

Good Practices in Legislation on VAW in Turkey

Pinar Ilkkaracan

Women for Women's Human Rights – New Ways



UN Expert Group Meeting on Good Practices on Legislation
on VAW, Vienna, May 26-28, 2008

Legal Reforms – political struggle

- Difficult political environment
- Religious right government since 2002
- Decentralization
- Economic policies, privatization

Legal Reforms – political struggle

- Strong independent women's movement
- Extensive networking of women's NGOs
- Effective, long term campaigning
- Effective use of the media
- Using windows of opportunity at the right time, in a proactive manner

Extensive Legal Reforms in the past decade

- 1998 enactment of Protection orders
- 2001 reform of the Turkish Civil Code
- 2004 reform of the Turkish Penal Code
- Now: Campaign on the constitution

Campaign on the Constitution

- State responsible for realizing de-facto equality
- The right to sexual orientation

Protection orders 1998, amended in 2007

- **Problem of the title ‘The Law to protect the Family’**
- **Definition of survivors - includes married or separated women and their children – even if the partner is not living under the same roof. Problem: does not explicitly mention divorced women, de facto relationships**

Protection orders 1998, amended in 2007

- **Definition of perpetrators – includes not only the spouse, but all family members living under the same roof**

Protection orders 1998, amended in 2007

- Should provide guidelines on the principle of urgent decision**
- Lack of monitoring – for ex. in 2003, 6147 women have applied, but no report on outcomes**
- Monitored by women's NGOs through dissemination of precedent cases, but not necessarily binding**

The Reform of the Turkish Civil Code, 2001

- **Full equality in the family**
- **Marriage age**
- **Forced marriages: annulment of marriage possible within the first 5 years of marriage**
- **Matrimonial property regime – entitles women to equal share of the assets accumulated throughout the marriage**

The Reform of the Turkish Penal Code - 2004:

You cannot write the Turkish Penal Code without us!



Our bodies and sexuality belong to ourselves!



The Campaign on the Reform of the Turkish Penal Code 2001- 2004

- **Holistic approach**
- **Aiming to reform the philosophy of the law so as to recognize and protect the right to bodily and sexual integrity**
- **Word by word formulated articles**

The Reform of the Turkish Penal Code, 2004

- **More than 40 amendments**
- **Elimination of all notions related to honor, morality, chastity, decency, etc.**
- **Elimination of articles granting sentence reductions in case the perpetrator married the victim**

The Reform of the Turkish Penal Code, 2004

- **Sexual crimes defined as sexual assault that breaches a person's bodily inviolability**
- **No requirement of insertion of an organ or other object**
- **Marital rape criminalized**
- **Elimination of provisions referring to consent of the survivor**

The Reform of the Turkish Penal Code, 2004

- **Elimination of provisions referring to consent**
- **Customary killings defined as aggravated homicide (not honor killings!)**
- **Elimination of articles discriminating between married/unmarried women, virgin or non-virgin women**

Implementation

- **Research shows that less attention paid to collection of medical evidence in cases where the perpetrator is a family member**
- **Lack of clear procedural guidelines on evidence collection, including medical evidence**
- **Survivors subjected to medical examination more than once**

Implementation

- **Need for a coordinated, integrated state policy to eliminate violence against women with specific targets, in a specified time frame**
- **The role of the international / regional bodies in monitoring**

Good Practices in Legislation on VAW in Turkey

Pinar Ilkcaracan

Women for Women's Human Rights – New Ways



UN Expert Group Meeting
Vienna, May 26-28, 2008