



Global Nonviolent Action Database

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Turkish feminist and LGBT groups campaign to reform the Penal Code, 2002-2004

***Time period notes:** Efforts to reform the Civil Code began in the 1950s, but nothing was changed until the reform amendments passed in 2001. Many members of this movement continued to fight for women's human rights in the Penal Code reform campaign which is told here. This is noted to put the campaign within the larger historical context of women's movements in Turkey.*

January

2002

to: September

2004

Country: Turkey

Goals:

Transform the underlying philosophy and principles of the old Penal Code, which constructed women's bodies and sexuality as belonging to their families, fathers, husbands, and society

To eliminate all articles that constituted violations of women's human rights, particularly sexual and body rights.

To ensure progressive definitions of sexual crimes.

Methods

Methods in 1st segment:

- 001. Public speeches
- 050. Teach-ins

Methods in 2nd segment:

- 001. Public speeches
- 050. Teach-ins

Methods in 3rd segment:

- 001. Public speeches
- 050. Teach-ins

Methods in 4th segment:

- 001. Public speeches
- 011. Records, radio, and television

Methods in 5th segment:

- 001. Public speeches
- 010. Newspapers and journals

Methods in 6th segment:

- 001. Public speeches
- 007. Slogans, caricatures, and symbols › "Our bodies and sexuality belong to ourselves!"
- 008. Banners, posters, and displayed communications
- 010. Newspapers and journals
- 038. Marches
- 156. Refusal of membership in international bodies › The EU refused to even begin negotiations with the Turkish government on their acceptance into the Union until the draft law, including the demands of the WPTPC, was adopted.

Additional methods (Timing Unknown):

- 002. Letters of opposition or support
- 007. Slogans, caricatures, and symbols

Classifications

Classification:

Change

Cluster:

Democracy

Human Rights

Group characterization:

- women's and LGBT groups

Leaders, partners, allies, elites

Leaders:

Women for Women's Human Rights - New Ways (WWHR - New Ways)

Partners:

Not known

External allies:

United Nations, European Union, Cumhuriyet Halk Partisi (CHP, Republican People's Party)

Involvement of social elites:

Not known

Joining/exiting order of social groups

Groups in 1st Segment:

- Women's Working Group on the Penal Code (WWGPC)

Groups in 2nd Segment:

Groups in 3rd Segment:

- Women's Platform on the Turkish Penal Code (WPTPC)

Groups in 4th Segment:

Groups in 5th Segment:

- Cumhuriyet Halk Partisi
- UN Special Rapporteur on Violence Against Women/the United Nations
- the European Union

Groups in 6th Segment:

Segment Length: 5.5 months

Opponent, Opponent Responses, and Violence

Opponents:

Adalet ve Kalkınma Partisi (AKP, Justice and Development Party), minister of women, Vakit (religious right newspaper)

Nonviolent responses of opponent:

Newspaper ads and articles, false legal accusations, false strategical accusations (such as claiming WWTPC only represented urban women)

Campaigner violence:

Not known

Repressive Violence:

Not known

Success Outcome

Success in achieving specific demands/goals:

6 points out of 6 points

Survival:

1 point out of 1 points

Growth:

3 points out of 3 points

Notes on outcomes:

Through strong networking and good timing, WWHR - New Ways was able to form two large campaign bodies out of a large range of organizations: the WWGPC and the WWTPC. They were also able to garner a lot of support from the media and subsequently the general public which led to unequivocal support from international organizations such as the United Nations and the European Union. These connections led to the completion of all of the group's major goals as well as a strong coalition that can continue to confront women's issues in the political sphere.

During the 1990s, feminist and queer activist groups campaigned heavily to reform the Turkish Civil Code, which held many provisions that subordinated women such as establishing the supremacy of the husband in the family. In November of 2001, a new Civil Code was adopted that equalized the status of men and women; however, a similar set of laws established in the Turkish Penal Code maintained the gender hierarchy and protected men from serious sentencing if they committed crimes against women. Utilizing the momentum and experience gained in the campaign to change the Civil Code, the Women for Women's Human Rights - New Ways (WWHR - New Ways) began to spearhead a campaign that would reform the Penal Code

also.

The Penal Code included many laws that gave men a heavy advantage in crimes such as rape, abduction, and sexual abuse. The laws were construed in such a way that the crimes were considered to be against society rather than individuals because acts like rape were an assault on honor, not on people. The consequence of this wording was that men could reduce or negate their sentences by marrying the woman and “restoring” her honor. Another article in the Code included criminalizing acts of the undefined term ‘shameless behavior’ which was subsequently understood as an amnesty for police to abuse LGBT people. Alternatively, the Code did not cover other crimes such as marital rape, sexual harassment at work, virginity tests, discrimination based on sexual orientation or sexual crimes by security forces.

In December 1999 the EU informed Turkey that it was up as a candidate for membership, and in 2001 a program was developed which outlined the necessary changes Turkey would need to make in order to satisfy the requirements for the transition. The plan included reforms of the Penal Code, and Women for Women’s Human Rights - New Ways (WWHR - New Ways) decided to take this opportunity to push for gender equality as a part of the reforms. The European Commission (EC) did not include gender equality amongst their requirements; they were more focused on the death penalty, pre-trial detention provisions and questions of freedom of expression. The WWHR - New Ways needed to make the EC aware of the gender issues.

In the early months of 2002, WWHR - New Ways formed the Women’s Working Group on the Penal Code (WWGPC), which included fifteen representatives from NGOs, bar associations, and academic institutions from various regions throughout the country. They tried to include men in the coalition but only one joined and soon after left in May of 2002. During this time the WWGPC reviewed the Penal Code Draft Law that the coalition government (Democratic Left Party, Nationalistic Action Party, and the liberal Motherland Party) had drafted in response to the EC recommendations. The WWGPC drafted their own proposals, which included about 40 amendments to be integrated into the new law, and published the documents in late spring of 2002. However, the possibility of lobbying the coalition government to push for the amendments dissipated when the coalition resigned and caused early elections to be called for in November. The Adalet ve Kalkınma Partisi (AKP, Justice and Development Party), a conservative religious right party, won a two-thirds majority of the parliament.

This huge shift in the political arena caused the WWGPC to develop new strategies and tighten their short-term goals. They determined that they could no longer hope to have their demands included in the larger reforms on the Penal Code and looked instead at moving their issues to the public agenda where it could eventually be taken up by future generations who could use their work as precedent. They then formed a national platform, the Women’s Platform on the Turkish Penal Code (WPTPC), which included more NGOs and LGBT groups.

The new government drafted a new Penal Code and would not allow the WWGPC to review it. Instead, WWGPC had a friendly journalist obtain it covertly, but they were not pleased with what they found. Nearly all of the articles concerning women and sexuality had been copied directly from the old Penal Code. They quickly drafted a newer version of their own, which outlined demands that better suited the problems they saw in the AKP proposal, and sent it out to all of the members of the parliament and the media. Despite these attempts at lobbying over the course of the next 7 months, including a meeting with the Justice Commission, which categorically ignored them, their demands went nowhere.

It was at this point in the campaign that the WPTPC decided that it could no longer rely on the standard forms of political participation, and in May of 2003, they held a large press conference that was covered by a sizable range of the media during which they heavily critiqued the AKP’s draft and provided their own demands for revision. The AKP government responded by assigning a sub-commission of the Justice Commission to review the proposals made by the WPTPC, but the review did not actually begin until October that year. However, the sub-commission’s conclusions brought mostly good news for what much of the media and general public now referred to as simply “The Platform”. The sub-commission accepted several of the demands such as the criminalization of marital rape and sexual harassment, the removal of articles that distinguished between virgin and non-virgin women, and the cancellation of articles that reduced sentencing based on the idea that child sexual abuse could be consensual. Unexpectedly, the first negative reaction to the sub-commission’s decisions came from the minister of women (a woman) who considered their actions to be an improper violation of Turkish culture and tradition. It also pushed the chief

consultant to the minister of justice to remark, “Marrying the rapist after a rape is a reality of Turkey. The girl’s brother, the father of a girl who was raped, want her to marry the rapist. Those who are opposing this here would also like to marry virgins. If they claim the opposite, it is forgery.”

This statement, which was never officially denounced by the AKP, proved to be a key organizing tool for the WPTPC because it brought to light an issue of which many in Turkey had not been aware because it generally only affected girls from lower classes. The egregiousness of forcing a woman to marry her rapist quickly incited a strong public opposition to the government’s stance and the WPTPC helped channel that opposition toward the government’s draft for the Penal Code. This strategy became especially powerful when the same consultant stated in a televised debate that he would not force such a marriage onto his own daughter because he was different, implying that he was from a higher class that was exempt. The WPTCP took advantage of the growing public disdain for these policies and began to publish articles in various newspapers that followed court cases of men who had been accused of rape. The public denunciations of the court decisions, which often lessened or negated the sentence of the male perpetrators, made the gravity of the situation very apparent and undeniable.

Out of this divisive political climate, the WPTCP gained support from the opposition party, the Cumhuriyet Halk Partisi (CHP, Republican People’s Party) and some members of the AKP who were caving to the enormous public support for the women’s demands as well as the support of the minister of women at least for the removal of the forced marriages.

However, members of the religious right and the AKP struck back with vicious accusations in the newspapers. The Vakit described the members of the Platform as having no morals or shame, and being oversexed, wild, mad, and excessively lustful. They also implied that the Platform was under Jewish influence by targeting a member of WWHR - New Ways with a Jewish father in an attempt to delegitimize the campaign. Many similar claims were made that the Platform was an imposition of Western forces and culture that did not fit and was not desired by most of the men and women of Turkey who led different lifestyles. They also claimed that the proposals were only the desires of urban women and did not reflect the values and traditions of women from rural areas. Additionally, the minister of justice started an investigation against a girl who had been the victim of a rape and had written him a letter asking him what he would have done if she were his daughter. The investigation intended to indict her for “insulting the republic, the government, ministries...” The AKP also proposed a brand new law that would ban abortion in cases where the child would be born with grave physical or mental defect, a controversy that had not been touched since abortion had been legalized in 1983. They withdrew this proposal after a few short months due to increasing pressure from several sides in the public sphere.

The hostile response of the right only helped to further the cause of the women’s groups because it pushed many sectors of Turkish society several degrees closer to the Platform. It also encouraged the WPTPC to seek out international support, something it had avoided up until this point in order to avoid allegations that this was a Western imposition rather than truly homegrown demands from Turkish women. Deciding that now was the time to seek out the additional power, they invited the UN Special Rapporteur on Violence Against Women to a meeting with members of the Platform and the parliament in December of 2003. With national and international support, members of parliament began to receive representatives of the Platform in order to discuss their demands and form agreements. The Platform made sure to send representatives from a diversity of regional backgrounds to avoid any accusations of favoring urban women over rural.

By mid-2004, nearly all of the demands made by the platform had been incorporated into the new Penal Code draft. However, in a last-minute attempt to thwart a vote that would approve of pro-Platform Penal Code, the AKP introduced a proposal that would add criminalizing adultery in the Penal Code. Adultery had been decriminalized nearly a decade earlier due to large discrimination at the expense of women, but the AKP insisted that without such a provision, there were deficiencies in the law and that they were better representing women from the rural areas. In response, the WWHR - New Ways mobilized a march that they had been preparing to use when necessary since a year prior. On September 14, 2004, hundreds of women marched in front of the parliament building and yelled the campaign slogan, “Our bodies and sexuality belong to ourselves.” The AKP announced that it was going to withdraw the adultery proposal, but then shortly afterwards announced again that it was going to withdraw the entire draft law on the Penal Code until further notice.

The European Commission then refused to continue negotiations with the Turkish government until the final draft with all of the Platform proposals was adopted. The Turkish economy dropped drastically and an economic crisis befell the country. With daily press releases from the WWHR- New Ways following the movements and decisions of the AKP and pressure from the EU, the government reversed its stance. On September 26, 2004, the new Penal Code was adopted that included nearly all of the demands made by the WPTPC, even those that removed the ambiguity around such terms as “shameless actions” as to provide better protection for members of the LGBT community from abuse by police and other security forces. The campaign had succeeded.

Research Notes

Influences:

The start of this campaign was largely influenced by the success of a previous campaign in Turkey to reform the Civil Code, by many but not all of the same activists. (1)

Sources:

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[1] <https://nvdatabase.swarthmore.edu/category/pcs-tags/mainly-or-initiated-women>