Article 26 from Turkey's press law, which had restricted the amount of time prosecutors had to file a complaint against publications or journalists to 2 months in the case of dailies and up to four months for other publications" (Freedom House, 2012b). The Court found evidence that victims of crimes committed through the press are unable to file their complaints within the existing time limits leading the perpetrators to escape punishment. Still, some commentators argue that the time limits should not only protect the victims of crimes committed through the press but should also seek the balance between right to legal remedy and freedom of the press (İlkiz, 2011; Ongun, 2010).

Today, amendment of the Press Law is still on the agenda and some opposition party representatives issued a number of law proposals which await consideration in the relevant Commissions of the Parliament. One such proposal was issued by Pervin Buldan from BDP who demanded revision of the Article 3 of the Press Law on limitations concerning the use of press freedom. According to the proposal "the use of press freedom can be restricted with regards to democratic principles, and if this freedom contravenes the provisions of the international/supranational agreements on hate crimes and those against racist and ethnic discrimination to which Turkey accedes."[39] Another was issued by Adil Kurt from BDP who demanded removal of the 2nd, 3rd and 4th clauses of the Article 25 of the Press Law which enables confiscation, and prohibition of distribution and disposition of publications by reason of crimes listed in the Law on Crimes against Atatürk, the laws on Turkish Reforms, some clauses of the Penal Code and 2nd and 5th clauses of the Article 7 of the Anti-Terror Law.[40] Finally, Sedef Küçük from CHP proposed amendment of the Press Law to punish those who

[39] TBMM (2011), *Türk Ceza Kanununda ve Basın Kanununda Değişiklik Yapılmasına Dair Kanun Teklifi* No: 2/222, Term 24, Year of Legislature: 2, Date of arrival at presidency: December, 19. Available at: http://www.tbmm.gov.tr/develop/owa/tasari_teklif_sd.onerge_bilgileri?kanunlar_sira_no=98536.

[40] *Akşam* (2011), "BDP'li Kurt'tan Basın Kanunu'nda değişiklik teklifi [Adil Kurt's proposal for changes to the Press Law]," November, 21. Available at: http://www.aksam.com.tr/bdpli-kurttan-basin-kanununda-degisiklik-teklifi--80212h.html.

report news, publish articles or photos insulting women or those that cause gender discrimination.[41]

Overall, the amendment process of the Press Law has been congested with variegated policy proposals concerning articulation of the limits over press freedom. If we are to make an assesement on the basis of differences between the political level discussions and demands of the lobbying organizations, it is evident that the political parties are rather eager to secure certain limits in line with their ideological or interest based preferences. On the other hand, the journalist associations are not only concerned with these politically controversial restrictions on freedom of the press; but also they are much more concerned about the possibility of arbitrary implementation of these restrictions. To them, the measures to prevent such arbitrariness are more critical than the scope of the restrictions. This is also a central aspect of the Article 10 of the European Convention on Human Rights, which although provides ample scope for restrictions on press freedom, states also that this right shall be practiced without interference by public authorities and regardless of frontiers. There are still others who argue that problems about press freedom do not arise from the Press Law itself, but from other laws such as the Penal Code and the Anti-Terror Law (see Kaan Karcılıoğlu in Appendix 3). As these organizations concentrate their lobbying efforts on the amendment of the laws that they deem as most problematic; currently, the issues of press freedom in the Press Law and in the Constitution seem to take a backseat in their agenda.

4.3. Freedom of the Media in the Broadcasting Law

With its two decades old history, the regulatory framework on broadcasting sector continues to narrow the frontiers of media freedom. It dates back to April, 1994 with coming to effect of the Law No. 3984 on the Establishment of Radio and Television Enterprises and their Broadcasts. With this Law, *Radyo Televizyon Üst Kurulu* [Radio and Television Supreme Council, RTÜK] was established as an independent regulatory

[41] TBMM (2011), *5187 Sayılı Basın Kanununda Değişiklik Yapılması Hakkında Kanun Teklifi,* Term: 24, Year of Legislature: 2, Date of arrival at presidency: December, 5. Available at: http://www.tbmm.gov.tr/develop/owa/tasari_teklif_sd.onerge_bilgileri?kanunlar_sira_no=98181.

agency and endowed with extensive regulatory, monitoring and sanctioning powers over the broadcasting sector.

According to the Law No. 3984, RTÜK was given the power to warn private broadcasters which violate the law. In the case of recurrence, it could also decide to temporarily (up to a yearlong) suspend the transmission of the programme, which contains violation. The broadcast of such programmes, despite RTÜK's decision to cancel their release, would result in heavy fines or even penalty of imprisonment and the instruments of these broadcasters could be confiscated depending on the gravity of the violation.[42]

The Law No. 3984 also states that "the Radio and Television Supreme Council is established as an autonomous and impartial public legal person in order to regulate radio and television broadcasting services." Yet, RTÜK's hitherto decisions about sanctions are indicative of the intent to prioritize the State's security interests. For instance, as Cengiz Özdiker (2002) observes, 94 percent of all the penalties during 1994-2002 period were imposed over *irticacı* [Turkish word for 'radical Islamist'] and separatist broadcasts. During that period, *irtica* and seperatism were the main domestic challenges threatening the State's security interests and concentration of penalties over implicated broadcasters represents the previous range of the State's official ideology (Gencel Bek, 2010: 184).

In addition to the Law's main intent of promoting the State's security interests and its official ideology, the Law was also favoring big media companies (İrvan, 1999: 264-265) as it lacked provisions to prevent unfair competition (Gencel-Bek, 2010: 184). This situation was worsened when a new RTÜK Law No. 4676 was accepted in the Parliament in June 7, 2001. This new Law was not only vetoed by the then president Ahmet Necdet Sezer; but was also heavily criticized by a group of interested actors from the sector. Even the RTÜK's former chair Nuri Kayış had become critical arguing that with the new law:

> Big media bosses would own hundreds of radio and television. The local media will disappear. There will be severe losses with respect to public's right to receive information. The big media companies would comfortably bid for the State tenders (see in Appendix 2).

[42] See the Law No. 3984 of April 20, 1994 on the Establishment of Radio and Television Enterprises and their Broadcasts.

In a similar vein, Barış Yarkadaş from ÇGD evaluated the law as problematic that it overlooked domination of the media sector by big companies; yet what is more challenging in his account is that the Law may completely disable the profession of journalism not only by taking the smallest criticism into scope of crime; but also by increasing penalties which especially constitutes a burden over the small Anatolian media (see in Appendix 1). The Press Council and TGS voiced similar criticisms. Oktay Ekşi from the Press Council argued that heavy fines would silence especially the regional and local media and that the fines are not only deterrent but would also have a lethal impact (see in Appendix 1). In a joint statement from TGS, it was argued that the new law would legalize monopolization in the media and consequently institutionalize the interest based relations between media owners and political authorities, which imply renunciation of the press freedom in exchange for the ability to bid for the State tenders.[43]

All these critics have tried to draw attention to the problem of monopolization and especially its repercussions over the press freedom. Yet, the new Law was prepared without consultation with these stakeholders and it was no different than the previous Law in prioritizing the State's and big media owners' interests over civil society lobbying for the freedom of the press. The aforementioned reactions from civil society and the President's veto did not prevent the Parliament from approving the law the second time. It was then sent to the Constitutional Court which annulled some of its clauses including the composition of RTÜK and thus leading to the appointment of a new Supreme Council (Gencel-Bek, 2010).

The amendment of the RTÜK Law was once again carried to the agenda of the Parliament in 2002 and this time the proposals for the amendment can be considered as steps towards promoting media independence. The amendments were designed to reduce the extensive competences of RTÜK such as the authority to shut down an operator in its entirety. With the amendments, RTÜK's sanctioning powers was limited to blackout of only the unlawful programs.[44] Yet, the vague grounds for blackout

[43] TGS (2001), "RTÜK Yasa tasarısına TGS'den tepki [Reaction from TGS to the proposal for the RTÜK Law]," see in the website TGS, May, 23. Available at: http://www.tgs.org.tr/index.php?option=com_content&task=view&id=32&Itemid=16.

[44] *Adalet Bakanlığı* [The Ministry of Justice] (2002), *Radyo ve Televizyonların Kuruluş ve Yayınları Hakkında Kanun, Basın Kanunu, Gelir Vergisi Kanunu ile Kurumlar Vergisi Kanununda Değişilik Yapılmasına Dair Kanun*, No: 4756; *Başbakanlık* [The Prime Ministry] (2002), *Çeşitli Kanunlarda Değişiklik Yapılmasına İlişkin Kanun*, No: 4771.

remained including violations such as the broadcasts against the independence of the Republic, the indivisible unity of the State, Atatürk's reforms and principles, national and moral values, common ethics, and protection of the family.

With AKP's coming to power and especially since 2008 there had been a gradual shift in movitivations for penalties and sanctions imposed over the broadcasters. In its latest report, the European Commission observes that RTÜK "issued warnings to television stations and imposed fines on them, in particular for representing superstitious beliefs, denigrating morals and national values and the protection of the family, representing obscenity and praising terrorism" (European Commission, 2012: 22). When compared with the RTÜK's previous rationales for sanctions, this shift is in line with and indicative of the range of the new government's political ideology. Although the issues of separatism and threats to national security are still on the target of RTÜK, especially the upsurge in sanctions due to broadcasts violating national and moral values of the community, the Turkish family structure, and development of children, youth and morality leads to doubts about the RTÜK's independence from the governing authorities. The government justifies this shift addressing the declaratives that RTÜK has been receiving from the citizens. For instance, according to the deputy Prime Minister Bülent Arınç, for the nine month period of the year 2012, the complaints from the audience mostly points to the incongruity of broadcasts with the principle of protection of family and public morals and that citizens demand banning of the criticized programmes (see in Appendix 2). For the government to avert the accusations about its domination over the RTÜK, Kaan Karcılıoğlu (see in Appendix 3) recommends structural changes to the RTÜK's composition that a balanced distribution of the RTÜK's seats to political parties is inadequate for democratic legitimacy and that its composition should be rearranged to involve representatives from the level of civil society. Orhan Erinç –the chair of TGC- also argued that the current composition of RTÜK is undemocratic and is going to constitute a problem in the EU screening process (TGC, 2007: 94-95). In this respect, Erinç stated that "we accept the EU demands about any economic regulation without discussion and regardless of whether these regulations are appropriate for us. When it comes to justice, we leave aside the EU criteria and produce solutions that opt in favor of politics -not justice" (Ibid: 95).

Apart from the issues about RTÜK's independence and impartiality, some scholars have also elaborated on the expansion of pro-government private broadcasts in

the second half of 2000s (see Jeffrey Haynes, 2009: 105-106) and others on the governing party's pressures over the anti-government media for political subservience (see for instance Kaya & Çakmur, 2010: 533) and these scholars underline the consolidation of the shift in the balance of power favoring the AKP government. Haynes (2009: 105-6) observes gradual consolidation of the government's potency over the Turkish media with the 2007 sale of the large media firm *ATV-Sabah* to Çalık Holdings owned by Ahmet Çalık -an associate of the Prime Minister; the sale of daily *Star* which was previously critical of the government; the sale of another fiercely critical television channel *KanalTürk* to Akın İpek -another associate of Prime Minister; and growth of the religious media with mass circulation dailies such as *Zaman.* This shift was meant a decline in the share of the so-called mainstream secular media –as primarily represented by Doğan Group- which was previously controlling around 75 percent of the total circulation in Turkey. According to the statistics published by the media monitoring organization *Dördüncü Kuvvet* [The Fourth Estate], whereas Doğan Groups's share had fallen to around 50 percent; the pro-government circulation had risen to around 40 percent (Jenkins, 2008; Haynes, 2009). In response, Doğan Group's news outlets have begun to voice criticisms about these alterations in power dynamics. They particularly concentrated on a court case opened in Germany which was about secret fund transfers to the pro-government media in Turkey. Writing on this case -also, popularly known as the Lighthouse case-, Doğan Media has tried to demonstrate the linkages between these fund transfers and alterations in power dynamics and kept the issue on the agenda of the Turkish public opinion. These criticisms have exacerbated the tensions with the government and the fierce reaction of the Prime Minister was to instruct heavy tax fines to Doğan Group for its involvement in tax irregularities. Doğan Group was additionally banned from bidding for the State tenders for a year period; prison sentences were demanded for Aydın Doğan and also for some other company executives.

Doğan Group became overwhelmed under these pressures and it was looking forward to the government's plans for easy tax dept payment schemes. Under this context, Oktay Ekşi –the former chair of the Press Council and also the former chief columnist in Doğan Media-owned daily *Hürriyet*– had written a scandalous and controversial article in October, 2010 which was criticizing the ruling AKP for hydroelectric dam constructions in *İkizdere* Valley in Turkey and for its environmental

failings. Ekşi finalized his column as "we, now, see the achievements of the mindset that sell everything."[45] These final words, which were insulting the authorties, had led the Prime Minister to file a claim for compensation. Although the court evaluated Ekşi's criticisms within the scope of press freedom, he had to resign from *Hürriyet* as Doğan Group was no longer willing to annoy the government and risk its access to easy tax dept payment schemes. This course of events points to the complex nature of limits over the press freedom in Turkey that do not only emanate from *de jure* procedures, but also from *de facto* relations among the interested actors. This situation in Turkey, which is practically conducive to auto-censorship, has also led to the reactions of some international level actors pressuring for the elimination of the existing limits over the press freedom:

> Such pressure from the head of the Turkish government raises serious doubts about his commitment to an independent media, free to report on matters of public interest. IPI calls on Erdogan to publicly retract his ultimatum to the Dogan Media Group immediately, and to cease all attempts to pressure the Turkish media (David Dodge, the director of IPI);[46]

> The high fines imposed by the revenue authority potentially undermine the economic viability of the Group and therefore affect freedom of the press in practice. There is a need to uphold the principles of proportionality and of fairness in these tax-related procedures (European Commission, 2009: 18).

Reform of the regulatory framework was once again carried to the agenda of the Parliament in June, 2010; this time as part of the efforts to address the technological transformations in broadcast technology, to eliminate the technical problems in the previous broadcasting legislation, and for compliance with the EU law. According to a statement from RTÜK, the draft was prepared through a process of consultations with civil society; and RTÜK underlined this consultative process as:

> Concerning the arrangements about the sector, several joint meetings were conducted with radio and television enterprises and public institutional players. After the draft was completed, it was broached to radio and television enterprises and public institutional players, to universities and civil society organizations. The draft was reevaluated according

[45] Oktay Ekşi (2010), "Az demişiz [We said little]," *Hürriyet*, October, 28. Available at: http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=16151109&tarih=2010-10-28.
[46] IPI (2008), "IPI calls on Turkish Prime Minister to retract ultimatum against Dogan Media Group," see in the official website of IPI, September, 12. Available at: http://www.freemedia.at/archives/singleview/article/ipi-calls-on-turkish-prime-minister-to-retract-ultimatum-against-dogan-media-group.html.

to opinions expressed and was placed to the RTÜK's website. The draft was given its final shape after assessment of opinions that were received for a one month period.[47]

The new Broadcasting Law No. 6112 came into effect in February, 2011 and repealed the Law No. 3984 of 1994. It brought several revisions and novelties with a specific focus on the commercial broadcasting. The most important revisions can be enumerated as follows:[48]

- The Law provides for private and public broadcasters to be subject to the same rules and regulations; thus the supervision of Turkey's only public broadcast *Türkiye Radyo Televizyon Kurumu* (Turkish Radio and television Institution, TRT) was also put under the regulation of RTÜK.
- The Law provides for increase in the ratio of foreign shareholdings in a private radio and television broadcast (from 25 to 50 percent) and also states that foreign real or legal entities' shareholding is limited to two media service provider enterprises.
- So as to prevent monopolization in the media, the Law states that the media service provider enterprises cannot receive more than 30 percent of all the commercial communication revenues in the market and they will have to transfer 3 percent of these revenues (it was 5 percent in the previous Law) to RTÜK.
- The Law also puts the rating system under the control of RTÜK and those companies who are to make rating estimations will have to ask for RTÜK's permission and RTÜK will supervise these estimates.
- Additionally, the new Law rearranges 'the right to contravert and rebut' in line with the Press Law and provides for possibility to ask for this right before the interested party files a lawsuit.
- So as to comply with the body of the EU law, it brings the obligation to include national programmes and European productions.
- The Law also introduces 'audience representation practice' according to which there should be an experienced audience representative in all broadcasting enterprises who is going to receive citizen complaints.

[47] RTÜK (2010), "Basın Bildirisi (A.01.1.RTÜ.0.01.00-621.02/3183) [Press Release]," see in the official website of RTÜK, April 5. Available at: http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=e0c3b8a1-6619-49c1-919f-3831505f72d7.
[48] TBMM (2011), *Radyo ve Televizyonların Kuruluş ve Yayın Hizmetleri Hakkında Kanun*, No: 6112.

- Finally, the Law also sought to prevent racism and discrimination through the clause that the broadcasts cannot provoke the society to hatred and hostility by pursuing differences on the basis of race, religion, language, gender, class and sect.

Given their policy preferences about the regulation of commercial broadcasting, some organizations from the broadcasting sector such as *Televizyon Yayıncıları Derneği* [Television Broadcasters Association, TVYD] and *Radyo Televizyon Yayıncıları Meslek Birliği* [Professional Union of Broadcasting Organizations, RATEM] have evaluated the new RTÜK Law as progressive. In their account, the Law was prepared with a collaborative approach and most of their opinions were taken into account (see in Çolakoğlu, 2010). Yet, according to the TESEV's Report, some academicians and civil society organizations continue to criticize the revisions that their views were not taken into consideration and that the revisions were limited to regulation of commercial broadcasting instead of revising clauses restricting the freedom of the media (Sözeri & Güney, 2012: 20).

The Law No. 6112 maintained and literally extended the punitive powers of RTÜK. Especially, the procedure with which this institution carries its powers into practice continues to be a cause for concern. These include, for instance, RTÜK's discretionary power to determine whether an operator broadcasts against some vague standards including national and moral values. With the new law, RTÜK was also given the authority to cancel the broadcast license of an operator, if it detects recurrence of the unlawful broadcast. However, later in October 2012, the Constitutional Court called for repeal of the clause that "the Supreme Board decides to cancel the broadcast license of the media service provider, if it doesn't make a payment in two months period."[49] The Court argued that there was an inbalance between the actions subject to sanction and the sanction itself and thus the clause is in contravention of the principle of proportionality and the rule of law.[50]

Although the political authorities have argued to prepare the new RTÜK Law by giving consideration to all aspects of the EU on Audiovisual Media Services and

[49] *Hürriyet* (2012), "RTÜK Kanunu'na kısmi iptal yürürlükte [Partial annulment of the RTÜK Law is in effect]," October, 14. Available at: http://www.hurriyet.com.tr/ekonomi/21692310.asp.
[50] Ibid.

through consultation with all the stakeholders (see Arınç in Appendix 2), some international anchors have contested this claim. For instance, Thomas Hammerberg -the Council of Europe Commissioner- highlighted in his report that some blocking decisions of RTÜK were found unjust by the ECHR (see ECHR, 2010c) and expressed that:

> The act provides the RTÜK with a great degree of latitude in interpreting relevant principles and monitoring their respect by broadcasters. These principles contain references to notions subject to subjective interpretation, such as "public morality", "family values", "trivialisation of violence", etc. (Commissioner for Human Rights of the Council of Europe, 2011).

The European Commission makes a similar criticism:

> The new Law on the establishment and broadcasting principles of radio and TV stations brings only partial improvement as regards the interpretation of certain rules on broadcasting bans and sanctions imposed on broadcasters (European Commission, 2011: 26).

The Freedom House likewise points to this ensuing problem of vague grounds for penalizing the broadcasters in Turkey:

> In January 2011, a new amendment to the media law was passed, allowing for television broadcasts to be suspended and stations to be fined or closed by Prime Minister Recep Tayyip Erdoğan or other designated ministers in cases of emergency or threats to national security Freedom House, 2012b).

Interestingly, these deficiencies do not seem to be a lobbying priority for some of the journalist organizations working on freedom of the press. These organizations have sought the need to concentrate their lobbying efforts on issues that they consider as comparatively more problematic for freedom of the press such as the Penal Code and the Anti-Terror Law. In respect thereof, Kaan Karcılıoğlu from the Press Council (see in Appendix 3) comes up with the explanation that RTÜK would be among priority issues, if they did not have to struggle with the problem of arrested journalists. He also differentiates between 'freedom of expression in general' and 'freedom of expression that falls within the definition of freedom of the press', and evaluates that as RTÜK's sanctioning decisions are generally against serials and magazinish programmes; these sanctions cannot be considered as an issue related to freedom of the press (see in

Appendix 1). It might be due to these specified reasons that the journalist organizations did not engage in any visible independent or collective lobbying during the 2011 amendment process of the RTÜK Law.

Taken as a whole, the amendments have sought harmonization with the EU directives only with reference to developments in the broadcast technology. It did not provide for independence of RTÜK, elimination of arbitrary broadcast bans by this regulatory agency and by the governing authorities as demonstrated by recent sanctions imposed over the broadcasters. Moreover, some government representatives proposed additional regulatory agencies such as 'the Parental Monitoring Board' envisioned as a supplementary shield against the threat of broadcasts that would erode conservative family structures and sentimental values. Finally, the new Law does not prevent big media companies from participation in public tenders; thus leaves unresolved the problem of utilization of the media as a mechanism to pursue economic and political interests. These media conglomerates are also dragged into chronic self-censorship as they fear jeopardizing these interests. Yet, it seems that these problems were rather addressed by international anchors such as the EU, the IPI and the Freedom House. Concerning the issue, domestic level journalist organizations did not engage in any discernable lobbying activity. Finally, it is observed that there is a high level of conflict between the interests of the international anchors who demand a change in the system with which sanctions are imposed over the broadcasters versus the governing AKP which benefits from this system's functioning in line with its policy preferences. It is also obvious that ideological conflicts will also continue to fuel the rift between secular/mainstream versus conservative/pro-government media and render difficult legal arrangements to yield free operations of the broadcasting sector.

4.4. Freedom of the Press in the Turkish Penal Code

As part of the EU reform process, the Penal Code was adopted anew on September 26, 2004. The new Law No. 5237 replaced the old Penal Code No. 765 of May 1926, and was considered as an achievement; since it widely modernized and liberalized the country's justice system and as it involves several new provisions to penalize various human rights abuses –i.e.: especially, issues concerning the abuse of

women's human rights. However, this positive picture was spoiled by some provisions of the 2004 Penal Code curtailing the freedom of expression and the freedom of the press.

Some highly disputed provisions are clustered under the headings 'offences against the public peace', 'offences against political organs of the State', and 'offences against natinal defence'. These include:[51]

- provoking commission of offense, Article 214;
- praising the offence or the offender, Article 215 (former Article 312);
- provoking people to be rancorous and hostile, Article 216 (former Article 312);
- provoking people not to obey the laws, Article 217;
- engaging in propaganda by praising the organized criminal group and its object, Article 220;
- insulting the President, Article 299;
- insulting Turkishness, the State of the Turkish Republic, the Turkish Grand National Assembly, the Government of the Republic of Turkey or the judicial organs of the State, the military and security forces, Article 301 (former Article 159);
- encouraging military personnel to disobedience with the law, Article 319;
- and discouraging the people from the military service, Article 318 (former Article 153).

Besides, some articles under the headings 'the offences against the judicial bodies or court', 'the offences against honor', 'the offences against general ethics', and 'the offences against privacy and secrecy of life' also became a lobbying target of the journalist organizations. These include:

- attempts to influence a trial, Article 288;
- violation of confidentiality of an investigation, Article 285;
- defamation in the press in order to enable commencement of investigation and prosecution against a person, Article 267;
- allowing a child to watch indecent scene or a product, or to or hear shameful words, Article 226;

[51] See: TBMM (2004), *Türk Ceza Kanunu*, No: 5237; see also: TBMM (1926), *Türk Ceza Kanunu (Mülga),* No: 765.

- acts with the intention to harm the honor, reputation or dignity of another person, Article 125;
- violation of communicational secrecy, Article 132;
- tapping and recording of conversations between the individuals, Article 133;
- violation of privacy, Article 134;
- and affecting prices, Article 237.[52]

This list can be further extended, yet more or less these are the main challenges against the freedom of expression and the freedom of the press as brought into question by sector organizations. The new Penal Code's maybe the most problematic aspect concerning press freedom is that it stipulates an automatic increase (by one third or up to half) in punishments for some of these offences, if they are committed through the press or broadcast (Articles 218 and 318).

In comparative perspective, similar provisions exist in the Penal Codes of many other countries'; however, in the Turkish case the ways in which these provisions are comprehended and interpreted by the judicial bodies and consequent flood of lawsuits against the journalists has led to unrelenting lobbying by sector organizations for revisions to the provisions under discussion. The Press Council had been highly active during the process of the Penal Code amendments in 2004. It sent reports to the Prime Minister, worked with the relevant authorities; however it failed to work off the draft provisions curtailing the freedom of expression (Press Council, 2005). As Kaan Karcılıoğlu –the general secretary of the Press Council argues, "what is called a 'chilling effect' in the conclusions of the ECHR, that is even the existence of these articles or existence of persistent implementations of negative nature, further limits the use of the freedom to make news which is already a very troublesome activity" (see in Appendix 3). Similarly, TGC was also very active in the 2004 content formulation process of the new Penal Code and attended to a number of meetings with the Ministry of Justice to discuss the content of the Draft Penal Code. At the outset of the negotiations for content formulation, TGC's proposals were not taken into consideration. TGC continued to press the issue, maintained negotiations with the Ministry of Justice, insisted on the proposed revisions to 26 articles in the Penal Code and yielded revision of 13 articles in line with their preferences (TGC, 2007: 26-27).

[52] The Article reads as follows "Any person who spreads deceitful information or news or involves in fraudulent acts in such a way to cause decrease or increase of wages or prices of foodstuff or goods."

TGC's current chair Orhan Erinç argues that the Penal Code amendment was hurried and their proposals were ignored because the authorities worried that they would exceed the time limits set by the EU and would be unable to receive a negotiation date (Ibid: 115). It seems that in the case of Penal Code revisions, the EU pressures for timely reforms became counterproductive for those who lobby for the freedom of the press. Interestingly, the contested provisions, which the EU will ultimately find objectionable, were passed for the sake of progression of the EU negotiations. Moreover, Turkey is signatory to the European Council's documents that repudiate prison sentences against the offences of defamation and insult. The Turkish Penal Code is also incompatible with these documents as well as with the jurisprudence of the ECHR. Besides, there are contradictions among the domestic level laws that regulate press freedom. The TGC draws attention to a major contradiction that some offences which are punished with fines under the Press Law are transformed into prison sentences in the Penal Code (Ibid: 116).

In a similar vein, the chair of TGS Ercan İpekçi argues that the offences related to the press shall not be equated with disgraceful offences and he stated that they also carried the issue to the international platforms (Ibid: 110). İpekçi basically abridge their demands into two criteria. First, they propose elimination of the provisions that foresee automatic increase (by one third or up to half) in the punishments for offences committed through the press, and second they ask for the establishment of a balance between the crimes and the punishments (Ibid: 113).

Taken as a whole, these journalist organizations, although consulted and participated in the 2004 Penal Code amendment process, were unable to attain their preferences of top priority. As their independent efforts proved ineffective, and since the journalist organizations concur concerning the necessary revisions to the Penal Code (see Kaan Karcılıoğlu in Appendix 3), they decided to join their forces under a platform structure and continued their lobbying in a more organized fashion. Starting from 2010, around 90 organizations gave their support to the Freedom for Journalists Platform with which lobbying activities were distributed to a 'Protest Commission' -established under the Platform and responsible for organizing protests against the threats to freedom of communication-; and to a 'Law Commission' -again established under the platform and given the responsibility to investigate the restrictive legal framework and to propose solutions. Since then, the Platform works for draft laws and lobbies for revisions to all

the Penal Code articles that limit freedom of the media and the press, especially the articles on 'violation of secrecy', 'attempts to influence a fair trial' and 'keeping documents and information on account of journalistic activities' (see GÖP, 2011). In a public statement on behalf of the Platform, the government was blamed for the intolerable levels of pressures over the journalists combined with the infrastructure established in 2005 with the amendments to the Penal Code and the Code of Criminal Procedures; and in 2006 with the changes to the Anti-Terror Law.[53]

4.5. Freedom of the Press and the Anti-Terror Law

The 1991 Anti-Terror Law No. 3713 represents another punitive law to curtail the freedom of the media and the press. It was primarily formulated in response to the Kurdish insurgence movement which was there for years and has begun to gain vigor in the second half of 1980s. In late 2000s, the Anti-Terror Law has begun to be applied in other cases such as *Ergenekon* in bringing lawsuits against the suspects accused of linkages to this clandestine criminal organization. The Law defines terrorism and terorrist acts and involves criminal procedures and penal sanctions. It allows for the suspension of periodicals and with reference to this law many lawsuits are brought against the journalists and the media owners. As amended in June 2006, the Anti-Terror Law's one of the most criticized aspect is maybe its wide definition of terrorism (see Kaan Karcılıoğlu in Appendix 3) making it wide open to arbitrary implementation and lack of proportionality in the interpretation and application of its provisions that introduce restrictions on the freedom of the media and the press -mainly the Article 6 and 7 (see Zafer Atay in Appendix 3), and its causal relation to self-censorship (European Commission, 2011: 22-25).

According to a joint press statement from TGC, TGS and four other sector organizations, another highly problematic aspect of the Anti-Terror Law is that it replicates more than fifty crimes listed in the Penal Code, yet imposes heavier sentences if they are committed with the 'motivation of terror' –a phrase which lacks a solid definition (TGC, 2007: 158). Moreover, this group of lobbyists argues that the Article 6

[53] See in: Serap Girgin Baykal (2011), "Gazetecilere Özgürlük Platformu basın açıklaması yaptı [the Platform for Freedom to Journalist issued a press statement]," *AB vizyonu*, March, 7. Available at http://www.abvizyonu.com/basindan/gazetecilere-ozgurluk-platformu-basin-aciklamasi-yapti.html.

of the Anti-Terror Law is of particular concern for the press freedom. The Article states that "if any of the offences defined within this Article are committed by periodicals, their publishers shall be punished additionally by the imposition of fines". The Article, therefore, jeopardizes editorial freedom as the owners of the media organs and editors in charge, who might not be aware of the content of the newspapers or journals before their publication, are kept responsible from the content in violation of the Article 6 (Ibid: 158-159). The sector organizations also criticize upsurge in the penalties stipulated for the press in the Article 7 on terrorist propaganda; the bans on future publications; the elimination of the phrase of '*süreli yayın* [periodicals]'; and consequent penalisation of not only the press but also televisions, radios and the websites (Ibid: 159).

The Anti-Terror Law provision on the ban on future publications was sent to the Constitutional Court by the former president Ahmet Necdet Sezer. In its June, 2009 decision, the Constitutional Court repudiated the President's request for repeal of the Article 6 (5) and ruled that the fight against terror is in public interests and relevant for continuation of the orderly and democratic society and that the Article does not contravene the Constitution (Elmas & Kurban, 2011: 49). The issue was also brought to trial before the ECHR. In the *Ürper and others v. Turkey* case, the ECHR concluded that "the practice of banning the future publication of entire periodicals went beyond any necessary restraint and amounted to censorship" and also found violation of the Article 10 of the ECHR Convention that the suspension of the publications based on 6 (5) of the Anti-Terror Law constitutes an unjustified interference with the freedom of expression (ECHR, 2009b). The court also did not depart from this jurisprudence in the case of *Turgay and others v. Turkey* and once again ruled in June 2010 that the future suspension of a periodical is in violation of the Article 10 of the ECHR Convention (ECHR, 2010b).

The journalist organizations have currently intensified their collective efforts concerning their demands for revisions to the Anti-Terror Law. The Platform for Freedom to Journalists works on a draft law and especially demands revisions to the provisions on 'terrorist organization propaganda' and on 'targeting of those that fight against terrorism' which allow for the monitoring of all kinds of communication, for the banning of websites, and for the blocking of access to social network services (GÖP, 2011). Some representatives from the Platform for Freedom to Journalists (see Sibel

Güneş and Turgay Olcayto in Appendix 1) report that they attended to a meeting with the State Minister Bülent Arınç and during this meeting their collective lobbying about their demands for revisions to the Articles 6 and 7 of the Anti-Terror Law did not breed any positive results. These Platform representitives harshly criticize the authorities' attitude of ignorance and their obstinate position as regards unwillingness to consider the demanded revisions on the pretext that there are some other groups within the Platform which prefer these articles to remain as they are (Ibid).

The governing authorities' reluctance with respect to reform of the Anti-Terror Law is not surprising. Every State prioritizes the protection of its national security - especially those like Turkey which has to fight with excessive levels of terrorist threats. This situation obstructs the ability of the authorities in terms of constructing the balance between the parameters of this fight and the freedom of the press that Turkey has promised to protect as a signatory to international level legal documents. Besides, as Volkan Aytar from TESEV observes, during the 2006 amendment process of the Anti-Terror Law, CHP was also incapable of presenting an effective campaign for the press freedom.[54] It became evident that its position is sensitive to security concerns and thus largely deviates from the policy position of the journalist organizations. In this respect, CHP's opposition was solely limited to blame the government that it lacks an effective plan to fight *irtica*, as well as, to fight the PKK's separatist terrorism.[55] In light of these observations, it could be suggested that the decision-making authorities' legitimate concern for national security has rendered the amendment of the Anti-Terror Law very controversial.

The Platform for Freedom to Journalists could not realize its preferences with respect to reform of the Anti-Terror Law; although their policy position has been backed by international level journalist platforms, by the European Commission, and by other domestic level human rights groups and NGOs.[56] Despite this consensus at the level of civil society and despite international level pressures; the government have been reluctant to make concessions from national security. Taken as a whole, the process tracing of the bargaining between the sector specific organizations and the government

[54] Volkan Aytar (2013), "Daha karanlık bir geleceğe doğru mu? Terörle Mücadele Kanunu'nda yapılan değişiklikler [To a darker future? Changes to the Anti-Terror Law]," TESEV Report, accessed January 16, 2013. Available at: http://www.tesev.org.tr/Upload/Publication/52b9b38c-f36b-4093-b3ef-57537fe5eeca/TESEVTMKRaporu-VolkanAytar.pdf.
[55] Ibid.
[56] Ibid.

supports the second hypothesis of the dissertation that the *higher the conflict between core policy preferences of the government and a lobbying group, it is less likely that this lobbying group realizes its preferences in the policy output.* This conflict also rendered the coalition size meaningless in explaining lobbying success. If the collective pressures continue to increase, the government might have to consider certain revisions; though its current attitude against these pressures indicates that the government is geared up to withstand them to the best of its ability.

4.6. The Problem of Arrested Journalists and the Third Reform Package as a Remedy

The issue of journalist arrests on the basis of the Penal Code, the Code of Criminal Procedures and the Anti-Terror Law has led to fierce polemics between the governing authorities and organizations lobbying for the press freedom. These actors came up with contradictory figures about the number of imprisoned journalists and the reasons for their imprisonment.

The European Federation of Journalists (EFJ) launched an international campaign to set free all the imprisoned journalists in Turkey and according to its estimates as of December 2012; there are 71 professional journalists that remain in prison.[57] According to another estimate by the Committee to Protect Journalists (CPJ) there are 76 journalists behind the bars as of October, 2012 and at least 61 of them received imprisonment for their journalistic activity (CPJ, 2012). In response to such figures about the imprisoned journalists in Turkey, the Turkish Ministry of Justice issued a detailed report. In its report, the Ministry first and foremost criticized that there were only 8 persons in the CPJ's 2011 report and all of a sudden that this number had risen to 76 in the Committee's 2012 figures; despite the fact that many of those included in the 2012 list -70 persons- were already being tried back in 2011 (Ministry of Justice, 2012). The Ministry details also that only 8 out of 61 persons in the CPJ list, who were alleged to be in prison due to their direct activities of journalism, were convicted and prosecutions are still pending for other persons (Ibid). Moreover, the convicted are not in prison due to their journalistic activity; but because of 'various offences' including

[57] See in the website of the European Federation of Journalists. Available at: http://europe.ifj.org/en/pages/turkey-campaign-set-journalists-free.

membership in a terrorist organization, organising trainings on the terrorist organization's instructions and doctrines, possessing dangerous substances such as molotov bomb and fireworks, and using them against the security forces, kidnapping people, using fake police identification, etc. (Ibid). 7 out of 15 persons in the second list of CPJ, all of whom have ambiguous relationship with journalism, are again convicted with various offences (Ibid). In this sense, the governing authorities' question the reliability of the data provided by CPJ and this organization's criteria to consider these persons as journalists, and claim that the arrests should be evaluated not only solely looking at the numbers; but also by detailed examination of the reasons for arrests. As Bülent Arınç argues:

> Some of them are behind bars due to simple offences. Some of them are being accused [for reasons related to] their journalistic activities. There are only one or two people who are on trial because of what they have written. Those who complain about Turkey abroad, as though hundreds of journalists are in prison, have ideological aims. Their primary objective is to weaken the government.[58]

When the reasons for sentences against persons in these lists are considered, the governing authorities construe that the arrests and imprisonment sentences cannot be interpreted as a violation of the press freedom (see also İdris Naim Şahin in Appendix 2). Nevertheless, some journalist organizations find this claim objectionable and argue that the arrests and even the lawsuits brought against the journalists are similarly and even more problematic than the prison sentences (see Kaan Karcılıoğlu in Appendix 3). Others also criticize the fact that those journalists without the press card are simply rejected to be part of the profession (see Zafer Atay in Appendix 3).

Apart from these debates about the number arrested journalists and reasons for their arrest; the fundamental problem is that together with these debates, the opaque justice system of Turkey and the possibility for its arbitrary implementation might simply serve as a mechanism to intimidate the journalists and oppress any opposition. Especially, the length of the legal proceedings represents a deterrent factor. Regarding the issue, there were several applications to the ECHR and according to ECHR Judge Işıl Karakaş around 24 percent of the pending cases against Turkey are related to the

[58] *Hürriyet Daily News* (2012), "The Turkish media is free enough, Arınç," August, 24. Available at: http://www.hurriyetdailynews.com/the-turkish-media-is-free-enough-arinc.aspx?pageID=238&nid=28491.

complaints about the duration of legal proceedings in Turkey.[59] It could be that these applications to ECHR and the ECHR's unfavorable judgements about Turkey, as well as, mounting criticisms about Turkey's deteriorating image concerning press freedom should have been the impulses behind adoption of a few liberating reforms in the summer of 2012.

These include reduction of the penalties for certain offenses such as "attempting to influence a fair trial," "limitations on censorship of periodicals accused of producing propaganda", and "changes in the system that adjudicates serious anti-State and terrorism cases" (CPJ, 2012). As part of the third reform package, in July 2012, the Turkish Parliament adopted the Law No. 6352 on suspension of prosecutions and convictions for the press-related crimes. This new regulation makes possible three year suspension of all prosecutions and convictions for the press and opinion related crimes but only for those committed before the end of 2011 and those that received maximum five year sentence in prison. Furthermore, during this period the persons concerned shall not be involved in an offense of the same kind.[60] Other than the issue of suspension of prosecutions, the new regulation also sought to prevent the security forces from systematic detention of suspects and provides for the placement of suspects under judicial control (Reporters without Borders, 2012b).

Despite these constructive provisions, the new regulation did not satisfy the sector organizations. Principally, they draw attention to the following implications which would render these reform efforts partial:

> As we had feared, 'terrorism' charges are being used as a pretext for not applying the reform to many cases and new prosecutions are being brought against people for the opinions they express because Law 6352 is limited to 'offences' committed before 31 December 2011(Ibid);
>
> Authorities similarly introduced probation laws when the number of intellectuals and journalists in prison had escalated back in the 1990s. These regulations may bring about probation, yet all the prohibitions are essentially protected. The freedom of the press cannot be secured without repeal of the Article 6 and 7 of the Anti-Terror Law (see Ercan İpekçi in Appendix 1);

[59] *Hürriyet Daily News* (2012), "Euro judge warns Turkey on long jail terms," February, 20. Available at: http://www.hurriyetdailynews.com/euro-judge-warns-turkey-on-long-jail-terms.aspx?pageID=238&nID=14135&NewsCatID=339.

[60] TBMM (2012), *Yargı Hizmetlerinin Etkinleştirilmesi Amacıyla Bazı Kanunlarda Değişiklik Yapılması ve Basın Yayın Yoluyla İşlenen Suçlara İlişkin Dava ve Cezaların Ertelenmesi Hakkında Kanun,* No: 6352, July, 2.

> There are 99 journalists kept as detainees in prisons. Books are collected. I consider the latest regulations as ineffective in practice. The government, which does not apply the existing laws, brings about new laws. We look at practice. I consider these regulations as propaganda and as steps to appease the society's conscience (see Ahmet Abakay in Appendix 1);

> Although the period for suspension of the prosecution is three years this leads to a great pressure over the journalist. Second, the freedom of expression and the press should be very strongly defined in the new Constitution. The third point is that the Penal Code should be reviewed in line with the axis of freedom of expression and freedom of the press and thus should be made more democratic. The fourth and maybe the most important is that: even if the best laws are enacted, it does not have a meaning if they are not applied in a democratic fashion (see Deniz Ergürel from the Media Association in Appendix 1);

> What is a lot said about the 3rd Reform Package, and in a way that I cannot understand what is observed to be a positive development abroad briefly says 'if you continue to engage in journalistic activity in this fashion, I am going to retry you (see Kaan Karcılıoğlu in Appendix 3).

Overall, these representatives of the major sector organizations consider the Law No. 6352 not only as limited but also as defective in the sense that it may simply lead to self-censorship. These organizations demand a holistic approach in reform of the freedom of the press related legislations; however the decision-making authorities show reluctance to adopt such an approach and instead opt for responding to such cyclical pressures with partial regulatory acts. As aforementioned, this tendency of the governing authorities can be explained with the criminal and terrorist threats against national security, and also with the unwillingness to relinquish the legal mechanisms at their disposal.

It can be argued that the conflict with the Kurdish separatist movement represents the most formidable challenge against minimization of the limits against the press freedom. Besides, another major political level cleavage between secularists versus religious conservative circles will continue to orientate both sides in pursuit of policies that favor the associated ideologies against greater freedom of the press. These two conflicts are together significant in explaining the partial nature of reforms and their faulty implementation. Under the strains of these conflicts, the collective lobbying efforts of the journalist organizations and the international support to this domestic level lobbying have accomplished little as regards their demands for reform.

4.7. The Law No. 5651 on the Internet and Filters on the Internet Usage

The printed press and the broadcasting sector are not the sole entities subject to legal restrictions that violate the freedom of communication. At the end of the 20th century, new mediums of communications have emerged with advances in information technology. The Internet developed into a major mechanism of freedom of speech which soon resulted in the creation of international and national level documents to arrange the rights concerning access to this exponential domain.

To guarantee freedom of access, the language of the international level documents was designed to keep restrictions at the lowest level. For instance, the Council of Europe's Convention on Cybercrime only counts child pornography and infringements of copyrights among the criminal offenses. In the Turkish context, the scope of crimes is far more extensive; as, besides provoking the controversial Law on the Internet, the blocking authorities may also provoke the provisions of the Penal Code, the Anti-Terror Law, as well as, the Law No. 5816 on Crimes Committed against Atatürk when ordering the blocking of the websites of political nature. Given this excessive legal interventionism, Turkey displayed a deteriorating picture with respect to cyber rights. For instance, 2010 onwards, 'Enemies of the Internet Report' of the Reporters without Borders listed Turkey as a country under surveillance along with other authoritarian regimes who are considered as the worst violators of freedom of speech such as China, Egypt, Tunisia, Vietnam and Saudi Arabia.

This process of relapse was partly instituted with the initiation of the Law No. 5651 on the Internet which came into force in November 2007 and complicated the already mixed legal framework on freedom of expression and communication in Turkey. It brought several restrictions on the Internet content and detailed the conditions under which the competent authorities including the judges, the courts, the prosecutors, the Ministry of Communications, and *Telekominikasyon İletişim Başkanlığı* [the Telecommunications Communication Presidency, TİB] can order blocking of the convicted websites. According to the blocking statistics of TİB, "as of 11 May, 2009, 2601 websites were blocked from Turkey under the provisions of Law No. 5651" (Akdeniz, 2010). TİB did not disseminate any statistics since then and according to the

most recent figures of the engelliweb.com,[61] there are 22719 websites blocked in Turkey.[62] The practice of indefinitely banning a websites is no different in terms of its implications over the press freedom when compared with the Anti-Terror Law provision which makes it possible to ban the future publication of an entire periodical.

This surfeit of website bans in Turkey did not escape the attention of some international level organizations and rendered them critical of Turkey's regulatory framework on the Internet. In this respect, the Organization for Security and Co-operation in Europe (OSCE) demands the Turkish government to "bring Law No. 5651 in line with OSCE commitments and other international standards on freedom of expression, independence and pluralism of the media, and the free flow of information" (Akdeniz, 2010). Similarly, the European Commission (2011: 27) demands revision of the current legal framework on the Internet arguing that it both limits freedom of expression and citizens' right to access to information. The Commission also criticized TİB for not supplying any statistics on the banned websites since May, 2009 (Ibid).

Along with these reactions from the international level, the professional organizations also went up against the procedures on the regulation of the Internet. For instance, Oktay Ekşi -the former chair of the Press Council- heavily criticized the authorization of TİB for censorship of the Internet content (see in Appendix 1). Currently, cooperating under the Freedom for Journalists Platform, the participant associations collectively lobby for the abrogation of the Law No. 5651.[63] As a search for remedy at the international level, *Internet Teknolojileri Derneği* [the Internet Technology Association, INEDT] also carried the issue of the censoring of youtube.com to the ECHR criticizing the Law on the Internet that it allows censoring of an entire website on the basis of particular objectionable content. The ban was imposed on the basis of the Articles 9 and 10 of the Law No. 5651 and had been intact since May, 2008 and was removed in October, 2010.

[61] The statistics provided in the website is cited by many academic works and by prominent broadcasters and newspapers operating at the national and international level such as *Hürriyet, Radikal*, NTVMSNBC, İHA, CNN, BBC, and the Associated Press.

[62] It was also stated under engelliweb.com that there are 1290 other blocked websites which were not included in the first list due to uncertainty about their blocking date. See the statistics under the website of Engelliweb. Available at: http://engelliweb.com/istatistikler/.

[63] TGS (2011), "Gazetecilerden ayağa kalk eylemi [On your feet protest of the journalists]," November, 4. Available at: http://www.tgs.org.tr/index.php?option=com_content&task=view&id=529&Itemid=51.

Lately, the president of the Internet Board –an institution tied to the Ministry of Transport, Maritime Affairs and Communications; and composed of public bodies such as the related ministries and universities, the Internet utility providers, and civil society organizations- came up with a document entitled 'the Amendment Work on the Law No. 5651' and expected the members of the Board to give their opinions on the document until October, 2011. Through the Internet Board, the stakeholders from the information technology sector such as the Turkish Informatics Foundation have gained access to processes of policy formulation. Still, some other sector organizations such as INETD criticize the arbitrary procedure with which some interested parties from the level of civil society have been excluded from these consultation processes (INETD, 2011).

Another debate concerning the freedom of access to the Internet revolves around the introduction of mandatory filters on the Internet usage. Initial criticisms about the mandatory nature of filters led to postponement and modification of the proposed system. Protestors organized via social media and there were marches through Istanbul in May, 2011. In response to the pressures of these public protests, *Bilgi Teknolojileri ve İletişim Kurumu* [the Information Technologies and Communication Board, BTK] opened the proposed system into discussion and instantaneously organized a meeting with the representatives from civil society and from the Internet sector. According to Reporters without Borders, around 50 representatives from civil society and stakeholders from internet sector, as well as, officials from TİB took part in the meeting which failed to produce consensus as the opposing parties stuck to their initial positions (Reporters without Borders, 2011).

The plans to introduce filters were not abandoned and TİB alternatively introduced what is called an 'Internet Safety Sheme' also referred to as optional filters to protect minors from the objectionable contents. Concerning this new sheme, the European Commission suggests that "the revised version, which was adopted in August 2011, responds to a number of concerns" and adds that "implementation in line with European standards will be essential" (2011: 27). Under this new system, the contents of the filtered Internet packages were decided arbitrarily and without any transparency. The demonstrations might have rendered the system voluntary; however, they did not prevent the government from determining the filtering criteria. Yaman Akdeniz exemplifies the problem by the fact that many websites such as the evolutionary

biologist Richard Dawkins' website, *Yaşam Radyo* (Radio Life) -a radio station broadcasting cultural programs for minorities-, as well as Facebook and YouTube are all excluded from the child package (see in Reporters without Borders 2011b).

It can be argued that such legal arrangements to regulate the Internet environment sustain the State interventionism. Unlike in the past, through institutions such as the Internet Board, particular lobbying groups from the level of civil society could gain institutionalized access to the processes of policy formulation. However, ambiguities remain with respect to the boundaries of this access and concerning the question of whom and according to which criteria become the chosen participants of the decision making process. The journalist organizations seem to be rather interested with the problems in the regulation of the Internet based journalism and according to Orhan Erinç from TGC (see in Appendix 1), the technological differences necessitates the Internet based journalism's regulation with a separate law; in preference to the current plans to allocate it under the body of the Press Law.

By and large, the issue of online freedom of communication is very intricate for every country as the Internet represents an unconventional sphere of communication which also breaks the routines of the profession of journalism and broadcast. With the sharp rise of the Internet, communications became increasingly global and the governments have become confused about how to get through the blurring of boundaries and security threats associated with the point arrived at Internet technology. In the Turkish case, the introduction of a filtering system and the highly restrictive Law No. 5651 are examples to the Turkish government's attempts to cope with the challenges against its core policy preferences as well as those threats against the national security. The EU, also, did not yet develop a common binding policy on the regulation of the Internet sector. In these respects and given the fact that this realm is in constant state of flux, the future of its regulation is maybe the most unpredictable domain under the issue of freedom of the press.

4.8. General Evaluation of the Lobbying for Freedom of the Media and the Press

The findings put forward in this chapter demonstrate that Turkey's communication vehicles including media, press, and the electronic media are regulated through a highly complex legal structure which is both limited and open to arbitrary interpretation by the government, the judicial bodies and the regulatory agencies. The decision making authorities in Turkey had hitherto been reluctant to revise the bulk of this complex structure. They even introduced new restrictive provisions through amendment of the Anti-Terror Law and launched same safety schemes to further control the content in the new areas of communication such as the Internet. Some positive reforms –especially, the initiation of a New Press Law in 2004 and the third reform package of July, 2012- became almost meaningless in the face of punitive laws that also have provisions to regulate the realm. Consequently, sector specific organizations have routinely expressed the urgent need to remodel this composite freedom of the press-related legal structure in its entirety, they proposed several revisions to these laws; however, so far they achieved limited success in realizing their proposals.

This chapter aimed toward a detailed examination of the processes through which the sector organizations have lobbied the political structures and reasons behind their level of lobbying success including their particularly distinct lobbying context. The lobbying experience of the targeted organizations suggests that their individual lobbying did not leave any notable trace over the formulation of legal contents. Some representatives from these organizations reported to be regularly invited to policy making processes and consulted for their policy opinions (see Zafer Atay and Turgay Olcayto from TGC in Appendix 3), and others argue to the contrary (see Kaan Karcılıoğlu in Appendix 3) underlining the problem of the sustainability of this access since it lacks an institutional basis and is only available depending on the discretion of the governing cadres. Lacking institutionalized access and having realized the ineffectiveness of individual efforts, since 2010 journalist organizations cooperate under the Platform for Freedom to Journalists. Lobbying through such a coalition structure did not lead to a substantial change in lobbying success. Only, there had been some minor reforms initiated with the third reform package of July 2012 which only partially addresses the Platform's policy preferences. Besides, the journalist organizations' lobbying breed higher levels of success during the reform of the Press Law back in 2004

when compared to success levels with respect to reform of the Penal Code and the Anti-Terror Law. From 2010 onwards, the Platform for Freedom to Journalists has particularly concentrated on revisions to these latter two issues which are considered as the main sources of the journalist arrests. Moreover, many international level policy advocates support the policy position of this domestic level collective lobbying concerning the Penal Code and the Anti-Terror Law. Despite the ever growing size of this coalition; the governing cadres stand firm on these freedom of the press related issues and remain irresponsive to these increasing demands and criticisms. However, one shall not jump at the conclusion that the size of lobbying coalitions is good-for-nothing. It might be that lobbying through coalitions is a brand-new experience for the journalist organizations which is so far inconsequential when considered the Platform's lobbying record. Given its short history, the members of the Platform still struggle with the inability to act in unison on certain issues of concern. Although they all point to the importance of collective lobbying, they also underline the hardship of accomplishing it; unless they resolve their problems about internal solidarity (see Zafer Atay in Appendix 3 and Turgay Olcayto in Appendix 1). Thus, the Platform might have been technically there, but the *de facto* degree of the cohesiveness of its constituents is also critical; if we are to suggest that the journalist organizations are engaging in collective lobbying.

Given the worsening picture within the Turkish context, by March 2011 the European Parliament concluded that the worrying deterioration of the press freedom, including self-censorship of the national media and Internet sites is among the main remaining challenges ahead of Turkey's reform process (European Parliament, 2011c). This specification of press freedom as a priority area -along with women's rights and minority rights- has also led the European Commission to recently increase its pressures for reform. However, concerning the issue of the press freedom, the EU's common regulatory standards have rather been limited. That is why the European Commission generally refers to the ECHR rulings on freedom of expression, and it demands Turkey to comply with these rulings. Moreover, reform of some major laws such as the Penal Code were hurried to catch up with timetables set under the EU entry negotiations leading to a *fait accompli* method in the adoption of these reforms. In this respect, it can be argued that pressures of the EU negotiation framework do not always lead to flawless law content and it may even lead to a contrariwise impact as also pronounced by the journalist organizations. Nevertheless, the European Commission currently continues to

pressure for revisions to certain Penal Code articles and it additionally expresses that problems related to freedom of expression result from the interpretation of these articles by the governing authorities:

> High-level government and state officials and the military repeatedly turn publicly against the press and launch court cases. On a number of occasions journalists have been fired after signing articles openly critical of the government. (European Commission, 2012: 21-22)

While highly critical of the situation in Turkey, the EU also fails to internally free itself from the problems about the press freedom. The EU hosts 18 of the first 20 countries in the press freedom rankings; still, there are also some Member States tarnishing the EU's positive image and reputation: such as Italy with its partisan press, Hungary with its new restrictive Press Law, and Bulgaria with its sharp decline in freedom of the press rankings -from 70th to 80th in 2011-2012. Unable to address these problems in its Member States, the EU struggles to come up with new measures as future accession criteria. One such measure is the European Charter on Press Freedom which was launched back in June 2009. Although currently unbinding, it is planned to be made a condition for future EU accession. Thus, one of the major conclusions of this chapter is that the EU impact over freedom of the press had been so far limited and inconsistent.

Besides problems with respect to collective lobbying and lack of a stong EU drive, it is quite obvious that the extension of guarantees for freedom of the press clearly challenges a number of State interests and interests of the governing authorities. In the face of sensitive issues such as the Kurdish separatism, insults against Turkishness, and the critique of the founder of the Republic Mustafa Kemal Atatürk; the current governing cadres are cautious to lose their existing legitimate power to control the vehicles of communication that commit these offences. Besides, censorship is no longer limited to such taboo issues as the legal arrangements provide the authorities with considerable level of discretionary power to censor and suppress any opposing and unwelcomed viewpoints. In this respect, the unwillingness to revise these existing restrictive arrangements leads to the negative impression that the government is pursuing its core policy objectives shaped by its position within the secular versus religious conservative divide. These powers are hard to renounce, which the government would easily utilize to render the media subservient to its political

objectives. Yet, it is not only the current government, but also any other ideological viewpoint that had been repserented at the Turkish political scenery that had fallen into similar unwillingness given their ideology induced policy preferences. In the words of Kaan Karcılıoğlu "all the parties of the political process have idiyosyncratic sentimental values and all sorts of things against these values are considered as a decleration that should be limited" (see in Appendix 3). The conflict between these values emerges as a highly challenging factor in the path towards reaching the levels of freedom of the press desired by the journalist organizations.

There is also no consolidated opinion about the situation of press freedom in Turkey. Although the official reports of the international anchors and those of domestic level policy advocates converge in their evaluation of the situation and altogether point to a swiftly worsening picture; the Justice Ministry's report and the government officials' statements refute that there is a serious problem and that the issue is distorted by the critiques of the government.

The major conclusion of this chapter is that the issue conflict between the preferences of the lobbyists and the core policy preferences of the government looms large in explaining the level of lobbying success with respect to reform of the press freedom related legislations. This conclusion has also been reached in the previous chapters. Among other determinants of lobbying success, issue conflict deserves extra attention as it appears to be extremely critical in determining the level of lobbying success as demonstrated in each of our empirical case studies. Alternative arguments can be made. In the case of journalist organizations' lobbying, the positive impact of coalition formation dynamics and those of the EU policy requirements were also ambiguous. Still, one cannot deny that in every specific reform issue under this specific policy domain, the government's ideology induced policy preferences became a reason for disagreement with the advocates of the press freedom. Moreover, the government's legitimate fight against the Kurdish separatism had resulted in further limits over the practice of the profession. It could be argued that this additional axis of controversy renders the journalists' lobbying much more controversial.

CONCLUSION

The primary objective of this dissertation was to contribute to the advance in understanding the determinants of lobbying success, so that alternative lobbying experiences under country specific contexts -such as Turkey's EU accession negotiation context- could be explained more accurately. In explaining lobbying success/failure, earlier studies within the interest group influence literature above all emphasize the weight of two independent factors –the size of lobbying coalitions and the conflict over policy issues. The dissertation provided a detailed exploration of these factors in the Turkish case and additionally scrutinized the impact of the EU's adaptational pressures.

Through empirical evidence from pleathora of policy issues that became subject to Turkey's reform processes, the dissertation demonstrated that not every lobbying group have equally benefited from the EU's pressures for reform and that the impact of these pressures had rather been uneven across policy issues. In some of the earlier studies of Europeanization, there is an overt emphasis on the EU's assisting impact over the empowerment of civil society. In effect, the study of this empowerment is a massive project with several components including the study of civil society's development in terms of quality and quantity, progress in its organizations' capabilities to mold and represent public opinion, changes in the structures of their interactions with the political sphere, the consequent rise in their decision making participation levels, and finally the rise in their ability to realize their policy preferences. Finding evidence for strong EU impact can be associated with the choice of the 'dependent variable' from among these different components of civil society empowerment. The EU's assisting impact can be observed at all these different levels; yet once the dependent variable is specified solely as 'the ability to realize policy preferences in the policy outputs'/'lobbying success', the EU's impact across different policy issues have begun to vary. Even if those issues are

subject to the reform processes that attach priority to human rights improvement, the EU has its own human rights framework which does not always correspond to domestic level demands in Turkey. It cannot be denied that the EU reform process have immensely contributed to Turkey's progress with respect to human rights improvement. Still, the dissertation observed several scenarios as a result of which the EU's positive impact over lobbying success might be questioned. The empirical findings demonstrated that

- The EU may simply fell short of/or refrain from presenting a policy position, thus become totally external to domestic level bargaining on a specific policy issue.
- Even if the EU adopts a policy position; if not binding, this policy position may/or may not lead to a policy change at the domestic level.
- Even if the EU pushes for domestic level policy change through its binding directives, these directives may/or may not sufficiently address the demands of some policy advocates from the domestic level.
- Even if the EU pushes for domestic level policy change through its binding directives, these binding EU policies may contradict some of the domestic level demands for policy change.

Besides this variation in the outcome of the EU's adaptational pressures; the EU's impact with respect to facilitating structures of regular decision making participation has not been the same in the case of every lobbying group that seek such regularized access. When some of the empirical cases under discussion are considered, one can hardly draw an optimistic picture of access to the political level. The machinery of this access, if regularized as it is to a great extent in the case of women organizations' lobbying; fundamentally affects the ability to communicate policy preferences to the political level. Still, these structures cannot be systematically associated with lobbying success and other factors step in with implications over the responsiveness of the political actors.

Although several requisites of lobbying success have been identified within the interest group influence literature, most recent studies emphasize the importance of issue specific factors and among these primarily the degree of conflict among alternative interests involved within policy making. In this respect, two types of conflict have been identified for their possible implications over lobbying success. The first one

is the conflict that could emerge among the opposing interests that simultaneously lobby the decision making structures. The second is the possibility of conflict between the core policy preferences of the government and a particular lobbying group. Both types of conflict were observed in most of the policy issues discussed in this dissertation and these issues were especially observed to become subject to alternative articulations under the competitive discourses of secularism versus religious conservatism. This political level conflict has led to development of competing conceptions of a necessary democratic reform in response to the EU's pressing requirements for accession. Thus, despite these EU pressures, the polarization between secularism versus religious conservatism has continued to be divisive in its effects when translated into solid policies and led to dissents in the understandings and implementations of reform content. Although, over the last decade, this discoursive conflict has dominated the Turkish political scene; it is one among many other polarizations that have complicated the prospects of human rights reforms in the Turkish case. The polarization regarding Turkish nationalism and Kurdish separatism has been similarly detrimental in its divisive effects and eventuated in alternative framings of reforms, and as regards the cases of this dissertation; it had implications particularly over the reform of the regulatory framework on freedom of the media and the press. In general, the initial expectations about the conflict hypotheses were confirmed under each issue field studied in this dissertation. The lobbying in the field of Alevi issues essentially exemplifies both types of conflict. The Alevi organizations, although united about the major needs of the Alevi community, came up with alternative policy proposals for reform miscalculating that they would thereby alter the government's responsiveness. Besides the intra-group differences of opinion about the most efficient lobbying strategy; the Alevi organizations were further countered by a strong counter-Sunni policy positions that correspond to the policy interests of the ruling party. In this respect, the dissertation observed a strong pattern within the lobbying on Alevi issues that provide support for both of the conflict hypotheses. Unlike the Alevi lobby; the lobbying in the field of gender mainstreaming and in the field of freedom of the media and the press were not subject to similar levels of first type conflict (conflict within civil society). Still, significance attributed to second type conflict (conflict with the core policy preferences of the government), is once more certified under these issue areas. The dissertation also observed that some politicians have tried to utilize the first type conflict as a pretext for their policy intransigence. In the case of lobbying on Alevi

issues, the Alevi organizations were blamed for their internal disunity and the Sunni interests were claimed to further frustrate peaceful resolution of the Alevi issues. In the case of journalist organizations' lobbying, again as an excuse for rejection of their demands for reform, the journalist organizations had been exposed to similar criticisms from the political level that on certain policy issues these organizations failed to offer a unified position. This state of affairs indicates the importance that these lobbying groups should attach to 'lobbying through coalitions'.

The empirical findings of the dissertation neither refute nor sufficiently support the assumption that lobbying through coalitions, the lobbyists would increase their potential to influence policy outcomes. Nevertheless, when the lobbying experiences studied in this dissertation are evaluated in comparative perspective, especially the women organizations' success with respect to influencing policy outcomes can be linked to their routine of collective lobbying. The targeted women organizations are not organized around Turkey or they do not gather under permanent umbrella structures such as federations or confederations. What differentiates this group of lobbyists' is that they establish national level issue-based coalitions on almost every issue of concern, assemble under these ad hoc structures, accord their differences of opinion, and establish unified policy positions in advance. Subsequently, particular organizations from among the women's lobby, which are specialized on a particular issue field –i.e.: violence prevention or women's labor force participation-, lay the groundwork for the details of women organizations' collective demands, then join in the decision making processes and speak for the rest of the women organizations who externally support their cause. This division of labor with respect to laying the groundwork and representation of coalitions should have contributed to women organizations success without the need for each and every group to equally put all of their efforts in a specific issue. The dissertation could not, however, offer systematic analysis of the relationship between 'the relative size of these coalitions' and 'lobbying success' due to a number of reasons. First, it is not always possible to specify the number of all the lobbying actors that belong to a particular policy position. In the case of lobbying for gender mainstreaming, women organizations have been very much visible with their ability to constitute a lobbying front cooperating under platform structures. In making inferences about the coalition size and its relation to lobbying success, one could take into account the membership size of such formally established platforms as an indicator. However,

this would lead to a major bias, as it means ignorance of other lobbying groups which are external to such platform structures, yet simultaneously lobby for the same/or opposite cause. It is, therefore, extremely demanding to be accurate about the size of the lobbying coalitions and difficult to draw general conclusions about the impact of this variable. Second, in some of the cases studied in this dissertation, coalitions around policy issues have not been confined to the domestic level. Both the women organizations and the journalist organizations have been supported with some international level allies who have been lobbying for the same cause. However, the analysis in this dissertation provided contradictory evidence with respect to assisting impact of cooperation with these international level policy advocates. Overall, although the dissertation could not give a clear picture of the relative size of the lobbying coalitions and their impact; it can at least suggest that coalitions are observed to generate some difference, yet not as much as they had been expected to. There is some evidence that verify the assisting impact of lobbying through coalitions; however, in light of its general findings, the dissertation concludes that their size should not be overstated. The dissertation also acknowledges the possibility for bias with respect to these conclusions; because it relied upon evidence from large scope and highly salient issues. When considered the impact of these issues over a broad spectrum of interests, it should be acknowledged that it becomes extremely challenging to claim accuracy about constellations of all the coalitions that emerge around these salient and large scope issues.

Cross-case comparison is one of the main contributions of this dissertation. By this method, the dissertation demonstrated similarities and differences of lobbying experience under some alternative issue categories. Its findings also have implications over the literatures that specifically concentrate on these particular issue areas.

Observing the transformations in the last decade the bulk of the literature, which concentrate on gender mainstreaming in the Turkish case, discovers substantial progress in terms of the women organizations ability to influence gender related policy outcomes and address several possible factors in furthering this ability including the EU's opportunity structures and adaptational pressures, emergence of shared discourses among the women organizations, employment of particular strategies, and the movements' high level of institutionalization. Part of this literature have been cautious with respect to exaggerating this ability and draw attention to negative impact of the

conservative reflex within the Turkish society as well as congruent conservative approach of the AKP government as regards the reform of gender issues. This literature, although sophisticated with research on these different dynamics at play, lacked any combined analysis of how these dynamics were in fact interacting with one another in explaining the variation in success/failure of lobbying across gender issues. The literature also required verification with comprehensive approach to the study of all the major gender issues that became subject to the EU reform processes. When these major gender issues were analyzed in detail, the dissertation found variation in women organizations' ability to realize their preferences in the policy outcomes and demonstrated this variations' linkage to the political level conflict between secular versus religious conservative policy positions. The findings of the qualitative analysis across several gender issues also exhibited how this conflict indeed moderated the positive impact of other variables -coalition formation dynamics and the EU's adaptational pressures.

The lobbying for the Alevi issues has stirred some academic attention in the aftermath of Alevi groups' one time only workshop-based access to the political level. With respect to this literature, the dissertations' findings are first and foremost skeptical about the previous claims which stress the differences among the Alevi organizations. Although these differences were brought to the forefront throughout the workshop process; the Alevi organizations became aware of their negative implications and they have begun to lay emphasis on their common grievances in the post-workshop period. In comparison to the lobbying on women's human rights issues, the lobbying on Alevi's human rights was less able to effectively communicate a discursive unity and utilize the supportive conditions for lobbying success. Additionally, the EU process indisputably boosted the Alevi organizations' ability to raise their demands as it was the strongest catalyst behind the government's opening policy; yet, this process had been inconsequential as regards preference realization of the Alevi organizations. The disruptive impact of secular versus religious conservative polarization was most felt under this issue category and it was also accompanied with yet another polarization between Sunni versus Alevi faiths of Islam.

Another policy area explored in this dissertation was the freedom of the media and the press. This policy area had become subject to some academic discussions, yet empirical analysis of the sector specific organizations' lobbying for these freedoms and

the dynamics of their contacts with the political level had so far escaped the notice of the literature. The analysis of the lobbying under this issue field also supports the general findings of the dissertation. The secular versus religious conservative controversy again emerges as a major reason behind the prospects of reforms. Distinct from other issue areas –gender mainstreaming and Alevi's human rights issues-; the policy outputs concerning press freedoms also took shape under the disruptive impact of yet another major conflict that emanated from separatist demands within the Kurdish identity politics. The analysis of lobbying on freedom of the press demonstrated also that supportive conditions such as the EU's adaptational pressures, lobbying through coalitions, and the support of other international level policy advocates failed to produce any significant fostering impact on lobbying success of the sector organizations. The positive impact expected from these supportive conditions could not be observed in most of the issues studied under this issue category and their process tracing once again certified the space that issue conflict occupies in explaining lobbying success.

When all these finding are brought together, a general conclusion would be that different combinations of the factors studied in this dissertation resulted in alternative levels of lobbying success. Within this interplay of several factors, ideological and interest based polarizations and their translation into conflicting policy positions both at the societal and political levels emerges as a powerful determinant in setting the contours of the lobbyists' ability to attain their policy preferences. Lobbying success/failure, however, cannot always be explained as a consequence of this single specific factor. Under such limited circumstances, one could still observe a variation in the lobbying success and this variation can be attributed to a set of other dynamics. The dissertation additionally observed that the lobbying organizations did not lobby on all the policy issues with equal efforts and their concentration on some policy issues and their neglect of others should also account for the anomalies in these lobbying groups' preference realization.

From an historical perspective, the interest groups in Turkey have begun to discover that they have to adjust to and press for integration into the transforming policy making context of the last decade and while doing that they have to reconsider their interactions both with the political level and among themselves. Whereas some groups gained plenty of experience with respect to these processes, others are still new in the game and try to puzzle out the best strategy to attain their preferences under the explicit

policy contours of the governing authorities. Exploiting Turkey's EU negotiation context and lobbying the EU structures, some lobbying groups have also demonstrated that these existing polarizations are not totally insurmountable.

Following all this debate about the dissertation's empirical cases and somewhat pessimistic outlook of the time-wise trends in lobbying success, one avenue for future research is of course the analysis of further transformations in the next decade so that one can make more explicit comments on the rigidity of Turkey's ideological polarizations, monitor further changes in the context of decision making, monitor also the changes in the pressures of the Turkey-EU negotiation context, and thus reevaluate lobbying success in these following processes. Either modeling on the methodological guidance in this dissertation or through employment of more quantitative techniques in cases where available, a much more desirable research agenda is the study of lobbying experiences under other policy areas which would further supply our understanding of lobbying success in the Turkish case with methodological and empirical sophistication and thus contribute to the progress in hypothesis field of action. A good starting point would be to utilize the methodological innovations offered in the interest group influence literature which already came up with some ground-breaking techniques to overcome problems about measurement, sampling and process related complexities. With respect to sampling, the choice of lobbying positions as units of analysis would to a great extent disentangle researchers from the most pronounced challenge in interest group studies -that is the problem of sampling from among the ever changing population of interest groups. The future research should also look for ways to overcome the complexities of studying the entire policy making cycles with concern for these cycles' multiple stages. For instance, the process tracing strategy, as adopted in this dissertation, lays bare the potential gaps between *de jure* and *de facto* developments that is success in policy formulation were not always followed by success in policy implementation; or the other way around that some issues, which *de facto* cease to constitute a problem for the policy advocates –i.e: the liberalization of the headscarf use in the universities and the operability of Cem Houses as Alevi places of worship, may still be considered as in jeopardy if lack legal guarantees for the sustainability of what goes on in practice.

In depth interviews had been useful to surface the lobbying groups' perceptions of influence with respect to these different policy processes. The dissertation relied upon

limited number of interviews and also the public statements of the representatives from the target organizations. This 'attributed influence' method has its own weaknesses as these representatives sometimes failed to speak in the name of their organizations, and even if they did; it is uncertain as to how much these declarations correspond to the demands of their base. This dissertation has tried to ameliorate these initially projected weaknesses with simultaneous application of alternative methods.

Another important direction for future research is to compare the results of the past research built on evidence from different countries. In engaging into such research agenda, one can restrict attention to across country comparison of lobbying under a particular issue field. Besides, it would also be very interesting to explore the EU negotiation frameworks' impact over lobbying experiences in the domestic levels of different negotiating countries. Such comparative designs would help better understand if and how some complex set of variables distinctly interact under alternative lobbying settings.

One last possible discussion could be on the implications of the dissertation's findings on the assessment of Turkey's experience with democratic consolidation. Turkey's design of decision making had been severely criticized for lack of democratic legitimacy as this realm was used to be a black box for groups operating within civil society. Over the last decade, there were various initiatives as well as other signs of increasing dialogue between these realms to counteract the criticisms about the quality of the existing democratic regime in Turkey. The rise in the political participation of groups from civil society breeds some optimism; yet to be able to talk about democratic consolidation, this participation should be continuous and should not be biased towards particular privileged interests. Besides, the lobbying success of competing policy positions should also give an idea about the democraticness of the policy making processes. Observing these processes, the dissertation concludes that most of the policy outputs studied in this dissertation, although had been subject to deliberative decision making processes; do not always reflect compatibility between alternative interests that have emerged within the Turkish society. Still, another critical question to ask is whether the citizens' interests genuinely correspond to those advocated by the formally organized lobbying groups. This is, thus, another assignment for future academic endeavor to explore the democratic potential of the interest groups through systematic study of their relations with their societal base and in this respect better comment on

whether these groups bridge the gap between citizens and the decision making authorities. Nevertheless, the civil societal groups should be considered as essential for democracy; if they vocalize the interests which lack proper representation at the political level. The policy advocates studied in this dissertation were all of this nature, as the political parties did not always have party level policies to fully support these advocates' policy proposals.

These outsider groups' relative access to and role within the policy making processes are also indicative of the political system's bias in favor of particularistic interests. A concluding remark might be that, in the Turkish case, this kind of favoritism is hard to overcome given the ideological polarizations which continue to represent one of the central aspects of the Turkish political scenery. The rigidity of these polarizations surfaces in the reform of several policy issues and constitutes a formidable barrier against the construction and implementation of a legal framework of particular liberties as idealized for gradation to the category of liberal democracies. One can nevertheless argue that some positive steps have been taken as regards the rules of the political game that is how competing interests are compromised under the decision making apparatus. These structures have become much more accessible owing to the EU negotiation framework. However, as the credibility of the EU accession declines; so does the ability of the human rights advocates in terms of utilizing these EU opportunity structures. The vulnerability of the EU process carries some risks for the Turkish democracy. Turkey's democratic consolidation requires further institutional guarantees to accompany some minimal requirements of democracy such as free and fair elections. These institutional structures, once consolidated, render irreversible the decision making participation of groups from civil society.

APPENDIX 1

SELECTED STATEMENTS OF THE REPRESENTATIVES FROM TARGET ORGANIZATIONS (IN ALPHABETIC ORDER, IN TURKISH)

Abakay, Ahmet (the chair of ÇGD):

"Medya çalışanları için bu öneri sıkıyönetim genelgesidir. Anayasanın çok ötesinde, 'genel ahlak, özel yaşam' gibi hükümler bilindiği gibi grevleri yasaklayan hükümlerin aynısıdır. Bu, temel hak ve özgürlükleri yok edici pek çok hüküm içeriyor. Bu çağda böyle hükümlerin getirilmesi Sudan'da olabilir, kabile devletlerinde olabilir. 12 Eylül'ün getirdiği sınırlamaların kaldırılmasını beklerken, yeni yaptırımlar getiriliyor."[64] *"Cezaevlerinde 99 gazeteci tutuklu bulunuyor. Kitaplar toplatılıyor. Son yapılan düzenlemeleri pratikte geçersiz görüyorum. Var olan yasaları uygulamayan bir iktidar yeni yasalar getiriyor. Bizse pratiğe bakıyoruz. Bu düzenlemeleri propaganda ve toplumu rahatlatmak adına atılmış adımlar olarak görüyorum."*[65]

Altun, Fermani (the chair of World Ahlul Bayt Foundation):

"Eğer devlet 'dedelere maaş bağlayacağım' derse 5 milyon insan 'maaş alacağım' diye kapısına yığılır… Para bize verilir biz de cem evlerinde görevlendirilen dedelere maaşlarını veririz."[66] *"Devlet bütün inançlara ve etnik kökenlere eşit mesafede ve tarafsız olmalıdır. Anayasada ideolojiyi besleyen ve nesillerimizi heder eden ırkçılığa ve mezhepçiliğe dayanan sloganlaşmalar yer almamalıdır. Laikliğe aykırı olan Diyanet İşleri Başkanlığı, devlet bünyesinden çıkarılarak özerkleştirilmelidir."*[67]

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[64] *Radikal* (2012), "Basın özgürlüğüne darbe geliyor [A blow is coming to freedom of the press]," July, 13. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1094057&CategoryID=77.

[65] *Radikal* (2012), "Yargı reformu basın özgürlüğü getirir mi [Would legal reform bring about freedom of the press]," January, 21. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1076308.

[66] *Zaman* (2008), "Dedelere maaş verilirse, 5 milyon insan devletin kapısına yığılır [If salaries are given to *dedes*, 5 million people will be heaped up at the State's door]," December, 2. Available at: http://www.zaman.com.tr/gundem_dedelere-maas-verilirse-5-milyon-insan-devletin-kapisina-yigilir_766560.html.

[67] Ayşe Tosun (2011), "Alevilerin anayasa önerisi: Devlet, bütün inançlara eşit mesafede olmalı [Alevis' Constitution proposal: the State shall be in equal distance to all beliefs]," *Zaman*, December, 17. Available at: http://www.zaman.com.tr/politika_alevilerin-anayasa-onerisi-devlet-butun-inanclara-esit-mesafede-olmali_1216045.html.

Arın, Canan (Purple Roof):

"Yasa, 'aile' kurumunun varlığı aranmaksızın, her türlü ilişki biçimini; şiddet uygulayan ya da uygulama ihtimali olan herkesi kapsayacak bir şekilde genişletilmeli."[68]

Aydın, Çiğdem (the chair of KADER):

"Siyasi temsilde ve istihdamda kota uygulaması ve kadın adaylardan adaylık parası alınmaması gibi tedbirler büyük önem taşıyor. Erdoğan, 2011'den itbaren yeni anayasa çalışmalarının başlayacağını açıkladı. Hem yeni anayasa, hem de pozitif ayrımcılık maddesinin içinin nasıl doldurulacağı konusunda bizimle bir an once temasa geçmesini bekliyoruz."[69] *"Kampanyamızda başörtülü bir bayan arkadaşımıza da yer verdik. Amacımız başörtülü adayların da gösterilmesini tartışmaya açmaktı. Bunu da başardık, bu açıdan da mutluyuz."*[70]

Balkız, Ali (the former chair of ABF):

"Biz, Aleviliğin İslam içinde mi, dışında mı olduğunu değil sorunlarını tartışıyoruz. Hükümet yetkilileri de benzer deyimler kullandı. Aleviliği İslamiyetin içinde görenler ve görmeyenler... Görenler makul, akıllı, hoş, cennetlik Aleviler... Görmeyenler, cennetten mahrum kalacak Aleviler gibi bir kategoriyi kabul etmiyoruz. Tarif, Alevilere bırakılmalı. Bizi tanımlama, ortadan yarma girişimlerini asla doğru bulmuyoruz."[71] *"Aleviliği kullanarak Sünni değerlerinin propagandasını sürdürecekler."*[72]

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[68] Burçin Belge (2011), "Ailenin Korunması Kanunu'nda değişiklik olumlu ama eksik [The amendment of the Law on the Protection of Family is positive, but deficient]," *Bianet*, January, 3. Available at: http://bianet.org/bianet/insan-haklari/126975-ailenin-korunmasi-kanununda-degisiklik-olumlu-ama-eksik.

[69] Sevgim Denizaltı (2010), "Pozitif ayrımcılık talebi sürüyor [The demand for positive discrimination continues]," *Birgün*, September, 9. Available at: http://www.ka-der.org.tr/tr/basin.php?act=sayfa&id00=103&id01=98&menu=.

[70] Mürsel Karadeniz (2011), "Başörtülü vekil bir kadın meselesidir [Veiled parliamentarian is a women issue]," *Yeni Şafak*, March, 25. Available at: http://yenisafak.com.tr/gundem/?t=25.03.2011&i=310137.

[71] *Milliyet* (2008), "Siyasiler bizi tanımlamaktan vazgeçsin [Politicians should give up defining us]," December, 8. Available at: http://siyaset.milliyet.com.tr/-siyasiler-bizi-tanimlamaktan-vazgecsin-/siyaset/siyasetdetay/08.12.2008/1025965/default.htm.

[72] Berivan Tapan (2010), "Alevilik okutulsa dahi din dersi zorunlu olamaz [Even if Alevism is tought, the religion classes cannot be compulsory]," *Bianet*, December, 14. Available at: http://bianet.org/bianet/azinliklar/126607-alevilik-okutulsa-dahi-din-dersi-zorunlu-olamaz.

Çalışkan, Selin (We will stop the Killings of Women Platform):

"Bu, kadını değil aile yapısını korumaya çalışan, bakanlığın adından 'kadın'ı çıkartıp 'aile'yi getiren zihniyetin devamı. Kadın, ailenin içinde varolan bir nesne değildir. Kadın bir bireydir, onu ailenin içine hapsedemezsiniz."[73]

Doğan, İzzettin (the chair of CEM Foundation):

"Alevilerin muharrem ayında düzenlenmiş olan bir iftar yemeğinde yaptığı konuşmada Sayın Başbakan, 'Hocam eğer bizim koyduğumuz bilgiler sizi tatmin etmezse, siz yazın ben Başbakan olarak Mili Eğitim Bakanlığına gerekli talimatı vereceğim ve koyduracağım' demişti. Görüyorum ki ya vakti olmadı ya da o bilgi ulaştırılmadı. Ama ders kitaplarında alevilikle ilgili olarak konulduğu söylenen bilgiler de fevkalade cılız ve yetersizdir. Onun için Alevi çalıştayları sebebiyle büyük bir başarı gibi kamuoyuna takdim edilen bu hususun da gerçekle bir ilgisi olmadığını siz değerli basın mensuplarına ifade etmek istiyorum."[74]

Doğan Yalçındağ, Arzuhan (the former chair of TÜSİAD, also founder of KAGİDER):

"Ortada bir sıkıntı olduğu muhakkak. Ama bu sıkıntı bugün tartışılandan daha geniş boyutlara sahip. Evet, bir yanda başını örttüğü için eğitim sürecinde zorluk çeken genç kızlarımız var. Diğer yanda, 15 yaşında istemediği halde zorla kapatılanlar da, birkaç yıl sonra çevre baskısıyla başını örtmek zorunda kalmaktan korkanlar da var."[75]

Ekşi, Oktay (the former chair of the Press Council):

"Tasarıdaki para cezaları, bugünkü şekliyle yasalaşacak olursa, yerel ve bölgesel yayın yapılan yerlerde radyo ve televizyonların değil kuşların bile sesini duyamayız. Çok sesli bir Türkiye'nin yerini, üstüne kabristan hüznü ve sessizliği çökmüş bir Türkiye alır. Çünkü bu cezalar caydırıcı değil öldürücüdür. Radyo ve televizyonlarla ilgili tasarıda bulunan para cezalarını bu haliyle savunmak mümkün değildir. Demokratik bir

[73] Elif İnce (2011), "Yasaya nikah gölgesi [Marriage shadow over the Law]," *Radikal*, December, 29. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1073872&CategoryID=78.

[74] *Yön Haber* (2011), "İzzettin Doğan'dan Alevi çalıştayı raporu'na tepki [İzzettin Doğan's response to Alevi workshop report]," April, 5. Available at: http://www.yonradyo.com.tr/index.php/yazi/izzettin-dogandan-alevi-calistayi-raporuna-tepki-.

[75] *Yeni Şafak* (2008), "Eğitim için zorluk çeken genç kızlarımız var [We have young doughters who suffer for education], January, 25. Available at: http://yenisafak.com.tr/Politika/?t=25.01.2008&i=95470.

toplumda bunlar savunulamaz."[76] *"İnternet'e sansür getirilmesini protesto ediyoruz" …"Kanun koyucunun veya öteki kurum ve kişilerin, iletişim özgürlüğünü kısıtlamalarına, her zaman ve her yerde karşı çıkacağımıza kendi özgür irademizle söz veriyoruz."*[77]

Erden, Atilla (the former chair of ABF):

"Biz AB'den yetkililer geldiği zaman dedik ki, 'bize Müslüman olmayan azınlık falan demeyin, biz azınlık değiliz. Biz buranın yüzyıllardır vatandaşıyız'. Azınlık diye ayrı bir statü ve ayrı bir hukuk sistemi var. Biz öyle ayrı bir sistemden yana değiliz. Yüzde 90'ımız böyle düşünüyor. Azınlık demek, bir iktidarın dışındaki azınlık demektir. Federasyonda da böyle tartışmalar oldu, genç arkadaşlar 'biz azınlığız' falan dediler. Bizim toplumumuzda azınlık lafı zaten olumsuz bir anlam taşıyor. Hukuk sistemleri, Lozan, Sevr, anlaşmayla getirilebilecek şeyler, bütün bu tehlikelerin bilincindeyiz. Azınlık olmayı kabul eden öyle büyük bir grup ya da örgüt yok. Birkaç kişi sadece."[78]

Ergürel, Deniz (Media Association):

"Tasarı genel anlamda olumlu. 5 bine yakın soruşturmadan davaya dönüşenlerin birçoğunun erteleneceğini, daha sonra da düşeceğini umut ediyoruz. Yine de bu yeterli bir düzenleme değil. Davanın erteleme süresi üç yıl da olsa bu gazeteci üzerinde büyük bir baskı oluşturuyor. İkincisi, yeni anayasada basın ve ifade özgürlüğü temel hak olarak çok güçlü bir biçimde belirtilmeli. Üçüncü nokta, TCK'nın basın ve ifade özgürlüğü ekseninde gözden geçirilip daha demokratik hale getirilmesi gerekiyor. Dördüncü ve belki de en önemli noktaysa şu: En iyi yasalar yapılsa bile, demokratik biçimde uygulanmıyorsa bir anlam ifade etmez."[79]

Erinç, Orhan (the chair of TGC):

"Tasarının daha önce eleştirilen basın özgürlüğü ile ilgili maddesi yeni tasarıda olumlu yönde değiştirilmiş. Hatta bu madde Avrupa İnsan Hakları Sözleşmesi'nin

[76] *Akşam* (2001), "Basın Konseyin'den RTÜK yasasına eleştiri [Criticism about the RTÜK Law from the Press Council]," June, 4. Available at: http://arsiv.aksam.com.tr/arsiv/aksam/2001/06/04/guncel/guncelprn7.html.
[77] *Bianet* (2007), "Konsey İçin 'İnternet Yasası' Sansürün Habercisi [For the Council the Internet Law is Prolog to Censorship]," December, 4. Available at: http://bianet.org/bianet/ifade-ozgurlugu/103323-konsey-icin-internet-yasasi-sansurun-habercisi.
[78] See the interview with Attila Erden from ABF in the Website of Civil Society Development Center. Available at: http://www.stgm.org.tr/tr/icerik/detay/attila-erden-alevi-bektasi-kuruluslari-birligi-federasyonu.
[79] *Radikal* (2012), "Yargı reformu basın özgürlüğü getirir mi [Would legal reform bring about press freedom]," January, 21. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1076308.

10'uncu maddesinden aynen alınmış. Maddedeki sınırlamalar yalnız Türkiye'ye özgü değil genel kabul gören sınırlamalar. Ancak önemli olan bu sınırlamaları ceberrut bir devlet anlayışıyla mı çağdaş demokratik bir devlet anlayışıyla mı uygulayacağınız. Buradan yasanın Türkiye'deki basın özgürlüğünün önündeki tüm engelleri ortadan kaldırdığı kanaati çıkmasın. Zira başta Anayasa olmak üzere, TCK, Bankalar Kanunu, Terörle Mücadele Kanunu gibi yürürlükteki pek çok yasada basın özgürlüğünü sınırlayan çok önemli yasal engeller var. Bu nedenle bu yasanın çıkmasıyla Türkiye'deki basın özgürlüğünün AB standartlarına geleceği sanılmasın."[80] *"Bir internet gazeteciliği yasası çıkarılması zorunluluğu karşısında kimi çevreler basın yasası kapsamında bir internetle ilgili düzenleme yapmaya niyetleniyorlar. Ancak basın iletişim araçları ile elektronik iletişim araçları arasındaki teknolojik farklılık öyle bir düzenlemenin yapılsa bile uygulama alanını zor olduğunu gösteriyor. Nitekim daha önceki 5680 sayılı basın yasasında geçici 9. Madde olarak internet yayıncılığı düzenlenmeye çalışılmış ama hukuk farklılıkları teknoloji farklılıkları nedeniyle uygulanamamıştır. Bu açıdan baktığımızda biz tgc olarak internet gazeteciliğinin ayrı bir yasa ile düzenlenmesi gerektiği kanısında olduğumuzu her fırsatta açıklıyoruz. İnternet haber sitelerinde çalışan meslektaşlarımızın da fiilen gazetecilik yapıyor olmalarına karşın hukuken gazeteci sayılmamaları onların büyük ölçüde kimlik ve ekonomik sosyal haklardan mahrum kalması sonucunu yaratıyor bu da öncelikle giderilmesi gereken sorunlarımız arasında."*[81]

Erkoç, Behzat (the former chair of TGS):

"Örneğin basın kuruluşunun sahipliği noktasında Türk vatandaşı olma zorunluluğunun bulunmaması olumsuz. Düşünün ki herhangi bir ülkeden beş parası olmayan birisi Türkiye'de bir yayın kuruluşunun sahibi olabilir, sorumlu müdürü olabilir. Böylece istediğiniz türden yayın yapabilirsiniz. Zira TC kanunları o kişiyi yargılamada etkisiz kalır. Şu anda tasarı komisyonda. Sanırım bizlerden yeniden görüş isteyecekler. Biz de eleştirilerimizi ve önerilerimizi ileteceğiz. Son olarak tasarının

[80] *Sabah* (2004), "AB standartlarına daha zaman var [There is a time for EU standards]," April, 12. Available at: http://arsiv.sabah.com.tr/2004/04/12/gnd103.html.

[81] TGC and Konrad Adenaur Stiftung (2012), "Gelişen Teknoloji Karşısında Gazeteciliğin ve Gazetecinin Konumu [The position of journalism and journalist in relation to advancing technololgy]," seminar jointly organized by the Journalist Association of Turkey and Konrad Adenaur Stiftung, December, 22.

Meclis'teki görüşmeleri sırasında devreye girerek gerekli değişikliklerin yapılmasına çalışacağız."[82]

Geçmez, Ercan (the chair of HBV):

"Çok sayıda Alevi köyüne cami yapıldı ama tekbir cemaati yok. İlk etapta Kayseri'ye bağlı Sarıoğlan, Çorum'a bağlı Turgut, Çukurören, Büyükcamili, Adana'ya bağlı Kuyumcular, Karahan, Yozgat'a bağlı Elmaağacı, Büyükmahal, Mersin'in Tarsus ilçesinde Tekeliköy'ü sayabiliriz. Hatta Sarıoğlan'a ikinci caminin temeli de atıldı. Ama şu anda Türkiye genelinde kaç Alevi köyünde kaç tane camii var, bunu kimse bilmiyor. Bu nedenle Çorum'dan bir çalışma başlattık. Çorum'a ait rakamları yakında açıklayacağız. Daha sonra da diğer köylerle ilgili araştırmayı sürdüreceğiz"[83]

Genç, Kazım (the chair of PSAKD):

"Alevileri azınlık gibi gösteren AB'yi bile kınadık. Aleviler cumhuriyetin temel unsuru ve kurucusudur."[84]

Gülbahar, Hülya (the former chair of KADER):

"Başbakan Erdoğanla bu meseleyi tartıştığımızda Ruanda, dünyada kadın temsili açısından birinci sıradaydı. Kadınlarla gençlere yüzde 30 kota koyarak kadın temsilinde yüzde 48'lik bir başarı yakalamıştı. Başbakan'a bu örneği, 'Kadınların eşitsiz temsil tablosu ancak anayasal ve yasal kotalar konularak değiştirilebilir' diye vermiştim. Tartışmamızın ardından yeni seçimler yapıldı, Ruanda bir ilki daha başardı: Yüzde 56'lık bir oranla parlamentoda kadınların temsili erkekleri geçti."[85]

Gümüş, Fevzi (the former chair of PSAKD):

"Belli ki AKP hükümeti kendine yakın Alevilik anlayışına sahip olduğunu düşündüğü ve Alevi toplumu tarafından da benimsenmeyen Cem Vakfı aracılığıyla

[82] *Sabah* (2004), "Gazete sahipliği sorun yaratır [Newspaper ownership will lead to a problem]," April, 12. Available at: http://arsiv.sabah.com.tr/2004/04/12/gnd104.html.
[83] *Radikal* (2010), "Alevi köyünde yalnız bir imam [A lonenly imam in an Alevi village]," October, 17. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&Date=17%20Ekim%202010&ArticleID=1024083.
[84] *Milliyet* (2006), "Din Dersi Tartışması Alevileri Böldü [Alevis Split over the Religion Class Debate]," November, 19. Available at: http://www.milliyet.com.tr/2006/11/19/siyaset/siy03.html.
[85] Burçin Belge (2010), "Gülbahar: Ruanda Başbakana ve Dünyaya Mesaj Veriyor," *Bianet*, January, 21. Available at: http://www.bianet.org/kadin/siyaset/119578-gulbahar-ruanda-basbakana-ve-dunyaya-mesaj-veriyor.

açılım adı altında bir göz boyama siyaseti yapacak"[86] *"Hükümet sünni kesimi kamu olanaklarıyla finanse etme uygulamasını güya alevileri de sisteme dahil ederek güvenceye almak istemiştir. Zorunlu din dersleriyle ilgili sunulan öneriler de mevcut uygulamanın sonuçlarını daha da ağırlaştıracak niteliktedir. Raporda mevcut durumda halen uygulamalı din eğitimi olan 'Din Kültürü ve Ahlak Bilgisi' öğretimine devam edilmesi istenmekte, bu derse ilave olarak 'yeni bir alanın' devreye sokulabileceği belirtilerek bu yeni alan 'isteğe bağlı din eğitiminin verilmesi' şeklinde tanımlanmaktadır. Yani hükümet, Alevi çocukları için asimilasyon aracı ve sistematik işkenceye dönüşmüş olan uygulamayı artırarak iki din dersi önermektedir, ki bu asla kabul edilemez."*[87]

Güneş, Sibel (the secretary general of TGC):

"Gazetecilere Özgürlük Platformu olarak biz Başbakan yardımcısı Bülent Arınç'ın başkanlık yaptığı Ankara'da bir toplantıya katıldık. Özellikle güneydoğudaki gazetecilerin çok tutuklanmasına neden olan terörle mücadele yasasının 6. Ve 7. Maddesi konusu orada gündeme geldi. Arınç dedi ki içinizde dedi bunun dedi kaldırılmasını dedi nasıl dedi kabul ediyorsunuz. Bizim dedi bunu böyle bir karar almamız mümkün değil. Ben dedi eminim içinizden buna karşı çıkanlar da vardır. Böyle cümle sarf etti. Biz hepimiz biz kaldırılmasını istiyoruz dedik. Bir meslektaşımız Turgay ağabeyin verdiği hani siyasete yakın duran ve bu konuda çabaları olan bir meslek örgütü yöneticimize bir söz attı. Anlaşılan daha farklı görüşmeleri var muhalif durmasına rağmen. O bile şunu söyledi. Dedi ki aslı ispat edilene kadar gazeteci terörist değildir dedi. Ve biz orada Arınç'a çok altını çizerek biz bu 6. Ve 7. Maddenin kaldırılmasını istiyoruz dedik. Sendika var, cemiyet var, bütün meslek örgütleri var. Sonra komik olan şudur. Toplantı bitti. İstanbul'dan gelenler İstanbul'a döndü Ankara'dakiler yerlerine gittiler. Arınç bir açıklama yaptı dedi ki: gazetecilerle ve meslek örgütleriyle ben görüştüm. Biri dışında hepsi 6. 7. Maddenin kalmasını istiyor, beni destekliyorlar" [88]

[86] Confederation of the French Alevi Communities (2009), "AKP-CEM Vakfı elele [AKP and CEM foundation is hand in hand]," May, 14. Available at: http://www.alevi-fuaf.com/haber/1/2706/akp-cem-vakfi-el-ele/.
[87] *Muhalif Gazete* (2011), "Alevilerden sert tepki: Hükümet Vatikan değildir [Strong reaction from Alevis: The government is not Vatikan]," April, 1. Available at: http://www.muhalifgazete.com/8984-Alevilerden-sert-tepki-Hukumet-Vatikan-degildir.htm.
[88] TGC and Konrad Adenaur Stiftung (2012), "Gelişen Teknoloji Karşısında Gazeteciliğin ve Gazetecinin Konumu [The position of Journalism and Journalist in relation to advancing technololgy]," seminar jointly organized by the Journalist Association of Turkey and Konrad Adenaur Stiftung, December, 22.

İpekçi, Ercan (the chair of TGS):

"1990'larda da cezaevlerindeki gazeteci, aydın sayısı arttığında şartlı tahliye kanunları çıkarılmıştı. Bu düzenlemeler geçici tahliyeler getirebilir fakat, özünde bütün yasaklar korunuyor. Terörle Mücadele Kanunu'nun 6 ve 7. maddesi kaldırılmadan basın özgürlüğü sağlanamaz."[89]

Olcayto, Turgay (the deputy chair of TGC):

"Sayın Arınç'la o görüşmemizde gayet net vurgulayarak dedi ki 'ben Terörle Mücadele Yasası'nın kaldırılmasına karşıyım arkadaş' dedi ve 'bunu kaldırtmam' dedi. Geçen gün milliyette okuyorum. Bülent Arınç Terörle Mücadele Yasası'nda iyileştirmeler yapılabilir diyor. Aradan onca yıl geçmiş, bu kadar şey olmuş, içeride olan gazeteciler sırf o yasa yüzünden… Ama şu anda ya dışarıdaki baskı nedeniyle böyle konuşacak. Yani politikacı konuşması." "İşte diyorsunuz ki hükümetle ilişkileriniz? Onlarla bir bağlantı kuruyor musunuz? Tabi kuruyoruz. O bakımdan haklarını yemek istemem. Türkiye Gazeteciler Cemiyeti ne zaman başvursa hükümet bizimle ilgili olumlu karar alır. Bizi kabul eder. Görüşür. Ama büyük bir anlaşmazlığımız var. Bir kere iktidar -yani bugünkü iktidar- on yıldan bu yana görünür yazılı ve görsel basının ben yüzde yetmiş diyorum belki daha fazlasına egemen. Dolayısıyla, çok da diğer dernekleri ya da derneklerin getireceği önerileri kaale alacak değil. Mesela kendi derneğini kurdurdu iktidar. Bugün Medya Derneği diye bir dernek var. Medya Derneği'nin içinde ancak bakanın izin vermesiyle yönetim kurulunda yer alabilmesi gereken TRT'nin genel müdürü var, Anadolu Ajansı'nın genel müdürü var. Siz şimdi o Anadolu Ajansı'ndan, o TRT'den tarafsızlık bekleyebilir misiniz? Ya da onlarla bir diyalog geliştirmemiz mümkün olabilir mi? Ben kendi adımıza bunu söylerken cemiyetle ilişkileri iyi diyorum. Biz ne zaman başvursak, Orhan Bey'i alırlar sayın bakan yanına oturtur. Aman Orhan Bey şöyle böyle der, ama uygulamada hiç bir şey çıkmaz. İkincisi de cemiyete bu ilgiyi gösterirken, sendikayı hiçbir toplantılarına çağırmazlar. Bu da Türkiye'de garip bir tecellidir. Böyle bakınca çok da kolay değil. Bu dayanışma kendiliğinden yok olmuyor. Dolayısıyla bir takım güçlerin çok bilinçli bir şekilde yok etmeye çalıştığı bir toparlanma var mesela işte Gazetecilere Özgürlük Platformu." "Peki diyorlar: siz gazeteciler olarak bir dayanışma içinde misiniz? O

[89] *Radikal* (2012), "Yargı reformu basın özgürlüğü getirir mi [Would legal reform bring about freedom of the press]," January, 21. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&CategoryID=77&ArticleID=1076308.

zaman da biz duruyoruz. Ona hiçbir yanıt veremiyoruz. Çünkü biz cezaevindeki gazetecileri ziyaret ederken bile hep aynı yüzleri görüyoruz. Hep birbirimizi görüyoruz. 40-50 kişi ayrı yerde. Ama onun dışında dayanışma dediğimiz zaman örgütler arasında dayanışma dediğimiz zaman adamlara karşı çok mahcup oluyoruz. Yok diyoruz. Yani gerçekten de bugün bölünme var. Korkunç bir bölünme var örgütlenme arasında." "Gazetecilere Özgürlük Platformunu kurduk. Birbiriyle hiç bağdaşmayan örgütler bir araya geldi. Ama bir süre sonra bazı toplantılarda çok üzücü şeyler oldu. Sendikayla öbür diğer örgütlerin gazete çalışanları için söylediği bir takım, savunduğu bir takım haklar konusunda bakanla konuşurken bakıyorsunuz bir meslek örgütünün lideri çıkıyor mesela Terörle Mücadele Yasası'nı savunabiliyor. Şaşırıyorsunuz birdenbire. Ve bakan da çok rahat diyor ki 'bak arkadaşlarınız var… Savunuyorlar' diyor Terörle Mücadele Yasası'nı. Oysa biz 6. ve 7. Maddesinin Güneydoğu'da Doğu'da gazetecilik yapmaya en büyük engel olduğunu anlatmaya çalışıyoruz. Böyle durumlar da yaşanıyor. Onun için bence örgütlenme konusu çok önemli."[90]

Sertel, Atilla (the chair of TGF):

"Masumiyet karinesi esastır. Ama sadece masumiyet karinesini basın açısından ele almamaları gerekir. Masumiyet karinesini hakimler de göz önüne almalıdır. 3,5-4 yıl süren çok uzun tutukluluk sürelerinin sonucunda özellikle gazeteci arkadaşlarımızın beraat etme şansları da yitirtilmektedir. Çünkü 'bu kadar süre tuttuk, bunlara bir ceza verelim' gibi bir kaygıyla hareket edebilirler ki, en büyük tehlike de odur." "İncelendiğinde zaten görülecek ki, basın hürriyeti milli güvenliğin, kamu düzeni ve genel ahlakın korunması gibi çok geniş ve kişiye göre sübjektif değerlendirilebilecek bir ortam olduğunda elbette ki, basın özgürlüğüne değil darbe, basın özgürlüğü gibi bir konunun artık tamamen gündemden kalktığını getirir ki, bu çok tehlikeli bir durumdur. Çünkü hem milli güvenliğin korunması hem de kamu düzeni ve genel ahlakın korunması gibi herkese, her dünya düşüncesine göre değişen bir kavramda bir sınırlama getirdiğiniz zaman, zaten Türkiye'deki basının özgürlükler konusunda Avrupa'da çok büyük ağır yaptırımlara uğradığı bir dönem yaşandığı ülkemizde çok da ağır sonuçlara yol açacak bir tablo olarak duruyor bu," "Kadına, çocuğa şiddetin böyle sayfa sayfa yayınlanarak, adeta teşvik eder gibi noktaya getirilmesine kişisel olarak ben de

[90] TGC and Konrad Adenaur Stiftung (2012), "Gelişen Teknoloji Karşısında Gazeteciliğin ve Gazetecinin Konumu [The position of Journalism and Journalist in relation to advancing technololgy]," seminar jointly organized by the Journalist Association of Turkey and Konrad Adenaur Stiftung, December, 22.

karşıyım, o ayrı. Ama yine cinsellik gibi neyin cinsellik olduğunun çok tartışılır noktada olunan dünyada, sizin etek boyunuza yönelik bir habercilik anlayışına kadar giderse bu, bu da çok tehlikelidir."[91]

Yarkadaş, Barış (ÇGD):

"RTÜK Yasa Tasarısı'nda ele alınması ve tartışılması gereken temel nokta, gazeteciliğin işlevsiz kılınacağıdır. Yasa, en küçük bir eleştiriyi bile "suç" kapsamına sokmaktadır. Bu da hiçbir gazetecinin, resmi kurumları eleştirememesi anlamına gelmektedir. Özellikle yerel televizyonlara getirilen ağır cezalar, Anadolu basınının nefes borusunu tıkayacaktır. Çünkü en küçük cezalar bile 250 milyar liradan başlamaktadır. Yerel bir televizyon için getirilen bu ceza çok ağırdır. Böyle bir cezayı alan televizyon, bir daha ayağa kalkamaz. Bu da Anadolu'da da yeni bir işsizlik dalgasını beraberinde getirecektir."[92]

Yıldırım, Ali (PSAKD):

"Alevilerin taleplerini pazarlık edilecek, uzlaşılacak konular olarak görmek, topluma böyle lanse etmek Alevi açılımı değil Alevilere atılmış bir çalımdır. Aleviler AKP'nin arka bahçesi olmayacak, AKP'nin gölgesine teslim olmayacaklardır. Hükümet Alevilere çalım atmak yerine onların haklarını hukuklarını derhal teslim etmelidir."[93] *"AKP çevreleri Alevileri öteki olarak görmektedir. Alevilerin de diğer inanç sahipleri gibi onlarla eşit olarak hak/hukuk sahibi olmasını asla kabul etmemekte tam tersine Alevileri asimile edecek, Alevileri alevi olmaktan çıkaracak açık ve üstü kapalı faaliyetler içerisinde bulunmaktadırlar."*[94] *"Alevilik; insanı merkezine koyan (insanı merkez alan) Anadolu'ya özgü eşi benzeri olmayan bir felsefe, bir inanç, bir yaşam biçimi, bir kültür, bir öğreti ve hatta bunların tümünü de aşan bir toplumsal olgudur… Alevilik dünyada yaşayan tüm insanlık ailesini/tüm insanları dost ve kardeş bilir… Aleviler ve Alevi öğretisi demokrasiye bağlıdır… Alevilik rasyoneldir… Alevlik donmuş, kalıplaşmış bir öğreti/inanç değildir. Tüm tarihi boyunca sürekli bir gelişim, değişim ve*

[91] TGF (2012), "Sertel: Basın özgürlüğü tehlikede [Sertel: freedom of the press is in danger]," see in the website of the Federation of Journalists of Turkey, July, 20. Available at: http://www.tgf.com.tr/index.php?option=com_content&view=article&id=706:sertel-basn-oezguerlueue-tehlikede&catid=44:haberler&Itemid=92.

[92] Neslihan Demir (2002), "Muhatapları RTÜK'ü tartışıyor [ıts addressees discuss RTÜK]," *Evrensel*, May, 11. Available at: http://www.evrensel.net/v1/02/05/11/politika.html.

[93] *Milliyet* (2009), "Yıldırım: AKP'nin yaptığı Alevi açılımı değil Alevi çalımı [Yıldırım: What the AKP is doing is not an 'Alevi opening,' but a trick against Alevis]," June, 1. Available at: http://siyaset.milliyet.com.tr/yildirim--akp-nin-yaptigi-alevi-acilimi-degil-alevi-calimi/siyaset/siyasetdetay/01.06.2009/1101520/default.htm.

[94] Ibid.

ilerleme içerisinde olmuştur… Alevi toplumu yaşadığı her toplumda kamusal ve toplumsal hayatın laiklik ilkesine uygun olarak yapılandırılması gereğini savunurlar."[95]

Zeyrek, Deniz (the former deputy chair of ÇGD):

"Bu tasarının maddeleri çok fazla yoruma açık. Biz yoruma açık olmasın istiyoruz" "Mesela sansür kavramını geçerli kılacak güncel tutacak maddeler var. Milli güvenlik, devlet sırrı gibi konularda çok net hukuki tanımlar yapılmadığı halde bunlar hala tasarıda var. Örneğin milli güvenliği herkes kendisine göre yorumlayabilir. Bu maddenin yorumlanmasıyla bile basın özgürlüğünün ciddi biçimde sınırlanabileceğine inanıyoruz. Türk vatandaşı olmayanların gazete sahibi olması, sorumlu müdür olarak görev yapabilmeleri de aynen korunuyor. Mesela Amerikalı medya tekelleri istedikleri gibi Türkiye'ye gelebilirler. Bu girişimlerimizden olumlu sonuç alamadık."[96]

[95] Ali Yıldırım (2006), "Alevilik nedir? Günümüz Aleviliğinin Evrensel Değerleri [What is Alevism? Universal morals of today's Alevism]," see in the website of PSAKD. Available at: http://www.psakd.org/alevilik_nedir.html.
[96] *Sabah* (2004), "Tasarı çok fazla yoruma açık [The draft is highly open to interpretation]," April, 12. Available at: http://arsiv.sabah.com.tr/2004/04/12/gnd105.html.

APPENDIX 2

SELECTED STATEMENTS OF SOME POLITICAL LEVEL ACTORS (IN ALPHABETIC ORDER, IN TURKISH)

Ağyüz, Yaşar (parliamentarian, CHP):

"Alevi köylerine kendi istem ve önerileri olmadan, Diyanet işleri Başkanlığı ve bazı il müftülüklerince yönlendirilen cami yapma, yaptırma baskıları devam edecek mi?"[97]

Alptekin, Ismail (parliamentarian, AKP):

"Ne deniliyor: Aile yapısında devrim, koca artık evin reisi olmayacak, mal rejiminde DSP ile MHP anlaştı; ya millet ya muhalefet ya diğer partiler, bunlar üzerinde durulmuyor."[98]

Akdağ, Recep (the former Minister of Health, AKP):

'Kürtajın bir cinayet olduğu' tanımına bir Türk hekimi olarak öğrenciliğimden bu yana katılıyorum," "Bu kadın örgütleri, bütün kadınları temsil etmez. Yani biz sonuçta yüzde 50'nin üstünde oy alan, üstelik kadın oyumuz da erkek oyumuzdan daha fazla olan bir partiyiz."[99]

Aksöz, Uğur (parliamentarian, CHP):

"Bir kadın için herhangi bir yasada veya herhangi bir tüzükte bir kota tanıdık diyelim. Birisi Anayasa Mahkemesine gider, der ki: "Efendim, siz kadına böyle bir ayrıcalık tanıdınız; ama, Anayasanın 10 uncu maddesi açık. Anayasa diyor ki: Hiçbir kişiye, zümreye imtiyaz tanıyamazsın." Anayasa Mahkemesi bunu iptal eder. Etmez diyen var mı; hangi hukukçu var?! O bakımdan, burada Cumhuriyet Halk Partisi

[97] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 2, Session: 121, June, 24.
[98] Turkish Grand National Assembly General Council Record (2001), Term: 21, Year of Legislature: 4, Session: 15, November, 1.
[99] *Sabah* (2012), "Kürtaj tamamen yasaklanabilir [Abortion may become totally outlawed]," May, 30. Available at: http://www.sabah.com.tr/Gundem/2012/05/30/bakan-akdag-kurtaj-tamamen-yasaklanabilir.

Grubunun önergesini çok dikkatle dinlemenizi istiyorum. Değerli arkadaşlar, orada diyoruz ki: Kadın ve erkek eşittir; ama, kadın lehine yapılacak olumlu ayrıcalıklar eşitliğe aykırı sayılmaz. İşte, bu, Anayasa Mahkemesini bağlar. Aksi halde, siz istediğiniz kadar yasa çıkarın; bu, ihtiyaca kâfi değildir."[100]

Akşit, Güldal (the former head of Women-Men Equal Opportunities Commission of TBMM, AKP):

"Toplumdan gelen talepler ve zinanın hala bir boşanma sebebi olduğu düşünülürse, kadınerkek eşitliğini sağlamak kaydıyla ve şikayete bağlı olmak üzere zinanın tekrar TCK'nın içinde yer alması uygundur. Meclis grupları arasında da mutabakat oluşmuştur." "Toplum düzeninin sağlanması, Türk örf, adet ve gelenekleri göz önüne alındığında yapılan Anayasa Mahkemesi kararıyla boşalan bir suçu doldurmaktır. Yeni bir uygulama ve geriye gidiş söz konusu değildir."[101]

Arınç, Bülent (the deputy Prime Minister, AKP):

"İzleyicilerin yayınlarla ilgili şikâyetlerinde en fazla belirttikleri sebep, yayınların genel ahlaka ve ailenin korunması ilkesine aykırılığıdır. Vatandaşlardan gelen bildirimlerde, çoğunlukla bu yayınlara neden izin verildiği şikâyet edilmekte ve eleştirilen programların yayından kaldırılması talep edilmektedir."[102] *"Arkadaşlarımız yasanın tümü üzerindeki görüşlerini dile getirecekler. Biz de not alacağız. Buna karşılık bildiklerimizi ifade edeceğiz. Bütün basın kuruluşları, Radyo Televizyon Yayıncıları Derneği, bu sektörle ilgili tüm kurum ve kuruluşlara önce taslak göndermiş. Görüş alanların görüşleri tekrar tartışılmış, bu görüşler sonunda yenilenen maddeler tekrar onlarla bir araya gelinmiştir. Burada zaten pek çok arkadaşımız bulunuyor. Yeri geldiğinde onların görüşüne de müracaat edersiniz."*[103]

[100] Turkish Grand National Assembly General Council Record (2004), Term: 22, Year of Legislature: 2, Session: 83, May, 4.
[101] *Sabah* (2004), "Kadın Bakan Akşit: Zina suçu uygundur [Woman Minister Akşit: Criminalization of adultery is appropriate]," September, 2. Available at: http://arsiv.sabah.com.tr/2004/09/02/siy110.html.
[102] *MeclisHaber* (2012), "Türkiye Büyük Millet Meclisi Basın Açıklamaları [Turkish Grand National Assembly Press Releases]," November, 12. Available at: http://www.meclishaber.gov.tr/develop/owa/haber_portal.aciklama?p1=123294.
[103] *Zaman* (2010), "Arınç: RTÜK Yasa tasarısını AB yönergesine göre hazırladık [Arınç: We prepared the RTÜK Law according to the EU directive]," June, 9. Available at: http://www.zaman.com.tr/haber.do?haberno=993551&title=arinc-rtuk-yasa-tasarisini-ab-yonergesine-gore-hazirladik.

Arıtman, Canan (parliamentarian, CHP):

"İşveren, maliyet artışlarına neden olduğundan, bir emzirme odası açmamak için 100'üncü kadın işçiyi, bir yurt açmamak için de 150'nci kadın işçiyi işe almamaktadır. Kadın zaten iş yaşamında her zaman, en son işe alınan ve en önce işten çıkarılan konumdadır. Kadınlar sadece cinsiyetleri nedeniyle iş yaşamında büyük bir ayrımcılığa, eşitsizliğe ve hak ihlallerine maruz kalmaktadırlar."[104]

Aydoğan, Nursel (parliamentarian, BDP):

"AKP iktidarı döneminde artan namus gerekçeli kadın katliamlarında AKP'nin topluma yayıp egemen kılmaya çalıştığı muhafazakârlaşma paradigmasının etkisi büyüktür. Bu paradigmayla aile kurumu cinsiyetçi bir yaklaşımla ele alınmakta, kadın aile kurumuyla özdeşleşen bir nesne olarak değerlendirilmekte, kadının yeri evidir algısı güçlendirilmekte ve en önemlisi de kadını özgür iradesi olan bir birey olarak görmeme yaklaşımı geliştirilmektedir."[105]

Bozlak, Murat (parliamentarian, BDP):

"Hükûmetin elindeki ekonomik yaptırımlarla diz çökerttiği medyanın da içinde yer aldığı yandaş medya, gerçeğin ve halkın sesi olmanın ötesine geçip Hükûmetin, iktidar partisinin ve cemaatin borazanı hâline gelmiş durumdadır, talimatla idare edilir duruma dönüşmüştür."[106]

Çelik, Faruk (the State Minister and the former Minister of Labor, AKP):

"Olmayan bir şeye diyorsunuz ki inşaat yapalım. Biz diyoruz ki cemevine statüyü verelim." "Statüyü kazandıralım, sonra bunu konuşalım diyorum." [107] *"Avrupa İnsan Hakları Mahkemesinin din dersleriyle ilgili kararı elimizdedir. Kesinlikle din dersleri zorunlu olmaktan çıksın demiyor karar. Net bir şekilde söylüyor, diyor ki: "Bu müfredat yeterli değil. Bu müfredat kuşatıcı değil. Bu müfredat 73 milyonu kuşatmıyor, bu müfredatı değiştirin." Söylediği bu. Biz de ne yaptık? Millî Eğitim Bakanlığımız 2008'de*

[104] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 2, Session: 104, May, 14.
[105] Turkish Grand National Assembly General Council Record (2011), Term: 24, Year of Legislature: 2, Session: 22, November, 23.
[106] Turkish Grand National Assembly General Council Record (2011), Term: 24, Year of Legislature: 2, Session: 39, December, 16.
[107] Turkish Grand National Assembly General Council Record (2010), Term: 23, Year of Legislature: 4, Session: 126, June, 29.

bir değişiklik yaptı, şimdi yeterli bulmadık… Oturduk, konuştuk, değerlendirdik ve çıkan müfredata dönük konuları Alevi eğitimciler yazdılar. Bir satırını ellemedik biz, bir kelimesini değiştirmedik, aynen o şekilde müfredata yansıttık ve dedik ki Alevilerin yazmış olduğu bu müfredat aynıyla din kültürü, ahlak bilgisi kitaplarında yer alacak ve Nusayrilerin yazdığı, Caferilerin yazdığı da aynı şekilde kitaba yansıtılacak ve daha kuşatıcı istenen din kültürü, ahlak bilgisinin bütün vatandaşlarımızı, bütün evlatlarımızı kuşatacak şekilde dizaynı konusundaki AİHM kararına uygun, hatta vatandaşımızın talebine uygun bir şekilde bir düzenleme yapmış bulunuyoruz."[108] *"Bildiğiniz gibi doğum izinleri doğum öncesi ve sonrası 2'şer aydı. Şimdi talep 3 ay doğum öncesi, 3 ay doğum sonrası şeklinde. Bununla ilgili bakanlıklarla değerlendirmelerde bulunuyoruz ama tekrar ediyorum, bu kadın istihdamına olumsuz yansımamalı. Eğer olumsuz yansıyacaksa kadınlarında bu izin süre artışını düşünmemesi gerekir ama eğer olumlu yansıması olacaksa, bizler de çalışmalarımızı sürdürüyoruz."*[109]

Çelik, Hüseyin (the former Minister of Education, AKP):

"Şimdi, şöyle bir itiraz geldi, dediler ki: "Bunu biz niye yazmadık?" Özellikle spesifik bazı dernekler "Bunu biz niye yazmadık?" dediler. Biz de dedik ki: Biz diyelim ki Ortodoksluğu yazarken Rum Patriği Sayın Bartholomeos'ya yazdırmadık ki bunu veya Şafiilik bölümünü yazacak bir Şafii bulalım, Hanefilik için bir Hanefi bulalım demedik. Türkiye'de bu işin uzmanı olan, üniversitelerdeki hocalardan yararlandık, Diyanet İşleri Başkanlığının birikiminden yararlandık, Millî Eğitim Bakanlığının uzmanlarından yararlandık."[110]

Çubukçu, Nimet (the former Minister of Family and Social Policies, AKP):

"'Kotacı Ülkeler' başlığı altında verilen Fransa'nın yüzde 33 AB kritik eşiğinin altında kalan bir temsile sahip olması; sadece yüzde 12.1 ile kadın temsili olması nasıl açıklanabilir? Buna rağmen kota uygulamasına yer vermeyen İsveç'in yüzde 47 gibi yüksek bir temsil oranı ile parlamentosunda kadın vekile yer veriyor olması nasıl izah edilebilir?" "Sayın Başbakan'ın verdiği Fransa örneği, bu açıdan önemlidir. Fransa'da kota uygulanmasına rağmen, yüzde 12'lik bir temsil olması kotanın başarılı bir proje

[108] Turkish Grand National Assembly General Council Record (2010), Term: 23, Year of Legislature: 5, Session: 32, December, 14.
[109] *Vatan* (2013), "Kadınların beklediği haber gelebilir [The news, which women are expecting, might come]," January, 26. Available at: http://haber.gazetevatan.com/bakandan-dogum-izni-mujdesi/509294/2/Ekonomi.
[110] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 3, Session: 15, November, 11.

olmadığını göstermektedir. Anayasasında kotaya yer vermeyen İsveç ise Avrupa'nın en yüksek kadın parlamenterine sahip ülkesidir. Kısaca, kota sistemi her zaman eşit bir temsile ulaşılmasını sağlamamaktadır."[111]

Ekren, Nazım (the former Deputy Prime Minister, AKP):

"İslam tarihinin hiçbir döneminde kendisini İslam içinde görüp de camiye alternatif başka bir ibadethane kuran mezhep ve tarikat olmamıştır."[112]

Erbatur, Nevingaye (parliamentarian, CHP):

"Üyesi olma yolunda önemli aşama kaydettiğimiz Avrupa Birliği de kotayı gerekli ve şart görmektedir. Avrupa Birliğinin 1999'da yürürlüğe koyduğu Amsterdam Anlaşması hem AB'nin kendisini hem de üye ülkeleri bağlamaktadır. Anlaşmanın 141'inci maddesine göre, eşitliğin sağlanması için kadınlara özel avantajlar sağlanması gereklidir ve bu bir ayrımcılık değildir. Avrupa ülkelerinde kota uygulamaları yaygın olarak hayata geçirilmektedir."[113] *"Bu konuda kadın kuruluşlarının önemle üzerinde durduğu 187 inci maddenin başlığının, aile adı, evlilik adı veya son ad olarak değiştirilmesi, eşlerin istedikleri soyadını seçme özgürlüğünün olması, evlilik durumunda çocukların soyadlarının anneden de gelebilmesi gibi değişikliklerin yapılması gerekmektedir. Bunun yanı sıra, soyadı kavramı namus anlayışını da etkilemektedir. "Benim soyadımı taşıyorsun, öyleyse benim namusumsun" anlayışını değiştirecek bir zihinsel düzenlemeye de ihtiyacımız vardır. Bu düzenlemeler, kadını önce babanın, sonra eşinin malıymış gibi gösteren zihniyetin değişmesini sağlamada yardımcı olacaktır."*[114] *"Birleşmiş Milletler Kadına Karşı Her Türlü Ayrımcılığın Ortadan Kaldırılması Sözleşmesini, Türkiye, 1985 yılında imzalamıştır. Sözleşmeyi imzalayan her ülke, periyodik olarak, Birleşmiş Milletlere rapor sunmakta, raporu değerlendiren CEDAW da, o ülkeye, hazırlanan raporlar doğrultusunda sorular yöneltmekte, hükümete sözleşmenin gereklerini yerine getirmesi için tavsiyelerde bulunmaktadır." "Komite, yeni Türk Ceza Kanununda, hâlâ, kadınlara ve kızlara*

[111] *Radikal* (2007), "Nimet Çubukçu'dan kota açıklaması: Kotayı siyasi partiler koysun [Quota explanation from Nimet Çubukçu: Let the political parties impose quotas]," October, 5. Available at: http://www.radikal.com.tr/haber.php?haberno=234855.
[112] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 2, Session: 121, June, 24.
[113] Turkish Grand National Assembly General Council Record (2009), Term: 23, Year of Legislature: 3, Session: 55, February, 10.
[114] Turkish Grand National Assembly General Council Record (2006), Term: 22, Year of Legislature: 4, Session: 64, February, 16.

ayırımcılık yapan maddelerin olduğunu, özellikle de bekâret testlerinin kadınların rızası olmadan yapılamayacağı hususunun belirtilmesini istiyor. Komite, namus cinayetleri suçlarının nitelikli insan öldürme suçu olarak kabul edilmesini istiyor. Ayrıca, Komite, yeni Türk Ceza Kanunundaki 15 ile 18 yaş arası gençlerin kendi rızalarıyla girdikleri cinsel ilişkilere getirilen yasakların, özellikle kız çocuklarını olumsuz yönde etkileyeceğini ve bu yasakların kaldırılması gerektiğini belirtmektedir."[115] *"İsterdik ki, tasarıda, kadın kuruluşları başta olmak üzere, sivil toplum kuruluşlarının görüşleri yer alsın, mahkemede görev alacak uzmanlar arasında aile ve aile içi şiddet konularında uzmanlaşmış hukukçular bulunsun, uzlaşma veya uzlaştırma iki tarafın mutabakatına dayansın ve 4320 sayılı Ailenin Korunmasına Dair Kanunun uygulanması aile mahkemelerinin görevleri arasında yer alsın."*[116]

Erdoğan, Recep Tayyip (the Prime Minister, AKP):

"AİHM'nin verdiği son karar, Anayasa Mahkememizin de bu noktadaki attığı adımla paralellik arz eden bir konu. Nüfus kağıtlarında din ile ilgili sütunun olup olmaması çok şeyi değiştirmez. Burada AİHM'nin vermiş olduğu kararı ben anormal bir karar olarak görmüyorum. Yani bu oradan kaldırılabilir çok da önemli değil."[117] *"Biz kota gibi zoraki yollarla arzu edilen sonuçlara ulaşılamayacağını ve kota uygulamasının kadına saygısızlık olduğunu kabul ediyoruz. Kota uygulaması kadını erkeğin inayesine mahkum etmektir, yani erkek lütfedecek ondan sonra da kadınlar da parlamentoya girecek, böyle şey olmaz. Olması gereken ne? Önünü açmak, yarışa gayet güzel bir zeminde girmesini sağlamak, kaliteli olan, bayanlara bu yolu açmaktır."*[118] *"Bazıları çıkıyor diyor ki, 'Kürtaj yaptırmak bir haktır' diyor. 'Kadın' diyor 'isterse kürtajı yaptırır'. 'O onun kendi hakkıdır. Siz onun vücudunda müdahalede bulunamazsınız, tasarrufta bulunamazsınız'. Bırak intihar edene de müsaade et. Niye köprüden atlarken müdahale ediyorsun adama? Hakkını kullansın. Böyle saçmalık olur mu? Bu bir cinayettir. Aynı şeyi söylüyorum. Şu anda Amerika'da kürtaja karşı korkunç bir mücadele var. Yasalar var. Batı'nın birçok toplumunda aynı şekilde. Biz de bunu*

[115] Turkish Grand National Assembly General Council Record (2005), Term: 22, Year of Legislature: 3, Session: 98, May, 12.
[116] Turkish Grand National Assembly General Council Record (2003), Term: 22, Year of Legislature: 1, Session: 20, January, 9.
[117] *Milliyet* (2010), "Yeni Kimlikler Geliyor [New identity cards are coming]," February, 4. Available at: http://www.milliyet.com.tr/yeni-kimlikler-geliyor/siyaset/sondakika/04.02.2010/1194814/default.htm.
[118] *Zaman* (2011), "Erdoğan: Kota uygulaması kadına saygısızlıktır [Erdoğan: Quota practice is disrespect for women]," November, 27. Available at: http://www.zaman.com.tr/haber.do?haberno=764836&title=erdogan-kota-uygulamasi-kadina-saygisizliktir&haberSayfa=32.

çalışıyoruz."[119] *"Kadına şiddetle ilgili şu hazırlık safhasında, bazılarından aileye yaklaşımı, hiç hoşlanmıyorlar. Anne, ana ifadesine ateş köpürüyorlar. Dayanamıyorlar. Biz anne dediğimiz zaman, biz anaya karşıyız diyor, kadın, kadın kadın. Yahu anne dediğimiz kim? Kadın değil mi? Biz sizi bir dişiyle bir erkekten yarattık, dişi kadındır, erkekte babadır. Biri annedir, biri babadır. Bunların aile diye bir kavramı dünyada yok. Bu olmadığı gibi, bunların anlayışında yüreğinde millet diye de bir anlayışta yok. Ben de diyorum ki. Biz analığı yüceliği bir makam olarak değerlerimizden aldık. Anneye saygıyı bu değerlerimizde bulduk. Cenneti de annelerin ayakları altında bulduk. Bak babanın ayağı altında değil, annenin ayaklarının altında. Ben hep ayağının altını öptüm, Allah rahmet eylesin. Çünkü orada cennetin kokusu var. Orada başka bir dünya var. İşte bizi biz kılan, bizi güçlü kılan zaten bu değil mi? Ama o mantık bizim anlayışımız değil. Ak Parti iktidarını ister beğenirsiniz, ister beğenmezsiniz. Biz kadına, aile içindeki önemli rolü nedeniyle ayrı bir değer veriyoruz."*[120]

Ergün, Nihat (the Minister of Science, Industry and Technology, AKP):

"*Organize sanayi bölgelerinde 10 bin 25 kadının, 0-6 yaş grubundaki 6 bin 260 çocuğu bu hizmetten yararlanma imkanına sahip olacak."* [121]

Ersin, Ahmet (parliamentarian, CHP):

"Medeni Kanunun yürürlüğe girmesinden önceki tarihte evlenmiş olan eşler, bu kanunun, Medeni Kanunun yürürlüğe girmesinden itibaren bir yıl içinde noterden düzenleme ya da onaylama biçiminde bir sözleşme yaparlarsa, bu sözleşme geçmişe de geçerli oluyor. Şimdi, değerli milletvekilleri, bir defa şunu kabul etmek lazım, Türk toplumunda aileler erkek egemen olma özelliğini taşır. Bunun dışında, aileler üzerinde, gelenekler, töre, dinî alışkanlıklar, dinî kurallar ve çevre etkisi son derecede etkilidir. Dolayısıyla, bu koşullar içinde bir kadının -üstelik de Türkiye'deki kadınların eğitimsiz

[119] *Radikal* (2012), "Kürtaja 4 hafta sınırı [Four weeks limit to abortion]," May, 30. Available at: http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1089532&CategoryID=77.
[120] *Hürriyet* (2012), "Mardinliler Başbakan'ı böyle karşıladı [People of Mardin welcomed the Prime Minister like this]," March, 8. Available at: http://www.hurriyet.com.tr/gundem/20084020.asp.
[121] The Ministry of Family and Social Policies (2013), "Organize Sanayi Bölgelerine Kreş [Creshes to organized industrial sites]," see in the website of the Ministry of Family and Social Policies, January, 21. Available at: http://www.aile.gov.tr/tr/haberler/s/690.

oldukları da düşünülürse- eşini alıp, notere götürüp orada sözleşme yapması, hayatın gerçeğine aykırıdır."[122]

Genç, Kamer (parliamentarian, formerly independent, currently CHP):

"Bu memlekette de sayısı 15 milyon mu, 20 milyon mu, bir Alevi vatandaş kitlesi var. Bu Alevi vatandaş kitlesi vergi veriyor ve bu vergi… Yani siz Yahudi'nin, Ermeni'nin ibadet yerine onun yakıt parasını vermeyi kabul ediyorsunuz ama cemevi diye Alevi inançlı insanların ibadet ettiği yere vermek istemiyorsunuz."[123]

Gülçiçek, Ali Rıza (parliamentarian, CHP):

"21 Kasım 2004 tarihinde Diyanet İşleri Başkanımız "Aleviler azınlık değil, İslamın alt inanç grubudur; her gruba hizmet götüremeyiz; böyle olursa, Aczmendiler talepte bulundukları zaman ne olur" diye basına bir demeç vermiştir. Değerli arkadaşlarım, dinci yorumların, dinimizin özüyle, ruhuyla, amacıyla ilgisi yoktur. Zaten, bunların eylemlerinden bu durum anlaşılmaktadır ve bu sapık yorum, toplumumuz tarafından reddedilmektedir. Oysa, Alevi ve Sünnî yorumu, toplumumuzun çoğu tarafından kabul edilmektedir. Alevilik İslamın alt inanç grubuysa, Sünnîlik de alt inanç grubudur."[124] *"Diyanet İşleri Başkanlığı, bu yıl da Başkan Yardımcılığı yapan bir üst düzey yetkilisinin ağzından, cemevlerinin cümbüş yeri olduğunu ifade etmiştir. Ayrıca, Sayın Başbakanın, Berlin'de yaptığı konuşmada "cemevleri ibadet yeri değildir, İslam için tek mabet camidir" diyerek bir inancın mensuplarının mekânlarını yok sayması ise tam bir skandal olmuştur, Alevî yurttaşlarımızın büyük üzüntülerine neden olmuştur. Demokratik, laik sistemle yönetilen ülkelerde hiç kimsenin bir başkasına "cemevinde değil, camide ibadet edeceksin; şöyle değil, şöyle inanacaksın" demeye hakkı ve yetkisi yoktur, olmamalıdır."*[125]

[122] Turkish Grand National Assembly General Council Record (2006), Term: 22, Year of Legislature: 4, Session: 77, March, 21.
[123] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 3, Session: 15, November, 11.
[124] Turkish Grand National Assembly General Council Record (2004), Term: 22, Year of Legislature: 3, Session: 36, December, 21.
[125] Turkish Grand National Assembly General Council Record (2003), Term: 22, Year of Legislature: 2, Session: 31, December, 19.

Halis, Şerafettin (parliamentarian, DTP):

"Alevi inanç ve kurum önderleriyle görüşülerek ortak bir çabayla çözüm aranmalıdır. Çözüm aranırken oy kaygısı yerine demokratik toplumsal kaygı ön plana çıkarılmalıdır. Ancak anlaşılan o ki, AKP'nin yeniden ele aldığı açılım toplumsal demokrasi kaygısını taşımaktan uzaktır."[126] *"Hani 12 Eylüle karşıydınız? 12 Eylül ürünü zorunlu din derslerini niye savunuyorsunuz? Dün, Sayın Faruk Çelik, Yeni Müfredat Bilgilendirme Toplantısında, "Çözüme bu kadar yaklaşmamıştık. Alevilerin müfredat konusundaki kaygıları da giderilecek." diyor. Ama bakın ne var burada: 40'a yakın Alevi -sözüm ona, Alevi- derneği çağrılmış, bunun içinde yalnız 3 tanesi Alevilerin hakları için mücadele eden dernek, geriye kalan, açılımlar sürecinde AKP'nin arpalıklarından faydalanmaya çalışan çıkarcı Aleviler, bir başka deyimle, yeşilbaş Aleviler. Şimdi, toplanmışlar, karar ne? 4'üncü sınıftan 12'nci sınıfa kadar din derslerinde Alevilik okutulacak ama nasıl? 7'nci sınıfta bir ünite, bir hafta, bilemediniz bir buçuk hafta. 12'nci sınıfta yine bir ünite Alevilik var. Gerisi nedir? Geri yıllarda da Hazreti Ali'nin ve Hacı Bektaş Veli'nin sözlerinin içinde yer aldığı programlar, dersler, konular."*[127]

Kaplan, Hasip (parliamentarian, BDP):

"Bilimsel ve teknolojik gelişmeye fikrî zenginlik katma yerine, felsefe derslerini müfredattan çıkarmak, ülkemizin farklı inançta yurttaşlarını yok saymak, zorunlu din derslerini koymak, ezberci eğitim sistemini ayakta tutmak, tarihi padişahların sayı ve anlaşmalarına indirgemek, çağ dışı YÖK anlayışına 21'nci yüzyılda kendi dinî, muhafazakar anlayışını ekleyerek bilimsel özgürlüğe müdahale, aynı zamanda ar-ge çalışmalarını yürüten bilimsel araştırmalara destek sağlayan öğrenci ve öğretim üyelerini bu yöne sevk etmeye çalışan az sayıda ve önemli kuruluşun bilimsel özerkliğine darbe vuruluyor."[128]

[126] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 3, Session: 15, November, 11.
[127] Turkish Grand National Assembly General Council Record (2010), Term: 23, Year of Legislature: 5, Session: 32, December, 14.
[128] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 2, Session: 60, February, 7.

Karabaş, Mehmet Nezir (parliamentarian, BDP):

"Diyanet İşleri Başkanlığının, başkanlıktan tutun en alt birimine kadar özerkleşmesi gerekiyor. Bu konuda tüm kesimlerin, tüm mezheplerin ve başta da milyonlarca, inancı taşıyan Alevilerin de güçlü bir şekilde temsil edildiği, hiçbir mezhebin, hiçbir inancın dışında tutulmadığı bir yapıya kavuşturulması gerekiyor."[129]

Karademir, Erdal (parliamentarian, CHP):

"Medenî Yasanın bütün hükümleri devam eden evliliklere uygulanırken, sadece yasal mal rejiminin istisna tutulması, kanunun amacına ve ruhuna aykırıdır. Yürürlükteki düzenleme, Türk toplumunu çağdaş uygarlık düzeyine ulaştırma amacına, adalet anlayışı içinde, insan haklarına saygılı, demokratik, laik ve sosyal bir hukuk devleti anlayışına, herkesin kanun önünde eşit olduğu ve ailenin eşler arasında eşitliğe dayandığını vurgulayan Anayasanın 2 nci, 10 uncu ve 41 inci maddelerine aykırılık içermektedir. Mevcut düzenleme, İnsan Hakları Evrensel Beyannamesi ve Kadınlara Karşı Her Türlü Ayırımcılığın Önlenmesi Sözleşmesine de aykırılık içermektedir."[130]

Kart, Atilla (parliamentarian, CHP):

"Basın suçlarında kural olan para cezasıdır, kural olan tiraj sınırlamasıdır, kural olan iptal cezasıdır, yayın durdurma cezasıdır veya benzeri cezalardır, tazminat niteliğindeki cezalardır. Hapis cezalarını son derece sınırlı bir şekilde uygulamak gerekiyor. Getirilen uygulamada ise, istisnaî ve sınırlı olan düzenlemeyi yine çoğulcu bir hale getiriyoruz, sıkça uygulanan bir hale getiriyoruz ve kural haline getiriyoruz; yanlış olan bu değerli arkadaşlarım. Konjonktürel olarak özgürlükleri savunuyor görünen siyasî iktidarın, gelinen aşamada baskıcı bir rejimin altyapısını uygulamak amacıyla yeni yasal düzenlemeler yapmaya başladığını üzülerek ve endişeyle görüyoruz değerli arkadaşlarım."[131]

[129] Turkish Grand National Assembly General Council Record (2010), Term: 23, Year of Legislature: 4, Session: 124, June, 25.
[130] Turkish Grand National Assembly General Council Record (2006), Term: 22, Year of Legislature: 4, Session: 77, March, 21.
[131] Turkish Grand National Assembly General Council Record (2005), Term: 22, Year of Legislature: 3, Session: 103, May, 26.

Kaya, Atila (parliamentarian, MHP):

"Alevi toplumunun hayatında çok önemli yeri olan cemevi gerçeği, siyasi kaygılardan uzak, cami-cemevi karşıtlığına dönüştürülmeden kabul edilmelidir. İnanç ve kültür hayatımızın bir unsuru olan cemevlerine devlet yardım etmeli, genel bütçeden ödenek tahsis edilmelidir."[132]

Kayış, Nuri (the former chair of RTÜK):

"Kanun, bize göre pek çok açıdan sakıncalı. Medya-ticaret-siyaset ilişkilerini yoğunlaştıracak ve legal hale getirecektir. Bugün zaten medyada bir tekelleşme söz konusu. Bu, yasayla daha da yoğunlaşacak. Büyük medya patronları yüzlerce Radyo ve Televizyona sahip olabilecekler. Yerel medya yok olacak. Halkın haber alma özgürlüğü adına büyük kayıplar olacak. Büyük medya holdingleri, devlet ihalelerine rahatça girecekler."[133]

Kılıç, Muharrem (parliamentarian, CHP):

"Türk Ceza Kanununun bu düzenlemesinde vatandaşlarımızın önemli bir bölümünü oluşturan Alevîlerin inançlarına yapılacak bir inanç zorlaması, hakaret ve aşağılama, ceza kapsamı içinde değildir. Türk Ceza Kanununda koruma altına alınan, sadece din ve mezheptir. 1987 yılında Türk Ceza Kanununda yapılan değişiklikten önce olduğu gibi, böyle bir durumda, mahkeme, Diyanet İşleri Başkanlığından, Alevîliğin din veya mezhep olup olmadığını soracak; Diyanet de, Alevîliğin ayrı bir din olmadığını, kabul edilen dört mezhepten birine de girmediğini bildireceğinden, dava düşürülecektir."[134]

Koç, Haluk (parliamentarian, CHP):

"Bu koşullar etrafında orada iş cemaatlere bırakılır ise kural dışı, safsataya dayalı, kendi doğrusunu İslam'ın doğrusu olarak kabul edecek yanlış uygulamaların çeşitli alanlarda devreye girdiğini hepimiz biliyoruz" "Tüm yurttaşlarımızın, geniş, en geniş kesimlerin olurunu alacak yeni bir Diyanet İşleri Başkanlığı yapılandırmasının

[132] Turkish Grand National Assembly General Council Record (2009), Term: 23, Year of Legislature: 4, Session: 33, December, 16.
[133] Neslihan Demir (2002), "Muhatapları RTÜK'ü tartışıyor [Its addressees are discussing RTÜK]," *Evrensel*, May, 11. Available at: http://www.evrensel.net/v1/02/05/11/politika.html.
[134] Turkish Grand National Assembly General Council Record (2006), Term: 22, Year of Legislature: 4, Session: 93, April, 25.

artık Türkiye'nin bugünkü koşulları çerçevesinde tüm toplumsal gerçeklerimizi görerek, tüm toplumsal taleplerimizi görerek ve kavrayarak, hiçbir kesimi dışlamadan herkesi kavrayarak bu hizmetlerin yeni bir merkezî yapı içerisinde verilmesinden yana olduğumuzu ifade ediyorum."[135]

Köse, Şevket (parliamentarian, CHP):

"Bu çalıştayların sonucunda ortaya çıkan öneriler nasıl değerlendirilecek? Bu sonuçlarla ilgili hukuki bir düzenleme yapacak mısınız? Örneğin, çalıştaylardan Aleviliğin mezhep sayılması kararı çıktı. Bunun üzerine Aleviliği mezhep olarak görmeyen Diyanet İşleri Başkanlığı, Aleviliği bir gecede mezhep olarak görecek mi?"[136]

Kukaracı, Fahrettin (parliamentarian, SP):

"Bakanlık, ideolojik ağırlığı bulunan birkısım dernek ve teşekküllerin baskıları sonucunda, sunulan sistem yerine, edinilmiş mallara katılma rejimini Meclisimize ve milletimize dayatmaktadır." "Bu sistem, varlıklı eş için boşanmayı zorlaştıran bir etkiye sahiptir. Bu şekilde, evliliğin bir kâbus olarak devamına sebep olacaktır. Öbür taraftan, zina, boşanma nedenidir. Zina nedeniyle boşanan eş, malların yarısını da alarak, diğer eşi ikinci defa cezalandırmış, kendisi ise bir nevi ödüllenmiş olacaktır.""Aile reisliğinin kaldırılmış olmasının mahzurlu olduğunu düşünüyoruz. Kocanın reisliğini dayatmayan bir düzenleme, hem eşitliği sağlayacak hem de en küçük toplulukta bile bir yönetici veya bir başa bağlanmayı gelenek haline getirmiş olan Türk toplum yapısına daha uygun olacaktı. Şimdi, aile, başsız bırakılmıştır. Müşterek konutun seçiminde, çocukların eğitiminde, aile giderlerine katılmada, ev işlerini yerine getirmede ve buna benzer konularda anlaşmazlıklar artacak, aile sık sık mahkeme kapılarına taşınacak, hâkimin müdahalesi vakai adiyeden sayılacak."[137]

Kurtulan, Fatma (parliamentarian, BDP):

"Din kültürü ve ahlak bilgisi dersleri ilk ve orta dereceli okullarda hâlen zorunludur. Bu hususta AİHM 2007 yılında, söz konusu derslerde dinlere genel bir bakış sağlanmaktan öte kültürel haklar da dâhil olmak üzere İslam inancının temel

[135] Turkish Grand National Assembly General Council Record (2007), Term: 22, Year of Legislature: 5, Session: 117, May, 30.
[136] Turkish Grand National Assembly General Council Record (2009), Term: 23, Year of Legislature: 4, Session: 33, December, 16.
[137] Turkish Grand National Assembly General Council Record (2001), Term: 21, Year of Legislature: 4, Session: 14, October, 31.

ilkelerinin öğretildiğine karar vermiş ve Mahkeme Türkiye'den, müfredatını ve mevzuatını Avrupa İnsan Hakları Sözleşmesi'nin birinci protokolünün 2'nci maddesiyle uyumlu hâle getirmesini istemiştir. Ancak Avrupa Birliği müzakerelerinde de üzerinde durulduğu ve 2009 Türkiye İlerleme Raporu'nda da belirtildiği gibi, Alevi inancı ve kültürü üzerindeki doğrudan ya da dolaylı asimilasyon ve kısıtlayıcı uygulamalar devam etmekte, ders kitaplarındaki ayrımcı tanım, ibare ve imgeler hâlâ ayıklanmış değil. Alevi yurttaşlarımızın inançlarını ve kültürlerini özgürce yaşayacakları yasal düzenlemeleri bir an önce hayata geçirmek yerine, Hükûmetin bu düzenlemeler içerisinde Aleviliği kendi etkisi altına alacağı hususları ön plana çıkarması ise daha derin bir çelişkiyi ifade etmektedir."[138]

Öymen, Onur (parliamentarian, CHP):

"Zina konusunda bu görüşmeler sırasında yapılan tartışmalar, maalesef, Avrupa'da, Türkiye'nin, laikliği koruma konusundaki kararlılığıyla ilgili çok ciddî kuşkular uyandırmıştır. Bunu, huzurunuzda açıkyüreklilikle söylemek istiyorum. Bu tartışmalar, karşımızda olanları güçlendirmiş, dostlarımızı güç durumda bırakmıştır. Çok değerli Adalet ve Kalkınma Partisi milletvekili arkadaşlarımızla, Türkiye'de ve birkaç gün önce yurtdışında yaptığımız temaslarda yabancı millevtekilleri bize açıkça şunu söylemişlerdir: "Bu mesele halledilse bile, bir itimat sorunu, bir itimat eksikliği yarattınız; yarın öbür gün, hükümetinizin, başka bir konuda, laiklikle, çağdaşlıkla, Avrupa değerleriyle bağdaşmayan başka bir öneriyle gündeme gelmeyeceğini biz nereden bilebiliriz." İki gün önce Roma'da yaptığımız toplantıda, İtalyan milletvekilleri, bize bu konudaki kuşkularını çok ciddî bir endişeyle ifade ettiler."[139]

Özkes, İhsan (parliamentarian, CHP):

"Camilerde olduğu gibi, cemevlerinin de elektrik, su gibi giderleri devlet tarafından karşılanmalıdır." "Müftü seçiminde âdeta AKP'ye bağlılık andı içenler tercih ediliyor. Diyanet, iktidarın bir kurumu, arka bahçesi, arpalığı, camiler de siyasi

[138] Turkish Grand National Assembly General Council Record (2009), Term: 23, Year of Legislature: 4, Session: 14, November, 5.
[139] Turkish Grand National Assembly General Council Record (2004), Term: 22, Year of Legislature: 2, Session: 124, September, 26.

bürosu değildir. İslam bir partinin flaması altına girecek kadar küçüklükte asla olamaz."[140]

Özyürek, Mustafa (parliamentarian, CHP):

"Diyelim ki, cemevlerini ibadethane saymakta kendinize göre bazı dinî gerekçeleriniz var ama cemevlerine yardım yapılması konusunda, cemevlerinin bakımı, tamiri konusunda bütçeden ödenek ayrılması için Cumhuriyet Halk Partisi olarak her bütçe döneminde verdiğimiz önergeler de kesinlikler reddedilmiştir."[141]

Şahin, Fatma (the Minister of Family and Social Policies, AKP):

"Yarı zamanlı çalışmanın sosyal güvenlik ayağını da çalışma bakanlığı ile çalışıyoruz. Onu da başardığımız zaman kadının hem kapasitesini kullanıp işinde verimli çalışacağı, hem de çocuğunu evinde bakacağı bir sistemi hayata geçireceğiz. Avrupa Birliği (AB) oranlarına baktığınız zaman yüzde 60 istihdamda kadın oranı diyorlar. Bunun yüzde 40'ı yarı zamanla çalışıyor yüzde 20 tam zamanlı. Şimdi biz yüzde 30'u tam zamanlı çalışma oranlarında yakaladık. Yarı zamanlının alt yapısını hukuki alt yapısın çalışma bakanlığımızla düzenlediğimiz zaman hızlı şeklide AB standartları rakamlarına ulaşacak durumdayız"[142]

Şahin, İdris Naim (the former Minister of Interior, AKP):

"Darbeye zemin hazırlamak düşünce özgürlüğü kapsamında değildir. Hükûmeti yıpratmak maksadıyla yazılanlar, çizilenler elbette ki suç olamaz. Basın özgürlüğü çerçevesinde herkes istediğini istediği şekilde ifade eder, ediyor da. Sabahtan akşama kadar hükûmet aleyhine acımasızca eleştirilerin yapıldığı televizyon yayınları devam ediyor. Gazeteler, dergiler yayınlarına devam ediyor. Ancak yargının devam ettirdiği soruşturmalara baktığımızda soruşturulan olayların basın özgürlüğüyle hiçbir ilgi ve alakası olmadığını görüyoruz."[143]

[140] Turkish Grand National Assembly General Council Record (2011), Term: 24, Year of Legislature: 2, Session: 33, December, 10.
[141] Turkish Grand National Assembly General Council Record (2011), Term: 23, Year of Legislature: 5, Session: 67, February, 16.
[142] The Ministry of Family and Social Policies (2013), "Organize Sanayi Bölgelerine Kreş [Creshes to organized industrial sites]," see in the website of the Ministry of Family and Social Policies, January, 21. Available at: http://www.aile.gov.tr/tr/haberler/s/690.
[143] Turkish Grand National Assembly General Council Record (2012), Term: 24, Year of Legislature: 2, Session: January, 10.

Şandır, Mehmet (parliamentarian, MHP):

"Alevi inancına, Alevi İslam inancına bağlı kardeşlerimizin taleplerini de mutlaka Diyanet gibi, yani inancın hukukunu, inanç hizmetlerinin hukukunu belirleyen bir yapıda yerini buldurmamız lazım."[144]

Şenel, Şennur (the head of women branches, MHP):

"Kotayı tasvip etmememizin sebebi kadın erkek eşitliğine aykırı olarak değerlendiriyoruz. Kadın adaylara karşı değiliz. Memlekete hizmet etmek isteyen kadınlarımızın 'adayım' diye çıkmalarını bekliyoruz. Bu arz talep dengesidir. Sadece kadın aday göstermekle olmaz." [145]

Şimşek, Mehmet (the Minister of Finance, AKP):

"Önemli bir konu, tereddüdüm yok. Ama Maliye Bakanlığı'na bir ek ödenekle çözülmez. Önümüzdeki dönem çalışılır, Diyanet İşleri Başkanlığı bünyesinde belli noktalara getirilip kaynak ayrılırsa daha doğru olur. Yoksa bunu önemsemiyoruz değil."[146]

Tuğluk, Aysel (parliamentarian, BDP):

"Madem inançlara bu kadar saygılısınız, başta Alevi yurttaşlarımız olmak üzere, farklı inanç ve kültürlere sahip insanlarımızın sorunlarını çözün, zorunlu din dersini kaldırın ki samimiyetiniz tescil edilsin."[147]

Uras, Mehmet Ufuk (parliamentarian, BDP):

"AKP Hükûmeti Alevi açılımı diye bilinen çalıştaylar düzenledi, Alevi kuruluşları bu çalışmalara katıldı, ortaklaştırdıkları talepleri sundular. Nedir bunlar? Cemevleri yasal statüye kavuşturulsun, zorunlu din derslerine son verilsin, Diyanet İşleri Başkanlığı lağvedilsin, Alevi köylerine cami yaptırma politikasından vazgeçilsin,

[144] Turkish Grand National Assembly General Council Record (2010), Term: 23, Year of Legislature: 4, Session: 124, June, 25.
[145] Nagihan Akarsel (2011), "Siyasette kota yok kadının adı yok [There is no quota in politics, the women has no name]," *Özgür Gündem*, February, 2. Available at: http://www.ozgur-gundem.com/index.php?haberID=4103&haberBaslik=Siyasette%20kota%20yok%20kad%C4%B1n%C4%B1n%20ad%C4%B1%20yok&action=haber_detay&module=nuce.
[146] *Cumhuriyet* (2011), "Cemevi isteğini reddetti [Rebuffed the demand for Cem House]," November, 26. Available at: http://www.cumhuriyet.com.tr/?hn=295952.
[147] Turkish Grand National Assembly General Council Record (2008), Term: 23, Year of Legislature: 2, Session: 59, February, 6.

Madımak müze olsun, başta Hacı Bektaş Dergâhı olmak üzere bu türdeki değerler ve mekânlar Alevi yurttaşların örgütlerine iade edilsin; kamuda çalışan Alevilerin kimliklerinin saklanmasına neden olan dışlama, iş vermeme, emekliliğe zorlama, görevde yükseltmeme, belli görevlere atamama, belli kadrolarayükseltmeme, soruşturmalarla yıldırma, görevden uzaklaştırma ve sürgün, istisnai kadrolarda istihdam etmeme gibi durumlara Hükûmet hemen son versin."[148]

Yağız, Süleyman (parliamentarian, DSP):

"Biz, irtica riskinin, belli ölçelerde de olsa, sürmesi nedeniyle, Diyanetin devlet kurumu olarak devam etmesinden yanayız; yoksa, bizim de nihaî hedefimiz, Diyanetin - yani, din hizmetlerinin- bütünüyle cemaatlere bırakılmasıdır; ancak, bu noktaya varabilmemiz için, irticaın bir risk olmaktan çıkarılması, bir başka deyişle, dinsel devlet yönetimi talebinin gündemden düşürülmesi gerekir."[149]

Yerlikaya, Vahdet Sinan (parliamentarian, CHP):

"Aleviler, sorunların ülke içinde çözülmesini, devleti yönetenlerin de duyarsız kalmamasını istemektedirler. İsteklerine baktığımızda bunlar çok masumane ve kabul edilir isteklerdir. Bunların içinde önemlileri şunlardır: Cemevleri yasal statüye kavuşturulmalıdır, diğer inanç kurumlarına tanınan imkânlar bunlara da tanınmalıdır. Zorunlu din dersleri tercih hâline getirilmelidir. Aleviler hakkındaki ön yargıların değişmesi için, Alevilerce önemli olan günler, başta TRT Radyo ve Televizyonu olmak üzere diğer medyada bazı yayınlara yer verilmelidir. Aleviliğin ne olduğu din dersleri kitaplarında göstermelik olarak değil, esastan yer almalı ve öğretilmelidir. Diyanet İşleri Başkanlığı Alevilerin sesini duymalı ve Alevilere ait bir birim kurularak bu eşitsizlik mutlaka giderilmelidir."[150]

[148] Turkish Grand National Assembly General Council Record (2009), Term: 23, Year of Legislature: 4, Session: 16, November, 11.
[149] Turkish Grand National Assembly General Council Record (1999), Term: 21, Year of Legislature: 2, Session: 43, December, 25.
[150] Turkish Grand National Assembly General Council Record (2007), Term: 22, Year of Legislature: 5, Session: 58, February, 1.

APPENDIX 3

SELECTED STATEMENTS FROM IN-DEPTH INTERVIEWS (IN ALPHABETIC ORDER, IN TURKISH)

Altun, Fermani (the chair of World Ahlul Bayt Foundation, December 19, 2012):

"Biz ilk defa Alevi inanç kimliğini Türkiye'de hem Alevilere hem diğer inanç kesimlerine doğru şekilde ortaya koyduk. Bazı kuruluşlar Aleviliği ideoloji ile karıştırıyorlar, siyasi tercihlerle karıştırıyorlar veyahut da bir kültürü yaşam biçimiyle karıştırıyorlar. Ama biz Aleviliğin asıl temel değerinin, hatta bütün Müslümanların ortak değeri olan Ehl-i Beyt olgusu ve İslam içinde tasavvuf yorumu olduğunu, bunu, detaylarıyla öğrettik." "Birçok hiç alakası olmayan şeyleri Anayasa'ya koymuşsunuz. Mecburi din dersi olsun, Diyanet olsun, insanların inanç kavramlarını yasaklayan birçok maddeler koyuyorsunuz. Bunlar 12 Eylül'de konmuş. 1921, 1924 Anayasası'nda yok. 60'ta bile dinle ilgili ifadeler yoktu." "İmar yasalarında devlet kalkıyor ibadethanelerin bir kısmı geçerli, bir kısmı geçersiz. Bu bir insan hakkına tecavüzdür." "Cem evleri direkt olarak cem evi olarak kurulamıyor. Kültür merkezi olarak kuruluyor. Üzerine işte cem evi deniliyor. Aslında yasada halen yasak. İleride diyelim ki bir şey gelse, bir hükümet gelse ben kapatıyorum Tekke ve Zaviyeler Kanunu'na göre yasak. Onun için yasak olduğu halde idare ediliyor. Yani, dokunulmuyor, göz yumuluyor. Onun için de istediği zaman da resmi ibadethane değildir deniliyor. Yer tahsis edecek, resmi ibadethane değildir deniliyor." "Yahut da ibadethanelerde elektrik su birçok giderler doğalgaz alınmıyor mesela. Bunu devlet karşılıyor. Ama siz müracaat ettiğiniz zaman ibadethane olarak havra olsanız verir, kilise olsanız verir, cami olsanız verir, ama cem evi olunca vermiyor." "İnsanların ibadet tercihlerine maneviyatına kimse karışmaz… O bakımdan ister yazdırır, ister yazdırmaz. Siz dünyayı geziyorsunuz orada belki konumunuz gereği orada inancınızın, dininizin yazılmasını istemiyorsunuz. Yahut da daha sizin için iyi olacağını düşünüyorsunuz. Bu da bir tercihtir. İsteyen yazdırır, isteyen yazdırmaz." "Alevilerin oy verdiği Cumhuriyet Halk Partisi bugüne kadar hiçbir şey yapmamış. Kalkıyor partinin genel başkanı Tekke ve Zaviyeler Kanunu'nun şimdi sırası mı diyor. Türk Hava Yollarının grevi var, onu konuşalım diyor. Şimdi anayasa taslağı görüşülüyor. Şimdi sırası değil de ne zaman sırası?

Aleviler siyasette de dışlanmışlardır, ekonomide de dışlanmışlardır. Yani Alevilerin varlığı kabul edilmiyor. Türkiye'nin üçte bir nüfusu olan bu kesim Türkiye'de belki en ezilen kesimdir."

Atay, Zafer (the deputy secretary general of TGC, December 20, 2012):

"Anayasa komisyonu çok muntazam çalışan her şeyin çok seri olarak yürütüldüğü bir yer değil. Bir dosya gönderilmiş olsa ne olacak." "Bu dertlerimiz öyle çok karmaşık her gün değişen falan değil. Terörle Mücadele Kanunu'nun 6. 7. maddelerinin değişmesi lazım diyoruz. Çünkü bu fikir özgürlüğünü, gazetecilerin haber yazma özgürlüğünü kısıtlıyor diyoruz." "Basın kartları yok diyorlar. Tabi olmaz. Şimdi ben gazete yönetimlerini suçluyorum. Yanlarında çalıştırdıkları arkadaşlarla adam gibi sözleşme yapmadıkları için bu arkadaşlarım basın kartı alamıyorlar. Tabi hukuken de onlar gazeteci değil. Sözleşmeleri yok, basın kartları yok suçlamasıyla karşı karşıya kalıyorlar. Bunun günahı kimin bunun günahı yöneticilerin. Bunun günahı sendikayı ortadan kaldıranların." "Başbakanlarla buluştuk. Biz Tayyip beyle de buluştuk... Haklısınız diyorlar. Merak etmeyin diyorlar bize. Bizi çok iyi dinliyorlar. Şunlara bir el atalım dendiği zaman da maalesef el atılamıyor. Meclis komisyonlarına çağırıldık. Alt komisyonlara başkanımız katıldı. Görüşlerimizi açıkladık. Siz nereden çıktınız denmedi bize. Onlar çağırdılar. Alt komisyonda bulunmak önemli bir şey. Fakat, sonra bizim istediğimiz gibi çıkmadı. İstediğimiz gibi dediğimiz yüzde yüz bizim sözümüzü dinlesinler anlamında değil. Burada hata var noksan var bu problem olacak dediğimiz şeyler kaldı. Bu karşılıklı diyalog evet vardı. Her Ankara'ya gidişimizde bir dosya verdik Adalet Bakanlığı'na, İçişleri Bakanlığı'na, Başbakana, Cumhurbaşkanına." "Platform önemlidir. Platformun içinden acayip acayip sesler çıkıyor. Birileri öne fırlamaya çalışıyor. Yapsınlar. Ziyanı yok. Platform iktidarın karşısındaki en büyük şeydir. Bana diyebilirler ki -Sen kimsin kardeşim? -Cemiyet. -Bana ne? Ama doksan cemiyet bir araya gelince, IPI bir araya gelince, bu hükümetin en çok çekindiği şeylerden biri dışarıdaki tepkidir."

Bermek, Doğan (the chair of AVF, one of the founders of CEM Foundation, December 13, 2012):

"Etki alanı olarak bakarsanız bizim etki alanımız çok geniştir. Alevi taban üst yapıyı tanımaz. Derneklerin, kurumların ne yaptığıyla çok fazla uğraşmaz. Alevi taban

inanmak istiyor… Bizim onursal başkanımız Prof. Dr. İzzettin Doğan'dır. İzzettin Bey zaten Alevi hareketinde en öndeki simalardan birisidir. Türkiye'de dolayısıyla toplumun İzzettin Bey'le de duygusal bir ilişkisi de vardır. Aradaki kurumlar olsun olmasın o ilişki sürer. Rehber ve toplumsal ilişki sürmektedir." "Alevi Dernekleri Federasyonu gerek ilke olarak gerek inanç sistemi olarak gerek tavır ve uygulama olarak bizimle yüzde yüz paraleldir. Onlarla biz ayrı isimleriz çünkü hukuksal yapılarımız farklı. Yoksa biz onlarla kendimizi aynı görüyoruz... Dernekler ve Vakıflar Federasyonu'nun zaten Türkiye'deki büyük bir tabanı yani yüzde doksanlık kısmını temsil ettiğini düşünüyoruz." "Bir de ABF diye bir Federasyon var Ankara'da, Alevi Bektaşi Federasyonu. O bizlerden eski bir federasyondur. Biraz daha eskidir. Onların söylemleri bizlerden biraz daha radikaldir. Biraz daha siyasaldır söylemlerinde. Bizimkiler daha inanca dönüktür ABF ve AVF." "Aleviliği devlet tanımlamıyor. Madem siz Müslümansınız, gelin camiye gibi bir tanımlama var. Tabi bizim bu tanımlamayla bağdaşmamız mümkün değil. Son on yıl demişsiniz ama bizim geçmişimiz biraz daha eski tabi. Kurumsallaşmanın tarihi 20-25 yıldır.""Türkiye de eğer bütçeden inançlara kaynak ayrılacaksa, bu kaynaktan Türkiye'deki bütün inanç grupları yararlanmalı. Türkiye'de bütçede inançlara ayrılan kaynak tek bir inanç grubuna tahsis edilmiş. Sünni olup Hanefi olmayanla, mesela Şafi Sünniler hiç destek almıyor. Aleviler, Caferiler hiçbir destek almıyoruz. Vergi ödediğimiz halde, Yahudiler de bir kuruş almıyor. Belki Türkiye'nin vergisinde çok önemli payları vardır Yahudilerin, Yahudilere ait kuruluşların. Herkesin var. Ama herkese dağılmalı bu para, eğer kullanılacaksa. Birinci talebimiz buydu." "İkincisi eğitimdi. 600 tane imam hatip'in olduğu bir ülkede Süryani'nin niye papaz okulu olmasın, Yahudi'nin niye haham okulu olmasın. Eğitim eşitliği eğitimde eşit haklar istedik." "Üçüncüsü inanç merkezinde hizmet verenlerin sosyal güvenliğe kavuşması gerekir. Nasıl imamlar müezzinler devlet memuruysa güvenlikleri varsa papazların da –papazın da bir güvencesi yok, adam hayrına papazlık yapıyor orda, sigortası yok bir şeyi yok, adam topluma hizmet ediyor orda-, bizim de dede için aynı şey geçerli." "Türkiye açısından tek taraflı olarak Lozan'a uyulmamıştır. Böyle bir azınlık statüsünün kimseye getireceği bir şey yok. Azınlık statüsü diye bir şey de yok. Olan statüye Türkiye zaten saygı duymuyor." "İslam'ın Tasavvufi ve Hümanist bir yorumu diye bakmak lazım. Bu tarife de bugün Türkiye'deki Alevilerin yüzde doksan sekizi doksan dokuzu herhalde evet der. Alevilik İslam dışında farklı bir mezheptir falan diye bir oryantalist görüş var. Bu oryantalist görüşün savunucuları da var. Ama o savunucuların hiçbirisinin bu tabanla ilişkisi olamaz. 20-25 yıldır böyle iddiaları

durmadan sürerler pazara ama alıcısı yok." "Şu anda Türkiye'deki üç büyük federasyon yani ABF, AVF ve ADF'nin Alevilikle ilgili tek bir görüşü var. Alevilik İslam'ın bir yorumudur. Mezhep değildir. Mezhep Sünni inancın kendi içindeki hiziplerden gelir. Hizip demektir mezhep zaten. Aleviliği bir mezhep diye tarif edemezsiniz. Sünni inancın bir anlayışıdır. Şii gibi, Sünni gibi, Alevi gibi anlaşılabilir. Sünni gibi anlayanların mezhepleri vardır. İşte Şafi, Hanefi, Hanbeli, Maliki, Vahabi falan gibi. Şii gibi anlayanların da içinde mezhepler vardır. Alevi gibi anlayanların da kendi içlerinde tarikatları vardır. Bizde yol, yani farklı yollardan gitmek." "Anayasal bir zorunluluk olamaz bir tek ders için. Bu rasyonel de değil. Sadece Alevi olduğum için söylemiyorum bunu, insan olarak vatandaş olarak da. Bir tek din dersi zorunlu. Başka dersler zorunlu değil." "Din dersi zorunlu olmaktan çıkarılmalı. Müfredatta zorunlu olmak zaten Milli Eğitim'in kararı. Yani Milli Eğitim matematiği kaldırabilir, şimdi canı isterse, ama din dersini kaldıramaz. Bizde din dersini anayasal bir koruma altına aldığı için, Milli Eğitim Bakanlığı'nın din dersleriyle ilgili bölümü adeta bakandan daha fazla yetkili bir bölüme dönüşüyor." "Ben Avrupa Parlamento'su başkanlarıyla görüştüm iki veya üç kere. Avrupa'daki bazı büyük bürokratlarla, bazen de kamu temsilcileriyle görüşüyoruz. Avrupa Konseyi'yle görüşüyoruz. Zaten delegasyonun Türkiye'deki siyasi danışmanıyız. Onlarla rutin toplantılar yapıyoruz. O toplantılarda işte sorunları konuşuyoruz, gelişmeleri konuşuyoruz. Şu anda zaten Anadolu örgüsü diye bir proje yürütüyorum Avrupa Birliği desteğiyle. İnsan hakları ve demokratikleşme programı çerçevesinde. Bizim birtakım ilişkilerimiz var, ama bu ilişkilerin yeterli olduğunu düşünmüyorum." "Avrupa Birliği açısından bir sorun yok. Avrupa Birliği ilerleme raporlarında da, tek e tek görüşmelerimizde de Alevi sorunları konusunda bizim görüşlerimizi paylaşıyor. Bizim sorunlarımızı da aynen kendi kayıtlarına yansıtıyor." "Türkiye'de 3000'e yakın Cem evi var. 3000'i de yasa dışı. Bir sabah gittiğinizde bütün Cem evlerinin kapısında iki tane polis biz burayı mühürledik diyebilir. Sadece toplumsal konsensüs üstünden açık cem evlerimiz. Bu cem evlerinin, cem evi olarak bir tanesinin iskân raporu var. Onun dışında hiçbirinin iskân raporu yok. Hiçbirisi kayden cem evi olarak geçmiyor tapu kayıtlarında. Çünkü cem evi diye bir şeyi kabul etmiyor devlet." "Bireyler var. Partiler henüz bunu parti politikası haline getirmediler. Bir tek Ecevit bunu parti programına koymuş idi, hükümet programına koymuştu galiba. Onun dışındakilerin hepsi Alevilerle yan yana geldiği zaman canım cicim oluyor. Ama bir türlü siyasi bir söyleme çeviremiyorlar. CHP'de dâhil. CHP Alevi'lere çok yakın falan deniliyor, ama CHP'nin de elle tutulur bir Alevi politikası

yoktur." "Her medeni adam bir iş yaparken nelere ihtiyaç duyuyorsa, Dede de öyle bir adam sonuçta. Adam hastalanacak, çocuk okutacak, giyinecek. Bunu bağışlarla mı yapacağız. Şuanda öyle yapıyoruz. Türkiye desin ki bütün inanç gruplarına ben bir kuruş vermiyorum. Herkes kendi dedesini imamını müezzinini idare etsin. Çünkü bugün Türkiye'de durum o." "Hizmet eden personele maaş istiyoruz." "Aynı din dersleri gibi bugün isterse hükümet Emniyet Genel Müdürlüğü'nü kapatabilir, isterse artık Sağlık Bakanlığı'na ihtiyaç kalmadı ben kapatıyorum Sağlık Bakanlığı'nı, Sağlık Bakanlığı olmayacak diyebilir. Diyaneti kapatamaz. Çünkü Diyanet anayasal bir kurumdur. Böyle bir şey olmaz. Bir hizmet kuruluşudur. Ya siz bütün hizmet kurumları anayasal olacak dersiniz. Ya da bir hizmet kurumuysa Diyanet, herhangi bir hizmet kurumu, bir bakana bağlı kurum olur geçer gider. Anayasal olamaz, olmamalıdır. Diyanet açık kalmış, kapalı kalmış o bir siyasal karardır. Devlet inançlara kaynak ayırmaya karar verirse, bu ayırdığı kaynağı, Sünniler için olan kısmını Diyanet de kullanabilir. Diyanette Sünni olmayan bir tane vatandaş yok." "Biz şunu istiyoruz bir kere bu kurum anayasal olmamalı. Bu kurum lazım mı değil mi sonra konuşuruz." "Her devletin kendine göre bir yapısı olduğu için, Avrupa Birliği'ni henüz ilgilendiren bir şey değil Diyanet İşleri. O biraz bizim iç sorunumuz… Komisyon raporlarında, kurumun tavrıyla ilgili görüş bildiriliyor. Kurumun yasal statüsü ile ilgili bir şey bildirilemez." "Din hanesinin kalkması lazım. O din hanesi orda boş da olsa mahalle baskısı altındasın. Ermeni'yim yazarsan da mahalle baskısı altındasın. Alevi'yim yazarsan da mahalle baskısı altındasın. Şafi'yim yazarsan da mahalle baskısı altındasın. Din hanesi diye bir şeye ihtiyaç yok orada. Vatandaşlıkla inancın ne alakası var." "Talebi çıkarıyorsunuz ortaya. Sonra talebi paylaşanlar genişliyor. Bu çevre genişledikten sonra bu talep herkesin talebi olduktan sonra hükümet direnemiyor daha fazla." "Alevi çalıştayları sürecinde bizim kamuyla doğru iletişimimiz oldu. Ondan önce ve ondan sonra bu iletişim yok yahut da çok soft bir iletişim, saçma bir iletişim var. Bir kurumsal iletişim yok bir kere. Devlet içerisinde bir kurum yok ki onunla iletişimebilesiniz. Seçilen hangi kriterle seçildi, hangi kriterle gitti. Bunların hiçbirisi bir kurumsal devlet politikası içinde oluşmuyor. Faruk Çelik'le bir ilişkimiz oldu. Ama şimdi onu sosyal güvenlik bakanlığına koydular. Bekir Bozdağ da bakan oldu olalı ne o beni aradı, ne ben onu aradım. Tanımıyorum."

İlkkaracan-Ajas, İpek (one of the founders of WWHR, February 18, 2013):

"KİH-YÇ'de yıllarını hatırlamıyorum… o dönemde büyük bir faks kampanyası oldu yani sekreteryasını yürüttüğü. Orada kısmen başarılı oldu, kısmen başarısız oldu yani 'pozitif ayrımcılık' girmedi ama devlet geçici özel önlemleri… yani 'kadın erkek eşittir, bu devletin sorumluluğudur, yükümlülüğüdür, devlet bunu gerçekleştirmek üzere bazı önlemler alır' şeklinde bir revizyon oldu." "Yakın zamanda KİH-YÇ ve KEİG adına Anayasa Platformu'na ev içerisinde bakım hizmetlerinin eşit paylaşılması yönünde ve çocukların kreş hakkı ile ilgili, yani bunun da anayasaya dâhil olabileceğine ilişkin bir sunumumuz oldu geçtiğimiz yıl içerisinde. Meclis kayıtlarına geçti, meclis anayasa alt komisyonuna." "Kadın istihdamı ile ilgili diskurun bir parçası bile değildi kreş hizmetleri bundan bir yedi sekiz sene öncesine kadar. Hatta, Türk hükümeti 2005 yılında sanırım altıncı ya da yedinci raporuydu, Birleşmiş Milletler CEDAW komitesine hükümet bir rapor sundu. Hükümet raporunu sundu biz de sivil toplum örgütleri olarak kendi raporumuzu sunmakla sorumluyduk ve bu raporun önemli bir bölümü Türkiye'de ekonomik alanda eşitsizlikleri, özellikle kadın erkek istihdamı arasındaki uçuruma odaklanıyordu ve bunun temel kaynaklarından bir tanesi de Türkiye'deki bakım rejiminin tamamıyla kadının ücretsiz emeğine dayalı olan, devlet tarafından sorumlulukların üstlenilmediği, okul öncesi eğitime katılım oranlarının son derece düşük olduğu gibi bazı argümanlar geliştiriyordu. Birleşmiş Milletler CEDAW Komitesi üyelerinden bir tanesi bizim sivil toplum örgütlerinin raporundan bir alıntı yaparak, hükümet delegasyonuna şu soruyu yöneltti: 'sizin ülkenizde resmi raporda kadın istihdamı ile ilgili olarak yapılan değerlendirmede ben çocuk kreşlerine ilişkin bir şey göremedim. Okul öncesi eğitime ilişkin acaba Türkiye'deki okul öncesi eğitime katılım oranlarını bizimle paylaşır mısınız?' diye ve o dönemki bakan delegasyon bu soruya o kadar şaşırdı ki ve resmen kürsüden 'biz okul öncesi eğitimin kadın istihdamı ile ne ilgisi olduğunu anlayamadık, kreşlerin kadın erkek eşitliği ile ilgili ilişkisini anlayamadığımız için biz yanımızda böyle bir veri getirmedik ama sayın komite üyesi illa isterse Türkiye'ye döndüğümüzde bu verileri toparlayarak sizlere gönderebiliriz.' Yani, diskur 2005 Ocak ayı itibariyle -bu kayıtlara geçmiştir- Türk hükümeti delegasyonunun Birleşmiş Milletler CEDAW Komitesine kreş konusundaki cevabı 'ne alakası var'." "Kadın istihdamı ile ilgili genel diskur: bu bir eğitimsizlik sorunudur, bir de ikinci minvalde de bu bir zihniyet sorunudur… Hem hükümete yönelik, hem de bütün paydaşlara yönelik lobicilik ve bilinçlendirme çalışması yürüttük. Gitmediğimiz toplantı

kalmadı diyebiliriz…" "Bugün 2013 Ocak itibariyle, veya Şubat ayı.. cuma günü ben bir toplantıya devlet tarafından davet edilerek gittim. Toplantıyı Çalışma Bakanlığı, Aile Sosyal Politikalar Bakanlığı ve Avrupa Komisyonu'nun ortak bir konferansıydı. Konferansın konusu ebeveyn izni ve iş yaşam dengesi için ebeveyn izni ve esnek çalışma modelleri. Biz çalışmaya başladığımızda, Türkçe'de böyle bir terminoloji oluşmamıştı bile…O günlerden bizim bunu anlatmaya çalıştığımız günlerden devletin bunu sahiplenip, Avrupa Komisyonu'na başvurup fon almışlar… Bir yıldan beri Fatma Şahin ile birlikte kreş yardımları gündeme geldi. Paydaşlardan en önemlileri kadın örgütleri diyordum. KAGİDER'e anlatmaya çalıştık bunu. KAGİDER anladı ve sahiplendi. O sahiplenme üzerinden AÇEV ile bir ortaklıkla bir kreş çalışması yaptılar Türkiye'de. Kreş kaça mal olur vesaire. Bununla Çalışma Bakanlığı üzerinden bir pilot geliştirmeye çalıştılar örneğin. KAGİDER o ucundan sahiplendi. Sonra TÜSİAD başkanı olarak Ümit Boyner bütün bunları bizden dinledikten sonra TÜSİAD adına yaptığı açıklamalarda kreş önemlidir demeye başladı. Hükümet o zaman birkaç yerden duymaya başladı. O anlamda çok başarılı bir lobicilik çalışması oldu." "Ebeveyn izni devlet memurları için çıkarıldı geçen yıl ilk defa. Bunun özel sektöre de uzatılacak genişletileceğine dair bir yasal düzenleme olayı. İkincisi Çalışma bakanımızın yine geçtiğimiz aylarda iş yerinin kreş açma zorunluluğunun kadın çalışan sayısı üzerinden değil, kadın erkek toplam çalışan üzerinden olması gerektiğine dair bir açıklaması oldu ve Aile Sosyal Politikalar Bakanlığı'nın kreş yardımı için çalışmaları var. Çok kapsamlı bir çalışma, önerme ile gittiler ama maliye ve ekonomi bakanlığı 'bütçe şu anda buna izin vermez' diye ket vurmuşlar. Bizim bir sonraki çalışmamız da o bütçeden ayrılacak bir payın makroekonomik etkileri üzerine yeni bir çalışma yapmak istiyoruz, çünkü Aile Bakanlığı'nın önünü o tıkadı. Bir de KEİG platformu da bu konuyu çok sahiplendi ve onunla ilgili kreş çalışması yaptılar. 'Kadınlar ne istiyor' diye şu anda bir basın bildirisi üzerine çalışıyorduk. O da bu hafta içerisinde KEİG platformu adına açıklanacak." "Türkiye'deki demokratik sürecin tüm aksaklıklarına ve bozukluklarına rağmen, kimi noktalarda da yürüdüğüne dair benim için kanıt hani 2005'te 'bununla ne alakası var konumuzla' dediği bir noktadan 2013'de devletin toplantı yapıp bize akıl sormak için ayrıca iş yaşam dengesi ve kadın istihdamı üzerine etkileri üzerine bir toplantı düzenleyerek bizi çağırıp sorduğu bir noktaya gelmemiz…" "Soyadı ile de ilgili orada da ileriye doğru bir adım atıldı evlilik esnasında başvuruyla nüfuz cüzdanına iki soyadıyla birlikte eklenebilmesi. Yani bir mahkeme sürecinden geçmeden basit bir formdaki bir şeye tik atmasıyla, kadının iki soyadının kendi soyadının da eşinin

soyadının yanında yer alabilmesi. O ileri bir adımdı ama tabi istenen şey diğer opsiyonun da açık olmasıydı. Yani sadece kendi soyadını taşıyabilmesi." "Önce bir feminist hukukçular grubu oluşturuldu. Mevcut o dönemdeki ceza kanununun üzerinden geçti bu grup. Hangi maddelerin, ne gerekçelerle, ne şekilde değiştirilmesi gerektiği yönünde bir doküman hazırlandı ve bu bir yayına dönüştü, bir rapora. Takriben 30 küsür madde belirlenmişti ve 30 küsür maddede niye değişmesi gerektiği ve nasıl değişmesini istediğimizle ilgili çok net talepler oluştu. Bunu bizim bir tek Kadının İnsan Hakları Derneği olarak savunmamızın bir anlamı yoktu. Örgütlü olarak yapmamız gerekiyordu. Onun için TCK Kadın Platformunu oluşturduk." "Kadının İnsan Hakları'nın KEİG Platformu'na ön ayak olması da bir o kadar önemliydi, çünkü oluşan taleplerin arkasında duracak geniş bir platform oluşabiliyor. Aynı şekilde TC kampanyası da öyle gelişti. Çok benzer süreçler aslında ikisi. Kadın istihdam konusunda yaptığımız çalışma TCK'nın örneğini çok takip eden bir örnekti. Yani araştırma taleplerin ne olduğu belirlenerek ve arkasında durulabilinir, ütopik ya da slogan vari talepler değil, çok somut, elle tutulur, 'mevcut durum şu, biz bunun böyle olmasını istiyoruz' diye, hem değişik yasal düzenlemeler, hem de politika uygulamaları ile ilgiliydi. Sonra bunun arkasında duracak bir platformun oluşturulması kadın örgütlerinden oluşan, feminist örgütlerden oluşan. Ortak bir dil oluşturulması. AB ve Birleşmiş Milletler gibi süreçlerin oluşturulması." "Meclis Komisyonların ya uzman çağırılabiliyor ya da gözlemci. TCK Kadın Platformundan sürekli birileri gözlemci olarak gitti, oradaki uzmanlarla da bir diyalog ilişkisi oluştu. Komisyonda bilfiil bulunan uzmanlar ve kimi daha açık olan milletvekilleri ile bir diyalog mekanizması oluştu ve sürekli olarak talepler bu diyalog mekanizması üzerinden meclis komisyonuna girmiş oldu böylece." "4320'nin oluşulması aşamasında bir sıkıntı o dönemde MSP'nin koalisyonda olduğu bir hükümetti ve 'bu koruma emri bizim kültürel altyapımıza uygun bir şey değil' yani 'şiddet gösteren kocanın evden uzaklaştırılması bizim aile yapımıza uygun değil'. İşte o zaman Erbakan başbakandı. Meclis tartışmalarında yapılan itiraflardan bir tanesi buydu. İşte 'Avrupa'ya Amerika'ya uyabilir, ama bizim kültürümüze uymaz.' Biz de o sırada Kadının İnsan Hakları Yeni Çözümler Derneği olarak Müslüman Toplumlarda Yaşayan Kadınlar Örgütü diye bir network'ün üyesiydik. Bu network'e bir e-mail attık: 'böyle böyle bir süreçteyiz Türkiye'de, sizin olduğunuz ülkelerden herhangi bir tanesinde koruma emri uygulayan var mı?' Yaşayan Malezya'daki arkadaşlardan cevap geldi. Bu da çok ironikti çünkü o anda başbakan olan Erbakan sürekli Malezya'yı Türkiye'ye örnek gösteriyordu. Ekonomik açıdan

Malezya gibi olacağız' diye. Biz de oradaki kanunu isteyip bunu arka plandan Kadın Bakanlığı üzerinden meclis görüşmelerinde kullanılmak üzere örnek olarak kullanıldı ve o gerçekten akan suların durduğu… İşte o 'bizim kültürümüze uymaz' argümanı çöktü o stratejiyle." "Kadının insan hakları o kadar kültürel argümanlara takılabilen, yerelleştirilebilen bir şey ki bizim zihnimiz buna izin vermez. Müslüman Toplumlarda Yaşayan Kadınlar Örgütü de bunun için kurulmuş bir örgüt zaten. İslam dininin ne kadar değişik kontekstlerde ne kadar farklı argümanlarla kadınlara karşı dönüştüğünü, mesela kadın sünneti Afrika'da yerel bir adet, bunu orada yerel otoriteler bu İslami bir şeymiş gibi sunuyorlar. Hâlbuki Arap ülkelerinde kadın sünneti ile ilgili böyle bir uygulama yok. Arap ülkelerinde ve bizim ülkemizde namus cinayetleri var, Afrika'da da bu duyulmamış bir şey. İşte kadın gitti evlilik öncesi ve dışı enteraksiyonda bulundu diye herhangi bir namus cinayetine kurban gitmek gibi bir hak ihlali yok." "KEİG platformunun bir yayını var bununla ilgili. Biraz geç başlandı maalesef SGK reformu artık sonuna ulaşmıştı. İyi bir yayındı o ama biraz geç gelen bir yayındı. TCK'da en etkin şeylerden bir tanesi oydu. TCK Kadın Platformu çalışmaları TCK reform sürecinin en başında başladı zaten, hatta öncesi bile diyebiliriz." "Bizim dernek içinde ortaklaştığımız temel nokta üniversitede başörtüsü yasağına karşı olduğumuzdu çünkü üniversitedeki öğrenciler hizmet alandır. Hizmet alan vatandaşlar arasında devlet inanca bağlı olarak ayrımcılık yapmamalıdır gerekçesinden yola çıkarak. Ancak kamu istihdamında bir ortak duruşumuz olmadı. Başörtüsü yasağı ya da serbestîsi üzerine. Biz ikisini hep ayırarak baktık. Yani farklı olduğunu düşünüyoruz." "Kadın Hareketi'nin son dönemin en başarılı sosyal hareketlerinden biri olduğunu düşünüyorum. Hükümetle diyalog mekanizmalarını geliştirmek, gerektiği noktalarda diyalog içerisinde ama bağımsızlığını –feminist örgütler için- koruyarak, ama küsmeden, ya da antigonistik ve polarizasyon üzerinden değil, diyalog mekanizması üzerinden taleplerini açıklayarak, ileterek, elindeki araçları da baskı aracı olarak gerektiğinde kullanarak, dönüşümü sağlamak üzere ve bence önemli bir güç oldu ve AB sürecini de güzel kullandı bence kadın örgütleri." "Mekanizmalar açısından, Mecliste komisyonların kurulması, Aile ve Sosyal Politikalar Bakanlığı gibi bir national machinery kurumun olması bunlar olumlu şeyler. Ama o süreçte bütün bunlara rağmen iyi gitmeyen taraflar da var. Örneğin, bu kurumsallaşmaların içi konuya hâkim, konuyu bilen, konuyu çalışan, bu konuda deneyimli kişiler tarafından doldurulmuyor her zaman. Örneğin, Aile ve Sosyal Politikalar Bakanlığı… Sadece kadın olduğu için oraya atanan çok kadın oldu… Tüm bakanlıklarda deneyimi ve birikimi olan kişiler atanırken

nedense Aile Bakanlığı'nda sadece kadın olduğu için, bu konuları okumuş mu, çalışmış mı bütün bunlara bakılmadan..."

Karcılıoğlu, Kaan (the secretary general of the Press Council, December 17, 2012):

"Bu hususta bir hazırlığımız yok. Ne bizden oraya doğru, ne oradan bize doğru herhangi bir talep de olmadı. Bunun çeşitli sebepleri olabilir. Kişisel görüş olarak bunu açıklamak zorundayım. Konsey adına konuşamam bu konuda. Basın özgürlüğü ile ilgili akademik geçmişi de olan bir hukukçu olarak, ceza hukukçusu olarak şunu söyleyebilirim ki, özellikle anayasal ama aynı zamanda yasal düzlemde bir problem yok." "Problem uygulamayla ilgili bu sebeple ben şahsen bu konuda mutlaka harekete geçilmeli ve şu yapılmalı bu yapılmalı diyemiyorum. Buna anayasadaki ilgili maddelerin tekrar kaleme alınması da dahil. Şu şekilde söyleyebilirim. İfade özgürlüğü ve basın özgürlüğü ile ilgili anayasadaki maddeler üç aşağı beş yukarı Avrupa İnsan Hakları Sözleşmesi'nde öngörülen maddelerle paraleldir." "Şu anda ülkemizde yaşanan sorunlar mevcut basın kanunundan kaynaklanan sorunlar olmaktan çıkmış durumda. Daha çok Ceza Kanunu ile ilgili sorunlar. Doğrudan Basın Kanunu kullanılmıyor, doğrudan Ceza Kanunu ve orada basınla ilgili olmayan maddeler –örgüt üyeliği, terör propagandası yapmak, terör faaliyetlerinde bulunmak gibi. Dolayısıyla, Basın Kanunu ile ilgili problemler şu anda çıkmıyor. Daha önce söz konusuydu bunlar. Mesela sorumlu yazı işleri müdürünün objektif sorumluluğu, yani sorumlu yazı işleri müdürü bir haber yapıldığı zaman –Basın Kanunu'nda onun ayrıntılı hükümleri vardı- kendisi de bir şekilde sorumlu oluyordu ve o haberi kendisi kaleme almasa bile sorumlu oluyordu. Basın Kanunu'yla bu biraz daha yumuşatıldı. 2004 yılındaki Basın Kanunu'yla. Yanlış hatırlamıyorsam hapis cezası olmuyor artık, para cezası oluyor. Fakat dediğim gibi bunlar şu anki mevcut sorunları tam yansıtmıyor. Yani şu anda Türkiye'deki ifade özgürlüğü problemini tartışıyorsanız Basın Kanunu'ndan kaynaklanan problemler daha alt maddelerde yer alır." "RTÜK'ün kurumsal oluşum sürecinin daha demokratik olması lazım. Şimdi bunu RTÜK'e sorduğunuz zaman verilen cevap, en son bir RTÜK üyesinin bir konferansta doğrudan söylediği cevap 'biz meclis tarafından seçiliyoruz ve son derece demokratik bir meşruiyetimiz var' diyordu. Ancak bu tip kurumlar sadece meclis tarafından seçilmekle demokratik meşruiyete haiz hale gelmiyorlar. Siyasi partilerin dengeli bir dağılımı var, ama RTÜK içerisinde sivil toplum kuruluşlarının doğrudan temsil edilmesini sağlayan bir düzenleme yapılması

lazım." "Özellikle ailenin korunması, milli değerlerin korunması gibi kavramlar altında gerek sanatsal gerekse haber değeri taşıyan meselelerde bana sorarsanız aşırıya kaçan müdahaleleri var. Bunların gözden geçirilmesi lazım. Yine bu öncelik haline gelemiyor mevcut durumda. Çünkü ifade özgürlüğünü tartışmaya başladığınızda, daha ağır ve mevcut devam eden problemleri tartışmaya başlıyorsunuz. Aslında tutuklu gazeteciler problemi olmasaydı, Basın Konseyi'nin ciddi bir şekilde eğildiği meselelerden biri olurdu RTÜK meselesi, ifade özgürlüğünü tartıştığımız anlarda, etik meselesinin dışında." "RTÜK'ün problemli olduğunu söylediğim alanları doğrudan haber alma hakkıyla ve basınla ilgili değil. Daha çok sanatsal özgürlüklerle ilgili. Dolayısıyla ifade özgürlüğü ile ilgili bir problem, fakat basın özgürlüğünün inceleme alanı içinde kalan ifade özgürlüğü ile ilgili bir problem değil bu. Bir dizi oluyor, RTÜK bu dizi ile ilgili bir ceza veriyor, ağırlıklı olarak bunlarla karşılaşıyoruz. Veya bir magazin programındaki bir şeyi aşırı yorumluyor. Bunlarla ilgili. Bunlar da baktığınız zaman, çoğunlukla basın özgürlüğü ile ilgili bir mesele değil. Verilen bir haberin, verilip verilmemesi ile ilgili, bunun gerekli olup olmadığı ile ilgili RTÜK bir yaptırım uygulamaya kalkarsa bu hususta Basın Konseyi de bir söz söyler." "Bizde adli mercilerin olaya bakışı bir basın mensubu ile ilgili olarak bir soruşturma başlatılıp, hatta daha sonra bu iddianamenin üzerinden kamu davasına dönüşüp, sonra da beraat kararı çıkarsa; burada bir sıkıntı yokmuş gibi algılanıyor. Hâlbuki Avrupa İnsan Hakları Mahkemesi kararlarında 'chilling effect' denilen bu maddelerin varlığı dahi, veya bu maddelere ilişkin negatif nitelikteki istikrarlı uygulamaların varlığı dahi zaten yeterince zor bir faaliyet olan haber yapma özgürlüğünün kullanılmasını iyice kısıtlıyor. Yani insanları yıldırıyor özetle." "Ceza Kanunu ile ilgili bütün meslek örgütlerinin görüşleri ortak." "Terör tanımlamasıyla ilgili daha esaslı daha belirgin bir tanıma gitmek lazım. Bence ihtiyaç yok. Çünkü gerek anayasadaki ve anayasanın atıfı ile İnsan Hakları Mahkemesi'nin içtihatları, gerekse zaten kanunlarımızın kendileri herhangi bir basın yayın faaliyetini ifade özgürlüğü çerçevesinde değerlendirilmesi gereken faaliyetlerini, gazetecilik faaliyetlerini terör faaliyeti olarak tanımlamaya müsaade etmiyor. Ama madem uygulama bunun tam tersi bir şekilde gerçekleşti, gazetecilik faaliyeti terörist faaliyet olarak algılanmaya müsait hale geldi, çünkü özetle denilen şu: 'sen iktidarı yıpratmak için kitap yazdın'. İnsanlar iktidarı yıpratmak için kitap yazabilirler bu terör eylemi sayılmaz. Hukukçu olarak bunu ben zor telaffuz ederim, ama şöyle söyleyebilirim bu kadar yanlış uygulama varken bence de o zaman çok açık bir şekilde bunlar bunlar kesinlikle terör şeyi teşkil etmez demek lazım. Ama teknik olarak da sakıncalı

görüyorum, çünkü şöyle bir sonuç ortaya çıkar. Siz şunlar şunlar terör eylemi değildir derseniz onların dışında kalanların terör eylemi olabileceği gibi bir problem ortaya çıkacak…" "Mesele Türkiye'de gazeteciler gazetecilik faaliyetinden dolayı tutuklanabiliyorlar. Tutuklanabiliyorlar demek bana sorarsanız bu bağlamda mahkûm olabiliyorlar demekten daha da ağır bir durum bizim konumuz açısından." "3. Yargı Paketi ile ilgili çok söylenen, hatta benim anlamadığım bir şekilde yurt dışında da olumlu bir gelişme olarak ifade edilen bu düzenleme özetle şunu diyor: sen bundan sonra gazetecilik faaliyetlerini bu şekilde yapmaya devam edersen ben seni tekrar yargılayacağım." "Genel olarak Türkiye'deki lobicilik hususuna bakış ve bunun işlerliği ile ilgili de bir mesele olarak görüyorum ben bunu. En azından şunu diyebiliriz, çok aşırı bir alışkanlık yok bu konuda. Özellikle belli bir konuda maddi menfaati olanlar bununla ilgili demokratik bir sistemde arzu edilen veya arzu edilmeyen şekillerde bu konuda çalışmalar yapabiliyorlar. Ama sivil toplum örgütleri söz konusu olduğu zaman tahmin ediyorum istisnalar bir yana yukarıdan bize yönelik olarak iktidar –mevcut iktidardan da bahsetmiyorum- establishment tarafında sivil toplum örgütlerine yönelik, siz de katılın bu sürece daveti pek olmuyor. Bunu ben kendi tecrübelerim açısından şöyle doğrulamaya çalışabilirim. Malum basın özgürlüğü hususunda çok ciddi problemler var. Ulusal ve uluslar arası alanda -uluslar arası alanda gittikçe artan şekilde- bir takım tepkiler ve şeyler var. Raporlar yayınlandı, CPJ raporu yayınlandı. Buna ek olarak CPJ bir sivil toplum kuruluşu ama resmi nitelikte olan Avrupa Birliği'nin ilerleme raporunda da Türkiye ile ilgili bu konu ile ilgili çok ciddi tepkiler, eleştiriler var. Bu hususta hükümet kanadından veya meclisten veya benzer organlardan bir toplantı, resmi bir sivil toplum örgütleriyle bir araya gelip, bu nasıl çözülür şeklinde birşey olmadı. Ne kamuoyuna yansıyan oldu, ne bize yansıyan oldu." "Bugün benzer şeyleri her ne kadar adli bir süreç başlamadıysa da sayın başbakanın dizi ile ilgili: 'işte bizim ecdadımız öyleydi, böyleydi', 'savcılar niye harekete geçmiyor' dediğindeki örnekler dikkate alındığında sıkıntının sadece belli bir konuda değil, ama birbirine benzeyen siyasi sürecin bütün taraflarını kendine has bir takım manevi değerleri var. Ve o değerlere yönelen her türlü şey kısıtlanması gereken bir ifade açıklaması gibi görünüyor."

Özbay, Nuray (the deputy secretary general of KAGİDER, February 14, 2013):

"Bir önceki anayasa çalışmasında, 2007 yılında, Anayasa Kadın Platformu bir taslak hazırladı ve o taslağa KAGİDER de katkı sundu. O dönemde aktif çalışmalar

gerçekleştirildi. Ondan sonra eşitlik maddesi, pozitif ayrımcılığın önünü açan süreçte de KAGİDER'in lobi faaliyeti oldu ama tabi bu yeterli değil. En son yeni anayasa kapsamında KAGİDER bir anayasa çalışma grubu kurdu. Üyelerinin talepleri ve ihtiyaçlarına yönelik bir anket gerçekleştirdi. Sonra bir rapor hazırlayıp uzlaşma komisyonunu ziyaret etti. Cemil çiçeği ziyaret etti ve rapor çıktılarını sundu. Şu anda yeni anayasanın da nereye gideceği pek belli olmadığı için, bu çalışmaları konusu geldikçe gündeme getirmeye çalışıyoruz. Bir yandan da komisyonun ve meclisin çalışmalarını ve açıklamalarını bekliyoruz. Sürecin tıkanıyor olması vesaire yönündeki tartışmaları endişe ile takip ediyoruz. Bir taraftan da denge ve denetleme ağı gibi bir yapı oluşturuldu. KAGİDER gibi birçok örgüt bunun paydaşı. Bu yapının içinde de yer alıyoruz. Önümüzdeki haftalarda bir meclis ziyareti tasarlanıyor." "Biz anayasada kota savunmadık. Pariteyi tam eşitlik ilkesini savunduk ve bunun anayasal güvence altına alınmasını konuştuk. Daha çok üzerinde tıkanılan maddeler kamuoyuna sunulduğu ve anlaşılan maddeler çok da medya malzemesi yapılmadığı için, daha fazla anayasal vatandaşlık, kimlik vesaire mevzuları üzerinde şu anda dönüldüğü için; daha siyasi olarak da bunlar yüklü mevzular. Ama kadının insan hakları temelinde zaten şu anda bunun üzerinde uzlaşıldı denen birşey yok -gündemde dönen. Dolayısıyla biz de takip ediyoruz. Bir şekilde yapılacak açıklamaları bekliyoruz." "50-50, geçici bir pozitif ayrımcılık ya da geçici bir mekanizma değil; anayasal düzlemde de, kadın ve erkeğin sadece teoride değil, pratikte de, bütün mekanizmalarda ve bütün süreçlerde çıkan sonuçların da tam eşitlik ilkesine yönelik olması. Bu siyasi temsilde de, eşit istihdama katılmada da, her alanda geçerli. Anayasada bunun zaten detaylı tam olarak tanımlamak mümkün değil tabiki. Tam eşitlik ilkesi mesela Fransa anayasasında örnek var. Tam eşitliğin anayasal düzlemde de benimsenmesi." "2007'de tam eşitlik olarak ifade ediliyordu. Son dönemde özellikle yabancı kaynaklar incelenip parite ilkesi üzerinde duruluyor." "Şiddet KAGİDER'in uzmanlık alanı olan bir konu değil. Dolayısyla, o konuda bir uzman görüşü sunmak yada somut bir anayasal madde talebinde bulunmak pek mümkün değil. Fakat tabiki, bu süreçler hayati bir konu olduğu için diğer örgütlerle birlikte bir takım platformlar aracılığıyla sunulan önerilerin farkındalığının arttırılması için KAGİDER'de tabiki destek veriyor. Mesela bu en son Ailenin Korunması ve Kadına Yönelik Şiddetle Mücadele Kanunu. Orda tüm bu meclisteki tartışmalarda KAGİDER yoktu. Temsilcisi yoktu. Çünkü, çok yoğun bir dönem geçirildi. Örgütlerle bakanlık çok yoğun çalıştı. Fakat yinede süreci bir şekilde dışarıdan desteklediğini her anlamda ifade etti. Ama dediğim gibi bir uzmalık katkısı

sunmadı bu süreçte. Çünkü şiddet alanında çalışan bir örgüt değil. Ancak toplumsal farkındalığın artması ve sürece olumlu destek açısından bunu dillendirdi, gündeme taşıdı ve katkı sunmaya çalıştı." "Mevcut İş Yasası tam eşitlik ilkesine dayanıyor aslında. Fakat tabiki bu çocuk bakımı, kreş mevzularında, 150 kadın çalışması mevzusuna karşı çıktı. Bu kadınları birazcık cezalandıran bir durum söz konusu." "Kadın ifadesinin çıkarılıp çalışan ifadesinin getirilmesi ve tam eşitlik getirilmesi. Çünkü böyle bir durumda iş veren kadın istihdam etmekten çekiniyor. Bunun gibi öneriler var ama bu tabiki anayasal düzlemdense İş Kanunu'nun altında. Çocuk bakımı modeli çalışmalarında da bunlar dillendirildi." "KAGİDER henüz bu konuda somut bir açıklama yapmadı çünkü bunun olası etkilerini hesaplamak mümkün değil. Dünyanın birçok ülkesinde nerdeyse 18 aya varan doğum ve analık izinleri söz konusu, aynı şekilde ebeveyn izinleri destekleniyor. Ama Türkiye'de zaten destekleyici bir çocuk bakım hizimeti olmadığı için, 6 ay izinden sonra o kadın çocuğunu ne yapacak o belli olmadığı için bu iznin olumlu veya olumsuz etkisini söylemek mümkün değil. Tam tersine olumsuz bir etkisi olmasından da çekiniyoruz. Çünkü 6 ay boyunca bu kadın iş piyasasından uzaklaşmış oluyor. Yerine yeni birisi alınabilmiş oluyor ve 6 ay sonunda çocuğunu bırakacak devlet tarafından desteklenen bir çocuk bakım merkezi olmadığı için kadın muhtemelen iş piyasasından çekiliyor. Dolayısıyla bunun sonuçlarının da çok olumlu olacağını bilemiyoruz. Dolayısıyla da bununla ilgili bir açıklama yapmıyoruz. Yaptığımız bütün açıklamalar Türkiye'de devlet tarafından finanse edilen bir çocuk bakım sistemi oturtmak gereklidir şeklinde." "Türkiye'de hala kadın istihdamında %58 oranında bir kayıt dışılık var. Dolayısıyla, birazcık da bu taraftan mücadele etmek gerekiyor. Evet ssk dönüştürüldü, evet büyük zarar veriyordu sskya geçit de artık kayıt içine alınmaya çalışılıyor vesaire ama hala kadın istihdamında kayıt dışılık çok yüksek. Dolayısyla, bunun farklı sistemlerle destekleniyor olması lazım. İstihdam politikasıyla paralel ilerlemesi lazım. Bunun için de çocuk bakımı çok önemli." "Esnek zamanlı çalışmanın binlerce tarifi var, ama bunun sosyal güvenlik şemsiyesi altında olması apayrı birşey. 'Kadın istihdamı çok düşük, bunu arttıralım, bütün kadınlar esnek zamanlı çalışsın' demek çok hakkaniyetli bir yaklaşım değil. Esnek zamanlı çalışma sosyal güvenceli bir seçenek olarak sunulabilir. Sonuçta seçenek olarak sunulduğunda tabiki bunu tercih etmek isteyenler tercih etmelidir… o konuda da KAGİDER esnek zamanlı çalışma uygulamalarının gelştirilmesini destekliyor. Ama bunu ancak ve ancak sosyal güvenlik şemsiyesi altında tanımlanırsa ve titiz bir yaklaşımla oluşturulursa destekliyor." "Yapısal problemler var. Dünden bugüne değişecek şeyler değil. Hem

yasal değişiklik gerekiyor bir de hep bahsedilen meşhur zihniyet değişikliği dönüşümü var. Toplumsal dönüşüm gerekiyor ki bu yasalar uygulansın." "KAGİDER istihdamı ve kadın girşimciler için çalışyor ve girişimci kadınları başörtülü, başörtüsüz veya 'x', 'y', 'z' diye ayırmıyor. Genel bir kadın grubu altında değerlendiriyor ve hepsi için bu savunuyu gerçekleştiriyor. Hiçbir zaman da ne üyeleri için ne kadın istihdamı için başörtülü çalışanlar, başörtüsüz çalışanlar gibi bir ideolojik ayrıma da hiçbir zaman girmedi ve girmeyecek. Zaten ülkede %24 gibi bir kadın istihdamı var ve sadece 6 milyon kadın istihdam ediliyor ve bu, bütün kadınların ve kadınları da değil bütün toplumun problemi." "Genel olarak kadın istihdamı için savunu yapmalıyız, başörtülü kadın istihdamı için değil. Kadınlar burada genel bir grup olarak her türlü dini etnik cinsel yönelim tercihlerinin genelinde bir ayrımcılığa maruz kalıyorlar. Bunu içine girip, ayrıca da kendi içinde bir din ve dinin günlük yaşama uygulanması temelinde bir ayrıma gitmiyoruz. Üniversite tabiki, sonuçta bu bir eğitim hakkıdır, eğitime erişim hakkıdır, orada başörtülü başörtüsüz bütün öğrenciler buna dahil olabilmeli. Sonuçta birtakım yasal gereklilikler var: kamuda hizmet alan, hizmet veren… Bir yargıcın başörtülü olmaması gerektiğini de bir yandan söylüyoruz. Çünkü Türkiye Cumhuriyeti yasaları çerçevesinde bir takım daha yukarıdaki kapsayıcı ilkeler gereği kamuda hzimet veren kişilerin dini herhangi bir simge taşımaması gerekiyor. Dolayısıyla, bu konudaki duruşumuz da net. Zaten özel sektörde de birçok alanda din temelinde bir ayrımcılık olduğunu da düşünmüyoruz. Başı örtülü diye istihdam edilemeyen bir kadın… Özellikle özel sektörde son dönemde bu sıkıntının da ortadan kalktığını düşünüyoruz açıkçası." "İletişim kanallarını gayet açık buluyoruz. Gerek meclisle, gerek ilgili bakanlıklarla iletişim kurmakta, çalışmalarımızı paylaşmakta bir sıkıntı çekmiyouz. Dolayısıyla, o konuyu da olumlu buluyoruz."

Özkan, Özlem (Purple Roof, December 18, 2012):

"Mal rejimleri 2002'den sonra edinilen mallar ve 2002'den sonraki evlilikler üzerinden hep, yani kanun yürürlüğe girdikten sonra yapılan mal edinimleri üzerinde duran bir tasarı getirmişti o dönemlerde. Dolayısıyla biz o süreçte diğer kadın örgütleriyle şunu söylüyorduk ve savunuyorduk: 'Türkiye'de ve aslında bütün dünyada bütün mülkiyetler paylaşılmış durumda ve yüzde 90'ı erkeklerin üzerinde bu mülkiyetlerin. Dolayısıyla, bu büyük bir haksızlık.' Her şeyden önce var olan evliliği devam eden ve 2002'den önce evlenmiş kadınların ve o kadınların bu kanun çıktığında Türkiye'deki kadınların yüzde yüzünü oluşturduğunu söyleyebilirsiniz. Maalesef onlar

faydalanamayacaktı bu kanundan. Faydalanabilmelerinin tek bir koşulu var, kocalarıyla birlikte notere gidip noterden buna rıza göstermeleri kocalarının gerekiyordu. Hangi kadın böyle bir şey için acaba eşini ikna edebilirdi. Dolayısıyla, bu süreçte en büyük muhalefetimiz buna oldu. 'Bu bir eşitsizlik yaratıyor' dedik. 'Adaletli bir yaklaşım değil' dedik. Ama biliyorsunuz o dönemde de, hele de 2002'de yüzde doksan beşi erkekti. Ve erkekler kendi mallarını maalesef kadınlarla paylaşmak istemiyorlar." "Hemen yasanın sonrasında anayasaya aykırılığıyla ilgili başvuruda bulunuldu yine o sürece dâhil olan kadın örgütleri tarafından ama bir sonuç alınamadı." "Daha önceden suç tasnifleri biraz daha farklıydı. Biraz daha cinsiyetçi bir suç tasnifi vardı. Tecavüzle ilgili, cinsel saldırıyla ilgili suçlarda ifadeler, tanımlamalar çok daha farklıydı. Kanun dili o anlamda biraz değişti. O bakış açısı cinsiyetçi, toplumsal cinsiyet algısının getirdiği bazı kavramlar biraz daha değişti Ceza Kanunu'nda da. Ama her halükarda biz kadının beyanının esas alınması gerektiğini düşündüğümüz, hele de cinsel saldırıyla ilgili kısmın tam olarak bizim isteğimiz çerçevesinde düzenlendiğini söyleyemeyiz. Çünkü şu anda takip ettiğimiz cinsel saldırı davalarında bu sorunla karşı karşıya kalıyoruz. Sürekli bir ispat sorunuyla karşı karşıya kalıyoruz. Kadının o tecavüzü ispatlaması gerekiyor, ya da bir takım o delillerin ortada olması gerekiyor. Oysaki cinsel suçlar ispatı en zor olan suçlardır. Tanığı olmaz." "Evet kanun maddesi var, ama uygulatamıyorsunuz. 4320 sayılı yasa -Ailenin Korunması Kanunu- 1998 yılında yapılmış bir kanundu, ama biz bunu nerdeyse 2004'e kadar uygulatamamıştık. Kanun var bakın. Ama hakim uygulamıyor." "Kürtajla ilgili tartışmanın olması ve bakanlığın bu konuyla ilgili bir tek söz söylememesi görüşmenin kesilmesine neden oldu. Çünkü yasanın yapış sürecinde görüşlerimizi sunduğumuz, epey bir efor sarf ettiğimiz halde; bahsettiğim gibi çok önemli hususlar o kanunda yer almadığı için bir hayal kırıklığı da yaşadık açıkçası. Ama Bakanlık 'kadın örgütleriyle birlikte yaptık bu kanunu' dedi, yani buna rağmen. Oysaki bir sürü eleştirdiğimiz şey oldu. Bunları açıkladık, basına da açıkladık ama bakanlık aslında bizim istediğimiz şeyleri yaptığını söyledi. Mesela kanundaki şiddet önleme izleme merkezleri. Onun içeriğinin kesinlikle netleşmesi gerektiğini söylüyorduk. Adamın tedavi edilmesiyle ilgili yine kanunda yer alan bütçe ayrılabileceği. Biz diyoruz ki 'kadını güçlendiren bütçe ayırın. Bu bir hastalık değil. Şiddet.2 Şiddetin toplumsal temelleri var. Cinsiyet halkasından da kaynaklanıyor." "233 kadın örgütünün imzacısı olduğu bir tasarı sunuldu bakanlığa. 'Kadına Yönelik Şiddetin Önlenmesi Kanunu'ydu bizim tasarımızın başlığı. Kesinlikle şey değildi ilenin korunması ve kadına yönelik şiddetin önlenmesi

değildi… Ve Mor Çatı bu sürecin baş yürütücülerinden de biriydi. Zaten şiddet alanında çalışan bir örgütlenme Mor Çatı. Önerilerimizi bakanlığa sunduk, o süreçte çok fazla görüşme oldu bakanlığa gidilip gelindi, diğer kadın örgütleriyle görüşmeler oldu. Önerilerimizin büyük bir çoğunluğu girmemekle birlikte yasaya, bir kısmı girdi diyebiliriz. Birincisi 'kanunun adı'. Kanunun adı çok önemlidir. Çünkü bir şeyin adı onu tanımlayan da bir şeydir aynı zamanda. Nasıl Kadından Sorumlu Devlet Bakanlığı'ndan Aile ve Sosyal Politikalar Bakanlığı'na gelindiyse bu da böyle bir şey… Kanunda İstanbul Sözleşmesi'ne atıf yapılan maddeler var. Şiddetin tanımı var. Ayrımcılık ve toplumsal cinsiyet algısı, yani kadına yönelik şiddetin bir ayrımcılık olduğuna dair ifade elbette yer alması için çok uğraşıldı. Bunların bir kısmı bazı ifadeler dediğim şekilde girdi. Fakat önerdiğimiz temel şeylerden bir tanesi olan kadına yönelik şiddetle mücadelede devletin yükümlülükleri içerisinde olmasını düşündüğümüz kadını güçlendirici roller, kadının beyanının esas alınması, kadının şiddetle ilgili yaptığı başvuruda herhangi bir delil aranmaması… Şiddet dediğimiz şey sadece fiziksel şiddet değil hakaret, aşağılama, her türlü psikolojik baskı, tecrit etme, görüştürmeme – ailesiyle, başka kişilerle-, ekonomik şiddet, parasına el koyma, çalıştırmama, cinsel şiddet, tecavüz, cinsel saldırı, ensest… Tüm bunlarla ilgili bir başvuru yaptığında kadının delil aranmaması gerektiğini söylüyoruz. Kanuna da bu girmedi." "Kolluğa, jandarmaya, polise yetki verilmesini istiyorduk. Acil durumda önlem alınması için. Çünkü daha önce karakollara başvurulduğunda polis bizim yetkimiz yok alamayız gidip adamı koruma kararının çıkması gerekiyor, ondan sonra biz yaparız diyordu, ama kanunla birlikte bu değişti. Bu olumlu bir yöndü. Biz bunu önermiştik zaten. Bununla ilgili değişiklik yer aldı, sağlandı. Fakat uygulamaya dair bu sefer problem yaşıyoruz. Kanunun sonrasında yönetmelik hemen çıkmalıydı. Mart ayında kanun yürürlüğe girdiği halde yönetmelik bir kanun yürürlüğe girdiği andan itibaren en geç bir ay içerisinde çıkar. Çünkü yönetmelik kanunun nasıl uygulanacağını gösterir. Oysaki yönetmelik çıkmadığı için, halen bununla ilgili bir sürü problem yaşanıyor. Yani karakol hala diyebiliyor ki 'yetkim yok.'" "Çözümü onlar böyle bir yerden görüyorlar: adamları tedavi ederek, aileyi de parçalamayarak bu işi böyle çözmek gerektiğini düşünüyorlar. Biz de bir kere şiddet gören kadınlar yalnızca evli kadınlar değil. Dolayısıyla, aileyi parçalamaktan bahsetmek çok saçma. Ve bir kadın ne yapmak istediğine karar vermek istiyorsa eğer, o şiddetten uzaklaşıp bununla ilgili ortam sağlanması gerektiğini düşünüyoruz. Sığınakların açılması, danışma merkezlerinin çoğaltılması ve kadınların güçlendirilebileceği birimlerin ortaya konulmasıyla

yapılabileceğini düşünüyoruz. Evet yasada çok iyi pratik önlemler var, ama bir yanıyla da çok büyük bir eksik var." "Yasayı sadece biraz gösterebilmek, göz boyamak, bakın ben usulümde, kanunumda değişiklikler yaptım diyerek dışarıya karşı böyle bir şekilde gösteriyor. Ama hem Avrupa İnsan Hakları Mahkemesi'nde verilen kararlar Türkiye aleyhine bunun böyle işlemediğini zaten gösteriyor; hem de Türkiye'de her gün en az dört kadının öldürüldüğü bir ülkede bunun hiç de böyle olmadığını görüyorsunuz." "Genel Sağlık ve Sosyal Sigortalar Yasa Tasarısına Karşı Kadın Platformu. O platformun içinde de yer almıştı Mor Çatı. Yasa değişikliği sürecinde önerilerini vermişti platform. Orada en temel şeylerden birisi hiçbir ne kocaya ne babaya bağlı olmadan da genel sağlık sigortasından faydalanabilmesi gerektiğini, kadınların ev içindeki emeklerinin de ücretlendirilmesi gerektiğini, bunun da bir karşılığı olması gerektiği…" "Erkek egemen, kapitalist bir sistemin devam edebilmesi için bunların değişmemesi gerekiyor çok da fazla. Evet, biraz haklar verilebilir, ama bu sistemin her halükarda devamı için bu yasaların aynen böyle devam etmesi gerekiyor." "Bir kere çok üstten bir dil kullandıklarını söyleyebiliriz. Bir toplantı ya da görüş istendiğinde bir hafta gibi bir süre verilebiliyor. Bir hafta içerisinde lütfen görüşlerinizi iletin denebiliyor. Bu çok üstten, eril ve direkt iktidar dili." "Sizin önerdiğiniz şeyi bambaşka bir hale dönüşmüş olduğunu da görebiliyorsunuz. Örneği verdim size. Yasa tasarısı başka bir hale dönüştü. Ve bunu ama yine de bakan 'kadın örgütleriyle birlikte yaptık' dedi."

Takmaz, Hüsniye (the chair of ADF, December 13, 2012):

"Farklı bakış açıları var. Bu farklı bakış açılarının da Alevi örgütlenmesine farklı farklı yansımaları var. Mesela Aleviliğin İslam'ın neresinde yer aldığı gibi, ya da Türkiye'deki Aleviler Aleviliği nasıl yaşıyorlar gibi. Fakat Vakıflar Federasyonu'na baktığınızda biraz daha devlete çok daha yakın daha doğrusu, diğer Alevi Bektaşi Federasyonu'na baktığınızda bunlarda biraz daha Aleviliği inanç bazında çok daha yoğun yaşamadığı, fakat bizim kurumumuz tam anlamıyla Aleviliğini uygulamalarında teoride ve pratikte yaşanılan bir oluşum olduğu için açıkçası buraya gelen insanların Aleviliğe bakış açısı biraz daha yoğun ister istemez çünkü dergâhlar var… Bu iki federasyonun birleşmesinde biz önemli bir adımız. o çok önemli. Yani iki kenarda olan federasyonu biz ortada durarak ikisini yakınlaştırdık ve bizimle birlikte bu üç federasyon bir bütünlük sergilemeye başladı." "Benim inancımı sorgulayabilecek bir merciinin olmadığını düşünüyorum. Bir kurumun olmadığını düşünüyorum. Benim

inancımı nasıl yaşadığımı dünyada hiç kimsenin sorgulama hakkı olmadığını düşünüyorum. Ama ben Hüsniye Takmaz olarak bunu düşünüyorum." "Buraya gelen insanların yüzde seksenine sorduğunuz zaman 'biz tamamen İslam'ın içindeyiz, merkezindeyiz' diye cevap vereceklerdir. 'Bizim referansımız Kuran' diyeceklerdir." "Alevilerin kendi aralarında sorun noktasında kesinlikle yok. Aleviler arasında Allah Muhammet Ali üçlemesi noktasında bir farklılık yok.""Aleviliği yaşama biçiminde ortak olan kurallarda kaidelerde hiçbir farklılık yok." "Şu anda üç federasyonun özellikle altı madde noktasında –ki bizim olmazsa olmaz altı tane madde ana koşulumuz var-, bu koşullarda hiçbir görüş ayrılığı yok. Din dersleri noktasında, işte Cemevlerinin statüsü noktasında, Diyanetin durumu noktasında. Bunlarda, üç federasyon da farklı düşünmüyor." "Yapacağınız şey din dersini tamamen kaldırmak... Ha eğer illa da din dersini koyacaksanız, o zaman din kültürü ahlak bilgisi öğretmenlerinin değil, ilahiyatçıların değil; tarihçilerin ve felsefecilerin okutmasını sağlarsınız. Onların objektif bakış açısı sorunu ortadan kısmen kaldırır." "Belediyelerdeki şuanda düzenlenen İmar Yasası'yla ilgili koydukları 'ibadethanedir' diye bir madde var. O bölgede Aleviler çok yoğun yaşıyorsa, Alevilere ibadethane yaparsınız. Sünniler yaşıyorsa, Sünnilere yaparsınız. Fakat onu parantez içine alıyor, 'kilise ve cami' olarak koyuyor. Yani onun içinde cem evi yok. Ben bu hükümetten asla böyle bir şey beklemiyorum. Açılmış olanları da kapatmazlarsa iyidir." "Biz asla dedelere maaş verilmesini istemiyoruz. Bizim her kurumumuz dedesinin maaşını verebilecek durumda. Ama o kurumlarda çok fazla verecek durumda değil. Bir dedenin parasını veremeyecek konumdalarsa, oluşum oluşturmasınlar." "Dedeye maaş verdiğiniz zaman artık dedeniz devlet memuru olacaktır. Ki şuanda devletin dayatmak istediği inancı da uygulamak zorunda kalacaksınız." "Nasıl ki camilere fetva gönderiyor, Cuma bildirisi gönderiyorsa; yarın öbür gün o zaman benim cem evime de gönderecektir o bildiriyi." "Laik demokratik bir hukuk devletinde Diyanet İşleri diye bir kurum olmaz. Kaldı ki o artık bir kurum değil bir bakanlıktan da daha öte bir şey. Yani üç dört bakanlığın bütçesine sahip olan bir oluşuma siz artık başkanlık falan diyemezsiniz. Bakanlığın da üstünde başbakanlıkla neredeyse eşdeğer bir kurum haline geldi." "Aslında çok doğru bir şey değil. Siz kimliğinizi birine uzatacaksınız. O bakacak. Alevi mi? Sünni mi? Hangi inançtan? Orada görev yapacak olan kişi bununla karşılaştığı zaman nasıl bir uygulama içine girecek? Türkiye diğer Avrupa ülkesi veya diğer ülkeler gibi değil." "Örneğin, benim sağlıkla ilgili bir sorunum var. Oradaki o sağlık memurunun eğer benim inancıma ters bir insansa oradaki benim işlemimi yaparken ben objektif

davranacağını düşünemem." "Din hanesiyle bizim ne işimiz var kimliklerde. Bıraksınlar insanların din haneleri boş kalsın." "Alevilerin büyük bir kısmının CHP'ye oy verdiği bilinir. CHP'nin vermiş olduğu yüzlerce önerge var. Yasal düzenleme, yasal çalışma var; ama maalesef gündeme bile alınmadan reddediliyor. O milletvekilleri yaptıkları çalışmaları zaman zaman bizlere gösteriyorlar. Aslında sorun çok zor değil. Bugün istedikleri kararname istedikleri yasal düzenlemeyi bir gecede çıkarabilen hükümet bence isterse bunu çözer ve çıkarır."

APPENDIX 4

SEMI-STRUCTURED INTERVIEW QUESTIONS (IN TURKISH)

General Questions:

- *Öncelikle, …'nın Türkiye çapında teşkilatlanması ve temsil kapasitesi hakkında ne söyleyebilirsiniz? Örneğin: ... kaç tane ilde örgütlenmiş durumda ve kaç tane organizasyonu temsil ediyor?*
- *… nın diğer sector örgütlenmelerle bağlantıları ve varsa ortaklaşa lobi faaliyetinde bulunma amacıyla dâhil olduğu platform yapılarından da bahsedebilir misiniz?*

Questions about the Lobbying on Gender Mainstreaming:

- *Kadın hakları konusundaki anayasal değişiklikler ile ilgili olarak, … nın lobicilik faaliyetlerinden ve yasal içerik önerilerinden bahsedebilir misiniz? (Örneğin: cinsiyet eşitliği ve ayrımcılıkla mücadele, pozitif ayrımcılık, kadınların siyasette temsilini arttırmak için yasal kota sistemi uygulaması ve diğer konuların anayasada düzenlenmesi)*
- *… nın Anayasa Kadın Platformu ile ilişkisinden bahsedebilir misiniz? Bu yapı kaç tane örgütü temsil ediyor? Bu platformun sivil toplumun diğer unsurlarından aldığı destek hakkında bilgi verebilir misiniz?*
- *Genel olarak, anayasanın içeriğinin düzenlenmesi konusundaki önerilerinizin etkili olduğunu düşünüyor musunuz? (Örnek verebilir misiniz?)*
- *Siyasi alanda veya sivil toplum düzeyinde anayasa önerilerinize muhalefet eden aktörler var mı? Varsa bu argümanları nasıl değerlendirirsiniz?*
- *Anayasa konusundaki önerleriniz ile Avrupa kurumlarının politika önerileri veya (varsa) baskıları ne ölçüde örtüşüyor? Bu konu ile ilgili Avrupa kurumlarını etkilemeye yönelik faaliyetleriniz oldu mu?*
- *2001'de kabul edilen Medeni Kanunu ve bu kanunda geçtiğimiz on yılda yapılan değişiklikleri nasıl değerlendirirsiniz? (Örneğin: mülkiyet rejimi ve soyadı ile*

ilgili değişiklikler.) Bu kanunun değiştirilmesi ile ilgili olarak şimdiye kadar gerçekleşmeyen talepleriniz neler? Genel olarak, bu konu ile ilgili kararların içeriğinin düzenlenmesinde önerilerinizin etkili olduğunu düşünüyor musunuz? (Örnek verebilir misiniz?) Kabul görmeyen önerilerinizin kabul görmeme nedeni sizce nedir?

- *2001'de yeni Medeni Kanun'un hazırlık sürecinde kadın örgütleri Medeni Kanun Platformu adlı bir platform altında örgütlenmişlerdi. Bize bu platformla …nın ilişkisinden bahsedebilir misiniz? (Örneğin: Bu platforma kaç tane örgüt dahildi?)*
- *Medeni Kanun ile ilgili Avrupa kurumlarını karar alma sürecine dâhil etmeye yönelik faaliyetleriniz oldu mu? Varsa örneklendirebilir misiniz?*
- *Genel olarak Medeni Kanun ile ilgili tercihlerinizin siyasi karar alıcılara iletilmesinde ve gerçekleşmesinde Avrupa kurumlarının ne ölçüde etkili olduğunu düşünüyorsunuz? Neden?*
- *Ceza Kanunu'nda Kadın Hakları ile ilgili olarak 2004 yılında yapılan değişiklikleri nasıl değerlendiriyorsunuz? Bu konudaki mevcut durum ve şimdiye kadar yapılan değişiklikler, sizin kurumsal tercihleriniz veya dâhil olduğunuz koalisyonun tercihleri ile ne ölçüde örtüşüyor?*
- *45 kadar maddede Türk Ceza Kanunu Platformunun değişiklik önerisi olduğunu biliyoruz. Bu konularla ilgili olrak lobi faaliyetleriniz devam ediyor mu? Üzerinde anlaşmazlık yaşanan maddeler ile ilgili önümüzdeki dönemde bir gelişme kaydedileceğini düşünüyor musunuz? (Örneğin: Kadına yönelik şiddetle ilgili ceza ve yaptırımlar, töre cinayetleri, zinanın suç kapsamına alınması önerileri, kürtaj ile ilgili düzenlemeler)*
- *Özellikle bu yasanın hazırlanması sürecinde Türk Ceza Kanunu Kadın Platformu kurulduğunu biliyoruz. Bu Platform'a kaç tane örgüt dâhildi. Platformu sivil toplumda başka hangi örgütlenmeler destekliyordu? Şu an benzer bir yapılanmadan söz edebilir miyiz?*
- *Bu konuya yönelik tercihleriniz ile ilgili olarak Avrupa kurumları desteğine başvurdunuz mu? Bu konudaki tercihlerinizin siyasi karar alıcılara iletilmesinde ve gerçekleşmesinde bu kurumlarının ne ölçüde etkili olduğunu düşünüyorsunuz?*
- *Kadının şiddetten korunması amaçlı yürürlükte olan yasal düzenlemeleri nasıl değerlendiriyorsunuz? (Örneğin: Sizin de bildiğiniz üzere, 4320 numaralı Ailenin*

Korunmasına Dair Kanun'un yerine 2012'de 6284 numaralı Ailenin Korunması ve Kadına Karşı Şiddetin Önlenmesine Dair Kanun yürürlüğe girdi)

- *6284 numaralı kanun ile ilgili içeriği etkilemek amacıyla, kadın örgütleri arasında kurulan platform yapısından bahsedebilir misiniz? Platform'a kaç örgüt dâhil olmuştu?*
- *Bu Platform kadının şiddetten korunması ile ilgili hangi değişiklikleri önerdi? Bu önerilerden hangileri yeni yasada yer bulamadı? Bazı önerilerinizin dikkate alınmama sebebi hakkında ne düşünüyorsunuz?*
- *Kadının şiddetten korunması konusunda Avrupa Birliği'nin politika önerileri veya (varsa) baskılarını nasıld eğerlendiriyorsunuz? Bu konuda Avrupa Birliği kurumlarınının pozisyonunu etkilemeye yönelik faaliyetleriniz oldu mu? Genel olarak bu konuya yönelik tercihlerinizin siyasi karar alıcılara iletilmesinde ve gerçekleşmesinde Avrupa Birliği kurumlarının ne ölçüde etkili olduğunu düşünüyorsunuz? Neden?*
- *Kadınların iş hayatına katılımının arttırılması konusunda ne tip faaliyetler yapıyorsunuz? Kadınların iş hayatına katılımının arttırılması konusunda hangi yasal düzenlemeleri öneriyorsunuz? (iş hayatında ayrımcılıkla mücadele, kota uygulamaları, kadının çalışma şartları, doğum, hamilelik, süt izni konularında önerileriniz neler?)*
- *Bu konudaki pozisyonunuzdan dolayı desteklediğiniz veya dâhil olduğunuz geçici veya devamlı bir koalisyon veya platform var mı? (Bildirilmediyse: 2006 yılında, 29 kadın örgütü tarafından Kadının Emeği ve İstihdamı Girişimi adı altında bir platform kuruldu. Siz de bu platform yapısına dâhilseniz platformun çalışmalarından da bahseder misiniz?)*
- *AB müktesebatına uyum konusunda iş kanununu nasıl değerlendirirsiniz?*
- *2008'de uygulamaya konan Sosyal Güvenlik ve Genel Sağlık Sigortası Kanununda toplumsal cinsiyet eşitliği ile ilgili olarak yapılan değişiklikleri nasıl değerlendiriyorsunuz?*
- *Sosyal Güvenlik konusundaki taleplerinizdoğrultusunda, Kadının Emeği ve İstihdamı Girişimi ile ortak çalışmalarınız oldu mu? Bunlardan bahseder misiniz?*
- *Sosyal Güvenlik ile ilgili taleplerinizin sizce gerçekleşme(me) sebebi nedir?*
- *Sosyal Güvenlik ve kadın konusunda Avrupa Birliği müktesebatını nasıl değerlendirirsiniz?*

- *… nın Başörtüsü yasağı/serbestisi ile ilgili yasal düzenlemeler konusundaki pozisyonu nedir?*
- *Baş örtüsü ile ilgili hak talepleri amacıyla dahil olduğunuz bir platform yapısı mevcut mu?*
- *Avrupa kurumlarının başörtüsü konusundaki pozisyonunu nasıl değerlendiriyorsunuz?*

Questions about the Lobbying on Alevi Issues:

- *…'nın Aleviliğin devlet tarafından tanımlanması ve son dönemde ders kitaplarına girmiş olan Alevilik tanımının içeriği konusundaki görüşü nedir?*
- *Devletin benimsediği mevcut Alevilik tanımlamasının olumlu/olumsuz etkilerini nasıl değerlendiriyorsunuz? (Eğer değinilmediyse, Örneğin: Ceza Kanunu Madde 216 hakkında ne düşünüyorsunuz?)*
- *…'nın genel olarak Aleviliğin farklı şekillerde tanımlanmasından kaynaklanan sorunların çözümü ile ilgili önerileri nelerdir?*
- *… nın Alevililere azınlık statüsü verilmesi konusundaki görüşü nedir?*
- *Farklı Alevi örgütlenmeler içinde, Aleviliğin İslam dini altında bir mezhep olarak tanımlanmasını talep edenler de var, Aleviliğin bir mezhep olduğu görüşünün yetersiz olduğunu savunanlar da, Aleviliğin İslam inancı dışında ve farklı bir din olduğunu savunalar da mevcut. …'nın benimsediği Alevilik tanımını destekleyen benimseyen diğer örgütlenmeler, platformlar hakkında bilgi verebilir misiniz? Alevi çatı örgütlenmelerinin hangilerinin/kaç tanesinin Alevilik tanımı konusunda … ile aynı pozisyonda olduğunu düşünüyorsunuz?*
- *Tanımlama ve ilgili sorunların çözümü amacıyla Avrupa kurumlarını sürece dahil etmeye yönelik çalışmalarınız oldu mu?*
- *Zorunlu din dersleri ve bu derslerin içeriği Alevileri ilgilendiren bir diğer konu. Bu derslerden muafiyet, anayasal değişiklik, içerik değişikliği gibi alternatif çözüm önerileri mevcut. Bu konuda …'nın benimsediği çözüm önerisi nedir? Önerileriniz ne ölçüde gerçekleşti, sorunun çözümünde etkili olduklarını düşünüyor musunuz?*
- *Diğer Alevi çatı örgütlenmelerin hangileri zorunlu din dersleri sorununun çözümü konusunda … ile aynı görüşte?*

- *Zorunlu din dersleri konusundaki taleplerinizi desteklemeyen diğer aktörler ve sizce sebepleri hakkında bilgi verebilir misiniz?*
- *Zorunlu din dersleri konusunda, Avrupa kurumlarını sürece dâhil etmeye yönelik çalışmalarınız varsa örneklendirebilir misiniz? Genel olarak bu konuya yönelik tercihlerinizin siyasi karar alıcılara iletilmesinde ve gerçekleşmesinde Avrupa kurumlarının ne ölçüde etkili olduğunu düşünüyorsunuz?*
- *Cem evlerinin statüsü ile ilgili mevcut durumu nasıl değerlendiriyorsunuz? Bu konu ile ilgili karar alıcılara … yasa teklifinde bulundu mu? (Bildirilmediyse, örneğin: İmar Kanunu'nda Cem evlerinin statüsünün yeniden düzenlenmesi gibi)*
- *Sürece dâhil olan farklı görüşteki aktörlerin (sivil toplumun diğer bazı unsurları, mecliste temsil edilen bazı siyasi partiler, özellikle hükümet) cem evlerinin statüsü sorunu ilgili alternatif çözüm önerileri var mı? Bu önerileri nasıl değerlendiriyorsunuz?*
- *Cem evlerinin statüsü sorununun çözümünde, Avrupa kurumlarının herhangi bir etkisi olduğunu/olacağını olduğunu düşünüyor musunuz?*
- *…'nın Cem evlerine devletten yardım talebi var mı? Devlet yardımı konusunda Alevi örgütlenmeler arasında ne gibi görüş farklılıkları var? Bu farklılıkları nasıl değerlendirirsiniz?*
- *…'nın Devlet tarafından Alevi dedelere maaş ödenmesi gibi bir talebi var mı? Bu konudaki farklı görüşleri nasıl değerlendirirsiniz?*
- *Diyanet İşleri Başkanlığı'nın şu anki statüsü ve hizmetleri konusunda farklı Alevi örgütlenmelerin farklı talepleri olduğunu biliyoruz. (Örneğin: Bazı örgütlenmeler Diyanet'in tamamen ortadan kaldırılmasını talep ederken, bazıları Diyanet'in devlet kurumu özelliğinden özerk bir statüye geçmesini; bazıları da Alevilerin de başkanlıkta temsilciliği olmasını ve din işlerine ayrılan bütçeden Alevilere de pay ayrılmasını talep ediyor.) Alevi hakları açısından bu kurumun mevcut statüsü ve hizmetleri ile ilgili… 'nın talepleri nelerdir?*
- *Diyanet'in statüsü konusunda, Avrupa kurumlarını sürece dahil etmeye yönelik çalışmalarınız varsa örneklendirebilir misiniz? Genel olarak bu konuya yönelik tercihlerinizin siyasi karar alıcılara iletilmesinde Avrupa kurumlarının bir etkisi olduğunu düşünüyor musunuz?*
- *Bildiğiniz üzere, 2006 yılına kadar kimliklerde din hanesini doldurma zorunluluğu vardı. 2006'da yapılan yasal değişikliklerle vatandaşlar kimliklerdeki din hanesini boş bırakabiliyor veya değişiklik isteyebiliyorlar. 2006'dan beri*

yürürlükte olan bu uygulamanın sonuçlarını nasıl değerlendiriyorsunuz? Bu konuda …'nın kurumsal talebi nedir? Kimlik kartlarındaki din hanesi meselesinin taleplerinizi doğrultusunda çözümleneceğini düşünüyor musunuz?

- *Kimliklerdeki din hanesi konusunda, Avrupa kurumlarına yönelik herhangi bir lobi faaliyetiniz oldu mu? Genel olarak bu konuya yönelik tercihlerinizin siyasi karar alıcılara iletilmesinde ve gerçekleşmesinde Avrupa kurumlarının etkisi olduğunu/olacağını düşünüyor musunuz?*

Questions about the Lobbying on Freedom of the Press:

- *Son dönemdeki yeni anayasa taslağı çalışmaları sürecinde, basın özgürlüğünün anayasada tanımlanması, güvence altına alınması, ve sınırlanması konuları ile ilgili …'nın lobicilik faaliyetlerinden ve yasal içerik önerilerinden bahsedebilir misiniz?*
- *Anayasada basın özgürlüğü konusunda, mevcut siyasi partilerin anayasa uzlaşma komisyondaki temsilcileri tarafından ileri sürülen farklı içerik önerilerini nasıl değerlendiriyorsunuz?*
- *Sizce, basın özgürlüğünün anayasal çerçevesinin nasıl çizilmesi gerektiği noktasında, sektör örgütleri tarafından yapılan önerilere baktığımızda, dikkate değer farklılıklar olduğunu söyleyebilir miyiz?*
- *Anayasada basın özgürlüğü ile ilgili içeriğin oluşturulması sürecine, Avrupa kurumlarını da dâhil etmeye yönelik çalışmalarınız oldu mu?*
- *Anayasa ile ilgili hazırlanan taslağa baktığımızda, anayasa konusundaki taleplerinizin ne ölçüde gerçekleşeceğini düşünüyorsunuz?*
- *2004 yılında yeni bir Basın Kanunu hazırlandı ve sektör örgütleri yeni kanunu genel hatlarıyla bir kazanım olarak değerlendirdiler. Basın özgürlüğü açısından, mevcut haliyle bu kanunu siz nasıl değerlendiriyorsunuz? Bu anlamda, …'nın 2004'teki değişikliklerden bu yana Basın Kanun'unun içeriğine yönelik değişiklik önerileri var mı?*
- *Basın Kanunu'nun içeriğiyle ilgili bazı parlamenterler tarafından son dönemde ilgili komisyonlara sunulan yasa tekliflerini takip ediyor musunuz? (Bunlar hakkında ne düşünüyorsunuz?)*

- *Basın Kanun'unda Basın özgürlüklerinin talepleriniz doğrultusunda düzenlenmesi noktasında, Avrupa Birliği müzakereleri sürecinin veya Avrupa kurumlarının bir etkisi olduğunu düşünüyor musunuz? (örneklendirebilir misiniz?)*
- *Basın Kanunu'nun içeriği ile ilgili talepleriniz ne ölçüde gerçekleşti?*
- *Basın özgürlüğünü ilgilendiren bir diğer yasa da RTÜK Kanunu. Basın Özgürlüğü açısından, 2011'de yürürlüğe giren yeni RTÜK Kanunu'nu nasıl değerlendiriyorsunuz? Bu kanunla kurulan üst kurulun yetki ve kararlarını nasıl değerlendiriyorsunuz?*
- *Yeni RTÜK Kanunu'nun hazırlanması sürecinde, ... siyasi karar alıcılara görüş bildirdi mi?*
- *Yeni RTÜK Kanunu'yla ilgili kurumsal tercihleriniz ne ölçüde gerçekleşti?*
- *Yeni RTÜK Kanunu'nda Avrupa Birliği müktesebatına uyum sağlanması açısından eksiklikler olduğunu düşünüyor musunuz?*
- *2004'te kabul edilen yeni Ceza Kanunu'nun hazırlanması sürecinde ... siyasi karar alıcılara görüş bildirdi mi?*
- *Ceza Kanunu'nda basın özgürlünü ilgilendirdiğini düşündüğünüz kanun maddelerini biraz açar mısınız? ... özellikle hangi maddelerde değişiklik talep ediyor?*
- *Diğer gazeteci dernekleriyle, sektör örgütleriyle ve sivil toplumun diğer unsurlarıyla bu konuda yürüttüğünüz ortak çalışmalar var mı? Bu konuda lobi amacıyla kurulmuş bir platform yapısı var mı?*
- *Bu taleplerle ilgili Avrupa kurumlarını karar alma sürecine dâhil etmeye yönelik çalışmalarınız varsa örneklendirebilir misiniz?*
- *Ceza Kanunu ile ilgili değişiklik önerilerinizin gerçekleşeceğini düşünüyor musunuz?*
- *Basın özgürlükleri açısından gündemde olan bir diğer kanun da Terörle Mücadele Kanunu. ... bu kanun ile ilgili neler talep ediyor?*
- *Diğer gazeteci dernekleriyle, sektör örgütleriyle ve sivil toplumun diğer unsurlarıyla Terörle Mücadele Kanun'u konusunda yürüttüğünüz ortak çalışmalar var mı? Bu konuda lobi amacıyla kurulmuş bir platform yapısı var mı?*
- *Bu taleplerle ilgili Avrupa kurumlarını karar alma sürecine dâhil etmeye yönelik çalışmalarınız varsa örneklendirebilir misiniz?*
- *Terörle Mücadele Kanunu ile ilgili değişiklik önerilerinizin gerçekleşeceğini düşünüyor musunuz?*

- *Türkiye'deki tutuklu gazeteciler sorununun çözümüne yönelik getirilen 3. Yargı paketini ve bu bağlamda yapılan değişiklikleri/yargı paketinin içeriğini nasıl değerlendiriyorsunuz?*
- *Adalet Bakanlığı tutuklu gazeteciler sorunu ile ilgili Kasım ayında detaylı bir rapor yayınladı. Bu raporu nasıl değerlendiriyorsunuz?*
- *İnternet ortamından yapılan yayınların engellenmesi ve bununla ilgili yasal çerçeve basın özgürlüğü kapsamına giren bir diğer konu. Türkiye'de websitelerinin engellenme sebepleri hakkında ne düşünüyorsunuz?*
- *Internet konusundaki yasal çerçeve ile ilgili olarak ...'nın herhangi bir içerik önerisi var mı? (Örneğin: Internet Kurulu, 5651 sayılı Internet Kanununun düzenlenmesi ile ilgili Ekim, 2011'de bir çalışma başlatmıştı. ... bu süreçte yer aldı mı?)*
- *Internet'in düzenlenmesi ile ilgili bir diğer konu da internet filtreleme sistemine geçilmesi. Bilgi Teknolojileri ve İletişim Kurumu Mayıs 2011'de sivil toplum kuruluşlarıyla bir toplantı düzenledi ve internet filtreleme sistemi konusunda sektör örgütlerinin görüşlerini aldı? .. bu toplantıya temsilci gönderdi mi?*
- *Internet alanında yapılan tüm mevcut düzenlemelerle ilgili ...'nın pozisyonu/talepleri nelerdir?*
- *Telekominikasyon İletişim Başkanlığı'nın internet alanını düzenlenmesi ile ilgili olarak yetkilendirilmesi ve bu yetkilerin kullanımı konusunda ne düşünüyorsunuz?*
- *İnternet özgürlüğü konusunda, Avrupa Kurumları'na yönelik lobi faaliyetleriniz var mı? Bu konuların ...'nın talepleri doğrultusunda çözümlenmesinde, Avrupa kurumlarının bir etkisi olacağını düşünüyor musunuz?*

Some Other General Questions:

- *Görüşlerinizi aldığımız tüm bu konulara ek olarak, ...'nın üzerinde çalıştığı başka bir yasa/konu var mı? (Görüşmeyi gerçekleştiren kişi ek bir konu/yasa bildirildiyse bu konularla ilgili yasal içerik önerisi, kurulan platform yapıları, karşıt görüşlerin olup olmadığı ve Avrupa Birliği'nin bu konudaki adaptasyon baskıları hakkında da bilgi alacaktır.)*
- *Son olarak, yasama organının veya hükümetin sizinle istişarede kullandığı yöntemleri nasıl değerlendiriyorsunuz? Mevcut istişare mekanizmaların geliştirilmesi yönündeki önerileriniz nelerdir?*

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