

**UNITED NATIONS COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN**

82nd Session of the CEDAW Committee 13 June – 1 July 2022

**SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS TO
THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN IN VIEW OF ITS EXAMINATION OF THE EIGHT
PERIODIC REPORT OF TURKEY UNDER THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

Submitted on 13 May 2022

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists (ICJ) promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

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I. Introduction

1. During its 82nd session, from 13th June to 1st July 2022, the United Nations Committee on the Elimination of Discrimination against Women (the Committee) is scheduled to examine Turkey's implementation of and compliance with its obligations under the Convention on the Elimination of all Forms of Discrimination against Women ("CEDAW") in light of the State party's eighth periodic report under Article 18 of the Convention, including the "Replies of Turkey to the list of issues and questions in relation to its eighth periodic report."¹
2. In this context, the International Commission of Jurists (ICJ) welcomes the opportunity to present this submission to the Committee with a view to assisting its review of Turkey's human rights record under CEDAW.
3. In this submission, the ICJ highlights two main areas of concern:
 - a. Turkey's withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and its implications on the prevention of, protection against and response to violence against women in the country; and
 - b. The lack of access to justice and effective remedies for violations of women's human rights, particularly in the context of the ongoing deterioration of the rule of law and independence of the judiciary in Turkey, and of environmental human rights challenges.

II. Turkey's Withdrawal from the Istanbul Convention (articles 1 and 2 CEDAW)

4. As widely recognized by the international community, as well as by the Committee in its trailblazing General Recommendation No. 19 and its update, General Recommendation 35, gender-based violence against women amounts to discrimination against women in contravention of CEDAW.² Despite the advances in the recognition of violence against women as a serious violation of their human rights, such violence remains a pervasive global plight.³ Turkey is no exception, registering high levels of gender-based violence against women.⁴
5. The above notwithstanding, on 20 March 2021, Turkey unilaterally withdrew from the Istanbul Convention by presidential decree.⁵ The withdrawal has been widely criticized both internationally and domestically, with experts considering the decree to be unconstitutional.⁶
6. Turkey's withdrawal from the Istanbul Convention deprives women and girls⁷ in the country of the benefits of a vital and comprehensive legal framework intended to protect them from

¹ [Replies of Turkey to the list of issues and questions in relation to its eighth periodic report](#), Committee on the Elimination of Discrimination against Women Eighty-second session, CEDAW/C/TUR/RQ/8 [Replies of Turkey].

² CEDAW Committee, General Recommendation No. 19, 1992; CEDAW Committee, General Recommendation No. 35, CEDAW/C/GC/35, 2017.

³ CEDAW Committee, General Recommendation No. 35, CEDAW/C/GC/35, 2017, para. 1 and 6.

⁴ See, UN Women, [Global Database on Violence Against Women: Turkey](#), accessed 13 May 2022.

⁵ [Presidential Decision No. 3718](#) of 20 March 2021.

⁶ See e.g. OHCHR, [Turkey: Withdrawal from Istanbul Convention is a pushback against women's rights, say human rights experts | OHCHR](#), 23 March 2021; Council of Europe Commissioner for Human Rights, [Turkey's announced withdrawal from the Istanbul Convention endangers women's rights](#), 22 March 2021; BIA News Desk, ["Turkey has withdrawn from the Istanbul Convention"](#), 20 March 2021; ICJ, [Turkey's Withdrawal from Istanbul Convention a Setback for Women and Girls' Human Rights](#), 1 July 2021.

⁷ From here onwards, this submission will refer to "women" as including also girls, unless expressly stated

all forms of violence, and to prevent, prosecute and eliminate violence against them, including domestic violence. Turkey's withdrawal is a clear signal of the government's lack of interest in guaranteeing human rights in general, and women's human rights in particular, showing its lack of commitment to protecting women from gender-based violence, including femicide and domestic violence. It also amounts to, in the words of the Committee, a deliberately retrogressive measure and is inconsistent with Turkey's due diligence obligations under CEDAW.⁸ The ICJ therefore welcomes the Committee's concern for this matter highlighted in the List of issues.⁹

7. In its replies to the List of issues, Turkey has submitted that the denunciation of the Istanbul Convention has not had any negative implications for the legal and administrative structures established in relation to violence against women, and that the protection and prevention mechanisms foreseen by the Convention are and remain available in domestic law.¹⁰ Law No. 6284 to Protect the Family and Prevent Violence against Women, to which the government refers in its reply, was however enacted precisely pursuant to Turkey's obligations under the Istanbul Convention.¹¹ In light of this, why did the government consider necessary to withdraw from the Istanbul Convention if Turkey intends to abide by its obligations under the treaty, even after their denouncement?
8. In addition, in recent years, the rates of violence against women in Turkey have reached alarming levels. Although there are no official statistics for the number of femicides in the country, the "We Will Stop Femicides Platform of Turkey" reported 280 femicides and 217 suspicious deaths of women during 2021, with the majority of femicides taking place in the home.¹² Such high statistics indicate the existence of weaknesses in the system of prevention, protection and response in relation to violence against women, particularly with respect to domestic violence. The domestic framework put in place to comply with the Istanbul Convention appears therefore to be insufficient to prevent serious violations of women's human rights as a result of violence against them. Turkey's withdrawal from the Convention is likely to exacerbate the situation, and lead to further undermining of the systems in place to prevent, protect and respond to violence against women.
9. Turkey's highest administrative court, the Council of State, is currently in the process of deciding a case combining ten appeals submitted against the withdrawal by bar associations, women's and human rights organisations, trade unions and opposition representatives. The opinion submitted by the prosecutor of the Council of State in the context of the case opined that the withdrawal by presidential decree without parliamentary approval was unconstitutional and must be annulled. The case is historic in Turkey, and is being followed widely, with large numbers of women's groups, women lawyers and human rights defenders mobilized against the withdrawal.¹³ Nonetheless, in 2021 it the Council of State rejected a request for a stay of execution of the withdrawal decision.¹⁴
10. In light of widespread violence against women in the country, the ICJ considers that, Turkey's withdrawal from the Istanbul Convention runs contrary to its obligations under Article 2 CEDAW to pursue by all appropriate means a policy of eliminating discrimination

⁸ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the eighth periodic report of Turkey*, CEDAW/C/TUR/Q/8, para. 2.

⁹ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the eighth periodic report of Turkey*, CEDAW/C/TUR/Q/8.

¹⁰ Replies of Turkey, para. 12-13.

¹¹ İlayda Eskitaşçioğlu, "[Turkey's Withdrawal from the Istanbul Convention: A Sudden Presidential Decision in the Dead of the Night and an Alarming Setback](#)", *Völkerrechtsblog*, 27 March 2021.

¹² We Will Stop Femicides Platform of Turkey, *2021 Annual Report*, 28 January 2022.

¹³ BIA News Desk, "[Turkey's withdrawal from Istanbul Convention 'unlawful', says Council of State prosecutor](#)", 29 April 2022; *MedyaNews*, "[Top Turkish court's prosecutor says Istanbul Convention withdrawal unlawful](#)", 29 April 2022.

¹⁴ <https://bianet.org/english/politics/246496-council-of-state-doesn-t-halt-execution-of-withdrawal-from-istanbul-convention>

against women, including by adopting legislative and other measures (Article 2.b),¹⁵ and to take all appropriate measures to eliminate discrimination against women by non-State actors (Article 2.e).¹⁶

III. Access to Justice and Effective Remedies for Violations of Women's Human Rights (Articles 2, 3, 5 and 15 CEDAW)

11. As highlighted by the Committee in its General Recommendation No. 33, the right to access to justice is essential to the realization of women's human rights guaranteed by the CEDAW Convention, including their rights to equal protection of the law under Article 15 CEDAW and the obligation under Article 2.c CEDAW to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.¹⁷
12. Access to justice is essential for the rule of law and requires, among other things, an independent judiciary capable of ensuring accountability and effective remedies for violations of human rights.¹⁸ However, in Turkey, women's rights to access to justice and effective remedies for violations of their human rights have been seriously eroded, including as a result of the widespread degradation of the rule of law and undermining of judicial independence in the country. The same concerns arise in relation to access to justice in environmental matters.
 - a. Attack against the rule of law
13. During the past several years, as the ICJ has documented in a series of reports, Turkey has seen an alarmingly negative trend in relation to the rule of law and judicial independence due to what the organization considers a deliberate attack against the rule of law conducted by the government. For instance, the authorities have adopted retrogressive legislation, increased executive control; there has also been an increase in harassment, violence and threats directed at opposition politicians, dissenters and legal professionals. These developments have been accompanied by severe curtailment of human rights, including freedom of expression and media freedom, and a crack-down on various forms of dissent through closure of civil society organizations, unwarranted prosecutions and other forms of harassment.¹⁹
14. The negative trend escalated particularly in connection with a two-year state of emergency implemented following an attempted *coup d'état* in July 2016. The extended period of emergency rule had a devastating effect on human rights and the rule of law in Turkey and led to the adoption of various repressive measures in the name of "counterterrorism" and "protecting democracy". They included, for instance, the "purging" of State institutions, leading to the dismissal of hundreds of thousands of people from their jobs, including civil servants, judges, military personnel and academics; widespread arrests; convictions of

¹⁵ CEDAW General Recommendation No.35, op cit, paras.22-23

¹⁶ CEDAW General Recommendation No.35, op cit para.24

¹⁷ CEDAW General Recommendation No.33, op cit para.6

¹⁸ CEDAW Committee, *General Recommendation No. 33*, CEDAW/C/GC/33, 2015 para. 1.

¹⁹ See e.g. . ICJ, [Justice Suspended: Access to Justice and the State of Emergency in Turkey](#), 2018; ICJ, [Turkey's Judicial Reform Strategy and Judicial Independence](#), November 2019; International Commission of Jurists (ICJ), [Turkey: the Judicial System in Peril](#), 2016, p. 3-4; Parliamentary Assembly of the Council of Europe (PACE), [Resolution 2376 \(2021\) The functioning of democratic institutions in Turkey](#), 22 April 2021; PACE, [Resolution 2156 \(2017\) The functioning of democratic institutions in Turkey](#), 25 April 2017; PACE, [Resolution 2121 \(2016\) The functioning of democratic institutions in Turkey](#), 22 June 2016; UN Special Rapporteur on the independence of the judiciary, [Press Release: Turkey must ensure fair appeal for Judge Murat Arslan after gross attack on judicial independence, says UN expert](#), 6 February 2019; PACE, Resolution 2260 (2019) [The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?](#); PACE, [Resolution 2347 \(2020\) New crackdown on political opposition and civil dissent in Turkey: urgent need to safeguard Council of Europe standards.](#)

thousands of people through unfair trials; and overhauls of key State institutions, bringing them under stronger executive control. The reforms and measures adopted during the state of emergency continue to have a strongly negative impact on human rights and the rule of law in Turkey today.²⁰

15. The detrimental impact of the above-mentioned steps on the human rights situation in the country was further exacerbated through the adoption of constitutional amendments in 2017, which included a significant overhaul of the justice system, and which had the overall result of a further consolidation of power in the hands of the executive. These changes have considerably undermined the Turkish judiciary's ability to administer justice, and provide effective remedies for human rights violations, including violations of women's human rights. The mass dismissal of about 30 percent of active judges and prosecutors in Turkey during the state of emergency imposed in the aftermath of the attempted *coup*, including judges of the highest courts, on unclear or vague grounds of "association with terrorism", significantly weakened the already strained justice system, and created an atmosphere of fear among the remaining judges and prosecutors.²¹ Furthermore, the need to recruit thousands of new judges and prosecutors to fill the positions left vacant in the aftermath of the widespread dismissals, the relative inexperience of new recruits, and the heavy caseload brought on by emergency measures have all had a serious negative impact on the effectiveness, competence and fairness of the Turkish justice system.²² In addition, structural changes to both the Turkish Supreme Courts and the Council of Judges and Prosecutors, in charge of the judiciary's self-governance, have seriously undermined the independence of the judiciary, and brought it under stronger executive control.²³
16. Other systemic flaws prevalent in the Turkish justice system that undermine the independence of the judiciary include: the lack of objective, merit-based, pre-established and uniform criteria for the selection and appointment of judges; the role of the Ministry of Justice in judicial appointments; the non-reinstatement of judges dismissed following the attempted *coup* despite their acquittal from criminal charges; obstacles to the work and

²⁰ See further e.g. ICJ, [Justice Suspended: Access to Justice and the State of Emergency in Turkey](#), 2018; Venice Commission, [Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017](#), CDL-AD(2017)005-e; PACE, [Resolution 2156 \(2017\) The functioning of democratic institutions in Turkey](#), 25 April 2017; OHCHR, [Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East - January - December 2017](#). For criticism regarding the procedure for the adoption of the constitutional amendments see e.g. OSCE/ODIHR Limited Referendum Observation Mission, [Final Report, Republic of Turkey Constitutional Referendum of 16 April 2017](#), 22 June 2017; Venice Commission, [Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017](#), CDL-AD(2017)005-e.

²¹ ICJ, [Justice Suspended: Access to Justice and the State of Emergency in Turkey](#), 2018, p. 15-17. Exact numbers of dismissed judges vary somewhat between sources, see European Commission, [Turkey 2021 Report](#), SWD(2021) 290 final/2, p. 23; Office of the United Nations High Commissioner for Human Rights (OHCHR), [Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East - January - December 2017](#), March 2018, para. 49.

²² ICJ, [Turkey's Judicial Reform Strategy and Judicial Independence](#), November 2019, p. 8.

²³ Venice Commission, [Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017](#), adopted at its plenary session, 10-11 March 2017, Doc. CDL-AD(2017)005-e, in particular paras 114-119; Council of Europe Commissioner for Human Rights, [Statement of 7 June 2017](#). See also Office of the United Nations High Commissioner for Human Rights (OHCHR), [Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East - January - December 2017](#), March 2018, para. 34; European Commission, [Turkey 2018 Report](#), Doc. No. SWD(2018) 153 final, 17 April 2018, p. 22-27; ICJ, [Turkey's Judicial Reform Strategy and Judicial Independence](#), November 2019, p. 7; Venice Commission, [Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017](#), adopted at its plenary session, 10-11 March 2017, Doc. CDL-AD(2017)005-e, paras 120-134.

independence of lawyers; and lack of implementation of, and statements of open rejection of, the European Court of Human Rights' judgments.²⁴

17. Various international actors have raised serious concern about the state of the rule of law, human rights and independence of the judiciary in Turkey, and have called on the State to take decisive measures to remedy the situation, and reverse the problematic changes and practices adopted in relation to the judiciary.²⁵
18. The systemic lack of independence of the judicial system negatively impacts women's access to justice and effective remedies for violations of their human rights and, therefore, undermines the efficiency of the mechanisms to protect women's human rights.
19. The above is particularly concerning in light of the government's hostile attitude towards women's human rights, as illustrated by its withdrawal from the Istanbul Convention, and its discourse depicting women's human rights as posing a threat to "traditional family values".²⁶

b. Access to justice in relation to environmental human rights challenges

20. As recognized by the CEDAW Committee in its General Recommendation No. 37, in the context of climate change and environmental degradation, many women and girls are facing particular risks to their human rights. Not only do the harmful impacts of environmental degradation affect groups differently, but situations of crisis also exacerbate existing inequalities and compound existing discrimination against marginalized and at-risk women.²⁷ Considering that women often face particular barriers to their access to justice and to securing effective remedies for violations of their human rights, the following section focuses on women's access to justice and effective remedies in the context of environmental human rights challenges.²⁸
21. The right to a healthy environment is protected under the Environment Law No. 2872, which grants a right to request administrative authorities to take necessary precautions, and to stop activities that damage the environment.²⁹ In addition, the Turkish Constitution recognizes a right to live in a healthy and balanced environment, and the duty of the State to improve the natural environment, protect environmental health and prevent pollution.³⁰ The Constitution also recognizes an individual right to apply to the Constitutional Court on the basis of alleged human rights violations falling within the ambit of the European Convention of Human Rights ("ECHR").³¹ However, since the ECHR guarantees specific rights and freedoms and prohibits unfair and harmful practices, environmental claims must

²⁴ European Commission, [Turkey 2021 Report](#), SWD(2021) 290 final/2, p. 23-24; ICJ, [Turkey's Judicial Reform Strategy and Judicial Independence](#), November 2019, p. 7-9.

²⁵ See e.g. Commissioner for Human Rights of the Council of Europe, [Country Report Turkey](#), 19 February 2020; Venice Commission, [Opinion on the Emergency Decree Laws Nos. 667-676 adopted following the failed coup of 15 July 2016](#), adopted at its 109th plenary session, 9-10 December 2016; European Commission, [Turkey 2018 Report](#), Doc. No. SWD(2018) 153 final, 17 April 2018; and Office of the United Nations High Commissioner for Human Rights (OHCHR), [Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East - January - December 2017](#), March 2018.

²⁶ See e.g. EuromedRights, ["Turkey: The Long Way Back to the Istanbul Convention"](#), 28 June 2021; İlayda Eskitaşçioğlu, ["Turkey's Withdrawal from the Istanbul Convention: A Sudden Presidential Decision in the Dead of the Night and an Alarming Setback"](#), *Völkerrechtsblog*, 27 March 2021; Serkan Demirtaş, ["Istanbul Convention Stirs Debate among Turkey's Conservatives"](#), *Hurriyet Daily News*, 3 August 2020.

²⁷ CEDAW Committee, General Recommendation No. 37, CEDAW/C/GC/37, 2018, para. 2.

²⁸ CEDAW Committee, General Recommendation No. 37, CEDAW/C/GC/37, 2018, para. 37.

²⁹ Turkey, [Environment Law No. 2872](#), 1983.

³⁰ Constitution of the Republic of Turkey, Art 56.

³¹ Constitution of the Republic of Turkey, Art 148.

be based on an ECHR right, such as the right to life (Art 2) or the right to respect for private and family life (Art 8).

22. However, as established by the ICJ in its report “The State of Access to Justice to Protect Human Rights and the Environment in Turkey”,³² several serious concerns arise not only with respect to access to justice in general, as discussed above, but also in relation to environmental matters in particular.
23. Turkey has one of the highest rates of premature deaths caused by pollution in Europe, and ranks second globally in the number of coal-fired power plant projects planned, indicating a disregard for the health harms caused by coal burning.³³ In addition, negative health impacts are likely to disproportionately impact at-risk and marginalized groups, such as women with disabilities, children and elderly women, as well as groups particularly exposed to pollution due to, for instance, living close to a polluting factory or power plant. The Turkish legal system lacks a system for Health Impact Assessments to preventatively assess potential negative health impacts of plans or projects, meaning that permits are generally provided without any health assessment.³⁴
24. The lack of independence in the judiciary allows the executive to exercise control over judicial decision-making through direct and indirect means. This creates an enabling environment for corruption in government agencies, and for collusion between the government and contracting companies, who work together against local stakeholders and environmental human rights defenders. Many environmental claims in Turkey relate to large-scale construction and infrastructure projects, such as dams, mines and energy facilities. Corruption allegations related to such environmentally degrading construction projects have increased significantly during the past decade. The lack of judicial independence provides space for corruption, which results in environmental degradation, which, in turn, negatively affects women’s enjoyment of their human rights.³⁵
25. Furthermore, other systemic issues hamper women’s access to justice in environmental matters. These include: non-implementation of court judgments, including judgments by the European Court of Human Rights; the widespread use of summary procedures and urgent expropriations to rush through decisions leading to environmental degradation and violations of human rights, such as forced evictions; and the judiciary’s narrow interpretation of the concept of interest, needed to bring an action before the courts.³⁶ Limitations to individual standing in environmental matters, the lack of effective mechanisms for public participation, as well as a lack of transparency and attacks on the freedom of the media also pose a challenge to women’s access to justice and effective remedies in the context of environmental human rights challenges.³⁷

³² ICJ, “[The state of access to justice to protect human rights and the environment in Turkey](#)”, 7 March 2022.

³³ Clean Air Platform, [Coal Fired Power Plant Health Impact Assessment Report](#), p. 9; Turkish Academy of Sciences, [Climate Change and Public Health in Turkey](#), 2020; HEAL, [Air Pollution and Health in Turkey](#), 2015; Daily Shabab, [Turkey’s 13 Cities Had High Air Pollution in 2020](#), 1 October 2021.

³⁴ ICJ, “[The State of Access to Justice to Protect Human Rights and the Environment in Turkey](#)”, 7 March 2022, p. 40.

³⁵ Ibid. p. 27-28, Gunduz, Murat & Onder, Oytun. (2012), “Corruption and Internal Fraud in the Turkish Construction Industry”, *Science and engineering ethics*, 19. 10.1007/s11948-012-9356-9.

³⁶ ICJ, “[The State of Access to Justice to Protect Human Rights and the Environment in Turkey](#)”, 7 March 2022, p. 28-34.

³⁷ Ibid. p. 34-40.

IV. Recommendations

26. In light of the information and human rights concerns discussed above, the ICJ calls on the Committee to recommend that the government of Turkey implements the following recommendations in order to comply with its international legal obligations under CEDAW:

27. On Turkey's withdrawal from the Istanbul Convention:

- i. Reverse its decision to withdraw from the Istanbul Convention.
- ii. Strengthen the existing domestic legal framework and mechanisms for preventing, responding to and remedying violence against women, and to take serious action in cases of femicide and other serious violations of women's human rights.

28. On the rule of law and access to justice and effective remedies:

- iii. Take decisive measures to ensure the independence of the judiciary and the rule of law, including by amending the Constitution to put in place safeguards to insulate decision-making about the judiciary and its function from executive influence.
- iv. Reform key judicial institutions, such as the Council of Judges and Prosecutors, to ensure their independence from the executive, and to ensure the independence of the legal profession.
- v. End executive interference in judicial matters, since it poses a real risk to the independence of the judiciary and the rule of law.
- vi. Put in place independent mechanisms to ensure and support access to justice and effective remedies for violations of women's human rights, particularly marginalized and at-risk women, including in relation to violence against women and other serious human rights violations.
- vii. Take specific measures to ensure women's access to justice, including reviewing the existing legal framework; putting in place legal literacy and awareness-raising measures among women to educate them about their human rights, including their right to access justice and effective remedies; ensuring affordable access to legal and administrative services, including legal aid; and develop and scrupulously implement measures to prevent reprisals and other harassment of women, including women human rights defenders.
- viii. Continue monitoring the situation of the rule of law and independence of the judiciary in Turkey, in general, and in relation to particular reforms required to strengthen access to justice for women.³⁸

29. On access to justice and effective remedies in environmental matters:

- ix. Specifically assess issues related to access to justice, transparency and corruption in environmentally significant decision-making, with a particular focus on women's access to justice and effective remedies in the context of existing or potential environmental harm.
- x. Consider reforming the system of individual applications to the Constitutional Court so as to include all rights guaranteed by the Turkish Constitution, including the right to a healthy environment.
- xi. Ensure that major construction projects having a significant effect on human rights and the environment should only proceed following an effective and participative and accessible environmental, health and human rights impact assessment, and

³⁸ Ministry of Justice of the Republic of Turkey, [Judicial Reform Strategy](#), May 2019; Ministry of Justice of the Republic of Turkey, [Action Plan on Human Rights](#), March 2021.

that any person or entity expressing an interest in the protection of the environment and the potential harm arising from the project has the right to access to the administrative courts to challenge the project and its assessment both in terms of procedure and merit. Furthermore, Turkey should put in place a system integrating independent Health Impact Assessments, in compliance with international standards, into legislation to prevent serious negative effects of climate change and environmental harm on the health of individuals