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Turkish marriage law a blow to women's rights, say activists

Bill allowing Muslim clerics to conduct civil marriages passed despite protests amid fears it could lead to more child brides

By Kareem Shaheen and Gokce Saracoglu

The Guardian (14.11.2017) - <http://bit.ly/2AHputJ> - Activists and opposition politicians in Turkey have rounded on a law that allows Muslim clerics to conduct civil marriages, describing it as a blow to women's rights and secularism and part of an ongoing effort to impose religious values on a polarised society.

The law allowing "mufti" marriages was passed by parliament and Turkey's president, Recep Tayyip Erdoğan, then published in the country's official gazette on Friday, despite protests by civil society activists and opposition lawmakers. Last month, Erdoğan declared the bill would be passed "whether you like it or not".

"Women's rights are going to decline," said Nazan Moroğlu, an expert on gender law and a lecturer at Yeditepe University. "Everything that has been pushed on to women in this land has been done in the name of religion."

Muftis are clerics empowered with issuing religious opinions on matters of day-to-day life. Previously, only state officers in branches of the family affairs directorate were able to conduct marriages.

A requirement has also been added that prohibits individuals who carried out "immoral acts" before marriage from becoming Turkish citizens.

Many people in Turkey, a Muslim-majority country, conduct religious ceremonies in addition to civil marriages, as do Syrian refugees who tie the knot in the country, and see it as a religious obligation. Other Middle Eastern countries do not allow civil marriages because of religious restrictions on Muslim women marrying non-Muslim men, but often recognise marriages performed abroad. Many couples in the region often travel to Cyprus or Turkey to conduct such marriages.

Supporters of the law point out that it does not change the requirements for a legal civil marriage. They say it does not create a loophole that allows child marriages or polygamy, and simply makes it more convenient for citizens who are religiously observant.

Opponents contend that the law is an unnecessary distraction in a country still reeling from the aftermath of a coup attempt last year and enduring an ongoing crackdown on dissidents under a 16-month long state of emergency. They say it is part of a broader campaign by the government to impose conservative Islamic values on a divided society.

Critics point to other recent changes that they say are indicative of an attempt to establish the dominance of Sunni Islam in a republic created on secular principles. They cite changes to the school curriculum that have ended the practice of teaching evolution in high school and introduced a state-sponsored explanation of the concept of jihad.

They also fear the government is turning a blind eye to other dangerous trends that are harmful to women's rights, such as child marriage. The Turkish legal system sets the minimum marriage age at 17, with some exceptions for girls aged 16, with an estimated 232,000 such marriages conducted in the past four years. Women's rights campaigners estimate that a third of all marriages in Turkey include girls under the age of 18.

"From the way this draft law was prepared without the participation of sides who will be affected, such as muftis or women's groups, it is a sign of an enforcement of an idea," said Selina Doğan, an opposition MP in Istanbul, who pointed out that women campaigning against the law in front of parliament were pepper sprayed. "One man [Erdoğan] has the power and a change to a political Islamist regime is planned."

Efforts to change long-established family legal principles in Turkey have emerged as a lightning rod in the battle between Islamists and secularists. A parliamentary commission established in 2016 by the ruling Justice and Development (AK) party to study the causes for high divorce rates introduced a series of recommendations last year that were seen as a backward step on women's equality and an attempt to impose conservative family values.

Among the recommendations was a widely condemned proposal that would have granted amnesty to some men convicted of child sex assault if they marry their victims. The recommendation was tabled as a bill late last year then withdrawn after widespread protests.

Other proposals included introducing mediation by religious scholars in divorce cases and changes to the penal code that would decriminalise the practice of couples living in a religious marriage without a civil one registered with the state.

"This is another trick by Erdoğan to polarise society and consolidate his 50% base and nothing else," said Engin Altay, a politician with the largest opposition party. "While Turkey is burning with mountains of problems they are bringing this up just to separate his base [from his opponents] with unfounded discussion."

Report reveals 38 women killed in Turkey in January

Turkish Minute (05.02.2017) - <http://bit.ly/2kpczrQ> - A report released by the Stop the Murder of Women Platform has shown that a total of 38 women became the victims of domestic violence in Turkey in January.

Most of the murders took place in the western province of İzmir, where six women were killed, followed by İstanbul, Balıkesir, Trabzon and Şanlıurfa, where three women were murdered in each province.

The platform said it could not determine whether all of the murdered women had state protection but said 8 percent of the women killed in January died while they trying to protect another woman.

"These data clearly show that women are not protected by the state. Thirty-one percent of the women were killed because they wanted to divorce, end a relationship or simply because they wanted to make a decision regarding their lives," the platform said in its report.

Women's rights organizations have for years been trying to raise awareness about the rise in violence against women that has taken place in the last decade.

According to local reports, between 2003 and 2010 there had been a 1,400 percent increase.

Many women think that this is linked to the policies or rhetoric of the governing Justice and Development Party (AKP) in Turkey, which has its roots in political Islam and has been in power since 2002.

Other reading:

[IHD Report: Human rights abuses systematically grew in Turkey following failed coup](#)

Turkish grannies to get state salaries for grandchildren's care

By Zulfikar Dogan

Al Monitor (16.01.2017) - <http://bit.ly/2jdFSb7> - Child care is the biggest challenge for working mothers, but the Turkish government has found an easy solution: pay grandmothers to look after the children.

Turkish law requires workplaces, both public and private, to provide child care facilities for their employees, but most establishments do not comply with the rules to avoid additional costs. Instead of fulfilling their responsibilities, they prefer to pay fines.

The governing Justice and Development Party has been closely concerned with family affairs. President Recep Tayyip Erdogan has led a campaign for Turks to have at least three children, while the government has introduced incentives for marrying early, including while still at university, and gold-coin awards for each newborn baby.

In 2015, the government launched a European Union-funded child care support program in three pilot provinces, under which working women with children ages 0-2 receive 416 euros (\$441) per month provided they employ a socially insured nanny. The program, expanded to Ankara and Istanbul provinces in November, aims to boost female employment, both by keeping the mother at work and ensuring the labor rights of nannies. One eligibility condition for the program is that the caretaker is not a grandmother of the child.

In Turkey, grandmothers traditionally volunteer to look after the children of their sons or daughters, and the practice is widespread in all social segments. The government has now announced a plan to pay salaries to those grandmothers as part of a program called National Mobilization in Working Life.

The project is scheduled to kick off in February in two provinces — Bursa and Izmir — and cover 1,000 families initially. After a six-month monitoring and evaluation period, it will be expanded to other provinces with an ultimate target of covering 500,000 grandmothers.

For nonworking or retired grandmothers, whose pensions range mostly between 1,000 and 1,800 Turkish liras (\$250-\$450), the project means an opportunity to earn additional income while taking care of grandchildren at home.

When the plan was first announced in early January, grandmothers were truly excited, expecting a salary similar to the 416 euros (1,664 Turkish liras) in the EU-funded nanny program. But Labor and Social Security Minister Mehmet Muezzinoglu soon cooled the excitement, announcing that the program would cover the children only of women who work part-time, to allow them to shift to full-time jobs and hence earn more. In an interview with CNN Turk, the minister said the grandmothers would receive about 400 Turkish liras (99 euros or \$105) per month.

Then the project came under fire for promoting home care for young children by older people rather than in an environment among peers in nurseries and kindergartens.

Burcin Demirkan Baytar, a Turkish child psychologist and family consultant, writes on her personal blog that a grandmother cannot keep up with the energy of a child. If home care is the preferred option, she advises that an experienced nanny who is at least 25 take care of the child under the supervision of the grandmother.

In a Jan. 6 statement, the Women's Labor and Employment Initiative (KEIG), a platform of civic groups working to empower women, sharply criticized the government's plan, saying it reflected a "cost-cutting economic mentality" whereby the state attempts to get rid of a duty it is supposed to perform and place it on the shoulders of women.

Citing statistics by the Ministry of National Education, the statement said the number of public nurseries had fallen from 497 in 2007-2008 to 56 in 2015-2016, stressing that child care had been left almost entirely to the private sector and the family. And because private nurseries are quite expensive and often of low quality, child care duties are met largely by women in the family, it said.

"When put in the context of problems such as female poverty, female labor's concentration in low-paid, insecure jobs and the poor accessibility of child care and education services, this policy speaks of opportunism," the statement said.

In KEIG's view, the government not only flouts its duty to provide child care facilities as a public service but, with its latest plan, discriminates against working mothers who need them most — those who lack elder relatives for child care. "This approach precludes both the opportunity for a more independent life for women, who, after a certain age have lighter burdens, and the understanding of early childhood education and care as a public service that needs to be provided institutionally," it said.

In sum, the support offered to families raising children — the future of the nation — should be thoroughly analyzed before being put into practice. Experts stress that the education and care children receive in their first three years bear directly on their future.

Sadly, uneducated, low-income grandmothers have already started to compete for the care of grandchildren. For working parents, any relief from the prospect of state support could be now superseded by family crises in which the grandmother assumes the care of the child.

Turkish marriage guide sparks controversy

The Turkish city of Kütahya is known for fresh mountain air, ceramics - and now, for promoting misogyny: The city hands out a free guide on married life to newlyweds that says beating wives is justifiable in some cases.

By Sertan Sanderson

DW (07.01.2017) - <http://bit.ly/2j7QSeb> - Turkish authorities in some cities have come under criticism for handing out "marriage guides" that advocate mistreatment of women as being beneficial to conjugal bliss.

A 394-page book entitled "Marriage and Family Life" says that wife beatings are a legitimate and recommended means for conflict resolution if a woman refuses to wear makeup for her husband, and recommends that "a wife has to remain quiet and apologize if her husband is angry with her."

Other pieces of advice in the book include the notion that women should not talk during sex "as this will lead to the child developing a stutter" and that they should stay away from public parks and sports facilities. Polygamy is suggested as a way to keep a "wayward" woman in check, as it apparently creates competition among wives.

The book also allows for children as young as 10 years of age to be married.

'No complaints'

The leader of Kütahya's main opposition Republican People's Party (CHP), Zeliha Aksaz Sahbaz, said in December 2016 that the book "depicts woman as second-class citizens and sexual slaves."

But the mayor of Kütahya, Kamil Saracoglu, a member of the Islamist Justice and Development Party (AKP), defended the writings in an interview, saying there had never been any complaints and that the advice given in the document was based on Islamic principles.

Copies of the same book published under a slightly different title, "Marriage and Privacy," were meanwhile also found in the resort town of Pamukkale. Issued by Pamukkale's city council, those copies have reportedly even made their way to the parliamentary library in the Turkish capital, Ankara.

Unconstitutional

Parliamentarian Fatma Kaplan-Hürriyet picked up one of those copies and said in parliament the writings were in breach of the Turkish constitution, adding that they were reminiscent of Sharia law. Kaplan-Hürriyet, who is also a member of the opposition CHP, said that she sent a request to the municipal prosecution services in Kütahya and Pamukkale, which are both run by the AKP, to start legal proceedings against the book. If they failed to take action, Hürriyet warned, she would take matters into her own hands, seeking to make sure that taxpayers' money wasn't spent on hate speech.

"Each time the AKP mentions the issue of violence against women I will throw this book at them. Whenever they mention child marriage I will stick this book into their eyes," she said, adding she might bring a lawsuit against the municipalities distributing the book to

newlyweds. Kaplan's outspoken activism against the publication has drawn a lot of attention in Turkish media.

Members of the AKP, founded by Turkish President Recep Tayyip Erdogan, have acknowledged that the books were unsuitable as actual marriage guidelines; they have, however, not initiated any discourse on the legal status of the writings so far. Education Minister Ismet Yilmaz merely described them as "primitive."

The "marriage guide" was penned by Hasan Caliskan, a former employee of Turkey's powerful Ministry of Religious Affairs, known as "Diyanet," which under successive AKP governments has seen a major increase in funding and support. In reaction to the controversy, Diyanet has reportedly announced that municipalities should ask the ministry before deciding to distribute the book.

Identity crisis

In addition to dealing with widespread terrorism and the consequences of a failed coup in July 2016, the Turkish government has also been embroiled in ongoing discussions on various aspects of gender equality. With crimes against women being tolerated in many parts of the country, some of the debate has moved away from safeguarding equality and toward portraying the two genders as unequal by nature - a concept that would seem to be supported by the publication of these marriage guidelines.

Women's rights groups are, among other things, enraged by attempts in parliament to pardon child rapists, if they agree to marry the rape victim. The motion was rejected only after protests across the country. Earlier in 2016, reports surfaced about child abuse in a government-sponsored charity for children - one that was headed by a woman. The December 2015 rape and murder of student Özgecan Aslan led to protests across the country, but resulted in little to no reaction in government circles. Violence against transgender women meanwhile remains rampant, as many manage to find an income only as prostitutes.

The public discourse on women's rights and domestic violence, sometimes regrettably absurd in nature, has also sparked a debate about the Turkish identity, one forged nearly a century ago by the founder of the Turkish republic, Mustafa Kemal Atatürk.

An assault on the secular order

Atatürk's idea of a secular state protected by a secular constitution, which in turn was to be protected by a secular military, has gradually been eroded under Erdogan's leadership, dividing the nation between those who wish to follow a decidedly religious world order and those who follow Atatürk's principle of "laiklik" - a term borrowed from its French counterpart "laïcité," meaning the principle of the separation of religion and state.

Atatürk established the Diyanet ministry, the publisher of the controversial guide on marriage, as a means to keep religious affairs away from government. Erdogan has turned this idea on its head and has used the ministry as a way to further expand the influence of Islamist ideas in the public sphere.

Meanwhile, the vacuum created by Erdogan's purge against all kinds of social groups, including his gradual withdrawal of power from the military - the constitution's intended guardian - has been filled by only one thing, and that is the expansion of patriarchy. Erdogan himself appears to be the chief representative of this oppressive social system, repeatedly making clumsy comments on women's place in society based on his interpretation of Islam, such as "a women who rejects motherhood (...) is deficient."

Patriarchy at its best

While Islam itself maintains the equality of both genders in many areas and, in particular, the protection of women in certain affairs as expressed in the Koran, it is the cultural aspect of patriarchy that usually gives rise to misogynistic ideas, not only in towns like Kütahya and Pamukkale but throughout the country. Although not always communicated through violence, the daily discrimination against women in Turkey is typically expressed by belittling their concerns.

Kütahya mayor Kamil Saracoglu, for instance, commented that "no one should dare try to make political gains with such unimportant issues while our nation is struggling to rebuild."

Further reading:

[A Chronic Problem: Violence Against Women and Girls in Turkey](#)

Turkey withdraws child rape bill after street protests

Turkish Prime Minister Binali Yildirim has withdrawn a bill that pardons men convicted of sex with underage girls if they have married them.

BBC (22.11.2016) - <http://bbc.in/2gx8fnX> - The bill, part of a package of amendments to the legal system, was sent back for further work just hours before a final vote in parliament.

It had sparked protests across Turkish society and was condemned abroad.

Critics said it would legitimise statutory rape and encourage the practice of taking child brides.

UN agencies had called on the government not to approve the bill, arguing that it would damage the country's ability to combat sexual abuse and child marriage.

But the government says the main aim is to exonerate men imprisoned for marrying an underage girl apparently with her or her family's consent.

The draft law will now be returned to a commission which will take into account the views of the opposition and civil society, Mr Yildirim said.

This would allow for "broad consensus" and to "give time for the opposition parties to develop their proposals".

Turkey's legal age of consent is 18 but the practice of underage weddings in religious ceremonies remains widespread.

Opposition parties heavily criticised the bill which had been approved in an initial parliamentary reading on Thursday.

The ruling AK Party dominates parliament in Ankara.

Justice Minister Bekir Bozdog had defended the legislation, saying: "The bill will certainly not bring amnesty to rapists.... This is a step taken to solve a problem in some parts of our country."

In July, Turkey's constitutional court annulled part of the criminal code which classified all sexual acts with children under 15 as sexual abuse.

Elif Shafak, one of Turkey's best-selling novelists, explained the concern over the bill.

"One of the main weaknesses of this draft is that word, consent," she told the BBC.

"What does that mean? We're talking about children here. So if the rapist negotiates with the family, if he bribes or threatens the family, the family can easily withdraw, you know, their complaint and they can say OK there was a consent and there was no force involved."

But Ravza Kavakci Kan, an AKP MP, said the bill had been misunderstood.

"It is about giving normality to young women who have been married underage due to cultural norms, other norms, and now find themselves with their children suffering because their husbands are in prison," she told the BBC's Newsday programme.

"One of the examples is when the woman is 15 and the man is 17, they get married, they're both underage, a few years later after they've had children, or when they go to register their babies, or when they go to the doctor, the doctors or officials have to report this case if it is an underage marriage, so now they are 24, 25 and all of a sudden their husbands are in prison."

Further reading: [MPs in Turkey support bill allowing child rapists to go free if they marry their victim](#)

MPs in Turkey support bill allowing child rapists to go free if they marry their victim

'If you give him a pass by marriage, the young girl will live in a prison for her whole life,' argues opposition politician

The Independent (18.11.2016) - <http://ind.pn/2foJAOn> - Men who sexually abuse children could have their convictions quashed if they marry their victims, under a controversial bill supported by Turkish MPs.

Critics said the bill would legitimise and encourage rape, but the government argued the law had been misinterpreted.

The ruling Justice and Development Party (AKP) – which brought the bill to parliament – reacted angrily to the backlash, saying the law was needed to resolve legal complications associated with child marriage in the country.

If it passes, men who sexually abuse girls under 18 could avoid prosecution if they marry their victims.

The act cannot have been committed with "force, threat, or any other restriction on consent" to qualify for the pardon.

MPs approved the draft law in its initial reading on Thursday and will vote again on the bill in a second debate in the coming days.

Opposition parties have been alarmed by the AKP's proposals.

Ömer Süha Aldan, of the Republican People's Party (CHP), said the law would "encourage forced marriages and legalise marriage to rapists".

"If a 50 or 60 year-old is told to marry an 11-year-old after raping her, and then marries her years later, she will suffer the consequences," Mr Aldan told Hurriyet Daily News.

"If you give him a pass by marriage, the young girl will live in a prison for her whole life."

CHP group deputy chair Özgür Özel said the bill was approved by only one vote and claimed that AKP Justice Minister Bekir Bozdağ had "strategically" issued it at the last moment of the session.

As the bill was debated and approved, the hashtag #TecavuzMesrulastirilamaz (Rape Cannot be Legitimised) became a top-trending topic on Twitter, as users took to social media to express their distaste.

Yet the justice minister claimed campaigners were "distorting" the issue and denied the bill would legitimise rape.

"What we do is to find a solution to an ongoing problem, it is not to protect rape nor protect rapists," he told state-owned news agency Anadolu.

Instead, he argued the bill would help couples who have consensual sex when they are underage and want to marry.

"When a child is then born from this non-official union, the doctor warns the prosecutor and the man is sent to prison, putting the child and mother into financial difficulties," he told the AFP news agency.

Although the legal age of consent is 18 in Turkey, child marriage is widespread, particularly in the southeast.

The country has one of the highest rates of child marriage in Europe, with an estimated 15 per cent of girls married before their 18th birthday.

35 women killed in October in Turkey

Hurriyet Daily News (16.11.2016) - <http://bit.ly/2eZZvBF> - A total of 35 women were killed in October and 21 others were subjected to sexual violence, according to a report released by the Kadın Cinayetlerini Durduracağız Platformu, a women's rights activist organization that keeps track of violence against women.

According to the organization, a total of 42 children were left motherless as a result of femicides and 29 children were sexually abused.

Three hate crimes were committed against members of the LGBTI community.

The total number of femicides reached 272 since Jan. 1, the report also said.

Four women were killed in the southern province of Muğla, three of them were killed in Istanbul, and two murders each were committed in five provinces, the western provinces of Aydın and Manisa, the northwestern province of Balıkesir, the southeastern province of Şanlıurfa and the Black Sea province of Ordu.

Some 46 percent of the murdered women were married, according to the statistics presented by the organization. The statistics in the report also showed that 51 percent of the 35 women killed in October were murdered for making decisions regarding their own lives, for ending their relationships or for seeking divorce, while 9 percent were killed as they attempted to protect their daughters from their husbands.

Three of the murdered women had previously been subjected to violence, applied for state protection or were taken under police protection, the report also said.

More reading: [One of the 12 suspects arrested after rape of 14-year-old girl](#)