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“WOMEN’S LIFE AND FREEDOM VERSUS MEN’S ‘HONOUR’:
THE PERCEPTION OF HONOUR AND ‘HONOUR’-BASED KILLINGS
IN TURKISH SOCIETY ”

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Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CoE	Council of Europe
DEVAW	Declaration on the Elimination of Violence against Women
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
FGM	Female Genital Mutilation
GBV	Gender-based violence
HBK	‘Honour’-based killing(s)
MP	Member of Parliament
NGO	Non-governmental organisation
PfA	Beijing Declaration and Platform for Action
PM	Prime Minister
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
VAW	Violence against women

Introduction

In 2010, in a south-eastern town of Turkey, 16-year-old Medine Memi's body was found by police in a sitting position in a two-meter hole dug under a chicken pen. Her hands were tied and her lungs and stomach were filled with soil. Police discovered that she had been killed by her father and grandfather for talking to boys.¹

Hatice Daşlı was only 15-years-old when she was thrown into the Tigris River on the orders of a family council decision. She had been raped by her two cousins and was four months pregnant at the time of the murder. She was believed to have brought 'shame' to her family.²

The killing of women and girls in the name of 'honour', so-called 'honour'-based killings, is one of the most extreme and ultimate forms of VAW and an integral part of the culture of patriarchy. It is based on the idea that women are the main resource of honour, and in communities where these killings are carried out, community members believe that going against community norms brings shame to the dignity of the family and the only way to restore it is to punish women who behave 'dishonourably'. The killings are often undertaken when a family council decides on the time and form of execution due to an allegation, rumour, suspicion, or proof of sexual impropriety by the victim.

Those who embrace this specific perception of honour perceive such violence as necessary for the protection of family dignity and gendered values, while those who struggle for the life and freedom of women against such practices define these acts and value systems as ways of preserving collective identity and controlling women and their bodies. The breach of honour codes is not a universal driving force for committing acts of violence or murder by men and women are not its exclusive victims. However, the

¹ R. Tait, 'Turkish girl, 16, buried alive 'for talking to boys'', *Guardian*, Istanbul 4 February 2010, <http://www.theguardian.com/world/2010/feb/04/girl-buried-alive-turkey> (22 April 2015).

² Timeturk Haber Merkezi, *Kadinlar Hatice'nin Mezarina Kefen Birakti*, *Timeturk*, 31.12.2012, <http://www.timeturk.com/tr/2012/12/31/kadinlar-hatice-nin-mezarina-kefen-birakti.html> (30 April 2015).

overwhelming majority of cases involve men as perpetrators and women as victims. ‘In the name of preserving family ‘honour’, women and girls are shot, stoned, burned, buried alive, strangled, smothered and knifed to death with horrifying regularity’, former UN High Commissioner for Human Rights, Navi Pillay, stated in 2010.³

Killings occur among people of different religious faiths, of different nationalities and in different regions and countries of the world and they are not confined to a particular social stratum. It has been reported in Egypt, Jordan, Lebanon, Morocco, Turkey, Cyprus, Yemen, Syria, Israel, Palestine, Saudi Arabia, Iraq, Iran, Nigeria, Uganda, Russia, Pakistan, India, Afghanistan, Bangladesh, Germany, The United Kingdom, Sweden, the Netherlands, Belgium, Norway, Albania, Italy, Greece, Denmark, France, Brazil, Ecuador, Peru, Canada and the United States.⁴ Although several studies define the phenomenon as a problem peculiar to the Arab or Muslim world, it has been recorded as occurring in many non-Arab and non-Muslim settings as well: Iraqi Kurdistan⁵, Sardinia and Sicily⁶, Greece⁷. Conversely, ‘honour’-based killings are nearly unheard in Indonesia and Senegal where a large majority of the population are Muslims.⁸ It has been reported as occurring among Muslims, Christians, Jews, Hindus, Sikhs, Yezidis, Druze and non-believers.⁹ It cuts across all cultural boundaries, classes, races, and nationalities.

³ Statement by UN High Commissioner for Human Rights, Navi Pillay, *Domestic Violence and Killing in the Name of Honour*, 8 March 2010, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=9869> (8 July 2015).

⁴ UNGA, Report of the Secretary General A/57/169: *Working Towards the Elimination of Crimes against Women Committed in the Name of Honour*, 2 July 2002. Also Council of Europe (Parliamentary Assembly), Report of the Committee on Equal Opportunities for Women and Men: *So-called 'Honour Crimes*, Doc. 9720, 7 March 2003.

⁵ M. Alinia, *Honor, Violence Against Women in Iraqi Kurdistan*, New York, Palgrave Macmillan, 2013.

⁶ A. Bausani, ‘Comment’, in *Current Anthropology*, 22, 2, 1981, p.152.

⁷ R. Blum, E. Blum, *Health and Healing In Rural Greece: A Study Of Three Communities*, Palo Alto, CA: Stanford University Press, 1965, p.49.

Also J. K. Campbell, *Honour, Family and Patronage: A Study Of Institutions And Moral Values In A Greek Mountain Community*, Oxford: Oxford University Press, 1973, p. 199.

⁸ R. L. Terman, ‘To Specify or Single Out: Should We Use the Term “Honor Killing”?’’, in *Muslim World Journal of Human Rights*, Vol 7, Issue 1, 2010, p. 16.

⁹ *ibid.*, p. 10.

It is extremely difficult to collect precise statistical or demographical data on these particular forms of killings. In 2010, the United Nations Population Fund (UNFPA) estimated that there were at least 5000 ‘honour-killings’ reported every year around the globe.¹⁰ Amnesty International reported that there were 960 ‘honour’-based killings, during 2010, in Pakistan alone.¹¹ Over the first three months of 2007, UNAMI (United Nations Assistance Mission for Iraq) was aware of 40 ‘honour’ killings in Iraqi Kurdistan.¹² However, experts believe that these figures may likely be an underestimate as many cases go unreported, undocumented or are falsely reported as suicides.

‘Honour’-based killings, as a particular manifestation of homicide against women and a multi-dimensional phenomenon, has attracted the growing attention of scholars around the world and has been a striking subject for political discussions, the media and human rights groups in many Middle Eastern, South Asian and recently, Western countries.

This study particularly focuses on women as bearers of the collective honour of men and Turkey as an ethnographic context in which ‘honour’-based killings are prevalent, but also considers other contexts as a source. According to a comprehensive study conducted in 2009 in Turkey by the Turkey’s Ministry of Family and Social Policies, 39% of the women and girls (between 15 and 59 years old) surveyed had experienced domestic violence at least once in their life. In 2011, Turkey’s Ministry of Justice declared that from 2002 to 2009, homicide of women increased by 1400% - from 66 to 953.¹³ According to a report by the National Human Rights Institution of Turkey, between 2003 and 2007, an average of 205 women were killed every year by their family members and intimate partners in the name of ‘honour’ with the numbers

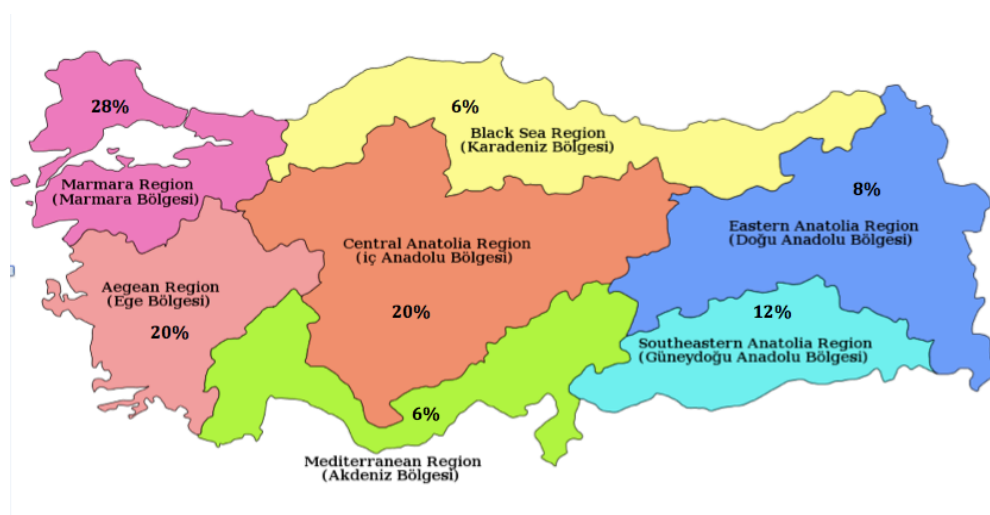
¹⁰ United Nations Population Fund (UNFPA), Report: *The State of World Population 2000: Lives Together, Worlds Apart*, Chapter: 3: Ending Violence Against Women and Girls, New York, UNFPA, 2000, p.29.

¹¹ Amnesty International (AI), *Annual Report: Pakistan 2010*, 28 May 2010, <http://www.amnestyusa.org/research/reports/annual-report-pakistan-2010?page=3> (7 July 2015).

¹² J. Payton, ‘Collective Crimes, Collective Victims’, In M. M. Idriss and T. Abbas (ed.) *Honour, Violence, Women and Islam*, New York, Routledge-Cavendish, 2011, p. 67.

¹³ BIA Haber Merkezi-Istanbul, ‘Kadın Cinayetleri 14 Kat Arttı’, *Bianet*, 15 September 2011, <http://bianet.org/bianet/kadin/132742-kadin-cinayetleri-14-kat-artti> (26 April 2015).

increasing dramatically each year.¹⁴ The report also revealed the regional distribution of these killings across the country as shown in diagram below.¹⁵



However these figures are unlikely to accurately reflect the current situation due to the absence of reliable data collected systematically by the state. Reluctance of witnesses to report such cases, false reporting by family members and on-going threats for potential victims are other barriers to collecting data on ‘honour’-based killings.

The purpose of this study is to investigate current understandings of the notion of ‘honour’ as an integral part of ‘honour’-based killings and to discuss the issue as a human rights matter, specifically as discrimination on the basis of gender. The study also aims to discuss Turkey’s progress in gender equality and the status of women. Some current impediments to combating and providing effective responses to such killings in Turkey will also be examined.

In the first chapter, the discussion will focus on how honour is perceived as a defining character of ‘honour’-based killings and its use as an excuse for killing women in general and in Turkish society in particular. In addition, the causes of the collective and

¹⁴ Türkiye Cumhuriyeti Başbakanlık İnsan Hakları Başkanlığı, *2007 Töre ve Namus Cinayetleri Raporu*, http://www.tihk.gov.tr/www/files/tore_namus_cinayetleri_raporu_06_08_2008.pdf (25 April 2015).

¹⁵ *ibid.*, p.7.

extreme concern over individual females' propriety regarding such killings will be investigated. The chapter will conclude by illustrating the defining and distinguishing features of the phenomenon.

In the second chapter, the author will attempt to set out the struggle of Turkish women under a classical patriarchal system in Turkey; investigate how women have fared in the modernist *Kemalist* era since the foundation of the Republic in 1923; explore how women's movements and international treaties have contributed to improving the status of women; and discuss how the current barriers, mainly the governing party's vision of women, alienate women rather than improving their status and constitute a strong barrier to women's empowerment.

In the third chapter, the author will discuss the phenomenon as a matter of women's human rights, attempt to locate 'honour'-based killings within the international human rights framework, and further argue whether it is a concept different to violence against women (VAW), or a sub-species of it.

In the fourth chapter, the focus will be on the legislative and policy framework regarding the phenomenon and two problematic areas in the criminal proceedings: first, the *equality of arms* principle; second, the distinction between 'honour'-based killings and customary killings will be discussed along with examples of several judgements.

This study does not so much focus on situational patterns, but rather on 'honour' as a social concept and as a validation for the killing of women. As a research methodology, it is essential to apply a multidisciplinary approach in order to capture the complexity and multidimensionality of the phenomenon. The analysis will be based on previous research, reports and statistics by international and national organisations and Turkish state institutions; press statements; and media articles.

In this study the commonly used term 'violence against women' means specifically 'violence against women *by men*' so that the term should not obscure the perpetrator by

focusing only on the female victim and the act of violence, but should include and underline men as the perpetrators of the violence.

The commonly used terms '*honour-killings*' and '*honour culture*' will not be used in this study, as they emphasize male 'honour' and emerge from the perpetrator's reasoning for such acts. In order to distance this study from sexist and racist honour discourse, '*killings of women by men in the name of honour*' would be the preferred term, however for economic use of space, '*honour'-based killings*' (HBK) will be used.¹⁶

Another term '*patriarchal order*' will be used as a term that includes all social relations and practices that play a role in transforming gender difference into gender inequality. It should also be understood as 'a system of social structures and practices in which men dominate, oppress and exploit women'¹⁷.

I. PERCEPTION OF HONOUR, 'HONOUR'-BASED KILLINGS AND TURKISH DYNAMICS

*'our mothers, our lovers, wives
who without ever having lived,
who get fed at our tables after the oxen
who we abduct and carry off to the hills
and go to prison for'*¹⁸

A) Honour As a Defining Characteristic of 'Honour'-Based Killings

Honour is a fundamental concept in contemporary sociological studies and it plays a primary role in numerous anthropological studies.¹⁹ Although cultural differences

¹⁶ The Canadian Council of Muslim Women suggested using 'femicide': Canadian Council of Muslim Women (CCMW), Position Paper: *CCMW Position on Femicide (Not Honor Killing)*, <http://ccmw.com/ccmw-position-on-femicide-not-honour-killing/> (1 July 2015).

¹⁷ S. Walby, *Theorizing Patriarchy*, Oxford, Blackwell, 1990, pp.173-179.

¹⁸ Nazim Hikmet, *Our Women*.

surrounding the ‘honour’ principle have been the subject of much research in these two disciplines, a sense of honour is a feature of almost all societies. According to studies describing societies in the Mediterranean region, the Middle East, Pakistan, India and southern parts of the United States, a common characteristic of societies highly concerned with honour is that they are more collectivistic in nature and a large part of the communal codes determines the individual’s behaviour.²⁰ ‘Honour’ is also typically equated with the regulation of women’s sexuality and their conformity to social norms and traditions.²¹

Previous studies have identified honour (*namus*²²) as a familial value²³; an economic value and a property²⁴; a right to respect²⁵; lineage sovereignty²⁶; an ideology²⁷; and a reason for killing and dying. It is most often defined as a virtue or character trait associated with integrity, good moral character and altruism.²⁸ It is generally considered to appear in three aspects: ‘a sentiment, a manifestation of this sentiment in conduct, and the evaluation of this conduct in others’.²⁹

¹⁹ J. Pitt-Rivers, ‘Honour and Social Status’, in J. G. Peristiany, *Honour And Shame: The Values Of Mediterranean Society*, Chicago: University of Chicago Press, 1965; also P. M. Rodriguez Mosquera, *Honor And Emotion: The Cultural Shaping Of Pride, Shame And Anger*, Doctoral Dissertation, University of Amsterdam, 1999.

²⁰ P. M. Rodriguez Mosquera, A. S. R. Manstead and A. H. Fischer, ‘The Role of Honor Concerns In Emotional Reactions To Offences’, in *Cognition And Emotion*, 16, 2002, pp. 143-163.

²¹ A. K. Gill, ‘Introduction: ‘Honour’ And ‘Honour’-Based Violence: Challenging Common Assumptions’, in A. K. Gill, C. Strange, K. Roberts (ed.) *‘Honour’ Killing & Violence: Theory, Policy & Practice*, London: Palgrave Macmillan, 2004, p.2.

²² Although several words in Turkish can be literally translated as honour, ‘namus’ (a term borrowed from Arabic) will be used in this study for ‘honour’, which is a gender specific term used to refer to certain qualities and standards that an honourable woman and man should have.

²³ J. Bond, ‘Honour As Familial Value’, in A. K. Gill, C. Strange, K. Roberts, *‘Honour’ Killing & Violence: Theory, Policy & Practice*, London: Palgrave Macmillan, 2004, Chapter 5, pp. 89-105.

²⁴ J. Bond, ‘Honor As Property’, in *Columbia Journal On Gender And Law*, Vol 23, No 2, 2012.

²⁵ F. H. Stewart, *Honor*, Chicago: The University of Chicago Press, 1994.

²⁶ D. King, ‘The Personal Is Patrilineal: Namus As Sovereignty’, in *Identities: Global Studies In Culture And Power*, Vol. 15, Issue 3, 2008, pp. 317-342.

²⁷ J. L. Schneider, ‘Of Vigilance and Virgins: Honor, Shame and Access to Resources in Mediterranean Societies’, in *Ethnology*, Vol 10, No 1, 1971, p. 2.

²⁸ J. A. Vandello, D. Cohen, ‘Male Honour And Female Fidelity: Implicit Cultural Scripts That Perpetuate Domestic Violence’, in *Journal of Personality And Social Psychology*, 84(5), 2003, p.997.

²⁹ J. Pitt-Rivers, op. cit., 1965, p.21.

According to Pitt-Rivers, 'honour is the value of a person in his own eyes but also in the eyes of his society'³⁰. It is the total of his perception of his own value and his recognition by others. The estimation of one's own value means nothing without public recognition.

The principle of honour endows a role and status to individuals, granting them a place in society and allowing them to situate themselves within the community, while also imposing certain codes on them according to their age, sex,³¹ and social status.³² Gender roles are sets of expectations of behaviour originating from particular sociocultural systems. An individual's failure to comply evokes sanctions, such as being excluded from the group or exposed to violence. Honour codes are sets of gendered norms, which regulate the role of gender, sexuality and violence. In societies where HBK are carried out, these codes impose upon women and men a 'fixed role', an unavoidable identity which must be adopted. The performance of these identities means –as Merry³³ puts into words strongly- 'acquiescing to violence or being violent'.

The hegemonic honour discourse aims to create a unified homogenous community where every member polices their family members' and even other community members' behaviour. The honour codes, together with the threat of homicide, govern female behaviour. They serve as a mechanism for social control, and in strongly honour-oriented societies women rarely contravene these norms.

"Honour"-based killings have been defined as '...the killing of women for suspected deviation from sexual norms imposed by society'.³⁴ The conception of honour used to justify killing is based on the notion that a 'family's honour is presumed to be achieved

³⁰ *ibid.*, pp. 21-22.

³¹ P. Bourdieu, *Esquisse d'une théorie de la pratique pré-cédée de trois études d'ethnologie kabyle*, Geneva: Droz, 1972.

³² J. Pitt-Rivers, *op. cit.*, 1965.

³³ S. E. Merry, *Gender Violence: A Cultural Perspective*, UK: Wiley-Blackwell, 2009, p. 11.

³⁴ F. Faqir, 'Intrafamily Femicide In Defence Of Honour: The Case Of Jordan', in *Third World Quarterly*, Vol 22, No. 1, 2001, p.66.

through the conduct of its female members, founded upon their body and sexuality...’³⁵ and therefore, this conduct must be controlled. This perception of honour is grounded in the notion of belonging to the group – family or community – which create and govern individual identities. In this sense, UN former Special Rapporteur on Violence against Women, Yakin Ertürk, associates the language of ‘honour’ along with ‘collectivity’ and ‘agnation’:

‘[P]reserving the honour of the collective group requires women to exercise modesty and obedience and men to exercise control over women to ensure their compliance with group norms.’³⁶

The culture of honour is also discussed as ‘a carefully constructed political, social, and economic ideology aimed at controlling and dominating a segment of society that is powerless and deemed socially inferior because of its gender’³⁷. According to Awwad, as the normative consensus in these cultures designates the role of men and women, it also contributes to male aggression and violence.

Honour has also been discussed as ‘a property’ and ‘a highly valued asset’. It is ‘held collectively by a family and controlled largely -but not entirely- by its male members’.³⁸ Women play an important role as its representatives, whose decisions regarding their own sexuality may preserve, enrich or destroy the value of familial honour property. If a woman’s ‘dishonourable conduct’ is known by a community in which HBK are practiced, she faces the prospect of becoming unacceptable as a wife, and therefore an economic burden on the family, which may also undermine the economic and marital prospects of the other family members. Undoubtedly, if these women had more education and more access to work, their choices would be broader.

³⁵ Y. Ertürk, ‘Towards a Post-Patriarchal Gender Order: Confronting The Universality And The Particularity Of Violence Against Women’, in *Sociologisk Forskning*, 46, No 4, 2009. p. 64.

³⁶ *ibid.*, p.64.

³⁷ A. M. Awwad, ‘Virginity Control and Gender-Based Violence in Turkey: Social Constructionism of Patriarchy, Masculinity, and Sexual Purity’, in *International Journal of Humanities and Social Science*, Vol. 1, No. 15, Special Issue: October 2011, p. 105.

³⁸ J. Bond, *op. cit.*, 2004, p. 89.

Since honour in the form of status and reputation function as property, the loss of honour can have serious financial consequences. ‘...The livelihood of entire families may be affected: a shoemaker who does not ‘cleanse his family honour’ may lose all his customers.’³⁹ Mansur points out that killings in the name of ‘honour’ often result from a ‘cost-benefit analysis’⁴⁰ within families. According to his hypothesis, when the cost for an HBK as a punishment is low compared with its benefits, such as positive reputation in the community, rates of honour based violence increase. In this regard, Mansur suggests that increasing the costs, by use of legal penalties, raising women’s economic value to the family, or decreasing the benefits of these crimes, may help to eradicate it.⁴¹

According to the study conducted by the Centre for Social Cohesion⁴², damaged family honour may bring political consequences and it may also cause loss of self-esteem. Community leaders and politicians may lose support and prestige, family members may become depressed or suicidal as a result of societal pressure.

Honour is also portrayed by Schneider as ‘an ideology of a property holding group which struggles to define, enlarge, and protect its patrimony in a competitive arena’⁴³. She further states the duality involved in this concept where one group (males) seeks to increase the value of the property, which is defined by the social status of the family, whereas the other group (females) constitutes a contested resource of it.

The concept of ‘family honour’ was also adopted by international humanitarian documents as the basis of the prohibition of rape during war. The rape of women has

³⁹ Amnesty International (AI), Report: *Turkey: Women Confronting Family Violence*, International Secretariat, 2004, p. 18.

⁴⁰ Y. Mansur, M. Shteivi and N. Murad, Report: *The Economic Underpinnings of Honour Crimes in Jordan*, Information and Research Center: King Hussein Foundation, 2010.

⁴¹ *ibid.*, cited in J. Bond, ‘Honor As Property’, op. cit., 2012, p. 30

⁴² J. Brandon and S. Hafez, Centre for Social Cohesion, *Crimes of the Community: Honour-based Violence in the UK*, Civitas: Institute for the Study of Civil Society, Wiltshire: Cromwell Press, 1st Ed. edition, January 2008, p. 8.

⁴³ J. L. Schneider, op. cit., 1971, p. 2.

been utilised as a military strategy during times of armed conflict, particularly in societies where women and their bodies are a symbol of men's honour.⁴⁴ In Section III of the Regulations to the Hague Convention (IV) of 1907, Article 46 states that during periods of military occupation, 'family honour ... must be respected.'⁴⁵ However, in the Geneva Convention (IV) of 1949 it was stated as 'women's honour':

'... Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.'⁴⁶

Although there is no consensus on the definition of 'honour'-based killings or violence, it is important to recognise the complexities of the concept when creating a definition. An 'official' definition of 'honour'-based killing was introduced by The Council of Europe in 2003 as:

'[A] crime that is, or has been, justified or explained (or mitigated) by the perpetrator of that crime on the grounds that it was committed as a consequence of the need to defend or protect the honour of the family.'⁴⁷

However, this definition has been criticized for not adequately covering the spectrum of behaviours, which include 'power, control, domination and intimidation'.⁴⁸

⁴⁴ 'Beautiful. Keep the good ones over there. Enjoy them.' According female survivor Nedzida Sadikovic's account, the Serb military leader, Radko Mladic, called his troops with these words as he looked over thousands of women refugees in a camp. A. Lebor, *Milosevic: A Biography*, London: Bloomsbury Publishing, 2003. Also, A. Lebor, 'Complicity with Evil': *the United Nations in the Age of Modern Genocide*, Harrisburg: R.R. Donnelley, 2006, p. 44.

⁴⁵ Hague Convention (IV) Respecting the Laws and Customs of War on Land, and Annex to the Convention, Regulations Concerning the Laws and Customs of War on Land (Hague IV), The Hague, 18 October 1907, Section III, Article 46.

⁴⁶ International Committee of the Red Cross, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Geneva, 12 August 1949, article 27/2.

⁴⁷ Parliamentary Assembly, *Report of the Committee on Equal Opportunities For Women and Men: So-called 'Honour Crimes'*, Doc. 9720, Council of Europe, 7 March 2003.

⁴⁸ A. Gill, 'Honour' Killings And The Quest For Justice In Black And Minority Ethnic Communities In The UK', in *Criminal Justice Policy Review*, Vol 20, No 4, 2009, p.476.

In some studies predominantly conducted in the West, HBK have been linked to specific cultural traditions⁴⁹; however, these crimes are found in many different societies and each unique cultural context should be individually assessed to understand how and why these practices have arisen in order to be able to provide culture-specific solutions.

HBK occur within family systems organized by descent through male lines and this kinship structure strengthens male power over women. King argues that the cultures in which HBK occur have in common patrilineal kinship reckoning, in which an individual's family membership originates from and is traced through the father's lineage.⁵⁰ This does not mean HBK occur in all patrilineal cultures; however, 'patriliney is central to the logic of [HBK]'⁵¹. Prior to an HBK, 'a girl or women's body is seen as possibly housing a new person, who is seen to be a member of a patriline.'⁵² Finally, she proposes the hypothesis that 'an [HBK] represents a show of reproductive sovereignty by people who belong to a patrilineage or a larger entity such as a state'⁵³, and an HBK is a response to an insult to that sovereignty.

Scheper-Hughes⁵⁴ claims that the 'family is a violent institution' and in families where 'honour'-based killings are carried out, the survival of the family honour is more valued than the life of a woman.

According to Ring⁵⁵, honour is not the star of HBK stories; such killings are 'stories about anger -male anger- as a force in innocent women's lives'.

⁴⁹ Global Commission On International Migration (GCIM), Nicola Piper, *Gender And Migration: A Paper Prepared For The Policy Analysis And Research Programme Of The Global Commission On International Migration*, Geneva, 2005

⁵⁰ D. King, op. cit., 2008, pp. 317-342.

⁵¹ ibid., p. 319.

⁵² ibid., pp.326-327.

⁵³ 'The Iraqi Kurdish homeland had become a metaphorical woman who needed protection ' against alien designs, intrusion, and penetration'.

⁵⁴ N. Scheper-Hugges, P. Bourgois, 'Introduction: Making Sense of Violence', in N. Scheper-Hugges, P. Bourgois (ed.) *Violence in War and Peace*, Oxford: Blackwell, 2004, p. 3.

⁵⁵ L. A. Ring, *Zenana: Everyday Peace in a Karachi Apartment Building*, Bloomington, IN: Indiana

In summary, Gill's definition best captures the particular characterization of the phenomenon:

'[A]ny form of killing perpetrated against females within the framework of patriarchal structures, where the main justification for the perpetration of killing is the protection of a social construction of 'honour' as a value system, norm, or tradition.'

⁵⁶

In conclusion, although honour has positive meanings in the English language such as high esteem, respect, recognition, distinction, or reputation; it cloaks men's need to control women's sexuality and their freedom in the context of such brutal crimes.

B) Perception of Honour (*Namus*) in Turkish Society

In the Turkish dictionary 'namus' has several meanings: loyalty to ethical norms and values in a society; chastity; propriety; and honesty.⁵⁷ Several studies provided different results regarding the conception of honour. In Turkey, where HBK are prevalent, the concept of honour has a different and very powerful meaning. The understanding that honour is the most essential value in life equates life with honour and equates loss of honour with loss of life.⁵⁸

In Turkey, as a highly honour orientated culture, both men and women are responsible for maintaining personal and collective namus. The difference in what honour requires for men and for women is the difference in gender. Women are generally expected to perform a more passive role than men, which mainly necessitates abstaining from acting contrarily to 'honour codes' in all circumstances.⁵⁹ Men however, are expected to

University Press, 2006, p.105.

⁵⁶ A. Gill, op. cit., 2009, p.476.

⁵⁷ Türk Dil Kurumu, www.tdk.gov.tr (25 April 2015).

⁵⁸ R. Dogan, 'Different Cultural Understandings of Honor That Inspire Killing: An Inquiry Into the Defendant's Perspective', in *Homicide Studies*, 18, 2014, p. 364.

⁵⁹ F. Kardam, *Türkiye'de Namus Cinayetlerinin Dinamikleri: Eylem Programı için Öneriler: Sonuç Raporu*, Ankara: Nüfus Bilim Derneği, 2005, p. 19.

actively monitor women's behaviour, maintain control over them and, when an 'honour code' is contravened, to punish women - or sometimes even themselves - to restore it. In this sense, honour is seen as 'an exhibition of strength and courage'⁶⁰, and men have the right to – or are even expected to - participate in its exchange and fight to protect it. By contrast, women are expected to 'stay on the sidelines, adopt a modest and discreet behaviour and a passivity that would confirm their honour'⁶¹.

A dishonourable man is perceived as untrustworthy, and therefore unable to perform his social responsibilities, or to control his own sexual desires and those of the women he is responsible for. A woman's honour, however, is connected only to her sexuality.⁶² This is demonstrated in the Turkish vernacular with such sayings as: 'A real man never lets his woman down' ('Erkek adam sevdigini yari yolda birakmaz') which describes a man's responsibility to marry a woman after taking her virginity. It portrays an honourable man as one who accepts the consequences of his actions and does not damage the honour of others. This notion is firmly linked to manhood and female sexuality. However in some communities where HBK are practiced, sex before marriage is considered a 'defilement'⁶³ that degrades women, who may then be labelled as 'fallen'⁶⁴ - sometimes even by the very man who was the co-participant in the woman's first act of sexual intercourse. In both aspects it is men who are 'the real actors'⁶⁵ regardless of whether women are seen as symbols to be respected or as physical and sexual beings to be suppressed and controlled. In either case, it is about men's honour and manhood.

⁶⁰ J. A. Dilmaç, 'Our Honor And Their Honor: The Case Of Honor Killings In Turkey', In Marcia Texler Segal, Vasilikie Demos (ed.) *Gendered Perspectives on Conflict and Violence: Part B (Advances in Gender Research, Volume 18B)*, [Yorkshire]: Emerald Group Publishing Limited, 2014, p. 253.

⁶¹ *ibid.*, p. 253.

⁶² N. Sirman, 'Kinship, Politics and Love: Honour in Post-Colonial Contexts-The Case of Turkey', in Shahrzad Mojab and Nahla Abdo (ed.) *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, pp. 44-45.

⁶³ F. Mernissi, 'Virginity and Patriarchy', cited in M. Alinia, *Honor, Violence Against Women in Iraqi Kurdistan*, New York: Palgrave Macmillan, 2013, p. 74.

⁶⁴ M. Alinia, *op. cit.*, 2013, p. 74.

⁶⁵ J. Nagel, 'Nation', In M. Kimmel, J. Hearn, R. W. Connel (ed.) *Handbook of Studies on Men and Masculinities*, Thousand Oaks, CA: London and New Delhi: Sage Publications, 2005, p. 400.

As female behaviour determines the value of honour, they are not believed to be capable of making suitable choices on their own or of defending their own virtue, therefore other family members, including women, 'seek to aggressively monitor and control the behaviour of female family members'⁶⁶. This guardianship is a sign of inequality and hegemony; it also shows the need to protect a woman's market value and reputation of the family brand.

In 2005, Kardam⁶⁷ interviewed 195 people from 4 different Turkish cities where HBK are prevalent. Although the interviewee's age, religion, ethnic origin and economic level varied, for the majority of interviewees, the meaning of *namus* was the same: 'keeping women and her sexuality under control'. 'Loss of virginity', 'unfaithfulness in marriage' and 'divorce' were the issues most frequently linked with *namus* by the interviewees.

It is extensively believed that the sexual purity of female family members is considered to be an essential component of the status of family honour⁶⁸. Sexual purity includes maintaining virginity before marriage, modesty in dress, and sexual purity in relations with others -particularly men. This results in the systematic control of women's social and sexual behaviour. In the research that she conducted in a Turkish village, Delaney concluded that a man's honour is dependant on a woman keeping her virginity before marriage and her fidelity after marriage, so she can guarantee that a child who will be born in the marriage is from the seed of the husband who was approved and chosen by the woman's family.⁶⁹ She described villagers' symbolic 'seed and soil' model of reproduction: 'men appear to provide the creative spark of life, the essential identity of a child; while women, like soil, contribute the nurturant material that sustains it'⁷⁰.

⁶⁶ H. Siddiqui, 'There Is No 'Honour' In Domestic Violence, Only Shame! Women's Struggles Against 'Honour' Crimes In The UK', cited in J. Bond, 'Honour As Familial Value', op. cit., 2004, p. 89.

⁶⁷ F. Kardam, op. cit., 2005, p. 17.

⁶⁸ D. King, op. cit., 2008, p. 317-342.

⁶⁹ C. Delaney, *The Seed And The Soil, Gender And Cosmology In Turkish Village Society*, Berkeley: University of California Press, 1991.

⁷⁰ *ibid.*, p. 8.

In Turkish society, a man may say that his wife, mother, sister, daughter or even another female relative is his *namus*. His *namus* is vulnerable to his female kin's physical and moral behaviour and it can be easily damaged by other men's contact (sexually, physically, verbally or even imaginary) with them. As female sexuality is perceived as being 'potentially dangerous', presumed violations of honour may result in severe punishments, especially in rural parts of the country where people are more likely to be traditional, patriarchal, and illiterate or undereducated⁷¹. In a large part of the country, the movement of women of reproductive age is restricted to a specific social boundary (e.g. a village or a neighbourhood) and their existence beyond the boundary requires companions to guard them - or rather - 'men's *namus*'.⁷²

According to Awwad⁷³, in the Middle East, masculinity constitutes an achieved status and men must try to both protect and increase this status. On the other hand, femininity is an ascribed status with a predetermined set of roles and duties that women have no choice but to accept and perform. Female honour is static: It can neither be increased nor regained, and once lost is lost forever. A woman who gets a 'bad reputation' can never again be perceived as 'pure'. By contrast, male honour is dynamic: it can be maintained, strengthened or even regained when lost.

The social construct of honour and shame is strongly linked to these cultural definitions of masculinity and femininity. It is believed that honour has the highest value whereas shame should be avoided at all costs. Manliness becomes dependant on virtuous feminine behaviour, whereas 'shame is a form of feminisation'⁷⁴. In this sense - as Abu-Odeh states - 'male reputation becomes insecurely dependent on female behaviour,

⁷¹ A. Sever, G. Yurdakul, 'Culture of Honor, Culture Of Change: A Feminist Analysis of Honor Killings in Rural Turkey', in *Violence Against Women*, Vol 7, No 9, 2001, p. 980.

⁷² C. Delaney, op. cit., pp. 54, 93, 225.

⁷³ A. M. Awwad, op. cit., 2011, p. 106.

⁷⁴ D. D. Gilmore, 'Introduction: The Shame of Dishonor', in D. D. Gilmore (ed.) *Honor and Shame and the Unity of the Mediterranean*, Washington DC: American Anthropological Association, 1987, p. 16.

particularly female sexual conduct that has the potential to reduce a man to a woman'.⁷⁵ At the same time it means that 'women's bodies become a site for both the (male) honour of the family as a whole and its potential (female) shame or dishonour'.⁷⁶ It can clearly be seen that HBK are a product of masculine control mechanisms that victimise and abuse women in order to sustain male dominance within the social system.

Although there is a common perception, particularly in Europe and North America, that 'honour'-based killings are connected to Islam, the practice is neither supported in Islam, nor do such events occur only among Muslim people. It has been strictly condemned, even banned by several Islamic scholars and influential clerics.⁷⁷ The practice has been reported as more prevalent in Muslim-majority countries⁷⁸; however, social practices among Muslim societies vary broadly. HBK are sometimes carried out by non-Muslim communities in Muslim-majority societies, such as Christians in Turkey.⁷⁹

C) Distinguishing Features of Killings in the Name of Honour

Despite the increasing awareness of HBK, the available published studies reflect a limited amount of qualified data regarding the specific patterns of the phenomenon.

⁷⁵ L. Abu-Odeh, 'Crimes of Honour and the Construction of Gender in Arab Societies', in P. Ilkkaracan (ed.) *Women and Sexuality in Muslim Societies*, Istanbul: Women for Women's Human Rights (WWHR) - New Ways, 2000, p. 374.

⁷⁶ S. Mojab, 'Honor: Iran and Afghanistan', in S. Joseph (ed.) *Encyclopedia of Women and Islamic Cultures, Vol II: Family, Law and Politics*, Leiden-Boston: Brill, 2005, p. 215.

⁷⁷ For instance, in 2007, 'Grand Ayatollah Mohammed Hussein Fadlallah, the top Shiite cleric and spiritual leader of Hezbollah, issued a fatwa banning honor killing and describing it as 'a repulsive act, condemned and prohibited by religion'. Katherine Zoepf, 'A Dishonorable Affair', *New York Times*, 23 September 2007, http://www.nytimes.com/2007/09/23/magazine/23wwln-syria-t.html?pagewanted=all&_r=0 (9 July 2015).

⁷⁸ UN Commission on Human Rights, Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Asma Jahangir: *Civil and Political Rights, Including Questions of: Disappearances and Summary Executions*, submitted pursuant to Commission on Human Rights resolution 1999/35, UN Doc. E/CN.4/2000/3, 25 January 2000, Para [78].

⁷⁹ T. Seibert, 'Sectarian Fears in Turkey after Murderer's Admission', *The National*, 21 December 2010, <http://www.thenational.ae/news/world/europe/sectarian-fears-in-turkey-after-murderers-admission> (4 July 2015).

However, a number of characteristics have been recorded to represent this categorical and brutal phenomenon within the scope of VAW.⁸⁰

- ‘Honour’ related killings are typically claimed by the perpetrator to be an act of retribution or the ‘only solution’ against a woman who has acted (or merely been rumoured to have acted) improperly and disobeyed the code of honour, and is believed to have brought dishonour to her family.

- Another element is the collective nature of the act, where many members of an extended family may collude in the decision-making, planning, instigation, concealment, destruction of evidence and participation in the actual act. Formal gathering in a ‘family council’ is not a necessary condition of such killings as it procreates itself within the wider collective entity.

- Perpetrators believe that it is not possible to cope with the issue of dishonour in any way other than that suggested or designed by the honour codes, which require killing.

- Prior to the perpetration, death threats are often used by the perpetrators or other family members against the victim.

- In some cases, the older women in the family (mothers, mother-in-laws, aunts, grandmothers) who are tasked with monitoring the behaviour of the younger female members may also be involved in the instigation and planning of such acts. Women who are not accomplice to the crime may be threatened and forced into silence.

- Perpetrators tend to commit such crimes openly in a demonstrative manner, which is intended to express the restoration of the family honour in the eyes of the collectivity, in other words; they are committed for the benefit of a presumed audience.

⁸⁰ M. M. Idriss and T. Abbas, op. cit., 2011; A. K. Gill, C. Strange, K. Roberts, op. cit., 2004; D. King, op. cit., 2008; Y. Ertürk, op. cit., 2009.

- The perpetrators generally do not show remorse, they often manifest pride for having ‘cleansed’ the family honour.⁸¹ Furthermore, in the context of ‘honour’-based killing, the normalisation techniques of perpetrators are culturally shaped and they differ from the techniques of perpetrators who have committed violence against women without the honour claim.

- Killings committed in the name of honour may be committed to cover up other crimes such as incest, rape or as part of a feud between two families or groups.⁸²

- There are differences in the way honour killings are carried out between different countries and even different villages. In Turkey, for instance, perpetrators rarely invoke religion, but generally refer to traditions to justify the killings, and it is still relatively rare for men to be killed. However, in countries where religious fundamentalism is prevalent such as Pakistan, religion is used as a tool to strengthen patriarchal control and men are more likely to be killed if they are involved in illicit relations.⁸³

These common elements are not essential to what constitutes an ‘honour’-based killing; however, it is necessary to identify the similarities and differences of killings in the name of honour within the scope of VAW.

D) Defining Characteristics of ‘Honour’-Based Killings In Turkey

⁸¹ The Telegraph News Agency, *Cousin 'still proud' of disposing of honour killing-victim's body, judge says*, *The Telegraph*, 6 December 2013, <http://www.telegraph.co.uk/news/uknews/law-and-order/10500550/Cousin-still-proud-of-disposing-of-honour-killing-victims-body-judge-says.html> (3 May 2015).

⁸² In December 2012, Hasret Dasli was killed brutally by her uncle who was tasked with killing her by the family council to ‘cleanse the family honour’. The police investigation revealed that at the time she was killed she was been pregnant for 4 months as a result of rape which was committed by the assailant’s sons (victim’s own cousins). Karakas, B., ‘Kadınlar Adaletine ‘Hasret’ Kaldı!’, *Milliyet*, 13 February 2015, <http://www.milliyet.com.tr/kadinlar-adalete-hasret-kaldi--gundem-2013083/> (3 May 2015).

⁸³ N, Pope, ‘Honour Killings: Instruments of Patriarchal Control’, in Shahrzad Mojab and Nahla Abdo (ed.), *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, p. 107.

a) Profile of Perpetrators

Although ‘honour’-based killings are an aspect of femicide worldwide, they differ from the large majority of domestic violence cases. The act of killing is not always carried out by a current or recent intimate partner; instead a significant number of killings is committed by agnatic kin.⁸⁴ This is because in strict patriarchal societies, the sense of ownership and control of a woman’s reproductive ability is not limited to the immediate partner, but extends to the entire clan. The vast majority of perpetrators are fathers, brothers, grandfathers, paternal uncles, husbands, former husbands and paternal cousins.

Perpetrators can occasionally include female family members such as the victim’s mother or mother-in-law, however they are usually only involved in the decision-making process or concealment of the crime. In some exceptional cases female relatives (usually mothers) may carry out the murder on their own. An example of this can be found in the case of *Melek Demir*, who was poisoned and suffocated with a pillow by her mother for having a relationship with a married man⁸⁵ and in the case of *Filiz Gezici*, who was brutally stabbed by her 23-year-old daughter for leaving her father and living with another man⁸⁶.

Senior women -mothers and mothers-in-law- are often responsible for the monitoring of younger women’s behaviour and they may also play a significant role in the stigmatisation of girls and women who contravene the social norms. It is important to understand why some women choose to use their limited power to facilitate or support the concept of ‘honour’-based violence or killings and some others choose to stay silent

⁸⁴ S. Mojab and A. Hassanpour, ‘The Politics and Culture of ‘Honour Killing’: The Murder of Fadime Sahindal’, in *International Feminist Perspectives: Women and Violence*, Vol 9.2, 2002, p.61.

⁸⁵ M. Kaymak, ‘Kızını Öldüren Annenin Cezası Değişmedi: 20 Yıl Hapis’, *Milliyet*, 10 July 2012, <http://www.milliyet.com.tr/kizini-olduren-annenin-cezasi-degismedi-20-yil-hapis/gundem/gundemdeta y/10.07.2012/1565214/default.htm> (3 May 2015).

⁸⁶ N. Karadag, ‘Baska Erkeklerle Yasayan Annesini...’, *Habertürk*, 1 January 2015, <http://www.haberturk.com/gundem/haber/1025719-baska-erkeklerle-yasayan-annesini> (4 May 2015).

or not to collaborate with the male power. As patriarchal structures unite men against women, it also unites the older generation against the younger.

‘Older women may be included in family councils and take a role in conspiracies, proving that they have internalised the gender roles of the ‘honour system’ and play a masculine role in enforcing them on the younger generation.’⁸⁷

Women’s contribution to such a horrendous practice occurs in varying ways: initiating violence through gossip⁸⁸, putting pressure on male family members to act⁸⁹ or assisting by ensuring the victim’s attendance at a certain location⁹⁰.

‘Dishonour may undermine the family’s economic and marital prospects which could explain why other women in the family do not obstruct the murder of a daughter or sister who disobeys the honour code. A mother may be anxious to protect the reputation of her husband’s family for the sake of her sons, who in time, might have to provide for her; her future wellbeing gives her a vested interest in maintaining the status quo.’⁹¹

HBK also can be differentiated from intimate partner violence through the ‘collective nature’ of the perpetrators. Collective perpetration has been demonstrated in a large part of the killings in the name of honour in Turkey, such as in the murders of Güldünya Tören⁹², Semse Kaynak⁹³ and Ceylan Soysal⁹⁴.

⁸⁷ J. Payton, op. cit., 2011, p. 75.

⁸⁸ N. Akkoç, ‘The Cultural Basis of Violence in the Name of Honour’, in Shahrzad Mojab and Nahla Abdo (ed.) *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, p. 118.

⁸⁹ F. Faqir, op. cit., 2001, p.71.

⁹⁰ A. Sever, ‘Male Circumcision: Sharpening the Phallus, Constructing Masculinities, Some Implications for Men & Women’, cited in A. K. Gill, C. Strange, K. Roberts (ed.) *‘Honour’ Killing & Violence: Theory, Policy & Practice*, London: Palgrave Macmillan, 2004, p.7.

⁹¹ N. V. Baker, P. R. Gregware, M. A. Cassidy, ‘Family Killing Fields: Honor Rationales in the Murder of Women’, in *Violence Against Women*, Vol 5, No 2, 1999, p. 172.

⁹² B. Belge, ‘Güldünya case may go to ECHR’, *Bianet*, 11 November 2004, <http://www.bianet.org/english/women/47978-guldunya-case-may-go-to-echr> (3 May 2015).

The killings are often undertaken when a family council decides on the time and form of execution due to an allegation, suspicion, or proof of sexual impropriety by the victim.⁹⁵ The family council typically includes the father and brother(s) of the victim, and may also include uncles, grandfathers, and male in-laws. Despite the fact that there is no sufficient data on 'honour'-based killings in Turkey, it has been noted by numerous scholars and the United Nations Special Rapporteur on Violence against Women that in cases where the HBK is carried out as a result of a family council decision, a young male member of the family, often under the age of 18, is frequently chosen to commit the killing in order to receive the lowest punishment in courts.⁹⁶

The killing is enacted for a double audience: community members who know about the 'dishonourable conduct' must be reassured of the worthiness of the family, and women in the community must be frightened out of attempting such conduct. This was also stated by the British judge, Brian Barker, in the verdict of the Banaz Mahmud⁹⁷ trial:

'This offence was designed to carry a wider message to the community and designed to discourage the legal behaviour of girls and women in this country.'⁹⁸

⁹³ 'In Sanliurfa another woman has been murdered. It appeared at first to have been a road accident, but the truth later emerged that Semse Kaynak had been murdered. On their arrest, her brother and father explained that she had sullied the 'honour' of the family, and that they had therefore thrown her in front of their tractor'. Schirmacher, C., 'Honour killings and Emancipation-Gender roles in Immigrant Culture against the backdrop of a Middle East understanding of 'Honour' and 'Shame'', Institute of Islamic Studies, <http://www.islaminstitut.de/View-article.89+M5cbbcb64c63.0.html> (3 May 2015).

⁹⁴ Ceylan Soysal (21) was killed by her 17-years-old brother, father, mother and her uncles in 2011. Kibritoglu, M., *Kardeşi vurdu, babası kapıyı kilitleyip ölmesini bekledi*, *Milliyet*, 20 July 2011, <http://www.milliyet.com.tr/kardesi-vurdu-babasi-kapiyi-kilitleyip-olmesini-bekledi/gundem/gundem-detay/20.07.2011/1416768/default.htm> (4 May 2015).

⁹⁵ Amnesty International (AI), Report: *Pakistan: Violence Against Women In The Name Of Honour*, London, Number of Reports: ASA 33/18/99 and 33/19/99, 1999.

⁹⁶ A. Sever, G. Yurdakul, op. cit., 2001, p. 985.

⁹⁷ Banaz Mahmud was killed, in January 2006, by her father, uncle and cousins for getting divorced from her violent and abusive husband and falling in love with another man.

⁹⁸ Ekurd Daily-UK, 'Banaz Mahmud's father gets 20 years for 'honour killing'', *Ekurd Daily*, London, 20 July 2007, <http://www.ekurd.net/mismas/articles/misc2007/7/kurdsworldwide227.htm> (25 June 2015).

In 2008, Doğan⁹⁹ interviewed 34 male prisoners who had committed and been found guilty of murder committed in the name of honour (namus). His study found that perpetrators tended to distance themselves from the crime in two ways: first, the perpetrator attempts to disassociate himself from his victim, or even deny having experienced the event. As an example, in some interviews, interviewees used the words ‘this’, ‘that’ or ‘this woman’ when referring to the victims:

‘ I do not call them mother and sister anymore. I consider that this event never took place, never happened. So, as soon as I am released, I am going to get her name erased from my birth certificate and identity card. I do not even want to deal with her maiden name or name in any procedure.’¹⁰⁰

Doğan argues that by denying the existence of the victim and/or any kinship with her, perpetrators are able to justify their conduct and cope with the possible condemnation and pain caused by killing a victim who is a member of their own family.

In the second approach, perpetrators do not deny their relationship to the victim but instead find the change in appearance and behavior of their victim incredible, and thereby deceive themselves into believing that it is not the same person they had loved and known for so long.

‘One day, I saw her in front of a bakery. She used to wear a headscarf. But I saw that she got her hair colour changed, wore a coloured contact lens, make-up and no headscarf. Seeing such changes for a woman who used to wear a head scarf made me sure that the rumours were true.’¹⁰¹

⁹⁹ R. Dogan, ‘The Dynamics of Honor Killings and the Perpetrators’ Experiences’, in *Homicides Studies*, published on December 16, 2014, pp. 1-27.

¹⁰⁰ *ibid.*, Interviewee (age 28) who, along with his brother, killed his mother and sister after hearing them admit that they were involved in ‘prostitution’.

¹⁰¹ *ibid.*, Interviewee (age 43) is talking about his sister who he killed after having heard rumours that she was on the ‘bad way’ and seeing her appearance changed.

Perpetrators generally believe that their act of killing is a justified response to the female family member's 'transgression', which damaged the 'honour' of the whole family. Pervizat stated that during criminal proceedings perpetrators often do not hide or change stories about 'how the execution was undertaken', as they commonly believe that it was their given and granted right.¹⁰² Bagli's study¹⁰³ of 180 prisoners convicted of 'honour'-based killings indicated that 44% of interviewees showed remorse for their actions and 47% stated that they did not regret it. Bagli stated in an interview that: 'In some cases, the victim's relatives even praised the perpetrator.'¹⁰⁴ According to the former UN Special Rapporteur on Violence against Women, Radhika Coomaraswamy, 'the murderer is revered and respected as a true man.'¹⁰⁵

Women's conduct after divorce is often problematic for 'honour-oriented' communities in Turkey. As the former wife continues to be the man's *namus*, he believes that he is still authorized to control her. A significant number of the killings in Turkey are committed by former husbands in the name of 'namus'.¹⁰⁶

Despite pressure from the community, some families manage to stand firm and resist the call to do 'the right thing' and cleanse their honour. Also 'shame', which can be hidden from the community (through abortion, for instance), may not necessarily be punished violently.¹⁰⁷

¹⁰² L. Pervizat, 'Lack of Due Diligence: Judgements of Crimes of Honour in Turkey', in M. M. Idriss and T. Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, p. 147.

¹⁰³ M. Bagli, *Töre ve/veya Namus Adına Cinayet Isleyen Suclu ve Zanlilarin Sahip Olduklari Toplumsal Deger Yapilari Aile Iliskileri ve Kisilik Ozellikleri ile Bunlari Sosyo-ekonomik Analizine Iliskin Bir Arastirma*, Istanbul: Destek Yayinlari, 2011.

¹⁰⁴ Today's Zaman, 'Honor killing perpetrators welcomed by society, study reveals', *Today's Zaman*, 12 July 2008, http://www.todayszaman.com/national_honor-killing-perpetrators-welcomed-by-society-study-reveals_147349.html (25 June 2015).

¹⁰⁵ UN Commission on Human Rights, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Radhika Coomaraswamy: *Cultural Practices in the Family that are Violent towards Women*, submitted in accordance with Commission on Human Rights resolution 2001/49, 31 January 2002, E/CN.4/2002/83, p. 12, Para [26].

¹⁰⁶ F. Kardam, op. cit., 2005, pp. 33, 64.

¹⁰⁷ Working Group of Violence against Women & Girls, NGO Committee on the Status of Women, Working Paper of Robert Ermers: *Honour Related Violence*, 2009, http://www.wunrn.com/news/2009/07_09/07_27_09/072709_honour.htm (24 June 2015).

b) Profile of Victims

Power is exerted not only by men over women but also over other men. In her study, Chesler found that in a sample of 230 ‘honour’ killings examined worldwide in the period from 1989 to 2009, 7% of victims were male.¹⁰⁸ In Turkey, the vast majority of HBK victims are female; however, in cases where ‘dishonourable conduct’ is the driving force for such crimes, perpetrators occasionally also target the males who are involved in the alleged ‘dishonourable conduct’ as the lover of the wife, sister, or mother.¹⁰⁹ In communities where HBK are carried out, women are much more frequently and harshly blamed for breaching the honour codes than men. As a result, the large majority of these cases end with the women’s death but rarely the man’s.

Following the killing, the woman who has been killed is represented as having brought death upon herself. The families of many victims condemn the victim for betraying the family.¹¹⁰ So – as King states – ‘it’s clear who carries the real burden of proof of constant propriety (the individual female) and who is to kill her when she fails (her male kin)’¹¹¹. On the other hand, men who breach the honour code are more likely to be able to escape the extreme anger of the upset family by fleeing to other parts of the country or finding shelter with other friends and family. Women in these highly male-dominated communities, by contrast, have no shelter to resort to; their freedom, money and lives are controlled by men.¹¹²

¹⁰⁸ P. Chesler, ‘Worldwide Trends in Honor Killings’, in *Middle East Quarterly*, Vol 17, No 2, Spring 2010, pp. 3-11.

¹⁰⁹ E.g. the murder of Ömer Karaboga. Aktaş Salman, U., Y. Cingöz, ‘Başka Hülyalar öldürülmesin’, *Radikal*, 18 January 2009, http://www.radikal.com.tr/turkiye/baska_hulyalar_olduurulmesin-917508 (1 June 2015).

¹¹⁰ A. K. Gill, op. cit., 2004, p. 5.

¹¹¹ D. King, op. cit., 2008, p. 322.

¹¹² M. M. Idriss, ‘Honour, Violence, Women and Islam-An Introduction’, in M. M. Idriss and T. Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, p. 2.

Repressive acts, such as control, domination, intimidation and physical violence are directed at vulnerable and relatively powerless women. Some examples of published data, such as Dogan's qualitative interview study, indicate that 'women's vulnerability to being victims of 'honour' killings in the name of honour starts when they begin to menstruate, and continues for as long as they menstruate.'¹¹³ All victims in the cases he examined were aged between 14 and 49, which corresponds to the beginning and end of menstruation.

Women themselves often do not recognise that they are victims of gender-based violence, but approach this unequal, violent treatment as a fundamental part of their culture. Typically, 'a woman who lives in an 'honour'-based society learns either that she is not regarded as a human being, or she is not equal to her male counterparts'.¹¹⁴ This is the main reason that gender violence is difficult to measure. The success of victimisation surveys depend on the participants' interpretation since gender-based violence can only be counted as such when the participant thinks of it as gender-based violence.

c) Women's Behaviour That Upholds Honour: So-called 'Dishonourable' Behaviour

What reasons could motivate a man to kill his own daughter, sister or intimate partner in the name of 'honour'? Turkey is a stratified society in many aspects, with an urban and rural mix in which strong feudal and kinship structures exist alongside urban life. Because an homogenous community does not exist, the motivation behind such killings varies depending on the context. Accusations against women, which necessitate or justify killing in the eyes of perpetrators can be extremely vague, often subsuming sexual or sensual acts, allegations, or rumours.¹¹⁵

¹¹³ R. Dogan, 'The Profiles of Victims, Perpetrators, and Unfounded Beliefs in Honor Killings in Turkey', in *Homicide Studies*, 18 (4), 2004, p.396.

¹¹⁴ A. Gill, op. cit., 2009, p. 478.

¹¹⁵ A. Sever, G. Yurdakul, op. cit., 2001, p. 965.

According to Sen, appropriate feminine behaviour such as sexual modesty, fidelity in marriage, no pre- or extramarital relationships with men, meeting motherly obligations to children, meeting wifely obligations to husband, meeting daughters obligations to parents, and meeting daughter-in-law obligations to parents-in-law are the expected 'honourable' behaviours from women in these communities and acting contrarily to these expectations deserves punishment.¹¹⁶

Seeking divorce from abusive husbands is also found upsetting to male's sovereignty and commonly used as a justification by husbands, fathers and brothers for such killings in Turkey. In numerous cases women who fled an abusive husband and escaped to her parents' home were returned to their violent husbands all in the name of protecting 'family honour'¹¹⁷. Rejecting arranged marriages, marrying men of their choice or expressing a desire to choose a spouse are seen as a rebellion of women against the family, and thereby should be punished.

In Turkey, for a woman, having been unable to protect herself from sexual harassment or rape is also perceived as an offence to her male relatives' or family's honour that deserves punishment. In numerous cases, the victim had been pregnant as a result of rape committed by male relatives. Although the victim had done nothing to bring 'shame' to family 'dignity', she was condemned to die to wipe out the appalling truth. Such as in the case of Hatice Dasli, 15 years old, who was strangled to death for being pregnant as a result of being raped by her two cousins.¹¹⁸ Such cases openly show that there is nothing about honour but brutal male power.

Any rumour that creates a suspicion of sexual activity about a female member of a family can be enough to damage the *namus* of this family; in this sense the

¹¹⁶ P. Sen, 'Crimes of Honour', Value and Meaning', in S. Hossain and L. Welchman, *'Honour': Crimes, Paradigms and Violence Against Women*, New York: Zed Books Ltd., 2005, p.47.

¹¹⁷ N. B. Criss, 'A Facet of Muslim Womanhood: The Turkish Case', in *Turkish Review of Middle East Studies*, 7, 1993, p. 255.

¹¹⁸ Timeturk Haber Merkezi, 'Kadınlar Hatice'nin Mezarına Kefen Birakti', *Timeturk*, 31 December 2012, <http://www.timeturk.com/tr/2012/12/31/kadinlar-hatice-nin-mezarina-kefen-birakti.html> (23 May 2015).

‘maintenance of namus is a matter of reputation more than of fact’.¹¹⁹ What matters most is often the public perception. Women are generally not given the benefit of the doubt. In some cases, it is enough for the gossip to arise when ‘a woman acts more comfortably, laughing, decking herself out, or talking more than others’¹²⁰ or is seen ‘riding in a car with a man unknown to the gossip’¹²¹. Following this gossip, she is considered dishonourable and therefore, must be punished.

Sometimes gossip can be created purposefully with malicious intent, for example, following the woman’s rejection of a man’s advances. In this sense, gossip can be a powerful assertion of power by women or men against other women.

Sometimes the trigger for such crimes may not be ‘sexual impropriety’, but any behaviour not approved of by family members and seen as disobedient to patriarchal authority. It might be as banal as calling a radio station by telephone and requesting a song be played or asking a stranger at a shopping mall what the time is - even while she is with her husband. In some cases talking on the phone to someone unknown to the perpetrator and not having an ‘honourable explanation’ may be enough for a woman to be killed.¹²² In some cases, even wearing trousers¹²³ or taking birth control pills without the husband’s knowledge¹²⁴ have been seen as a serious threat to male authority over

¹¹⁹ P. C. Dodd, ‘Family Honor And The Forces Of Change In Arab Society’, in *International Journal of Middle East Studies*, 4, 1973, p. 45.

¹²⁰ N. Akkoç, op. cit., 2004, p. 118.

¹²¹ D. King, op. cit., 2008, p. 323.

¹²² Esra Aksel, 19, was killed by her 17 year-old brother, for speaking to a stranger on the phone at night, and not explaining whom she was talking to. Aktaş Salman, U., ‘Başka Hülyalar öldürülmesin’, *Radikal*, 18 January 2009, http://www.radikal.com.tr/turkiye/baska_hulyalar_oldurulmesin-917508 (1 June 2015). *Radikal*, 18 January 2009, http://www.radikal.com.tr/turkiye/baska_hulyalar_oldurulmesin-917508 (1 June 2015).

¹²³ M. Farac, *Töre Kiskacında Kadın*, İstanbul: Günizi Yayıncılık, September 2004.

¹²⁴ Alev Er was strangled to death by her husband, Sakir Er, after he had found half-used contraceptive pills in her bag. Zaman, ‘Eşini öldürüp cesetini bozdolabında saklayan eşe 20 yıl hapis’, *Zaman*, 19 September 2007, http://www.zaman.com.tr/gundem_esini-oldurup-cesetini-bozdolabinda-saklayan-ese-20-yil-hapis_590690.html (2 July 2015).

female sexuality. The attempts of a woman to have autonomy over her own behaviour may result in her losing her life.¹²⁵

Doğan's study revealed that in 26 out of 34 cases he researched, the events that led to the murder were fueled by a rumour that a female relative (generally daughter, sister or intimate partner) had disobeyed the accepted honour code by behaving 'improperly'.¹²⁶ It was shown that these rumours had given the perpetrator all the necessary proof for which he had been looking. In the rest of the cases, the 'dishonourable conduct' was learnt or seen directly by perpetrators.

In cases of dishonourable' conduct between a man and a woman, marriage¹²⁷, giving money or property¹²⁸, and sometimes, due to reciprocity, giving a girl from the man's family to the woman's family may resolve the conflict, restore the family honour and save both the woman's and man's lives.

The role of the larger community is crucial to the concept of killings in the name of 'honour'. According to Ginat, murder only occurs when there is a public accusation and such killings are highly unlikely unless the disobedience becomes known in the community.¹²⁹ If disobedient behaviour remains unknown (through an abortion, for instance), the 'shameful' female may not receive any punishment. The negative impact of publicity has also been emphasized by representatives of women's NGO's and activists who work to prevent such practices and protect the potential victims.¹³⁰

¹²⁵ R. Reddy, 'Domestic Violence or Cultural Tradition? Approaches to 'Honour Killing' as Species and Subspecies in English Legal Practice' in A. K. Gill, C. Strange, K. Roberts, *'Honour' Killing & Violence: Theory, Policy & Practice*, London: Palgrave Macmillan, 2004, p. 30.

¹²⁶ R. Dogan, 'The Dynamics of Honor Killings and the Perpetrators' Experiences', in *Homicides Studies*, 1088767914563389, published on December 16, 2014, p.8.

¹²⁷ M. Alinia, op. cit., 2013, p. 73.

¹²⁸ Supreme Court of Appeal 1st Criminal Chamber (Yargıtay 1. Ceza Dairesi), 2011/5057 E., 2012/3350 K., 30.04.2012.

¹²⁹ J. Ginat, 'Illicit Sexual Relationships and Family Honor in Arab Society', in *Israeli Studies in Criminology*, 10, 1979, 179-202.

¹³⁰ N. Akkoç (KA-MER), 'The Story of Ayse - KA-MER', in Shahrzad Mojab and Nahla Abdo (ed.) *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, pp. 127-135.

If a female member of a family fails to obey the honour code in one of the ways mentioned above, the community may stigmatize and even harass members of the family who have failed in their duty to preserve and 'to cleanse' the family honour. According to Erving Goffman¹³¹ this may mean facing exclusion from the community. In some cases, the husband believed that his wife was innocent and he trusted her; however, he thought that it would be very hard to stand against the pressures of community members or close relatives, and 'life would be difficult for a man if he cannot get rid of his dishonour in the eyes of the family and society',¹³².

II. WOMEN AND PATRIARCHAL FUNCTIONING IN TURKEY

A) Women's Predicament since the Foundation of The Republic

Turkey's long process of social transformation towards gender equality began shortly after the foundation of the Republic in 1923. In order to understand the current status of women on paper versus the reality, it is essential to scrutinize the social, cultural and legal modernisation of Turkey since 1923, and examine the steps taken to improve women's rights and the forces that have inhibited the development of women's status. A thorough investigation of the political and economic situation, the legal structure, the social norms, and how these relate to each other is required to achieve this goal.

After the abolition of the Ottoman Empire and the foundation of the republic, modernisation efforts gained an unprecedented ascendancy in Turkey. Mustafa Kemal Atatürk, the founder and first president of the new nation, and his associates committed themselves to modernising the country according to Western values. A series of reforms was implemented in a short period of time¹³³ to foster 'the adoption of European norms,

¹³¹ E. Goffman, *Stigma: Notes on the Management of Spoiled Entity*, London: Penguin, New Edited Edition, 1990.

¹³² N. Akkoç, op. cit., 2004, p.132.

¹³³ Most projects have been implemented in the first decade.

attitudes and standards of living'¹³⁴. In an effort to adopt a secular, modern way of life, the country was expected to distance itself from its Ottoman Muslim heritage. Although considerable resistance against reforms and westernisation took place in both rural and urban areas, according to Ortaylı, 'all intellectuals from the region -from the Islamic modernists to the liberals- advocated transformations in classical family structure and in the social status of women'¹³⁵. For Mustafa Kemal the family was the basis of civilisation, the foundation of progress and power. In 1925 he addressed the people in Inebolu:

'Gentlemen... I tell you as your own brother, as your friend, as your father, that the people of the Turkish Republic who claim to be civilized must show and prove that they are civilized by their ideas and their mentality, by their family life and their way of living.'¹³⁶

Accordingly, major legal family reforms were implemented, such as the adoption of the Swiss Civil Code in 1926. Under the new Civil Code, polygamy was banned, minimum ages for marriage (15 for girls, 17 for boys) were established, gender equality in inheritance and also equal child custody rights for both parents were enacted. A new residential formation of the family, the nuclear family model, was encouraged, although it was viewed negatively by traditionalists¹³⁷. The new civil code eliminated the Islamic rules for marriage, even though it still depended upon male dominance for the survival of the family as a social institution.

Turkish women were granted social, legal and political rights (such as the right to vote

¹³⁴ S. Mardin, 'The Just and The Unjust', in *Daedalus: Journal of the American Academy of Arts and Sciences*, 120, 1991; cited in S. Kavas, A. Thornton, 'Adjustment and Hybridity in Turkish Family Change: Perspectives from Developmental Idealism', in *Journal of Family History*, 38 (2) 2013, p. 237.

¹³⁵ I. Ortaylı, *Studies on Ottoman Transformation*, Istanbul: Isis Press, 1994, p. 132.

¹³⁶ S. Karasipahi, *Muslims in Modern Turkey: Kemalism, Modernism and the Revolt of the Islamic Intellectuals*, London: AP Tauris, Reprint Edition, 2014, p. 28.

¹³⁷ N. Sirman, 'Constituting the Modern Family as the Social in the Transition from Empire to Nation-State', in A. Frangoudaki & C. Keyder (ed.) *Ways to Modernity in Greece and Turkey: Encounters with Europe- 1850-1950*, London: I. B. Tauris, 2007, pp. 187-188.

in 1930 and the right to be elected to offices in 1934) well ahead of many Western countries early in the 20th century. The timing of the legislation on women's suffrage in the 1930's is seen as an important attempt by Ataturk to dissociate his single party regime from the European dictatorships of the time.¹³⁸ As a part of these reforms, great efforts were made to change women's status and engage them in social and political life.

'Photographs of women unveiled, women in athletic competitions, women pilots, women professionals, and photographs of men and women in European fashion depicted the modernist representations of the prestigious life.'¹³⁹

However, the reforms were not embraced by conservative groups and ethnic leaders, particularly in the predominantly Kurdish and Arab populations of Eastern Anatolia. For a significant number of women, 'being unable to speak Turkish, which not only confined them to the domestic sphere, but made them dependent on men'¹⁴⁰. Therefore, while modernisation reforms were promoted in urban women's lives, many women in rural settings in Eastern Anatolia were not significantly affected by the changes.¹⁴¹ Locating women in the protected sphere of the home and family where they were controlled by men, and locating men in the public sphere legitimated gender inequalities. Despite the illusion that 'Turkish women were liberated', The Kemalist¹⁴² reforms did not achieve the emancipation of women in Turkey and they are still subjected to oppression throughout the country. As Simone de Beauvoir pointed out: 'Even when her rights are legally recognized in the abstract, long-standing custom

¹³⁸ S. Tekeli, 'Women in Turkish Politics', cited in D. A. Kandiyoti and D. Kandiyoti 'Emancipated but Unliberated? Reflections on the Turkish Case', in *Feminist Studies*, Vol 13, No 2, Summer 1987, p. 321.

¹³⁹ N. Göle, 'Secularism and Islamism in Turkey: The Making of Elites and Counter-Elites', in *Middle East Journal*, Vol 51, No 1, Middle East Institute, 1997, pp.46-57.

¹⁴⁰ A. G. Hoşgör & J. Smits, 'The Status of Rural Women in Turkey: What is the Role of Regional Differences?', in V. Moghadam, *Patriarchy to Empowerment: Participation, Rights and Women's Movements in the Middle East, North Africa, and South Asia*, NY: Syracuse University Press, 2007, pp. 180-203.

¹⁴¹ S. Kavas, A. Thornton, op. cit., 2013, p.18.

¹⁴² The modernization efforts have been frequently associated with Mustafa Kemal Ataturk that it is still often referred to 'Kemalism' or 'Kemalist reforms'.

prevents their full expression in the mores'¹⁴³.

Concerning Turkish family life today and effects of the *Kemalist* reforms, Turkish society has been rapidly transformed, in the last few decades, from a traditional, rural, agricultural society to a modern, urban and industrial one. From the founding of the Turkish Republic in 1923 to 1950, the proportion of the population living in urban areas increased slightly from 13% to 19%. By the year 2000 not only had the population reached over 65 million, nearly 70% of the population had become urban.¹⁴⁴ However, not all areas of social functioning have changed equally rapidly; cultural values, norms and attitudes have fallen behind economics and even actual practices.

M. Müftüler-Bac¹⁴⁵ proposes that the Mediterranean culture, the Islamist traditions, and the Kemalist ideology act together as agents in perpetuating the oppression of women in Turkey and keeping patriarchy intact. She portrays the Eastern Mediterranean family structure as being based on male superiority and female inferiority, and the dominant Islamic perspective as seeing women in the public sphere as a threat to social order. Kemalism, on the other hand, controls women's visibility by developing a stereotype of Turkish women; modest in appearance, loyal companion to her man in modernising the country.

The authoritarian nature of the Kemalist regime has also been criticised by the feminist movement in Turkey, with the claim that the real reason for granting women's rights by Kemalists was to destroy links with the Ottoman Empire and challenge the foundations of the religious hegemony, rather than to liberate women in everyday life.¹⁴⁶ It was argued that women were instrumentalised by the Kemalist ideology as 'the protectors of secularism and the new republic', in the same way that they had been by the conservatives as the 'protectors of the family values'.

¹⁴³ S. Beauvoir, *The Second Sex*, New York: Bantam Books, Bantam Edition, 1961, p.10.

¹⁴⁴ Turkish Statistical Institute, (1991, 2001), www.tuik.gov.tr (25 May 2015).

¹⁴⁵ M. Müftüler-Bac, 'Turkish Women's Predicament', in *Women's Studies International Forum*, Vol 22, No 3, 1999, pp. 303-315.

¹⁴⁶ S. Tekeli, *Kadınlar ve Siyasal Toplumsal Hayat*, Istanbul: Birikim Yayinlari, 1982.

As Ertürk states, ‘women in all societies are subordinated in varying ways and degrees to the requirements of particular systems of patriarchal power.’¹⁴⁷ Patriarchy, as Sylvia Walby calls it: ‘[is] a system of social structures and practices in which men dominate, oppress and exploit women.’¹⁴⁸ It is based on a system of unequal and hierarchical power relations where males control females’ production -within the household and outside-, reproduction, sexuality and mobility. Regarding ‘interpersonal relations in general, and gender and family relations in particular, the Turkish culture can still be evidently characterized as traditional, authoritarian and patriarchal.’¹⁴⁹

What Turkish women share with their contemporaries in other societies is that ‘women are the ‘second sex’¹⁵⁰ and they try to survive in a male-constructed system’¹⁵¹. In Turkey, patriarchy is embedded in different societal and state structures, including the economy, political sphere, justice system, popular culture and social movements and this results in keeping women within their houses, preserving the hegemony of men in the public sphere.

‘There is a small, elite group of educated, professional, Western-oriented women in Turkey, the existence of which contributes to the fallacy that Turkish women are not chained by discriminatory practices as in other Islamic countries, and that they are in a much better position than their Middle Eastern sisters. However, the seemingly bright picture -that Turkey as the most modern, democratic, secular Muslim state that also secures woman’s rights- is misleading in many ways.’¹⁵²

Women’s chastity remains the most important control mechanism over female freedom in today’s Turkey within the social institution of family, cultural traditions and the

¹⁴⁷ Y. Ertürk, op. cit., 2009, p. 64.

¹⁴⁸ S. Walby, op. cit., 1990, p. 174.

¹⁴⁹ D. Sunar, G. O. Fişek, ‘Contemporary Turkish Families’, in U. Gielen & J. Roopnarine (ed.) *Families in Global Perspective*, Boston: Allyn & Bacon/Pearson, 2005, pp. 169-183.

¹⁵⁰ S. Beauvoir, op. cit., 1961.

¹⁵¹ M. Müftüler-Bac, op. cit., 1999, p. 305.

¹⁵² *ibid.*, p.304.

courts.

‘Kinship systems and forms of marriage as well as nationalism define gender.’¹⁵³ Turkey is a kinship-based society in which kinship serves in the context of regulating the identity and behaviour of individuals. It is a society where the community is considered as being composed of persons related to each other as kin. Clearly there are important variations in Turkish kinship systems with respect to marriage forms, residence and inheritance rules and these variations are based on complete cultural and historical processes.

‘Most households are nuclear in structure; however, the extended (three-generation) family represents a cultural ideal, and many families experience a ‘transitional extended family’ phase in the first few years following the marriage of a son.’¹⁵⁴

Although the family composition occurs in a nuclear form, family members tend to live close to each other and the family exists in a ‘functionally extended’ form where close family members enjoy a great deal of mutual support and contact.¹⁵⁵ This mutual interdependence within the traditional Turkish family structure shows that Turkish culture should be classified as ‘collectivistic’.¹⁵⁶ In collectivistic cultures group loyalty is strong, and the individual conceptualizes the self more in terms of relationships than of personal characteristics. In a collective sense of identity, families enjoy pride in the accomplishments of individual members and are grieved with shame if one of them does something dishonorable.

¹⁵³ S. E. Merry, op. cit., 2008, p. 19.

¹⁵⁴ D. Kandiyoti, ‘Sex Roles and Social Change: A Comparative Appraisal of Turkey’s Women’, in *Signs: Journal of Women in Culture and Society*, Vol 3, 1977, pp. 57-73.

¹⁵⁵ *ibid.*, p.63.

¹⁵⁶ C. Triandis, ‘Cross-Cultural Studies of Individualism and Collectivism’, in J. Berman (Ed.) *Nebraska Symposium on Motivation*, Lincoln: Nebraska University Press, Vol 37, 1989, pp. 41-133.

Endogamous marriage is prevalent in Turkey.¹⁵⁷ The main reason for the preference for these marriages is, according to Dubetsky, linked to ‘honour’. The importance of endogamous over exogamous marriages is based on the differentiation of men who share the responsibility for protecting the honour of the same group of women over those who don’t.¹⁵⁸ In this view, the outsiders are approached with suspicion, because they can destroy the reputation of the women -eventually of the men.

According to research conducted in the eastern and southeastern regions of Turkey in 2002 by Women for Women’s Human Rights¹⁵⁹, 50.8% of women were forced into marriage by their families.¹⁶⁰ Forced marriage is another form of violence against women and it takes various forms within Turkish society: bride price, *berdel* (exchange of women to avoid paying dowries and other marriage expenses) and *besik kertmesi* (a form of arrange marriage in which families agree to exchange their daughters when they are new-born babies, and force them to marry as soon as they are considered old enough). The economic conditions of the family could be a determinant factor for these marriages - Payton uses the term ‘bride economy’ in describing the phenomenon of exchanging women for money¹⁶¹ - and it is mainly grounded in a patriarchal structure. Other research conducted by a development initiative¹⁶², found that women are also married by force at an early age ‘in order to defend family honour and pride based on young girls’ virginity and to eliminate pre-marital problems originating from girls’ sex and sexuality’¹⁶³. Forced marriages are strongly linked to ‘honour’-based killings, as a refusal of such a marriage can lead to the murder of these women or suicide.

¹⁵⁷ C. Delaney, op. cit., 1991, pp. 100-110.

¹⁵⁸ A. Dubetsky, ‘A New Community in Istanbul’, Ph.D. dissertation, University of Chicago, 1973, cited in C. Delaney, op. cit., 1991, p. 107.

¹⁵⁹ Istanbul-based non-governmental organisation.

¹⁶⁰ Women for Women’s Human Rights (WWHR), Report: *The New Legal Status of Women in Turkey*, April 2002, <http://www.kadinininsanhaklari.org/static/yayin/kitapcik/yeni-yasal-statü.pdf> (27 June 2015).

¹⁶¹ J. Payton, op. cit., 2011, p. 68.

¹⁶² Flying Team Against Violence: MOVISIE International (Netherlands) in partnership with the Mediterranean Institute of Gender Studies.

¹⁶³ Flying Team Against Violence, Report: *Combating Honour Related Violence, Forced Marriages and Abandonment: National Report Turkey*, Kalkınma Atölyesi (Development Workshop) Ankara, Autumn 2011, <http://www.medinstgenderstudies.org/wp-content/uploads/National-Report-Turkey.-Flying-Team-against-Violence.pdf> (20 July 2015)

The interdependencies between family members in patriarchal systems are significantly hierarchical and women's role within the family is defined in relation to men. Persons of the same generation and the same parents who are older than ego are called by the respectful terms *ağabey* (for men) or *abla* (for women), depending on the gender of the persons; however, younger siblings are called *kardeş* without specifying any distinction based on gender. Along with the generational hierarchy, there is also a strong gender hierarchy: male superiority is the norm and women are generally regarded as lower in value, prestige and power than men. Between siblings sexual hierarchy overrides that of age, as younger brothers can order their older sisters around.

As Sirman states, in kinship-based societies, 'the reproduction of the group depends completely on the sexual behaviour of the members and personal sexuality is placed under the control and regulation of the community as a whole'.¹⁶⁴ In these communities, honour exists as both the identity of the person in the eyes of others, and sense of worth that this person has of himself or herself.

Gender roles and differences are widely understood to be rooted in biological features. The male-dominated family structure promotes the ideology of motherhood, restricts women's mobility and burdens them with the responsibilities of reproducing, nurturing and rearing children. As Andrew Heywood states:

'Patriarchal ideas blur the distinction between sex and gender and assume that all socio-economic and political distinctions between men and women are rooted in biology or anatomy.'¹⁶⁵

In Turkey, women commonly wear a red ribbon tied on their wedding dress that symbolises virginity and it may function as a sign of the agnate's protection of the girl,

¹⁶⁴ N. Sirman, op. cit., 2004, p. 44.

¹⁶⁵ A. Heywood, *Political Ideologies: An Introduction*, [New York and Hampshire]: Palgrave Macmillan, 2003, p. 248.

a message that upon his honour she goes as a virgin. It also carries the message that the 'commodity' is not 'defective', just as a trader's reputation is based on his merchandise.

'Women pass from the control of the father to that of the husband: marriage is the institution into which young women and girls are propelled around the time of puberty in culture after culture and the balance of power played out between families through marriage invests a great deal of de facto control of women among in-laws'.¹⁶⁶

Girls are married off to live in their husband's family home when very young, where they are expected to be subservient to both the men and also to the more senior women, particularly the mother-in-law. As Kandiyoti forcefully describes¹⁶⁷: 'sons are a woman's most critical resource' since daughter-in-laws are the only ones senior women can exercise power over in such a classical patriarchal society. They are finally enjoying the rewards of power. The oppressed who was maltreated or exploited when she was young turns into the oppressor who tortures young brides mentally and sometimes physically.

Although geographical variability exists, often in Turkish society:

'There is also strong tendency to hold women responsible for a failing marriage, upon divorce, women are blamed for not having preserved the marriage and for causing moral decay in society'.¹⁶⁸

This is demonstrated in the Turkish vernacular with such sayings as: 'a good woman sacrifice her all for her family' ('kadın dediğin ailesi için saçını süpürge eder) and 'a good woman keeps her man' (kadın dediğin kocasını elinde tutar). Where men are almost only expected to provide financial means for the family, women are expected to

¹⁶⁶ P. Sen, op. cit., 2005, p.47.

¹⁶⁷ D. Kandiyoti, 'Bargaining With Patriarchy', in *Gender and Society*, Vol. 2, No. 3, Special Issue to Honor Jessie Bernard, September 1988, p. 279.

¹⁶⁸ S. Kavas, A. Thornton, op. cit., 2013, p.28.

fulfill a wide range of expectations.

In 1985, Turkey signed and ratified the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁶⁹ with reservations placed on the Article 15 (para.2 and 4)¹⁷⁰ and Article 16 (para.1, c, d, f, g)¹⁷¹. After the CEDAW Committee's¹⁷² continuous calls upon States parties to withdraw or modify such reservations as they violate the Convention's object and purpose, Turkey finally lifted these reservations in 1999. In 1995, the Turkish Government signed the Beijing Declaration of the Fourth World Conference on Women¹⁷³ and committed itself to its Action Plan. In 2002, Turkey also signed the Optional Protocol to the CEDAW¹⁷⁴, which allows individuals to bring complaints of violations of the provisions of the CEDAW to the CEDAW Committee. The CEDAW has made a great contribution to the improvement of the status of women in Turkey.

¹⁶⁹ CEDAW is often described as an international bill of rights for women. UNGA *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13.

¹⁷⁰ CEDAW, Article 15.2: 'States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and some opportunities to exercise that capacity'.

Article 15.4: 'States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile'.

¹⁷¹ CEDAW, Article 16.1: "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

¹⁷² The Committee on the Elimination of Discrimination against Women (CEDAW) is an expert body, established in 1982, composed of 23 independent experts that monitor implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

¹⁷³ United Nations, *Beijing Declaration and Platform of Action*, adopted at the Fourth World Conference on Women, 27 October 1995.

¹⁷⁴ UNGA, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, 6 October 1999, United Nations, Treaty Series, Vol 2131, p. 83.

Despite the Turkish Constitution's equality principle¹⁷⁵ and the international conventions of which Turkey is a signatory, the national legislation in Turkey contained discriminatory clauses on the basis of gender and a predominantly patriarchal perspective until the beginning of 2000s. For instance, the previous Turkish Civil Code contained discriminatory provisions regulating marriage and family, such as 'the husband has the legal standing to represent the conjugal union, the husband chooses the domicile for the family and provides for the maintenance of the wife and children, both parents share parental authority over children but in the case of dispute, the husband's view prevails'¹⁷⁶. The previous Turkish Penal Code also contained numerous discriminatory clauses on the basis of gender; for instance reducing sentences by up to two-thirds for rapists if the victim is a sex-worker.¹⁷⁷

The feminist movement in Turkey has made great efforts to establish gender equality in the Turkish legislation through effective and diverse national campaigns. The enactment of the Law on the Protection of Family in 1998¹⁷⁸ and the Law on the Protection of Family and Prevention of Violence Against Women in 2012¹⁷⁹, the effective reforms in the Turkish Civil Code in 2001, in the Turkish Penal Code in 2004 and in the Constitution in 2010, have all been positive results of these successful campaigns, along with Turkey's responsibility to fully implement the CEDAW on the way to achieving gender equality.

¹⁷⁵ Constitution of the Republic of Turkey (Türkiye Cumhuriyeti Anayasası), Article 10: 'Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds'.

¹⁷⁶ Civil Code of the Republic of Turkey (Türk Kanunu Medenisi), Law no 743 (abolished 1 January 2002), Articles 154, 152, 263 respectively.

¹⁷⁷ Penal Code of the Republic of Turkey (Türk Ceza Kanunu), Law No. 765 (abolished 1 June 2005), Article 438.

¹⁷⁸ Law on the Protection of Family and Prevention of Violence Against Women (Ailenin Korunması ve Kadına Yönelik Şiddetin Önlenmesine Dair Yasa), Law No: 4320, adopted 14 January 1988, entered into force 17 January 1988, abolished 20 March 2012.

¹⁷⁹ Law on the Protection of Family and Prevention of Violence Against Women (Ailenin Korunması ve Kadına Yönelik Şiddetin Önlenmesine Dair Yasa), Law No: 6284, adopted 8 March 2012, entered into force 20 March 2012.

After a decade of campaigning by women's organisations for reform in the Turkish Civil Code, in 2000 the coalition government finally drafted a new civil code integrating women's demands to fully achieve gender equality.¹⁸⁰ However, patriarchal order very selectively adapts itself to modern conditions and unfortunately women's rights come last. After the draft law was submitted to the Parliament for discussion, an alliance of male MPs opposed the draft law, arguing that the new provisions, which aim to achieve gender equality, would create chaos in the family and threaten the foundations of the Turkish nation.¹⁸¹ Eventually, the powerful response from more than 120 women's rights organisations through a major campaign, with the support of the media and the public, played a leading role in the adoption of the new Turkish Civil Code¹⁸² which established full equality between women and men in the family. At the time the new law was adopted, Article 41 of the Turkish Constitution was also amended to: 'family is the foundation of Turkish society and based on equality between spouses'¹⁸³.

After the adoption of the Turkish Civil Code in 2002, an alliance of women's rights organisations started working on a new campaign for a reform of the Turkish Penal Code, which was an important component of Turkey's national programme on the path to achieving EU membership. The Penal Code contained numerous articles that aimed to protect 'men's honour and moral values', with strong patriarchal discourse including words such as 'decorum', impropriety, 'namus' and 'crimes against traditions of morality'. For instance, sexual crimes were defined as the 'impairment of chastity'. Women's bodies were envisaged as the property of their families, husbands, and society and women's sexuality was reflected as a potential threat to 'public order and

¹⁸⁰ P. Ilkcaracan, 'Democratization In Turkey from a Gender Perspective', in C. Rodriguez, A. Avalos, H. Yilmaz and A. I. Planet (ed.) *Turkey's Democratization Process*, London: Routledge, 2013, p. 158.

¹⁸¹ *ibid.*, p.158.

¹⁸² Civil Code of the Republic of Turkey (Türk Medeni Kanunu), Law No. 4721, adopted 22.11.2001, entered into force 1 January 2002.

¹⁸³ Constitution of the Republic of Turkey (Türkiye Cumhuriyeti Anayasası), Article 41, http://www.hri.org/docs/turkey/part_ii_3.html (23 June 2015).

morality’¹⁸⁴. The code did not regulate rape as a crime, in case it was committed by a man against his wife.

The Penal Code also exalted ‘virginity’ and ‘marriage’ through granting aggravated sentences for the perpetrators of sexual crimes if the act was committed against a virgin or a ‘married woman’. This exaltation was also represented by the wording - ‘girl’ and ‘woman’, meaning ‘virgin’ and ‘non-virgin’ respectively. It also assigned more value to married women than to unmarried women; for instance, the minimum sentence for abducting a married woman was seven years of imprisonment, however it was three years if the abducted woman was unmarried.¹⁸⁵ The most debated article was Article 434,¹⁸⁶ which granted suspension or reduction of sentences for rapists if the perpetrator subsequently marries the victim. The idea behind the article was that the victim’s – or her family’s – sullied honour would be restored through marriage, and in this sense the crime would be ‘legitimised’ in the eyes of the State.

B) The Rollback of Women’s Rights in Today’s Turkey: The Achievements and the Limitations of the AKP¹⁸⁷ Era

Turkey was ranked 125 out of 142 countries in the World Economic Forum’s Global Gender Gap Index 2014.¹⁸⁸ The report was prepared to investigate gender-based disparity in 4 key areas: economic participation and opportunity; educational attainment; health and survival; and political empowerment, and also to track the country’s progress over time. According to this report Turkey’s rank in the index has gradually regressed over the past 10 years from 105 to 125. Another report ‘Domestic

¹⁸⁴ P. Ilkcaracan, op. cit., 2013, p. 160.

¹⁸⁵ Turkish Penal Code, op. cit., Article 429, <http://www.ceza-bb.adalet.gov.tr/mevzuat/765.htm> (23 June 2015).

¹⁸⁶ *ibid.*, Article 434.

¹⁸⁷ Justice and Development Party (Adalet ve Kalkinma Partisi-AKP).

¹⁸⁸ World Economic Forum, *The Global Gender Gap Report 2014*, pp. 354-355, http://reports.weforum.org/_static/global-gender-gap-2014/TUR.pdf (18 June 2015).

Violence Against Women 2014'¹⁸⁹, prepared by Hacettepe University, also revealed that Turkey had made no progress in reducing domestic violence between 2008 and 2014.

According to the former report, the most salient gender gap was in the area of labour-force participation in Turkey with the results of 32% for women and 76% for men, and also in the area of political empowerment, where women's participation in parliament was only 14%, while men's is 86%. Although women's participation in parliament increased to 19.5% in the recent elections (7 June 2015), it is still far from equal. The last municipality election (30 March 2014) was another win for men in Turkey, where only 3.7% elected local leaders were women. With these statistics, it not only ranks lowest among European and Central Asian countries; it is also lower than other developing countries such as Tunisia, Nepal or Liberia. The Global Gender Gap Index 2014 report indicated that the main reason for these results was poor education.

The Human Development Report 2014¹⁹⁰, published by the United Nations Development Programme (UNDP), showed that Turkey's GDP per capita¹⁹¹ increased from \$13,090 in 2000 to \$ 18,391 in 2013. However, this economic growth did not increase in parallel with better health and education opportunities for women in Turkey. According to Turkish Statistical Institute data¹⁹², in 2013 the illiterate female population was five times larger than the illiterate male population at 9.4% and 1.9% respectively, although the female population constituted 49.8% and male population constituted 50.2% of the country's population.

¹⁸⁹ Hacettepe Üniversitesi, Nüfus Etütleri Enstitüsü, Report: *Türkiye'de Kadına Yönelik Aile İçi Şiddet Araştırması*, Ankara, 2015, <http://www.hips.hacettepe.edu.tr/KKSA-TRAnaRaporKitap26Mart.pdf> (18 June 2015).

¹⁹⁰ United Nations Development Programme (UNDP), *Human Development Report 2014- Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience*, <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf> (18 June 2015).

¹⁹¹ 'GDP per capita' is a measure of the total output of a country that takes the gross domestic product (GDP) and divides it by the number of people in the country. It shows the relative performance of the countries.

¹⁹² Turkish Statistical Institute, *Women in Statistics 2014*, <http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=18619> (18 June 2015).

‘Women’ have often been one of the primary topics of the political discourse in Turkey. The governing Justice and Development Party (Adalet ve Kalkınma Partisi, AKP)’s coming to power with an electoral victory in 2002¹⁹³ gave rise to a Secularist-Islamist debate on what the new government’s policies were likely to be. Secularists including opposition parties, courts, media outlets and scholars viewed the AKP with suspicion due to its leaders’ Islamist ideology and past affiliation with the Welfare Party¹⁹⁴, which had been banned from politics by the Constitutional Court for violating the secularist principles of the constitution¹⁹⁵. The new government was seen as a threat to the secular regime and the Kemalist reforms. On the other hand, the AKP’s victory increased the hopes of many women who had been marginalised for wearing the headscarf for decades under the dominant strict secular ideology. The authoritarian Kemalist ideology, as briefly explained in Chapter III part A, has viewed ‘veiling’ as oppression not liberation and as a barrier to modernisation. In contrast with this view, ‘the current AKP regime believes that Turkey’s westernisation has been a degenerating process - a historical mistake - that has now been annihilated’¹⁹⁶.

The decades-long headscarf ban, which included public institutions and educational settings, forced many women to make a vital choice between their fundamental rights: the right to practice religion or the right to education and work. After the AKP Government’s several unsuccessful attempts to abolish the ban, the restrictions were gradually lifted in 2013 and 2014 in state institutions and schools. Undoubtedly, the abolishment provided greater equality for many women, who were no longer barred from educational and career opportunities for choosing to wear the headscarf.

¹⁹³ Justice and Development Party –Adalet ve Kalkınma Partisi- (AKP), which had been formed in 2001 by Recep Tayyip Erdoğan, gained absolute majority in the 2002 general elections with 363 out of 550 seats in the Parliament. The party has an Islamic pedigree.

¹⁹⁴ Refah Partisi.

¹⁹⁵ The ban was upheld by the European Court of Human Rights (ECHR). For more information: *Case of Refah Partisi and others v. Turkey* (App. numbers 41340/98, 41342/98, 41343/98 and 41344/98), 13 February 2003.

¹⁹⁶ The Finnish Institute of International Affairs, Toni Alaranta, Working Paper: *Turkey under The AKP: A Critical Evaluation From the Perspective of Turkey’s EU Negotiations*, February 2015, p. 4.

It is clear that Turkey's acceptance as a candidate country to the European Union (EU) is mainly grounded upon its Kemalist modernisation project, more than its geographic location or history. Another Muslim majority country, Morocco, was rejected despite being as close to Europe as Turkey.¹⁹⁷ In spite of its opposing ideology to the Kemalist modernisation project, the AKP Government under Erdoğan's premiership prioritised the passing of sweeping reform packages in order to achieve Turkey's accession to the EU. This contradiction clearly showed itself in the AKP's government programme which first declared that 'the EU remains Turkey's strategic goal', while the programme also suggested that 'Turkey needs to protect its own values'.¹⁹⁸

As a part of the legislative reforms and the results of efforts by women's civil society organisations, in 2004 a new penal code¹⁹⁹ was passed which criminalized marital rape, imposed a number of measures to prevent sentence reductions traditionally granted by Turkish courts to the perpetrators of 'honour crimes', eliminated patriarchal phrases such as chastity, honour and morality and abolished existing discriminations against non-virgin and unmarried women. The new law also represented an important step forward in guaranteeing that domestic violence is no longer viewed as an acceptable practice but rather as a crime. However, the new law kept some of its problematic discriminatory clauses, such as accepting a wife's adultery as a severe provocation and setting forth reduced sentences to husbands who kill their wives on this basis. A few weeks before the penal code's adoption in the Turkish Parliament, the AKP Government proposed the addition of a new clause codifying the criminalisation of adultery, a law which had been abolished in 1998. As a result of a public outcry the proposal was withdrawn.²⁰⁰ According to Kandiyoti,

¹⁹⁷ *ibid.*, p. 5.

¹⁹⁸ A. Insel, 'Yeni Rusya,' 'Yeni Türkiye' ve Kadim Medeniyet', *Radikal*, 5 September 2014, http://www.radikal.com.tr/yazarlar/ahmet_insel/yeni_rusya_yeni_turkiye_ve_kadim_medeniyet-1210995 (19 June 2015).

¹⁹⁹ Turkish Penal Code (Türk Ceza Kanunu), Law No: 5237, adopted 26 September 2004, entered into force 1 April 2005.

²⁰⁰ M. Müftüler-Bac, 'Turkey's Political Reforms and the Impact of the European Union', in *South European Society & Politics*, Vol 10 (1), March 2005, p. 27.

‘In the initial phase of the AKP’s government ...a lot of very positive legal changes took place but it became clear quite rapidly that the government had other priorities such as attempting to pass a law criminalising adultery’.²⁰¹

Despite its shortcomings, the new legislation was welcomed by women’s rights activists and non-governmental organisations (NGO) as a major step toward gender equality and women’s rights and freedoms. However, -as Müftüler-Bac states- the inequality between men and women is deeply rooted in Turkey and ‘the revisions in the Turkish Penal Code could only have been the first step’ to eradicating gender-based inequalities.²⁰²

The ‘family’ as a foundation of society has been ideologically very important for the ruling party and is located at the centre of its social policies. As Kaya states:

‘The nation has been portrayed as a happy extended family, in which everyone lives in harmony with others, respects traditions, and resolves problems within the family.’²⁰³

The importance of the family was also mentioned in the Party’s 2003 Government Programme:

‘The major philosophical and political concern of our conservative identity is to keep intact a healthy social organism of the family that is capable of protecting the individual... The family is the foundation of society. Societal solidarity, happiness and peace depend on the family. In spite of all the negative experiences

²⁰¹ BBC News - Europe, *Is Life Getting Worse for Women in Erdogan’s Turkey*, BBC, 4 March 2015, <http://www.bbc.com/news/world-europe-31709887> (19 June 2015).

²⁰² M. Müftüler-Bac, op. cit., 2005, p. 28.

²⁰³ A. Kaya, ‘Islamisation of Turkey under the AKP Rule: Empowering Family, Faith and Charity’, in *South European Society and Politics*, 20:1, 2015, p. 60.

and economic hardship we have been through, if we as a society are still intact, we owe it to our strong family structure.’²⁰⁴

While the extended three-generational family has been increasingly promoted by the AKP -specifically by the Prime Minister- in its last 13-years in power, the upper-middle class, specifically secularist elites have been reflected as ‘others’ who choose a way of living in the name of modernity at the expense of neglecting their elderly family members. As a part of this ideology, the Ministry of Family and Social Policies launched a new project called ‘*Aile Olmak*’²⁰⁵ (*Being a Family*) in 2013, which aims at promoting ‘togetherness’, ‘collectivism’ and ‘collectivist values’.

The way in which the ruling party’s propagation of patriarchal religious values affect women’s rights and gender equality and how its ‘democratisation process’ affects opportunities for women have frequently been discussed by scholars over the last decade. Barkey argued that the ruling party’s ‘attempts to empower a part of the population came at a price of increased conservatism’²⁰⁶. In a parallel view, Arat²⁰⁷ claimed that the country might be struggling with a ‘democratic paradox: the exercise of religious freedoms, encouraged by democratically elected governments, accompanies potential or real threats to gender equality’. She argued that ‘the propagation of patriarchal religious values ascribing secondary roles for women through state discourse should be prioritised as a danger to women’s rights’²⁰⁸.

The AKP Government has had a significant role in Turkey’s democratisation process, for example by reducing the role of the Turkish military in Turkish politics. However, gender issues have not been placed on political agendas as part of the democratisation

²⁰⁴ *ibid.*, p. 60.

²⁰⁵ For the campaign video: ASPB Dijital Kütüphane, *Aile Olmak Projesi – Tanıtım Filmi*, 6 December 2014, <https://www.youtube.com/watch?v=cDaDLqWaqRQ> (20 June 2015).

²⁰⁶ BBC News - Europe, *Is Life Getting Worse for Women in Erdogan’s Turkey*, BBC, 4 March 2015, <http://www.bbc.com/news/world-europe-31709887> (19 June 2015).

²⁰⁷ Y. Arat, ‘Religion, Politics and Gender Equality in Turkey: Implications of a Democratic Paradox?’, in *Third World Quarterly*, 31 (6), 2010, p. 869.

²⁰⁸ *ibid.*, p. 879.

process. Despite positive efforts during its initial term in power, the governing party and its leading members have increasingly expressed conservative leanings in their vision for women.

In a 2008 International Women's Day panel meeting, PM Erdoğan advised female members to 'have at least three children' to preserve the country's young population, and expressed that birth control pills have been used by 'internal and external enemies' to weaken the Turkish nation.²⁰⁹ In the following years the 'three-children' advice has continued to be given by several government officials on many other public occasions, with no concern for women's capacity as a labour force, their career goals or other family responsibilities, and the government has pursued policies that encourage population increase.²¹⁰

In 2011, Erdoğan²¹¹ announced that 'the Ministry for Women and Family' would be replaced by a 'Ministry of Family and Social Policies'. While the previous ministry's mandate included women's status and the family, however, the new ministry has been mandated with all social policy matters such as children, women, the aged, the disabled and the families of veterans.²¹² It would not be wrong to say that the change was much more than only a change in name; it also indicated the government's reduced attention to women's rights. Instead of taking urgent steps to combat widespread violence against women in the country, the government decided to leave women totally unprotected from violence and other discrimination on the basis of gender. The change was highly criticized by many national and international human rights organisations and women's movements, for instance *Bianet* columnist Göksun Yazici stated that,

²⁰⁹ E. Sen, 'Türk Milletinin Kökünü Kazımak İstiyorlar, Her Aileden 3 Çocuk İstiyorum', *Zaman*, 7 March 2008, http://www.zaman.com.tr/politika_turk-milletinin-kokunu-kazimak-istiyorlar-her-aileden-3-cocuk-istiyorum_661625.html (20 June 2015).

²¹⁰ Such as funding women who cannot afford in vitro fertilisation (IVF) for three attempts.

²¹¹ The president of Turkey since 28 August 2014.

²¹² Committee of Ministers, Decree No 633, adopted 3 June 2011, entered into force 8 June 2011, <http://eyh.aile.gov.tr/mevzuat/ulusal-mevzuat/kanun-hukmunde-kararnameler/aile-ve-sosyal-politikalar-bakanliginin-teskilat-ve-gorevleri-hakkinda-kanun-hukmunde-kararname> (20 June 2015).

‘The change shows the Government’s approach that ‘issues concerning women’ will be addressed under the title of ‘family’ and women do not have problems except those related to family.’²¹³

In the words of women’s rights activist and researcher Gauri van Gulik:

‘The Turkish government’s decision to scrap the Ministry for Women flies in the face of research showing major shortcomings on women’s rights and horrendous violence against women. Women in Turkey need more determined action by the government, not less, to protect women’s rights in practice.’²¹⁴

Leading government officials’ statements regarding abortion have been another indicator of the conservative mindset wishing to maintain domination over women’s bodies. On 26 May 2012, Erdoğan told a group of women members of his party that ‘each abortion is a murder and giving birth under caesarean section is a sneaky plan to wipe the country off the world stage’.²¹⁵ The Health Minister Recep Akdağ also declared his opposition to abortion saying, ‘The state can look after the babies of raped women if necessary.’²¹⁶ The day after the Health Minister’s speech, the Chairperson of the National Assembly’s Commission of Human Rights and MP of the AKP, Ayhan

²¹³ G. Yazici, *Kadından Sorumlu Olmayan Kadın Bakan: Fatma Şahin*, *Bianet*, 7 July 2011, (Author’s translation), <http://bianet.org/bianet/diger/131302-kadindan-sorumlu-olmayan-kadin-bakan-fatma-sahin> (19 June 2015).

²¹⁴ Human Rights Watch, Statement by G. van Gulik: *Turkey: Backward Step for Women’s Rights-Abolishing Women’s Ministry Harms Women’s Rights Efforts*, 10 June 2011, <http://www.hrw.org/news/2011/06/09/turkey-backward-step-women-s-rights> (19 June 2015).

²¹⁵ J. Vela, ‘Abortions are like air strikes on civilians’: Turkish PM Recep Tayyip Erdogan’s rant sparks women’s rage’, *The Independent*, 30 May 2012, <http://www.independent.co.uk/life-style/health-and-families/health-news/abortions-are-like-air-strikes-on-civilians-turkish-pm-recep-tayyip-erdogans-rant-sparks-womens-rage-7800939.html> (20 June 2015).

²¹⁶ Sol Haber Merkezi, ‘Sağlık Bakanı ‘imam’a uydu: ‘Tecavüze uğrayan doğursun, gerekirse devlet bakar’, *Sol*, 31 May 2012, <http://haber.sol.org.tr/devlet-ve-siyaset/saglik-bakani-imama-uydu-tecavuze-ugrayan-dogursun-gerekirse-devlet-bakar-haberi> (20 June 2015).

Sefer Üstün, stated that ‘abortion was a crime worse than the rape itself’ and said that ‘women who had been raped should just give birth to their children’.²¹⁷

Some leading government officials have also expressed their view on women’s place in society, sparking an outcry from women’s rights organisations, activists, scholars and the media. In November 2014 at an International summit in Istanbul focused on justice and women, Erdoğan, now the new President of Turkey, said:

‘Our religion has defined a position for women: motherhood. Some people can understand this, while others can’t. You cannot explain this to feminists, because they don’t accept the concept of motherhood...Motherhood should be a woman’s priority because Islam exalts women as mothers...Women and men cannot be treated equally because it goes against the laws of nature. You cannot make women work in the same jobs as men do, as in communist regimes. This is against their delicate nature.’²¹⁸

On 1 January 2015, Health Minister Mehmet Müezzinoğlu, solidified Erdoğan’s opinion as follows:

‘Motherhood should be women’s sole career.’²¹⁹

The Finance Minister, Mehmet Şimşek, argued that the main reason for the increase in the unemployment rate was women seeking jobs.²²⁰

²¹⁷ Toktar Çekiç, E., ‘Tecavüze uğrayan da kürtaj yaptırmamalı’, *Aksam*, 31 May 2012, <http://www.aksam.com.tr/guncel/tecavuze-ugrayan-da-kurtaj-yaptirmamali/haber-118800> (20 June 2015).

²¹⁸ Agence France-Presse in Istanbul, ‘Recep Tayyip Erdogan: ‘Women not Equal to Men’’, *The Guardian*, 24 November 2014, <http://www.theguardian.com/world/2014/nov/24/turkeys-president-recep-tayyip-erdogan-women-not-equal-men> (21 June 2015).

²¹⁹ P. Tremblay, ‘Turkish women receive mixed messages on work-life balance’, *Al-Monitor*, 5 January 2015, <http://www.al-monitor.com/pulse/originals/2015/01/turkey-akp-mixed-messages-on-womens-place.html#> (21 June 2015).

²²⁰ Hürriyet Ekonomi, ‘Şimşek’e bakılırsa işsizlik kadınlar yüzünden artıyor’, *Hürriyet*, 20 March 2009, <http://www.hurriyet.com.tr/ekonomi/11240874.asp> (21 June 2015).

In July 2014, Deputy PM Bülent Arınç said in a speech on ‘moral corruption’:

“Where are our girls, who slightly blush, lower their heads and turn their eyes away when we look at their face, becoming the symbol of chastity? The woman will know what is *haram*²²¹ and not haram. She will not laugh in public. She will not be inviting in her attitudes and will protect her chasteness”²²²

Government officials’ rhetoric about women and how they should be treated created a furore among women in Turkey and an avalanche on social media, including non-complying laughing photos and reactive messages such as, ‘We lost many freedoms, but our laughter is still alive’²²³. Some Turkish men also wrote to express their solidarity with women: “The men of a country in which women are not allowed to laugh are cowards”.²²⁴ Some others used the occasion to criticize women’s conditions in Turkey, arguing that ‘women have very little to laugh about since by international standards they are down at the bottom of the league tables’.²²⁵

Some journalists have also been recipients of government officials’ sexist attacks: ‘Shameless woman... Know your place’, the PM Erdoğan lashed out at the journalist Amberin Zaman after her critical comments in television debates and in columns.²²⁶

²²¹ In Islam, it is believed that, haram refers to an act that is forbidden by Allah.

²²² L. Dearden, ‘Women should not laugh in public,’ says Turkey’s Deputy Prime Minister in morality speech’, *The Independent*, 29 July 2014, <http://www.independent.co.uk/news/world/europe/women-should-not-laugh-in-public-says-turkeys-deputy-prime-minister-in-morality-speech-9635526.html> (21 June 2015).

²²³ Tremblay, P., ‘No laughing matter: Social media mocks AKP’s fight for chastity’, *Almonitor*, 30 July 2014, <http://www.al-monitor.com/pulse/originals/2014/07/tremblay-turkey-deputy-prime-minister-arinc-women-laughter.html> (21 June 2015).

²²⁴ C. Letsch, ‘Turkish Women Defy Deputy PM with Laughter’, *Guardian*, 30 July 2014, <http://www.theguardian.com/world/2014/jul/30/turkish-women-defy-deputy-pm-laughter> (21 June 2015).

²²⁵ D. Kandiyoti, ‘No laughing matter: Women and the new populism in Turkey’, *Open Democracy*, 1 September 2014, <https://www.opendemocracy.net/5050/deniz-kandiyoti/no-laughing-matter-women-and-new-populism-in-turkey> (21 June 2015).

²²⁶ R. Akkoç, ‘Turkish PM tells female reporter to ‘know your place’’, *The Telegraph*, 8 August 2014, <http://www.telegraph.co.uk/news/worldnews/europe/turkey/11022632/Turkish-PM-tells-female-reporter-to-know-your-place.html> (21 June 2015).

Although remarkable reforms have been made, when it comes to actual implementation and changing the patriarchal mindset the road seems challenging for Turkey. Devaluing women's bodies and their competence through portraying them as 'delicate', limiting their role to motherhood instead of approaching them as individual right-holders, and giving the role to men as their custodians, alienate women in society and leave them exposed to violence. Deniz Kandiyoti states that government officials' rhetoric suggests that women are vulnerable creatures needing protection. 'At least 'some of them' are worthy of protection and for others 'it's open season'. She argues that these remarks about women give the message that 'If you see a woman who is not dressed or behaving modestly then you can be as bold as you like'.²²⁷

In a country where less than one third of women participate in the labour force, it is crucial that the government create policies that encourage rather than discourage women to enter the labour force. It is particularly important that political actors performing a role of public importance should be aware of the impact of their statements. Failure to perform the duties required of their role not only influence relationships between men and women, it also normalises, legitimises and institutionalises women's subordinate position and the violation of their rights. It also clearly breaches Turkey's obligation, which originates from international documents, to raise women from a subordinate position and promote gender equality.

III. 'HONOUR'-BASED KILLINGS AND HUMAN RIGHTS

A) Locating the Phenomenon in the Human Rights Framework: Is HBK a sub-species of Violence Against Women?

²²⁷ BBC News - Europe, *Is Life Getting Worse for Women in Erdogan's Turkey*, BBC, 4 March 2015, <http://www.bbc.com/news/world-europe-31709887> (21 June 2015).

The United Nations Declaration on the Elimination of Violence Against Women (1993)²²⁸ defines VAW as a universal phenomenon and a manifestation of historically unequal power relations between men and women. Despite its universal character, it occurs all around the globe at different frequencies, and local manifestations of gender violence and women's struggle against it vary, depending on the context.

Where to locate 'honour'-based killings in the international human rights framework is important in order to be able to produce effective policies and adequate responses to eradicate it. Is there a connection between the jealous and possessive man in Europe, who kills his lover because she wants to leave him, and the father who kills his daughter in Turkey because she refuses to subordinate herself to rules that limit her personal freedom, feelings and desires?

The United Nations Declaration on the Elimination of Violence against Women states:

'...Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'²²⁹

In General Recommendation 19, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) states:

'...The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of

²²⁸ *Declaration on the Elimination of Violence against Women (DEVAW)* was adopted by the United Nations General Assembly in December 1993 as Resolution 48/104.

²²⁹ *UNGA Declaration on the Elimination of Violence against Women (DEVAW)*, 1993, A/RES/48/104, Article 1.

liberty.²³⁰

Besides these definitions there are several reasons to classify violent practices, such as ‘honour’-based killings, as a form of gender-based violence. First of all, HBK is a highly gendered form of violence, which is primarily about men’s violent targeting of women. Men are generally only targeted through their association with ‘dishonourable’ women. It is a concomitant of a patriarchal regime and it is systemic, as are the other aspects of violence against women. It is important to note that seeing violence against women as a product of patriarchy comes from a heteronormative approach as it only occurs in opposite-sex relationships; however research shows that violence occurs in same-sex relationships extensively.²³¹

Secondly, investigating the motivation behind different violent practices against women can be helpful in answering the question, such as by comparing HBK with another harmful cultural practice and a core violation of women’s human rights, Female Genital Mutilation (FGM). Although FGM is typically arranged and performed by women on other women, ‘it arises from a stereotypical perception of women as the principal guardians of sexual morality, but with uncontrollable sexual urges’²³² which should be carefully controlled by men, just as in the HBK concept. A cultural tradition is used to justify violence against women in FGM, as it is in HBK cases. Women’s wellbeing and interests are subordinated to notions of family honour. FGM is also embedded, as HBK is, in a patrilineal kinship system that highly values female virginity and chastity outside marriage. As Merry puts it, these practices try to ‘guarantee that the children belong to the father and that the wife’s sexual behaviour will not challenge his claims to control her’.²³³ Eventually, the key-overlapping factor is that of male control over female behaviour, particularly ‘female sexual autonomy’.²³⁴

²³⁰ UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No 19: Violence Against Women*, eleventh session, 1992, Para [6].

²³¹ J. Ristock, *No More Secrets: Violence in Lesbian Relationships*, [New York, London]: Routledge, 2002.

²³² UN Commission on Human Rights, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Radhika Coomaraswamy, Report, op. cit., 2002, p. 10.

²³³ S. E. Merry, op. cit., 2008, p. 141.

‘Honour’-based crimes are essentially a justification for male violence and essentially about domestic violence. Comparing HBK with other forms of discrimination against women, such as forced and underage marriages, wife-beating and sexual violence in wartime, suggests that they are part of the same problem: women are just a commodity and the males around her have the right to make decisions on her behalf. What is particular about this concept is that it isolates women further, and this results in preventing them from seeking outside help when they are victimised by domestic violence.²³⁵

Abu-Lughod²³⁶ argues that although the common perception of the concept is that it is a culturally specific form of violence, ‘honour crimes’ should not be distanced from other forms of violence against women as it perpetuates the ‘othering’ of Muslim culture and stigmatizes Islam as a violent and anti-feminist religion. In her study she analyses various cases and shows their resemblance to incidents of domestic violence that occur all around the world. She states that ‘women are not victims of specific men but of their culture’.²³⁷

Chesler disagrees with this view and claims that western domestic violence and honour killings are not the same in terms of planning, reasoning, perception and collectivity. ‘An honour killing is a conspiracy planned and carried out by the victim’s family of origin who view the killing as heroic. In the West wife-and-daughter-killers are considered criminals, not heroes.’²³⁸ She also claims that Muslim leaders have not

²³⁴ R. Reddy, op. cit., 2004, p. 28.

²³⁵ V. Meeto, H. S. Mirza, ‘‘There is Nothing ‘Honourable’ About Honour Killings’: Gender, Violence and the Limits of Multiculturalism’, in M. M. Idriss and T. Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, p. 44.

²³⁶ L. Abu-Lughod, ‘Seductions of the ‘Honor Crime’’, in *Differences: A Journal of Feminist Cultural Studies*, Vol 22, No. 1, 2011, pp. 17-63.

²³⁷ *ibid.*, p. 47.

²³⁸ P. Chesler, ‘Are Honor Killings Simply Domestic Violence?’, in *The Middle East Quarterly*, Vol 16, No 2, Spring 2009, pp. 61-69.

preached against this crime; however several Muslim leaders have strongly condemned such practices.²³⁹

Some advocacy groups also defend the differentiation of 'honour crimes' from other forms of violence against women with the claim that 'honour killing' is an essential term to use because these crimes carry particular characteristics that necessitate a different course of action. For instance, International Campaign Against Honour Killings (ICAHK) stated that:

'The distinction of 'honour killing' from other related forms of patriarchal violence is important to us and our work. We also work with the protection of women and girls from domestic violence as well as 'honour killing' with a very different procedure in place for each form. A potential 'honour' killing presents a huge challenge to agencies working for women's protection, a much greater one than domestic violence, for many reasons: firstly, the size of the conspiracy against the individual is potentially enormous, ... and often with the tacit approval or non-intervention of the rest of the community. Secondly, ... there is rarely any chance that the family will reverse their position; a woman who is marked to die to restore 'family honour' has little chance of ever being forgiven and must remain wary of strangers forever.'²⁴⁰

However some women's rights advocates, such as the Italian journalist Cinzia Tani, have claimed that both are the same concept, carried out by men to proclaim their control over women's bodies. She states that 'until thirty years ago, it was common to hear about honour killings among Italians. But now when a man kills his wife, they call it a crime of passion.'²⁴¹

²³⁹ Op. cit. (footnote 77).

²⁴⁰ The International Campaign Against Honour Killings (ICAHK), *'Honour' killing: An essential term: ICAHK*, <http://violenceisnotourculture.org/content/honour-killing-essential-term-icahk> (20 June 2015).

²⁴¹ A. Momigliano, 'Honor Killing by Any Other Name', *The Nation*, 2 February 2010, <http://www.thenation.com/article/honor-killing-any-other-name/> (4 July 2015).

Terman asserts that the discussions on whether the phenomenon should be perceived as 'honour killings' or 'domestic violence' are often conducted as a debate on 'Muslims' versus 'the West'.²⁴² In this sense, the separation of HBK from domestic violence claims Muslim culture as something separate from Western culture; although both potentially harm women, one is always perceived as worse than the other, depending who is talking. She claims that presenting HBK as intertwined with domestic violence removes the distinction between two concepts, 'both in the sense of the crime and the culture/race/religion of the people involved'.²⁴³ However, it is exceptionally difficult to investigate whether there is a causal relationship between committing an 'honour' killing and having a Muslim background. Because - as she puts it - 'notions of honour are more rooted in culture and tradition than religion'.²⁴⁴

Gender violence is today accepted as an umbrella term for a broad range of violations from sexual abuse in prisons to insults within marriages.²⁴⁵ It generally originates from a jealous desire to control another's sexual life and is aimed at establishing power hierarchies. Scholars and international activists continue to enlarge the extent of the term 'violence against women' to include cultural practices such as female genital mutilation.

Koğacioğlu suggests that honour killings should be viewed from a perspective that places women's rights and wellbeing at the forefront in addition to a traditional and institutional perspective.²⁴⁶

Interpersonal gender violence often upholds structural inequalities and 'structural violence describes assaults that are produced by collective actions and institutions'.²⁴⁷ Because of the strong link between them, understanding gender violence necessitates

²⁴² R. L. Terman, op. cit., 2010, p. 6.

²⁴³ *ibid.*, p. 6.

²⁴⁴ *ibid.*, p. 20.

²⁴⁵ S. E. Merry, op. cit., 2008, p. 15.

²⁴⁶ D. Koğacioğlu, op. cit., 2004, p. 141.

²⁴⁷ S. E. Merry, op. cit., 2008, p. 182.

investigating both the intimate details of family life and geopolitical power structures. It is important to consider the specific characteristics in women's diverse experiences without losing the understanding of the universality of VAW.²⁴⁸ Aisha Gill suggests:

‘[The] notion of honour based violence should be overthrown entirely, and the problem should be seen as a specific manifestation of VAW. Only by seeing honour crimes as part of the VAW paradigm can the situation be freed from notions that treat cultural values as a justification for these crimes.’²⁴⁹

Making a distinction between HBK and other forms of gender violence and perceiving one to be worse than the other - depending on the context - may risk viewing domestic violence as something less serious and/or seeing HBK less as murder and more as a private or cultural matter. Recognising HBK as a continuum of VAW could be the key to addressing ‘honour’-based killings correctly, on the path to eradicating such practices. On the other hand, addressing the issue as a ‘unique cultural practice’ and discussing it in terms of ‘honour’ may disguise the fact that HBK are premeditated crimes. As Joanne Payton states, ‘If culture is defined as being the qualities that make a society distinctive, male violence is too near universal to form part of any society’s culture’²⁵⁰.

B) ‘Honour’-Based Killings as a Matter of Women’s Human Rights

There is no doubt that ‘honour’-based killings constitute a horrendous violation of the rights and fundamental freedoms of women and entirely nullify their enjoyment of those rights and freedoms. First of all, it is a form of extrajudicial execution that targets individuals who refuse to subordinate to the social norms imposed by their society to control their personal freedom, feelings and desires. It is not only a violation of the most basic human right -the right to life-, but it also constitutes an infringement of women’s

²⁴⁸ Y. Ertürk, op. cit., 2009. p. 61.

²⁴⁹ A. Gill, ‘Reconfiguring ‘Honour’-based Violence as a Form of Gendered Violence’, in M. M. Idriss and T. Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, p. 219.

²⁵⁰ J. Payton, op. cit., 2011, pp. 75-76.

human rights including the right to liberty and security; the right to be free from gender based discrimination, sexual abuse and exploitation; the right to equality in the family; prohibition of slavery; the right to self-determination; the right to travel; the right to work; the right to physical and mental integrity and the right to an effective remedy. Some cases involve severe pain and suffering and may be considered ‘torture-like’ in their manifestation.²⁵¹

Violence, as a fundamental source of inequality in gendered relationships, is a barrier to economic development and modernisation. Because, as Hosken states:

‘Women cannot attain liberation and freedom and countries cannot become modernised or developed, until the women of the country embrace a Western feminist conception of what it means to be a free and liberated woman’.²⁵²

Nadera Shalhoub-Kevorkian²⁵³ used the phrase ‘death zone’ to describe the period of time, starting from the moment that a woman realises that her family have made a decision to kill her - in the name of honour - until the moment she is killed. A woman in the ‘death zone’ lives in an extreme level of fear of violence, and this constitutes ‘a permanent constraint on the mobility of women and limits their access to resources and basic activities’.²⁵⁴ Women’s limited or lack of access to legal information, aid or protection increases the possibility of being exposed to violence. Considering that a large proportion of HBK are carried out in rural and remote areas in Turkey, potential victims often have nowhere to go for assistance. As the concept is aimed at subjugating women, it not only sacrifices their lives, it is also a detriment to women’s self esteem.

²⁵¹ UN Commission on Human Rights, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Radhika Coomaraswamy, op. cit., 2002, Para [6].

²⁵² F. P. Hosken, *The Hosken Report: Genital and Sexual Mutilation of Females*, 3rd rev. ed., Lexington, MA: Women’s International Network News, 1982, p. 8.

²⁵³ N. Shalhoub-Kevorkian, ‘Growing from Within: The De-Colonization of the Mind’, In N. Abdo-Zubi and R. Lentin (ed.) *Women and the Politics of Military Confrontation: Palestinian and Israeli Gendered Narratives of Dislocation*, Oxford: Berghahn Books, 2002.

²⁵⁴ Beijing Platform for Action, op. cit., Article 117.

Violence against women, a universal ancient practice, changes over time. What is new about it is the global social movements that name such practices ‘violence against women’ and relate the phenomenon to gender practices. The definition of gender-based violence as a violation of human rights was introduced to the human rights community by global feminist social movements between the late 1980’s and early 1990’s.²⁵⁵ The principle of equality between men and women was recognised by both the UN Charter in 1945 and the Universal Declaration of Human Rights in 1948; however, gender-based violence was defined as an important human rights violation in the 1990’s, as a result of successful transnational collective action, and today it lies at the core of women’s human rights.

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²⁵⁶, an anti-discrimination treaty that codifies and strengthens the rights of women, does not indicate gender-based violence explicitly. However the monitoring CEDAW Committee developed an initial recommendation against violence in 1989²⁵⁷ and expanded it with a new recommendation in 1992²⁵⁸ that defined gender-based violence as a form of discrimination and stated clearly the obligation of States parties to eliminate violence perpetrated by public authorities and private persons. In the latter recommendation, gender-based violence was described as ‘violence that is directed against a woman because she is a woman or that affects women disproportionately’. Article 5 of the Convention stipulates:

‘State parties shall take all appropriate measures,

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other

²⁵⁵ S. E. Merry, op. cit., 2008, p. 77.

²⁵⁶ *UNGA Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*, adopted in 1979, entered into force on 3 September 1981, UN Treaty Series 1249, p. 13.

²⁵⁷ UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No 12: Violence Against Women*, eighth session, 1989.

²⁵⁸ UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No 19: Violence Against Women*, eleventh session, 1992.

practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.’²⁵⁹

The convention was ratified by Turkey on 20 December 1985.²⁶⁰

Following this, significant steps were taken at the 1993 UN World Conference on Human Rights in Vienna to promote and protect the rights of women. It introduced to the international community gender sensitive and inclusive standards in human rights protection. It stated that women’s human rights are an inalienable, integral and indivisible part of human rights, and equal participation of women in all areas of life is a priority of the UN (Article 18). The Vienna Conference created a spectacular impact within and outside the UN; the Declaration on the Elimination of Violence against Women (DEVAW) was adopted by the UN General Assembly in the same year, and a ‘Special Rapporteur on Violence against Women’ was appointed as a new mechanism by the UN Commission on Human Rights in 1994²⁶¹.

DEVAW²⁶² is the first comprehensive international document to define violence against women broadly to include physical, sexual, and psychological harm or threats of harm in public and private life (Article 1). The declaration attributes the roots of gender-based violence to historically unequal power relations between men and women, arguing that ‘it’s socially constructed and historically justified rather than natural’²⁶³. Although the document does not have a binding character, it shows the moral strength of world consensus and it provides the normative framework for international and national action in the field of violence against women. It stipulates that ‘states should not invoke any

²⁵⁹ CEDAW Article 5: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article5> (20 June 2015).

²⁶⁰ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en (20 June 2015).

²⁶¹ J. Connors, ‘General Human Rights Instruments and Their Relevance to Women’, in A. Byrnes, J. Connors, and L. Bik (ed.) *Advancing the Human Rights of Women: Using International Human Rights Standards In Domestic Litigation*, London: The Commonwealth Secretariat, 1996, p. 27.

²⁶² UNGA *Declaration on the Elimination of Violence against Women (DEVAW)*, 20 December 1993, A/RES/48/104.

²⁶³ S. E. Merry, op. cit., 2008, p. 80.

custom, tradition or religious consideration to avoid their obligations with respect to its elimination’ (Article 4) and that ‘states should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women’ (Article 4/c) whether they are perpetrated by the state or by private persons. Killings in the name of ‘honour’ are a significant obstacle to the achievement of equality.

The Fourth World Conference on Women in Beijing, 1995, was a milestone for the global agenda for gender equality. Its final policy document, the Beijing Declaration and Platform for Action (PfA), was unanimously adopted by 189 countries and it articulates that violence against women includes gender-based violence committed in the family and the community, or by the State.²⁶⁴ The PfA sets out strategies and action plans for the empowerment of women and achievement of gender equality. The outcome document specified various forms of sexual assault on women, which were not specifically indicated in DEVAW, such as systematic rape and forced pregnancy during armed conflict, female infanticide, sexual slavery, forced sterilisation and forced abortion, and prenatal sex selection (Article 114-115).²⁶⁵

The Beijing PfA calls on States to criminalize all forms of violence against women, and identified ‘honour-crimes’ as a particular form of harmful traditional practices. It urges States to develop a comprehensive ‘national action plan’ to combat such practices, with the guidance of the Beijing PfA and with the broad participation of all relevant actors including governmental and non-governmental women’s rights organisations, academic institutions, legislative and judicial bodies and police (Article 294-295). In order to fully achieve and implement the goals set and commitments made relating to eliminating VAW contained in the Beijing PfA, States should adopt a ‘comprehensive, coordinated,

²⁶⁴ UN, *Beijing Declaration and Programme for Action*, adopted at the Fourth World Conference on Women, 27 October 1995, Para [113/a].

²⁶⁵ Y. Ertürk, ‘Violence in the Name of Honour within the Context of International Regimes’, in Shahrzad Mojab and Nahla Abdo (ed.), *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, p. 170.

systematic and sustained' approach, strengthen mechanisms for the collection, analysis and dissemination of data on VAW and conduct systematic research.²⁶⁶

In 2002, the Special Rapporteur on Violence against Women, its Causes and Consequences, Radhika Coomaraswamy, submitted a report²⁶⁷ on inhumane and discriminatory cultural practices that are based on a society's belief that the freedom of a woman and especially her sexual identity should be controlled. The report discusses different cultural harmful practices, including the killing of women and girls for the sake of family honour.

The UN General Assembly adopted three resolutions on crimes committed in the name of honour. Although the first UN General Assembly Resolution²⁶⁸, in 2000, was adopted on the votes of 120 member States, the second resolution²⁶⁹ in 2002 was adopted with the participation of all member States. The latter resolution urges all States 'to investigate thoroughly, prosecute effectively and document cases of crimes against women committed in the name of honour and punish the perpetrators' (paragraph 3c); 'to intensify efforts to raise awareness of the need to prevent and eliminate crimes against women committed in the name of honour, with the aim of changing the attitudes and behaviour that allow such crimes to be committed by involving, inter alia, community leaders' (paragraph 3e). The last resolution²⁷⁰ was adopted by the UN General Assembly in 2004, urging all States 'to establish, strengthen or facilitate, where possible, support services to respond to the needs of actual and potential victims by, inter alia, providing for them the appropriate protection, safe shelter, counseling, legal aid, health-care services, rehabilitation and reintegration into society' (paragraph 3i) and

²⁶⁶ UNGA Resolution 65/228: *Strengthening crime prevention and criminal justice responses to violence against women*, A/RES/65/228, 31 March 2011, Paras [15]-[16].

²⁶⁷ UN Commission on Human Rights, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Radhika Coomaraswamy, op. cit., 2002.

²⁶⁸ UNGA Resolution 55/66: *Working towards the elimination of crimes against women committed in the name of honour*, A/RES/55/66, 4 December 2000.

²⁶⁹ UNGA Resolution 57/179: *Working towards the elimination of crimes against women committed in the name of honour*, A/RES/57/179, 18 December 2002.

²⁷⁰ UNGA Resolution 59/165: *Working towards the elimination of crimes against women committed in the name of honour*, A/RES/59/165, 20 December 2004.

‘to address effectively complaints of crimes against women committed in the name of honour, inter alia, by creating, strengthening or facilitating institutional mechanisms so that victims and others can report such crimes in a safe and confidential environment’ (paragraph 3j).

In 2003, the UN Commission on Human Rights expressly recognized the link between gender-based violence and discrimination by stressing in Resolution 2003/45 that,

‘All forms of violence against women occur within the context of *de jure* and *de facto* discrimination against women and the lower status accorded to women in society and are exacerbated by the obstacles women often face in seeking remedies from the State.’²⁷¹

In 2004, Stockholm hosted various governments and organisations in an international conference to discuss strategies to combat honour-related violence. The outcome document of the platform, the Stockholm Declaration to Combat ‘Honour’-Related Violence in Europe, drew together preventative measures and good practices from seven different European countries and emphasized the importance of awareness raising in communities where honour-related violence occur.²⁷²

The Council of Europe Parliamentary Assembly adopted two resolutions on ‘honour’ crimes, 1327²⁷³ in 2003 and 1681²⁷⁴ in 2009. The first resolution calls upon member States ‘to amend immigration laws to allow women at risk of an ‘honour’ crime to remain in the country (paragraph 10a), ensure that the effective and sensitive

²⁷¹ UN Commission on Human Rights, *Commission on Human Rights Resolution 2003/45: Elimination of Violence Against Women*, E/CN.4/RES/2003/45, 23 April 2003, Para [8].

²⁷² Kvinno Forum – Stockholm 2005, Report: *Honour Related Violence: European Resource Book and Good Practice*, Based on the European Project ‘Prevention of Violence against Women and Girls in Patriarchal Families’, <http://www.medinstgenderstudies.org/wp-content/uploads/hrvresourcebook.pdf> (26 June 2015).

²⁷³ CoE, Parliamentary Assembly, *Parliamentary Assembly Resolution 1327: So-called ‘Honour Crimes’*, adopted on 4 April 2003.

²⁷⁴ CoE, Parliamentary Assembly, *Parliamentary Resolution 1681: The Urgent Need to Combat so-called ‘Honour Crimes’*, adopted on 26 June 2009.

investigation and prosecution of ‘honour’ crimes exclude ‘honour’ as a mitigating factor or justifiable motive in criminal proceedings (paragraph 10c) and train policymakers, law enforcement, and the judiciary on the topic (paragraph 10d)’. Resolution 1681 urges member States to develop national plans of action on VAW (paragraph 4.1), conduct education and training for all (paragraph 4.3), engage in dialogue with religious leaders to facilitate cooperation (paragraph 4.4), establish a helpline (paragraph 4.9) and establish a database for statistics gathering (paragraph 4.10).

The European Union also placed gender equality and violence against women on its agenda. In 2006, the European Commission adopted ‘A Roadmap for Equality’²⁷⁵ which outlines six priority areas for EU action on gender equality for the period 2006-2010: equal economic independence for women and men; reconciliation of private and professional life; equal representation in decision-making; eradication of all forms of gender-based violence; elimination of gender stereotypes and promotion of gender equality in external and development policies. The roadmap suggests a dual approach to gender equality: ‘gender mainstreaming’ -systematic incorporation of gender equality in all policy areas and activities-, and ‘specific measures’. The Commission’s follow-up equality strategy for 2011-2015 also includes gender-based violence as one of its five working areas.

The European Parliament adopted a resolution²⁷⁶ on 5th April 2011, entitled ‘Priorities and Outline of a new EU Policy Framework to Fight Violence against Women’. The resolution stresses that VAW encompasses a wide range of human rights violations and proposes ‘a new comprehensive policy approach against gender based violence’. It urges EU member States to reject any reference to cultural, traditional or religious practices as a mitigating factor in cases of violence against women, including so-called crimes of honour (paragraph 24).

²⁷⁵ EU, Commission of the European Communities, *A Roadmap for equality between women and men*, SEC(2006) 275, 1 March 2006.

²⁷⁶ European Parliament, *European Parliament Resolution 2010/2209(INI): Priorities and outline of a new EU policy framework to fight violence against women*, 5 April 2011.

It is important to note that the defining of violence against women as a global problem in the international human rights documents and particularly the increasing attention on ‘honour killings’ have been important steps in combatting such horrendous crimes. However it is a state’s duty to comply with these principals in all policy areas and to effectively, systematically and continuously implement all the recommendations of the regional and international extra-conventional human rights mechanisms. According to Article 90 of the Turkish Constitution²⁷⁷, in case of conflict between the norms of the international treaties, which are signed and ratified by Turkey, and the national laws, including the constitution; the international norms shall be applied. In other words, Turkey is obliged to implement the international human rights norms mentioned above, even if it contradicts the national legal norms.

IV. ‘HONOUR’-BASED KILLINGS, LAW AND SOCIAL POLICIES IN TURKEY

As societies differ greatly in the extent to which gender violence is defined as a violation by law, they also vary regarding the availability of assistance from the law. In this regard, a detailed look at the legal aspect of ‘honour’-based killings in Turkey and how it is interpreted by legal authorities in practice is essential. In this chapter, the author will look at the legislative, institutional and policy framework regarding ‘honour’-based killings and two problematic areas in the criminal proceedings: first, the representation of victims in light of the *equality of arms* principle; second, the distinction between ‘honour’-based killings and customary killings, will be discussed along with examples of several judgements.

A) Key Legislation, Policy Documents and Implementation

²⁷⁷ Constitution of the Republic of Turkey (Türkiye Cumhuriyeti Anayasası), Article 90, Para [5]: ‘In the case of a conflict between international agreements, which have been put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail’.

As noted in Chapter II (B), the adoption of the new penal code in 2004 was a milestone reform in Turkey regarding gender equality. The code recognised women's autonomy over their bodies and their sexuality and identified sexual offences as 'crimes against individuals' instead of 'crimes against society'. It significantly freed women from the discriminatory consequences of patriarchal discourse. Turkey's old penal code did not have any specific provision addressing crimes in the name of honour. However, the new penal code regulated 'honour'-based killings under the second chapter 'crimes against individuals'. Although Article 81 stipulates a life sentence for an intentional killing, 'honour' crimes are included in Article 82, as a form of aggravated homicide that requires aggravated life sentence. Another advancement in the new penal code regarding 'honour' crimes is Article 38, which stipulates that any person who incites someone to commit a crime shall receive the same punishment as the perpetrator. If the person who is incited is a minor the sentence of the inciter is increased.

Following the penal code, in 2005, the Turkish Parliament adopted the Juvenile Protection Law²⁷⁸, which stipulates protective and supportive measures for children in need of protection. 'Honour'-based crimes may be a child protection issue when they affect a child or young person²⁷⁹. According to Article 9 of the Code,

'In case of a situation, which requires taking the juvenile under 'immediate protection', the juvenile shall be taken under care and supervision by the Social Services and Child Protection Agency, and then the Agency shall apply to the juvenile court judge within five days from the day the Juvenile was brought to the Agency, for an urgent protection order. The judge shall decide with regard to the request within three days. The judge may decide to keep the juvenile's location confidential and, if necessary, when to re-establish personal contact with the family.'²⁸⁰

²⁷⁸ Juvenile Protection Law (Çocuk Koruma Kanunu), Law No: 5395, adopted 3 July 2005, entered into force 15 July 2005, http://www.hcch.net/upload/abduct2011cp_tr3.pdf (27 June 2015).

²⁷⁹ Juvenile Protection Law, Article 3(a): Juvenile: Any individual that has not yet completed age eighteen, regardless of whether they have reached full legal age earlier.

²⁸⁰ Juvenile Protection Law, Article 9, http://www.hcch.net/upload/abduct2011cp_tr3.pdf (27 June 2015).

The safety measures specified by the law could be used as an effective mechanism for the protection of potential child victims of ‘honour’-based crimes. However the law has almost always been implemented only for juveniles who were investigated or prosecuted for committing a crime.

On 28 June 2005 the Turkish Parliament adopted a resolution²⁸¹ to establish an ‘Inquiry Commission’ within the parliament to investigate the causes of violence against women and children and indicate possible measures to prevent it. The Prime Minister, on 4 July 2006, published the first results of the Commission’s work in its circular 2006/17, which contains comprehensive protective and preventative steps. The policy document also called on relevant ministries, government agencies and local administrative authorities to implement specific policies and strategies to prevent ‘honour’-based killings. It emphasises the urgent need to increase the number of shelters for existing and potential victims of violence, primarily in towns that do not yet have them. The document also highlights the importance of systematic data collection, collaboration with non-governmental organisations and the establishment of a national action plan on HBK.

In May 2011, Turkey signed The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (*Istanbul Convention*)²⁸², which outlines the minimum standards for preventing and prosecuting violence against women, and protecting women from such practices. The drafters of the Convention paid particular attention to crimes committed in the name of ‘honour’ and focused on preventing impunity and tolerance for the perpetrators of such killings. Article 42 of the Convention stipulates that culture, custom, religion, tradition or honour cannot be regarded as justification for acts of violence, including claims that the victim has transgressed certain codes of these unacceptable justifications. According to the

²⁸¹ Grand National Assembly Resolution 853, adopted 28 June 2005, <https://www.tbmm.gov.tr/sirasayi/donem22/yil01/ss1140m.htm> (16 June 2015).

²⁸² Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (*Istanbul Convention*), adopted 11 May 2011, Istanbul, entered into force 1 August 2014, <http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm> (29 June 2015).

Convention, State Parties including Turkey, have a duty to take all necessary measures to ensure that such grounds cannot be used as justification by perpetrators in criminal proceedings. The Convention also articulates that State parties are obliged to implement the above article irrespective of the nature of the relationship between the perpetrator and the victim.²⁸³ In other words, the Convention prohibits perpetrators of HBK for using such justifications even if they are intimate partners or close relatives of the victim.

Another significant norm of the Convention is Article 53, which introduced a new preventive mechanism for HBK, obliging States to issue restraining and protection orders not only for intimate partner violence, but for all forms of gender based violence cases. The norm is critical for the prevention of HBK, because any potential victim of an ‘honour’-based crime who has reason to believe her family intends to kill her shall be given the possibility to apply for a protection or a restraining order against any members of her family.

In order to implement the Istanbul Convention, Turkey adopted the Law on the Protection of the Family and Prevention of Violence Against Women on 8 March 2012.²⁸⁴ The law aims to protect all women, children, and other family members who are exposed to or under threat of violence or any person who is the victim of a stalker. The law specifies protective and preventive injunctions that shall be issued upon request or on the initiative of a judge, or -in emergency cases- by the highest administrative authority or chief of police.

Protective measures include providing shelter, temporary financial assistance, psychological, legal and vocational counselling and day-care facilities for the victim and her children. In case of life endangerment, on request of the person concerned or on its own motion, temporary protection shall be granted by the highest administrative

²⁸³ *ibid.*, Article 43.

²⁸⁴ Law on the Protection of Family and Prevention of Violence Against Women (Ailenin Korunmasi ve Kadina Karsi Siddetin Onlenmesine Dair Kanun), Law No: 6284, adopted 8 March 2012, entered into force 20 March 2012, <http://www.resmigazete.gov.tr/eskiler/2012/03/20120320-16.htm> (27 June 2015).

authority. If these precautionary measures are proved to be insufficient, judges are entitled to apply the Witness Protection Law and order the change of the victim's workplace and/or personal identification, with the consent of the person.

Some of the preventive orders that the judges are entitled to issue are²⁸⁵:

- The immediate deportation of the abuser from the mutual domicile and allocation of the mutual domicile to the victim,
- To order the abuser not to commit any threatening or violent acts towards the person concerned,
- Not to disturb the protected person by means of any communication instrument or other means,
- To hand over any weapons that he is legally entitled to possess or carry to the authorities.

The law states that preventive injunctions shall be given without delay and without searching for evidence of violence. Such orders shall be issued in company with the protective and supportive measures that are stipulated by Juvenile Protection Law, together with the child custody and maintenance arrangements in accordance with the Civil Law. The implementation of such orders cannot be delayed in any way that is likely to endanger the achievement of the purpose of the law. In case of emergency, measures, such as placing the victim in a shelter, shall be taken by police chiefs immediately. In case of a violation of the restraining and protection orders, the violator shall be sentenced to three to ten days confinement by judges depending on the nature and severity of the violation.

Restraining and protection orders are key instruments for keeping women at risk safe from harm. The law on the Protection of the Family and Prevention of Violence Against Women provides adequate instruments, in parallel with the Istanbul Convention, aiming to provide immediate protection from harm and create a space for a victim to decide her

²⁸⁵ Law on the Protection of Family and Prevention of Violence Against Women, Article 5.

course of action. However, the effectiveness of the legislation in practice has been debated since the adoption of the law. Cultural stereotypes, the perceptions and unwillingness of law enforcement officers, and the inadequate number and lack of accessibility to shelters for women have been discussed by scholars and human rights activists as current barriers to effective implementation.

In 2013, Kara, Ekici and Inankul conducted a survey investigating the role of Turkish police in combatting domestic violence against women.²⁸⁶ The survey was conducted with 186 police officers who were receiving a first level command course and were about to graduate as second lieutenants at the time of the study. The subjects had all previously worked as police officers in different parts of the country, and after passing a nationwide test, were chosen to attend the course. The length of service they had experienced varied from 5 to 20 years. The results of the study are thought-provoking: only 30% of the participants believed that combatting domestic violence was one of the main duties of police.²⁸⁷ 32 out of 186 officers said some women deserve violence, despite expectations of police to show zero tolerance to any kind of violence.²⁸⁸ 88% of the respondents stated that they don't believe women and men are equal, and 79% viewed the Turkish police force as not having enough qualified personnel to reduce domestic violence.²⁸⁹ Another surprising result was the response to a question regarding police protection for victim of domestic violence: 71% stated that protecting a victim in her own home or work place would create a problem for the officer's own family; 75% believed that seeing a police officer next to his wife would intensify male anger on the part of the perpetrator.²⁹⁰

The large majority of domestic violence victims are women and these women sometimes attempt to take refuge in police stations to receive protection against their

²⁸⁶ H. Kara, A. Ekici, H. Inankul, 'The Role of Police in Preventing and Combating Domestic Violence in Turkey', in *European Scientific Journal*, Vol 10, No 20, July 2014.

²⁸⁷ *ibid.*, p. 12.

²⁸⁸ *ibid.*, p. 12.

²⁸⁹ *ibid.*, pp. 13-14.

²⁹⁰ *ibid.*, pp. 15-16.

abusers. However, according to the Human Rights Watch's 2011 report, victims who reached out for help have often been sent back to their homes by police officers in Turkey, to reconcile with their abusers in the name of 'family unity'.²⁹¹ In 2014, it was reported by the Public Security Directorate of the Turkey's Police Department that a significant number of women in Turkey have been killed by their intimate partners and close family members while under State protection.²⁹²

It is important to note that, in 2009, the European Court of Human Rights (ECtHR) found Turkey in violation of its obligations to protect women from domestic violence in the case of *Nahide Opuz*.²⁹³ The applicant claimed that she, together with her mother, had been exposed to years of persistent domestic violence and threats by her husband, and her mother was killed by him as a consequence of the failure of legal authorities to adequately protect them. It was acknowledged by the Court that 'domestic violence affected mainly women and that the general and discriminatory judicial passivity in Turkey created a climate that was conducive to domestic violence'.²⁹⁴

The European Court's ruling was a milestone in that for the first time, the Court recognised gender-based violence as a form of discrimination under Article 14 of the European Convention on Human Rights (ECHR), emphasizing that domestic violence is a public matter, rather than a private or family concern. The case highlights the positive obligations of states to act with due diligence to prevent such gender-specific violence. The Court's ruling in the *Opuz* case also brought about a significant consequence that States parties are obliged to conduct thorough investigations and initiate criminal proceedings against violent individuals, even if the victim is hesitant to provide evidence.

²⁹¹ Human Rights Watch, Report: *In Turkey, He Loves You, He Beats You*, 4 May 2011, <https://www.hrw.org/report/2011/05/04/he-loves-you-he-beats-you/family-violence-turkey-and-access-protection> (10 July 2015).

²⁹² Kızılkoyun, F., '61 Women Killed Across Turkey in 2013', *Hürriyet Daily News*, 15 February 2014, <http://www.hurriyetdailynews.com/61-women-killed-across-turkey-in-2013.aspx?pageID=238&nid=62506> (15 July 2015).

²⁹³ Case of *Opuz v. Turkey*, App no: 33401/02, ECtHR, 9 June 2009.

²⁹⁴ *ibid.*, Para [198].

Several European instruments recommend minimum standards for support services to combatting violence against women. The Council of Europe and the European Parliament recommended that every Member State should establish one place in women's shelters per 7500 or 10000, respectively, members of the population. According to Turkey's Municipality Law²⁹⁵, every municipality with more than 100.000 populations is obliged to open a shelter. Despite these international and national obligations, the number of shelters established by the Social Services and municipalities has remained significantly low to date. Despite having a female population of 38.711.602 in Turkey²⁹⁶, there are only 131 women's shelters -including both governmental and non-governmental- in Turkey with a capacity for 3382 women and children²⁹⁷. In eight cities there is no shelter at all. The running of the existing shelters has also been criticised by women's organisations for restricting the mobility of women and not being secure enough to protect women from violence.²⁹⁸ *Mor Cati Women's Shelter* representative Esen Özdemir criticised the government for running women's shelters as 'a jail' under the pretext of women's safety: 'They are imprisoning the women instead of punishing the men'²⁹⁹.

On 8th March 2015, International Women's Day, Prime Minister of Turkey Ahmet Davutoğlu announced Turkey's new national action plan for the period 2016-2019 to

²⁹⁵ Municipality Law (Belediyeler Kanunu), Law No 5393 (amended by the Law 6360, adopted 12 November 2012 entered into force 6 December 2012, Article 17).

²⁹⁶ Turkish Statistical Institute (Türkiye İstatistik Kurumu), Bulletin: *İstatistiklerle Kadın, 2014*, 5 March 2015, <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=18619> (10 July 2015).

²⁹⁷ Statement by Ahmet Davutoglu, 8 March 2015, <http://www.aile.gov.tr/haberler/bakan-islam-kadinlarimizin-tum-hak-ve-firsatlardan-esit-sekilde-yararlanmasini-saglayana-kadar-calismaya-devam-edecegiz> (12 July 2015).

²⁹⁸ B. Belge, 'Siginma Evleri Barinak Degil, Yeni Bir Baslangic Olmali', *Bianet*, 3 September 2010, <http://bianet.org/bianet/insan-haklari/124573-siginma-evleri-barinak-degil-yeni-bir-baslangic-olmali> (11 July 2015).

²⁹⁹ Z. Karatas, 'Turkey Struggles with Femicide as Domestic Violence Mounts', *Today's Zaman*, 12 July 2014, http://www.todayszaman.com/anasayfa_turkey-struggles-with-femicide-as-domestic-violence-mounts_352764.html (12 July 2013).

combat violence against women across the country.³⁰⁰ He stated that the plan contains six areas for action: legal regulations; awareness raising with a view to changing the mindset; protective mechanisms and empowerment of victims; health-care services for victims; collaboration and coordination among agencies and tracking of perpetrators. The PM highlighted that an electronic tagging system for perpetrators and electronic tracking system for victims will be used in coordination in cases where victims are at continuous risk. The government has not yet published the plan until the time of the writing.

Although comprehensive legal and policy reforms have been made, the lack of effective implementation and genuine commitment in practice has been a significant barrier to responding to gender-specific violence effectively in Turkey. Legislative and policy reforms cannot succeed without challenging the unequal power structures that govern relationships between males and females. As violence exists within all domains of power, combatting VAW necessitates a combination of social, political, legal, educational and economical transformations.

B) ‘Honour’-Based Killings In Turkish Criminal Proceedings

a) *Equality of Arms Principle*

*Equality of arms*³⁰¹ is a jurisprudential principle that applies to both criminal and civil proceedings. In criminal proceedings, it refers to a ‘fair balance’³⁰² between the prosecution (the accuser) and the defense (the accused) before the court. It is based on the notion that the outcome of the proceedings must be grounded on a contradictory debate and this can only be achieved through giving each party the reasonable and equal

³⁰⁰ Ministry of Family and Social Policies, Bulletin: *Bakan İslam: Kadınlarımızın tüm hak ve fırsatlardan eşit şekilde yararlanmasını sağlayana kadar çalışmaya devam edeceğiz*, 9 March 2015, <http://www.aile.gov.tr/haberler/bakan-islam-kadinlarimizin-tum-hak-ve-firsatlardan-esit-sekilde-yararlanmasini-saglayana-kadar-calismaya-devam-edecegiz> (12 July 2015).

³⁰¹ Also called as ‘Principle of balance in the rights of parts’ (équilibre des droits des parties) according to the French Doctrine.

³⁰² Case of *De Haes and Gijssels v. Belgium*, App no: 19983/92, ECtHR, 24 February 1997.

possibility to present their arguments. The equality of arms principle is issued by the European Court of Human Rights as a fundamental element of the right to a fair trial, which is stipulated by Article 6 of the European Convention on Human Rights (ECHR).³⁰³

According to Article 237 of the Turkish Criminal Procedure Code³⁰⁴, the victim and any person injured by the crime may request the court to intervene in the case on behalf of the victim. Following the acceptance of the request by the court, the intervener has the right to request that the evidence of the crime be collected; to be represented by an attorney appointed pro bono by the Bar Association and apply to the Supreme Court for an appeal - independently from the prosecutor.

In numerous cases of ‘honour’-based killings, women’s rights organisations and bar associations requested courts to intervene under Article 237; however the requests were always rejected on the ground that these organisations were not injured by the crime. For instance, in the case of *Güldünya Tören*³⁰⁵, a group of women activists from several women’s organisations and the Women’s Rights Centre of the Istanbul Bar Association, together with three criminal law professors applied to the Court to take part in the case as an intervener. In their written statement the group claimed that ‘being injured by the crime criteria’ cannot be interpreted so narrowly as to only include close relatives in HBK cases, where it is usually the close relatives themselves that are responsible for the crime. The group also claimed that ‘in ‘honour’ crimes, every women in the society is harmed by the crime’; however, the Court did not regard this argument as admissible and rejected the request.³⁰⁶ Also in the case of *Selma Civek*, who was killed by her

³⁰³ Case of *Delcourt v. Belgium*, App no: 2689/65, ECtHR, 17 January 1970.

³⁰⁴ Criminal Procedure Code of the Republic of Turkey (Ceza Muhakemesi Kanunu), Law no 5271, adopted 4 December 2004, entered into force 1 June 2005.

³⁰⁵ In 2004, Güldünya Tören was shot by her brothers, first on the street and then murdered at the hospital where she was being treated for her injuries. She had had a child two months before her murder as a result of rape committed by her cousin’s husband, Servet Tas, who was also killed in 2011 by Güldünya’s father Serif Tören.

³⁰⁶ B. Belge, ‘Güldünya Case may go to ECHR’, *Bianet*, 11 November 2004, <http://www.bianet.org/english/women/47978-guldunya-case-may-go-to-echr> (13 July 2015). For more information: Yargıtay 1st Criminal Chamber 2398 E-4942 K, 15.11.2006

husband for seeking divorce, the victim's children and the Ministry of Family and Social Policies applied to the Court to intervene in the case against the perpetrator.³⁰⁷ Although the Court accepted the victim's children's request, the application of the Ministry was rejected.³⁰⁸

Since it is the victims' families themselves who are accused of the murder, family members do not generally fight for justice on behalf of the victim and sometimes even perform as a false witness against the victim.³⁰⁹ Although, in some cases, they are willing to provide evidence against the perpetrator³¹⁰, for even family members who may want to intervene are unlikely to do so, for fear of retaliation.

Yirmibesoglu³¹¹ claims that many public prosecutors in Turkey, particularly in certain regions where HBK are prevalent, have a different approach towards honour'-based crimes. Some prosecutors reflect their patriarchal mindset by requesting sentence reductions for perpetrators of 'honour' crimes on the basis of provocation. It is also claimed that prosecutors are often content with the defendant's arguments and defence witnesses during criminal proceedings. As a result of this, rulings are often issued having considered only the defendant's arguments, resulting in tolerant and lenient sentences.

In the light of the equality of arms principle, the interpretation of Article 237 in its narrowest sense creates an imbalance between the perpetrator and the victim during

³⁰⁷ Selma Civek was stabbed to death by her husband Hüseyin Civek for seeking divorce. Karakas, B., 'Annesini kaybetti kadınları kurtarıyor', *Milliyet*, 9 August 2014, <http://www.milliyet.com.tr/annesini-kaybetti-kadinlari-gundem-1923029/> (13 July 2015).

³⁰⁸ *ibid.*

³⁰⁹ S. Z. Iskender, 'Öğreti ve Yargısal Kararlar Işığında Töre Saikiyle Öldürme Suçunun (Namus Cinayetlerinin) Değerlendirilmesi', in *Yargıtay Dergisi* (Supreme Court Journal), Vol 35, Issue 1-2, January-April 2009, <http://www.yargitay.gov.tr/belgeler/site/dergi/yrgergi/OcakNisan2009/index.html#/49/zoomed> (13 July 2015).

³¹⁰ E.g. Selma Civek case, *op. cit.* (footnote 307).

³¹¹ V. Yirmibesoglu, 'Namus Cinayetleri Yargılamaları ve Uygulama Sorunları', Berlin Graduate School of Social Sciences (BGSS) Workshop Documentation, "Implementierung von Rechtsnormen: Gewalt gegen Frauen in der Türkei und in Deutschland", Institut für Sozialwissenschaften, Humboldt-Universität zu Berlin, 2010, p. 6.

criminal proceedings. There is often no one representing the victim, so the ruling is often an outcome of the total of the prosecutor's indictment and the defendant's arguments. This imbalance is demonstrated by judges in such rulings as: '... because the defendant's arguments have not been disproved...' ³¹². They are often established in the absence of a contradictory debate, violating the principle of equality of arms. This deficiency is also argued by Salih Zeki Iskender, a member of the 1st Criminal Chamber of the Supreme Court, which is in charge of HBK cases. He claims that the participation of non-governmental organisations in such cases is important as a way to find the truth and to eliminate possible imbalance between parties. He suggests legislative authorities adopt a new amendment to the Turkish Criminal Procedure Code to assure third party interventions. ³¹³

b) The Distinction Between 'Honour'- Based Killings (*Namus Cinayeti*) and Customary Killings (*Töre Cinayeti*):

'Honour' -based killings are regulated as a form of aggravated murder by the Turkish Penal Code ³¹⁴ under Article 82(k), which subsumes such acts under 'homicides by motivation of custom'. Since the adoption of the new penal code in 2004, scholars have engaged in discussions regarding the correct terminology to use, ³¹⁵ with some arguing that defining such killings under the term of 'customary' may result in different interpretations and therefore false implementations in criminal proceedings.

The portrayal of HBK as crimes of customs can be problematic for two reasons. Firstly, 'customary' is a broad term that includes other forms of crimes motivated by customs,

³¹² Supreme Court of Appeal 1st Criminal Chamber (Yargıtay 1. Ceza Dairesi), 2927-8501, 19.11.2007 and Mardin 2nd Assize Court (Ağır Ceza Mahkemesi), 08/350, 20.06.2006, Yargıtay Dergisi, Vol 35, Issue 1-2, January-April 2009, <http://www.yargitay.gov.tr/belgeler/site/dergi/yrgergi/OcakNisan2009/index.html#/49/zoomed> (13 July 2015).

³¹³ S. Z. Iskender, op. cit., 2009, pp. 52-53.

³¹⁴ Turkish Penal Code (Türk Ceza Kanunu), Law No: 5237, adopted 26 September 2004, entered into force 1 April 2005, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf> (19 June 2015).

³¹⁵ N. Sirman, op. cit., 2004, p. 41.

such as blood feuds³¹⁶. The term does not openly reflect the ‘honour’ (*namus*) motivation behind such killings and it conceals the gender oppressive nature of such practices. Instead of using a more specific term which would reflect the primary elements of such crimes, framing these gender violent practices within such a broad term - as Pervizat argues - ‘fails to acknowledge the prevalent discrimination against women that motivates killing in the name of ‘honour’’,³¹⁷.

Secondly, despite the fact that the previous research, conducted by scholars and the Inquiry Committee of Turkish Parliament³¹⁸, has shown that HBK have been carried out across the country by members of different ethnic communities, the portrayal of HBK as a customary practice has led to the misunderstanding that these practices have only occurred in Kurdish communities, where a feudal system is still dominant. This link not only stigmatises the entire Kurdish society, it also ethnicises ‘honour’ crimes through portraying such practices as being peculiar to a certain identity. Another point is that ‘honour’, like any cultural concept, is not static but rather dynamic, and varies depending on an individual’s life experience and choices. Describing the contexts where HBK occur does not mean every context that fit this description will produce incidences of HBK, or vice versa.

Overall, the current portrayal of HBK as ‘customary killings’ discriminates both on the basis of gender and race³¹⁹. The categorisation of ‘honour’-based killings as a problem specific to certain groups has also been discussed and widely criticized by scholars. Koğacioğlu argues that the ‘custom discourse’ creates a category of ‘them’ (*onlar*):

³¹⁶ Blood feud is an enmity between two families in which each family kills a male member of the rival family by turn.

³¹⁷ Expert paper by Leyla Pervizat: *Tackling Honour in the Aftermath with a Good Practice*, UN Division for the Advancement of Women, Expert Group Meeting on Good Practices in Legislation to Address Harmful Practices against Women, UN Doc. EGM/GPLHP/2009/EP.02, Addis Ababa, 11 May 2009, p. 7.

³¹⁸ The Grand National Assembly of Turkey, *Reports of the Parliamentary Inquiry Committee on Honour-based and Customary Killings* 10/148, 182, 187, 284, 285, <http://kadininstatusu.aile.gov.tr/data/542a8e0b369dc31550b3ac30/tbmmkom-bolum1.pdf> (29 June 2015).

³¹⁹ L. Pervizat, op. cit., 2009, p. 7.

‘In these days, it’s often Kurds or the South Easterners. In the past, they were described as ‘ignorants’ or ‘underdeveloped’.’³²⁰

She states that the custom discourse generates a link between the customs and the people who live with these customs, assuming they are both static and homogeneous. They are perceived as having no distinctions. As a result of this, it claims a fundamental distinction between ‘them’ and the others who talk about ‘them’.

The ‘othering’ within the custom discourse was also discussed by Insel³²¹, claiming that there is a growing tendency in Turkey to link such crimes to a specific ethnic identity and reduce it to a certain geography; emphasising that it is not only racist but also separatist and dangerous for the future of the country.

The elitists’ claim that these crimes occur only in feudal structures, and as such may disappear with the modernisation of these societies, is deficient. This is because the crimes of ‘honour’ are a tool to control women’s sexuality and even if the feudal structure changes, male members of these patriarchal societies would be reluctant to give up this ‘perceived’ right.

This miscategorisation has led to a problematic interpretation in the criminal proceedings. In the official ground of the Turkish Penal Code, it is stipulated that, ‘the provocation clause (Article 29)³²², which is a mitigating factor, cannot be applied for the killings by motivation of custom’. In other words, the Code prevents judges from issuing sentence reductions based on provocation defence in the cases of customary crimes. It is a positive step towards avoiding perpetrators’ patriarchal justifications

³²⁰ D. Koğacıoğlu, ‘Gelenek Söylemleri ve İktidarın Doğallasma: Namus Cinayetleri Örneği’, Istanbul: Feminist Yaklaşımlar, 2006 2007 Seckisi, March 2008, p. 185.

³²¹ A. Insel, ‘Onlar’, *Radikal İki*, 18 June 2006, http://www.radikal.com.tr/ek_haber.php?ek=r2&haberno=5954 (20 July 2015).

³²² Penal Code of the Republic of Turkey, Article 29: A person, who commits a crime under the influence of anger or severe pain caused by an unjust incitement, shall be given to a sentence of 18 to 24 years instead of an aggravated life sentence and 12 to 18 years instead of a life sentence. In other cases there will be a reduction of the penalty between one and three quarters.

based on possessiveness. However, in 2008, the Supreme Court of Appeal ruled that the Article 82 (k) could be applied only if the killing is based on a family council decision, and in cases where there is no proof of such a decision the case cannot be handled as a customary crime, but instead as an ‘honour’-based killing (*namus cinayeti*) which is compatible with the provocation defence.³²³

The Court’s ruling was based on its opinion that, ‘murder by motivation of custom (töre)’ and ‘murder by motivation of honour (namus)’ are distinct crimes that need to be distinguished; while the former is committed as a result of a family council decision to maintain the customary order, the latter is carried out with individuals’ personal motivation in order to sanction the victim for her ‘inappropriate’ behaviour.

For instance, in the case of *Gaziantep Attorney General versus Selahattin*; Meryem, a 16-year-old was killed by her brother Selahattin with a shotgun for acting ‘dishonourably’ and bringing shame to the family. She had fled her home in Gaziantep for a short time and when she came back she was pregnant. The perpetrator said in his first account that ‘When she came back I doubted that she was pregnant, so I asked her. She said she had put on weight and cried, she only cried, so I understood that she was pregnant. I could not accept what she did to us, I killed her’. Gaziantep 2nd Assize Court³²⁴ held the case as a ‘töre killing’ and the brother was convicted with an aggravated life sentence under Article 82/k. However, the Supreme Court of Appeal did not approve this judgement and pointed out that the case can not be dealt with under Article 82/k as there was no evidence to show the act was carried out to implement a family council decision.³²⁵

³²³ *Gaziantep Attorney General versus Selahattin*, S. Z. Iskender, ‘Öğreti ve Yargısal Kararlar Işığında Töre Saikiyle Öldürme Sucunun (Namus Cinayetlerinin) Değerlendirilmesi’, in *Yargıtay Dergisi (Supreme Court Journal)*, Vol 35, Issue 1-2, January-April 2009, [#/49/zoomed](http://www.yargitay.gov.tr/belgeler/site/dergi/yrgergi/OcakNisan2009/index.html) (14 July 2015).

³²⁴ Gaziantep 2nd Assize Court (Ağır Ceza Mahkemesi), 315/400, 3.10.2006.

³²⁵ Supreme Court of Appeal 1st Criminal Chamber (Yargıtay, 1. Ceza Dairesi), 2007/6700 E. 2008/1986 K., 14.3.2008.

In this case and other such cases, the Supreme Court of Appeal repeatedly stated that:

‘The case shall be handled as a murder by motivation of custom only if the case has three certain elements: the victim must have breached widely accepted societal norms, the punishment of the victim must be a widely accepted and expected reaction in this community and the act of killing must have been committed as a result of this community’s intensive pressure. ‘The community’ could be the extended family, the neighbourhood, the village or even the whole country. On the other side, *namus* (honour) means loyalty to the ethical norms and values in a society, chastity, propriety and honesty. A murder that is motivated by jealousy, refusal by the victim, condemnation of the victim’s behaviour or living style or failure to control the victim cannot be handled as crimes motivated of custom, but instead should be considered as a killing in the name of honour.’³²⁶

Although the Court’s ruling was not a precedent for future cases, the same opinion was adopted by the local judges in a significant number of cases of HBK. According to the Court’s view, ‘*töre*’ killings are not linked to women’s autonomy over their bodies and lives or their struggle to have this autonomy; instead they are about maintaining the tribal or feudal order. On the other hand, ‘*namus*’ killings are committed as a result of the perpetrator’s subjective personal values in order to control women’s autonomy over their bodies and lives. This perspective sends two messages: first that only ‘honour’-based killings carried out in Kurdish communities, where a large majority of cases are based on a family council decision, can be dealt with under Article 82 (k) of the Penal Code, and the second message is that the rest of the cases, prevalent throughout the country, cannot be dealt with under this article, and are dealt with more leniently.

³²⁶ Supreme Court of Appeal 1st Criminal Chamber (Yargıtay 1. Ceza Dairesi), 2014/1719 E, 2014/2733 K, 29.04.2014, p. 2, www.yargitay.gov.tr (30 June 2015).

In another case³²⁷, *Arzu* started a relationship with *Ayhan* after she had left her husband. They lived with Ayhan's parents for sometime until moving to their own house because Ayhan's parents' disapproved of their relationship. Shortly after, Ayhan's uncle *Nuri*, together with Ayhan's stepmother, came to the couple's house in order to question Arzu as to whether she was behaving 'honourably'. The defendant directed several 'interrogative' questions at her such as 'what she was doing in Igdir³²⁸, what her reason for going there was, if she was seeing someone else'. According to the defendant's account, Arzu's response to his questions was 'so what if I am, why does it bother you?'. He then shot her to death to cleanse his namus. The Supreme Court of Appeal regarded the case as a basic form of killing and pointed out that the killing was motivated by the defendant's personal subjective value judgements and was not linked to a societal expectation. However, it can clearly be seen from the case that a woman's choices over her sexuality are strongly linked to a man's honour, even if this man is the uncle of the woman's boyfriend. As shown in this study these acts originate from concepts held by the wider collective entity and they are much more than a simple recognition or choice of an individual.

Iskender claims that although the existence of a family council decision facilitates the defining of a killing as an HBK, it cannot be seen as an essential element to what constitutes an HBK.³²⁹ The Court's exclusion of a vast number of 'honour'-based killings based on the criteria requirement of a family council decision does not only mean condoning such practices, moreover, the applicability of the 'unjust provocation' (Article 29) pave the way for the institutional judgement of women's social and sexual behaviour. Ertürk highlights that,

³²⁷ Supreme Court of Appeal 1st Criminal Chamber (Yargıtay 1. Ceza Dairesi), 2014/1719 E. 2014/ 2733 K., 29.04.2014.

³²⁸ A city in Turkey.

³²⁹ S. Z. Iskender, op. cit., 2009, p. 26.

‘The convening of a ‘family council’ is not only difficult to prove but it is also superfluous in determining an honour motivated assault on women, furthermore, it may be more of a fiction than reality’³³⁰.

A ruling of the Istanbul 5th Assize Court can be given as an example for this institutional judgement³³¹. *Hülya*, a high school student, was the daughter of a migrant family living in Istanbul. Shortly after she began dating *Ömer*, her family pressured her to call off her relationship with him. After fleeing home to be with *Ömer* and spending four days in his house, *Ömer*’s parents convinced her to go back to her house, so that they could visit her parents and ask their permission for the young couple’s marriage. A few days after *Hülya* had returned home, *Hülya* and *Ömer* decided to meet; however *Hülya*’s brother *Okan* followed her. He shot to death both his sister and *Ömer*. Following his arrest by legal authorities, *Okan* testified: ‘She stayed with *Ömer* for four days, and then they sent her back to our house. This was unacceptable, so I killed both of them and cleansed my *namus*. I don’t regret it.’ *Okan* and six other people from *Hülya*’s family, including her parents, were prosecuted for the crime. Consequently, *Okan* was given two aggravated life sentences for the premeditated murders of his sister and *Ömer*, however the sentence for his sister’s murder was reduced to 17 years 6 months for committing the crime ‘under intense anger arising from his sister’s fleeing home and having consensual sexual conduct with *Ömer*’. According to Article 29 of Turkish Penal Code, unjust provocation reductions can only be applied in cases where the perpetrator commits the crime under the effect of anger and intense pain, which originates from the victim’s ‘unjust act’, directed at the defendant. According to the judgement, the Court accepted *Hülya*’s behaviour - fleeing home and spending days with her boyfriend - as an ‘unjust incitement’ directed at her brother. Furthermore, the possession of women by men as a product of the patriarchal view was approved by the Court.

³³⁰ Y. Ertürk, op. cit., 2009, p. 68.

³³¹ Aktaş Salman, U., Y. Cingöz, ‘Başka Hülyalar öldürülmesin’, *Radikal*, 18 January 2009, http://www.radikal.com.tr/turkiye/baska_hulyalar_oldurulmesin-917508 (1 July 2015).

It would be useful to compare such crimes with another ‘customary’ practice regarding judicial attitude. ‘Blood feuds’ are also strongly linked with family honour, however the victims are, almost without exception, men.³³² In the proceedings of the penal courts in Turkey, a blood feud is perceived as an aggravated form of homicide in parallel with Article 82 (k) of the Penal Code and the perpetrators of such crimes are sentenced to aggravated life sentences. Sentence reductions are not applied due to the recognition of customs in total contrast with killings in the name of honour.³³³ This dual interpretation of different crimes committed in the name of customs clearly shows the importance of gender in institutional attitudes. It demonstrates that the perception of legal authorities differs depending on the gender of victims, and how control of women continues to be condoned by judicial institutions. Where customs threaten and victimise men, the belief is that they need to be eliminated; however when it comes to women, customs are somehow perceived to be more integral and unchangeable.

Although The Supreme Court of Appeal had declared a family council decision as a necessary condition for ‘töre’ killings, in some cases the Court convicted the perpetrator under Article 82/k, even though there had been no family council decision for the commitment of the murder. For instance in the case of *Fuat* and *Gulsen*,³³⁴ *Gulsen*, the defendant *Fuat*’s niece, was a married woman living with her husband. After the circulation of some rumours among her husband’s family members concerning her being unfaithful to her husband, she left her house to live with her parents in a different city. Some time later her husband joined her. Approximately a year later *Gulsen*’s uncle *Fuat*, who had moved in with *Gulsen*’s family sometime previously, stabbed *Gulsen* to death while she was pregnant in order to cleanse the ‘family honour’. According to the witnesses’ accounts, *Fuat* had never forgotten about the rumours and had been planning to kill *Gulsen* since that time. Although the District Assize Court³³⁵ convicted the

³³² D. Koğacıoğlu, ‘The Tradition Effect: Framing Honor Crimes in Turkey’, in *A Journal of Feminist Cultural Studies*, Volume 15, Number 2, Summer 2004, p. 125.

³³³ *ibid.*, p. 125.

³³⁴ Supreme Court of Appeal 1st Criminal Chamber (Yargıtay 1. Ceza Mahkemesi), 2008/10901 E.N. 2009/293 K.N., 19.03.2009.

³³⁵ Alanya 1st Assize Court (Agir Ceza Mahkemesi), 72/110, 02.05.2006.

perpetrator for premeditated murder, the Supreme Court of Appeal regarded the case as a ‘töre’ killing, despite the absence of a proven family decision. Despite the Court’s rulings in previous cases being based on its ‘personal motivation’ criteria; the Court did not apply the same criteria in this case. The only justification provided by the Court was premeditation and the commitment of the crime against a defenceless pregnant woman while she was asleep.

The role of the courts is not only to apply the law to certain cases, but also interpret and understand the crime in order to be able to make a fair judgement. Besides significant developments that have taken place in the legal arena over the past decade, it is still possible to encounter court rulings in which women’s sexual choices are judged discriminatively. There are also inconsistencies between judgements on ‘honour’-based killings regarding the distinction between töre and namus killings.

The duality was also criticised by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns. Following an official visit to Turkey in 2012, he called upon the Turkish authorities to conduct prompt, impartial and effective investigations and prosecutions of all suspected honour killings. He stated:

‘Turkey should consider that article 82 (k) of the Penal Code should be understood to include honour killings under “custom.” “Unjust provocation should not be accepted as a defence or sentence reduction for such crimes, and neither should good conduct during trial serve as mitigation.”³³⁶

Concluding Remarks

Violence against women is the most destructive consequence of gender inequality. It is (re-) produced by historically unequal power relations that are embedded in all aspects

³³⁶ UN Human Rights Council, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Christof Heyns, *Preliminary Observations on official visit to Turkey*, Ankara, 30 November 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12850&LangID=E> (27 June 2015).

of life. As a particular form of gender violence, killings of women in the name of 'honour' are based on the notion that a woman's sexual purity is strongly linked to the dignity and the social status of her family and particularly the male members of her family. Therefore, her conduct should be systematically controlled to avoid any possible perceived or real blemish upon it. Her family members, driven by the extreme fear of losing 'honour', monitor every aspect of her behaviour. In this concept of 'honour', women are perceived as a 'commodity' and the males around her have the right to make all decisions on her behalf.

The hegemonic 'honour' concept imposes a system of norms with moral obligations and it aims to create a unified homogenous community where every member polices their family members' and other community members' behaviour. Although both women and men live under the constraints of these norms, women's sphere of freedom is much narrower than men's. As a result of this, women are far more frequently and harshly blamed and punished than men. Any questioning or contravention of these norms is regarded as a challenge to the manhood or masculinity of male members of the kin, therefore violence and killing is normalised within the paramount value of 'honour'.

'Honour'-based killings are a particular form of violence against women and it is a horrendous violation of the rights and fundamental freedoms of women. It is a form of discrimination, which nullifies women's enjoyment of those rights and freedoms, on the basis of gender equality. Women are tyrannised by the fear of punishment for having brought shame on the family and are subjugated to the threat of death. So-called honour-based killings are a concomitant of patriarchal regimes as are other forms of violence against women. It is ubiquitous.

The extreme concern about female sexual conduct and its strong link with men's honour indicate that the 'honour concept' and the definitions of honour within the concept are highly gendered and part of a patriarchal system of control. It is a dual concept where what is considered good 'honourable' and bad 'dishonourable' differ depending on gender. In this sense, the use of the term 'honour killing' or 'honour culture' supports

the ideology itself in that honour is strongly linked with women's social and sexual behaviour. It approves the perpetrators' narratives that justifies and normalises violence for the sake of 'honour'.

Questions concerning where to locate this particular concept are often approached from a cultural perspective. The practice has been differentiated from other forms of gender violence for its specific characteristics; however, male violence is so universal it cannot be culturalised. Crimes in the name of 'honour' occur among people of all religious faiths although the concept itself is not religious. Making a distinction between HBK and other forms of gender violence and perceiving one to be worse than the other - depending on the context - risks moderating domestic violence to something less serious and/or seeing HBK less as murder and more as a private or cultural matter.

It is difficult to be optimistic about the total eradication of such crimes in the near future as they are the product of deeply rooted cultural practices. The key approach to eradicating this inhuman practice is to see the problem as it is. Violence committed in the name of 'honour' is a man's use of violence directed against a woman, because she is a woman. In contrast to the common perception that it is an uneducated, uninformed and marginal male attitude, patriarchal violence is systemic. It is much more than the simple recognition or choice of an individual. Its prevalence at every strata of society is proved by the widespread violence against women and the various discourses of the Turkish State and its institutions. The centrality of the gendered aspect, and the systemic and ubiquitous nature of this violent practice should never be overlooked by policy-makers.

Violence in the name of 'honour' is not only linked to gender and sexuality, but also to collective identity and kinship-based family structures. The collectivistic nature of the Turkish family structure with its strong gender hierarchy provides fertile ground for such crimes. The recurring nature of oppressive gender relations within these institutions makes it obvious that violence cannot be eliminated without radical transformations of the current family structures and social constructions of gender.

‘Honour’-related crimes need to be investigated within a framework that links interpersonal violence to structural inequalities and places women’s rights and wellbeing at the core of all policy areas and activities.

Instead of seriously questioning the underlying cultural patterns in a country where so many women are exposed to violence, government officials’ rhetoric normalises women’s subordinated position by limiting their role to motherhood and thus devaluating their bodies and competence, encourages oppressive male behaviour and breaches Turkey’s obligation to achieve gender equality. ‘Honour’ is widely used to restrict women’s presence outside the home by viewing the public sphere as ‘male’, and the current rhetoric is openly supportive of this view.

Despite the considerable progress Turkey has made with regard to legislative and policy reforms, legal equality does not equate to effective mechanisms that guarantee women a life without male violence. The lack of actual implementation has been a significant barrier to effectively providing a sufficient response to gender-specific violence in Turkey. The most important elements of the struggle are to empower women through providing access to education, encourage their participation in the labour force, make them aware of their rights, and offer adequate protection where they are threatened. More collaborative and determined action, which places women’s rights and wellbeing at the core, is needed to uproot patriarchal violence. As violence exists within all domains of power, combatting VAW necessitates a combination of social, political, legal, educational and economical transformation.

Racist discourse, such as linking ‘honour’ crimes to certain ethnic communities, constrains the struggle against such crimes. It overlooks crimes committed in the name of ‘honour’ by people who do not belong to these communities and therefore selectively legitimises some acts of male violence while condemning others. In this sense, the current portrayal of HBK as ‘customary killings’ discriminates both on the basis of race and gender.

The recognition of violence against women as a global human rights issue in the international human rights documents and particularly the increasing attention on ‘honour killings’ have been important steps in combatting such horrendous crimes. However, it is a state’s duty to comply with these principals in all policy areas and to effectively, systematically and continuously implement all recommendations by the regional and international extra-conventional human rights mechanisms. Poor and inconsistent implementation of national laws and international commitments leave women vulnerable to further abuse.

The establishment of a database to provide statistics for cases of violence against women, particularly crimes committed in the name of honour, is crucial for understanding the dimensions of this universal problem. Police-reported data (the incidents that are reported to or substantiated by police) and self-reported data (through victimisation surveys) should be collected, analysed and regularly published by the Turkish State in order to provide a comprehensive picture, evaluate current measures and develop new strategies.

The extension of support services, such as the establishment of a hotline and the increase in the number of shelters, are undoubtedly valuable contributions to the struggle. However, an increase in the number of, and accessibility to, the shelters is an urgent need for the protection of women from violence. The number of shelters for women and children should be expanded in accordance with the national law and international minimum standards.

Despite expectations of police to show zero tolerance to any kind of violence, recent data shows that a masculine perception of police endures in Turkey and it is apparent that beliefs in masculine gender roles constitute an important barrier to the struggle. Gender stereotypes and the patriarchal mindset should be eliminated from ‘professional’ police work and law enforcement’s concern about VAW should be improved through training and awareness raising.

Although the Law on the Protection of the Family and Prevention of Violence Against Women provides effective preventive and protective measures, the law does not stipulate accountability for law enforcement officers who fail to implement the law effectively and prevent the violence. A new clause, which requires criminal and civil responsibility for police officers who fail to take the necessary measures to protect the victim, should be amended to the law.

The dual approach in criminal proceedings is problematic. Killings in the name of ‘töre’ and ‘namus’ both originate from the same patriarchal mindset, are equal in severity and certainly neither are limited to a particular ethnic identity. They should not be categorised separately, furthermore, even within this dual approach cases are (mis-) categorised depending on the perspective of individual decision-makers.

Bibliography

Books and Articles

- Abu-Odeh, L., 'Crimes of Honour and the Construction of Gender in Arab Societies', In P. Ilkkaracan (ed.) *Women and Sexuality in Muslim Societies*, Istanbul: Women for Women's Human Rights (WWHR) - New Ways, 2000, pp. 363-380.
- Abu-Lughod, L., 'Seductions of the 'Honor Crime'', in *Differences: A Journal of Feminist Cultural Studies*, Vol 22, No. 1, 2011, pp. 17-63.
- Alinia, M. *Honor, Violence Against Women in Iraqi Kurdistan*, New York: Palgrave Macmillan, 2013.
- Akkoç, N., 'The Cultural Basis of Violence in the Name of Honour', in Shahrzad Mojab and Nahla Abdo (ed.), *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, pp. 113-125.
- Akkoç, N., (KA-MER), 'The Story of Ayse - KA-MER', in Shahrzad Mojab and Nahla Abdo (ed.), *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, pp. 128-135.
- Arat, Y., 'Religion, Politics and Gender Equality in Turkey: Implications of a Democratic Paradox?', in *Third World Quarterly*, 31 (6), 2010, pp. 869-884.
- Awwad, A. M., 'Virginity Control and Gender-Based Violence in Turkey: Social Constructionism of Patriarchy, Masculinity, and Sexual Purity', in *International Journal of Humanities and Social Science*, Vol. 1, No. 15, Special Issue: October 2011, pp. 105-110.
- Bagli, M., *Töre ve/veya Namus Adina Cinayet Isleyen Suclu ve Zanlilarin Sahip Olduklari Toplumsal Deger Yapilari Aile Iliskileri ve Kisilik Ozellikleri ile Bunlari Sosyo-ekonomik Analizine Iliskin Bir Arastirma*, Istanbul: Destek Yayinlari, 2011.

- Baker, N. V., P. R. Gregware, M. A. Cassidy, 'Family Killing Fields: Honor Rationales in the Murder of Women', in *Violence Against Women*, Vol 5, No 2, 1999, pp. 164-184.
- Bausani, A., 'Comment', in *Current Anthropology*, 22, 2, 1981, p. 152.
- Beauvoir, S., *The Second Sex*, New York: Bantam Books, Bantam Edition, 1961.
- Blum, R. Blum, E., *Health and Healing In Rural Greece: A Study Of Three Communities*, Palo Alto, CA: Stanford University Press, 1965.
- Bond, J., 'Honour As Familial Value', in Aisha K. Gill, Carolyn Strange, Karl Roberts (ed.), *'Honour' Killing & Violence: Theory, Policy & Practice*, London: Palgrave Macmillan, 2004, pp. 89-107.
- Bond, J., 'Honor As Property', *Columbia Journal On Gender And Law*, Vol 23, No 2, 2012, pp. 1-57.
- Bourdieu, P., *Esquisse d'une the'orie de la pratique pre'ce'de'e de trois e'tudes d'ethnologie' kabyle*, Geneva: Droz, 1972.
- Brandon, J., S. Hafez, *Crimes of the Community: Honour-based Violence in the UK*, Civitas: Institute for the Study of Civil Society; Wiltshire: Cromwell Press, 1st edition, 2008.
- Campbell, J. K., *Honour, Family and Patronage: A Study Of Institutions And Moral Values In A Greek Mountain Community*, Oxford: Oxford University Press, 1973.
- Chesler, P., 'Are Honor Killings Simply Domestic Violence?', in *The Middle East Quarterly*, Vol 16, No 2, Spring 2009, pp. 61-69.
- Chesler, P., 'Worldwide Trends in Honor Killings', in *The Middle East Quarterly*, Vol 17, No 2, Spring 2010, pp. 3-11.
- Connors, J., 'General Human Rights Instruments and Their Relevance to Women', in Andrew Byrnes, Jane Frances Connors, and Lum Bik (ed.), *Advancing the Human Rights of Women: Using International Human Rights Standards In Domestic Litigation*, London: The Commonwealth Secretariat, 1996, pp. 27-38.

- Criss, N. B., 'A Facet of Muslim Womanhood: The Turkish Case', in *Turkish Review of Middle East Studies*, 7, 1993, pp. 237-257.
- Delaney, C., *The Seed And The Soil, Gender And Cosmology In Turkish Village Society*, Berkeley: University of California Press, 1991.
- Dilmaç, J. A., '“Our” Honor And “Their” Honor: The Case Of Honor Killings In Turkey', In Marcia Texler Segal, Vasilikie Demos (ed.) *Gendered Perspectives on Conflict and Violence: Part B (Advances in Gender Research, Volume 18B)*, [Yorkshire]: Emerald Group Publishing Limited, 2014.
- Dodd, P. C., 'Family Honor And The Forces Of Change In Arab Society', in *International Journal of Middle East Studies*, Vol 4, Issue 1, 1973, pp. 40-54.
- Dogan, R., 'Different Cultural Understandings of Honor That Inspire Killing: An Inquiry Into the Defendant's Perspective', in *Homicide Studies*, 18, 2014, pp. 363-388.
- Dogan, R., 'The Dynamics of Honor Killings and the Perpetrators' Experiences', in *Homicides Studies*, published on December 16, 2014, pp. 1-27.
- Dogan, R., 'The Profiles of Victims, Perpetrators, and Unfounded Beliefs in Honor Killings in Turkey', in *Homicide Studies*, 18 (4), 2004, pp. 389-416
- Dubetsky, A., *A New Community in Istanbul*, PhD Dissertation, University of Chicago, 1973.
- Ertürk, Y., 'Towards a Post-Patriarchal Gender Order: Confronting The Universality And The Particularity Of Violence Against Women', in *Sociologisk Forskning*, 46, No 4, 2009, pp. 61-70.
- Ertürk, Y., 'Violence in the Name of Honour within the Context of International Regimes', in Shahrzad Mojab and Nahla Abdo (ed.), *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, pp. 165-176.

- Faqir, F., 'Intrafamily Femicide In Defence Of Honour: The Case Of Jordan', in *Third World Quarterly*, Vol 22, No. 1, 2001, pp. 65-82.
- Faraç, M., *Töre Kiskacında Kadın*, Istanbul: Günizi Yayıncılık, September 2004.
- Gill, A. K., '“Honour” Killings And The Quest For Justice In Black And Minority Ethnic Communities In The UK', in *Criminal Justice Policy Review*, Vol 20, No 4, 2009, pp. 475-494.
- Gill, A. K., 'Introduction: 'Honour' And 'Honour'-Based Violence: Challenging Common Assumptions', in Aisha K. Gill, Carolyn Strange, Karl Roberts (ed.), *'Honour' Killing & Violence: Theory, Policy & Practice*, London: Palgrave Macmillan, 2004, pp. 1-23.
- Gill, A. K., 'Reconfiguring 'Honour'-based Violence as a Form of Gendered Violence', In Mohammad Mazher Idriss and Tahir Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, pp. 218-231.
- Gilmore, D. D., 'Introduction: The Shame of Dishonor', in David D. Gilmore (ed.) *Honor and Shame and the Unity of the Mediterranean*, Washington DC: American Anthropological Association, 1987, pp. 16-17.
- Ginat, J., 'Illicit Sexual Relationships and Family Honor in Arab Society', *Israeli Studies in Criminology*, 10, 1979, pp. 179-202.
- Goffman, E., *Stigma: Notes on the Management of Spoiled Entity*, London: Penguin, New Edited Edition, 1990.
- Göle, N., 'Secularism and Islamism in Turkey: The Making of Elites and Counter-Elites', in *Middle East Journal*, Vol 51, No 1, Middle East Institute, 1997, pp. 46-58.
- Heywood, A., *Political Ideologies: An Introduction*, New York and Hampshire: Palgrave Macmillan, 3rd revised edition, 2003.
- Hosken, F. P., *The Hosken Report: Genital and Sexual Mutilation of Females*, 3rd rev. ed., Women's International Network News: Lexington, MA, 1982.
- Hoşgör, A. G., J. Smits, 'The Status of Rural Women in Turkey: What is the Role of Regional Differences?', In Valentine M. Moghadam, *Patriarchy to*

Empowerment: Participation, Rights and Women's Movements in the Middle East, North Africa, and South Asia, New York: Syracuse University Press, 2007, pp. 180-202.

Idriss, M. M., 'Honour, Violence, Women and Islam-An Introduction', In Mohammad Mazher Idriss and Tahir Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, pp. 1-15.

Ilkcaracan, P., 'Democratization In Turkey from a Gender Perspective', In Carmen Rodriguez, Antonio Ávalos, Hakan Yilmaz and Ana I. Planet (ed.) *Turkey's Democratization Process*, London: Routledge, 2013, pp. 154-176.

Iskender, S. Z., 'Öğreti ve Yargısal Kararlar Işığında Töre Saikiyle Öldürme Suçunun (Namus Cinayetlerinin) Değerlendirilmesi', in Yargıtay Dergisi, Vol 35, Issue 1-2, January-April 2009, pp. 5-60.

Kandiyoti, D., 'Bargaining With Patriarchy', in Gender and Society, Vol. 2, No. 3, Special Issue to Honor Jessie Bernard, September 1988, pp. 274-290.

Kandiyoti, D., 'Sex Roles and Social Change: A Comparative Appraisal of Turkey's Women', in Signs: Journal of Women in Culture and Society, Vol 3, No 1, 1977, pp. 57-73.

Kara, H., A. Ekici, H. Inankul, 'The Role of Police in Preventing and Combating Domestic Violence in Turkey', in European Scientific Journal, Vol 10, No 20, July 2014, pp. 1-21.

Karasipahi, S., *Muslims in Modern Turkey: Kemalism, Modernism and the Revolt of the Islamic Intellectuals*, London: AP Tauris, Reprint Edition, 2014.

Kardam, F., *Türkiye'de Namus Cinayetlerinin Dinamikleri: Eylem Programı için Öneriler: Sonuç Raporu*, Ankara: Nüfus Bilim Derneği, 2005.

Kavas, S., A. Thornton, 'Adjustment and Hybridity in Turkish Family Change: Perspectives from Developmental Idealism', in Journal of Family History, 38 (2), 2013, pp. 223-241.

Kaya, A., 'Islamisation of Turkey under the AKP Rule: Empowering Family, Faith and Charity', in South European Society and Politics, 20 (1), 2015, pp. 47-69.

- King, D., 'The Personal Is Patrilineal: Namus As Sovereignty', in *Identities: Global Studies In Culture And Power*, Vol. 15, Issue 3, 2008, pp. 317-341.
- Koğacıoğlu, D., 'Gelenek Söylemleri ve İktidarın Dogallasmaı: Namus Cinayetleri Örneđi', in *Kültür ve Siyasette Feminist Yaklaşımlar*, 3, 2008, pp. 117-145.
- Koğacıoğlu D., 'The Tradition Effect: Framing Honor Crimes in Turkey', in *A Journal of Feminist Cultural Studies*, Volume 15, Number 2, Summer 2004, pp. 119-151.
- Lebor, A., '*Complicity with Evil*': *the United Nations in the Age of Modern Genocide*, Harrisburg: R.R. Donnelley, 2006.
- Lebor, A., *Milosevic: A Biography*, London: Bloomsbury Publishing, 2003
- Mardin, S., 'The Just and The Unjust', in *Daedalus: Journal of the American Academy of Arts and Sciences*, 120, 1991, pp. 113-130.
- Mernissi, F., 'Virginity and Patriarchy', in *Women's Studies International Forum*, 5, pp. 183-191.
- Merry, S. A., *Gender Violence: A Cultural Perspective*, UK: Wiley-Blackwell, 2009.
- Meetoo, V., H. S. Mirza, '“There is Nothing ‘Honourable’ About Honour Killings’: Gender, Violence and the Limits of Multiculturalism’, In Mohammad Mazher Idriss and Tahir Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, pp. 42-66.
- Mojab, S., 'Honor: Iran and Afghanistan', In Suad Joseph (ed.) *Encyclopedia of Women and Islamic Cultures, Vol II: Family, Law and Politics*, Leiden-Boston: Brill, 2005, pp. 215-216.
- Mojab, S. and A. Hassanpour, 'The Politics and Culture of ‘Honour Killing’: The Murder of Fadime Sahindal', in *International Feminist Perspectives: Women and Violence*, Vol 9 (2), 2002, pp. 56-70.
- Müftüler-Bac, M., 'Turkey's Political Reforms and the Impact of the European Union', in *South European Society & Politics*, Vol 10 (1), March 2005, pp. 16-30.

- Müftüler-Bac, M., 'Turkish Women's Predicament', in Women's Studies International Forum, Vol 22, No 3, 1999, pp. 303-315.
- Nagel, J., 'Nation', In M. Kimmel, J. Hearn, R. W. Connel (ed.) *Handbook of Studies on Men and Masculinities*, Thousand Oaks, CA: London and New Delhi, Sage Publications, 2005, pp. 397-413.
- Ortaylı, I., *Studies on Ottoman Transformation*, Istanbul: Isis Press, 1994.
- Payton, J., 'Collective Crimes, Collective Victims', in Mohammad Mazher Idriss and Tahir Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, pp. 67-79.
- Pervizat, L., 'Lack of Due Diligence: Judgements of Crimes of Honour in Turkey', in Mohammad Mazher Idriss and Tahir Abbas (ed.) *Honour, Violence, Women and Islam*, New York: Routledge-Cavendish, 2011, pp. 142-153.
- Pitt-Rivers, J., 'Honour and Social Status', in Jean G. Peristiany (ed.) *Honour And Shame: The Values Of Mediterranean Society*, Chicago: University of Chicago Press, 1965, pp. 20-39.
- Pope, N., 'Honour Killings: Instruments of Patriarchal Control', in Shahrzad Mojab and Nahla Abdo (ed.), *Violence In The Name Of Honour: Theoretical And Political Challenges*, Istanbul: Istanbul Bilgi University Press, 2004, pp. 101-109.
- Reddy, R., 'Domestic Violence or Cultural Tradition? Approaches to 'Honour Killing' as Species and Subspecies in English Legal Practice', In Aisha K. Gill, Carolyn Strange, Karl Roberts, *'Honour' Killing & Violence: Theory, Policy & Practice*, London: Palgrave Macmillan, 2004, pp. 27-45.
- Ring, L. A., *Zenana: Everyday Peace in a Karachi Apartment Building*, Bloomington, IN: Indiana University Press, 2006.
- Ristock, J., *No More Secrets: Violence in Lesbian Relationships*, [New York, London]: Routledge, 2002.
- Rodriguez Mosquera, P. M., *Honor And Emotion: The Cultural Shaping Of Pride, Shame And Anger*, PhD Dissertation, University of Amsterdam, 1999.

- Rodriguez Mosquera, P. M., A. S. R. Manstead and A. H. Fischer, 'The Role of Honor Concerns In Emotional Reactions To Offences', in *Cognition And Emotion*, 16 (1), 2002, pp. 143-163.
- Scheper-Hugges, N., P. Bourgois, 'Introduction: Making Sense of Violence', In Nancy Scheper-Hugges, Philippe Bourgois (ed.), *Violence in War and Peace*, Oxford: Blackwell, 2004, pp. 1-31.
- Schneider, J. L., 'Of Vigilance and Virgins: Honor, Shame and Access to Resources in Mediterranean Societies', in *Ethnology*, Vol 10, No 1, 1971, pp. 1-24.
- Sen, P., 'Crimes of Honour', Value and Meaning', In Sara Hossain and Lynn Welchman (ed.) *'Honour': Crimes, Paradigms and Violence Against Women*, New York: Zed Books Ltd., 2005 pp. 42-63.
- Sever, A., G. Yurdakul, 'Culture of Honor, Culture Of Change: A Feminist Analysis of Honor Killings in Rural Turkey', in *Violence Against Women*, Vol 7, No 9, 2001, pp. 964-998.
- Sever, A., 'Male Circumcision: Sharpening the Phallus, Constructing Masculinities, Some Implications for Men & Women', in *Women's Health and Urban Life*, 11 (2), 2012, pp. 64-87.
- Shalhoub-Kevorkian, N., "Growing from Within: The De-Colonization of the Mind", In Nahla Abdo-Zubi and Ronit Lentin (ed.) *Women and the Politics of Military Confrontation: Palestinian and Israeli Gendered Narratives of Dislocation*, Oxford: Berghahn, 2002, pp. 176-194.
- Siddiqui, H., 'There Is No 'Honour' In Domestic Violence, Only Shame! Women's Struggles Against 'Honour' Crimes In The UK', in Lynn Welchman, Sara Hossain (ed.) *'Honour': Crimes, Paradigms, And Violence Against Women*, London: Zed Press, 2005, pp. 263-281.
- Sirman, N., 'Constituting the Modern Family as the Social in the Transition from Empire to Nation-State', in Anna Frangoudaki, Caglar Keyder (ed.) *Ways to Modernity in Greece and Turkey: Encounters with Europe, 1850-1950*, London: I. B. Tauris, 2007, pp. 176-189.
- Sirman, N., 'Kinship, Politics and Love: Honour in Post-Colonial Contexts-The Case of Turkey', in Shahrzad Mojab and Nahla Abdo (ed.) *Violence In The Name Of*

Honour: Theoretical And Political Challenges, Istanbul: Istanbul Bilgi University Press, 2004, pp. 39-56.

Sunar, D., G. O. Fişek, 'Contemporary Turkish Families', In Uwe P. Gielen & Jaipaul L. Roopnarine (ed.) *Families in Global Perspective*, Boston: Allyn & Bacon/Pearson, 2005, pp. 169-183.

Stewart, F. H., *Honor*, Chicago: University of Chicago Press, 1994.

Tekeli, S., *Kadınlar ve Siyasal Toplumsal Hayat*, Istanbul: Birikim Yayinlari, 1982.

Tekeli, S., 'Women in Turkish Politics', in N. Abadan-Unat (ed.) *Women in Turkish Society*, Leiden: E.J. Brill, pp. 293-310.

Terman, R. L., 'To Specify or Single Out: Should We Use the Term 'Honor Killing'?', in *Muslim World Journal of Human Rights*, Vol 7, Issue 1, 2010, pp. 1-39.

Triandis, C., 'Cross-Cultural Studies of Individualism and Collectivism', in John J. Berman (Ed.), *Nebraska Symposium on Motivation*, Lincoln: Nebraska University Press, Vol 37, 1989, pp. 41-133.

Vandello, J. A., D. Cohen, 'Male Honour And Female Fidelity: Implicit Cultural Scripts That Perpetuate Domestic Violence', in *Journal of Personality And Social Psychology*, 84(5), 2003, pp. 997-1010.

Walby, S., *Theorizing Patriarchy*, Oxford: Blackwell, 1990.

Reports and Working Papers

Amnesty International (AI), *Annual Report: Pakistan 2010*, 28 May 2010, <<http://www.amnestyusa.org/research/reports/annual-report-pakistan-2010?page=3>> (7 July 2015).

Amnesty International (AI), Report: *Pakistan: Violence Against Women In The Name Of Honour*, London, Number of Reports: ASA 33/18/99 and 33/19/99, 1999.

Amnesty International (AI), Report: *Turkey: Women Confronting Family Violence*, International Secretariat, 2004.

Expert paper by Leyla Pervizat: *Tackling Honour in the Aftermath with a Good Practice*, UN Division for the Advancement of Women, Expert Group Meeting on Good Practices in Legislation to Address Harmful Practices against Women, UN Doc. EGM/GPLHP/2009/EP.02, Addis Ababa, 11 May 2009.

Flying Team Against Violence, Report: *Combatting Honour Related Violence, Forced Marriages and Abandonment: National Report Turkey*, Kalkınma Atölyesi (Development Workshop) Ankara, Autumn 2011, <<http://www.medinstgenderstudies.org/wp-content/uploads/National-Report-Turkey.-Flying-Team-against-Violence.pdf>> (20 July 2015).

Global Commission On International Migration (GCIM), Nicola Piper, *Gender And Migration: A Paper Prepared For The Policy Analysis And Research Programme Of The Global Commission On International Migration*, Geneva, 2005.

Hacettepe Üniversitesi, Nüfus Etütleri Enstitüsü, Report: *Türkiye’de Kadına Yönelik Aile İçi Şiddet Araştırması*, Ankara, 2015, <<http://www.hips.hacettepe.edu.tr/KKSA-TRAnaRaporKitap26Mart.pdf>> (18 June 2015).

Human Rights Watch, Report: *In Turkey, He Loves You, He Beats You*, 4 May 2011, <https://www.hrw.org/report/2011/05/04/he-loves-you-he-beats-you/family-violence-turkey-and-access-protection> (10 July 2015).

King Hussein Foundation, Information and Research Center, Y. Mansur, M. Shteiwil & N. Murad, Report: *The Economic Underpinnings of Honour Crimes in Jordan*, 2010, <<http://irckhf.org/en/haqqi/research/economic-underpinnings-honor-crimes-jordan>> (30 June 2015).

Kvinno Forum – Stockholm 2005, Report: *Honour Related Violence: European Resource Book and Good Practice*, Based on the European Project ‘Prevention of Violence against Women and Girls in Patriarchal Families’ <http://www.medinstgenderstudies.org/wp-content/uploads/hrvresourcebook.pdf> (26 June 2015).

Schirmacher, C., *Honour killings and Emancipation—Gender roles in Immigrant Culture against the backdrop of a Middle East understanding of ‘Honour’ and ‘Shame’*, Institute of Islamic Studies, <<http://www.islaminstitut.de/View-article.89+M5cbbcb64c63.0.html>> (3 May 2015).

The Grand National Assembly of Turkey, Reports of the Parliamentary Inquiry Committee on Honour-based and Customary Killings 10/148, 182, 187, 284, 285, <<http://kadininstatusu.aile.gov.tr/data/542a8e0b369dc31550b3ac30/tbmmkombolum1.pdf>> (29 June 2015).

The Canadian Council of Muslim Women (CCMW), Position Paper: *CCMW Position on Femicide (Not Honor Killing)*, <<http://ccmw.com/ccmw-position-on-femicide-not-honour-killing/>> (1 July 2015).

The Finnish Institute of International Affairs, Working Paper by Toni Alaranta: *Turkey under The AKP: A Critical Evaluation From the Perspective of Turkey's EU Negotiations*, February 2015, <http://www.fiia.fi/en/publication/480/turkey_under_the_akp/> (20 June 2015).

Türkiye Cumhuriyeti Basbakanlık İnsan Hakları Başkanlığı, *2007 Töre ve Namus Cinayetleri Raporu*, http://www.tihk.gov.tr/www/files/tore_namus_cinayetleri_raporu_06_08_2008.pdf (25 April 2015).

Women for Women's Human Rights (WWHR), Report: *The New Legal Status of Women in Turkey*, April 2002.

Working Group of Violence against Women & Girls, NGO Committee on the Status of Women, Working Paper of Robert Ermers, *Honour Related Violence*, 2009, <http://www.wunrn.com/news/2009/07_09/07_27_09/072709_honour.htm> (24 June 2015).

World Economic Forum, *The Global Gender Gap Report 2014*, <http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf> (18 June 2015).

Yirmibeşoğlu, V., *Namus Cinayetleri Yargulamaları ve Uygulama Sorunları*, Berlin Graduate School of Social Sciences (BGSS) Workshop Documentation, "Implementierung von Rechtsnormen: Gewalt gegen Frauen in der Türkei und in Deutschland", Institut für Sozialwissenschaften, Humboldt-Universität zu Berlin, 2010.

Documents of International and Regional Organisations

United Nations

Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on

Women, 27 October 1995.

Commission on Human Rights, *Commission on Human Rights Resolution 2003/45: Elimination of Violence Against Women*, E/CN.4/RES/2003/45, 23 April 2003, <<http://www.refworld.org/docid/43f3133b0.html>> (25 July 2015).

Commission on Human Rights, Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Asma Jahangir: *Civil and Political Rights, Including Questions of: Disappearances and Summary Executions*, submitted pursuant to Commission on Human Rights resolution 1999/35, UN Doc. E/CN.4/2000/3, 25 January 2000, <<http://www.refworld.org/docid/3b00f4274.html>> (25 July 2015).

Commission on Human Rights, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences Radhika Coomaraswamy: *Cultural Practices in the Family that are Violent towards Women*, submitted in accordance with Commission on Human Rights resolution 2001/49, E/CN.4/2002/83, 31 January 2002, <<http://www.refworld.org/docid/3d6ce3cc0.html>> (25 July 2015).

Commission on Human Rights, Statement by the High Commissioner for Human Rights Navi Pillay: *Domestic Violence and Killing in the Name of Honour*, 8 March 2010, <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=9869>> (8 July 2015).

Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No 12: Violence Against Women*, eighth session, 1989.

Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No 19: Violence Against Women*, eleventh session, 1992.

Human Rights Council, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Christof Heyns, *Preliminary Observations on official visit to Turkey*, Ankara, 30 November 2012, <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12850&LangID=E>> (27 June 2015).

UNDP, *Human Development Report 2014: Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience*, <<http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>> (18 June 2015).

UNFPA, Report: *The State of World Population 2000: Lives Together, Worlds Apart*, New York, UNFPA, 2000, <https://www.unfpa.org/sites/default/files/pub-pdf/swp2000_eng.pdf> (25 July 2015).

UNGA *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13.

UNGA *Declaration on the Elimination of Violence against Women (DEVAW)*, 20 December 1993, A/RES/48/104.

UNGA *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, 6 October 1999, United Nations, Treaty Series, Vol 2131, p. 83.

UNGA, *Report of the Secretary General A/57/169: Working Towards the Elimination of Crimes against Women Committed in the Name of Honour*, 2 July 2002, <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/467/90/PDF/N0246790.pdf?OpenElement>> (25 July 2015).

UNGA *Resolution 55/6: Working Towards the Elimination of Crimes against Women Committed in the Name of Honour*, A/RES/55/66, 4 December 2000, <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/563/35/PDF/N0056335.pdf?OpenElement>> (25 July 2015).

UNGA *Resolution 57/179: Working Towards the Elimination of Crimes against Women Committed in the Name of Honour*, A/RES/57/179, 18 December 2002, <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/549/97/PDF/N0254997.pdf?OpenElement>> (25 July 2015).

UNGA *Resolution 59/165: Working Towards the Elimination of Crimes against Women Committed in the Name of Honour*, A/RES/59/165, 20 December 2004, <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/549/97/PDF/N0254997.pdf?OpenElement>> (25 July 2015).

UNGA *Resolution 65/228: Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*, A/RES/65/228, 31 March 2011, <http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/228&referer=http://www.un.org/en/ga/65/resolutions.shtml&Lang=E> (25 July 2015).

Council of Europe

Council of Europe, *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*, adopted 11 May 2011, Istanbul, entered into force 1 August 2014, <<http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm>> (29 June 2015).

Parliamentary Assembly, *Report of the Committee on Equal Opportunities For Women and Men: So-called 'Honour Crimes'*, Doc. 9720, Council of Europe, 7 March 2003, <<http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=10068&lang=en>> (25 July 2015).

Parliamentary Assembly, *Parliamentary Assembly Resolution 1327: So-called 'Honour Crimes'*, adopted on 4 April 2003, <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17106&lang=en>> (25 July 2015).

Parliamentary Assembly, *Parliamentary Assembly Resolution 1681: The Urgent Need to Combat so-called 'Honour Crimes'*, adopted on 26 June 2009, <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17766&lang=en>> (25 July 2015).

European Union

Commission of the European Communities, *A Roadmap for equality between women and men*, SEC(2006) 275, 1 March 2006, <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52006DC0092>> (25 July 2015).

European Parliament, *European Parliament Resolution 2010/2209(INI): Priorities and outline of a new EU policy framework to fight violence against women*, 5 April 2011, <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0127+0+DOC+XML+V0//EN>> (25 July 2015).

Other

Hague Convention (IV) Respecting the Laws and Customs of War on Land, and Annex to the Convention, Regulations Concerning the Laws and Customs of War on Land, The Hague, 18 October 1907, <<http://www.refworld.org/docid/4374cae64.html>> (28 July 2015).

International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the*

Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Geneva, 12 August 1949, <<http://www.refworld.org/docid/3ae6b36d2.html>> (28 July 2015).

Domestic Legislation

Civil Code of the Republic of Turkey (Türk Medeni Kanunu), Law no 743, adopted 17 February 1926, abolished 1 January 2002, <https://tr.wikisource.org/wiki/743_Sayılı_Türk_Kanunu_Medenisi> (29 July 2015).

Civil Code of the Republic of Turkey (Türk Medeni Kanunu), Law No. 4721, adopted 22.11.2001, entered into force 1 January 2002, <http://www.tusev.org.tr/usrfiles/files/Turkish_Civil_Code.pdf> (28 July 2015).

Committee of Ministers, Decree No 633, adopted 3 June 2011, entered into force 8 June 2011, <<http://eyh.aile.gov.tr/mevzuat/ulusal-mevzuat/kanun-hukmunde-kararnameler/aile-ve-sosyal-politikalar-bakanliginin-teskilat-ve-gorevleri-hakkinda-kanun-hukmunde-kararname>> (20 June 2015).

Constitution of the Republic of Turkey (Türkiye Cumhuriyeti Anayasası), adopted 18 October 1982, entered into force 9 November 1982, <<http://www.hri.org/docs/turkey/>> (23 June 2015).

Criminal Procedure Code (Ceza Muhakemesi Kanunu), Law no 5271, adopted 4 December 2004, entered into force 1 June 2005, <<http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5271.pdf>> (28 July 2015).

Grand National Assembly Resolution 853, adopted 28 June 2005, <<https://www.tbmm.gov.tr/sirasayi/donem22/yil01/ss1140m.htm>> (16 June 2015).

Juvenile Protection Law (Çocuk Koruma Kanunu), Law No: 5395, adopted 3 July 2005, entered into force 15 July 2005, <http://www.hcch.net/upload/abduct2011cp_tr3.pdf> (27 June 2015).

Law on the Protection of Family and Prevention of Violence Against Women (Ailenin Korunması ve Kadına Yönelik Şiddetin Önlenmesine Dair Yasa), Law No: 4320, adopted 14 January 1988, entered into force 17 January 1988, abolished 20 March 2012, <<http://www.resmigazete.gov.tr/eskiler/2012/03/20120320-16.htm>> (27 June 2015).

Law on the Protection of Family and Prevention of Violence Against Women (Ailenin Korunması ve Kadına Yönelik Şiddetin Önlenmesine Dair Yasa), Law No: 6284,

adopted 8 March 2012, entered into force 20 March 2012, <<http://www.resmigazete.gov.tr/eskiler/2012/03/20120320-16.htm>> (27 June 2015).

Municipality Law (Belediyeler Kanunu), Law No 5393 (amended by the Law 6360), adopted 12 November 2012 entered into force 6 December 2012, <<http://www.mevzuat.gov.tr/MevzuatMetin/1.5.6360.pdf>> (29 July 2015).

Penal Code of the Republic of Turkey (Türk Ceza Kanunu), Law No. 765, adopted 1 March 1926, abolished 1 April 2005, <<http://www.ceza-bb.adalet.gov.tr/mevzuat/765.htm>> (29 July 2015).

Penal Code of the Republic of Turkey (Türk Ceza Kanunu), Law No: 5237, adopted 26 September 2004, entered into force 1 April 2005, <<https://www.tbmm.gov.tr/kanunlar/k5237.html>> (25 July 2015).

Cases

European Court of Human Rights (ECtHR)

De Haes and Gijssels v. Belgium, App no: 19983/92, ECtHR, 24 February 1997.

Delcourt v. Belgium, App no: 2689/65, ECtHR, 17 January 1970.

Opuz v. Turkey, App no: 33401/02, ECtHR, 9 June 2009.

Refah Partisi and Others v. Turkey, App. numbers: 41340/98, 41342/98, 41343/98 and 41344/98, 13 February 2003.

Domestic Cases

Supreme Court of Appeal (Yargıtay)

1st Criminal Chamber (Yargıtay, 1. Ceza Dairesi), 2007/6700 E. 2008/1986 K., 14.3.2008.

1st Criminal Chamber, 2927-8501, 19.11.2007.

1st Criminal Chamber, 2008/10901 E.N. 2009/293 K.N., 19.03.2009.

1st Criminal Chamber, 2011/5057 E., 2012/3350 K., 30.04.2012.

1st Criminal Chamber, 2014/1719 E, 2014/2733 K, 29.04.2014.

Other

Mardin 2nd Assize Court (Ağır Ceza Mahkemesi), 08/350, 20.06.2006, *Supreme Court Journal*, Vol 35, Issue 1-2, January-April 2009, <http://www.yargitay.gov.tr/belgeler/site/dergi/yrgdergi/OcakNisan2009/index.html#/49/zoomed> (13 July 2015).

Alanya 1st Assize Court (Ağır Ceza Mahkemesi), 72/110, 02.05.2006, <www.yargitay.gov.tr> (14 July 2015).

Gaziantep 2nd Assize Court (Ağır Ceza Mahkemesi), 315/400, 3.10.2006, <www.yargitay.gov.tr> (14 July 2015).

Media Articles and Reports

Agence France-Presse in Istanbul, *Recep Tayyip Erdoğan: 'Women not Equal to Men'*, *The Guardian*, 24 November 2014, <<http://www.theguardian.com/world/2014/nov/24/turkeys-president-recep-tayyip-erdogan-women-not-equal-men>> (21 June 2015).

Akkoç, R., *Turkish PM tells female reporter to 'know your place'*, *The Telegraph*, 8 August 2014, <<http://www.telegraph.co.uk/news/worldnews/europe/turkey/11022632/Turkish-PM-tells-female-reporter-to-know-your-place.html>> (21 June 2015).

Aktaş Salman, U., Y. Cingöz, *Başka Hülyalar öldürülmesin*, *Radikal*, 18 January 2009, <http://www.radikal.com.tr/turkiye/baska_hulyalar_oldurulmesin-917508> (1 June 2015).

BBC News - Europe, *Is Life Getting Worse for Women in Erdogan's Turkey*, BBC, 4 March 2015, <<http://www.bbc.com/news/world-europe-31709887>> (19 June 2015).

Belge, B., *Güldünya case may go to ECHR*, *Bianet*, 11 November 2004, <<http://www.bianet.org/english/women/47978-guldunya-case-may-go-to-echr>> (3 May 2015).

Belge, B., 'Sığınma Evleri Barınak Değil, Yeni Bir Başlangıç Olmalı', *Bianet*, 3 September 2010, <<http://bianet.org/bianet/insan-haklari/124573-siginma-evleri-barinak-degil-yeni-bir-baslangic-olmali>> (11 July 2015).

BIA Haber Merkezi-Istanbul, 'Kadin Cinayetleri 14 Kat Arttı', *Bianet*, 15 September 2011, <<http://bianet.org/bianet/kadin/132742-kadin-cinayetleri-14-kat-artti>> (26 April 2015).

Dearden, L., 'Women should not laugh in public,' says Turkey's Deputy Prime Minister in morality speech, *The Independent*, 29 July 2014, <<http://www.independent.co.uk/news/world/europe/women-should-not-laugh-in-public-says-turkeys-deputy-prime-minister-in-morality-speech-9635526.html>> (21 June 2015).

Ekurd Daily, UK: Banaz Mahmud's father gets 20 years for 'honour killing', *Ekurd Daily*, London, 20 July 2007, <<http://www.ekurd.net/mismas/articles/misc2007/7/kurdsworldwide227.htm>> (25 June 2015).

Hürriyet Ekonomi, Şimşek'e bakılırsa işsizlik kadınlar yüzünden artıyor, *Hürriyet*, 20 March 2009, <<http://www.hurriyet.com.tr/ekonomi/11240874.asp>> (21 June 2015).

Insel, A., Onlar, *Radikal İki*, 18 June 2006, <http://www.radikal.com.tr/ek_haber.php?ek=r2&haberno=5954> (20 July 2015).

Insel, A., 'Yeni Rusya,' 'Yeni Türkiye' ve Kadim Medeniyet, *Radikal*, 5 September 2014, <http://www.radikal.com.tr/yazarlar/ahmet_insel/yeni_rusya_yeni_turkiye_ve_kadim_medeniyet-1210995> (19 June 2015).

Kandiyoti, D., *No laughing matter: Women and the new populism in Turkey*, *Open Democracy*, 1 September 2014, <<https://www.opendemocracy.net/5050/deniz-kandiyoti/no-laughing-matter-women-and-new-populism-in-turkey>> (21 June 2015).

Karadag, N., *Başka erkeklerle yaşayan annesini...*, *Habertürk*, 1 January 2015, <<http://www.haberturk.com/gundem/haber/1025719-baska-erkeklerle-yasayan-annesini>> (4 May 2015).

Karakas, B., *Annesini kaybetti kadınları kurtarıyor*, *Milliyet*, 9 August 2014, <<http://www.milliyet.com.tr/annesini-kaybetti-kadinlari-gundem-1923029/>> (13 July 2015).

Karakas, B., *Kadınlar Adalet'e 'Hasret' Kaldı!*, *Milliyet*, 13 February 2015, <<http://www.milliyet.com.tr/kadinlar-adalete-hasret-kaldi--gundem-2013083/>> (3 May 2015).

Karatas, Z., *Turkey Struggles with Femicide as Domestic Violence Mounts*, *Today's Zaman*, 12 July 2014, <http://www.todayszaman.com/anasayfa_turkey-struggles-with-femicide-as-domestic-violence-mounts_352764.html> (12 July 2013).

Kaymak, M., *Kızını Öldüren Annenin Cezası Değişmedi: 20 Yıl Hapis*, *Milliyet*, 10 July 2012 <<http://www.milliyet.com.tr/kizini-olduren-annenin-cezasi-degismedi-20-yil-hapis/gundem/gundemdetay/10.07.2012/1565214/default.htm>> (3 May 2015).

Kizilkoyun, F., *61 Women Killed Across Turkey in 2013*, *Hurriyet Daily News*, 15 February 2014, < <http://www.hurriyetdailynews.com/61-women-killed-across-turkey-in-2013.aspx?pageID=238&nid=62506>> (15 July 2015).

Kibritoglu, M., *Kardeşi vurdu, babası kapıyı kilitleyip ölmesini bekledi*, *Milliyet*, 20 July 2011, <<http://www.milliyet.com.tr/kardesi-vurdu-babasi-kapiyi-kilitleyip-olmesini-bekledi/gundem/gundemdetay/20.07.2011/1416768/default.htm>> (4 May 2015).

Letsch, C., *Turkish Women Defy Deputy PM with Laughter*, *Guardian*, 30 July 2014, <<http://www.theguardian.com/world/2014/jul/30/turkish-women-defy-deputy-pm-laughter>> (21 June 2015).

Momigliano, A., *Honor Killing by Any Other Name*, *The Nation*, 2 February 2010, <http://www.thenation.com/article/honor-killing-any-other-name/> (4 July 2015).

Seibert, T., *Sectarian Fears in Turkey after Murderer's Admission*, *The National*, 21 December 2010, <http://www.thenational.ae/news/world/europe/sectarian-fears-in-turkey-after-murderers-admission> (4 July 2015).

Sen, E., *Türk Milletinin Kökünü Kazımak İstiyorlar, Her Aileden 3 Çocuk İstiyorum*, *Zaman*, 7 March 2008, <http://www.zaman.com.tr/politika_turk-milletinin-kokunu-kazimak-istiyorlar-her-aileden-3-cocuk-istiyorum_661625.html> (20 June 2015).

Sol Haber Merkezi, *Sağlık Bakanı 'imam'a uydu: 'Tecavüze uğrayan doğursun, gerekirse devlet bakar'*, *Sol*, 31 May 2012, <<http://haber.sol.org.tr/devlet-ve-siyaset/saglik-bakani-imama-uydu-tecavuze-ugrayan-dogursun-gerekirse-devlet-bakar-haberi>> (20 June 2015).

Tait, R., *Turkish girl, 16, buried alive 'for talking to boys'*, *Guardian*, Istanbul, 4 February 2010, <<http://www.theguardian.com/world/2010/feb/04/girl-buried-alive-turkey>> (22 April 2015).

The Telegraph News Agency, *Cousin 'still proud' of disposing of honour killing-victim's body, judge says*, *The Telegraph*, 6 December 2013, <<http://www.telegraph.co.uk/news/uknews/law-and-order/10500550/Cousin-still-proud-of-disposing-of-honour-killing-victims-body-judge-says.html>> (3 May 2015).

Timeturk Haber Merkezi, *Kadınlar Hatice'nin mezarına kefen bıraktı*, *Timeturk*, 31.12.2012, <<http://www.timeturk.com/tr/2012/12/31/kadinlar-hatice-nin-mezarina-kefen-birakti.html>> (30 April 2015).

Today's Zaman, *Honor killing perpetrators welcomed by society, study reveals*, Interview with Mazhar Bağlı, *Today's Zaman*, 12 July 2008, <http://www.todayszaman.com/national_honor-killing-perpetrators-welcomed-by-society-study-reveals_147349.html> (25 June 2015).

Toktar Çekiç, E.' *Tecavüze uğrayan da kürtaj yaptırmamalı*, *Aksam*, 31 May 2012, <<http://www.aksam.com.tr/guncel/tecavuze-ugrayan-da-kurtaj-yaptirmamali/haber-118800>> (20 June 2015).

Tremblay, P., *No laughing matter: Social media mocks AKP's fight for chastity*, *Almonitor*, 30 July 2014, <<http://www.al-monitor.com/pulse/originals/2014/07/tremblay-turkey-deputy-prime-minister-arinc-women-laughter.html>> (21 June 2015).

Tremblay, P., *Turkish women receive mixed messages on work-life balance*, *Al-Monitor*, 5 January 2015, <<http://www.al-monitor.com/pulse/originals/2015/01/turkey-akp-mixed-messages-on-womens-place.html#>> (21 June 2015).

Vela, J., *'Abortions are like air strikes on civilians': Turkish PM Recep Tayyip Erdogan's rant sparks women's rage*, *The Independent*, 30 May 2012, <<http://www.independent.co.uk/life-style/health-and-families/health-news/abortions-are-like-air-strikes-on-civilians-turkish-pm-recep-tayyip-erdogans-rant-sparks-womens-rage-7800939.html>> (20 June 2015).

Yazici, G., *Kadından Sorumlu Olmayan Kadın Bakan: Fatma Şahin*, *Bianet*, 7 July 2011, <<http://bianet.org/bianet/diger/131302-kadından-sorumlu-olmayan-kadin-bakan-fatma-sahin>> (19 June 2015).

Zaman, *Eşini öldürüp cesetini bozdolabında saklayan eşe 20 yıl hapis*, Zaman, 19 September 2007, <http://www.zaman.com.tr/gundem_esini-oldurup-cesetini-bozdolabinda-saklayan-ese-20-yil-hapis_590690.html> (2 July 2015).

Zoepf, K., *A Dishonorable Affair*, New York Times, 23 September 2007, <<http://www.nytimes.com/2007/09/23/magazine/23wwln-syria-t.html?pagewanted=all>> (9 July 2015).

Websites

Human Rights Watch, Statement by G. van Gulik, *Turkey: Backward Step for Women's Rights-Abolishing Women's Ministry Harms Women's Rights Efforts*, 10 June 2011, <<http://www.hrw.org/news/2011/06/09/turkey-backward-step-women-s-rights>> (19 June 2015).

Ministry of Family and Social Policies, Bulletin: *Bakan İslam: Kadınlarımızın tüm hak ve fırsatlardan eşit şekilde yararlanmasını sağlayana kadar çalışmaya devam edeceğiz*, 9 March 2015, <<http://www.aile.gov.tr/haberler/bakan-islam-kadinlarimizin-tum-hak-ve-firsatlardan-esit-sekilde-yararlanmasini-saglayana-kadar-calismaya-devam-edecegiz>> (12 July 2015).

The International Campaign Against Honour Killings (ICAHK), *'Honour' killing: An essential term: ICAHK*, <<http://violenceisnotourculture.org/content/honour-killing-essential-term-icahk>> (20 June 2015).

Turkish Statistical Institute (Türkiye İstatistik Kurumu), Bulletin: *İstatistiklerle Kadın, 2014*, 5 March 2015, <<http://www.tuik.gov.tr/PreHaberBultenleri.do?id=18619>> (10 July 2015).

Videos

ASPB Dijital Kütüphane, 'Aile Olmak Projesi – Tanıtım Filmi' (6 December 2014) <https://www.youtube.com/watch?v=cDaDLqWaqRQ> (20 June 2015).

Abstract

Occurring among people of different religious faiths, different nationalities and in different regions and countries across the world, killings of women in the name of 'honour' is the most extreme form of violence against women. Thousands of women lose their lives every year at the hands of their families and intimate partners for behaving 'improperly' and bringing 'dishonour' to them. In this study, current understandings of the notion of 'honour' as an integral part of 'honour'-based killings, and the link between these killings and patriarchy, collective identity and kinship family structure are investigated. Such killings are discussed as a human rights matter, specifically as discrimination on the basis of gender. A multidisciplinary approach is applied in order to capture the complexity and multidimensionality of the problem. The analysis is based on previous research, reports and statistics by international and national organisations and Turkish state institutions and also press statements and media articles. The particular focus is on Turkey, where such crimes are prevalent, but other contexts are also considered as a source. Turkey's progress regarding the status of women since the foundation of the Republic is investigated. Current impediments to combating such killings in Turkey, such as the implementation of laws and government policies and the distinction between 'töre' and 'namus' killings in criminal proceedings, are examined. The study concludes with several suggestions to policy-makers and legal authorities for providing an effective response to gender-specific violence.

Abstrakt

Die bei Völkern aus unterschiedlichen Religionen, Nationalitäten bzw. Regionen in Ländern der ganzen Welt auftretenden "Ehrenmorde" stellen die extremste Form von Gewalt gegen Frauen dar. Jedes Jahr sterben Tausende von Frauen durch die Hand von Angehörigen und Beziehungspartnern, nachdem sie durch "falsches" Verhalten "Schande" über ihre Familie gebracht haben. Die vorliegende Studie untersucht unterschiedliche gegenwärtige Auffassungen des "Ehr"-begriffs, welcher als maßgeblicher Faktor den Ehrenmorden zugrunde liegt, sowie den Zusammenhang zwischen diesen Morden und dem Patriarchat, der kollektiver Identität und den Familien- und Verwandtschaftsstrukturen. Diese Tötungen im Namen der Ehre werden in Bezug auf die Menschenrechte und insbesondere als geschlechterspezifische Diskriminierung diskutiert. Die Diskussion erfolgt unter Anwendung eines multidisziplinären Ansatzes, um die Komplexität und die Multidimensionalität des Problems erfassen zu können. Die Analyse baut auf früheren Forschungsarbeiten auf und basiert auf Berichten und Statistiken von internationalen und nationalen Organisationen und staatlichen Institutionen der Türkei sowie auf Pressemitteilungen und Medienberichten. Das Hauptaugenmerk liegt dabei auf der Türkei, wo derartige Verbrechen verbreitet sind, jedoch werden auch andere Kontexte einbezogen und analysiert. Es werden die Fortschritte in Bezug auf den Status der Frauen, die in der Türkei seit der Gründung der Republik gemacht wurden, untersucht. Die aktuellen Hindernisse für die Bekämpfung solcher Frauenmorde in der Türkei, wie etwa die Umsetzung der Gesetzgebung und die politische Linie und die Unterscheidung zwischen "Töre" und "Namus"-Tötungen, werden beleuchtet. Die Studie schließt mit mehreren Vorschlägen für politische Entscheidungsträger und Justizbehörden zur Vorlage einer effektiven Antwort auf geschlechtsspezifische Gewalt.

Curriculum Vitae

Vienna University Master of Arts in Human Rights (MA)	2013-
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