



The UIA Institute for the Rule of Law

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H.E. Mr. Recep Tayyip Erdoğan

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Your Excellency,

I am writing to you in my capacity as Director General of the Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL). UIA-IROL promotes the Rule of Law and supports and defends, in particular, lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions. UIA-IROL also supports and defends the independence of the legal and judicial professions and the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

The Union Internationale des Avocats (UIA – International Association of Lawyers), was established in 1927 and is one of the oldest and largest international organizations of lawyers, law societies and bar associations. Through its collective members (bars, federations, and associations) and individual members, UIA brings together two million lawyers from 110 countries. From its inception, UIA has continuously promoted and defended the basic principles, including the independence, of the legal profession, which is the guardian of the rule of law and the rights of all persons. UIA has been recognized with consultative status at the United Nations Economic and Social Council (ECOSOC) and with participatory status at the Council of Europe.

We are aware that, on March 20, 2021, the Turkish Government communicated its decision to withdraw from the Council of Europe Convention on the Prevention and Combating Violence against Women and Domestic Violence commonly known as the Istanbul Convention. Turkey had been the first Member State to ratify the Convention, in 2012, followed by 33 others.

As an international association committed to protect the rule of law and the development of human rights, we are deeply concerned by your decision to withdraw, a decision that circumvented review by the Grand National Assembly.

As provided by Art. 90 of the Constitution of the Republic of Turkey, the international treaties on fundamental rights and freedoms duly adopted, such as the Istanbul Convention, have the force of law in Turkey, and its provisions must prevail in case of a conflict with national laws on the same issue.

UIA-IROL

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The Istanbul Convention is directly related to the fundamental rights and freedoms as well as the rights and duties of the individual protected by the Turkish Constitution, such as the right to life and the right to corporal and spiritual integrity. It is our understanding that according to the Turkish Constitution, these fundamental rights, individual rights, and duties, as well as those rights and obligations that are required by the Constitution to be regulated exclusively or explicitly by law, cannot be regulated by a presidential decree. Therefore, your unilateral decision to withdraw from the international convention appears to be directly contrary to the Turkish Constitution.

Several professional organisations of lawyers, including the Istanbul Bar Association, have expressed their deep concern regarding this unilateral decision. We join their voices and those of the UN Special Rapporteur on Violence Against Women, the Chair of the Committee on the Elimination of Discrimination Against Women, the Council of Europe Commissioner for Human Rights, and numerous other UN, national, regional and international human rights experts¹ to condemn this unilateral decision to withdraw from this vitally important Istanbul Convention. UIA-IROL is gravely concerned that withdrawing from this convention reflects a not-so-subtle message condoning violence against women and potentially encourages perpetrators to engage in violent acts against women, thus violating their fundamental human rights.

UIA-IROL calls upon the Turkish Government to uphold its national and international obligations with regard to the rule of law and protection of human rights and to reconsider the decision to withdraw.

UIA-IROL further encourages you and the Turkish government to consult with professional organisations of lawyers, academia, civil society organizations, and the Parliament with respect to the national and international consequences of withdrawal from the Istanbul Convention.

Thank you for your immediate attention to this urgent matter.

Respectfully yours,



Jacqueline R. SCOTT
Director General - UIA-IROL

C.c.

Permanent Representation of Turkey to the Council of Europe

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¹ See <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26936&LangID=E>; and <https://www.coe.int/en/web/commissioner/-/turkey-s-announced-withdrawal-from-the-istanbul-convention-endangers-women-s-rights>.