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**Master's degree in  
Human Rights and Multi-level Governance**



PROTECTING SYRIAN REFUGEE WOMEN AND  
GIRLS FROM GENDER-BASED VIOLENCE IN  
TURKEY:

PUBLIC POLICY, LAW INSTRUMENTS, PRACTICES  
AND BURDEN SHARING

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**Protecting Syrian Refugee Women and Girls from Gender-Based Violence in Turkey:  
Public Policy, Law Instruments, Practices and Burden Sharing**

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**I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work**

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## **ABSTRACT**

*The Arab Spring, which started with the peaceful protests against authoritarian regimes in the Middle East and North Africa region in 2011, has evolved into a civil war in Syria, including various regional and international actors. As a result of the conflict which has been raging for 8 years, more than 5.6 million Syrians have fled the country while more than 6 million people have been displaced internally. In this regard, women and children have been the most affected population by the multi-faceted nature of the civil war either during the conflict and in the post-conflict settlement. Being under the temporary protection regime in Turkey, Syrian women and girls have become more vulnerable to sexual and gender-based violence as well as structural violence and the strong influence of customs, traditions, culture and religion on women. Moreover, the further purpose of this research is to investigate the multi-faceted reasons and consequences of sexual and gender-based violence on Syrian women and girls residing in Turkey in the post-conflict settlement in the context of gendered refugee experience and feminist perspective. In addition, protective and preventive measures on SGBV which are provided by Turkey, as a host state for more than 3.6 million Syrian refugees, will be unfolded. Then, the effectiveness and adequacy of the measures will be discussed in order to shed a light on the magnitude of the problem and to provide an insight into the undiscovered aspects of the conflict deeply concerning women and girls.*

**Key Words:** *Sexual and Gender-Based Violence, Syrian Women in Turkey, Forced Migration, Protection and Prevention for SGBV, Syrian Refugees Under Temporary Protection.*

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I would like to thank Atty. Gaye Saglam and Aysenur Sari - two current employees of Association for Solidarity with Asylum Seekers and Migrants- for allowing me to make this semi-structured interview in order to understand which problems prevail among the Syrian female refugees who consulted them in Izmir.

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## **LIST OF ABBREVIATIONS**

<b>AFAD</b>	Disaster and Emergency Management Authority
<b>AKP</b>	Justice and Development Party
<b>ASAM</b>	Association for Solidarity with Asylum Seekers and Migrants
<b>CEAS</b>	Common European Asylum System
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CRC</b>	Convention on the Rights of the Child
<b>DEVAW</b>	Declaration on the Elimination of Violence Against Women
<b>DGMM</b>	Directorate General of Migration Management
<b>ECtHR</b>	European Court of Human Rights
<b>ECHR</b>	European Convention of Human Rights
<b>EEC</b>	European Economic Community
<b>EU</b>	European Union
<b>EURODAC</b>	European Dactyloscopy
<b>FGM/C</b>	Female Genital Mutilation/Cutting
<b>FSA</b>	Free Syrian Army
<b>GREVIO</b>	The Group of Experts on Action against Violence against Women and Domestic Violence
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>IDP</b>	Internally Displaced People
<b>IPV</b>	Intimate Partner Violence
<b>ISIL</b>	Islamic State of Iraq and Levant
<b>LFIP</b>	Law on Foreigner and International Protection
<b>LGBT</b>	Lesbian, Gay, Bisexual, Transsexual
<b>MENA</b>	Middle East and North Africa
<b>NAP</b>	National Action Plan
<b>NGOs</b>	Non-Governmental Organizations
<b>PWSCR</b>	Women's Economic, Social, and Cultural Rights
<b>R2P</b>	Responsibility to Protect
<b>SDF</b>	Democratic Federation of Northern Syria
<b>SNC</b>	Syrian National Council
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SONIMs</b>	Violence Prevention and Monitoring Centers
<b>STD</b>	Sexually Transmitted Diseases
<b>TPR</b>	Temporary Protection Regime
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme

<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United National International Children’s Emergency Fund
<b>UNODC</b>	UN Office on Drugs and Crime
<b>VAW</b>	Violence Against Women
<b>WHO</b>	World Health Organization
<b>WPS</b>	Women, Peace, and Security

## INTRODUCTION

In December 2010, Muhammed Bouazizi attempted suicide by burning himself in Tunisia which triggered the protests against authoritarian regimes and spread all over the MENA region such as, mainly; Egypt, Libya and Syria. In the Syrian Arab Republic where the Ba'ath Party and Assad Family have ruled the country since 1971 and maintained the ideology of Syrian Nationalism, an internal turmoil started in March 2011. Due to the fact that the population in Syria is highly diverse ethnically and religiously, internal turmoil further turned into a civil war involving critical regional and international actors. In March 2011, when the demonstrations demanding certain reforms commenced, Assad preferred to suppress these protests by taking strict measures against the demonstrators. Within an increase in the intensity of the mass demonstrations since June and July 2011, Syrian security forces have surrounded such cities as Hama, Idlib, and Homs with heavy machine guns and even tanks in order to quell the insurrection. Considering the ethnically and religiously diverse population, these strict measures unsurprisingly escalated internal disturbance and caused the outbreak of the civil war in Syria which has been going on for 8 years now. In this regard, the Syrian population began to flee the country because of the intensified hostilities in Syria. On account of the fact that Turkey and Syrian have a shared border between them, a group of 250 people crossed the Syrian-Turkish border and entered Turkey.<sup>1</sup> Since this very first border crossing, the number of people who fled Syria has gradually augmented. Hence, while the State of Turkey implemented an 'Open Door Policy', it also began to set up camps for refugees near the border.

Although the 1951 Refugee Convention was introduced as a response to the migration wave as the results of the events that occurred in Europe during World War II, it embodied geographical and temporal limits. In principle, Turkey is a party to the 1951 Refugee Convention. Nevertheless, although it abrogated the application of temporal limit to the Convention within the 1967 Optional Protocol of the

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<sup>1</sup> Güçer, M., Karaca, S., & Dincer, O. (2013). *Sınırlar Arasında Yaşam Savaşı Suriyeli Mülteciler Alan Çalışması (Life Battle Between Borders, Syrian Refugees Field Study)* (pp. 1-70). Turkey: Ankara: Uluslararası Stratejik Araştırmalar Kurumu (USAK) (International Strategic Research Institution). p.8

Convention which invalidated the temporal limits, the geographical limitation to the Convention still applies to Turkey. The existing geographical limitation to the Convention signifies that Turkey has accepted to give fully-fledged refugee status to only those who flee as a consequence of ‘events occurring in Europe’ as indicated in the Convention. That is why, this expression limits the application of the 1951 Convention to the population who flee from non-European countries. Therefore, the Syrian population cannot obtain a fully-fledged refugee status in Turkey which could provide international protection within the scope of 1951 Convention. For that reason, Turkey treated the Syrian population, who fled Syria and sought refuge in Turkey, as ‘guests’ in the earlier stages of the resettlement. Between 2013 and 2015, when Turkey faced the mass influx of refugees who fled country and sought international protection; the already-existing domestic instruments of Turkey were found to be inadequate to manage the crisis. In connection with this, Turkish authorities reconsidered its domestic law instruments regarding migration management and asylum procedure as necessary to revise in order to preliminarily respond to the needs of the ‘mass-influx’ of refugees. Consequently, new Law on Foreigners and International Protection (LFIP)<sup>2</sup> was introduced by Turkey in late 2013. In addition to that, Temporary Protection Regime (TPR) was passed as a secondary legislation that is based on the new LFIP, which provides a range of rights including access to health, education, social assistance, psychological support and access to the labor market for beneficiaries of temporary protection. Besides, the Temporary Protection Regime which provides temporary protection to Syrians in view in accordance with international law, depends upon no-discrimination policy and strictly applies the principles of non-refoulment. However, even though the introduction of LFIP and TPR could ensure a relatively substantial mechanism for asylum and migration management, Syrians who are able to obtain temporary refugee status may still get harmed by practice-wise gaps.

Furthermore, upon expounding the international instruments for obtaining a fully-fledged refugee status and investigating Turkey’s national response to the crisis, this thesis will further focus on the Turkey and EU joint statement as of March

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<sup>2</sup> Turkey: Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016) [Turkey], 29 October 2016, available at: [http://www.goc.gov.tr/files/files/eng\\_minikanun\\_5\\_son.pdf](http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf) [accessed 22 May 2018]

2016 referring to the irregular passages towards Europe in order to reveal the dimensions of regional response to the crisis, as well as EU's effect and role on Turkey's border management and migration policy. Simultaneously, the EU's attitude towards the humanitarian crisis such as leaving the refugees temporarily residing in Turkey without a well-managed legal and social security rather than following a more societal security-oriented approach will be discussed within the context of burden sharing/shifting. As a matter of the fact that the legal and policy framework becomes more of an issue in terms of determining the framework for refugees' status and the rights and services available to them, it is vital to examine the legal and policy framework in three levels of analysis: national, regional, and international. Accordingly, Chapter two which is devoted to legal and policy framework and Turkey's migration management will be tackled as one of the main components of this research. This part of the thesis devoted to migration management of Turkey and the status determination of the refugees is not only important for women and girls, but also for all Syrian nationals who reside in Turkey and cannot enjoy international protection. Even though the Syrian refugees represent a highly politicized topic both in Turkey's national politics and in its relationship with Turkey and EU, the 'Open Door Policy' which welcomed 3.6 million defenseless people who fled war and persecution can be described as a valuable and more human-centric maneuver.

In connection with the conflict in Syria which emerged as the largest refugee crisis in the contemporary world, experiences of women and girls would be paid close attention in the thesis. Considering the legal, political, economic, and social consequences of the conflict either in Syria or in any host states, women and girls have disproportionally been affected. In this context, they have become more vulnerable to any forms of sexual and gender-based violence which is atrociously fed by these various consequences such as socio-economic impoverishment of women, inadequate housing, and gaps in legal implementation. Furthermore, they have not exposed to SGBV either in one single phase or dimension; instead, they are at high risk of being subject to SGBV in different phases which SGBV becomes more visible and observable in course of refugee cycle. These phases are defined as follows: during conflict, during journey/fled, in the country of asylum, during

repatriation, and during reintegration process laid out by UNHCR.<sup>3</sup> Besides that, women and girls have gone through a multi-dimensional nature of gender-based violence not only at the individual level, but also in relationship, community, and societal levels as World Health Organizations Ecological Framework indicated.<sup>4</sup> In this respect, beginning with the explanation of the forms of violence against women and types of gender-based violence, and further, identifying the dimensions of SGBV on women and girls and the continuation of the violence from public to private are highly significant in terms of enlightening the root causes and the hidden aspects of the conflict regarding women and girls. Concerning the issue of the continuum of the violence from public to private, this thesis will address the circumstances which are related to forced migration and construction of new gender roles as the triggering factors of this diffusion. Moreover, Syrian women have recurrently been subjected to violence ever since the civil war escalated and various armed groups emerged in Syria. Among these armed group; Government forces, militias, and other extremist armed groups such as ISIL and al-Nusra come to the forefront. Unfortunately, due to the fact that the risk of being subjected to SGBV for Syrian women is not limited to what they experienced in Syria before fleeing to Turkey, understanding the complexity of reasons behind existing gender inequalities and discrimination in Syrian society could play an important role in addressing the issue of SGBV. In this regard, the underlying reasons of gender equality and discrimination as the sources of SGBV will be further examined with a specific focus on women and girls in the Chapter three. Since not only a single factor causes the emergence of SGBV, the combination of several factors that provoke gender inequalities and discrimination will be expounded. When the idea of norms which shape society's way of life through a various set of values is considered; religion by taking sectarian division into consideration, culture, tradition and customs, patriarchy, and state feminism could be found as salient motives and contributing factors which shape the practices in the Syrian society.

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<sup>3</sup> UNHCR, (May, 2003). *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons* [Ebook] (pp. 1-149). Retrieved from <http://www.unhcr.org/3f696bcc4.html>

<sup>4</sup> Heise, L. L. (1998). Violence Against Women: An Integrated, Ecological Framework. *Violence Against Women*, 4(3), 262–290. <https://doi.org/10.1177/1077801298004003002>

Although only a few studies have examined how deteriorated socio-economic factors render women and girls more vulnerable to the risk of SGBV, so far, there have been quite prominent research studies directly investigating the relation between the possibility of violence against women and gendered socio-economic and political inequalities. To exemplify, *The Political Economy of Violence against Women* by Jacquie True which intends to display to what extent the gender inequalities which trigger and feed the violence against women are rooted in structures and highly globalized processes of political economy.<sup>5</sup> The primary aim of analyzing the political economy in this thesis is to provide empirical and theoretical evidence for the claim that Syrian women and girls in Turkey may be subjected to SGBV due to poverty, unemployment and lack of access to education. Next, this research intends to determine the degree to which gender equalities rooted in structures and globalized process of political economy is prevalent. Additionally, this thesis questions whether the emergence of human trafficking, the risk of sexual exploitation, and the danger of being cheap source of labor could be associated with the scope of the political economy of VAW.

Finally, Chapter four contextualizes the research by providing background information on the practices that conducted in the Syrian society before revealing the main concerns associated with SGBV against refugee women and girls in Turkey. The most frequent types of SGBV experienced by women and girls will be discussed so as to find out what set the ground for the emergence of these. Besides that, whether the differences in legislative regulations of Turkey and Syria pose any obstacle for Syrian women residing in Turkey in terms of the rights arising out of the marriage and divorce, will be assessed. In addition, the protection and prevention mechanisms for SGBV in Turkey which are provided for Syrian women and girls under temporary protection will be examined and elaborated based on Turkey's domestic law instruments pursuant to international code. Drawing upon strands of research into the prevention and prevention mechanisms in Turkey for SGBV, this study also attempts to find out whether there is a difference in the implementation of existing mechanisms of prevention and protection for SGBV in cases where the victim is a woman who is a citizen of Turkish Republic or a Syrian woman who is

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<sup>5</sup> True, J. (2012). *The political economy of violence against women*. New York, NY: Oxford University Press, pp.1-292.

under temporary protection. However, it has been noted that there are still certain obstacles in accessing justice for the victims of violence which would further lead to the impunity of the perpetrator as the deadlocks of the issue for reaching an effective solution even if there is allegedly sufficient legislation on this issue. At last, although studies over the past 7 years have provided certain amount of information on the needs assessments of the Syrian women residing in the neighbor countries, there has been a lack of research on the assessment regarding the problems that are faced by Syrian women in terms of SGBV. For this reason, I have considered appropriate to conduct a semi-structured interview/meeting with the Association for Solidarity with Asylum Seekers and Migrants for the last part of the thesis -in the one of its consultancy offices operating in Izmir - so that I could present more effective and convenient suggestions in compliance with the most confronted issues among the Syrian women and girls residing in Turkey.

Due to the fact that recent studies have been predominantly concerned with one single aspect of the consequences of the Syrian crisis and forced migration; the primary objective of this thesis is to explore interwoven aspects of this particular case incorporating into such factors as the feminization of the migration, strong influence of culture and traditions on women, the implementation gap in the legal framework, and temporality and structural violence which would potentially increase the vulnerabilities to SGBV and result in SGBV on Syrian women and girls. In this connection, I will adopt a multi-disciplinary and multi-layered perspective through the lenses of feminist theory and gendered nature of forced migration while conducting this research.



# **Protecting Syrian Refugee Women from Gender-based Violence in Turkey: Laws, Policies, and Burden Sharing**

## **CHAPTER 1: Introduction**

### **1. Background of the Civil War in Syria**

Through the end of 2010, when Arab revolts erupted in Tunisia, Egypt, and Libya; contrary to the other regions in North Africa and Middle-east, peaceful demonstrations against the authoritarian regime in Syria have evolved into a civil war which would set the stage for the outbreak of the largest refugee crisis in the contemporary world. The transformation of this evolution into civil war, especially in Syria, has several explanations and reasons behind such as the power of sectarianism, regionalism, and tribalism which are instrumental while the administrative system was structured.

Pro-democracy protests in Syria had erupted in March, 2011 in the southern city of Deraa<sup>6</sup> -within the effects of high unemployment rates, corruption and demand for political freedom- after some teenagers, who had painted revolutionary slogans on a school wall, were arrested and tortured by police and security forces<sup>7</sup>. Immediately after these events, the growing reaction of the people against Ba'ath regime who demanded the resignation of the Bashar al-Assad was followed by the increasing oppression and detentions of the Assad regime, thereby accelerating the rise of the civil war. Furthermore, these widespread demonstrations were pursued by thousands of wounded and hundreds of casualties in the following months. Upon the information provided by Egypt-based National Organization for Human Rights; even in the nine weeks after the protests had erupted, more than 1000 people were killed until May 2011<sup>8</sup>.

Syria had been ruled by Ottoman Empire for 400 years which comes to an end in 1918. In fact, Syria was divided into two parts as Aleppo and Damascus as in the province statute (Vilayet of Damascus and Vilayet of Syria-Aleppo-) during the Ottoman rule<sup>9</sup>. On account of the fact that, Syria composes of six main such sects as

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<sup>6</sup> BBC News. Syria: The story of the conflict. (2016). Retrieved from <http://www.bbc.com/news/world-middle-east-26116868>

<sup>7</sup> Aljazeera News. Syria's civil war explained from the beginning. (2018) Retrieved from <https://www.aljazeera.com/news/2016/05/syria-civil-war-explained-160505084119966.html>

<sup>8</sup> Syria death toll 'surpasses 1,000'. (2018). Retrieved from <https://www.aljazeera.com/news/middleeast/2011/05/2011524182251952727.html>

<sup>9</sup> Polk, W. (2013). Understanding Syria: From Pre-Civil War to Post-Assad. The Atlantic. Retrieved 16 April 2018, from <https://www.theatlantic.com/international/archive/2013/12/understanding-syria-from-pre-civil-war-to-post-assad/281989/>

Sunni Muslims, Alawites, Druze, Christians, Ismailis and Kurds<sup>10</sup>, Sunni Muslim majority in Syrian provinces during the Ottoman period was on the superior position. Alawi minority was doomed to settle in rural areas of Syrian provinces. As of 1920, Syria remained under French mandate until 1946. It is important to note that the Alawi minority were allowed to settle in the urban areas during the French mandate.<sup>11</sup>

In spite of the fact that Syria achieved its independence in 1946, the civil government was occasionally disrupted by military coups.<sup>12</sup> As given definition by Fabrice Balanche; “*sect*” describes any social group whose members share a common identity and are able to create a strong solidarity link<sup>13</sup>. Besides, these strong solidarity links could be used by politicians who have already in competition for gaining more political power.

Syria has been quite significant country in terms of state-structure and sectarianism while examining the initiation and continuation of the ongoing conflict. Sectarianism, which is vigorously significant in case of the settlement of the Alawi’s (Nusayri’s) in the army and administrative units, led to concentration/monopolization of power against all the opposition, primarily the Sunni Muslim majority after Hafiz al-Assad became the President in 1971. This sectarian policy had been maintained by Alawi’s (Nusayri’s) during the Presidency of Hafiz al-Assad by eliminating/removing all the sectarian differences from the administration until the death of Hafiz al-Assad within the assistance of advanced information network. His successor–his son- Bashar al-Assad came to power in 2000. The first years of government seemed relatively moderate in case of lessening repressions against the other ethnicities or sects. For instance, Damascus Spring was a sort of informal political and social forum initiated by some intellectuals and it enabled open discussions regarding potential reforms in the future in the first years of Bashar al-Assad government<sup>14</sup>. However, this short period that enabled intellectuals to discuss within less oppression, ended up with the intensified

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<sup>10</sup> Balanche, F. (2018). Sectarianism in Syria’s Civil War. The Washington Institute for Near East Policy<<http://www.washingtoninstitute.org/policy-analysis/view/sectarianism-in-syrias-civilwar>>. <halshs-01702640> p.3

<sup>11</sup> Balanche, F., (2018), *ibid.* p.6

<sup>12</sup> See also: BBC News. Syria profile. (2018). Retrieved 15 April 2018, Retrieved from <http://www.bbc.com/news/world-middle-east-14703995>

<sup>13</sup> Balanche, F., (2018), *ibid.* intro.

<sup>14</sup> The Damascus Spring. (2012). Carnegie Middle East Center. Retrieved 16 April 2018, from <http://carnegie-mec.org/diwan/48516?lang=en>

authoritarian rules in 2002. In addition, the Bashar al-Assad government maintained the Baathist ideology which is a path to Arab Secular Nationalism.<sup>15</sup>

The farmers in Syria, who became impoverished by the devastating drought beginning in 2006, had to leave their fields and settled in the cities and towns in order to search jobs and sources of food supplies.<sup>16</sup> However, they faced not only scarcity of foods, jobs, and water; but also, they have to compete with foreign refugees from Palestine and Iraq to find a job.<sup>17</sup> Thereupon; impoverished, hunger, and angry former farmers had gathered for protesting against the government who were expected to help some assistance to these farmers.<sup>18</sup> Thus, When the protests in Syria had erupted in March 2011 in the southern city of Deraa; they were considered as a subversive group by the government, for this reason, Bashar al-Assad ordered a crackdown against protesters.<sup>19</sup> These protests as a reaction to the water and food shortage beginning from 2011 would turn into a civil war in the next two years in which all the parties politically and religiously divided.<sup>20</sup>

According to the numbers before the civil war started in 2010<sup>21</sup>, Syria consists of between 77-83% Arab, 7-8 % Kurdish, 4% Assyrians<sup>22</sup>, 2% Armenian, 1% Circassian, 1% Syrian Turkmen as ethnic groups<sup>23</sup>. On the other hand, considering religious separation while Sunni Muslims are representing 74% of the population; Alawi, Ismaili, and Shiites are 13%, Christians 10%, Druze 3%.<sup>24</sup>

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<sup>15</sup>Osseiran, H. (March, 2018). How Sectarianism Can Help Explain the Syrian War. Retrieved from <https://www.newsdeeply.com/syria/articles/2018/03/06/how-sectarianism-can-help-explain-the-syrian-war>

<sup>16</sup> Polk, W., (2013), *ibid*.

<sup>17</sup> *Ibid*.

<sup>18</sup> *Ibid*.

<sup>19</sup> *Ibid*.

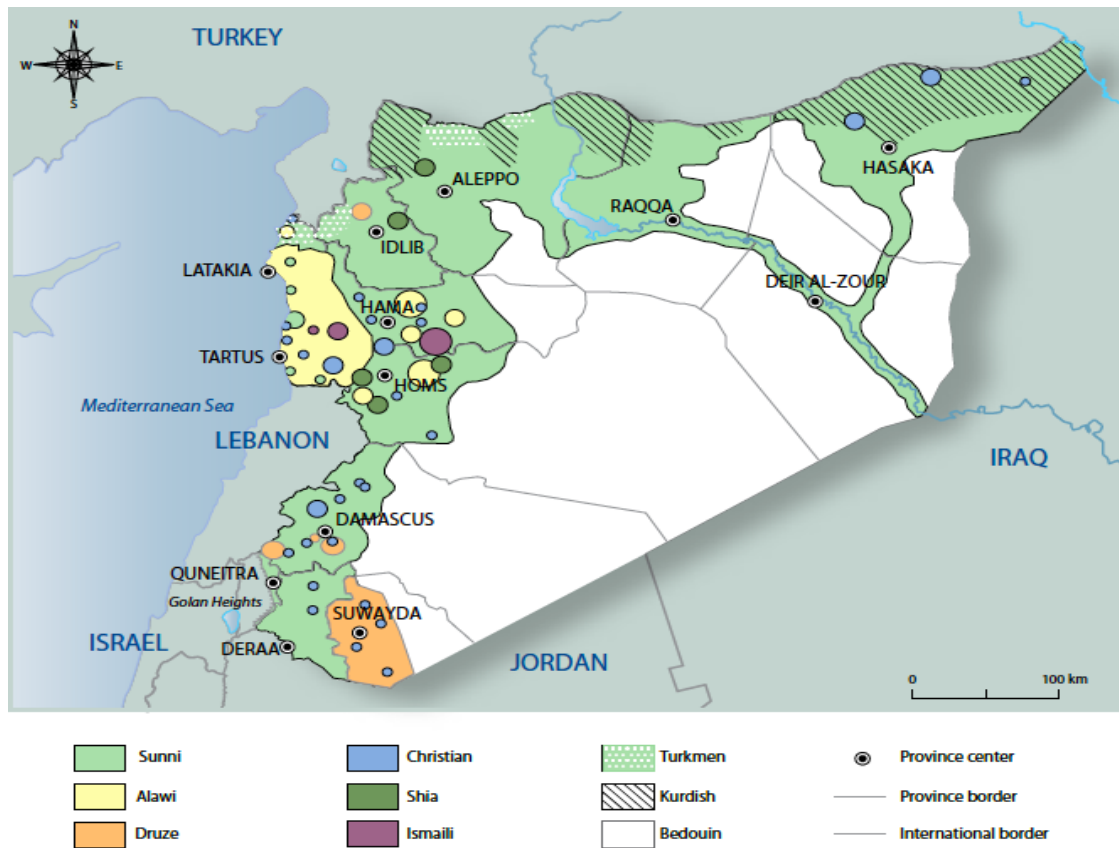
<sup>20</sup> *Ibid*.

<sup>21</sup> Population was approximately 22 million

<sup>22</sup> The ethnic and religious groups of Syria. Retrieved from <https://syriancivilwarmap.com/ethnic-and-religious-groups-of-syria/>

<sup>23</sup> Akgün (Ed.), B. (2012). ‘Suriye Krizi’nde Bölgesel ve Küresel Aktörler’ (PDF) (Regional and Global Actors in the Syrian Crisis). Retrieved from <https://docplayer.biz.tr/16322349-Suriye-krizi-nde-bolgesel-ve-kuresel-aktorler.html> p.4

<sup>24</sup> Central Intelligence Agency. The World Factbook: Syria. (2019, February 15). Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/sy.html>



**Figure 1: Sectarian and Ethnic Distribution in Syria, 2011<sup>25</sup>**

It can be said that neither this civil war was triggered solely by the discrepancy between Alawites and Sunnis nor all the Sunnis were the supporter of the revolution.<sup>26</sup> For example, Sunni Syrian businessmen were not on the side of protestors in the early stages of the demonstrations in order to abstain from any possible degraded economy.<sup>27</sup> However, the privileged Alawi community on the high rank positions in the government and the disordered sectarian distribution of power have been considered as the major factor in the inclusion of Sunnis in protests. In fact, socio-economic grievances were partially effective on the escalation of this multifaceted conflict.<sup>28</sup>

Due to the fact that the conflict landscape has been under change during the civil war, a concrete description cannot be done about which opposition group is controlling

<sup>25</sup> Balanche, F., (2018), *ibid.* p.16  
<sup>26</sup> Osseiran, H., (March, 2018), *ibid.*  
<sup>27</sup> *Ibid.*  
<sup>28</sup> *Ibid.*

which territory in the course of the war.<sup>29</sup> However, The Free Syrian Army (FSA) which is supported by Turkey, Democratic Federation of Northern Syria (SDF) - Kurdish-led-, Syrian Army and pro-government armed groups hinged upon Syrian government which is aligned with Russia and Iran, the al-Nusra Front is a jihadist group which aims at establishing Islamic Caliphate, and Islamic State of Iraq and Levant (ISIL) can be considered as the main belligerents which have been fighting against each other during the conflict.<sup>30</sup>

### **1.1. As a Host State: Turkey:**

Turkey and Syria have a 911 kilometers shared border between them.<sup>31</sup> The first population movement was a group of Syrians around 250 people who had crossed the border fences and entered into Turkey from Hatay/Yayladağı<sup>32</sup> in April 2011.<sup>33</sup> Due to the fact that Turkey and Syria share a very long border, Turkey became one of the destination countries for the people who intend to flee Syria. Next, following events were with the recognition of the 'Syrian National Council'<sup>34</sup> as a political power in Syria by Turkish government, then continuing with the implementation of the 'Open Door Policy'<sup>35</sup> by Turkish government.<sup>36</sup> Open Door Policy foresee three main principles as keeping the borders open to those seeking safety, not to send anyone to Syria back against their will, and meeting the basic humanitarian needs of those fled to Turkey.<sup>37</sup>

The number of Syrians who have been displaced and begun to cross the border have gradually increased in the following months. While the number of displaced

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<sup>29</sup> Abboud, S. (2017). Who are Syria's opposition alliances? Aljazeera News. Retrieved from <https://www.aljazeera.com/news/2017/10/syria-opposition-alliances-171010075809951.html>

<sup>30</sup> Laub, Z. (2017). Who's Who in Syria's Civil War. Retrieved from <https://www.cfr.org/backgrounder/whos-who-syrias-civil-war>

<sup>31</sup> Güçer, M., Karaca, S., & Dincer, O., (2013), *ibid*, p.8

<sup>32</sup> One of the border town of Southern Turkey.

<sup>33</sup> Güçer, M., Karaca, S., & Dincer, O., (2013), *ibid*, p.8.

<sup>34</sup> Syrian National Council (SNC), widely known political opposition coalition which is made up of seven different blocs as the Muslim Brotherhood, the Damascus Declaration, the National Bloc, the Local Coordination Committee, the Kurdish Bloc, the Assyrian Bloc, and Independents.

<sup>35</sup> The policy would be further explained in the Introduction part as Turkey's policy implemented in the course of crisis.

<sup>36</sup> Utku, D., Unutulmaz, K., & Sirkeci, I. (2017). *Turkey's Syrians: Today and Tomorrow* (pp. 1-242). London: Transnational Press London. p.23

<sup>37</sup> Cagaptay, S., & Yalkin, M. (August, 2018). Syrian Refugees in Turkey. Retrieved from <https://www.washingtoninstitute.org/policy-analysis/view/syrian-refugees-in-turkey>

Syrians took refuge in Turkey was 14.237, it increased to 224.655 people in 2013.<sup>38</sup> The major leap was between 2013 and 2015 by 2.503.549 people when the civil war was intensified.<sup>39</sup>

According the recent data from UNHCR, around 2 million Syrians took refuge in Lebanon, Jordan, Iraq, and Egypt while 3,636,617 Syrians (64% of total persons of concern) fled from Syria to Turkey as of January, 2019.<sup>40</sup> According to the recent figures which were announced by the General Directorate on Migration Management under the Republic of Turkey's Ministry of the Interior; the number of refugees residing in the temporary accommodation centers is 143.000, while those outside the temporary accommodation centers are almost 3,5 million.<sup>41</sup> While 1,972,886 of total Syrian population are men, 1,663,731 of those are women.<sup>42</sup> The population was concentrated mainly either in the border cities and towns as Şanlıurfa, Hatay, Gaziantep, Adana, Mersin, and Kilis or in the metropolitan cities like Istanbul, Izmir, and Bursa.<sup>43</sup> Besides, 45% of Syrians in Turkey are in between 0-18 age range (with 1,640,000 population)<sup>44</sup>. That is to say, 1,640,000 minors need to access the education and have been deprived of proper schooling/education since 2011.

The main concerns about the Syrian women and girls are the danger of child/early marriages, polygamous marriages, being trafficking, sexual exploitation, sexual harassment and assault in the host State; while they had already been exposed to several forms of sexual and gender-based violence in Syria -including rape, kidnapping, detentions- by the regime soldiers and pro-regime militias as a weapon of war.<sup>45</sup>

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<sup>38</sup> Çiçeksoğüt, A. (2017). Uluslararası Göç Hukuku Perspektifinde Yerinden Edilmiş Suriyeliler'in Türkiye'deki Statüsü (The Status of the Displaced Syrians in Turkey in International Immigration Law Perspective). Kırklareli Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi, 6 (2), 1-20. Retrieved from <http://dergipark.gov.tr/klujfeas/issue/31239/339958> p.12

<sup>39</sup> Ibid.

<sup>40</sup> UNHCR, Situation Syria Regional Refugee Response. (January, 2019). Retrieved from <https://data2.unhcr.org/en/situations/syria>

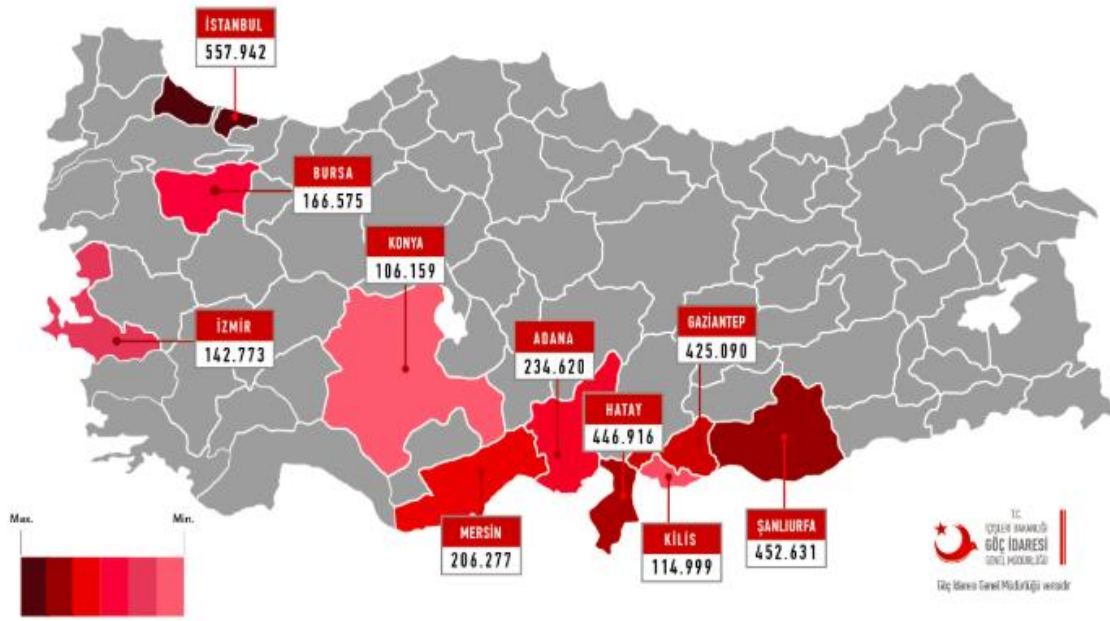
<sup>41</sup> Ministry of Interior Directorate General of Migration Management. (January, 2019). Retrieved from [http://www.goc.gov.tr/icerik3/gecici-koruma\\_363\\_378\\_4713](http://www.goc.gov.tr/icerik3/gecici-koruma_363_378_4713)

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Al Jazeera Witness. Silent War: How Rape Became a Weapon in Syria. (2018). Retrieved from <https://www.aljazeera.com/programmes/witness/2018/06/silent-war-rape-weapon-syria-180611071447939.html>



**Figure 2: Most Populated Cities by Syrians in Turkey** <sup>46</sup>

In this case, when more than 1.6 million women and 1.6 million minors under age of 18 are considered, it could be woefully said that they are at high risk of suffering sexual and gender-based violence (SGBV) as being not only refugee, but also women.

**1.2.Theoretical Framework:**

**Gendering Refugee Experience**

The aim of this study is to examine interwoven relationship between forced migration and women’s experience in the context of gender perspective. Women and girls are usually exposed to gender-based discrimination and violence before, during, and after the conflict due to their innate and constant nature coming from birth. These may be sexual violence, domestic violence, pressure and oppression due to social roles and rules. Besides, these can also be manifested by forced and early marriages, forced prostitution, and trafficking of human beings.

In the situation of conflict, especially the act of rape against women and girls prevails among the others at the first stage. It is because in the process of migration and asylum, women who had lost their family or family members or had been made separated from them, have been rendered shieldless and more vulnerable by the forced

<sup>46</sup> Ibid.

migration and asylum process as the most prominent consequences of the conflict/war situation. Even if they have been placed to a 'third safe country', it is inescapable to encounter with gender-based discrimination and violence for women as in the example of Turkey as a host state and third safe country<sup>47,48</sup>. That's why a feminist approach to the humanitarian crisis is crucial and robustly needed in order to investigate the reasons behind all the consequences of the forced migration on women.

In the course of writing this thesis, I will adopt the contemporary Feminism/(s) as a relevant theoretical approach/s in general, in the combination with the rights-based paradigm to realize gender equality in the conflict situation. However, I will also give a place to the feminist critics on human rights regime which was formulated by Universal Declaration of Human Rights in 1948.

To begin with, Realism as the most prevalent theory in analyzing international relations (Hans Morgenthau was one of the well-known representatives after World War II) -reaching back to 5<sup>th</sup> century B.C. Peloponnesian War and the description of Thucydides-<sup>49</sup> theory has long dominated the world politics. Feminist theories criticize it as being quite androcentric<sup>50</sup> and gender-blind theory since realism placed the nation in the center as if the states are the only entity in world politics.<sup>51</sup> Realism does not recognize the other actors such as organizations and individuals in the world politics other than states. The relations between states have been shaped by the ultimate aim of seeking sovereignty, security, prosperity, and power itself for the realists. Besides, survival, self-interest, and security are the very important concepts for states, which involved in continual 'power race' in the anarchic world arena.<sup>52</sup> Realism as the victorious theory came out of the World War II, had marginalized the concept of equality and under-development by excluding them from the core assumptions, while

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<sup>47</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Articles 35 and 38).

<sup>48</sup> UNHCR, 'Legal considerations on the return of asylum-seekers and refugees from Greece to Turkey as part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the safe third country and first country of asylum concept.' Retrieved from <http://www.unhcr.org/56f3ec5a9.pdf>

<sup>49</sup> Beckman, P. and D'Amico, F. (1994). *Women, gender, and world politics*. Westport, Conn.: Bergin & Garvey, pp.1-230. (p.16)

<sup>50</sup> Androcentrism is an ancient Greek word, could be defined as placing a masculine point of view at the center of one's world view, culture, history, and politics thereby culturally marginalizing femininity, "Liddell, H. G., Scott, R., & Jones, H. S. (1940). *A Greek-English lexicon*. Oxford: At the Clarendon Press."

<sup>51</sup> Beckman, P. and D'Amico, F., (1994), *ibid*, p.2

<sup>52</sup> Beckman, P. and D'Amico, F., (1994), *ibid*, p.19



focusing much on war, balance of power, security, and relative gain.<sup>53</sup> For example, H. Morgenthau was constantly referring ‘statesmen’ while he was talking about the leaders of the state.<sup>54</sup> Some prominent feminist international relations scholars as J. Ann Tickner has an observation regarding how traditional theories which derive from politically superior man's knowledge in comprehending and managing the state behavior, frequently make women’s voice suppressed or silenced (Tickner, 1992; cited in Backman et al., 1994, p.56).<sup>55</sup>

In the 1970s, fluctuations in the oil prices, the course of the Vietnam War, and the de-colonization process of the Third World had led to questioning realist assumptions.<sup>56</sup> Therefore, Neo-Realism (Structural Realism) under the guidance of Kenneth Waltz and his work ‘Theory of International Politics’ had emerged.<sup>57</sup> Unfortunately, traditional perspectives on world politics, such as realism, say little/nothing about women and makes them invisible<sup>58</sup> even if they have dominated the world politics for so long. That’s why it is essential to look through the window of gender in the assessment of the traditional theories as J. Ann Tickner and Sandra Whitworth critically did.<sup>59</sup> On the ground that a feminist perspective has the ability to demonstrate the interrelation of conflict and violence across levels of analysis; violence is interconnected irrespective of whether violence in international relations is at an international, national or individual level.<sup>60</sup>

Then, within the end of Cold War, in the mid 1900s; the concept of human security came to existence as the result of the discussions between the academics, NGOs, policymakers (Truong, Wieringa, and Chhacchi 2006, cited in Tripp et al., 2013, p.6)<sup>61</sup>. Ever-increasing globalization and global interdependence, as well as political and economic inequalities, constitute the main fountainhead of human security approach

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<sup>53</sup> Smith, S. (2000). “The Discipline of International Relations: Still an American Social Science?”, *British Journal of Political Science and International Relations*, 2 (3): 374-402.

<sup>54</sup> Beckman, P. and D’Amico, F., (1994), *ibid*, p.22

<sup>55</sup> Beckman, P. and D’Amico, F., (1994), *ibid*, p.56

<sup>56</sup> Eralp, A. (2010). “Hegemony”, Atila Eralp, Fuat Keyman, Oktay Tanrıseven, Fatih Tayfur, Faruk Yalvaç, *State and Beyond: Basic Concepts in International Relations* (İstanbul: İletişim): 155-182.

<sup>57</sup> Kolasi, K. (2013). *Soğuk Savaş’ın Barışçıl Olarak Sona Ermesi ve Uluslararası İlişkiler Teorileri* (The Peaceful End of the Cold War and Theories of International Relations). Ankara Üniversitesi SBF Dergisi, Cilt 68, No 2, 149-175.

<sup>58</sup> Beckman, P. and D’Amico, F., (1994), *ibid*, p.1

<sup>59</sup> Beckman, P. and D’Amico, F., (1994), *ibid*, p.9

<sup>60</sup> Beckman, P. and D’Amico, F., (1994), *ibid*, p.36

<sup>61</sup> Tripp, A., Ferree, M. and Ewig, C. (2013). *Gender, Violence, and Human security: Critical Feminist Perspectives*. New York and London: New York University Press, pp.3-313. p.6

which was defined by United Nations Development Programme (UNDP) in 1994 as “encompassing generalized threats such as those derived from economic, food, health, or environmental insecurity, and threats to personal, community, and political security, or human rights violations”.<sup>62</sup> In the aftermath of the Cold War, intrastate insecurity has been considered as highly connected with ‘economic decline, bad governance, health epidemic, environmental degradation, the pervasive presence of small arms, criminal activities, and organized crime’<sup>63</sup> as a significant threat to the state and its people. However, it is controversial whether human rights are central to the human security discourse or not. Likely, as expressed by Anderlini (2007:11), If the assertion made by the human security advocates regarding that ‘human rights have to be protected at all stage of armed conflict and natural disasters’<sup>64</sup> practically applicable/valid to the current environment, is again debatable for gender and security studies.

The first chapter of the book<sup>65</sup> ‘*Gender, Violence, and Human Security*’, within the critical feminist perspective that was reserved to Aili Mari Tripp, tries to critically explore what is the relationship between security and gender considering the violence in different levels occurring as a social organization.<sup>66</sup> Human security is a concept which is supposed to touch upon the linkages between gender-based violence and various forms of insecurity, as well as the various levels of violence stemming from interstate/intrastate wars, however, this approach treats the state as gender neutral entity. Rather, in this book, it was argued that the state is not gender neutral; on the contrary, “*the state itself is gendered.*”<sup>67</sup> Moreover, human security theorists have been criticized by feminist perspective since they often tend to overlook the global inequalities, as such in decomposed notion of human security which misses power relations.<sup>68</sup> In addition, gender, race, gender, ethnicity, religion, age, sexual orientation and so forth in the context of intersectionality should be taken into account, while explaining the insecurities of ‘human’, unlike human security theorists did.<sup>69</sup> According to Tripp, it is because “*Violence is also particular: individuals, communities, and nations experience*

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<sup>62</sup> Ibid.

<sup>63</sup> Anderlini, S. N. (2007). *Women Building Peace*. London: Lynne Rienner Publishers. p.11

<sup>64</sup> Anderlini, S. N., (2007), *ibid*, (p.12)

<sup>65</sup> *Toward a Gender Perspective on Human Security*, Chapter 1 by Aili Mari Tripp

<sup>66</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.5

<sup>67</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.6

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

*it in gender-specific ways that intersect with class, race, age, sexuality, and nationality.*<sup>70</sup> Besides, women are not only exposed to violation as an individual, but also as a part of a collective group. Even either infringement of gender roles -through honor killing- or being women who bear children of any particular ethnic or racial group -through war-time rape- can be the reasons of targeting violence.<sup>71</sup> For instance, Tutsi women and girls were raped, sexually assaulted, and murdered by Hutu extremists as a weapon of genocide during the Rwandan civil war. Moreover, the use of mass rape as a weapon of war and a way of humiliation on the targeted population can be observed also in the case of Bosnia during the armed conflict in Bosnia and Herzegovina between 1992-1995, as well.

Yet, the concept of human security reinterpreted security shifting the focus from state security to the security of ordinary citizens, contrary to traditional realist assumptions.<sup>72</sup> Besides, it has extended the state's responsibilities from its own citizens to the people outside this country, which is the pioneer of the concept that will be presented in the literature as the 'Responsibility to Protect' (R2P)<sup>73</sup> in the following years, even if the concept is highly debatable.<sup>74</sup>

Tripp also argues that human security, human development, and human rights are the concepts that must be accompanied by each other.<sup>75</sup> This is because human development focuses more on the long-term human capabilities (Nussbaum and Sen, 1993; Nussbaum, 2000; cited in Tripp et al., 2013, p.8), while human rights concentrates more on legal frameworks of rights of individuals.<sup>76</sup> And continues, "*Violence is also particular: individuals, communities, and nations experience it in gender-specific ways that intersect with class, race, age, sexuality, and nationality.*"

Ideally, even though feminist security studies investigate the relationship between masculinity and war, they also take into the civilians targeted because of the gender roles/stereotypes account without assuming men as fighters.<sup>77</sup> In this connection, they

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<sup>70</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.9

<sup>71</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.20

<sup>72</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.7

<sup>73</sup> The normative concept that was approved by UN General Assembly in 2005, which foresees the international community's responsibility to protect from and prevent genocide, war crimes, ethnic cleansing, crimes against humanity.

<sup>74</sup> *Ibid*.

<sup>75</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.8

<sup>76</sup> *Ibid*.

<sup>77</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.10

also criticize the way to use ‘women’ and ‘gender’ interchangeably in the security discourse, specifically in the UN documents. Yet, within the effect of feminist security studies, gender mainstreaming through the help of human security framework has begun to influence the international security arena such as Women, Peace, and Security network (WPS) (Hudson, 2010; cited in Tripp et al., 2013, p.11), and UN Security Council Resolutions 1325 and 1820.<sup>78</sup> However, still feminists critiques “*the concept of human security for being too vague concept, thus making everything into a security threats so that security problems lose their salience* (Paris, 2004; cited in Tripp et al., 2013, p.13).”<sup>79</sup>

According to the info provided by World Health Organization (WHO), “*one third of all girls globally experience their first sexual encounter through force or coercion* (cited in Tripp et al., 2013, p.13).” That’s why women’s rights activist Charlotte Bunch trenchantly argues that

“*Violence perpetrated against women globally is at the core of so much of the human experience.*” And she adds that violence against women is normalized in the family and at home creating a culture which embraces wars, militarism, the other forms of domination, and accordingly, the culture of impunity for such violence.<sup>80</sup> While gendered approach to the human security concerns various forms of insecurity and violence, they argue that “*violence can spill over into violence at another level.*”<sup>81</sup> For instance, it was showed that domestic violence tends to increase during the armed conflict. Furthermore, even if the war/conflict is officially ended, violence against women persists in the post-conflict period (Baines, 2005; cited in Tripp et al., 2013, p.15).<sup>82</sup>

Regarding the insecurities, feminist security studies assert that insecurities should be examined context specific based on the different experiences of women or a marginalized group dealing with particular limitations/ restrictions that men do not encounter because of structural inequalities.<sup>83</sup> Anne Tickner (1992, cited in Tripp et al., 2013, p.17) has argued that “*security means nothing if it is built upon the insecurity of*

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<sup>78</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.11

<sup>79</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.13

<sup>80</sup> Bunch, C. (2004). A feminist human rights lens. *Peace Review*, 16(1), 29-34. doi: 10.1080/1040265042000210120. p.33

<sup>81</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.15

<sup>82</sup> *Ibid*

<sup>83</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.16

*others*”. For this reason, it is vital to combine the gender and security studies, not only for women, but also for men which are drawn into any war or conflict just because of the social constructions and the place of the masculinity in the societies.<sup>84</sup>

As McCormack (2008, 114; cited in Tripp et al., 2013, p.17) alleges that the human security approach has just reversed “*existing international power inequalities, persisting the weakest and most powerless states as existential threats to the most powerful ones. This serves to entrench existing power inequalities rather than challenge them.*” Therefore, as it seems like human security approach is more people/human centered rather than being state centric like realism, the relationship between gender and security should be critically explored intersecting with Gender Studies in the context of Syria and the influx of the refugees as a result of the internal conflict in Syria.

Further, Feminist critiques of human rights aim to disassemble the existent hierarchies in the present human rights regime in the way that they were formulated, justifying that the rights are not fixed and the state has different relationships with men and women. As Friedman has stated “*human rights law was gendered male: it protected a male subject, who experienced violations primarily directed at men, in largely male spaces* (Friedman, 2006, p.480–1; cited in Parisi, 2017, p.5)<sup>85</sup>.” That’s why, when it comes to the human rights perspective, contemporary feminists stress about the existing human rights regime within two valid criticisms. They critically review the liberalism in the international human rights law because of their assertion on the ‘formal equality’<sup>86</sup> that leads to ‘androcentric construction of human rights’<sup>87</sup> and the misinterpreted ‘public and private dichotomy’<sup>88</sup> which is absently and neglectfully interpreted by liberalism which regards legislative meaning as a way to achieve gender equality. They argue that this ‘sameness’ with men, identified by human rights regime combined with the liberalism, was limited in its utility and it might be cause of gender-specific abuses. <sup>89</sup>Moreover, “*Feminists have since extended their critique of androcentrism and the public–private dichotomy to the study of gender inequalities and*

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<sup>84</sup> Tripp, A., Ferree, M. and Ewig, C., (2013), *ibid*, p.17

<sup>85</sup>Parisi, L. (2017, December 13). Feminist Perspectives on Human Rights. Retrieved from <http://internationalstudies.oxfordre.com/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-48>

<sup>86</sup>Parisi, L., (2017, December 13), *ibid*, p.2

<sup>87</sup> *Ibid*.

<sup>88</sup> *Ibid*.

<sup>89</sup> *Ibid*.

*economic globalization, which is an important systemic component of structural indivisibility.*” Inseparable nature of the civil and political liberties with socio-economic rights have been realized by women’s human rights movement, even if the disagreements between exact natures of these rights persist.<sup>90</sup>

As Rosemarie Tong indicates, ‘*Feminism is not a monolithic ideology*’<sup>91</sup> in which all feminists concern about the same problems.<sup>93</sup> There is incredibly diverse and large arrays of feminists such as “*liberal, radical, Marxist/socialist, psychoanalytic, care-focused, multi-cultural/colonial, ecofeminists, and postmodern/ third wave feminists.*”<sup>94</sup> They all have the range of different approaches, perspectives, solutions, and strategies that are directed to the same problems. Therefore, actually feminism is a very prosperous theory in which the concept of human rights challenged in many different ways.<sup>95</sup>

The fact that feminism was divided into different branches from the first emergence of the theory up until now, this prosperous theory led cumulatively to the evolution of the critical approaches from various aspects regarding international relations and world politics. For instance, the first wave of the feminism had put a fight against the recognition of the civil and political rights as the first generation of the human rights for women and the other minority groups, when it was tried to be stated rational ability and capacity of men and women for the individual autonomy cannot be differ.<sup>96</sup> It was asserted that sexual equality could be achieved through legislative means such as education, labor rights, and suffrage for the first wave of feminists. That is, the surface of the playground should be flattened for the equal opportunities of men and women such as in the market and academy, afterwards, women could demolish the inequalities through the individual self-determination<sup>97</sup> and self-governance.<sup>98</sup> However,

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<sup>90</sup> Ibid.

<sup>91</sup> Tong, R. (2009). *Feminist Thought: A More Comprehensive Introduction* (3rd ed., pp. 1-290). USA: Colorado: Westview Press. (p.1)

<sup>92</sup> Parisi, L., (2017, December 13), *ibid*, p.2

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Parisi, L., (2017, December 13), *ibid*, p.2

<sup>96</sup> Ibid.

<sup>97</sup> Lake, M. (2001) From Self-Determination via Protection to Equality via Non-Discrimination: Defining Women’s Rights at the League of Nations and the United Nations. In P. Grimshaw, K. Holmes, and M. Lake (Eds.) *Women’s Rights and Human Rights: International Historical Perspectives*. New York: Palgrave, pp. 254–71. (p.255)

<sup>98</sup> Rupp, L. (1997) *Worlds of Women: The Making of an International Women’s Movement*. Princeton: Princeton University Press. (p.105)

what liberal feminists assert regarding the way of providing the equality through legislative means and pursuant to the public-private dichotomy was refused by radical feminists. Therefore, successor of liberal feminism such as radical, Marxist/socialist, multi-cultural/colonial, have enriched the literature upgrading and interpreting substantial feminist theory without looking at the world politics from the same window.

Moreover, Feminist political economy framework developed by Jacqui True will be utilized in the course of thesis. The book '*The Political Economy of Violence Against Women*' by Jacqui True argues that the gendered inequalities, which rush up and feed the violence against women, are rooted in structures and highly globalized processes of political economy.<sup>99</sup> Therefore, violence against women has been escalating within the effect of economic globalization, and thereby the proliferation of the armed conflicts to which women has affected negatively and disproportionately as being more vulnerable to violence. Even in the post-conflict situation, post-humanitarian or post-natural disaster situation, the gender inequalities for women have become deepen and got sharpened more in the economic, politic, and social areas of the life (True, 2010; cited in True, 2012, p.12)<sup>100</sup>. In the course of the research, political economy of VAW would be one of the guiding approaches -in the context of 'multi-dimensional continuum of the violence'- while examining the economic and social inequalities which would be transformed into vulnerabilities faced by Syrian refugees, specifically women and children, which may lead to the danger of trafficking and the exploitation of the refugees as cheap workers. While I was examining the causes and effects of gender-based violence against Syrian refugee women in Turkey in the Chapter 3, this approach will be expanded demonstrating the reflection of the practical situation.

Consequently, while I will try to address a common goal to achieve gender equality and express particular experiences of Syrian refugee women in Turkey, contemporary feminist thinking will be the dominant theoretical discourse in broad sense within the critical approach to the human security. In addition to this, such theories as 'Galtung's dimensions of violation' and 'political economy of violation against women' will be utilized in the next chapters in order to examine the factors that would result in vulnerabilities of women in practice and conceive the other dimensions of the conflict on women and girls in the gender perspective.

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<sup>99</sup> True, J., (2012), *ibid*, p.12

<sup>100</sup> *Ibid*.

### 1.3. Methodology:

In order to collect the data, I have used qualitative research methods since “*qualitative research methods aim to construct the subjective reality by focusing on meaning through the involvement of the researcher*” (Atkins, 1984; cited in Akgul, 2017, p.14)<sup>101</sup>. Predominantly, I have appeal to literature review, and for the last part, a direct interview with employees of an NGO in İzmir. The exploratory nature of content analysis and interviews allowed me to prefer these methods in the course of the thesis. Besides, experiences were tried to be used rather than statistics through a case study research based on the experiences of Syrian females residing in Turkey. As a research technique, content and context analysis were used because it is “*a research technique for the objective, systematic and qualitative description of the manifest content of communication*” (Lewis et al., 2013, p.18; cited in Akgul, 2017, p.15)<sup>102</sup>. In fact, as stated by Shorideh et al., “*content analysis is an analysis of the text that deals with the relationship aspect and involves an interpretation of the underlying meaning of the text*” (2012, p.12; cited in Akgul, 2017, p.15)<sup>103</sup>.

Firstly, a review of the existing literature will be done regarding the legal and policy framework of migration and asylum in three level of analysis and Turkey’s migration management. These literatures include international conventions, newspaper articles that directly gives a place to the refugee women experience; Turkish migration and asylum law; articles in order to draw a framework for Turkey’s migration management; government publications, laws, surveys in Turkey; and the European Union’s and Council of Europe’s publications, academic papers, and press releases; reports published by United Nations High Commissioner for Refugees (UNHCR) and various rural, national, and international NGOs workings in the field; several United Nations’ resolutions ... so on. Still, for the government sources, there are little/lack of information regarding the sexual and gender-based violence. Therefore, it may be hard to chase types of violence exposed by refugee women from these documents. That’s why, it is needed to collect the information from relatively more independent and reliable sources which are concerned about the deficiencies of government regarding

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<sup>101</sup> Akgul, F. (2017). *Patriarchal theory reconsidered: Torture and gender-based violence in Turkey*. Basingstoke: Palgrave Macmillan. doi:10.1007/978-3-319-49766-2 pp.1-248

<sup>102</sup> Akgul, F., (2017), *ibid*, p.15

<sup>103</sup> *Ibid*.



women and girls who have ever experienced gender-based violence. In addition, while I will examine “Causes of Sexual and Gender-based Violence against Syrian Refugee Women and Girls in Turkey” (Chapter III).

I was intended to conduct this research as a field research to which allows to the evaluation of first-hand experiences but, unfortunately, the fact that direct observation or interview(s) in the refugee community is handicapped by the requirement of permissions from the Republic of Turkey’s Ministry of the Interior has restrained me to do so. Field research conducted by individuals without the assistance of any leading NGOs or INGOs was suspected by the Government during the currently lifted state of emergency which had lasted for two years and extended for 7 times after the attempted/failed *Coup*<sup>104</sup> in Turkey as a limitation of a field study.

Secondly, In the fourth chapter of the thesis, in the part of ‘The Way Forward’, I will give place to a meeting with a civil society organization that operates in Izmir. I have conducted a semi-structured interview with the two current employees of Association for Solidarity with Asylum Seekers and Migrants (Sığınmacılar ve Göçmenlerle Dayanışma Derneği-SGDD/ASAM) in order to conceive what is the role of civil society/NGOs in case of supporting and consulting to the women who is the survivor of any kind of violence, since they are operating as a consulting center in several issues which may be faced by refugees in many cities of Turkey. A face-to-face interview was conducted with Attorney Gaye Saglam -field worker and legal consultant- and Aysenur Sari -field worker-. We have met in SGDD/ASAM Representative Office located in İzmir/Basmane in the sixth of August. The meeting lasted around 45 minutes. I have addressed several questions containing in which conditions Syrian refugee women/girls are consulting them, embracing if the consultation includes the experiences of any types of gender-based violence, or which kinds of activities have been carried out in order to provide these women with occupation within the aim of strengthening them against the vulnerabilities in the host community, or which problems are the most prevalent among the Syrian refugee women who have consulted them. Nevertheless, in terms of the research conducted on the

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<sup>104</sup> Gallón, N. (July, 2018). Turkey lifts state of emergency, two years after coup almost toppled Erdogan. Retrieved from <https://edition.cnn.com/2018/07/18/europe/turkey-state-of-emergency-intl/index.html>

Syrian women and girls, there are methodological limitations since available and reliable data are deficient on this subject.<sup>105</sup>

#### 1.4. Context of the Research

This thesis aims at investigating the very forms of gender-based violence which have been exposed by Syrian refugee women in Turkey. Specifically, women and girls, who have fled from civil war occurring in Syria and taken refuge in Turkey, disproportionately affected from legal, political, economic, and social consequences of the conflict. However, it was supposed that the population fled from Syria would have obtained relatively better standards as well as they, could meet their basic needs such as shelter, food, health, and education. Yet, they have had several difficulties even in case of meeting basic needs. Besides that, they have experienced various types of gender-based violence. Unfortunately, these various forms of violation are not only restricted with the wartime/during the conflict; but also, it may occur in different phases as before, during, and the post-conflict times. As it is not restricted by phases, it may occur in such different levels as individual, relationships, community, and societal as World Health Organization (WHO) reveals in the context of Ecological Framework<sup>106</sup>.

As it was stated by P.R. Beckman and F. D'Amico:

“War is a time when masculine and feminine characteristics are most polarized. It is an event in which men are portrayed as the protectors, and women and children as the protected. Little has been written about women’s roles in wars, but generally women are seen as victims rather than as actors.”<sup>107</sup>

In addition to finding out problems regarding the existence and maintenance of the gender-based violence, it is vital to reveal which legal and policy standards applicable to refugees in Turkey, specifically to Syrian refugees, in different levels of analysis as national, regional, and international since atony in the wake of insufficient and ineffective migration management can only be realized by close examination of the

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<sup>105</sup> Yucel, A., Utas, C., Luchsinger, G., Kavlak, İ V., Kristjansdottir, I. B., & Freizer, S. (Eds.). (June, 2018). *Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey* (pp. 1-87, Publication). Ankara: Association for Solidarity with Asylum Seekers and Migrants and UN Women. Retrieved from [http://sgdd.org.tr/wp-content/uploads/2018/08/The\\_Needs\\_Assessment\\_ENG\\_WEB.pdf](http://sgdd.org.tr/wp-content/uploads/2018/08/The_Needs_Assessment_ENG_WEB.pdf) p.14

<sup>106</sup>World Health Organization: WHO | The ecological framework. Retrieved from <http://www.who.int/violenceprevention/approach/ecology/en/>

<sup>107</sup> Beckman, P. and D'Amico, F., (1994), *ibid*, p.33

existed public policy and law instruments of Republic of Turkey. In this connection, it will be examining to what extent refugee women are protected from SGBV and how effective the mechanisms of prevention of violence provided by the Turkish Government will be examined.

In the course of the research, I have tried to find out what are the main sources and reasons of the existence of SGBV against Syrian refugee women and girls, as well as the consequences of SGBV and VAW on women and girls who have aimed at constructing a new life in a new country considering the dimensions of violence. After the examination of the causes and the contributing factors for SGBV against Syrian refugee women and girls residing in Turkey, I will seek an answer to the questions of in which degree the laws and the policies of Turkey could provide the protection and prevention mechanisms for SGBV and whether or not they are effective to prosecute the perpetrators of SGBV. Then, I will demonstrate some solution recommendations to the civil society and Republic of Turkey which indicated how to proceed such an effective policy for Syrian women in Turkey.

### **1.5. State of Art**

To begin with, it is more useful and effective to utilize the literature after the period when the number of the refugees fled from Syria to Turkey reached to more than 3 million, simultaneously, after the EU-Turkey Agreement of 18<sup>th</sup> of March in 2016 in order to well-conceive the economic, politic, social, and cultural implications of the Syrian conflict on the refugees temporarily residing in Turkey.

One of the inspirational pieces of literature was the '*Turkey's Syrians: Today and Tomorrow*', written by numbers of scholar and edited by Deniz Eroğlu Utku, K. Onur Unutulmaz, and Ibrahim Sirkeci, this work has attracted my attention because it is not only covering the issue in a multi-disciplinary way, but also it is the one of the up-to-date books which scrutinize the refugee experience, context specifically, in Turkey. Besides, it presents a multi-disciplinary approach to the issue including sociology, anthropology, law and political science in the same platform<sup>108</sup>.

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<sup>108</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.12

Firstly, the first chapter of the book was named by ‘*Syrian Communities in Turkey: Conflict Induced Diaspora*’<sup>109</sup>, the scholars have tried to find out what is the triggered reasons of human mobility in the Middle East region and debate on it. The model of ‘3D of human mobility’<sup>110</sup> which was developed by Ibrahim Sirkeci was used while explaining the population movements in this region. This concept refers to ‘*demographic deficit, development deficit, and democracy deficit*’<sup>111</sup> which causes human mobility in the Middle East. Therefore, within the assistance of this concept, they explain the out-movements in the region where Syria is located may be the result of so called ‘democratic deficit’ in which representation gap is frankly recognizable.<sup>112</sup> Besides, ‘socio-economic and political reasons’<sup>113</sup><sup>114</sup> (Ansani & Daniele, 2012; Oztekin & Akkas, 2014; cited in Sirkeci et al., 2017, p.1) and even ‘EU policies’ (Hollis, 2012; cited in Sirkeci et al., 2017, p.2)<sup>115</sup> -through European Union Neighborhood Policy- could be the other reasons behind how these consecutive protests had erupted and create this mobility occurred in the course of the Arab Revolts in the MENA region. And they attach that how European Union has accepted relatively small numbers of refugees compared to the countries such as Turkey, Lebanon, and Jordan. According to the information gathered from Ministry of Interior Directorate General of Migration Management (DGMM, 2018), Turkey currently hosts 3,636,617 Syrian citizens along with irregular Syrian migrants<sup>116</sup>. While they are analyzing the discourse of the EU, they suggest how EU labelled the human mobility in the region as ‘crisis’ and make the distinction between irregular and illegal migrants in order to protect its own border (European Commission, 2016 and 2017; cited in Sirkeci et al., 2017, p.). In the case of EU’s stance on the ‘crisis’, I will make use of their concerns regarding how EU tries to

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<sup>109</sup> Which is written by K. Onur Unutulmaz, Ibrahim Sirkeci, and Deniz Eroğlu Utku.

<sup>110</sup> Sirkeci, I. & Cohen, J. H. (2016). Cultures of migration and conflict in contemporary human mobility in Turkey. *European Review*, Vol. 24, No. 3, 381–396. doi:10.1017/S1062798716000119  
This model is a theoretical construct which has been elaborated in several conferences such as Turkish Migration Conference at the University of Vienna (12-15 July, 2016), 75th Year Congress of Turkish Geographical Society in Ankara, Turkey (8 November, 2017)

<sup>111</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.1

<sup>112</sup> *Ibid*.

<sup>113</sup> Ansani, A., & Daniele, V. (2012). About a revolution: The economic motivations of the Arab Spring. *International Journal of Development and Conflict*, 2(03), 1250013

<sup>114</sup> Oztekin, M. K., & Akkas, H. H. (2014). An empirical look to the Arab Spring: Causes and consequences. *Alternatives: Turkish Journal of International Relations*, 13(1&2).

<sup>115</sup> Hollis, R. (2012). No friend of democratization: Europe’s role in the genesis of the ‘Arab Spring’. *International Affairs*, 88(1), 81-94

<sup>116</sup> Ministry of Interior Directorate General of Migration Management. (January, 2019). Retrieved from [http://www.goc.gov.tr/icerik3/temporary-protection\\_915\\_1024\\_4748](http://www.goc.gov.tr/icerik3/temporary-protection_915_1024_4748)

hold refugees out of the Union's border by shuffling off all humanitarian responsibility which is compensated by solely financial assistance.<sup>117</sup> The term 'cherry picking of asylum seekers'<sup>118</sup> was remarked by them in order to describe the 'deliberative selection of the asylum seekers' by EU in the context of EU-Turkey agreement of 2016. Through the ideas of Roberts et al. (2016, cited in Sirkeci et al., 2017, p.8), it was also stated that European politics face with xenophobic and racist discourse supporting the anti-immigration policies as in the example of Viktor Orbán (Hungary's Prime Minister)<sup>119</sup>.

Flummoxedly, public opinion which is affected by the level of education, the environment they live in, income and gender do not constitute distinctiveness in attitude towards Syrian refugees (Keleş, 2016; cited in Sirkeci et al., 2017, p.8). What are the most effective ways to create an anti-immigration policies/discourse which affects public opinion in any country? Media coverage is found to be the one of the most provoking tools to affect the public opinion. According to one study conducted by Hoyer (2016, cited in Sirkeci et al., 2017, p.9) reveals that using particular terms in media will result in 'humanizing' or 'othering' through language.<sup>120</sup> For instance, Holmes and Castaneda<sup>121</sup> conducted a research to understand media role in the construction of the public opinion and Europe's response to the refugee crisis, and they found out that "*representation of the refugees in the media through symbolic, social, political, and legal categories of inclusion and exclusion affect Europe's response to the people arriving at their borders* (2016, cited in Sirkeci et al., 2017, p.9)"<sup>122</sup>. Hence, the feeling of responsibility towards the humanitarian crisis could be reshaped through fear of ethnic and religious differences.<sup>123</sup>

As Jane Freedman (2016) asserts it is sometimes ironic to face with the situation in which refugees reach to the borders of EU but it is not even a way to get protected from the gender-based violence for women; while she is mentioning to the conditions in the Greek Islands, specifically Kos.<sup>124</sup> It is a valid irony which is faced in the example

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<sup>117</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.6

<sup>118</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.7

<sup>119</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.8

<sup>120</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.9

<sup>121</sup> Holmes, S. M., & Castaneda, H. (2016). Representing the "European refugee crisis" in Germany and beyond: Deservingness and difference, life and death. *Journal of American Ethnologist*, 43(1), 12-24.

<sup>122</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.9

<sup>123</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.10

<sup>124</sup> Freedman, J. (2016). Engendering Security at the Borders of Europe: Women Migrants and the Mediterranean 'Crisis'. *Journal of Refugee Studies*, 29(4), 568-582. doi: 10.1093/jrs/few019

of Turkey as a host country, as well. Exploitation of Syrian refugee women in Turkey is occurring in many different ways as forcing/convincing them to be the second or third wives of Turkish or Syrian men<sup>125</sup> -mostly informal marriages due to the differences in Turkish and Syrian marriages law- in addition to sexual harassments (Boynukara and Altıntaş, 2016; cited in Sirkeci et al., 2017, p.10).

Secondly, the second chapter was devoted to *'Biopolitical Problematic: Syrian Refugees in Turkey'* written by H. Yaprak Civelek, who has given some theories and concepts facilitating the examination of the crisis in every aspect. For instance, she refers to the concept of 'Camp', which is a term utilized by Giorgio Agamben<sup>126</sup>, while demonstrating lives and experiences in the existing refugee camps -tent and container cities- in Turkey for refugees in order for correlating how refugees are pushed to the shoreline. Even if most of the refugees (more than 90%)<sup>127</sup> have been residing out of camps, in the urban or semi-urban areas of cities in Turkey; the environment has already created in camps does not allow refugees living in camps to exercise all their rights and freedoms properly. That's why Civelek touches upon Agamben's camp imagination in which *"people are known as being non-citizens, alienated from socio-political life and reduced to their membership in bare life* (Arendt, 1998; cited in Sirkeci et al., 2017, p.31)<sup>128</sup>." According to Agamben's concept of the 'Camp' -concentration or refugee camps could be included in this concept- was defined as a shelter in which social polarization, national identity, otherness, exclusion and inclusion can come to light more explicitly. Besides, the concept of 'camp' creates several binary oppositions such as being a citizen versus being a foreigner, national identity versus otherness, and belonging versus not belonging. Moreover, Agamben's other concept 'state of exception' is given a place in the chapter in order to draw attention to Turkey's situation in managing crisis within state of emergency which has lasted two years as a result of failed *coup* attempt in 2016, July.

Then, while she has examining politics and population relation -between politics of Turkey and the refugee population-, she has utilized the concept of Foucault which is 'Biopolitics of power' pointing at a society in which epidemics, wars, and death have

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<sup>125</sup> So-called 'Kuma'.

<sup>126</sup> Agamben, G., & Heller-Roazen, D. (1998). *Homo sacer*. Stanford, Calif.: Stanford University Press.

<sup>127</sup> UNHCR, Situation Syria Regional Refugee Response. (2018). Retrieved from <https://data2.unhcr.org/en/situations/syria>

<sup>128</sup> Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.31

formed the social structure which is controlled by the expectations and objectives of the administrative body.<sup>129</sup> In addition, this structure creates power which makes political economy to function as a bio-political entity.<sup>130</sup> Thus, the population may be transformed into the biopolitics of power (Foucault, 2010; Wallerstein 2013; Oksala, 2013; cited in Sirkeci et al., 2017, p. 26)<sup>131</sup>.

Moreover, Furedi's concept 'Culture of Fear' was mentioned by her, as a practical indicator of the 'othering' by way of the media tools in the host state. In this way, people's perspectives in the host society could be altered by creating possibilities of insecurities through the culture of anxiety. Therefore, it creates both domestic polarization and several borders between discrepancies such as free or forbidden, secure and insecure, guilt and innocent which impede the realization of social solidarity in the society.<sup>132</sup> Thus, as argued by Furedi, creating a culture of fear usually preponderate creating a culture of accepting in society (Furedi, 2014; cited in Sirkeci et al., 2017, p.38)<sup>133</sup>.

Wallerstein has termed 'commodification' process in which refugee experience as a multicultural practice has led to the emergence of hierarchies created by capitalism which promotes cheap labor and brings about low wages of migrants (as cited in Özbudun, 2010, p.60; and cited in Sirkeci et al., 2017, p.35)<sup>134</sup>. While the creation of cheap labor and the prevalence of child labor in Turkey as results of influx of refugees can be considered as the part of this commodification process, the other contributing effect to these hierarchies are undoubtedly 'temporariness' (Yazgan et al, 2015; cited in Sirkeci et al., 2017, p.35)<sup>135</sup> of refugees. Therefore, any kind of human experience is turned into either means of capital accumulation or a commodity as Murtola (2014, cited in Sirkeci et al., 2017, p.26)<sup>136</sup> argued. Lastly, based on the concept of 'liminality and communitas' referred by Turner, refugees are described as 'liminal' subjects who dwells on the threshold economically, socially, and politically (2002, cited in Sirkeci et

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<sup>129</sup> Utku, D., Unutulmaz, K., & Sirkeci, I. (2017), *ibid*, p.26

<sup>130</sup> *Ibid*.

<sup>131</sup> *Ibid*.

<sup>132</sup> Utku, D., Unutulmaz, K., & Sirkeci, I. (2017), *ibid*, p.38

<sup>133</sup> *Ibid*.

<sup>134</sup> Utku, D., Unutulmaz, K., & Sirkeci, I. (2017), *ibid*, p.35

<sup>135</sup> *Ibid*.

<sup>136</sup> Utku, D., Unutulmaz, K., & Sirkeci, I. (2017), *ibid*, p.26

al., 2017, p.27)<sup>137</sup>. Moreover, their obscure social roles without adequate economic standards along with discomposed identity formation are the indicators of their liminal position in the society.<sup>138</sup> Thus, this liminality makes them more open and vulnerable to the commodification process which result in cheap labor and child work.

The other worthwhile literature regarding the gendered aspects of the Syrian forced migration was '*A Gendered Approach to the Syrian Refugee Crisis*' written by several scholars including Jane Freedman, Zeynep Kivilcim, Nurcan Özgür Baklacioğlu in 2017. This book offers a combination of multi-disciplinary approach along with gathering several points of view from myriad of scholars in one source based on different experiences of women which cannot be evaluated with any unidirectional approach. These experiences were researched and detailed in the book was based on such countries as Turkey (Istanbul as the case), Lebanon, Egypt (Kairo as the case), and United Kingdom in which the refugee population predominantly reside.<sup>139</sup> While doing this, it debates either the realities and experiences of these women or analyses how deep-scaled masculinity affects to daily lives of these refugee women in an intersectional way based on reports released by several reliable entities. It also presents valuable theoretical background concerning how much refugee experience as the result of the Syrian civil war has been affected by gendered dimensions that can be conceived in a broader sense. Besides, it touches upon several issues such as gendered migration and exile, gender-based violence against LGBT Syrians, death at sea of the immigrants and the externalization of EU's borders, exploitation of the refugees in the labor market, and the situation of refugees in-camps and out-camps. For instance, Henri Myrntinen, Lana Khattab, and Charbel Maydaa had investigated the 'vulnerabilities of LGBTI refugees in Lebanon'<sup>140</sup> as a case study, while Zeynep Kivilcim has prospected 'Lesbian, Gay, Bisexual, Transsexual (LGBT) Refugees in Turkey'<sup>141</sup>. In addition, the book also deals with the structural violence, through administrative procedures and directives, stemmed from Temporary Protection Regime (TPR) which retains refugees

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<sup>137</sup>Utku, D., Unutulmaz, K., & Sirkeci, I., (2017), *ibid*, p.27

<sup>138</sup> *Ibid*.

<sup>139</sup> Freedman, J., Kivilcim, Z., & Özgür, N. (2017). *A gendered approach to the Syrian refugee crisis* (pp. 1-180). London: Routledge, Taylor & Francis group.

<sup>140</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.61

<sup>141</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.26



to reach full access to socio-economic rights, health, education and maintains structural poverty.

Firstly, it begins to investigate the issue as mentioning even more deteriorating conditions for women and girls which encounter with several forms of harassments such as transactional sex and marriages.<sup>142</sup> Moreover, being single women or women with children -female headed- have brought an excessive burden over women who fled from a conflict and dealing with the psychological burden of all aspects of the crisis without a sustainable income. As a proof, they have provided information from AFAD (The Turkish Prime Ministry Disaster and Emergency Management Authority)<sup>143</sup>, “almost one-third of Syrian refugee households in Turkey are headed by women or children (AFAD, ‘Syrian Women in Turkey 2014’, Ankara; cited in Freedman et al., 2017, p.4)<sup>144</sup>.” In addition, AFAD also reported that 80% of out-of-camp refugees experience extreme poverty without even sufficient food (AFAD, ‘Syrian Women in Turkey 2014’, Ankara; cited in Freedman et al., 2017, p.4)<sup>145</sup>. Besides, lack of accurate sex-disaggregated data on Syrian refugees is the other issue in evaluating gender-based violence cases considering enough/reliable reporting has not been done. Since the women were afraid to report the gender-based violence within the fear of stigmatization and marginalization, they do not share their experiences explicitly. For this reason, it is quite difficult to reach the accurate data about the extent of abuses and harassment. At the same time, when women are abstracted from their experiences thereby staying silent, this creates the impunity of the perpetrator. Therefore, these women and girls cannot be recovered their psychologically and medically as the result of trauma experienced. Likewise, they are also vulnerable to undesired/unwanted pregnancy and sexually transmitted diseases (STDs) or infections, especially treatment of HIV.

Although there are complex reasons behind the practice of forced/early marriages, one of the prominent ones is that the families think that their daughters are safe from sexual violence and harassment through marriages and under the male domination.<sup>146</sup> Thus, the families believe that family honor and dignity are protected. Besides, domestic violence and other forms of unfavorable practices against girls such as forced

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<sup>142</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.4

<sup>143</sup> As one of the principle organs of the state of Turkey dealing with Syrian refugees

<sup>144</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.4

<sup>145</sup> *Ibid*.

<sup>146</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.5

or early marriages, which are seemed as protection measures from various types of sexual violence against them, turns into a vicious circle to which women and girls are systematically exploited even sometimes through informal marriages.<sup>147</sup> This informal marriages are mostly originated from the differences between civil laws of any host country and Syria, since only one formal marriage is legally recognized by Turkish Republic as opposed to Syrian law.<sup>148</sup> As stated by Sherlock and Malouf (cited in Jessen, 2013; cited in Freedman et al., 2017, p.5):

“In Jordan, hundreds of Syrian females have been affected by an informal trade that has sprung up since the start of the war in Syria, where men use “agents” to source Syrian refugees for sex. Often this is done under the guise of ‘marriage’.”

The most debatable topics concerning early/forced marriages are whether early marriages are cultural practices or not? Or whether they are products of particular economic, social, and political contexts? Accordingly, could we accept them as cultural practices? However, the fact that legal standards regarding early/forced/polygamous marriages were suggested by Western cultures creates this hesitation regarding the practices which take place in non-western cultures. According to Razack, this can be characterized by “clash between non-Muslim and Muslim cultures, and victimization of ‘imperiled Muslim women’ by her own backward culture (2004, pp.135-150; cited in Freedman et al., 2017, p.6)<sup>149</sup>.” However, feminist scholars take a stand against this idea by asserting “the fact that ‘forced, early, or polygamous marriages are based on imbalances concerning gender and sexuality rather than simply reflecting the culture (Dauvergne and Millbank, 2010, pp.57-67; cited in Freedman et al., 2017, p.6)<sup>150</sup>.” Consequently, these questions will be further tried to be answered through Turkey’s legal measures relative to this topic.

Secondly, this book is quite multi-faceted book in terms of revealing another gendered-dimension of the conflict which are the vulnerabilities of single men during the forced migration. In other words, displacement or forced migration could tolerate the position of man who has been forced recruitment and put them into vulnerable position, while labelling men as ‘combatants’ and women as ‘civilians’ as Carpenter

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<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

(2005 and 2006; cited in freedman et al., 2017, p. 6)<sup>151</sup> has argued. For instance, travelling outside the country for all men between the ages of 18 and 42 was forbidden by Syrian Government in March, 2012 (Davis et al., 2014; cited in Freedman et al., 2017, p.6)<sup>152</sup>. Likewise, some host countries are reluctant to accept a single man without a family to the country. This means that men without a family are recognized as a danger to the security while the ones with family who are functioning as a father, brother, son or a husband do not pose any security threat (Davis et al., 2014; cited in Freedman et al., 2017, p.6)<sup>153</sup>.

Thirdly, the book puts particular emphasis on the securitization of the European borders by labelling the influx of migrants as a ‘crisis’ of Europe which has considerable strong political and symbolic meaning itself (Edelman, 1977, p. 44; cited in Freedman et al., 2017, p.7)<sup>154</sup>. From 2015 to the time that the book was written, more than 1 million de-facto refugees arrived in Europe which has been subjected to the racist discourses of several member states in the EU. Therefore, the same leaders had appealed exceptional measures through either closing the borders or sending refugees back to Turkey.<sup>155</sup> Besides, securitization of the EU’s borders by way of externalization have been justified through the economic reasons, European’s social cohesion, European values, and security threats or fear of terror.<sup>156</sup>

While number of irregular migrants, who have fled from their country and tried to reach the Union’s borders, have gradually increased; labelling refugees and closing the borders have become more prevalent<sup>157</sup>. Thus, these have led to increase in the number of people who try to pass borders irregularly through smuggling or trafficking which has been robustly fought by the EU. That’s why EU has been long criticized as being reluctant to protect the rights and lives of ‘even irregular’ migrants who are aimed at reaching the borders of the EU, while focusing more to silence trafficking and illegal entrance into its borders (Giuffre and Castello, 2015; cited in Freedman et al., 2017, p.9)<sup>158</sup>. The process of resettling refugees in a ‘safe third country’ was interrupted by the

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<sup>151</sup> Ibid.

<sup>152</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.6

<sup>153</sup> Ibid.

<sup>154</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.7

<sup>155</sup> Ibid.

<sup>156</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.8

<sup>157</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.9

<sup>158</sup> Ibid.

reluctance of Eastern European member states. Thus, border controls between such member states as Austria, Germany, Sweden, and Denmark have been implemented once again since the trust in the application of the Schengen system has declined<sup>159</sup>. Although it was promised to relocate 160.000 refugees by September 2015, only less than 2000 refugees had been relocated from Greece in times of writing of the book (June, 2016) (European Commission, 2016; cited in Freedman et al., 2017, p. 9)<sup>160</sup>. In this context, the European ‘crisis’ labelling and the response of EU to this ‘crisis’ can be conceived as an act of burden-shifting instead of burden-sharing.<sup>161</sup>

Fourthly, the second chapter ‘Destabilizing Gender Dynamics’ written by Nour Abu-Assab was devoted to the question of how gender dynamics in the MENA region has been changed after ‘the Arab Spring’ (post-2011) by providing some background information by touching upon the feminist movements in Syria. Further, they have been evaluated in the context of Alawi-Sunni division in the Syrian society, since the regime creates binaries which affect gender dynamics in the country. Such concepts as ‘state feminism’ or ‘hand-picked’ women which were utilized by Abu-Assab will be further analyzed under the title of State Feminism in the Chapter III.

Lastly, the fourth chapter ‘The Violence of Tolerated Temporality, Syrian Women Refugees on the Outskirts of Istanbul’ written by Nurcan Özgür Baklacioğlu was devoted to the evaluation of temporary protection measure in Turkey which provides refugees minimum access to basic human rights in the context of Johan Galtung’s concept of ‘Structural Violence’<sup>162</sup>. It is highly debated that temporality brings structural violence which contains inequality, poverty, and systematic discrimination, thereby, the concept of ‘bare life’<sup>163</sup>. In this connection, temporary protection regime in the context of structural violence will be further explored in the Chapter III, ‘Causes of Sexual and Gender-Based Violence against Syrian Refugee Women in Turkey’.

‘*Gendering the Asylum and Refugee Debate*’ written by Jane Freedman in 2007, can be considered another constructive literature which was engaged in particularly women’s experiences and situations who are forcibly displaced. Since the number of women who are forcibly displaced has gradually risen in the last decades, the term

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<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.42

<sup>163</sup> Agamben, G. (1998). *Homo Sacer*. Stanford, Calif.: Stanford University Press.

‘feminization’ of migration (Castles and Miller1998; cited in Freedman, 2007, p.12)<sup>164</sup> in all over the world have become well-accepted in the migration studies. She asserts that women’s experience and situation demonstrate huge diversity and far from being generalized as well as they are mostly dependent on other factors as their class, race or ethnicity, and the sexual orientation.<sup>165</sup> Further, she advocates that gendered impact of asylum procedure has affected men and women in different ways, that’s why this process has to be analyzed considering this fact.<sup>166</sup>Furthermore, she has added that asylum and refugee policy is a complex process in which several actors are including in making and implementing these policies. Besides, due to the fact that they are even sometimes taking decisions on behalf of women, they have to remark all possible sources of gendered inequalities.<sup>167</sup> According to her, using the term ‘gender’ which is usually used interchangeable with ‘sex’ is more advantageous while social constructions and representations for men and women are investigated. Therefore, how the power relations between men and women are structured could be well-conceived considering the relationship between men and women, masculinity and femininity, and maleness and femaleness as well as avoiding the fixed characteristics of sex division.<sup>168</sup> Therefore, she has accepted that these hegemonic masculinities constructed in the society also restricts men to behave in a certain way.

### **1.6. Outline of this Text**

This thesis is composed of four themed chapters. First chapter of the thesis lays out respectively; introduction, background of ongoing civil war in Syria in order to conceive more deeply which forces have triggered the refugee ‘crisis’, then Turkey will be explored as a host state which has generously accepted a great number of Syrian refugees. Next, theoretical framework considering gendered refugee experience, research questions incorporated into context of the research, methodologies which were used in the course of the research, and state of art consisting of literature existing on this matter will be presented so that limits of research are determined in the first chapter.

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<sup>164</sup> Freedman, J. (2007). *Gendering the International Asylum and Refugee Debate* (1st ed., pp. 1-225). Basingstoke: Palgrave Macmillan. p.12

<sup>165</sup> Freedman, J., (2007), *ibid*, p.13

<sup>166</sup> Freedman, J., (2007), *ibid*, p.13

<sup>167</sup> Freedman, J., (2007), *ibid*, p.14

<sup>168</sup> Freedman, J., (2007), *ibid*, p.16

In the second chapter, the legal and policy framework concerning Syrian refugees under temporary protection regime (TPR) in Turkey and Turkey's migration management will be revealed. In the connection with the status of the refugees, legal applicable standards to Syrian refugees under TPR in three different levels of analysis as international, national, and regional will be examined first. Further; EU-Turkey Statement of 18<sup>th</sup> March of 2016, the role of EU's policy on migration, and lastly, the consequences of EU-Turkey Statement on Syrian refugee women and girls will be analyzed.

The third chapter will be devoted to finding causes of sexual and gender-based violence against Syrian refugee in Turkey out. Generally speaking, the definitions relevant with sexual and gender-based violence, along with forms of violence against women and the types of gender-based violence -including physical, sexual, psychological and emotional violence, socio-economic violence, and harmful traditional practices- will be given in order for comprehending the terminology of GBV in the first stance. Next, the dimensions of SGBV in the humanitarian crisis and conflicts will be investigated in line with the World Health Organization's (WHO) 'Ecological Framework' and the UNHCR. In addition, before examining the root causes and contributing risk factors for SGBV and VAW on Syrian women, the continuum of violence from public to private will be examined in order to better perceive the multifaceted nature of violence. Finally, political economy of violence against women and unemployment will be focused so that the reasons behind increasing risk of trafficking of women and sexual exploitation in the post-conflict settlement would be comprehended in more detail.

Lastly, in the fourth chapter, what are the main concerns associated with sexual and gender-based violence and violence against women for Syrian refugee women and girls in Turkey will be examined thoroughly and tried to be revealed the most critical aspects. Then, not only the direct violence, but also the structural violence arising out of temporality of the refugees will be focused. Then, protection measures for prevention of SGBV provided by Turkish Government will be analyzed in accordance with international instruments. Ultimately, the chapter four will be finalized by the last subtitle 'the way forward' in which I provide the outcomes of the meeting with an association which operates for refugees and asylum seekers as a consultant center.

Starting from these outcomes, some suggestions and recommendations will be given on this topic.

## **2. CHAPTER 2: Legal and Policy Framework and Turkey's Migration Management:**

To begin with, the causes of the sexual and gender-based violence against Syrian refugee women in Turkey could be based upon/attributed to several factors stemming from the divergent nature of the forced displacement that occurred in Syria.

These factors may include such as religion, culture, sectarian division, rigid patriarchy existing in society that would shape the gender dynamics in the society either publicly or privately. These gender dynamics operate in the society in which women suffer from sexual and gender-based violence in different levels such as in family, in community, and in society. However, there are still some contributing factors of SGBV against women and girls that render them fragile even in the post-conflict situation in such countries as Turkey and Lebanon where they settled after conflict. Despite the fact that they could escape from the civil war and take refuge in neighbor countries like Turkey, there are still many dimensions that effects their standard of life and render women and girls more open to sexual and gender-based violence. For example, discrepancies in the international and national law clauses of Turkey such as ongoing application of 'geographical limitation' clause to the 1951 Refugee Convention impede the asylum seekers to reach their fundamental human rights. In addition to these, since Turkey has newly improved its migration mechanism when it has faced with this 'mass influx' for the first time after the declaration of the Turkish Republic, there could be seen legal loophole in the application of the law. As a result, within the introduction of new Law on Foreigner and International Protection (LFIP) and the Temporary Protection Regime (TPR), it can be perceived that the legal uncertainties/gaps in Turkey regarding the protection of the refugees have been resolved with this new law and the regulation. Still, fundamental rights of the refugees, and specifically women and girls, are not fulfilled and perfected, therefore it could not effectively prevent SGBV against them.

Furthermore, in addition to existed legal gaps leading to SGBV, the statement between European Union and Turkey (18 March 2016), which mainly aims to stop the irregular migration in the Mediterranean and the Aegean Sea, could be considered as one of the reasons behind increasing risk of SGBV for refugee women and girls. Since the agreement has left refugees to their own fate within the unfavorable conditions



either in Greek islands within unsafe and overcrowded camps or in Turkey within inadequate standard of living mostly outside the camps. Therefore, international and national legal applicable standards for Syrian refugees in Turkey and the nature of the EU-Turkey Statement would be deeply analyzed in order to find out the causes and the consequences of the deficiencies in the protection of the refugees regarding their fundamental human rights. Consequently, the underlying reasons of increasing risk of SGBV and VAW would be revealed/clarified in the course of the thesis, provided that description of legal standards in different level of analysis as international, national, and regional.

## **Immigration and Asylum Regulations, the Status of the Refugees**

### ***2.1. International Legal Applicable Standards:***

The United Nations Convention relating to the Status of Refugees has been adopted in 1951 in response to the displacements that occurred in post-Second World War era. 1951 Convention and its Optional Protocol which was adopted in 1967<sup>169</sup> embody the ‘internationally’ recognized definition of ‘refugee’ as follows:

“As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”<sup>170</sup>

They are the main legal documents that, not only define ‘refugee’, but also bring an arrangement to the rights of the displaced people, as well as drawing legal obligations for each state party. Besides, the 1951 Geneva Convention is beyond being just the main international legal instruments on refugees, it is also rather a critical

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<sup>169</sup> UNHCR. Convention and Protocol to the Status of Refugees. (2010). Convention and Protocol Relating to the Status of Refugees. Retrieved from <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>

<sup>170</sup> Article 1(2) of The United Nations Convention relating to the Status of Refugees in 1951 and amended version of its Optional Protocol in 1967.

document in terms of protecting human rights.<sup>171</sup> However, 1951 Geneva Convention contained the geographical and temporal limits since the document was prepared in response to the events happened in Europe after Second World War. In addition, “*the Convention of 1951 has been subject to only one amendment in the form of the 1967 Protocol, which removed the geographic and temporal limits of the 1951 Convention*”<sup>172</sup>. Nevertheless, this optional protocol of 1967 has abrogated the geographic and temporal limits, Turkey had just approved the removal of the temporal limit within the Optional Protocol while it maintains the geographical limitation in terms of the acceptance of the refugees into country.<sup>173</sup> That is, the refugee status for the people who fled from out of the Europe<sup>174</sup> would not be guaranteed by Republic of Turkey.<sup>175</sup> That’s why non- Europeans could not obtain the refugee status until new Turkish Law (No. 6458 of 2013) on Foreigners and International Protection and Temporary Protection Regime measures were introduced in 2014.

The principle of non-refoulement<sup>176</sup> as a *jus cogens norm*<sup>177</sup> has been articulated in the 1951 Convention on the Status of Refugees for the first time (Art.33). Besides, the non-refoulement principle can be defined as a part of customary international law that protects any person from being transferred -including returns, expels, extraditions- from one authority to another if there are substantial grounds for believing that the person would be in danger of being subjected to violations of certain fundamental rights.<sup>178</sup> Even if Turkey retains the geographical limitation while giving refugee status,

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<sup>171</sup> (www.dw.com), D. (2016). Refugee Convention of 1951 still crucial cornerstone of human rights | DW | 28.07.2016. Retrieved from <http://www.dw.com/en/refugee-convention-of-1951-still-crucial-cornerstone-of-human-rights/a-19429093>

<sup>172</sup> UNHCR Introductory Note. (2010). In Convention and Protocol Relating to the Status of Refugees. (p.2). Retrieved from <http://www.unhcr.org/3b66c2aa10.pdf>

<sup>173</sup> UNHCR, ‘Convention Relating to the Status of Refugees’ ‘Declarations under section B of article 1 of the Convention’ 3 <[hp://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention](http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention)> accessed 13 May 2018

<sup>174</sup> The borders of which are defined by the European Council.

<sup>175</sup> Amnesty International Turkey. Turkey must remove the limitations imposed by the Geneva Refugee Convention signed 65 years ago (2016). Retrieved from <https://www.amnesty.org.tr/icerik/turkiye-65-yil-once-imzalan-an-cenevre-multeci-sozlesmesine-koydugu-sinirlamayi-kaldirmalidir>

<sup>176</sup> Humanitarian Law & Policy. The principle of Non-refoulement in the Migration Context: 5 key points. (30 March 2018). Retrieved from <http://blogs.icrc.org/law-and-policy/2018/03/30/principle-of-non-refoulement-migration-context-5-key-points/>

<sup>177</sup> It designates norms from which no derogation is permitted by way of particular agreements. Oxford Bibliographies. Jus Cogens - International Law (2017). Retrieved from <http://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0124.xml>

<sup>178</sup> Ibid.

it has to be abided by ‘non-refoulement’ principle as a binding force<sup>179</sup>. However, this principle may not be effectively protective if the refugee status is not guaranteed by the government in the case of defining the applicants as asylum-seekers.

As the General Directorate of Security<sup>180</sup> (resting upon the Ministry of Interior Affairs of Turkey) stated that; in case the applicant- for those who are coming from outside the European countries- meets the criteria of 1951 Refugee Convention and its Optional Protocol, ‘*he/she would be provided international protection as far as being placed in the 3rd country by giving the status of ‘asylum-seeker’.*’<sup>181</sup>

However, in case the host country is not a party to this Convention and its Optional Protocol, it is more likely that the person who escapes from persecution and seeks for protection from the host country, will remain unprotected. For instance, such countries as Jordan and Lebanon are not the party and never ratified neither to this Convention nor the Optional Protocol; while Turkey and Egypt are party to them. However, these states which are not party to the convention regulate the statutes of asylum seekers and refugees according to their national law concerning foreigners.<sup>182</sup>

As Ahmet İçduygu has stated Turkey had two main legal frameworks<sup>183</sup> until the refugee crisis reached this scale, which set a framework for governing the migration flow and indicate the conditions of asylum as the 1934 Law of Settlement of Turkey and 1951 Geneva Convention. On account of these laws, there could be a hardship in the identification and categorization<sup>184</sup> of the people with regard to who could be counted as refugees/ asylum seekers or economic migrants.

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<sup>179</sup> Human Rights Watch. ‘Protecting Refugees: Turkey’ Retrieved from <https://www.hrw.org/reports/2000/turkey2/Turk009-10.htm> accessed date: 22 May 2018.

<sup>180</sup> EGM - İltica Göç İşlemleri. (the General Directorate of Security under the Ministry of Internal Affairs of Turkish Republic) Retrieved from <https://www.egm.gov.tr/sayfalar/iltica-goc-islemleri.aspx>

<sup>181</sup> Ibid.

<sup>182</sup> Ministry of Foreign Affairs of Denmark. (4 February 2014). *The Syrian displacement crisis and a Regional Development and Protection Programme: Mapping and meta-analysis of existing studies of costs, impacts, and protection* p. 29. Retrieved from <https://data2.unhcr.org/en/documents/download/39911>

<sup>183</sup> İçduygu, Ahmet. 2015. *Syrian Refugees in Turkey: The Long Road Ahead*. Washington, DC: Migration Policy Institute. pp.1-23 Retrieved from <https://www.migrationpolicy.org/sites/default/files/.../TCM-Protection-Syria.pdf>

<sup>184</sup> Utku, D., Unutulmaz, K., & Sirkeci, I. (2017). *Turkey's Syrians*. pp. 1-242. London, the UK: Transnational Press London.

Within the escalation of the crisis in Syria, an increasing flow of refugees to Turkey has given a chance to Turkish authorities to revise inadequate laws and practices even if the existing ones could not provide full protection on refugees. In addition to these, since the geographical limitation clause that had been put forward within the 1951 Refugee Convention, and it had stayed unamended after its 1967 Optional Protocol does not accept the refugees who come from out of the Europe (non-Europeans), undermines the effective application of the existing laws.

As the consequences of the legal uncertainties regarding the denomination of the fleeing population from Syria to Turkey, these people going under the name of ‘Guests’<sup>185</sup>-a term which is not defined in international or national asylum laws- could not reach the effective protection from the Turkish government, more particularly until the introduction and revision of national law. In order to comprehend fully the legal situation of the ‘guests’ or within the contemporary naming ‘refugees under temporary protection regime’, it has to be conceived both national legal standards of Turkey and the regional standards, as well.

## ***2.2.National Applicable Standards: (including Legislations and Regulations)***

Republic of Turkey was considered as an emigration country<sup>186</sup> in which the considerable part of the population went abroad as economic migrants<sup>187</sup>especially during 1960s and 1970s, and a transit country as a gateway to Europe until the beginning of 2000<sup>188</sup>. After the formation of the Republic in 1923, the first Law on Settlement was introduced in 1934 as a cornerstone of nation-building process<sup>189</sup> within

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<sup>185</sup> Betts, A., Ali, A., & Memişoğlu, F. (2017). Local Politics and the Syrian Refugee Crisis: Exploring Responses in Turkey, Lebanon, and Jordan. Retrieved from <https://www.rsc.ox.ac.uk/publications/local-politics-and-the-syrian-refugee-crisis-exploring-responses-in-turkey-lebanon-and-jordan> p.8

<sup>186</sup> İçduygu, A., & Aksel, D. (2013). Turkish Migration Policies: A Critical Historical Retrospective (co-authored with Ahmet İçduygu). p.171 Retrieved from [https://www.academia.edu/6151203/2013.\\_Turkish\\_Migration\\_Policies\\_A\\_Critical\\_Historical\\_Retrospective\\_co-authored\\_with\\_Ahmet\\_ICduygu](https://www.academia.edu/6151203/2013._Turkish_Migration_Policies_A_Critical_Historical_Retrospective_co-authored_with_Ahmet_ICduygu)

<sup>187</sup> Ibid.

<sup>188</sup> Dromgold, M. (2015). A Culture of Managing Difference: The Field of Migration Management and Syrian Movers to Turkey (Msc). Middle East Technical University. p.5

<sup>189</sup> İçduygu, “Den Nationalstaat errichten und bewahren, auch in der globalisierten”; Kemal Kirişci, Turkey: A Transformation from Emigration to Immigration, Migration Information Source Paper , Washington, Migration Policy Institute, 2003; Soner Çağaptay, “Kemalist Dönemde Göç ve İskan Politikaları: Türk Kimliği üzerine bir Çalışma”, Toplum ve Bilim, Vol. 5, No. 2 (2002), pp. 218-241; Yıldız, Ne Mutlu Türküm Diyebilene .

the aim of extending Turkish citizenship to the people of Turkish descents and culture outside the Turkey's legal borders. As a matter of the fact that Turkey had experienced a major loss in case of population and territory after the Balkan Wars, First World War, and the War of Independence, the government had heavily concentrated on gaining back the Turkish descents. Therefore, it could not be considered as an immigration country until the 1980s. Along with the proliferation of neo-liberal values in Turkey, it has begun to become a migrant receiving country<sup>190</sup> in the 1980s.

In consequences of changing patterns on migration together with the transformation of socio-economic structure had forced Turkish government to take new measures on the migration management.<sup>191</sup> Furthermore, in response to the events that occurred in Northern Iraq during the Gulf War in the beginning of 1990s<sup>192</sup>, Turkey introduced a new regulation which is named as 'Regulation on Asylum'<sup>193</sup> in 1994<sup>194</sup> that indicates a number of prerequisites for an asylum application. It was the first time that a massive population -neither Turkish descent nor European- flew into Turkey after the Republic established.<sup>195</sup> However, the Regulation on Asylum of 1994 has been long criticized because it made claiming asylum difficult for particularly non-Europeans.<sup>196</sup> Towards the end of 1990s, most of the non-European asylum seekers in Turkey were fleeing from Iraq, Iran, and Afghanistan, specifically. In addition to these, the Regulation could be interpreted in the framework in which Turkish government has intended to be more effective over the movement of people in/out of the Turkey's territory within the effects of increasing mobility of people after 1980s.<sup>197</sup>

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<sup>190</sup> Kirişci, K. (2007). Turkey: A Country of Transition from Emigration to Immigration, *Mediterranean Politics*. 12(1), 91-97.

<sup>191</sup> İçduygu, A., & Aksel, D., (2013), *ibid*, p.175

<sup>192</sup> Güven Şeker, Ali Tilbe, Mustafa Ökmen, Pınar Yazgan, Deniz Eroğlu, Ibrahim Sirkeci (2015). *Turkish Migration Conference 2015 Selected Proceedings*. London: Transnational Press London

<sup>193</sup> Regulation No. 6169/1994 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country (1994)

<sup>194</sup> *Ibid*.

<sup>195</sup> İçduygu, A., & Aksel, D., (2013), *ibid*, p.175

<sup>196</sup> Hoffmann, S., & Samuk, S. (2016). *Turkish Immigration Politics and the Syrian Refugee Crisis* (Working paper No. 01). Retrieved May 28, 2018, Berlin: German Institute for International and Security Affairs. Retrieved from [https://www.swp-berlin.org/fileadmin/contents/products/arbeitspapiere/Working\\_paper\\_Hoffmann\\_Turkish\\_immigration\\_policy.pdf](https://www.swp-berlin.org/fileadmin/contents/products/arbeitspapiere/Working_paper_Hoffmann_Turkish_immigration_policy.pdf) p.6

<sup>197</sup> Suter, B. (2013). *Asylum and Migration in Turkey: An Overview of Developments in the Field 1990-2013* (Working paper No. 13:3). Retrieved May 27, 2018, from Sweden: Malmö Institute for Studies of Migration, Diversity and Welfare (MIM) website:

As it was stated in the Progress Report of Ministry of EU Affairs of Turkey - under the Justice, Freedom and Security chapter- of which Report, ‘The National Action Plan on Asylum and Migration (NAP)’ was put into force in 2005 in order to provide harmonizing migration policy with European Union’s asylum policy.<sup>198</sup> As a consequences of the process of the harmonizing EU legislation (Acquis), the 1994 Regulation has been amended by the Council of Ministers of Turkey, as ‘the 2006 Circular’<sup>199</sup> which was prepared by the General Directorate of Security -under the Ministry of Interior- in order to arrange the asylum procedure and the rights and obligations of refugees/asylum seekers. Indeed, the introduction of the 2006 Circular and the National Action Plan can be assessed within the framework of harmonization with European standards due to the ongoing accession negotiations between Turkey and EU at that time.

Since April 2011 when the Arab revolts began turning into a conflict, Turkish government has implemented self-declared<sup>200</sup> ‘open-door policy’ towards the Syrian refugees as a short-range emergency response plan<sup>201</sup>. Nevertheless, this initial response that Turkey performed was an attempt to provide the arrivals shelter and food in the first stance<sup>202</sup>. In this respect, even the authorities in Turkey could not imagine that this conflict would peak in a very short time while they are implementing a so-called open-door policy.

UN official Herve Ladsous declared in June 2012 that conflicts between the Syrian opposition groups and Syrian Ba’athist government have already been intensified and have escalated into a civil war<sup>203</sup>. Especially after the Houla Massacre<sup>204</sup>

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[https://www.mah.se/upload/Forskningscentrum/MIM/Publications/WPS\\_13.3\\_Brigitte\\_Suter\\_final.pdf](https://www.mah.se/upload/Forskningscentrum/MIM/Publications/WPS_13.3_Brigitte_Suter_final.pdf) (p.18)

<sup>198</sup> Turkey: *2012 Progress Report prepared by Turkey* (pp. 1-252, Rep.). (2012). Ankara: The Ministry for EU Affairs. Retrieved May 28, 2018, from [https://www.ab.gov.tr/files/IlerlemeRaporlari/2012/2012\\_tr\\_progress\\_report\\_en.pdf](https://www.ab.gov.tr/files/IlerlemeRaporlari/2012/2012_tr_progress_report_en.pdf) (p.173)

<sup>199</sup> The 2006 Circular (Circular No: 57 regarding the procedures and principles to be applied when implementing the 1994 Regulation on Asylum, 22.06.2006)

<sup>200</sup> Kanat, K., & Ustun, K. (2015). *Turkey's Syrian Refugees, Toward Integration* (pp. 1-54). Siyaset, Ekonomi ve Toplum Araştırmaları Vakfı (SETA). Retrieved from [http://file.setav.org/Files/Pdf/20150428153844\\_turkey%E2%80%99s-syrian-refugees-pdf.pdf](http://file.setav.org/Files/Pdf/20150428153844_turkey%E2%80%99s-syrian-refugees-pdf.pdf) (p.11)

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> Ghattas, K. (June, 2012). Syria in civil war, says UN official Herve Ladsous. Retrieved May 27, 2018, from <http://www.bbc.com/news/world-middle-east-18417952>

<sup>204</sup> Anderson, T. (2015). The Houla Massacre Revisited: “Official Truth” in the Dirty War on Syria | Global Research - Centre for Research on Globalization. Retrieved from <https://www.globalresearch.ca/houla-revisited-official-truth-in-the-dirty-war-on-syria/5438441>

on 25th of May in the same year which was committed by pro-government militants and more than 100 people including children and civilians were killed, therefore, the discussions on ‘responsibility to protect’ aggravated on 25th of May in the same year.<sup>205</sup>

Due to the new arrivals from Syria to Turkey had showed a massive increase within 2012<sup>206</sup>, which was characterized as ‘mass-influx’<sup>207</sup> by the Turkish government, through end of 2013; Turkey has adopted a new law named by *Law on Foreigners and International Protection* (LFIP, entry into force by April 2014)<sup>208</sup> and a group-based regime named by *Temporary Protection Regulation* (TPR, entry into force by October 2014)<sup>209</sup> in order to preliminarily response to the needs of ‘mass-influx’.

This new asylum regulation law of Turkey (LFIP) introduces two kinds of international protection temporarily for non-European asylum seekers as ‘conditional refugee status’<sup>210</sup> and ‘subsidiary protection status’<sup>211, 212</sup>. However, Syrian refugees have been excluded from these categories while being granted them the temporary protection status in accordance with the Law No. 6458.<sup>213</sup> Article 91 of the LFIP creates a legal basis to the temporary protection regime defining temporary protection as following:<sup>214</sup>

“Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have

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<sup>205</sup> Ibid.

<sup>206</sup> Migration Policy Centre. ‘Syrian Refugees: A Snapshot of the Crisis- in the Middle East and Europe’, European University Institute. Available at: <http://syrianrefugees.eu> (accessed 29 October 2017).

<sup>207</sup> The European Council on Refugees and Exiles (ECRE). “Turkey.” *Greece: The Ruling of the Council of State on the Asylum Procedure Post EU-Turkey Deal | Asylum Information Database*, Mar. 2018, Retrieved from [www.asylumineurope.org/reports/country/turkey](http://www.asylumineurope.org/reports/country/turkey)

<sup>208</sup> *Turkey: Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016)* [Turkey], 29 October 2016, available at: [http://www.goc.gov.tr/files/files/eng\\_minikanun\\_5\\_son.pdf](http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf) [accessed 22 May 2018]

<sup>209</sup> Temporary Protection Regulation (Council of Ministers Decision No: 2014/6883) dated 13/10/2014 was published in the framework of Article 91 of Law No. 6458 on Foreigners and International Protection (LFIP), available at: [http://www.goc.gov.tr/icerik6/temporary-protection-in-turkey\\_917\\_1064\\_4768\\_icerik](http://www.goc.gov.tr/icerik6/temporary-protection-in-turkey_917_1064_4768_icerik)

<sup>210</sup> In the case of persons who are under direct personal threat.

<sup>211</sup> In the case of persons who flee to Turkey from a country in which general situation of violence is prevailing.

<sup>212</sup> Heck, G., & Hess, S. (2017). Turkey and the EU. *Tracing the Economic Transformation of Turkey from the 1920s to EU Accession*, 3(2/2017), 139-154. doi:10.1163/ej.9789004167926.i-199.29 p.43

<sup>213</sup> Ibid.

<sup>214</sup> Ineli-Ciger, M (2014), ‘Implications of the New Law on Foreigners and International Protection and Regulation No. 29153 on Temporary Protection for Syrians Seeking Protection in Turkey’, *Oxford Monitor of Forced Migration*, 4(2): 28-36. p.29

arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection.” (Article 91/1)<sup>215</sup>

Temporary Protection Regime (TPR)<sup>216</sup> could be considered as a secondary legislation and Ad-hoc protection regime on the basis of Article 91 of Law on Foreigners and International Protection (LFIP). As a matter of fact, TPR provides to the people who go through the southern border of Turkey, a temporary protection could be considered as an accomplishment regarding the revision of the existed asylum regulations and the realization of the gravity of the humanitarian crisis behind the border; however, within the ‘conditional refugee status’.

Along with the TPR, this new Law on Foreigners and International Protection had established the Directorate General on Migration Management (DGMM) under the Ministry of Interior.<sup>217</sup> Article (103/1) of LFIP stipulates establishment objectives of DGMM as follows:

“The Directorate General of Migration Management has been established under the Ministry of Interior in order to implement migration policies and strategies, ensure coordination among relevant agencies and organizations, and carry-out functions and actions related to the entry into, stay in and exit from of foreigners in Turkey as well as their removal, international protection, temporary protection and the protection of victims of human trafficking.”<sup>218</sup>

Turkey’s immigration policy could be defined as a two-tiered policy<sup>219</sup> after the introduction of the 1994 Regulation<sup>220</sup>. As stated by Suter: While the first tiered encompasses the European asylum seekers and the descents of Turkey, the second tier could be applied to the non-European asylum seekers through the UNHCR’s mandate and the Turkish government.<sup>221</sup>

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<sup>215</sup> Turkey: Law No. 6458 of 2013 on Foreigners and International Protection, Article 91/1.

<sup>216</sup> Temporary Protection Regulation (Council of Ministers Decision No: 2014/6883), (October, 2014), *ibid.*

<sup>217</sup> Kanat, K., & Ustun, K., (2015), *ibid.*, p.29

<sup>218</sup> Turkey: Law No. 6458 of 2013 on Foreigners and International Protection, Article 103

<sup>219</sup> Sirkeci, I., & Pusch, B. (2016). *Turkish migration policy*. London: Transnational Press London.

<sup>220</sup> Suter, B., (2013)., *ibid.*, p.13

<sup>221</sup> *Ibid.*



UNHCR was the principle responsible organ for the registration and the status-determination of the arrivals by conducting interviews as well. While it was operating, the number of partner NGOs can assist to the UNHCR.<sup>222</sup> Therefore, under the ‘UNHCR Mandate’<sup>223</sup>, these people would be decided whether they could take the status of refugees or not. Besides, in case the refugee claim of the person is legitimate, UNHCR would endeavor to resettle this person to a third country, even if it is rare. As it was stated in the Article 92 of LFIP<sup>224</sup>, Turkey has emphasized that it would be in cooperation with UNHCR and the other civil society organizations via Ministry of Interior.

### ***2.3.Regional Standards and EU-Turkey Agreement***

On the one hand, the Maastricht Treaty<sup>225</sup> as the founding treaty of the Union, signed in 1992 and entered into force in 1993, defined only the ‘common issues’ in terms of migration and asylum policies that should be addressed by the Union, collectively. On the other hand, the Treaty of Amsterdam<sup>226</sup>, signed in 1997 and entered into force in 1999, was the important step for the common asylum procedure of the Union -accelerated by the war in Yugoslavia - by transferring a fair amount of power to the Council (of the European Union) in order to be able to address the visa, asylum, migration and the policies related to the free movement of the person. Although, there is no common policy that requires Member States to strictly adhere to, still, there are certain rules in terms of immigration/asylum management which had to be followed by them with a certain level of autonomy.

After the Treaty of Amsterdam which institutionalized the common asylum procedure of the Union, “Council Directive on temporary protection”<sup>227 228</sup> was adopted

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<sup>222</sup> Hoffman, S., & Sahizer, S., (March, 2016), *ibid*, p.6

<sup>223</sup> UNHCR|Emergency Handbook. Retrieved from <https://emergency.unhcr.org/entry/91581/unhcrs-mandate-for-refugees-stateless-persons-and-idps>

<sup>224</sup> *Turkey: Law No. 6458 of 2013 on Foreigners and International Protection, Article 92*

<sup>225</sup> Çakran, Ş., & Eren, V. (2017). Mülteci Politikası: Avrupa Birliği ve Türkiye Karşılaştırması. (Refugee Policy: EU and Turkey Comparison). *Mustafa Kemal University Journal of Social Sciences Institute*, 14(39), pp.1-31 (p.14)

<sup>226</sup> *Ibid*.

<sup>227</sup> Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ of L 212/12

as the first directive as response to the outbreak of the Yugoslavian War and invoked again during the Kosovo War in 1999 which reveals ‘mass influx’ of people who fled from the conflicts.<sup>229</sup> In this respect, it mapped out the necessary measures that improve the protection mechanisms for the asylum seekers in the host countries providing them temporary protection within the borders of the Union. However, even though the EU has this Directive on temporary protection ‘in the event of a mass influx of displaced persons’, some member states have turned a blind eye to the Syrian crisis by explicitly showing their reluctance for activating the Directive.

Common European Asylum System (CEAS) aims to harmonize the EU Member States’ asylum procedures and to indicate the minimum standards by strengthening the cooperation between the national administrations on asylum and the external dimensions. Asylum as a fundamental right first has been articulated in the 1951 Refugee Convention for those who demand to seek asylum as well as reach to protection.<sup>230</sup> However, thereby the discretionary power of each Member States has been identified/granted as so extensive, and this constitutes an impediment to applying CEAS equally on the treatment of the asylum seekers and applicants.<sup>231</sup>

Dublin Regulations (the current one is Regulation No. 604/2013) determine which Member States are responsible for accepting and registering asylum applications for whom are seeking international protection under the 1951 Refugee Convention and EU Qualification Directive. Besides, this regulation introduces that asylum claims of the applicants should be assessed by the country within EU borders to which asylum seekers have first entered. In addition, EURODAC (European Dactyloscopy) as a part of Dublin System is the main database for the asylum seekers’ fingerprints who entered within the borders of the Union.<sup>232</sup>

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<sup>228</sup> The activation of the temporary protection Directive requires a qualified majority within the Council while decision is taken.

<sup>229</sup> Mitrovic, O. (2015). Used during the Balkan crises, the EU’s Temporary Protection Directive may now be a solution to Europe’s refugee emergency. Retrieved from <http://blogs.lse.ac.uk/europpblog/2015/12/22/the-eus-temporary-protection-directive-as-a-solution-to-europes-refugee-crisis/>

<sup>230</sup> Stankovic, M. (2017). *Compendium of International, Regional and National Legal Instruments on Forced Displacement* (pp. 1-71). Washington: Global Forum on Law, Justice and Development, the World Bank Group. Retrieved from <http://www.globalforumljd.org/resources/2016/compendium-international-regional-and-national-legal-instruments-forced-displacement> p.17

<sup>231</sup> Ibid.

<sup>232</sup> Ibid.

In 2015, there was a considerable increase in the arrivals through the sea routes from the Mediterranean to Greece accordingly, the borders of the Union. EU Member States could not demonstrate a common stance towards the world's one of the toughest humanitarian crisis after the World War II. Additionally, they practiced differential and contradictory policies on migration. On the one hand, Member States like the Netherlands and Germany have followed relatively more human-oriented stance and showed an approach to right-based towards the refugees accepting a number of refugees after 'the mass-influx' had begun to flee from Syria. On the other hand, some Member States like Hungary<sup>233</sup>, Poland, Czech Republic/Czechia, and Slovakia -in a position against EU policies<sup>234</sup>- have practiced strict asylum policies in particular increasing border security towards the people who escape from the civil war in Syria and cutting down on the asylum applications which is precisely a fundamental right.

Upon the information provided by UNHCR, over 1.000.000 people<sup>235</sup> from the various countries had arrived predominantly to Greece and Italy across the Mediterranean only in 2015. Unfortunately, alongside the ones who could reach to the EU irregularly, there were more than 3.700<sup>236</sup> people who are missing or drowned. After massive increase had been observed in the number of the refugees fled from Turkey to Greek island via the sea routes, especially via Aegean Sea during the 2015, EU and Turkey have begun questioning how to tackle with 'irregular migration'<sup>237</sup> and to fight with the deadly operations of the smugglers in the Mediterranean. Consequently, the European Council and Turkey had held a series of meeting beginning from November 2015 and lasting until 18<sup>th</sup> of March, 2016 in order to reach a compromise regarding the

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<sup>233</sup> UNHCR News. Hungary: UNHCR dismayed over further border restrictions and draft law targeting NGOs working with asylum-seekers and refugees. (2018). Retrieved from <http://www.unhcr.org/news/press/2018/2/5a86dcff4/hungary-unhcr-dismayed-further-border-restrictions-draft-law-targeting.html>

<sup>234</sup> BBC News. Is Europe seeing a nationalist surge? (2018). Retrieved from [https://www.bbc.com/news/world-europe-36130006?intlink\\_from\\_url=https://www.bbc.com/news/topics/cnx753je2q4t/europe-migrant-crisis&link\\_location=live-reporting-story](https://www.bbc.com/news/world-europe-36130006?intlink_from_url=https://www.bbc.com/news/topics/cnx753je2q4t/europe-migrant-crisis&link_location=live-reporting-story)

<sup>235</sup> Clayton, J., & Holland, H. (December, 2015). Over one million sea arrivals reach Europe in 2015. Retrieved May 31, 2018, from <http://www.unhcr.org/afr/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html> (UNHCR News)

See also: <http://data2.unhcr.org/en/situations/mediterranean?id=105> (UNHCR, Operational Portal)

<sup>236</sup> Ibid.

<sup>237</sup> It is defined as 'Movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries' by European Commission.

prevention of the irregular migration across the Mediterranean.<sup>238</sup> As a result of these series of meetings, they reached the agreement (Joint Action Plan).

### **2.3.1. EU-Turkey Statement as of 18 March 2016 in the Context of Burden Sharing/Shifting**

This Agreement between EU and Turkey<sup>239</sup> stipulates that, firstly, it would be accelerated that of the returns of the irregular migrants who reached to Greece from Turkey as of 20<sup>th</sup> of March, 2016.<sup>240</sup> Secondly, it would be ensured that the resettlement of each Syrian refugee site in Turkey to the EU in the exchange of each irregular migrants who are readmitted to Turkey by Turkish authorities (1:1 Procedure).<sup>241</sup> Thirdly, EU and Turkey will work in cooperation with regards to improve the humanitarian conditions of the Syrian population which has exposed to forced displacement; also, Turkey is supposed to take any necessary measures to combat against the smugglers in cooperation with the EU in the territorial waters and coasts in order to prevent deadly journeys across the Aegean Sea.<sup>242</sup> Fourthly, after providing an end or at least a substantial decrease in the numbers of irregular passages from Turkey to the EU, the EU will initiate a ‘Voluntary Humanitarian Admission Scheme’ based on the Member States’ voluntarily contributions.<sup>243</sup> Fifthly, an expedition of the ‘€3 billion’ additional funding would be provided to Turkey in order to facilitate the needs of Syrian refugees in Turkey (with certain requirements should be fulfilled by Turkey).<sup>244</sup> Sixthly, it is promised by the EU that putting forth efforts on the implementation of the visa liberations for the Turkish citizens and drawing a roadmap for it.<sup>245</sup> Lastly, the accession negotiations between EU and Turkey would be revitalized by opening new chapters in the future.<sup>246</sup>

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<sup>238</sup> European Parliament. Legislative Train Schedule (2018). Retrieved from <http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eu-turkey-statement-action-plan>

<sup>239</sup> European Council, *EU-Turkey Statement*, Press release, 144/16, 18 March 2016.

<sup>240</sup> Council of the EU. (2016). EU-Turkey statement. Retrieved from <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/pdf>

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

It is undeniable fact that the outcomes of this statement agreed between EU and Turkey could be considered as a success in terms of reducing risky/deadly voyages of the migrants across the Aegean and Mediterranean Seas, whereas it could be criticized in terms of serving the EU's interests rather than providing a mechanism for refugee protection. In other words, ensuring the security of the Union's border overrides the legal and ethical obligation of the Union towards the people fled from persecution and war.

Irregular migrants are defined in the EU law *'as those who do not apply or do not qualify for asylum, and those who apply for asylum but have arrived from a 'safe third country' or a 'first country of asylum' where they could have claimed protection.'*<sup>247</sup> Therefore, someone who is identified as a 'irregular migrant' is eligible to be returned to Turkey or Greece which were recognized as respectively, safe third country and first country of asylum. In this sense, in accordance with 'externalization'<sup>248</sup> of the Union's borders through the policies could be characterized as 'one-way, top-down process, initiated by the Union itself on its neighborhood countries.'<sup>249</sup> Inevitably, the statement between EU and Turkey could be one the example of this 'externalization' -which was regarded as one of the central rationales of the EU border regime-<sup>250</sup> because asylum seekers and migrants have explicitly exposed to lack of protection as well as violation of their fundamental rights in Greece and Turkey, on the edge of the Union. Besides, the EU was similarly seeking to reproduce such a statement with Libya to control the irregular flow from Africa to the borders of the EU. However, as it explicitly came to light, torture and other kind of systematic abuses in the migrant camps of Libya had been reported by the UN<sup>251</sup> and the German Foreign Ministry<sup>252</sup>. At this juncture, it could be interpreted that the EU gives more importance to the securitization of its own

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<sup>247</sup> Collett, E. (March, 2016). The Paradox of the EU-Turkey Refugee Deal. *Migration Policy Institute*, Retrieved from <https://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>

<sup>248</sup> Heck, G., & Hess, S. (2017). Turkey and the EU. *Tracing the Economic Transformation of Turkey from the 1920s to EU Accession*, 3(2/2017), 139-154. doi:10.1163/ej.9789004167926.i-199.29 p.37  
For 'Externalization' in respect of border studies.

see also, (Lavenex 2004; Lahav/Guiraudon 2000; Bialasiewicz 2012)

<sup>249</sup> Ibid.

<sup>250</sup> Heck, G., & Hess, S., (2017), *ibid*, p.39

<sup>251</sup> UN Office of the High Commissioner for Human Rights (OHCHR), (December, 2016), "Detained and Dehumanized: Report on Human Rights Abuses against Migrants in Libya" Retrieved from [http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised\\_en.pdf](http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf)

<sup>252</sup> Reuters, (January, 2017), "German Foreign Ministry cites torture, executions in Libyan migrant camps report" Retrieved from <http://uk.reuters.com/article/uk-europe-migrants-libya-report-idUKKBN15D03D>

borders than humanitarian concerns by preventing them to be able to seek asylum within the borders of the EU as it was stated in the 1951 Geneva Convention.

As McEwen discusses there can be three main causes of shifting EU's responsibility on three levels as international, national, and individual. On international level, front-line states such as Greece become overburdened with the responsibility of the asylum applications and process on the basis of the Dublin system which established the first entry country clause.<sup>253</sup> Besides that, prioritization of strategic national interest combined with negative public opinion rooted in fear of economic, social, and political costs of the refugees can be demonstrated as the cause of shifting EU's responsibility on the national level.<sup>254</sup> Finally, on the individual level, refugee flow was seen as temporary phenomenon rather than conceptualizing it as a long-term problem who is required a structural solution.<sup>255</sup>

Dublin system sets forth the first country clause in which the asylum applications would be submitted and be evaluated by this country. Therefore, the asylum seekers could not seek asylum in the other EU Member States while the frontline countries within the EU such as Greece, Italy, and Spain have been overburdened by the arrivals. For instance, around 885.000 arrivals to the EU in 2015 out of more than 1 million has been recorded in Greece.<sup>256</sup> Shortly after the statement, arrivals to the EU from the sea routes have shown a sharp drop as of 97% and the number of deaths in the Aegean Sea has decreased from 1,145 to 80 compared to the previous year before the statement<sup>257</sup>; nevertheless, it did not change the needs of the people fled from war or persecution who are waiting for granting asylum. As a consequence, Greece has been over-burdened by the registration of the applications and evaluation of them, the applicants have been residing in the camps with deteriorating conditions until they grant the asylum.<sup>258</sup> Primarily, the application of 'the safe third country' and 'the first country of asylum' clauses are open to criticism with regard to being conflictual with the 'non-refoulement'

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<sup>253</sup> McEwen, M. (2017). Refugee Resettlement in Crisis: The failure of the EU-Turkey Deal and the Case of Burden-Sharing. *Swarthmore International Relations Journal*, (2), 20-32. doi: 10.24968/2574-0113.2.6 p.26

<sup>254</sup> Ibid.

<sup>255</sup> McEwen, M., (2017), *ibid*, p.27

<sup>256</sup> McEwen, M., (2017), *ibid*, p.21

<sup>257</sup> European Commission, (March, 2017), 'EU-Turkey Statement One Year On'. Retrieved from [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu\\_turkey\\_statement\\_17032017\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf)

<sup>258</sup> Ibid.

principle which may cause the unlawful deportation of the people who could not seek asylum within the borders of the Union.<sup>259</sup>

Regarding Turkey, the refugees residing in Turkey are constantly in legal and social insecurity because of the temporal nature of their status. In connection with this temporary protection regime (TPR), access to education, work, and healthcare is quite hard-to-reach for them. While approximately 10% of the Syrian refugees in Turkey have been residing in the camps, the rest of them have been trying to survive in the cities without adequate access to housing, food, education, work, and healthcare arising from the capacity problems and bureaucratic barriers.<sup>260</sup> Without noticing in-camps or out-camps, especially women and girls are becoming more vulnerable not only in terms of social and economic insecurity, but also sexual and gender-based violence. Due to the fact that migrants who desire to reach better living conditions and adequate services, they have looked for ways to reach Europe irregularly by using the sea or land roads which are not safe migration pathways ever-increasingly until the EU and Turkey reached an agreement. Not only men have traveled to Europe by sea, but also many women and children. The reasons why women progressively prefer to flee can be related with the fear of forced marriages, transactional sex and domestic violence, the experience of SGBV, and rape and physical assault both in the country of origin and during the journey.<sup>261</sup> Based on the UNHCR's demographic structure figures provided; in 2016, the demographics of men, women and children who have begun to cross the Aegean Sea irregularly are 31% men, 18% women, and 51% children (UNHCR, 2016; as cited in Freedman et al., 2017, p.108)<sup>262</sup>.

Rather than indigenize more societal security-oriented stance towards the largest refugee crisis in the contemporary world, the EU had rather follow a national security-oriented refugee policy.<sup>263</sup> Unfortunately, most of Member States who maintain the economic and security concerns prioritized their national interests over European solidarity. In this respect, EU-Turkey Statement could be recognized as 'burden-shifting

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<sup>259</sup> Yılmaz, F. (2018). *The Externalization of The European Union's Asylum Policy: Refugee Burden Sharing Between the European Union and Turkey During the Syrian Refugee Protection Crisis* (Msc). Middle East Technical University. p.21

<sup>260</sup> Kanat, K., & Ustun, K., (2015), *ibid*, p.21

<sup>261</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.108

<sup>262</sup> *Ibid*.

<sup>263</sup> Ozkut, G. (2017). *European Union's Contending Security Approaches to Syrian Refugee Crisis: National Security versus Societal Security* (Master Thesis). Marmara University, Department of International Relations.

rather than ‘burden-sharing’ dealing with the refugee flow, since it shifts the EU’s responsibility onto Greece and Turkey where the conditions of the asylum seekers and refugees render them more vulnerable in the over-crowded camps or out of camps with inadequate access to healthcare, education, and work. Therefore, the deal has resulted in *‘an erosion of the EU’s ethical and legal responsibility to protect refugees, at a humanitarian cost evidenced by the reality on the ground.’*<sup>264</sup>

### **2.3.2. The Role of the EU on Turkey’s Border Management and Migration Policy**

Turkey’s border management heavily relies on the other multilayered dynamics due to mostly its geopolitical position. As Gerda Heck and Sabine Hess have characterized Turkey’s emerging border regime *“as a much-hybridized formation, in which the intersection of different layers, scales, interests, and actors does not produce a linear process.”*<sup>265</sup> EU as a regional and international power has been an attractive community for Turkey in order for becoming a part of it. The very relationship between European Economic Community (EEC) and Turkey has been initiated by the Association Agreement in 1963. The relationship between them was initially based more on economic considerations providing the free movements of Turkish workers in the Western Europe, particularly West Germany, in these years. In short, it could be easily stated that 1960s and 1970s were the years when European economies lacked of labor force to construct the war-torn economy, while Turkey was providing this deficit as an emigrant-receiving country.

Turkey’s intention to be a member has increased particularly at the end of 1990s within the expansion of the field of cooperation between Member States, development in case democracy, human rights, and rule of law as basic principles of the Union as well as the participation of the new members. In addition, Within the scope of convergence with the EU *Acquis* (through Copenhagen Criteria), Turkey has efforted to make its legal and institutional architecture in the field of migration and the border management compatible with the Union since the year of 1999 within Helsinki Summit

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<sup>264</sup> McEwen, M., (2017), *ibid*, p.25

<sup>265</sup> Heck, G., & Hess, S., (2017), *ibid*, p.39



when Turkey has been officially recognized as a candidate country for the EU membership.<sup>266</sup> This year could also be considered as a significant digit concerning the Amsterdam Treaty of the Union in which justice and home affairs had been strengthened concerning the establishment of common standards in the migration management within the borders of the Union.

The consequences of the conflicts in the former Yugoslavia, the dissolution of the Soviet Union and the endless conflicts in the Middle East and the Gulf States led to the emergence of mixed flows towards the end of the 1990s and towards the beginning of the 2000s. Therefore, Turkey, with the impact of its geopolitical situation as a bridge between Europe and the Middle East has become a transit country for those migration movements. Inevitably, these have forced the EU to take the necessary measures to control these migration flows aimed at reaching Europe. Within the scope of ‘Accession Partnership’ between EU and Turkey, first, Turkey has proposed to engage in developments in adopting and implementing the EU *acquis* and practices on migration in order to prevent illegal migration in 2001.<sup>267</sup> Secondly, as of 19<sup>th</sup> of May in 2003, under the title of the ‘cooperation in the field of justice and home affairs’<sup>268</sup>, EU has echoed its intention to cooperate with Turkey in strengthening the fight against irregular immigration and improving the capacity of the public administration to develop and effective border management as well as trying to trigger Turkey to lift the geographical limitation that was stipulated to the 1951 Geneva Convention.<sup>269</sup> In the 2006 Accession Partnership Document, Turkey has been encouraged in order for the implementation of the National Action Plan on Migration and Asylum while combating illegal migration and organized crime such as drugs, trafficking in persons, fraud, corruption and so on.<sup>270</sup>

Even before the full membership negotiations between EU and Turkey have officially commenced in 2005, along the line of harmonizing the policies with the EU *acquis*, Turkey has undertaken significant initiatives. For instance, the act of trafficking

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<sup>266</sup> Heck, G., & Hess, S. (2017), *ibid*, p.39

Also see: Kirisci, K. (2007). Border management and EU-Turkish relations: Convergence or Deadlock.

<sup>267</sup> The Council Decision 2001/235/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey OJ L 85/13

<sup>268</sup> The Council Decision 2003/398/EC on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey [2003] OJ L 145/40

<sup>269</sup> *Ibid*.

<sup>270</sup> The Council Decision 2006/35/EC on the principles, priorities and conditions contained in the Accession Partnership with Turkey OJ L 22/34

was criminalized by the new legislation as of 2002 and the legislative arrangements have been materialized on Work Permits for Foreign Nationals.<sup>271</sup>In addition to these, the Law on Citizenship has been amended as well as the adoption of the additional protocols against migrant smuggling and human trafficking of the United Nations Convention Against Transnational Organized Crime in 2003.<sup>272</sup>In addition to these the new Law on Foreigners and International Protection (LFIP) of Turkey to which begun to be prepared in 2010 and submitted for the Parliament's approval in 2012, was the most significant in terms of complying with the EU standards regarding migration and asylum.<sup>273</sup>

The EU harmonization process of Turkey could be considered primarily as one of the prominent reasons for the changing migration patterns through the full-membership negotiations which pave the way to the liberalized migration patterns of Turkey in 2000s. In fact, not entirely relevant to the harmonization process to the EU, 'Liberation of the Turkey's migration and asylum policies' could be conceived as distinctively visible after the Justice and Development Party (AKP) came to the power in 2002, if it is compared how state of Turkey has responded to the emerging wave of migration as a result of Gulf War and Syrian civil war, respectively. On the other hand, after the 9/11 attacks, the European Union and the United States have begun consecutively to scrutinize and strengthen their border management and visa policies; while Turkey's migration management has been gradually liberalized.

### **2.3.3. Effects of EU-Turkey Statement on Syrian Asylum seeker Women and Girls**

In the course of the crisis; creation of the EU 'Fortress'<sup>274</sup> through the externalization of the EU border policies as well as the Union's burden-shifting approach, instead of burden sharing, towards the crisis have led to the creation of several vulnerable groups of people such as single women, pregnant women, female-

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<sup>271</sup> Icduygu, A. (2011). Europe, Turkey, and International Migration: An Uneasy Negotiation. Retrieved June 11, 2018, from <https://www.eui.eu/Documents/RSCAS/Research/MWG/201011/01-26-Icduygu.pdf>

<sup>272</sup> Tolay, J., (2012). *Turkey's "Critical Europeanization": Evidence from Turkey's Immigration Policies*. Germany: Hamburg University Press. Retrieved from [http://hup.sub.uni-hamburg.de/volltexte/2012/118/chapter/HamburgUP\\_HWWI5\\_Migration\\_Tolay.pdf](http://hup.sub.uni-hamburg.de/volltexte/2012/118/chapter/HamburgUP_HWWI5_Migration_Tolay.pdf) p.43

<sup>273</sup> Yılmaz, F., (2018), age, (p.96)

<sup>274</sup> Geddes, A. (2000) *Immigration and European Integration. Towards Fortress Europe?* Manchester: Manchester University Press.

headed households, the victims of the sexual and gender-based violence. According to the Women's Refugee Commission report on 'EU-Turkey Agreement Failing Refugee Women and Girls', the gender-based violence to which women and girls expose has posed a great risk as being a feature of the crisis and stayed underreported during their journey due to the high mobility of the people.<sup>275</sup> Women and girls are not only experiencing sexual and gender-based violence<sup>276</sup> (SGBV) including rape, sexual harassment, physical assault, transactional sex during the journey; but also these could be the main reasons of the displacement. Unfortunately, Inadequate response to SGBV and insufficient measures for the prevention of it may causes more profound/systematic violence through human trafficking<sup>277</sup> for exploitation and forced prostitution<sup>278</sup>.

While they are facing with dangerous detention conditions in which they are open to gender-based violence in Greek Island's overcrowded detention camps<sup>279</sup>, they are coming across with the danger of early/child marriages, sexual abuses, and prostitution; distressingly, mostly for lack of financial resources. Furthermore, these women and girls in Turkey have very limited access to safe housing, legal protection, healthcare, sexual and reproductive health services, and education even if they could protect themselves from sexual and gender-based violence. These could indicate how EU-Turkey -which foresee unequal distribution of the burden- deal failed to protect women from SGBV and to prevent the root causes of SGBV. Besides, securitization of the Union's border and prevent irregular migration have prevailed over the humanitarian concerns and existed values of the Union.

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<sup>275</sup> Women's Refugee Commission. (2016). *EU-Turkey Agreement Failing Refugee Women and Girls* (pp. 1-37). New York. Retrieved from <https://www.womensrefugeecommission.org/images/zdocs/EU-Turkey-Refugee-Agreement-Failing.pdf> (p.15)

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

<sup>279</sup> Human Rights Watch. "Greece: Asylum-Seeking Women Detained with Men." Retrieved from [www.hrw.org/news/2018/06/07/greece-asylum-seeking-women-detained-men](http://www.hrw.org/news/2018/06/07/greece-asylum-seeking-women-detained-men)

### 3. CHAPTER 3: Causes of SGBV against Syrian Refugee Women in Turkey

#### 3.1. Definitions:

Before the evaluation of causes and effects of gender-based violence against women, or specifically Syrian refugee women and girls in Turkey, it is essential to reveal the definitions and the glossary of the violence against women since the main reasons behind ‘Sexual and Gender-based Violence’ (SGBV) could be explained in line with how gender roles defined in the existing society, as well as in which way power relations are structured and in which degree discrimination against women born mainly from social / relational contexts.

Generally speaking, while the terms of ‘sex’ could be defined as either the biological characteristics of someone which are described by chromosomes and limited by the natural differences as physiological reproductive functions<sup>280</sup>; the gender is more socially constructed and independent from the biological sex of someone which is attained at birth.

#### ***Gender:***

According to Council of Europe’s ‘Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence, which was adopted and opened to the signature in 2011 and to which Turkey is the first country that was ratified in 2012, the definition of gender is: “*gender shall mean the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men.*” (Istanbul Convention, Article 3/c)<sup>281</sup>. These roles, behaviors, activities, responsibilities and qualities are socially constructed and were developed by the socialization process in any society which creates the expectation that both genders behave in a certain way depending on their biological gender. They are accepted as “*being connected to be men (masculine) and women (feminine) in a given society and at*

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<sup>280</sup>Support to Life. (January, 2018). *Guide for Gender-Based Violence in Humanitarian Settings*. [online] Available at: [http://hayatadestek.org/documents/Guide\\_for\\_Gender-Base.pdf](http://hayatadestek.org/documents/Guide_for_Gender-Base.pdf) [Accessed 3 Oct. 2018]. p.4

<sup>281</sup>Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011, available at: <http://www.refworld.org/docid/4ddb74f72.html> [accessed 2 July 2018]

*a given time*<sup>282</sup>. In fact, these roles, behaviors, activities acquired in the early ages have become the underlying causes of gender-based violence against women in time. Likewise, the discrimination against women created by male-dominated patriarchic society is more likely the result of these distinguishable and distinct roles between men and women.

### ***Gender Equality:***

Gender equality refers to the equal rights, responsibilities, allocation of resources and opportunities of both women and men and girls and boys. It does not mean that men and women will be the same, however; the equal rights, responsibilities, and opportunities are expected to be provided independently from being men or women.<sup>283</sup> Governments affirmed their commitments to equal rights between men and women by echoing “*the equal rights and inherent human dignity of all women and men*”<sup>284</sup> during the Beijing Conference<sup>285</sup> in 1995. Nevertheless, it should be recognized that interests, priorities, and the needs of both women and men could be diversified within the different groups of women and men.

### ***Gender Stereotypes:***

Gender stereotypes could be defined as “*shared views of personality traits often tied to one's gender such as instrumentality in men and expressiveness in women.*”<sup>286</sup> Stereotypes could be the reason for justifying gender discrimination in a broader sense, while they are typifying either women or men as a package. Moreover, gender stereotyping through biases about a person or a group most probably will result in unequal and unfair treatment of sexes. For instance; caring, dependent, nurturing women and autonomous, independent, confrontational men could be the examples of these oversimplified generalization of personal traits.

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<sup>282</sup>Christodoulou, J. (2009). *Glossary of Gender-related Terms*. Mediterranean Institute of Gender Studies. Retrieved from [http://www.peacewomen.org/assets/file/AdvocacyEducationTools/genderglossary\\_migs\\_aug2005.pdf](http://www.peacewomen.org/assets/file/AdvocacyEducationTools/genderglossary_migs_aug2005.pdf)

<sup>283</sup>Christodoulou, J., (2009), *ibid*, p.12

<sup>284</sup>*Ibid*.

<sup>285</sup>The Fourth World conference on women in Beijing within the technical support of United Nations Development Programme (UNDP)

<sup>286</sup>Spence, J., & Helmreich, R. (1978). *Masculinity & femininity: Their Psychological Dimensions, Correlates, and Antecedents*. Austin: University of Texas Press.

### ***Discrimination Against Women:***

As it was expressed in the Convention on the Elimination of All Forms of Discrimination against Women adopted by UN General Assembly in 1979<sup>287</sup>, the term “Discrimination Against Women” means:

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.”<sup>288</sup> (CEDAW, Article 1)

In CEDAW, it was also recalled that the principle of equality of rights and respect for human dignity is violated by any kind of discrimination against women that hampers women’s full development of the potentialities in the political, social, economic and cultural life (of the countries).<sup>289</sup> Besides, as it was stated in the Article 2 of CEDAW, discrimination against women in all its forms should be condemned by State Parties in order to abstain from infringing the principle of equality and respect for human dignity through pursuing all appropriate measures..<sup>290</sup> In addition to these, it is indispensable that adopting appropriate legislative and other measures in order to prohibit discrimination against women in all its forms. It would be beneficial to provide effective protection of women (on an equal basis with men) by establishing legal protection against any act of discrimination through national tribunals or other public institutions.<sup>291</sup>

### ***Gender-Based Violence:***

General Recommendations No.19<sup>292</sup>, adopted by the Committee on the Elimination of Discrimination against Women in 1992, states that gender-based

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<sup>287</sup>Entry into force, 3 September 1981.

<sup>288</sup>UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, A/RES/34/180, available at: <http://www.refworld.org/docid/3b00f2244.html> [accessed 24 August 2018]

<sup>289</sup> UN General Assembly ‘CEDAW’, (1979), *ibid.*

<sup>290</sup> UN General Assembly ‘CEDAW’, (1979), *ibid.* (Article 2)

<sup>291</sup> UN General Assembly ‘CEDAW’, (1979), *ibid.* (Article 2/b, 2/c)

<sup>292</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 19: Violence against women*, 1992, available at: <http://www.refworld.org/docid/52d920c54.html> [accessed 24 August 2018]

violence can be considered as a form of discrimination since it would impede women's enjoyment of equal rights and freedoms. And it goes forward with the definition of 'gender-based violence' which is "...*violence directed at 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 liberty.*"<sup>293</sup>

General Recommendation No.35, adopted by the Committee on the Elimination of Discrimination against Women in 2017, had expanded the concept of gender-based violence against women in general differently from Gen. Rec. No. 19 concerning that "*gender-based violence could occur in all spaces and spheres of human interaction whether public or private.*"<sup>294</sup> These areas include family, community, educational settings, health services, politics, leisure, workplace... so and so forth.<sup>295</sup> Furthermore, it tries to elaborate on the social causes of gender-based violence against women such as men's privilege over women, masculinity as a social norm, enforcement of gender roles, inured men control over women. These are all could contribute the possible GBV against women as well as creating recognized impunity for men. In this context, it was remarked that State Parties have the obligation to take all appropriate measures to prevent, investigate, prosecute, punish, and provide reparation for the acts which could result in GBV against women.

In connection with most gender-based violence is perpetrated by men, gender-based violence (GBV) and violence against women (VAW) terms are generally used interchangeable.<sup>296</sup> It is because of as asserted by Jacqui True "*gender constructions of women as inferior or subordinate to men within and across societies have made violence against women both acceptable, in many places at many times, and*

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<sup>293</sup>CEDAW General Recommendation No.19, General Comments 6, (1992), *ibid*.

See also: Council of Europe's Istanbul Convention, Article 3/d

<sup>294</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 35 on gender-based violence against women, updating general recommendation No.19*, 14 July 2017, CEDAW/C/GC/35

<sup>295</sup> *Ibid*.

<sup>296</sup> Inter-Agency Standing Committee (IASC), *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, September 2005, available at: <http://www.refworld.org/docid/439474c74.html> [accessed 20 November 2018] p.7

*invisible*<sup>297</sup>.” However, in case gender roles are not fulfilled by men, men may also be the target of gender-based violence as well as boys or sexual minorities.<sup>298</sup>

### ***Violence Against Women:***

Istanbul Convention declares what is ‘violence against women’ under the Article 3 as:

“violence against women is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” (Istanbul Convention, 2011, Article 3/a)<sup>299</sup>, (DEVAW, 1993, Article 1)<sup>300</sup>

Violence against women is basically a type of gender-based violence (GBV) which is largely rooted in unequal power relations<sup>301</sup> between men and women as well as leading to domination of men over women and the discrimination against women.<sup>302</sup> Moreover, it takes many forms as sexual, physical, and psychological which could occur in different levels as in the family, community, and State.<sup>303</sup>

### ***Domestic Violence:***

Istanbul Convention defines also what is the ‘domestic violence’ in the same article where ‘violence against women’ was identified:

“Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or

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<sup>297</sup> True, J., (2012), *ibid*, p.15

<sup>298</sup> *Ibid*.

<sup>299</sup> Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011, available at: <http://www.refworld.org/docid/4ddb74f72.html> [accessed 10 September 2018]

<sup>300</sup> UN General Assembly, *Declaration on the Elimination of Violence Against Women*, 20 December 1993, A/RES/48/104, available at: <http://www.refworld.org/docid/3b00f25d2c.html> [accessed 16 September 2018]

<sup>301</sup> UNHCR, (May, 2003), *ibid*, p.12

<sup>302</sup> *Ibid*.

<sup>303</sup> DEVAW., (1993), *ibid*.



has shared the same residence with the victim.” (Istanbul Convention, Chapter I, Article 3/b)<sup>304</sup>

Istanbul Convention also states that the implementation of the provisions emphasized in this convention by the Parties should be guaranteed “*without any discrimination on the basis of sex, gender, race...religion...sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.*” (Istanbul Convention, 2011, Chapter 1, Article 4/3)<sup>305</sup> As it can be understood from this statement, being a refugee or migrant should not be the reason of ineffective or inadequate implementation of these provisions.

### ***Femininity:***

Femininity is associated with being fragile, touchy, weakness in many societies while masculinity is related with strength, aggression, leadership. Roles and characteristics associated with being woman or being feminine are considered in opposition to maleness or being masculine even if they are in different level in a given society.<sup>306</sup> For instance; being ‘naturally’ good at such tasks as cooking or child and family-caring<sup>307</sup>, showing emotions related to vulnerability<sup>308</sup>, being a victim of violence<sup>309</sup> and following leadership of men<sup>310</sup> could be counted as attributes that are associated with femininity.

### ***Masculinity:***

Masculinity is often defined based on what societies ascribe meaning to manhood/being a man historically, socially, and politically.<sup>311</sup> There are many socially constructed roles that should be fulfilled by man which is changeable in time and from society to society. Unfortunately, the produced meanings and practices that have been assigned to the ‘manhood’ are not just about man, but also it has been shaped by how

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<sup>304</sup> Council of Europe’s Istanbul Convention, (2011), *ibid.*

<sup>305</sup> *Ibid.*

<sup>306</sup> UN Women Training Centre. (2016). Self-Learning Booklet: *Understanding Masculinities and Violence Against Women and Girls.* Retrieved from <https://trainingcentre.unwomen.org/mod/data/view.php?id=6&rid=4171> p.11

<sup>307</sup> *Ibid.*

<sup>308</sup> *Ibid.*

<sup>309</sup> *Ibid.*

<sup>310</sup> *Ibid.*

<sup>311</sup> UN Women Training Centre, (2016), *ibid.* p.8

femininity is defined in a specific society. For example; showing leadership<sup>312</sup>, taking care of the family financially<sup>313</sup>, being tough<sup>314</sup>, and hiding emotions associated with vulnerability<sup>315</sup> could be attributes associated with masculinity and socially accepted traits of being men. While these attributes give superiority to men; at the same time, men's dominant position on the economic, social and political areas stemming from the gender division of labor<sup>316</sup> brings about inequalities between men and women and unequal power relations between them.

### ***Survivor(s)/Victim(s):***

Individuals or groups that have suffered any forms of sexual and gender-based violence are named as victim(s) or survivor(s).<sup>317</sup> Since the term 'victim' is considered as indicating a person who is subjected to violence passively, the term 'survivor' is widely accepted and acclaimed in human rights standards and terminology seeing as it has a positive connotation.<sup>318</sup>

### ***Perpetrators:***

According to UNHCR; "*a perpetrator can be a person, group, or institution that directly inflicts, supports and condones violence or other abuse against a person or a group of persons.*"<sup>319</sup> Besides, this person, group, or institution can exert/exercise power over the victim/victims owing to the fact that perpetrator/(s) are possessing the position of real/perceived power<sup>320</sup> and authority. In addition to these, acts of sexual and gender-based violence against women and men widely are committed by male perpetrators.<sup>321</sup> Among the potential perpetrators, intimate partners, family members, relatives, friends, community members who possess the authority, security forces and

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<sup>312</sup> UN Women Training Centre, (2016), *ibid.* p.11

<sup>313</sup> *Ibid.*

<sup>314</sup> *Ibid.*

<sup>315</sup> *Ibid.*

<sup>316</sup> UN Women Training Centre, (2016), *ibid.* p.13

<sup>317</sup> UNHCR, (May, 2003), *ibid.* p.6

<sup>318</sup> Health-genderviolence.org. (n.d.). *Glossary / The response to Gender-Based Violence in Eastern Europe and Central Asia.* [online] Available at: <http://www.health-genderviolence.org/glossary/42> [Accessed 10 Sep. 2018].

<sup>319</sup> UNHCR, (May, 2003), *ibid.* p.13

<sup>320</sup> *Ibid.*

<sup>321</sup> *Ibid.*

soldiers, even humanitarian workers of humanitarian institutions could be the reason of any acts of SGBV.<sup>322</sup>

### **3.2. Forms of Violence against Women and Types of Gender-Based Violence:**

There are a variety of instruments/tools that can lead to the continuation of discrimination against women through some patterns that already existed in gender roles. The creation of any kind of discrimination against someone through these instruments, which was embedded in societies/ specific settings and changeable in time, poses the problem of violence which cannot be indicated merely by physical action.

According to Support to Life, an NGO based in Ankara within the aim of helping disaster-affected communities and meeting their basic needs and rights, forms of violence against women -as a violation of human rights and a form of discrimination against women- could be grouped into five including physical, sexual, psychological/emotional, socio-economical and lastly, harmful traditional practices<sup>323</sup>; however, these do not have to be limited with five<sup>324</sup>. Moreover, it is likely to encounter with a combination of different types of violence, since these will never be experienced with solely one type as well as being able to occur in such different levels as individual, relationships, community, and societal<sup>325326</sup>.

#### **3.2.1. Physical Violence**

Physical violence is the use of brute force as a way of intimidation, digestion, and enforcement. It can take many forms in which the action can cause physical harm at the end. It could be separated into two as ‘physical assault’ and ‘trafficking and slavery’<sup>327</sup>. For example, slapping, shoving, pushing, punching, beating, scratching, choking, biting, grabbing, shaking, spitting, burning, twisting of a body part, hitting a woman with

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<sup>322</sup> UNHCR, (2016). *SGBV Prevention and Response - Training Package*. [online] Available at: <http://www.unhcr.org/publications/manuals/583577ed4/sgbv-prevention-response-training-package.html> [Accessed 24 Sep. 2018].

<sup>323</sup> Support to Life, (January, 2018), *ibid*, p.7

<sup>324</sup> *Ibid*.

<sup>325</sup> World Health Organization’s Ecological Model of Violence

<sup>326</sup> Whitzman, C. (2008). *The handbook of community safety, gender and violence prevention: Practical planning tools*. London: Earthscan. p.54

<sup>327</sup> UNHCR, (May, 2003), *ibid*, p.17

see also: Support to Life, (January, 2018), *ibid*.

knives or guns, forcing the ingestion of an unwanted substance could be counted as several ways of engaging in physical assault<sup>328</sup>. Besides, repressing a woman in order for preventing her to seek have medical treatment could be the diversified and remarkable example of physical violence. In case of trafficking or slavery, a person can be forced to engage in sexual or labor activities in the hands of any person in power/control by way of selling/trading one self's human being.<sup>329</sup>

### 3.2.2. Sexual Violence

World Health Organization (WHO) defined what sexual violence is, in the first World Report on Violence and Health of 2002, as:

“Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.”<sup>330</sup>

These unwanted sexual acts through mostly coercion directed to someone's sexuality including the act of rape, other forms of sexual assault, sexual harassment, sexual abuse or exploitation, and unwanted sexual extortion containing demands for sex in exchange for job, goods, services or advancement, trafficking within the purpose of sexual exploitation, forced exposure to pornography or prostitution, forced pregnancy, sterilization, and abortion. Unfortunately, as a matter of the fact that sexual violence may be used ‘*as a weapon of war and torture*’<sup>331</sup> during the conflict times, it can be committed by the police, military, or armed group. Therefore, inevitably; these crimes committed by the military, police, border guard, or armed group, mostly as organs of the state, remain unpunished being in the shadow of impunity and immunity. Moreover, the acts of forced and early/child marriages, female genital mutilation, and virginity testing could also be recognized as sexual violence. Likewise, they may be involved in the category of traditional harmful practices.<sup>332</sup> Sexual harassments and abuses might most probably create psychological traumas on the survival in the future, as well.

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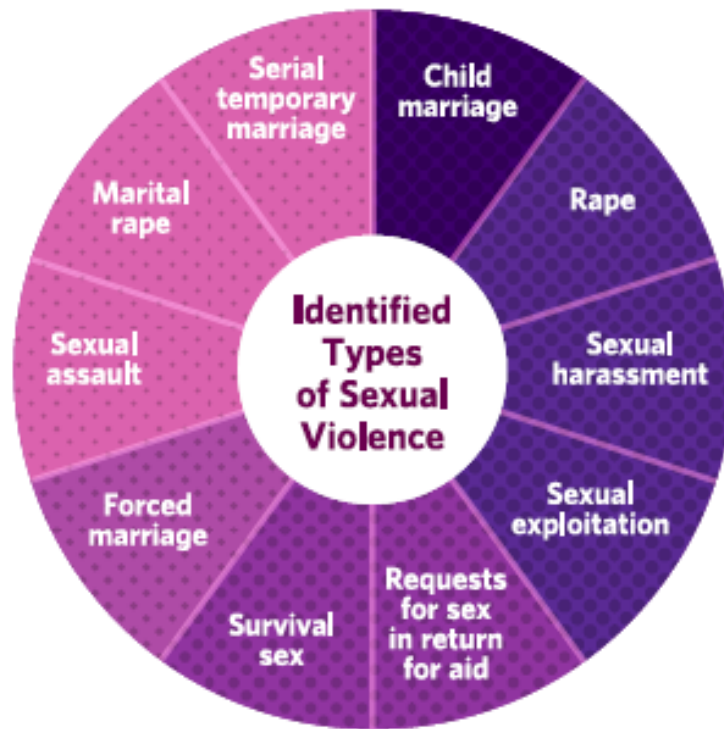
<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Dahlberg, L. L., Mercy, J. A., Zwi, A. B., & Lozano, R. (2002). *World report on violence and health* (Chapter 6, Sexual Violence.) (E. G. Krug, Ed.). Geneva: World Health Organization. p.149

<sup>331</sup> Support to Life, (January, 2018), *ibid*, p.8

<sup>332</sup> Support to Life, (January, 2018), *ibid*, p.9



*Figure 3: Identified Types of Sexual Violence in Syria*<sup>333</sup>

### 3.2.3. Psychological or Emotional Violence

Even though the implementation of psychological violence, as well as its effects and consequences, is ambiguous to follow and observe; it is the most prevalent way of engaging in any type of violence in the society. In other words, anyone who is in the powerful position could easily engage in psychological violence against someone who is in a less powerful position depends on the context, and in the society -either public or private-. Unfortunately, it is often difficult to measure the level of psychological violence since it may frequently be perpetrated by spouses, intimate partners, or family members. Psychological or emotional violence against women, as a type of gender-based violence, can be explained as being an action or set of actions that directly damage/impair the woman's psychological integrity and health which contain the acts of abuse/humiliation and confinement.

<sup>333</sup>UNFPA – UN Population Fund. (November, 2017). Voices from Syria 2018; Assessment Findings of the Humanitarian Needs Overview; Whole of Syria - Gender-Based Violence Area of Responsibility, retrieved from [https://www.ecoi.net/en/file/local/1438925/1226\\_1532331578\\_2017-12-voices-from-syria-2nd-edition.pdf](https://www.ecoi.net/en/file/local/1438925/1226_1532331578_2017-12-voices-from-syria-2nd-edition.pdf) (accessed on 21 January 2019) p.26

For instance, threats of violence and harm against the woman through words or actions such as through stalking or displaying weapons, harassment and mobbing at the work place, humiliating and insulting comments, isolation and restrictions on communication through locking her up in the house or forcing her to quit her job or prohibiting her from seeing a doctor.<sup>334</sup> In addition to these, the psychological violence may be committed not only against women, but also children such as exploitation of children by a violent intimate partner to control or hurt the women, forcing children to watch attack against their mother, threatening women to take children away or kidnapping the child.<sup>335</sup>

#### **3.2.4. Socio-Economic Violence**

Upon the information provided from the report of ‘Support to Life’ and UNHCR’s Guidelines for SGBV against Refugees, Returnees and IDPs<sup>336</sup>, socio-economic violence can occur in three specific types as discrimination and/or denial of opportunities and services, social exclusion/ostracism based on sexual orientation, and lastly, obstructive legislative practice.<sup>337</sup>

The act of discrimination and/or denial of opportunities and services, one of the prevalent forms of economic violence against women, poses an obstacle in case of women’s access to resources, time, money, transportation, food or clothing. These opportunities and services are usually restricted/denied by family members, organizations, institutions, society or even by government officials. In addition to these; hindering/prohibiting a woman from working, excluding women from the financial decision making at home, retainment of money and financial information, refusing to pay maintenance for the children, or destroying owned assets are the other forms of socio-economic violence against women.

The second type of socio-economic violence, social exclusion/ ostracism based on sexual orientation, is encountered mostly by LGBT individuals commonly at the work place.

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<sup>334</sup> Health-genderviolence.org., (n.d.), *Glossary*, ibid.

<sup>335</sup> Ibid.

<sup>336</sup> UNHCR, (May, 2003), ibid, p.18

<sup>337</sup> Support to Life, (January, 2018), ibid, p.10

### 3.2.5. Harmful Traditional Practices

Some traditional practices have distinctive traits intertwined with the culture of a given society. However, these particular practices and the cultural codes usually derive from the idea of women subordination. For instance, female genital mutilation/cutting (FGM/C), forced marriage, child marriage, honor killing, dowry, polygamous marriages, infanticide, sex-selective abortion practices, sex-selective neglect and abuse, denial of educational or economic opportunities for women/girls.

These traditional practices perpetrated by traditional practitioners are harmful regarding the physical and the psychological effects on the girls and women while they violate the fundamental rights of women and girls and discriminating them on the basis of their sex.

Early forced marriages -as one of the prevalent ways for exercising harmful traditional practices- are problematic since they are frequently materialized by the family members or members of the community, and the girls who are married off are under the age of legal consent. Therefore, sexual intercourse in the course of these marriages presents statutory rape because these girls are not legally competent to form such unions.<sup>338</sup> Moreover, even if these marriages that are practiced usually in order to protect girls from sexual assaults or harassment, nevertheless they will pose more troublesome situation for these girls during marriages.

The other prevalent way is honour killings which are a quite crucial and harmful tradition in the sense that someone's right to life is breached. It can be defined as the way of punishment in return for bringing shame to the family or to the community by any acts which are not compatible with the gender roles of a woman.<sup>339</sup>

Although which types of harmful traditional practices are prevalent in Turkey among the Syrian women and girls will be discussed in the following sections; it is quite obvious that forced/child marriage, honour killing, dowry, denial of the education for girls and women, and polygamous marriages are quite widespread harmful practices.<sup>340</sup>

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<sup>338</sup> Support to Life, (January, 2018), *ibid*, p.9

<sup>339</sup> *Ibid*.

<sup>340</sup> Centre for Transnational Development and Collaboration (CTDC). Syrian Refugees in Turkey: Gender Analysis. (2015). [online] UK: London, pp.1-24. Available at: <http://ctdc.org/publication/syrian-refugees-in-turkey-gender-analysis/> [Accessed 24 Sep. 2018].

### 3.3. The Dimensions of Gender-Based Violence against Women and Girls in Humanitarian Crisis and Conflicts

In which dimensions and when does gender-based violence against women and girls occur in the course of humanitarian crisis and conflicts are beneficial questions in order for realizing the unequal consequences of the conflict on both men and women. On the other hand, awareness of these unequal consequences could provide an explanatory basis for why the term gender-based violation is used interchangeable with violence against women. That is, most cases of gender-based violence are perpetrated against women by men and this is because of the normalization of the violence against women due to gender constructions which render VAW as both acceptable and invisible in the context of gendered dimensions of the humanitarian crisis. As it was stated by Kimkung and Espinosa; “*while sexual and gender-based violence (SGBV) was not restricted to women there were important differences that confirms the subordinated status of women and the heavier cost they had to pay.*”<sup>341</sup>

While Kimkung and Espinosa were examining the case of Mount Elgon in Kenya in the context of gendered dimensions of the conflict, in which women’s subordination and patriarchal ideologies are ferally consolidated; they have reached that men and women are affected from the conflicts in different ways.<sup>342</sup> Besides, SGBV is asserted not to narrowed by war or conflict, rather, it surely escalates during conflicts.<sup>343</sup> Based on the case of Mount Elgon, they suggested that while men are subjected to SGBV usually during the conflict, women are exposed to SGBV before, during, and after conflict since the possibility of an occurrence of SGBV shifted from public sphere to private one.<sup>344</sup> This shift is originated from the pre-existing patriarchal hierarchies and gender roles embedded in the society which strengthen male supremacy over female, and thereby, condone VAW and abuses.<sup>345</sup>

Starting from Kimkung’s (2011; cited in Kimkung & Espinosa, 2012, p.7) point of view based on the observations and testimonies, they have reached to some

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<sup>341</sup> Kimkung, P., & Espinosa, C. (2012). The Gender Dimensions of Violence and Conflict: The Case of Inter-Ethnic Land Conflict in Mt. Elgon, Kenya. *International Journal of Development and Conflict*, 02(03), 1-16. doi: 10.1142/S2010269012500184 p.1

<sup>342</sup> Kimkung, P., & Espinosa, C., (2012), *ibid*, p.2

<sup>343</sup> Kimkung, P., & Espinosa, C., (2012), *ibid*, p.7

<sup>344</sup> *Ibid*.

<sup>345</sup> *Ibid*.



conclusions about how women and men are distinctively affected from SGBV during the crisis/conflict and in the post-conflict period. For instance, the most salient one among them was the fear of denouncing an abuse or assault that emerges from these patriarchal hierarchies and women's subordination. Reluctance to denounce SGBV creates the problem of impunity, as well. The other salient one was while women from all ages can be targeted for rape or sexual assault, mainly young men are being subjected to SGBV. In addition to these, when the differential dimensions of the conflict on both women and men considered; the third one that they have found out was that:

“men suffer SGBV during the conflict in the hands of their enemies or the military, women suffer SGBV not only during the conflict but after the conflict as well and their perpetrators include not only strangers (the militia, the military, and even the guards in the camps-IDPCs) but their own husbands, when SGBV shifted from the public to private arena.”<sup>346</sup>

These may explain the root causes and prevalence of domestic violence against women along with other forms of SGBV in the post-conflict period. It is because of that the masculinity of the male subject which is robustly damaged as a result of rape or other SGBV, and/or indirectly, inability to guard family, property, community against the militia.<sup>347</sup> Besides, what's more regarding the particular effects of SGBV on women is the possibility of becoming pregnant, as well as infecting from sexually-transmitted-diseases (STD) such as HIV.<sup>348</sup> Moreover, even stigmatization and isolation within their families or societies, which render women vulnerable, can emerge along with inadequacy of moral, economic, psychological and medical support.<sup>349</sup> Therefore, “*this way the cycle of violence and subordination continues for women after the conflict and the possibility to address the root problems that led to the conflict and to the spread of SGBV.*”<sup>350</sup>

In short, in order to figure out to which gendered dimensions have taken place in any conflict; first, how women and men have been distinctively affected before, during,

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<sup>346</sup> Kimkung, P., & Espinosa, C., (2012), *ibid*, p.8

<sup>347</sup> *Ibid*.

<sup>348</sup> Kimkung, P., & Espinosa, C., (2012), *ibid*, p.9

<sup>349</sup> *Ibid*.

<sup>350</sup> *Ibid*.

and after conflict should be observed more deeply. Moreover, the whole process which is actualized in the pre-conflict and in the post-conflict dynamics regarding gender roles and patterns embedded in the society, which demonstrate themselves as pre-existing inequalities and differential vulnerabilities, may be another aspect which should be perceived.

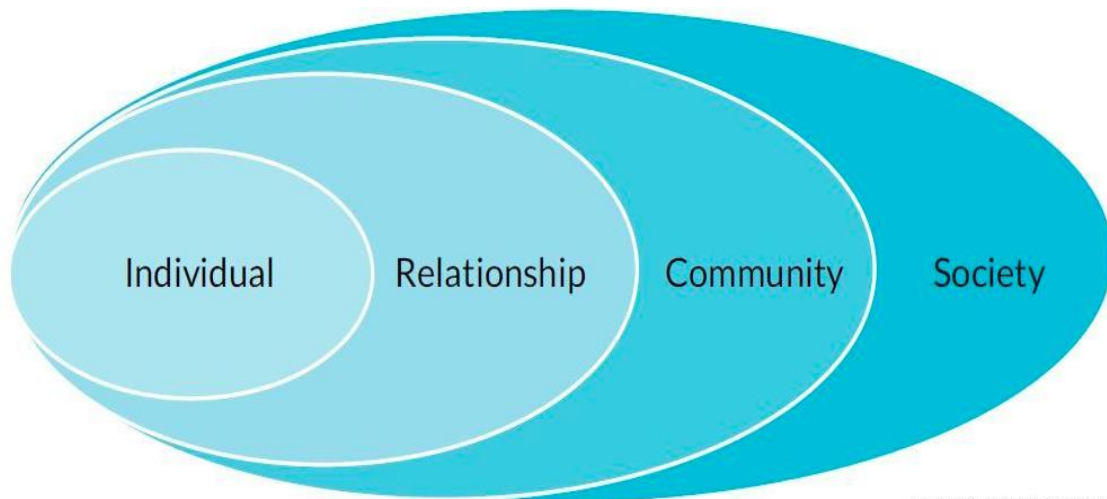
Further, when the multiple expressions of gender-based violence are taken into consideration; World Health Organization's (WHO) 'Ecological Framework' could be essential indicator to conceive dimensions of the conflict/ war situations over women as an additional burden after demonstrating Kimkung and Espinosa's point of view on this topic. This model is based on the acknowledgement of factors in multiple levels which creates violence against women as the gender-based violence. As long as this realization become more widespread, the factors performing in multiple levels have been begun to be admitted by recent theorists (Crowell & Burgess, 1996; S. Miller, 1994; cited in Heise, 1998, p.263)<sup>351</sup>.

As revealed by Heise, conceptualizing violence as a multifaceted phenomenon is needed to conceive the interrelations among personal, situational, socio-cultural factors through this ecological framework.<sup>352</sup> According to this model, it was aimed at explaining why some people and groups are at higher risk of experiencing inter-personal violence; while factors related to violence against women at different levels of social ecology are given in four levels such as the individual, relationship, community, and society. Therefore, if we attempt to analyze in which dimensions women are exposed to any form of sexual and gender-based violence, as it was envisaged by the ecological model, it is likely to reveal the multi-dimensional nature of gender-based violence on women and girls.

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<sup>351</sup> Heise, L. L., (1998), *ibid*, p.263

<sup>352</sup> *Ibid*.



Source: Heise 1998

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**Figure 4. Ecological Framework Risk Factors at Four Levels**

Besides that, UNHCR<sup>354</sup> had proposed 5 phases in which gender-based violence becomes more visible and observable in the course of refugee cycle; as during conflict (and prior to flight), during journey/fled, in the country of asylum, during repatriation, and during reintegration processes.<sup>355</sup> When the country of asylum phase is considered, sexual attack, coercion, sexual abuse of separated children, domestic violence, extortion/coercion by persons in authority, sexual assault in transit facilities, collecting food/water, sex for survival, forced prostitution, sexual abuse by persons who provide assistance and access to resources.<sup>356</sup>

Likewise, sexual and gender-based violence which women can be subjected to ‘during the life cycle’<sup>357</sup> had been displayed by UNHCR’s report in 2003 in the light of the forms of violence which is developed by L. Heise, as well. In the ‘pre-birth’ phase, SGBV can be initiated through sex-selective abortion, battering during pregnancy, and coerced pregnancy.<sup>358</sup> Continuing, female infanticide, emotional and physical abuse, lack of access to food and medical care may be faced by women during ‘infancy’.<sup>359</sup>

<sup>353</sup> Causes of gender-based violence | The response to Gender-Based Violence in Eastern Europe and Central Asia. Retrieved from <http://www.health-genderviolence.org/guidance-for-health-care-professionals-in-strengthening-health-system-responses-to-gender-based-vi-0>

<sup>354</sup> UNHCR., (May, 2003), *ibid*, p.20

<sup>355</sup> *Ibid*.

<sup>356</sup> *Ibid*.

<sup>357</sup> *Ibid*.

<sup>358</sup> *Ibid*.

<sup>359</sup> *Ibid*.

Then, genital mutilation, child/ forced marriages, sexual abuse by family members or strangers, lack of/differential access to food, medical care, and education may be observed in ‘the girlhood’.<sup>360</sup> The next phrase can be ‘the period of adolescence’ in which economically coerced sex, sexual abuses in the workplace, rape, sexual harassment, arranged marriages, and trafficking can be outstanding forms of SGBV.<sup>361</sup> Further; physical, psychological, and sexual abuse by intimate male partner/relatives, forced pregnancies, sexual abuse/ sexual harassment in the workplace, rape, abuse of widows could be prevailed in ‘the reproductive ages’.<sup>362</sup> Finally, abuse of widows including property grabbing, physical and psychological violence by younger family members, lack of/ differential access to food and medical care can be faced by women during ‘the elderly years’.<sup>363</sup> Beginning with these groupings which were revealed by UNHCR’s report on SGBV, it is highly clear how much women and girls are open to SGBV at almost every stage of their life cycle, as well as throughout forced displacement. That is, high possibility to be exposed to SGBV by women and girls regardless their age or life cycle constitutes the magnitude of the problem, especially in the time of armed conflict.

Next, Galtung’s dimensions of violence - direct, indirect (structural), cultural- can theorize the frontiers of perceiving an act as any forms of violence, as well as it can disclose the invisible aspect of violence when the effects are considered. Thus, for example; any violence occurs through indirect (structural) and cultural violence may undermine the wellbeing of women, and increases the risk of SGBV for women and girls, distinctively from men. Considering the concept of structural violence which features the fact that violence does not only occur physically but it can be built into wider societal structures which appears as a form of unequal power relations and life chances rather than solely being direct forms of violence<sup>364</sup>, it may be concluded that Syrian women are not only exposed to direct violence in the post-conflict settlement in Turkey. Besides, the cultural violence -which contains in religion, culture, and language itself as examples- leads to the continuation of direct and indirect (structural) violence.

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<sup>360</sup> Ibid.

<sup>361</sup> Ibid.

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> Moser, C., & Rodgers, D. (2005, March). Change, Violence and Insecurity in Non-Conflict Situations. Retrieved from <https://www.brookings.edu/research/change-violence-and-insecurity-in-non-conflict-situations/> p.36

As Galtung stated, “*there is massive male direct violence at all social levels; as criminal violence in the family and the society, and as political violence within and between societies.*”<sup>365</sup> Therefore, when the post-conflict settlement of Syrian women and girls in Turkey is considered, it is obvious that they are not only exposing to sexual and gender-based violence directly, but also they are exposing to indirect -through Temporary Protection Regime (TPR) of Turkey<sup>366</sup>- and cultural violence -through existing cultural patterns which promotes patriarchy and subordination of women-.

In connection with observations of Kimkung & Espinosa regarding gendered dimensions of the conflict, the Ecological Framework of WHO in the light of Heise’s conceptualization, and the grouping of violence which might be exposed by females during the life cycle were examined in this part as primary resources while dimensions of SGBV against women is being scrutinized. In addition to these, Galtung’s dimensions of violence can be a fruitful source to explain the presence of direct, indirect, or cultural violence even in non-conflict situations. Thus, the interrelated nature of violence requires some multilevel frameworks which may be influenced by psychological, social, and biophysical external factors.<sup>367</sup>

### **3.4.From ‘Public’ to ‘Private’: The Continuum of Violence**

If the question was how violence spread from public to private in the post-conflict settlement and which factors trigger this, as well as how the spillover effects can be observed in the following process; evaluating the factors which lead to emergence of ‘domestic violence’ will be valuable to answer to these questions. The shift from war situation to a non-war situation may carry the various types of violence from public to private. While violence occurring in public is more visible and recognizable besides being usually addressed and sanctioned by law, violence embedded in private sphere is more invisible which is abstained from being scrutinized. Therefore, perpetrators of violence in private will most likely go unpunished thereby, impunity will emerge. Yet, it is indeed what the scholars have concerned about the everyday experience of women at home both in time of war and peace which stays silent. Various forms of SGBV

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<sup>365</sup> Galtung, J. (1969). Violence, Peace, and Peace Research. *Journal of Peace Research*, 6(3), 167-191. doi: 10.1177/002234336900600301. p.41

<sup>366</sup> Kivilcim, Z. (2016). Legal Violence Against Syrian Female Refugees in Turkey. *Feminist Legal Studies*, 24(2), pp.193-214. p.195

<sup>367</sup> Moser, C., & Rodgers, D., (2005, March), *ibid*,

which are invisible and silenced, have been asserted to be rooted in structures of gender inequality (Davies and True, 2017, p.9; Kirby, 2015a, p.510, 2015b, p.463; Kirby and Shepherd, 2016b, p.380; McLeod, 2011, p. 596; Myrntinen and Swaine, 2015, p.498; Swaine, 2015, p.761; cited in Gray, 2018, p.6)<sup>368</sup>. According to Kirby and Shepherd focusing on this issue narrowly,

“precludes recognition of the ‘continuum of violence’ that characterizes the experience of many individuals whose lives are marked not only by the ‘extraordinary’ violence of ‘rape as a weapon of war’ but also by the everyday, ‘private’ forms of violence that occur everywhere and may be more prevalent in inequitable and unstable societal environments.” (2016b, p.380; cited in Gray, 2018, p.6)<sup>369</sup>

Most feminist theorists have acknowledged and accepted that many forms of violence are not only occurring during a war, but also in times of peace; as well as many violence is continuing even in the private sphere in addition to the public sphere. The concept of a ‘continuum of violence’ (Kelly, 1988; cited in Gray, 2018, p.6)<sup>370</sup> was developed because the interconnectedness and correlativity between multiple forms of gendered violence can be illustrated through this concept embracingly from sexual harassment to rape and murder. Moreover, the connection between which forms of SGBV is experienced by women in the war zones and what do they experience based on the gendered violence and inequalities in the peacetime society has been identified through this concept (Boesten, 2014; Cockburn, 2004; Davies and True, 2015; Reardon, 1985; Swaine, 2015; cited in Gray, 2018, p.6)<sup>371</sup>.

As it was suggested by Catherine Moore, how the question of existing public/private dichotomy in either law or in a society should be enlightened in order to enable women to fully enjoy their fundamental rights, more specifically, incident of domestic violence which goes unpunished since it occurs at home, is worth stressing<sup>372</sup>. In this sense, the binary concept of public and private spheres which divides societal

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<sup>368</sup> Gray, H. R. C. (2018). The ‘War’ / ‘Not-War’ Divide: Domestic violence in the Preventing Sexual Violence Initiative. *The British Journal of Politics & International Relations*. DOI: [10.1177/1369148118802470](https://doi.org/10.1177/1369148118802470)

<sup>369</sup> Ibid.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> Moore, C. (2003). Women and domestic violence: the public/private dichotomy in international law. *The International Journal of Human Rights*, 7(4), 93-128. doi: 10.1080/13642980310001726236 p.93

acts as two distinct realms have to be questioned. Therefore, the private sphere remains unregulated even if the public sphere which encompasses government, politics, economics, and workplace are regulated by the State.

Although such international documents concerning violence against women as DEVAW<sup>373</sup> and CEDAW<sup>374</sup>, which have made some nuances regarding the responsibility of the state and the public/private dichotomy of violence; foresee states to act against VAW while rendering them responsible to prevent, investigate, and punish such acts through due diligence principle<sup>375</sup>; still violence in private is prevailing in silence. In order to reach the greater realization concerning the prevention of violence in any sphere of life as well as the full enjoyment of the rights of women. However, state intervention may be avoided in the liberal concept of minimalist state with regards to the fear of monopolization of private life by state<sup>376</sup>.

Domestic violence and intimate partner violence (IPV) could be considered as substantially interconnected with the way that how gender roles have been constructed; which refers to socially appropriate acts, behaviors, and responsibilities which are attained to men and women in compliance with their sexes, can evolve in time in different ways than it had already been before. These socio-behavioral norms which are specific to the culture and time can change especially in the post-conflict settlement as in the example of Syrian refugees in Turkey. For example, a Syrian woman who escaped from the persecution and massive violence occurring in Syria and sheltered in such a country as Turkey can be a single woman when she arrives in Turkey. She may have lost her husband or the other family members who can accompany her during the journey or in the post-conflict settlement. In this connection, this woman would probably undertake the new roles, which were not deemed appropriate in the pre-existing order for her and seemed as the responsibility of men, in order to survive in her new life and meet her basic needs. Therefore, the way that the set of ideas of any society which foresee how men/women should behave and present themselves in a certain way can be shaken during the conflict and the post-conflict period within women's participation in the labor force as well. That is, while the expected roles attained both to

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<sup>373</sup> Article (4/c) of Declaration on the Elimination of Violence against Women in 1993.

<sup>374</sup> Article (11/2) of Convention on the Elimination of All Forms of Discrimination against Women in 1979.

<sup>375</sup> Moore, C., (2003), *ibid*, p.94

<sup>376</sup> *Ibid*.

men and women may be altered, women can incur responsibilities which are normally expected to be met by men in the traditional construction of the family.

According to the article which was broadcasted in ‘the Syrian Observer’ website and written by Raghda Zidan, domestic violence is a tradition and embedded in the cultural codes of Syrian society.<sup>377</sup> In addition, it was also stated that the cases of violence against Syrian women had demonstrated a massive increase in the last 6 years when the conflict has been intensified.<sup>378</sup> Domestic violence which can take many forms as bodily harm, verbal threats and harassment, as well as emotional and psychological abuse<sup>379</sup>; appears especially when the gendered roles ascribed to men are not met by actions in the practice. Meeting these roles and expectations by men does not materialize smoothly particularly in the post-conflict situation. For example; men who have socially constructed were undertaken the role of bread-winner in the family by finding money for rent and feeding his family have been proving a daunting challenge for maintaining a standard of living in the post-conflict settlement<sup>380</sup>. In these conditions, overburdened men with the hurdles obtaining legal status, financial strain, psychological pressures or even stressing about housing may prone to violence easily and without questioning these customarily social roles.

Problematically, domestic violence used by men ‘as a means of control, intimidation, or punishment’<sup>381</sup> against women are not usually informed/reported to authorities, for instance, about beating; since women feel the sense of shame and humiliation as well as reluctance to crumble the family unit. Besides, more women are economically dependent on their husband or family members who are, in most cases, the perpetrators of the domestic violence against them along with the stigma attached to divorce and being a single woman in many societies<sup>382</sup>. Even if these women exposed to domestic violence would report any violence to authorities, still the numbers and statistics which have been published are problematic in the sense that they are not representing the real picture. The reason behind may be that women, who came into the

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<sup>377</sup> Zigan, R. (Octorber, 2017). Women Refugees Can't Escape Traditions of Domestic Violence - The Syrian Observer. Retrieved from [https://syrianobserver.com/EN/features/22160/women\\_refugees\\_can\\_escape\\_traditions\\_domestic\\_violence.html](https://syrianobserver.com/EN/features/22160/women_refugees_can_escape_traditions_domestic_violence.html)

<sup>378</sup> Ibid.

<sup>379</sup> Ibid.

<sup>380</sup> Ibid.

<sup>381</sup> Ibid.

<sup>382</sup> Ibid.



world in such a society as Syria which is dependent on the traditions and cultural codes along with the religion attached it, refuse to recognize many types of violence as gender-based violence or even as ‘violence’ and stay silent against beating and insulting which are the indicator of power for men coming from the same culture. As Hilary Charlesworth had noted that the consequences of public and private dichotomy were “to muffle, and often completely silence, the voices of women”.<sup>383</sup>

Domestic violence and intimate partner violence have been quite widespread and culturally tolerated in several regions of Turkey. Even sometimes domestic violence might be considered as ‘private’, ‘family’, and ‘untouchable’ matters which cannot be interfered by an outsider. European Court of Human Rights (ECtHR) convicted a state for the first time in the history on the grounds that Turkey could not protect its citizen from domestic violence.<sup>384</sup> Even though Nahide Opuz is national of Turkish Republic, was repeatedly threatened by her husband and later was stabbed with a knife, her husband was detained for a short time and released by police with fines. Then, when she consulted to police officer to report her husband regarding that her husband might want to risk her and her mother’s safety and life, police consider these attacks as ‘family matters to be resolved home’<sup>385</sup>. In the end, unfortunately her mother was killed by her husband by the reason of ‘honour’ in 2002 due to the negligence of the judiciary and the failure of police officers in Turkey.<sup>386</sup> Then, a public trial against the husband was initiated.<sup>387</sup> After she had exploited all legislative meaning in Turkey, she applied to ECtHR in 2002 on the ground that the state did not protect her from the violence of her husband. The application was based on Article 2 of ECHR<sup>388</sup> -securing right to life-, Article 3 of ECHR -prohibition of torture/ inhuman/ degrading treatment/ punishment-, and Article 13 of ECHR -right to an effective remedy-. The Court ruled in her favor in

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<sup>383</sup> Charlesworth H. and Cook, R. J. (Ed.), (1994). *Human rights of women: National and international perspectives*. Philadelphia: University of Pennsylvania Press. p.68

<sup>384</sup> *Opuz v. Turkey*, Application no. 33401/02, Council of Europe: European Court of Human Rights, 9 June 2009, available at: <https://www.refworld.org/cases,ECHR,4a2f84392.html> [accessed 16 December 2018]

<sup>385</sup> Meegan, J. (n.d.). *Opuz v. Turkey*. Retrieved from <http://blogs.lse.ac.uk/vaw/landmark-cases/a-z-of-cases/opuz-v-turkey/>

<sup>386</sup> *Ibid.*

<sup>387</sup> *Ibid.*

<sup>388</sup> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, available at: <https://www.refworld.org/docid/3ae6b3b04.html> [accessed 17 December 2018]

2009 and delivered a landmark decision regarding the States' responsibility to prevent violence against women, protect the survivors, prosecute and investigate the incidents of violence, and provide redress to the survivors. The Court, therefore, concluded that there had been a violation of Article 14 -prohibition of discrimination on the basis of gender- in conjunction with Articles 2 and 3. Besides, State of Turkey was convicted to pay 36,500 € in order to compensate for the damage caused by the violation of Article 2,3, and 14 of the Convention. Thus, Turkey could not effectively implement the protective measures that had been provided to any women against any abuses conducted by intimate partner like in Nahide's and her mother's case.

Even if the level and the prevalence of domestic violence is substantially high in the host community as well as in the Syrian community, since the adequate reporting and documentation cannot be done due to such reasons as cultural values which impede women from perceiving any form of violence against herself as 'violence' and ambiguous situation of refugee women under TPR. For example, Syrian girls, who have been raised in the line with existing gender roles and patterns and forced/encouraged to make early marriages along with the occasional deprivation of education which is all contributing to the normalization of the violence, might not consider violent about any act made by their husbands. Therefore, domestic violence and intimate partner violence as very prevalent phenomena go unpunished. As a matter of the fact that several forms of gender-based violence have been perpetrated by government forces and associated militias during the conflict and detentions<sup>389</sup>; it is expected that these women will be away from any forms of SGBV at least 'in time of peace' when they reside in such a host country as Turkey. However, domestic violence and intimate partner violence have persisted even in their houses which are expected to the safe zone for survivors of violence during the conflict and the journey.

This year, a study<sup>390</sup> was conducted in Turkey via semi-structured interviews with forty-seven women from different ages in order to find out what different experiences of women are in the context of forced migration within the feminist methodology. This

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<sup>389</sup> UN Security Council. (March 2018). "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/37/CRP.3, available from <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Pages/ListReports.aspx>.

<sup>390</sup> Günel Y. S., (2018). *Uluslararası Zorunlu Göç Çalışmalarında Feminist Bir Metodoloji: Mardin'de Suriyeli Kadınların Deneyimleri (A Feminist Methodology in International Forced Migration Studies: Experiences of Syrian Women in Mardin)* (Master's Thesis). University of Mardin Artuklu (Turkey).

Master's thesis<sup>391</sup> containing these interviews has great importance in the sense that it was a very overarching study which tries to examine pre-war and post-war experiences of women as well as in what aspects they are affecting from the forced migration.<sup>392</sup> Besides, the interviews were based on the daily experiences of any Syrian women at home and their marriage experiences. It was also distinguishable research in terms of conducting the research in Mardin (Artuklu) which is a city in Southeastern Turkey.<sup>393</sup> Mardin is a particular city due to the fact that it is located next to the Turkey-Syrian border. Consequently, the research conducted in Mardin give the people a clue about the importance of social ties which are composed of heterogeneous ethnic origins and belief systems, kinship, similar cultures, traditions and common values in the given place.<sup>394</sup> The reason for that is the continuation of kinship, historical and cultural affinity, ethnic origin, language, similar traditions and values between Syria and Turkey in this region despite the border between them. Within the scope of kinship and similar traditions between the Syrian community and the Turkish community in this region, it was found out that early marriages and polygyny<sup>395</sup> are widespread harmful practices which lead women to experience violence and abuses visibly/invisibly just because of their gender in the context of the forced migration. Forced migration re-creates the situation in which early marriages, sexual assaults/violence, participation of women into labor force along with the maternity role take place within the reason of existing gender inequalities between men and women.<sup>396</sup>

Since men are able to marry more than one woman, or marry girls at an early age, to divorce women in legal, cultural and religious ways in the context of Syrian Arab Republic's laws and the way these laws are applied; the researchers have considered these kinship relations, manifestation of Islamic culture and religion, the Arab culture, and number of the marriages in this culture. Examining the issue in such a relational manner and feminist methodology which is applied provides a researcher with a broader perspective while the results of interviews were interpreted. In the light of these interviews, quite specific information was obtained regarding domestic violence as well.

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<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

<sup>394</sup> Ibid.

<sup>395</sup>The practice of having more than one wife simultaneously by men, and one type of polygamy.

<sup>396</sup> Günel Y. S., (2018), *ibid*, p.5

For instance, one of the interviewees who fled Turkey from Syria explained how she left home because of the psychological, verbal, and physical violence from the man who she married, and she stated that:

“I exposed to violence from both of my husbands. That’s why I ran away from home. He did not allow me to go anywhere (for the second marriage of her). When I want to go out, he would tell me to stay at home. One day, I did not listen him, he beat me up while I was pregnant. I stayed in a women’s shelter for a while. This shelter and associations informed me about women’s rights. I know my rights now even if I did not know it before I got married. Then I came back to my family. Even if he wants to reconcile with me, I do not want any more since he beat me and constantly shouted at me.”<sup>397</sup>

This statement has significant implications regarding how violence is ordinary and normalized at home in the Syrian society. Similarly, it could expound how civil society organizations and women’s centers play an important role in the prevention of such grievances as child marriages and informing women regarding their right<sup>398</sup>. In addition to these, this study has found also how child/early marriages through usually by religious marriages increase domestic violence and intimate partner violence<sup>399</sup>. Moreover, within the insecurity created by the conflict and forced migration, the families who want to secure their daughters from sexual harassment and assault began to marry their daughters to older men. This situation is not a solution for prevention of SGBV, but rather it leads to the emergence of greater problems such as the persistence of SGBV through domestic violence. Besides, in this case, the perpetrator of domestic violence against women/girls does not necessarily have to be the husband. Similarly, the perpetrator of any forms of violence may be other family members such as mother-in-law. Therefore, the prevention of child/early/forced marriages may be the first step for empowerment of women as well as being cornerstone to prevent SGBV and domestic violence in the Syrian case.

In short, violence occurring in private should be remained under investigation and revealed since domestic violence including intimate partner violence (IPV) is the most

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<sup>397</sup> Günel Y. S., (2018), *ibid*, p.87

<sup>398</sup> Günel Y. S., (2018), *ibid*, p.92

<sup>399</sup> Günel Y. S., (2018), *ibid*, p.118

common form of violence against women besides being the most obscured one. Besides, several forms of SGBV against women which occur at home usually by private partners regardless of war or peace period, it is crucial to uncover the violence at home and its reasons behind. Either there is act of rape which is deployed as a weapon of war during the conflict or domestic violence which is ever present in all dimensions of the conflict, women are suffering from several forms of violence just because of they are women.

### **3.5. Root Causes and Contributing Risk Factors for SGBV and VAW on Syrian Women**

Women and girls in Syria have already been exposed to varied forms of sexual and gender-based violence by Government forces, militias, or other extremist armed groups during the Syrian civil war along with religiously radical groups.

Unfortunately, these are not restricted by wartime. Conversely, women suffer from sexual and gender-based violence even in the country in which they resettled. This is solely because they are women. Even if moving towards Europe is not a solution for these women in order to avoid being harassed or escape from violence since smugglers and traffickers have exploited this situation.<sup>400</sup> Besides paying smugglers a large amount of money, some migrants are even deceived by smugglers. There are also cases where migrants face violence and harm.<sup>401</sup>

That's why it is significant to answer the question of what are root causes and contributing factors of sexual and gender-based violence against Syrian women considering the structures which are highly affected on the emergence of SGBV, regardless the time scale of the conflict in order to protect women and girls from SGBV and provide effective measures for empowerment of women. If coming into the world as a female than a male has several disadvantages from infancy in someone's entire life, it could be clearly pointed out that there is no equality which refers to the equal rights, responsibilities, allocation of resources and opportunities of both women and men - girls and boys-. Therefore, it is crucial to reveal what are the main reasons that creates gender inequality and discrimination -derived from sex, age, socio-economic conditions,

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<sup>400</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.131

<sup>401</sup> *Ibid*.

ethnicity, nationality and religion-<sup>402</sup> which would result in SGBV at a later stage. However, SGBV is not caused by a single factor; rather, it is a combination of several factors that increase gender inequalities and discrimination.<sup>403</sup>

Even if it is tough to cluster all the reasons behind SGBV, upon the information provided from UNHCR's Guidelines for SGBV against Refugee and Returnees and Internally Displaced Persons<sup>404</sup>, causes and contributing risk factors of SGBV were defined under some sub-headings. Firstly, on 'the individual level'<sup>405</sup>, what can be the reasons that prompt a person to commit any kind of violence? UNHCR stated that there might be a loss of security, physical and mental disabilities, sudden changes in socio-economic situation which creates the sense of insufficiency, alcohol and drug abuse, psychological trauma as a result of the displacement or conflict, disrupted roles within family and community, and lack of knowledge regarding national or international law in which some fundamental rights are enshrined. Secondly, 'social norms and culture'<sup>406</sup> were considered as the risk factors for the outbreak of SGBV. As it would be examined hereinafter, these social norms and cultures which may contribute to the emergence of SGBV are mostly originated from either religious beliefs or discriminatory cultural and traditional beliefs. Thirdly, 'Legal framework and practices in the host country and/or country of origin'<sup>407</sup> were found to be one of the contributing factors for the emergence of SGBV. Namely, any legal framework that reproduces discrimination in addition to condoning SGBV within the lack of legal protection for women's rights, lack of a law against SGBV, and lack of trust in law enforcement causes greater SGBV. In addition, application of customary and traditional laws and practices enforce gender discrimination and gender inequalities. Along with these factors; lack of denouncing SGBV, lack of advocacy campaigns, discriminatory practices in law enforcement and justice, under-reporting the events of SGBV, lack of effectively prosecution of the SGBV cases, lack of trust to police and courts, and absence of female law enforcement officers are the crucial constituents which arise from the malfunction of the legal framework of any country. In the light of the discrepancy between the legal framework -

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<sup>402</sup> Support to Life, (January, 2018), *ibid*, p.12

<sup>403</sup> *Ibid*.

<sup>404</sup> UNHCR, (May, 2003), *ibid*, p.22

<sup>405</sup> *Ibid*.

<sup>406</sup> *Ibid*.

<sup>407</sup> *Ibid*.

and the practices- applied in Syria and in Turkey, these differences in law and practices in Syria and Turkey contribute to the emergence of SGBV against Syrian refugee women. Fourthly, ‘war and armed conflict situations’<sup>408</sup> are accepted as a factor that increases the risk of SGBV since the social structure is disrupted as well as ethnic differences and socio-economic discrimination becoming explicitly visible. Lastly; ‘refugee, returnee and internally displaced (IDP) situations’<sup>409</sup> can be considered as another contributing factors for SGBV. Destruction of social and family support structures, higher crime rates, the concept of camp within limited opportunities and resources, unavailability of basic needs, restricted movement, lack of police protection, lack of NGO presence in camp, lack of security patrols, and lack of individual registration and identity cards are the factors that increase the vulnerabilities of refugees and IDPs.

All things considered; among the most prominent causes, -undoubtedly and interdependently- religion considering sectarian division, culture, patriarchy, and state feminism have to be concentrated in the case of Syrian society in order to find these root causes and contributing factors for SGBV against Syrian women and girls out.

To begin with, religion and culture are one of the most prominent causes in the case of escalating gender inequalities in a given structure and creating subordination of women in addition to the other effects as deep-rooted patriarchy. It is undeniable fact that Islam and gender are controversial concepts in the Middle East region where patriarchal values are highly prevalent and learned through socialization process.<sup>410</sup> The Syrian Arab Republic has quite diverse religious and ethnic structure demographically. According to the numbers before the civil war started in 2010<sup>411</sup>, as religious groups, 74% of the Syrian population was Sunni (Islam), 12% were Alawites (one of sects of Shia Islam), 10% were Christians, and 3% were Durzi’s (Druze)<sup>412</sup>. Although population in Syria is consisting of various ethnic and sectarian divisions, the fact that majority of the population (around 90%) believes in Islam, intrinsically, brings women’s disadvantageous position stemmed from the nature of Islamic personal status

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<sup>408</sup> Ibid.

<sup>409</sup> Ibid.

<sup>410</sup> Kazemi, F. (2000). Gender, Islam, and Politics. *Social Research*,67(2), 453-474. Retrieved from <http://www.jstor.org/stable/40971480> p.453

<sup>411</sup> Population was approximately 22 million

<sup>412</sup> Ibid.

laws and embedded patriarchy which escalates gender inequalities and discrimination against women.<sup>413</sup> In fact, the government in Syria has been ruled by Alawi minority which monopolizes the power in administration, politics, and military against the opponents within the Baath Party after Hafiz al-Assad came to power in 1971. The fact that Sunni majority has been long alienated in society as well as they were put in a subordinate position, it was inevitable that current rising of radical Islamic armed groups as the Islamic State of Iraq and Levant (ISIL) and Jabhat Fatah al-Sham (Al Nusra Front) which are violent rebel groups advocating the establishment of an Islamic state in the region.<sup>414</sup> While these extremist armed groups have continuously imposed discriminatory and strict measures on women and girls by enforcing their interpretation of Sharia<sup>415</sup>, at the same time, they have practiced sexual and gender-based violence on women in areas where they claim an Islamic state. In fact, Radical Islamization was a counter-productive indicator of the radical de-Islamization process undertaken in Syria.<sup>416</sup> That's why sectarian division and the effects of it can also be examined in order to reveal the auxiliary factors for increasing SGBV stemmed from inequalities and discrimination.

A common denominator of religion and culture could be the idea of norms which shape the society and the societies' way of life through a various set of values.<sup>417</sup> Islam can be said that is not only a religion, but also highly related and interconnected with culture since it presents the comprehensive social system in which Sharia is a source of Islamic Jurisprudence that regulates such areas as contracts, personal status, marriage, inheritance, deeds, and the rights of ownership.<sup>418</sup> Most of the Arab countries consider Sharia as a first or primary source of legislation in which various areas of social life are organized<sup>419</sup>. Yet, the interpretation of Sharia law -Islamic jurisprudence- may differ with regard to the territory in which the law is applied. For instance, "*the Syrian legal system draws primarily from the French Civil code, as well as Islamic and*

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<sup>413</sup> Kazemi, F., (2000), *ibid*, p. 453

<sup>414</sup> Human Rights Watch News. Syria: Extremists Restricting Women's Rights. (2014). Retrieved from <https://www.hrw.org/news/2014/01/13/syria-extremists-restricting-womens-rights>

<sup>415</sup> *Ibid*.

<sup>416</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.24

<sup>417</sup> Diab, R. (2018). ACIHL (Arab Center for International Humanitarian Law and Human Rights Education). "Religion and the law in Syria." Retrieved from [https://acihl.org/articles.htm?article\\_id=26](https://acihl.org/articles.htm?article_id=26)

<sup>418</sup> *Ibid*.

<sup>419</sup> *Ibid*.



*Egyptian legal traditions*”<sup>420</sup>. Even if the Syrian state has a secular legal system, it is crucial to mention that Islamic Jurisprudence may be influential on the secular law in some regions since Syria has a dual judicial system consisting of secular and Islamic courts. While secular courts judge both civil and criminal issues, specialized religious courts such as ‘*Mahkama Sharia*’ examine/try the cases of family, inheritance, and personal status disputes among both Syrian Muslims and non-Syrian Muslims who comply with the Islamic personal status law. The fact that they may be subject to Islamic Judgment in marriage, divorce, inheritance and detention leaves them more vulnerable to men. Besides, this fact increases the risk of gender inequalities in which men are maintaining privileges, power, and control over women. Essentially, Islamic personal status law in the areas of pertaining, marriage, divorce, inheritance, and custody rights provides a basis for women’s enfeebling while it foresees the superiority of men against women. For example, “*while men can engage in polygamy, women cannot*”<sup>421</sup>.

Indeed, there can be various definitions in order to explain culture.<sup>422</sup> However, culture can be defined as the unity of the material and spiritual elements of practices and beliefs that are learned in a social process that determines structures (relations) of someone’s existence. Moreover, culture may be a complex entity which encompasses knowledge, art, traditions, talents, skills, habits learned by humanity as a member of any society (Güvenc, 2005; cited in Erkan, 2016, p.5)<sup>423</sup>. Therefore, one of the important determinants of culture is the spiritual element, namely, the belief of a society.<sup>424</sup> Any religion as the belief system in any society is effective in both individual and social levels.<sup>425</sup> For this reason, religion is an important factor in the individual level in conceiving the individual’s own existence and the universe that he/she is in as well as a tool of a certain surrender in the inner world of the individual; while in the societal level, religions have a considerable effect in the formation of social behaviors and the emergence of institutions. Consequently, mutual interaction between religion -which

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<sup>420</sup> Ibid.

<sup>421</sup> Kazemi, F., (2000), *ibid*, p. 457

<sup>422</sup> Erkan, E. (2016). Suriyeli Göçmenler ve Dini Hayat: Uyum, Karşılaşma, Benzeşme, Gaziantep Örneği (Immigrants and Religious Life: Adaptation, Encountering, Resemblance, The Case of Gaziantep). Retrieved from <http://dergipark.gov.tr/download/article-file/292251> p.4

<sup>423</sup> Erkan, E., (2016), *ibid*, p.5

<sup>424</sup> Ibid.

<sup>425</sup> Ibid.

influences and shapes the society- and culture is inevitable.<sup>426</sup> Nevertheless, the social manifestation of religion may differ not only in different societies but also in different settlements, occupational areas, and economic situation (Weber, 1920; cited in Erkan, 2016, p.7)<sup>427</sup>. For instance, the prevalence of dowry, justified consanguineous marriages related to strong kinship ties, extended family concept which renders women a servant for her family, ‘*kumalık*’ (the concept of fellow wife which is hinged upon polygyny), early/child marriages can be directly associated with the existing culture and unequal gender construct in the Syrian society. Furthermore; even though only legal marriages are recognized by the State of Turkey, the practice of child marriages -as one of harmful traditional practices applied commonly in Syria- through a religious base are in existence in some parts of Turkey regardless of whether in a guest community or host community. Especially; in the regions of Turkey where heterogeneous ethnic origin and belief systems, kinship, similar cultures and traditions, common values, and the importance of social ties come to the forefront.<sup>428</sup>

Next, Patriarchy, which is based on the male domination and supremacy both in public and private spheres<sup>429</sup>, is found to be another most prominent reason for gender inequalities and discrimination in Syria since the nature of Islamic personal status law and the criminal code applied to women in Middle East are dominated by patriarchic values learned through socialization process.<sup>430</sup> Discrimination against women in the areas of marriage, divorce, inheritance, and child custody rights were maintained by patriarchy interrelating with Islam.<sup>431</sup> On the other hand, even if women have been granted equal rights within the family law in Turkey when the Islamic law was abandoned after the adoption of new Civil Code in 1926 which abolished the Islamic Sharia Law and granted equal inheritance rights, it can be relievedly said that Turkey is a androcentric society in practice, especially considering the private sphere.<sup>432</sup> The reason why patriarchy is quite persistent in the Middle East and North Africa can be answered through religion and cultural traditions in these regions. That is, *Patriarchy in*

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<sup>426</sup> Ibid.

<sup>427</sup> Erkan, E., (2016), *ibid*, p.7

<sup>428</sup> Günel Y. S., (2018), *ibid*, p.2

<sup>429</sup> Sultana, A. (2012). Patriarchy and Women’s Subordination: A Theoretical Analysis. *Arts Faculty Journal*, 1-18. doi: 10.3329/afj.v4i0.12929 p.1

<sup>430</sup> Kazemi, F., (2000), *ibid*, p. 453

<sup>431</sup> Kazemi, F., (2000), *ibid*, p. 457

<sup>432</sup> Akgul, F. (2017). *Patriarchal Theory Reconsidered* (pp. 1-248). London: Palgrave Macmillan. p.84

*the Middle East and North Africa thrives on the instrumentalization of religion and politics, often used to maintain males' control of women.*"<sup>433</sup>

Although there is no single widely-accepted definition of patriarchy; patriarchy literally comes from the word of 'patriarch' which means 'the rules of the father' and it is used for indicating 'male-dominated family'.<sup>434</sup> Walby describes patriarchy as "a system of social structures and practices in which men dominate, oppress and exploit women" (Walby, 1990, p.20; cited in Sultana, 2012, p.2)<sup>435</sup>. Patriarchy -as an institutionalization of male dominance both in family and in society- constitutes a male dominated structure over women by taking advantage of the biological differences between men and women while the concept of patriarchy can be qualified by the notions of dominance, power, hierarchy, and competition.<sup>436</sup> Patriarchy contributes women's subordinate position -which can be defined as the natural superiority of the male over the female- in various forms as discrimination, insult, exploitation, violence, oppression not only in family but also at the workplace and in society.<sup>437</sup> Additionally,

"Due to such violence (rape and other forms of sexual abuse, female foeticide, dowry murders, wife-beating) and the continued sense of insecurity that is instilled in women as a result keeps them bound to the home, economically exploited and socially suppressed."<sup>438</sup>

Rape, even marital rape, domestic violence, child abuses through early/forced marriages, sexual and emotional harassment, intimate partner violence, wife battering, forced prostitution, state violence in the situation of war, exploitation of women refugees, polygamy, honour killings, and so forth are embodied and even sometimes justified by the agency of patriarchy which is nourished by power imbalances between men and women (El Bushra and Lopez, 1993, pp.1-9; cited in Salhi, 2013, p.15)<sup>439</sup>.

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<sup>433</sup> Sadiqi, F. (2014). Gender and Violence in Islamic Societies: Patriarchy, Islamism and Politics in the Middle East and North Africa. *Gender & Development*, 22(1), 185-187. doi: 10.1080/13552074.2014.889351 p.186

<sup>434</sup> Sultana, A., (2012), *ibid*, p.2

<sup>435</sup> *Ibid*.

<sup>436</sup> Sultana, A., (2012), *ibid*, p.3

<sup>437</sup> Sultana, A., (2012), *ibid*, p.7

<sup>438</sup> Sultana, A., (2012), *ibid*, p.10

<sup>439</sup> Salhi, Z. (Ed.), (2013). *Gender and Violence in Islamic Societies: Patriarchy, Islamism and Politics in the Middle East and North Africa* (pp. 1-294). New York: I.B.Tauris & Co Ltd. p.15

Gender-based violence, which is not restricted with either only private or public, can be perpetrated not only by intimate partners but also by family members as brothers or fathers in the patriarchal systems because of men's symbolization of power.<sup>440</sup>

Patriarchal structures, which are supported by culture and religion, plays an essential role in normalization and condoning violence in society. For example, even honour killings can be tolerated in the name of honour.<sup>441</sup> Unfortunately, "*Honour killings are rampant in the Kurdish areas of Turkey, Iran, Syria, and Iraq.*"<sup>442</sup> Although there is no accurate statistics on the level of honour killings and the numbers may even be larger than expected, it is estimated that at least 60 women are killed every year in Turkey in the name of honour.<sup>443</sup>

Indeed, 'Bargaining with Patriarchy'<sup>444</sup> which is an article written by Kandiyoti has a significant implication regarding how women benefit from patriarchy making room for themselves and how they assure a privileged situation. More specifically, she asserts that when a woman -who is subordinated by her husband and her husband's family- gives birth to a son; consequently, she would gain a certain degree of privileged in the family.<sup>445</sup> However, in the future; when her son gets married, she takes control of her daughter-in-law by oppressing her.<sup>446</sup> Therefore, she becomes an oppressor in order not to perceive her own oppression.<sup>447</sup> In fact, in the Syrian society and family structure, this situation is highly confronted issue since even sometimes mother-in-law may commit violence against her daughter-in-law.

While Sharabi is analyzing the power structures in Middle East distinctively from the Western context, he has stated that "*between ruler and ruled, between father and child there exist only vertical relations, in both settings the paternal will is the absolute will* (Sharabi, 1988, p.7; cited in Akgul, 2017, p.37).<sup>448</sup>" The fact that both vertical and horizontal power relations are a matter of Middle East region, the term 'compound patriarchy' may reflect this multi-layered construction of patriarchy in the given societies and the territory. Compound patriarchy can be explained as:

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<sup>440</sup> Salhi, Z. (Ed.), (2013), *ibid*, p. 17

<sup>441</sup> Salhi, Z. (Ed.), (2013), *ibid*, p. 43

<sup>442</sup> Salhi, Z. (Ed.), (2013), *ibid*, p. 56

<sup>443</sup> Salhi, Z. (Ed.), (2013), *ibid*, p. 57

<sup>444</sup> Akgul, F., (2017), *ibid*, p. 33

<sup>445</sup> *Ibid*.

<sup>446</sup> *Ibid*.

<sup>447</sup> *Ibid*.

<sup>448</sup> Akgul, F., (2017), *ibid*, p. 37

“A social structure of multilayered oppression, in which more than one oppression operates at the same time, created by horizontal and vertical relations in the society, causing and resulting from gendered, racial, ethnic, and international hierarchy to control, among others, men and women and through a system of metaphorical reproduction of oppression and at times, the ruler subject binary.”<sup>449</sup>

Finally, state feminism under the oppressive Ba’ath regime has to be investigated since some minority groups have been marginalized by using feminist discourse. State feminism can be defined as *“the state’s push for and encouragement of women’s participation in public life, while committing atrocities towards other groups, in an attempt to cover up other forms of discrimination that exist within the bounds of the state and oppressive regimes.”*<sup>450</sup> Nevertheless, state feminism is not the reason for the emergence of SGBV and VAW, yet it is a conspicuous concept which ensures continuity of discrepancies among Syrian women, which leads to dilute the strength of the feminist movement as well as constituting an impediment for women’s empowerment.

After the revolution started in 2011 in the Middle East and North Africa, gender dynamics and feminist movements were expected to be transformed. Gender experiences in Syria have been different for women who have a different ethnic and religious background, in addition to the fact that it had not been homogenous even before 2011. However, women denoted as being in only some specific professions are considered as ‘hand-picked’ who are not representing neither the whole picture nor women-kind in Syria (Rabo, 1996, p.163; cited in Freedman et al., 2017, p.17)<sup>451</sup>. Besides, these hand-picked women who are supported to show their presence in the public sphere, at the same time, encounter with an additional burden with regards to their domestic roles at home such as burden of caregiving and childrearing, as well.<sup>452</sup> These hand-picked women are predominantly from urban areas within an elite background unlike the women who reside in rural and disadvantageous areas of

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<sup>449</sup> Akgul, F., (2017), *ibid*, p. 39

<sup>450</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.17

<sup>451</sup> *Ibid*.

<sup>452</sup> *Ibid*.

Syria.<sup>453</sup> Therefore, patriarchy, abuse, or the real experiences of a simple woman cannot be reflected in the whole picture.

Although Sunni Muslims represent the majority of population numerically, it is clear that the Alawi minority, which puts forward the ‘secular’ ideal of state and tends to define Sunni majority as being religiously backward, conservative and traditional, continues to separate women in Syria into different sides through ‘state feminism’ - which is associated with oppressive regimes and prevalent also in Iran and Egypt.<sup>454</sup> That is, while Alawi minority on the top of the government position who privileges Alawis and Shiites, has been encouraging these women from urban areas within elite background to participate in public sphere, Sunni women are oppressed by the regime as well as they are sidelined by state feminism.<sup>455</sup> These deep-seated /profound division between Alawis and Sunnis can be perceived even in personal relations and in workplace. During a workshop on gender equality, a Syrian man expressed:

“I have a problem with feminists arguing for gender equality. Those feminists are the same people who oppress other women. My sisters were bullied by feminists under [the] Ba’ath regime for wearing the hijab and they were discriminated against in the public sector.”<sup>456</sup>

Thus, sole integration of women into labor market can be considered neither as a provider of gender equality nor a marker of women’s rights. Moreover, even though Syrian women are granted to have equal rights in the constitution, contrarily, overlooked state feminism provokes people to reject feminism and women’s rights discourse as well as it damages the integrity of women. Therefore, quantitative indicators of gender equality do not reflect reality.<sup>457</sup>

To sum up, ethnic and religious separations reflected in the state and citizen relations may be politicized through such phenomenon as state feminism which is a disruptive factor among Syrian women in case it distorts the reality of Syrian women which are continuously repressed and alienated not only by the regime, their families, and communities, but also by feminists connected with the oppressive regime.

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<sup>453</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.18

<sup>454</sup> *Ibid*.

<sup>455</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.20

<sup>456</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.19

<sup>457</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.17

### 3.6. Political Economy of VAW and Unemployment

Due to the fact that violence against women cannot be narrowed down/confined with the conflict zones<sup>458</sup>, as well as wartime; investigating which socio-economic factors render them more vulnerable even in peace-time is highly momentous.

As Ann Tickner concerned in her book ‘Gender in International Relations’, ‘multidimensional continuum of violence’ would not be recognized entirely unless women’s experiences of security are evaluated away from the security perception of states.<sup>459</sup> This is because this continuum expands into various spheres of life such as home, structural violence, ecological violence due to the reduction of planetary resources or natural disasters, and post-war violence which are not necessarily the focus of security studies.<sup>460</sup> For example, the trafficking of women can be counted as the continuum of violence which can occur in the post-conflict settlement.

Along with various forms of violence perpetrated by men against women, these gendered socio-economic inequalities render women vulnerable to violence, thereby escalating insecurities and abuses for women. Therefore, as Tickner stated “gender inequalities are a form of violence that contributes to the insecurity of all individuals” (Tickner, 1995, 48; cited in True, 2012, p.12)<sup>461</sup>

While globalization is creating new opportunities for women regarding their economic independence, at the same time, it reveals brand new challenges for women through deepening gendered inequalities. Structures and processes of increasingly globalized political economy are also found to be the sources of gendered inequalities which stirs violence against women up.<sup>462</sup>

According to True, there should be a more systematic gender analysis of the socio-economic conditions. Since gendered social, economic, and political inequalities which may reinforce the possibility of violence against women have not been efficiently discussed and analyzed by international bodies, scholars, or the national legal and policy provisions; the factors which cause the vulnerability of women are left in the dark.<sup>463</sup> As Programme on Women’s Economic, Social, and Cultural Rights stated,

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<sup>458</sup> True, J., (2012), *ibid*, p.11

<sup>459</sup> True, J., (2012), *ibid*, p.12

<sup>460</sup> *Ibid*.

<sup>461</sup> *Ibid*.

<sup>462</sup> *Ibid*.

<sup>463</sup> True, J., (2012), *ibid*, p.13

*“when one thinks of women’s human rights issues, one usually thinks about violence against women and not about poverty, housing, unemployment, education, water, food security, trade and other related economic and social rights issues”* ( PWSCR, 2010, 1; cited in True, 2012, p. 21).

Some research conducted in several regions demonstrates that if there is a decline/reduction in male’s income, it lead to be shaken formation and norms of masculinity as well as it inflames the tension between men and women.<sup>464</sup> This situation can be encountered in the post-conflict settlement such as Syrian households residing in Turkey because of a lack of economic means and opportunities due to the refugee situation which naturally results in poor access to the resources such as land, property, income, employment, education, and so on.

*“Economic globalization has increased the demand for women’s cheap labor, especially in the growing service sector”*.<sup>465</sup> Therefore, women in the cycle of poverty within the poor access to the resources may became the apparatus of such economic sectors including prostitution and sex work within very minimum social and labor standards which do not protect these women from any kind of violence. Besides, low economic status and lack of economic means are more risk-increasing for the emergence of human trafficking which can be defined as “fishing in the stream of migration (Coomaraswamy, 2003; cited in True, 2012, p.53)”.<sup>466</sup>

In the context of post-conflict resettlement, women and children may be usually subjected to sexual harassment, rape, early/forced/child marriages, forced pregnancy, trafficking for prostitution, and indentured labor without job security. Upon the information provided by World Bank, *“Women and children make up more than 80 percent of those displaced in refugee camps and resettlement zones after political settlement of conflict* (2011; cited in True, 2012, p.111)”. Consequently, escalation of the prevalence of domestic violence, increased organized crime rates, sexual violence and transactional sex in the refugee camps, forced pregnancy and child marriages, trafficking for prostitution can be counted as among the pieces of evidence of prevalence of the violence in the post-conflict setting for women on a large scale who are unable to reach adequate food, housing, health services, education.

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<sup>464</sup> True, J., (2012), *ibid*, p.40

<sup>465</sup> True, J., (2012), *ibid*, p.49

<sup>466</sup> True, J., (2012), *ibid*, p.53



“In particular, women are less vulnerable to violence when they have a good economic status, including access to full-time employment, land/property rights, access to credit/capital, and enjoyment of social and political rights, such as rights to education, housing, food, water, health and reproductive health, social security, justice, and political representation. However, this broader political economic order is often neglected in analyses of violence against women.”<sup>467</sup>

If the social and economic impoverishment of women along with the poverty are the main sources of violence against women; social, political, and economic empowerment of women is needed in order to defeat existing inequalities in gender, race, and class. In some context, the empowerment of women may simultaneously mean disempowerment of men which may reveal violence against women, more specifically, domestic violence in relation to reasserting masculine identities by men. Nevertheless, there can be three strategies to deplete violence against women through socio-economic inequalities and injustice can be associated with defeating the gendered division of labor in the family, cheap source of labor which is fueled by the capitalist economy, the concept of masculine protector identity affiliated with militarism and armed conflict.<sup>468</sup>

In Turkey, even if there are some provisions in case of providing necessary work permissions was initiated, legal permissions for work to persons under TPR<sup>469</sup>, within certain exemption for seasonal agricultural and livestock works, were provided by ‘the Regulation on Work Permit for Foreigners under Temporary Protection’<sup>470471</sup> which was adopted by the Council of Ministers of Turkish Republic on 15<sup>th</sup> of January, 2016.<sup>472</sup> However, A clear majority of refugees under temporary protection is still working in the informal sectors without neither social security nor job safety. These undeclared employment facilities bring these refugees to labor exploitation as well as the substandard working conditions and lower wages.

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<sup>467</sup> True, J., (2012), *ibid*, p.146

<sup>468</sup> True, J., (2012), *ibid*, p.31

<sup>469</sup> Temporary Protection Regime, pursuant to Article 91 of Law No: 6458 on Foreigners and International Protection (LFIP).

<sup>470</sup> Asylum Information Database. Guarantees for vulnerable groups - Turkey (2018). Retrieved from <https://www.asylumineurope.org/reports/country/turkey/guarantees-vulnerable-groups-0>

<sup>471</sup> Turkey: *Temporary Protection Regulation*, 22 October 2014, available at: <https://www.refworld.org/docid/56572fd74.html> [accessed 16 January 2019], Article 29.

<sup>472</sup> *Ibid*.

Employment facilities for women are even more severe in the case of providing effective access to the labor market. Along with the host state's limited resources and facilities on work, women are confronted with an impediment to work in the public space due to existing traditional/cultural gender roles which are assigned to women as housewifery and childcare.<sup>473</sup> Even if they find an opportunity to work outside their homes, they are able to work in quite limited sectors like agriculture, sewing, or hairdressing for long hours and without social security.<sup>474</sup> Besides, there has been an incremental growth with regard to the informal child employment<sup>475</sup> in certain sectors as textile factories and agriculture after Syrian refugees fled to Turkey.

Since the general unemployment rate in Turkey has been increasing in the last couple of years while the available jobs are insufficient for all young unemployment<sup>476</sup>; intrinsically, finding a job in the formal sector under legal records has been getting harder for Syrian refugees under TPR who are more disadvantaged because of language barriers and lower educational attainment level.<sup>477</sup> Upon the information provided from Turkey's Disaster and Emergency Management Agency, more than half of the Syrian population in the working-ages work informally.<sup>478</sup> While mostly men predominantly work in the informal sectors, this level is "*peaking at 7% among women aged 30 and 44*"<sup>479</sup>. According to a study conducted by AFAD (Turkey's Disaster and Emergency Management Authority), only 13% percent of Syrian women have made an income-generating job at some point (AFAD, 2014; cited in Hudock et al., 2016, p.35).<sup>480</sup> Moreover, the same research reveals that "*57.7 % of Syrian women surveyed listed 'housewife' as their primary, unpaid occupation*"<sup>481</sup>. Therefore, women gradually become more vulnerable towards a cycle of socio-economic poverty and they most

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<sup>473</sup> Asylum in Europe. Access to the labour market – Turkey, *ibid.*

<sup>474</sup> *Ibid.*

<sup>475</sup> *Ibid.*

<sup>476</sup> Yener, A.L., Demir, S., & V Del Carpio, X. (June, 2018). Integrating Refugees into the Turkish Labor Market. Forced Migration Review. Retrieved from <https://www.worldbank.org/en/news/opinion/2018/06/26/integrating-refugees-into-the-turkish-labor-market>

<sup>477</sup> *Ibid.*

<sup>478</sup> *Ibid.*

<sup>479</sup> *Ibid.*

<sup>480</sup> Hudock, A., Sherman, K., & Williamson, S. (2016). *Women's Economic Participation in Conflict-Affected and Fragile Settings* (pp. 1-45). Washington, DC: Georgetown Institute for Women, Peace and Security. Retrieved from <https://giwps.georgetown.edu/wp-content/uploads/2017/08/Occasional-Paper-Series-Womens-Economic-Participation.pdf> p.35

<sup>481</sup> *Ibid.*

likely experience gendered forms of labor exploitation and even harassment in the workplace. Consequently; women, girls, and LGBT individuals who have limited access to resources and working space, at the same time, cannot benefit from almost any protection and support mechanism due to their ‘temporary’ situation, might enter into prostitution sector as a kind of survival strategy. Thus, they also faced with physical, sexual, psychological and economic violence as they had exposed to several types of violence during the civil war in Syria. Besides, some families marry their daughter at an early age off to elderly men in the exchange of ‘dowry’ or ‘bride price’ as a coping mechanism with financial bottleneck. At the same time, they conceive these marriages as a securing mechanism for their daughters from sexual violence.<sup>482</sup>

### **3.6.1. Trafficking of Women and the Risk of Sexual Exploitation**

One of the influential ‘United Nations Convention against Transnational Organized Crime’ and one of its additional protocol -on trafficking in persons especially women and children- have been quickly accepted by States and found wide application.<sup>483</sup> Turkey is one of the countries which has signed this protocol as well as transposed them into domestic law.<sup>484</sup> In order to fulfill the requirements of the Convention and the additional protocol, ‘Article 80 of the Turkish Penal Code’<sup>485</sup> regulates the crime of ‘human trafficking’.<sup>486</sup>

UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking in persons as:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the

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<sup>482</sup> Hudock, A., Sherman, K., & Williamson, S., (2016), *ibid*, p.39

<sup>483</sup> Mazlumder, (May, 2014), *ibid*, p. 23

<sup>484</sup> *Ibid*.

<sup>485</sup> Anti-trafficking Law of Turkey which prohibits sex and labor trafficking by use of force, threats, or abuse of power and prescribes imprisonment.

<sup>486</sup> *Ibid*.

exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” (Article 3/a, UN Trafficking Protocol)<sup>487</sup>

In addition to this definition; transportation and receipt of children, which were defined anyone under the age of 18, for the purpose of exploitation had been included in the definition of ‘trafficking in persons’<sup>488</sup>. Indicators of trafficking were identified as ‘presence of a potential trafficking act, coercion/deception or threat by adults and subsistence of potential form of exploitation’ by UN Office on Drugs and Crime (UNODC, 2013; cited in Healy, 2015, p.128)<sup>489</sup>

One of the prevalent reasons for the emergence of exploiters who benefit from the vulnerabilities of a human being can be considered as a war/conflict situation. In one of the salient reports of ICMPD (International Centre for Migration Policy Development) in the matter of trafficking, named as ‘Targeting Vulnerabilities’<sup>490</sup>, which conditions prepare an environment for fragility have been graphed as general vulnerabilities, vulnerability to trafficking in persons and trafficking cases. Besides, impoverishment, poor working conditions, lack of access to services, lack of income, survival sex and in-kind transactions were found as factors which increase vulnerabilities and the risk of trafficking as it can be seen in the graph below.<sup>491</sup>

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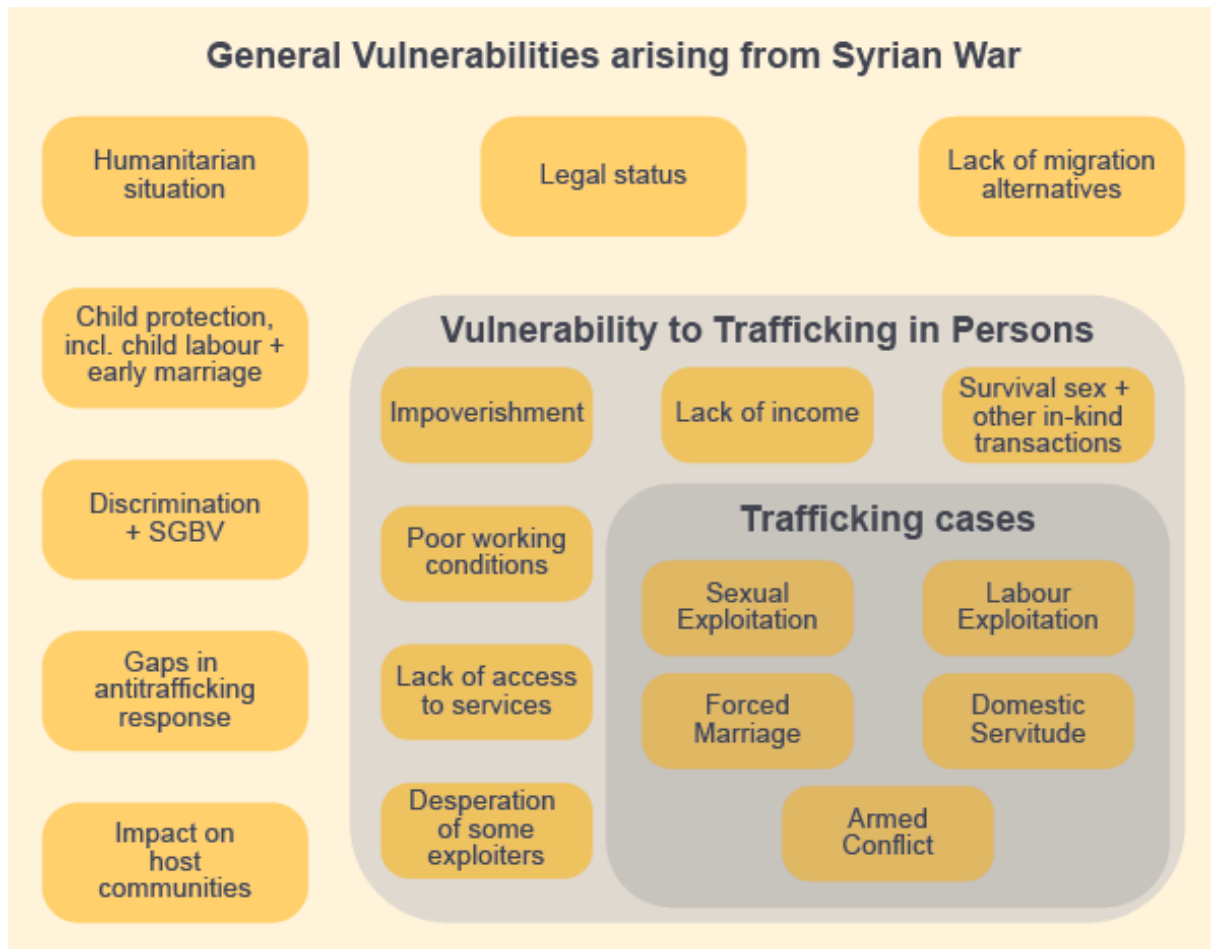
<sup>487</sup> UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, available at: <https://www.refworld.org/docid/4720706c0.html> [accessed 18 January 2019]

<sup>488</sup> ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes). (2015). *Global Monitoring Status of Action against Commercial Sexual Exploitation of Children: TURKEY* (pp. 1-102). Thailand: Bangkok. Retrieved from [http://www.ecpat.org/wp-content/uploads/legacy/A4A\\_V2\\_EU\\_Turkey\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/A4A_V2_EU_Turkey_FINAL.pdf) p.47

<sup>489</sup> Healy, C. (2015). *Targeting Vulnerabilities - The Impact of the Syrian War and Refugee Situation on Trafficking in Persons - A Study of Syria, Turkey, Lebanon, Jordan and Iraq*. International Centre for Migration Policy Development. [https://d1r4g0yvjvcc7lx.cloudfront.net/wp-content/uploads/Targeting\\_Vulnerabilities\\_EN\\_SOFT\\_-1.pdf](https://d1r4g0yvjvcc7lx.cloudfront.net/wp-content/uploads/Targeting_Vulnerabilities_EN_SOFT_-1.pdf) p. 128

<sup>490</sup> Healy, C., (2015), *ibid*, p. 92

<sup>491</sup> *Ibid*.



**Figure 5: General Vulnerabilities, Vulnerabilities to Trafficking and Trafficking Cases** <sup>492</sup>

Since Syrian refugees’ access to income-generating activities and employment have been limited within the effect of legal status, lack of migration alternatives, discrimination by host community, and language barriers which creates a suitable environment for exploiters. For women and girls, in addition to these, there are also culturally and traditionally constructed barriers to work in certain sectors which creates the impoverishment of these women.<sup>493</sup> Unfortunately, limited access to education in combination with parents’ limited financial sources lead to the emergence of child/early marriages forcibly even by family members.<sup>494</sup> Due to the fact that these marriages usually are not legally formed and recognized by State of Turkey as well as they may be pursuant to religious principles of Syria, these children are left unprotected in the face of exploitation and trafficking within the justification of ‘marriage’. These risks are

<sup>492</sup> Ibid.

<sup>493</sup> Healy, C., (2015), *ibid*, p.93

<sup>494</sup> Healy, C., (2015), *ibid*, p.103

even greater for unaccompanied children whose status is uncertain. Polygamous marriages based on religious principles which are Syrian women and girls become the second or third wife of Syrian or Turkish men makes them vulnerable to exploitation and trafficking over and over.<sup>495</sup>

Turkey as a destination and transit country which geographically facilitates the presence of smugglers and traffickers. However, it is considered as a destination from predominantly from countries in the Black Sea region and Eastern European such as Russia, Moldova, Romania and Ukraine.<sup>496</sup> Besides traffickers; smugglers, who provide people in need with illegal transportation between countries in the exchange of money, may also demand -even force- having sex from women who do not have enough money for the journey. Moreover, women exposed to sexual assault by smugglers choose to stay silent and not to report the incident within the fear of deportation by the authorities and stigmatization by their communities.<sup>497</sup>

Although it might not be possible to estimate the extent of sex trafficking and the exact numbers which based on reliable data which is produced by any government/country (Kelly, 2002; cited in Pickering, 2011, p.8)<sup>498</sup>; in Turkey, according to Government data from the years 2011-2013, “majority of the identified victims have been trafficked for sexual exploitation”<sup>499</sup> within 145 persons while there are also some cases of labor exploitation (3 persons).<sup>500</sup> In 2018, there were 303 victims identified by the government (186 were victims of sex trafficking, 52 of forced labor, 65 of forced begging), most of whom were most of them women and children.<sup>501</sup>

Especially, women who do not have a passport and have to illegally cross the borders, as well as women travelling alone are, are under risk of trafficking much more than the others.<sup>502</sup> As Jane Freedman stated “women travelling alone, or just with

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<sup>495</sup> Healy, C., (2015), *ibid*, p.113

<sup>496</sup> Healy, C., (2015), *ibid*, p.52

<sup>497</sup> Healy, C., (2015), *ibid*, p.131

<sup>498</sup> Pickering, S. (2011). *Women, Borders, and Violence: Current Issues in Asylum, Forced Migration and Trafficking* (pp. 1-146). New York: Springer. p.8

<sup>499</sup> Healy, C., (2015), *ibid*, p.139

<sup>500</sup> *Ibid*.

<sup>501</sup> United States: Department of State, *2018 Trafficking in Persons Report-Turkey*, 28 June 2018, available at: <https://www.refworld.org/docid/5b3e0a4fa.html> [accessed 19 January 2019]

<sup>502</sup> Mazlumder, (May, 2014), *ibid*, p. 37

*children, are particularly vulnerable to attack by smugglers, and there were several accounts of women who had been raped or sexually assaulted on their journeys”*.<sup>503</sup>

When someone considers that the majority of the Syrian population was resettled in Southeast and Southern cities of Turkey as ‘*Gaziantap, Kilis, Hatay, Şanlıurfa, Mardin, Adana, Mersin*’<sup>504</sup>, smuggling and trafficking activities are expected to be maintained predominantly in the border provinces. Based on the information provided by MAZLUMDER<sup>505</sup> through interviews, Syrian women/girls and their families are deceived by traffickers giving these people their word that the new life in Turkey will bring them a secure environment.<sup>506</sup> Therefore, families have given their consent for marrying their daughters off even through religious marriages which are conducted informally while their daughters are in Syria before they flee to Turkey.<sup>507</sup> After these women and girls who were brought to Kilis -one of the cities in Turkey near the border with Syria- and be placed into houses; they are forced into prostitution with men.<sup>508</sup> These women who are deceived by the premise of marriages and dreaming of new life in a safe environment away from the war find themselves in a swamp of prostitution in the hands of traffickers. Most of marriages have lasted a short time since they are based on religious marriages which are not officially registered. If they object to working for traffickers, they are alleged to be subjected to violence, working under pressure, and threats.<sup>509</sup> Meanwhile, the families are offered between 2000-5000 Turkish Lira (approximately 330-825 €) -usually depending on their age- by traffickers under the name of ‘dowry’ or ‘bride price’.<sup>510</sup>

Although reliable and foolproof data cannot be reachable in case of trafficking in almost no country; statements of witnesses and certain attorneys, judicial reports, international and national NGOs show that the extent of the problem of trafficking is bigger than how it is represented in public records. There are also other cases -likewise in Kilis-, from the other border cities as Urfa, Hatay, and Batman in which refugees

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<sup>503</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.131

<sup>504</sup> Healy, C., (2015), *ibid*, p.82

<sup>505</sup> Association for Human Rights and Solidarity for the Oppressed, Turkey.

<sup>506</sup> Mazlumder, (May, 2014), *ibid*, p. 37

<sup>507</sup> Mazlumder, (May, 2014), *ibid*, p. 38

<sup>508</sup> *Ibid*.

<sup>509</sup> *Ibid*.

<sup>510</sup> *Ibid*.

have predominantly lived. According to Atty. Seçil Erpolat<sup>511</sup>, a new sector is emerging in this region based upon the sexual exploitation of the girls at early ages beginning from 13.<sup>512</sup> Besides, she stated that girls who were begging were forced into prostitution by taking advantage of their grievances based upon the information provided Prosecution Office<sup>513</sup>. Even sometimes, the girls are pledged by food and other help other than money while they're getting drawn into prostitution.<sup>514</sup> Traffickers who victimize these women and girls prefer Syrian refugees since they can be forcibly employed for lower wages.<sup>515</sup>

Occasionally, some cases are about the abuses of employers or landlords as an interviewee stated.<sup>516</sup> For example, some employers in Gaziantep allegedly force Syrian women and girls to have a sexual intercourse threatening them being fired from the job. This represents suffering labor exploitation combined with sexual abuse for these women who desire to keep their jobs.<sup>517</sup>

Along with employment problem of Syrian women stemming from traditional gender roles and language barriers which create labor exploitation, and forced/child/arranged marriages contribute to this vicious circle of women's exploitation by men. In addition, children dropping out of school and children without birth registration as well as separated or unaccompanied children, are found to be more vulnerable to several forms of exploitation and trafficking such as engaging in street begging which may be forced/coerced.<sup>518</sup> In addition, agricultural sector, similarly, to textile sites and service sector in which the majority of refugees informally work, has posed a high risk of exploitation of refugees -particularly children- in terms of long working hours, degrading and exploitative working conditions without any contractual rights combined with low wages and other employment related abuses.

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<sup>511</sup> Member of Batman Bar Association Women's Rights Commission

<sup>512</sup> Mazlumder, (May, 2014), *ibid*, p. 40

<sup>513</sup> *Ibid*.

<sup>514</sup> Mazlumder, (May, 2014), *ibid*, p. 41

<sup>515</sup> Mazlumder, (May, 2014), *ibid*, p. 38

<sup>516</sup> Healy, C., (2015), *ibid*, p.169

<sup>517</sup> *Ibid*.

<sup>518</sup> Healy, C., (2015), *ibid*, p.209



#### **4. CHAPTER 4: Management of the Crisis: Prevention and Response to SGBV against Syrian Refugee women in Turkey**

##### **4.1. The Main Concerns Associated with SGBV against Syrian Refugee Women and Girls in Turkey**

As it was explored in the previous subheadings, women and girls are at the risk of sexual and gender-based violence in different levels and dimensions. SGBV and VAW are prevalent not only during the war/conflict, but also in the pre-conflict and post-conflict periods differently from men. Moreover, as revealed by Heise<sup>519</sup>, different levels of social ecology such as the individual, relationship, community, and society can explain the multi-dimensional nature of sexual and gender-based violence. Besides, as UNHCR<sup>520</sup> proposed the phrases in which SGBV is more observable in the course of the refugee cycle, women exposed to violence during conflict, during journey/fled, in the country of asylum, during repatriation, and during reintegration processes. When these complicated dynamics are considered, in this section, it would be considered how forced migration and resettlement of refugees in Turkey as a host country have affected women and girls in the context of gender inequalities and discrimination. In addition, it would be questioned which forms of sexual and gender-based violence have become more apparent during the reintegration process in Turkey.

In fact, it would be beneficial to start by providing basic knowledge on the gender inequalities that already exists in the practices of marriages in the Syrian society. Even if some of them may vary by region and sectarian origin, the roles of men and women are more or less predetermined. Among all concerns in terms of sexual and gender-based violence which have been exposed by women and girls, child /forced marriages can be considered as either the source of the problem or the consequence of it. It can be said that child marriages at early/child ages creates a vicious circle in which girls systematically exposed to various forms of SGBV in conjunction with gender inequalities and hierarchies which are socially constructed and normalized in society by men and women. It's not only violence in the daily life faced by women, depends on inequalities persistent in the society; but also, distortion of the balance between men and

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<sup>519</sup> Heise, L. L., (1998), *ibid*, p.263

<sup>520</sup> UNHCR., (May, 2003), *ibid*, p.20

women within the effect of the acquisition of new roles in the post-conflict settlement may originate men's violence against women.

Although certain impacts differ in terms of either living in the camp or out of the camp, the main concerns about women's exposure to sexual and gender-based violence manifest itself in the forms of child/forced marriages, polygyny, domestic violence and intimate partner violence, and sexual, physical, and psychological exploitation of women.

#### ***4.1.1. Child and Forced Marriages***

One of the most concrete indicators of the presence of sexual and gender-based violence is child/forced marriages which have been gradually increased with the civil war in Syria.<sup>521</sup> Consequently, these marriages turned into a survival strategy considered by families for their daughters in the post-conflict settlement. While families give consent for these child/early marriages, they initially believe that these marriages will guarantee their daughters' safety and protect them from any kind of sexual harassment, rape, and kidnapping.<sup>522</sup> Then, these marriages have been considered as a provider of financial assistance/relief to the family through 'dowry' or 'bride price' in exchange of their daughters due to financial difficulties and poverty which were faced by families in the post-conflict settlement. In this sense, are early/child marriages in Syria considered as a harmful traditional practice or a product of socio-economic and political context in the post-conflict settlement?<sup>523</sup> This is a very sensitive and tough question to be answered. This kind of institution of marriages may not be established by the families taking the initiative in such cases, sometimes, girls at early ages tend to make these marriages voluntarily as a way to escape oppression and violence in the family.

The other concern regarding child/forced marriages, which were already existing in the Syrian society shows an increase within the civil war and post-conflict settlement, is that they are mostly based on the religious doctrine which is not registered civil marriage by the authorities.<sup>524</sup> In addition to these, polygamous marriages justified

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<sup>521</sup> Ahval News. Child Brides Increase Among Syrians in Turkey | Ahval. (February, 2018). Retrieved from <https://ahvalnews.com/childrens-rights/child-brides-increase-among-syrians-turkey#>

<sup>522</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.5

<sup>523</sup> *Ibid*.

<sup>524</sup> *Ibid*.

through religious doctrine which is permitted to perform only by men in the Syrian society -polygyny- have created a tough situation for women and girls with regards to depending on men's decision-making mechanisms in both the initiation of marriages and divorces without any voice of women.<sup>525</sup> This kind of institution of marriages leaves women without any legal protection by State. Besides, they pave the way for exploitation of women as second, third, or fourth wives of a man under the name of a highly accepted concept in Syria: '*Kumalik*' (the concept of a fellow wife which is hinged upon polygyny).<sup>526</sup> Moreover, great numbers of young Syrian women are marrying quite older men in the towns of Turkey near the border in order to rid of their desperations and concerns for the future. However, due to the fact that these marriages are not legally registered; they would aggrieve these women, who do not have legal status in Turkey, in terms of their protection and rights in the event of death of their husband and divorce (Letsch, 2014; cited in Freedman et al., 2017, p.5)<sup>527</sup>. Child/early marriages do not only hinder these girls from attending school and receiving an education but also, they bring about various health problems due to early sexual life such as risky sexual intercourses and early pregnancies. Besides, they may cause permanent psychological disorders and traumas as well as emotional distress and depression. Even giving birth at these early ages may be irreversible situations along with all responsibilities at home which are laid a burden on these minors.

On the one hand, the Syrian Law which permits underage marriages foresees that while Syrian men may marry at 18, women can marry at 17 (Freedom House, 2010; as cited in WILPF, 2016)<sup>528</sup>. However, these marriages can be actualized through the decision of Syrian judges who have the power of discretion for boys as young as 15 and girls as young as 13, if underage parties have reached puberty.<sup>529</sup> On the other hand, As stated in the Article 124 of the Turkish Civil Code<sup>530</sup>; "*men or women cannot marry*

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<sup>525</sup> Ahval News, (February, 2018), *ibid*.

<sup>526</sup> Nawa, F., & Sebzeci, O. (2016). Syrian influx in Turkey prompts upsurge in polygamy. Retrieved from <https://www.pri.org/stories/2016-07-25/syrian-influx-turkey-prompts-upsurge-polygamy>

<sup>527</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.131

<sup>528</sup> Women's International League for Peace and Freedom (WILPF). (March, 2016) "Human Rights Violations Against Women and Girls in Syria" Submission to the United Nations Universal Periodic Review of the Syrian Arab Republic, 26th Session of the UPR Working Group of the Human Rights Council. Retrieved from <https://www.madre.org/sites/default/files/PDFs/Syria%20UPR%20submission%20Final.pdf> p.3

<sup>529</sup> *Ibid*.

<sup>530</sup> Turkey: Law No. 4721 of November, 2001 on Civil Code Retrieved from <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4721.pdf>

*unless they are seventeen years old*<sup>531</sup>. However, it was also indicated in the same article that *“the judge may allow the marriage of men or women who have reached the age of sixteen in exceptional circumstances and for a very important reason. The parents and guardians shall be heard before the decision is made.”*<sup>532</sup> However, there are some discrepancies in the expressions of who a minor is in the legal framework of Turkey. For example, while under 18 was defined as child in accordance with Article 3/a Juvenile Protection Act of Turkey<sup>533</sup>, a child who is under the age of fifteen is considered as a minor in accordance with Article 104 of the Criminal Code<sup>534</sup>. These contradictory expressions have caused many cases of sexual abuses and exploitation of children as well as they have paved the way for impunity against these offenses. On the other hand, even if Turkey provide a more precise and concrete legislative regulation under these circumstances, differences between the Turkish and Syrian Civil Law would not allow the effective implementations of these regulations in the matter of child/early marriages. As Salhi expressed;

“In the Eastern and South-Eastern regions of Turkey, more than 16 per cent of women are married before the age of 15. One in every 10 women lives in a polygamous marriage, although polygamy has been banned under the 1926 Civil Code.”<sup>535</sup>

That is, even though only civil marriages are recognized by State of Turkey, marriages based on religious ground and early marriages which are quite widespread and well-accepted are condoned by the society predominantly in the Eastern and Central Anatolia. That’s why *“the official bodies gathering statistics in Turkey do not provide real data on child marriage and indeed many religious marriages are not preceded by a registered civil marriage, contrary to Article 143 of the Civil Code.”*<sup>536</sup> Besides that,

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<sup>531</sup> Ibid.

<sup>532</sup> Ibid.

<sup>533</sup> Turkey: Law No. 5395 of 2005 on *Juvenile Protection*, Article 3/a. Retrieved from <http://www.unicef.org.tr/files/bilgimerkezi/doc/child-protection-law.pdf>

<sup>534</sup> Turkey: Law No. 5237 of September 26, 2004 on *Criminal Code*, Article 104/a (as amended up to Law No. 6217 of March 31, 2011). Retrieved from <https://www.tbmm.gov.tr/kanunlar/k5237.html>

<sup>535</sup> Salhi, Z. (Ed), (2013), p.51

<sup>536</sup> ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes). (2015). *Global Monitoring Status of Action against Commercial Sexual Exploitation of*

compared to urban areas, girls living in rural areas are at greater risk of exposure to such marriages both in Syria and in Turkey.<sup>537</sup> It also kept in mind that the main difficulty of the studies on this subject is the difficulty of being reflected in the official records and statistics for the areas of early marriage, especially in the rural areas where traditions are still sustained.

On the one hand, there are several incidents which were concluded even with the death of girls. For example, after 15 years old Syrian girl was abandoned by her husband, first she took refuge in Gaziantep where her brother lives.<sup>538</sup> Then, sadly, she killed herself on the international women's day.<sup>539</sup> On the other hand, there are lawsuits in which prosecutors hesitate to reach a verdict in compliance with Turkish Penal Code. To exemplify, when a 13-year-old Syrian girl, who had informally married her 26-year-old relative, was spotted to be pregnant; a criminal complaint against Abdulkerim J. -the husband- was filed and an investigation on this issue was launched.<sup>540</sup> However, the child stated that she was with Abdulkerim with her consent.<sup>541</sup> Thereupon, Abdulkerim defended himself as saying that he cannot know the penal legislation of Turkey as a Syrian national. And he added that he married a Syrian girl as a Syrian man/national in accordance with the legal order in Syria.<sup>542</sup> Besides, the child's mother stated that her daughter was married at the age of 13 which is legal age according to Syrian legislation.<sup>543</sup> Therefore, the defendants Abdulkerim and the child's mother were acquitted by the Court.<sup>544</sup> On the basis of this judgement, it can be said that the Turkish judges also face a dilemma while they are judging on the informal early marriages due to differences in the civil and criminal law of both countries.

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*Children: TURKEY* (pp. 1-102). Thailand: Bangkok. Retrieved from [http://www.ecpat.org/wp-content/uploads/legacy/A4A\\_V2\\_EU\\_Turkey\\_FINAL.pdf](http://www.ecpat.org/wp-content/uploads/legacy/A4A_V2_EU_Turkey_FINAL.pdf) p.15

<sup>537</sup> Anık, M. (2017). Türkiye'de Çocuk Gelinler Sorunu: Balıkesir Örneği. (The Problem of Child Brides in Turkey: Balıkesir Case). *Journal of The Human and Social Sciences*, 6(3), 1-15. Retrieved from <http://www.itobiad.com/download/article-file/337894>

<sup>538</sup> Ihlas News Agent. Suriyeli Çocuk Gelin Kadınlar Günü'nde Canına Kıydı (Syrian Child Bride Killed Herself in the International Women's Day). (2016). Retrieved from <http://www.ih.com.tr/haber-suriyeli-cocuk-gelin-kadinlar-gununde-canina-kiydi-542062/>

<sup>539</sup> Ibid.

<sup>540</sup> TR Sputnik News. Suriyeli Adama, Çocuk Gelin Davasında Beraat: Yasaları Bilmiyor (Syrian Man Acquitted in Child Bride Case: He Doesn't Know the Law. (July, 2018). Retrieved from <https://tr.sputniknews.com/turkiye/201807221034396969-cocuk-istismari-beraat/>

<sup>541</sup> Ibid.

<sup>542</sup> Ibid.

<sup>543</sup> Ibid.

<sup>544</sup> Ibid.

According to some studies conducted in Turkey, *some factors as poverty, honour, domestic violence, illiteracy, social, religious, and cultural pressures reinforce the possibility of early marriages* (Özcebe & Bicer, 2013; UNICEF, 2011a; cited in Healy, 2015, p.113)<sup>545</sup>. However, these undocumented marriages officiated by local sheikhs due to these factors as a coping mechanism fall completely wide of the mark. Girls were detained from enjoying their right to education as well as they detained to object to the forced marriages with major age difference between the spouses.<sup>546</sup> The possibility of early widowhood and exposure to domestic violence increase within the child/forced marriages.<sup>547</sup> Consequently, these girls become more vulnerable to survival sex and sexual exploitation within early widowhood.<sup>548</sup> In addition to these, early pregnancies and STDs, emotional distress, restriction of freedom of movement, loss of childhood, and lack of independence and self-confident are the other potential consequences of child/early marriages are the other risks of child/forced marriages.<sup>549</sup>

#### ***4.1.2. Polygyny and Illegitimate Marriages***

Another problematic practice which results in various types of abuses and violence against Syrian women and girls is the presence of polygamy, more precisely, polygyny which is the practice of having more than one wife simultaneously by men - and one type of polygamy-. These marriages which are officiated by local sheiks and legitimized by religious bases allow men to marry more than one woman. In the meantime, a woman as the second, third, or fourth wife of a man is deprived of several rights since they do not have contractual rights based on any registered civil marriages. In addition, in the event of the spouse's death or divorce, these women remain unprotected without any legal rights.<sup>550</sup>

Despite the fact that polygamy was outlawed almost a century ago in Turkey, this practice is still maintained particularly in the rural areas and the regions close to the

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<sup>545</sup> Healy, C., (2015), *ibid*, p.113

<sup>546</sup> UNFPA, (November, 2017), *ibid*, p.22

<sup>547</sup> *Ibid*.

<sup>548</sup> *Ibid*.

<sup>549</sup> *Ibid*.

<sup>550</sup> Letsch, C. (November, 2017). New Turkish law on marriages alarms women's advocates. Retrieved from <https://thearabweekly.com/new-turkish-law-marriages-alarms-womens-advocates>

Syrian border.<sup>551</sup> It was reported that there has been a considerable increase in the polygyny both in Syria and in Turkey, specifically border regions since the beginning of Syrian civil war.<sup>552</sup> Besides, this phenomenon has increased by gaining different dimensions and turning into an abusive area within the forced migration in the post-conflict settlement.<sup>553</sup> Upon the news provided by CS Monitor, two Syrian sisters who are residing in Şanlıurfa<sup>554</sup> expressed their opinions in the matter of polygamy in Turkey. Both were thinking that Turkey, as a predominantly Muslim populated nation, will ultimately legalize polygamy since the secular values are in decline within AKP (Justice and Development Party) government.<sup>555</sup> For example, according to Syrian Observatory for Human Rights, In Kilis<sup>556</sup> within its population of 230,000; “*at least 5,000 religious ceremonies have been performed outside the courts between 2011 and 2014, wedding already married Turkish and Syrian men to Syrian women.*”<sup>557</sup>

Due to the fact that both marriages and divorces can be initiated by men who are the decision-making mechanism; frequently, these male-dominated marriages turn into ‘short-term marital unions’<sup>558</sup> due to men’s desire to have sex with a moral mask. Unfortunately, women and girls do not have the right to speak both for the initiation and conclusion of the marriages. For example, Umm Abdu -who originally from Aleppo and currently a cleaner in a hotel in Gaziantep- had a religious marriage with a Muslim man and was been abandoned by him after four months stated that: “*He lied to me properly. If I had registered our marriage, I would have had residency and health care but I have nothing.*”<sup>559</sup> As she alleged these matchmakers/agents made up of Turkmens who speak both Arabic and Turkish as a bridge between the host community and Arab Syrians. Whereas the major motivators for these polygamous marriages are economic desperations after war as well as a way for escaping from honour killings; still, women

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<sup>551</sup>Ibid.

<sup>552</sup> Mazlumder (Association for Human Rights and Solidarity for the Oppressed). (May, 2014). *Kamp Dışında Yaşayan Suriyeli Kadın Sığınmacılar Raporu (Report on Syrian Female Refugees Living Out-Camps)*. Ankara: Mazlumder Kadın Çalışmaları Grubu. (Mazlumder Group of Women’s Studies) p.33

<sup>553</sup> Ibid.

<sup>554</sup> One of the Southeastern cities in Turkey which is close to Syrian border and home to largest percentage of Syrian refugees

<sup>555</sup> Soguel, D., (October, 2014), *ibid.*

<sup>556</sup> Southern city of Turkey, on the Syrian border.

<sup>557</sup> Nawa, F., & Sebzeci, O., (2016), *ibid.*

<sup>558</sup> Soguel, D. (October, 2014). In Turkey, Syrian women and girls increasingly vulnerable to exploitation. Retrieved from <https://www.csmonitor.com/World/Middle-East/2014/1026/In-Turkey-Syrian-women-and-girls-increasingly-vulnerable-to-exploitation>

<sup>559</sup> Ibid.

and girls are at higher risk of exploitation without any rights arising from these marriages. Moreover, “Widows and separated/divorced girls and women were perceived to be at particular risk to sexual violence, emotional and verbal abuse, forced marriage, polygamy and serial temporary marriages, movement restrictions, economic violence and exploitation, among others.”<sup>560</sup> The notion of ‘levirate marriages’, which can be defined as marriage community in which a man takes over the widow of a family member,<sup>561</sup> is quite widespread especially after the civil war due to the decrease in the number of men and increase in the number of single women. Besides, it is claimed that the reputation and honour of women can be protected through these marriages.

The other discriminatory practice stemming from existing gender-equalities is polygamous marriages which are actualized due to women’s incapability to have a child, or specifically, a male child. A Syrian woman residing in Turkey stated that if the female spouse is not able to get pregnant or to give birth a male child, men may demand to marry another woman as a second or third wife.<sup>562</sup>

Since there are such factors which renders this case particular as the prevalence of dowry, strong kinship ties which sometimes justify consanguineous marriages, prevalence of the extended family concept which make women a servant for her family, identifying women within the boundaries of family, house, and childcare, while they are all increasing the risk of exposure to SGBV. Even, in some cases, mother-in-law may be the perpetrator of violence against women and girls -verbally or physically-

As early widowhood creates more space for the incident of SGBV in the post-conflict settlement, it also increases the likelihood of polygamous marriages. However, they will not be able to enjoy the rights to receive alimony/ maintenance payment in case of divorce as well as they have obstacles about divorces and inheritance rights of them due to the illegitimate nature of these marriages which victimize women. These constitute uncovered material and moral damages on these women in case of divorce.

Even though polygyny and informal marriages through religious are always more prevalent in the rural areas; However, these practices are multifaceted and they may vary across the regions and ethnic groups in Syria. Mardin -as one of the cities in

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<sup>560</sup> UNFPA, (November, 2017), *ibid*, p.10

<sup>561</sup> Gasper, D., Handmaker, J., & Bergh, S. I. (2014). *Migration, Gender, and Social Justice: Perspectives on human insecurity* (1st ed., Vol. 9) (T. Truong, Ed.). Berlin: Springer-Verlag Berlin Heidelberg. doi:10.1007/978-3-642-28012-2 p.272

<sup>562</sup> Günel Y. S., (2018), *ibid*, p.93



Southeastern Turkey- is known for its proximity to the Syrian border as well as its similar cultural and religious practices with Syria. The importance of this region come to the fore with homogeneous ethnic origins and belief systems, kinship, and similar cultures, traditions and common values of both regions. Therefore, social ties between Mardin and Syria give clues about the relationships of kinship, marriage, and friendship while they were under the same empire for years. It could be conceived ‘how Syrian women encounter with multi-faceted forms of violence even in the post-conflict resettlement’ from the statement of a Syrian woman who lives in Mardin:

“‘kumalık’ (the concept of co-wife/fellow-wife) is not prevalent in our family but in my husband’s family, my father-in-law had two wives. My husband made his second marriages in the eleventh years of our marriage. He does not have a formal one with her. I have co-wife (kuma) for four years. They have two children with my husband. We do not live in the same house. My husband lives with her but comes home time to time. I felt very bad at first but then I started to think that I could get rid of it. He would beat me a lot. At least, now when he comes over to see us, he comes and sees his children as a humanlike.”<sup>563</sup>

#### ***4.1.3. Domestic Violence and Intimate Partner Violence***

As it was examined how domestic violence emerges and expands from public to private under the subtitle 3.4. “from Public to Private: The Continuum of Violence”, Syrian women and girls have been increasingly suffered from everyday violence in the private sphere even in times of peace. The emergence of domestic violence including intimate partner violence is usually originated from patriarchal norms and gender inequalities which are existing in the Syrian society even before the conflict. In fact, while women are participating in labor force more and beginning to contribute family income, changes/shifts in gender roles which are associated with women’s new acquisition concerning her right to speak on family issues come into sight. However, these acquisitions mean an additional burden on women than already encumbered responsibilities such as house works and childcare.

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<sup>563</sup> Günel Y. S., (2018), *ibid*, pp. 99-100

Increasing incidents of domestic violence with the escalation of civil war and forced migration are most likely related with socio-economic burden on men combined with psychological effects of the conflict, poverty, unemployment and even women's participation in labor force which can be seen as a threat to the traditional balance of power in rigidly defined gender roles.<sup>564</sup> Even though women who have personal income and economic independence was expected less likely to face domestic violence with reference to a conducted study (Panda & Agarwal, 2005; Rao, 1997; Sahin & Sahin, 2003; Schuler, Hashemi, Riley, & Akhter, 1996; cited in Kocacik et al., 2007, p.715)<sup>565</sup>; women's economic empowerment may affect this contrarily considering crisis related factors such as lower threshold of men's resort to violence and erosion of men's capacity to manage anger along with rigid gender roles and patriarchal relations.<sup>566</sup>

Domestic violence cannot be composed of only intimate partner violence, on the contrary, violence occurring in the family including brother against sister or brother-in-law against a woman can be got involved in domestic violence.<sup>567</sup> Besides, early/forced marriages increase the risk of exposing to domestic violence because even mother-in-law can be the perpetrator of domestic violence since the extended family concept is highly acceptable in the Syrian society as well as it is indispensable due to the socio-economic conditions in the aftermath of the forced displacement.

In fact, the other forms of 'mundane' domestic violence remain unspoken, and in most cases, it is not reported to the necessary authorities. Salhi defines mundane domestic violence as usual violence which stays silent as verbal abuse, marital rape, sexual harassment, slapping and battering by intimate partners or family, preventing women from education and work.<sup>568</sup> In addition to these, domestic violence occurs in the forms of physical, emotional and verbal violence -including yelling, insults, and threats-, sexual, and economic violence.

The stance of male partner against a female can be related with the level of education of the person, socio-cultural background and even whether he has faced

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<sup>564</sup> UNFPA, (November, 2017), *ibid*, p.23

<sup>565</sup> Kocacik, F., Kutlar, A., & Erselcan, F. (2007). Domestic Violence against Women: A Field Study in Turkey. *The Social Science Journal*, 44(4), 698-720. doi: 10.1016/j.soscij.2007.10.016 p.715

<sup>566</sup> UNFPA, (November, 2017), *ibid*, p.24

<sup>567</sup> UNFPA, (November, 2017), *ibid*, p.23

<sup>568</sup> Salhi, Z. (Ed.), (2013), *ibid*, p.40

domestic violence in childhood or not. Besides, according to a study conducted in India shows that women who own immovable property will less likely face domestic violence by her intimate partner than women who do not have any property (Panda and Agarwal, 2005; cited in Kocacik et al., 2007, p.715)<sup>569</sup>

There can be several reasons behind why women stay silent against intimate partner violence and domestic violence rather than leave their violent partner as fear of retaliation, lack of alternative means of economic support, concern for their children, lack of support from family or community, fear of stigmatization or losing custody of children within divorce, and lastly, normalization of the perception of violence.<sup>570</sup>

Domestic violence is not only a widespread phenomenon in the Syrian society, but it is quite common also in the host community. In Turkey, domestic violence is treated as a ‘private issue’ which should be solved inside the family. Usually, even the police may not interfere with domestic violence cases because of this reason. Therefore, both Syrian and Turkish women may face limitations regarding access to legal and institutional support. Moreover, this perception even in the host community combined with the normalization of violence at home may be an obstacle to reach an effective protection for Syrian women and girls -who do not perceive many forms of violence as violence<sup>571</sup>-. Although Turkey’s laws are secular even if the government is gradually becoming religious and conservative<sup>572</sup>, domestic violence either is not discussed openly or going underreported by Syrian women. Upon the survey results provided from ‘We Will Stop Femicide’ -a Turkish women’s group-, *“three out of 10 Turkish women suffer physical abuse in the home and at least 414 girls and women died from domestic abuse in 2015 and 2016 in Turkey”*<sup>573</sup>.

Unfortunately, the community and family are not on the side of the survivors of sexual violence. It is estimated that incidences of honour killings have increased since the beginning of the Syrian conflict with the increase in sexual violence occurring as

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<sup>569</sup> Kocacik, F., Kutlar, A., & Erselcan, F., (2007), p.715

<sup>570</sup> World Health Organization. (2012). Understanding and Addressing Violence against Women: intimate partner violence. Retrieved from <http://apps.who.int/iris/handle/10665/77432>

<sup>571</sup> UNFPA News. (2018). Violence in Syria Casts Long Shadow on Refugee Women, Girls. Retrieved from <https://www.unfpa.org/news/violence-syria-casts-long-shadow-refugee-women-girls>

<sup>572</sup>Nawa, F. (October, 2017). Syrian refugees married early face isolation and domestic violence | Financial Times. Retrieved from <https://www.ft.com/content/3754ce46-7204-11e7-93ff-99f383b09ff9>

<sup>573</sup> Ibid.

well as the lawlessness.<sup>574</sup> If a girl is raped, she is considered as the one who brings shame to her family and her community, therefore, she had to be punished. As the result, this girl is either married to the perpetrator of the sexual violence or has to be murdered in retaliation by someone from family in order to cover up her dishonor.<sup>575</sup> However, it should be considered as a shame associated with the man who commits sexual violence as a Syrian woman stated:

“The men must be held responsible for this. The most important thing for the man is that nobody speaks badly about him. I mean even if his daughter is raped, he either kills her or forces her to shut up. She is considered responsible for bringing shame upon him.” (Woman from Jaramana sub-district, Rural Damascus governorate)<sup>576</sup>

In addition, due to the fact that “*honour killings are rampant in the Kurdish areas of Turkey, Iran, Syria, and Iraq*”<sup>577</sup>, several survivors of rape choose to stay silent and not to report about abuses, since they will be forced into marriages with either their perpetrators or another man unless they are killed by a family member beforehand in order to preserve the honour of the family in these regions.<sup>578</sup> Fear of stigmatization and fear of being killed restrain these women and girls from reporting any sexual assault and harassment to the authorities. Therefore, there is a lack of accurate data on the subject. Although there are no definite statistics, it is estimated that more than 60 women die each year as a result of honour killings in Turkey.<sup>579</sup> Since these crimes are well-planned and death threats are used as a means of control, and even organized by family members including brothers, mothers, fathers, male cousins, and uncle; it can be said that honour killing is ‘the worst type of domestic violence’ (Chesler, 2009; as cited in Salhi, 2013, p.55)<sup>580</sup>.

On the other hand, if these women want to escape from intimate partner violence, for example; they have to comply with her husband’s commands automatically regarding her freedom of movement. Therefore, they face social isolation combined with the restrictions on their freedom of movement which are the causes of the lack of

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<sup>574</sup> UNFPA, (November, 2017), *ibid*, p.29

<sup>575</sup> UNFPA, (November, 2017), *ibid*, p.28

<sup>576</sup> UNFPA, (November, 2017), *ibid*, p.29

<sup>577</sup> Salhi, Z. (Ed), (2013), *ibid*, p.56

<sup>578</sup> UNFPA, (November, 2017), *ibid*, p.27

<sup>579</sup> Salhi, Z. (Ed.), (2013), *ibid*, p.57

<sup>580</sup> Salhi, Z. (Ed.), (2013), *ibid*, p.55

independence and self-confident of these women. For example, the statement of a Syrian woman residing in Mardin regarding the question which was asked her about her daily life can illustrate how married women are denied from the outside world thereby being restricted by their husband.<sup>581</sup>

“The days were not very good. My daily responsibilities would be housework, cooking, dealing with kids. I could go out with my husband. I used to meet my relatives. I could not go out without him when he did not let me. If he does not like someone, he would not let me go there. When we have trouble; if he says don’t go, I’d sit in my house. It’s still the same. Everyone’s husband around me was acting like this.”<sup>582</sup>

As Salhi points out; physical, psychological, intimate partner violence and wife battering, sanctioning women’s obedience culturally and religiously, sexual violence including marital rape, forced/early/child marriages, polygamy, men’s unilateral right to divorce, honour killing, criminalization of women’s extra-marital sex, trafficking in women, male guardianship, and deprivation of basic rights by women are the main ongoing characteristics stemming from patriarchy and supremacy of men in the MENA region.<sup>583</sup>

#### **4.2. Temporality and Structural Violence**

Under this title, the temporality of the refugees in terms of legal provisions and the concept of structural violence for the case of Syrian women reside in Turkey will be debated in the line with certain scholars such as Johan Galtung<sup>584</sup>, Nurcan Ozgur Baklacioglu<sup>585</sup>, and Zeynep Kivilcim<sup>586</sup>.

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<sup>581</sup> Günel Y. S., (2018), *ibid*, p.64

<sup>582</sup> *Ibid*.

<sup>583</sup> Salhi, Z. (Ed), (2013), *ibid*, p.44

<sup>584</sup> The principal founder of the discipline of Peace and Conflict Studies.

<sup>585</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.42 (The Violence of Tolerated Temporality, Chapter 4)

<sup>586</sup> Kivilcim, Z. (2016). Legal Violence Against Syrian Female Refugees in Turkey. *Feminist Legal Studies*, 24(2), pp.193-214.

The case of the violence and its forms from which women suffer can be explained in the context of Johan Galtung's dimensions of violation. According to him, peace and violence are highly interconnected and linked, namely 'peace' may be described as 'absence of violence'.<sup>587</sup> More specifically, violence was defined as "*the cause of the difference between the potential and the actual*"<sup>588</sup>. It can be interpreted in the way that if there is a huge gap between what could have been and what is, there is likely violation occurring. He differentiates the type of violence depends on "*whether there is a subject (person) who acts or not*". If there is, type of violence may be expressed as 'personal' or 'direct'; while there is no such an actor, it is 'structural' and 'indirect'.<sup>589</sup> In addition to these, Galtung has noted that cultural violence which legitimizes and helps to maintain direct and structural violence through aspects of culture such as religion and language.<sup>590</sup> In this case, while considering the situation of women during and after the Syrian conflict, it would not be wrong to say that these women have exposed to both direct and indirect violence within the cooperation of cultural violence in the course of the conflict and in the post-conflict settlement in Turkey.

To Galtung, Feminist theory made a considerable contribution to the peace theory while questioning patriarchy as a social formation which has an intimate relationship with gender, culture, structure, and peace/violence. Besides, he attaches that:

"Patriarchy is then seen as an institutionalization of male dominance in vertical structures, with very high correlations between position and gender, legitimized by the culture (e.g., in religion and language), and often emerging as direct violence with males as subjects and females as objects. Patriarchy, like any other deeply violent social formation (such as criminal subcultures and military structures), combines direct, structural, and cultural violence in a vicious triangle. They reinforce each other in cycles starting from any corner. Direct violence, such as rape, intimidates and represses; structural violence

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<sup>587</sup> Galtung, J., (1969), *ibid*, p.168

<sup>588</sup> *Ibid*.

<sup>589</sup> Galtung, J., (1969), *ibid*, p.170

<sup>590</sup> Galtung, J., (1996). *Peace by Peaceful Means* (pp. 1-289). Norway: Oslo: International Peace Research Institute. p.40

institutionalizes; and cultural violence internalizes that relation, especially for the victims, the women, making the structure very durable”<sup>591</sup>

Multi-dimensional nature of sexual and gender-based violence cannot be ignored in terms of incorporating legal, political, and societal violence which contributes to the emergence of what Galtung calls it as ‘theory of Structural Violence’. SGBV as the combination of direct, structural, and cultural violence is highly connected with the social construction, the way that inequalities structured as well as the power relations of SGBV.<sup>592</sup> The essence of structural violence may be found through the hidden aspects of life such as lack of access to legal rights and social services, and unequal distribution of resources which would result in unequal life chances. As Confortini (2006; cited in Freedman et al., 207, p.43)<sup>593</sup> stated: “*Structural violence works through complicated biopolitics that construct, legitimize, reproduce and normalize hegemonic power relations through the reproduction of inequality, poverty, and vulnerability.*”

With regard to access to temporary protection regime through registration, due to the fact that 73% of Syrian women do not possess a valid passport while entering in Turkey as well as 77% of them cross the Turkish border illegally; they’re predominantly dependent on their husbands who are registered as the head of the family (AFAD, 2014; cited in Freedman et al., 2017, p.44)<sup>594</sup>. That is, Syrian women’s direct access to rights defined in the Temporary Protection Regime such as health services, education and legal employment are dependent upon their husbands, thus, the existence of a male subject. Syrian women who could be registered as a member of family through her husband can benefit from social and health services, however, in the case that the man has more than one wife, second or third wives cannot take advantage of rights which were defined under TPR.<sup>595</sup> This is because these unregistered marriages are not recognized by the State of Turkey since only single wife marriages are allowed by the government. This administrative dependency on men creates a situation for Syrian

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<sup>591</sup> Ibid.

Also see: Kate Millett's (1969) ‘Sexual Politics’. New York: Ballantine.

<sup>592</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.43

<sup>593</sup> Ibid.

<sup>594</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.44

<sup>595</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.45

women in which they face structural violence of poverty which made them vulnerable to SGBV and exploitation.<sup>596</sup>

In addition, while a tiny percent of refugees is living in the temporary accommodation centers; a clear majority of them -within more than 90%- are residing outside the camps without safety, sufficient resources and even any basic sanitary conditions.<sup>597</sup> On the one hand, there are camps identified with being places of rape and SGBV for many refugee women who endure the psychological effects of living there. For example, according to one study conducted in Gaziantep tent camps, 71% of Syrian women suffer anxiety, sleeping disorders, post-traumatic stress disorder, and nervousness (Alpak et al., 2014; cited in Freedman et al., 2017, p.49)<sup>598</sup>. These psychological consequences on Syrian women are associated with the fear of exploitation by men who live in the camp as well as the fear of experiencing other forms of SGBV. On the other hand, Syrian women who reside outside the camps had to endure the poor accommodation centers of metropolis cities in Turkey such as on the outskirts of Istanbul and Izmir without any self-sustainable resources and basic sanitary conditions. Even in some cases, they have been asked for sex in the exchange for residing shelters which are rented by landlords as a further violence and exploitation.<sup>599</sup> Besides, they may also have to have sex with their landlords/bosses in order to keep the rooms/or their jobs.<sup>600</sup>In addition to these, although they have some opportunities to work legally, the informal employment still prevails over legal employment for Syrian refugees considered as low-skilled employees.<sup>601</sup> These can be defined as ‘endless circle of structural violence’ in which these temporalities bring them bare living conditions and low/unpaid salaries. In addition, xenophobia and prejudices in the host society against them have been gradually increased since 2011. Unfortunately, neither in-camps not out-camps constitute a safe place for these women. Consequently, *“the legal, political, and administrative procedures governing temporary protection in Turkey have placed Syrian refugees under protracted structural violence based on securitization,*

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<sup>596</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.46

<sup>597</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.49

<sup>598</sup> *Ibid*.

<sup>599</sup> *Ibid*.

<sup>600</sup> *Ibid*.

<sup>601</sup> *Ibid*.



victimization, marginalization, and minimum access to basic human rights”<sup>602</sup>. Progressively increased child/polygamous marriages and the presence of sexual and social exploitation are the normalized consequences of this temporality which brings structures of inequality, poverty, systematic discrimination, and SGBV.<sup>603604</sup>

### **4.3. Protection and Prevention Measures for SGBV**

#### **4.3.1. Turkey’s Domestic Law instruments consonant with International Code**

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted in 1979 and entered into force in September 1981, was ratified by Turkey in 1985 within only one reservation to the Article 29(1) which regards to the general administrative procedure.<sup>605606</sup> Turkey is also a party to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as Istanbul Convention, which was adopted in 2011 and entered into force in August 2014. Turkey ratified it in March, 2012 as a first signatory country and made it applicable since August 2014.<sup>607</sup>

The idea of the Istanbul Convention emerged from the necessity of a higher-level document in terms of specificity which provides more detailed level of protection on the issues of violence against women and domestic violence. As Article 1 of the Convention reveals, the aims of the Convention are to protect women against all forms of violence and to prevent, prosecute and eliminate VAW and domestic violence. Not only against physical violence, but also against other forms of violence such as psychological, economic, social, and sexual violence have been imposed on the State Parties along with the objective of promoting substantive equality between man and

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<sup>602</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.56

<sup>603</sup> *Ibid*.

<sup>604</sup> Freedman, J., Kivilcim, Z., & Özgür, N., (2017), *ibid*, p.43

<sup>605</sup> United Nations Treaty Collection (UNTC). (2019). Retrieved from [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-8&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&lang=en)

<sup>606</sup> The reservations made in the relation to some provisions of Article 9,15, and 16 of the Convention have been lifted after The Fourth World Conference on Women in 1995, in Beijing. Currently, the only reservations sustained by Turkish Republic is on the Article 29/1 of the Convention.

<sup>607</sup> Chart of signatures and ratifications of Treaty 210. (2019). Retrieved from <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?desktop=true>

women.<sup>608</sup> In fact, the Istanbul Convention has emerged as a result of the necessity to encourage States to take more concrete measures on violence against women and domestic violence as well as creating a higher level of awareness of women's place in the society and gender roles.<sup>609</sup> The most important characteristics of the Istanbul Convention is that it is the first legally binding document to the State Parties, which considers that they are responsible for the prevention of domestic violence without seeking any biological and legal connection including ex-spouses, non-marital partners, and family members or relatives.<sup>610</sup> All acts of violence based on gender whether it is public or private should be considered as violence against women. Therefore, State Parties should undertake all the necessary legal and other measures to ensure women's right to life and effectively protect women and their rights.<sup>611</sup> That's why, the Istanbul Convention has a monitoring mechanism named as 'The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) which is made up of the independent experts to observe and monitor the implementation of the Convention and measures taken by States.<sup>612</sup>

After the landmark judgement of ECtHR on 'Opuz v Turkey' case in 2009<sup>613</sup> immediately before the adoption of the Istanbul Convention, shortcomings of the previous domestic law on 'the Protection of the Family'<sup>614</sup> (No:4320) were realized and it was decided to be revised in 2012. Therefore, increasing number of women murders in Turkey made the gaps in the applications and the superficial arrangements more visible. Thereafter, as stated by the ECtHR in the 'Opuz v Turkey' judgement, shortcomings were related to the States' responsibility to prevent violence against women, protect the survivors, prosecute and investigate the incidents of violence, and provide redress to the survivors. At this stage, there was a need for an integrated mechanism which include the police, prosecutor, judge, civilian, commander and

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<sup>608</sup> Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011, available at: <https://www.refworld.org/docid/4ddb74f72.html> [accessed 8 February 2019]

<sup>609</sup> Parlak Börü, S. (2017). Kadının Korunmasına İlişkin Uluslararası Sözleşmeler ve Türkiye'nin Konumu (International Agreements Regarding Protection of Women and The Status of Turkey). *Türkiye Barolar Birliği Dergisi (TBB) (Turkey Bar Association Journal)*, (Special Edition), pp.43-63. p.48

<sup>610</sup> Parlak Börü, S., (2017), *ibid*, p. 56.

<sup>611</sup> Council of Europe's Istanbul Convention, (2011), *ibid*, Article 3/a and 4/1.

<sup>612</sup> Council of Europe's Istanbul Convention, (2011), *ibid*, Article 66/1.

<sup>613</sup> *Opuz v. Turkey*, Application no. 33401/02, *ibid*.

<sup>614</sup> Law No: 4320, issued in 1998.

administration in face of increasing male violence<sup>615</sup>. Then, more effective instrument in terms of preventive and protective measures against violence against women was required simultaneously in compliance with the proclamation of the Istanbul Convention. The Government which acknowledges that the current legal ground is not sufficient to prevent violence against women. Therefore, The Ministry of Family and Social Policies, which was established in 2011, started to work on the new law.<sup>616</sup> Apparently, interestingly enough, Turkey does not have any ministry solely devoted to women, rather the Ministry of Family, Labor and Social Policies is running the policies regarding women. In fact, the atmosphere in which the new law was introduced was very different from the current political environment considering the cooperation with the civil society throughout the law-making process. That is, the Ministry of Family and Social Policies was collaborating with women's organizations and civil society also because Fatma Sahin -the Minister of that period- gave actual importance to the active participation of them in the preparation of the new law on violence against women.<sup>617</sup>

Moreover, due to the fact that the preparation period of the new law 'Protect Family and Violence against Women' (Act no: 6284, 3 March 2012) coincided with the time which the Istanbul Convention was opened for signature; the new law of Turkey co-evaluated in the context of the Council of Europe's Convention (Istanbul Convention). Besides, the principles and concepts laid down by the Convention were respected in the preparation of the law.<sup>618</sup> The Ministry announced the adoption of the new law on International Women's Day 8<sup>th</sup> of March, 2012. Within this law it was recognized that all women, regardless of any marital status, can apply to the mechanisms regardless of who is the perpetrator of the violence directed against them.<sup>619</sup> On the contrary, the previous law (No:4320) contained wives, children, and the family members living under the same roof. Besides, within this new law, the judges were given the mandate and duty to take concrete, appropriate measures necessary for

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<sup>615</sup> Alphan, M. (2018). 'Saldırı altındaki' #6284 Sayılı Şiddet Kanunu neden önemli? (Why is the Law on Violence No. 6284, which is under attack, important?). Retrieved from <https://tr.euronews.com/2018/11/03/saldiri-altindaki-6284-sayili-siddet-kanunu-neden-onemli-sil-gencoglu-ahmet-kural>

<sup>616</sup> Ibid.

<sup>617</sup> Ibid.

<sup>618</sup> Ibid.

<sup>619</sup> Ibid.

the termination of the violence and the protection of the life of the women.<sup>620</sup> In addition to this, the police were given the decision to suspend, implement, and exercise the decision.<sup>621</sup> Many steps have been taken to ensure that women can benefit from protection and support services in the court of their choice without any geographical limit, and they can be applied without the notification of the measure.<sup>622</sup>

Although there is no provision regarding violence against women in the Constitution, constitutional arrangements regarding equality principle gain importance considering that the main reason behind violence is the inequality between men and women. In this respect, Article 10 of the Turkish Constitution guarantees equality before the law and states that men and women have equal rights.<sup>623</sup> This article guarantees both legal (de jure) and de facto equality between the genders, therefore, is compatible with CEDAW.<sup>624</sup> Furthermore, pursuant to Article 90(5) of the Turkish Constitution, it was explicitly stated that international agreements duly put into effect have the force of law and cannot be appealed to the Constitutional Court with regard to these agreements on the ground that they are unconstitutional.<sup>625</sup> Besides, in the case of conflicting provisions of international agreements and domestic law on the same matter concerning fundamental rights and freedoms; the provisions of international agreements shall prevail over the domestic law.<sup>626</sup> That is, the provisions of the Istanbul Convention should prevail over the domestic law of Turkish Republic in disputes that may arise as a result of the fact that it contains different provisions on the same matter/subject.

As stipulated in the Convention under the title of fundamental rights, equality and non-discrimination; *“the implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender...migrant or refugee status, or other status”*. (Istanbul Convention, Article 4/3)<sup>627</sup>. If so, the provisions of the Istanbul Convention which is supposed to prevail over the domestic law in the case of

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<sup>620</sup> Ibid.

<sup>621</sup> Ibid.

<sup>622</sup> Ibid.

<sup>623</sup> The Grand National Assembly of Turkey. *Constitution of the Republic of Turkey* (pp. 1-83). Ankara: The Grand National Assembly of Turkey.

<sup>624</sup> Ayata, G. Kadına Yönelik Şiddetle Mücadelede Yasal Düzenlemeler (Legal Regulations to Combat Violence against Women). Retrieved from [https://vatandas.jandarma.gov.tr/KYSOP/uzaktan\\_egitim/Documents/3%20YD.pdf](https://vatandas.jandarma.gov.tr/KYSOP/uzaktan_egitim/Documents/3%20YD.pdf)

<sup>625</sup> Ibid.

<sup>626</sup> Ibid.

<sup>627</sup> Council of Europe’s Istanbul Convention, (2011), *ibid.*

conflicting provisions of the Convention and domestic law in conjunction with the Article 90 of the Constitution of the Republic of Turkey; Syrian refugee women and girls are supposed to be secured in terms of their protection of their rights as well as prevention of SGBV as the Convention stipulates. Nevertheless, Syrian refugees residing in Turkey are subjected to Temporary Protection Regime (TPR) in conjunction with LFIP as of 2014. In fact, which legal framework would be applied to the survivors of violence was articulated in the TPR, under the title of ‘persons with special needs’(Article 48).<sup>628</sup> That is, “*preventive and protective measures shall be immediately taken for foreigners who are identified to be victims of violence pursuant to Law No. 6284 on Protection of the Family and Prevention of Violence Against Women dated 8/3/2012*”.<sup>629</sup> Moreover; it is also stated under this Article that health services, psycho-social support, rehabilitation and other assistance would be provided those with special needs among foreigners as well as they would be available free of charge under this Regulation.<sup>630</sup> In case of some obligations are fulfilled by Syrian refugees, the areas where they can request services are regulated by the LFIP and TPR.

In this connection, the new Law on the Protection of the Family and the Prevention of Violence against Women (Law No.6284) is the main national legislative framework for any survivors of violence, regardless of whether they are Syrian or Turkish women. However, if the survivors of violence are Syrian, they must be registered with the Turkish authorities in order to benefit from the services under this law.<sup>631</sup> That is, if the victims of violence have received a Temporary Protection Identity Document obtained from the Directorate General of Migration Management (DGMM), the person has the same rights as citizens of Turkey.<sup>632</sup>

In accordance with this law, two different measures have been taken. One of them is the protective cautionary decisions given to the survivor while the other one is

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<sup>628</sup>Temporary Protection Regulation (Council of Ministers Decision No: 2014/6883), (October, 2014), *ibid.*

<sup>629</sup> *Ibid.*

<sup>630</sup>Temporary Protection Regulation (Council of Ministers Decision No: 2014/6883), (October, 2014), *ibid.* Article 48/1.

<sup>631</sup> UNHCR - Türkiye'deki Suriyeli Mülteciler Sıkça Sorulan Sorular (Frequently Asked Questions about Syrian Refugees in Turkey). (2017). Retrieved from <https://data2.unhcr.org/en/documents/download/59167>

<sup>632</sup> Support to Life, (January, 2018), *ibid.*, p.34.

preventive cautionary decisions given to the perpetrator of the violence.<sup>633</sup> These cautionary decisions are not limited to those specified in the law.<sup>634</sup> The judge may rule on other measures deemed appropriate to the incident.<sup>635</sup> In general, evidences or documents are not sought to take measures since the declaration of women is sufficient due to the gravity of the situation.<sup>636</sup> Both preventive and protective measures can be requested from the police station, administrative chief, judge or prosecutor who can be reached the fastest and easiest.<sup>637</sup> Women who are exposed to violence may demand that the perpetrator who engages in violence be conducted away their/her place of residence. Similarly, they may request to prevent the perpetrator from approaching the house, if they married, women may ask for the allocation of the common residence to herself regardless of whether the type of violence is physical, sexual, psychological, economical and actualized in public or private.<sup>638</sup> If survivors of violence do not feel safe in their own houses or they feel that their lives at the danger; they can ask for a suitable shelter for themselves and their children.<sup>639</sup> In the same situation, women also can ask for the identity and address information to be hidden in all official records.<sup>640</sup> Moreover, If the perpetrator of violence keeps weapon or guns, even if he is a public official who is obliged to carry a weapon, he may be asked to hand the weapon over the police.<sup>641</sup> Women who are exposed to violence may request child support as well as temporarily custody of the child, if there are children and no divorce proceeding are filed yet.<sup>642</sup> Since the most common challenges women face in the divorce process is economic problems, the law provides temporary financial assistance to women as well as free childcare facilities.<sup>643</sup> During the period of protection, women can benefit from health services within the scope of general health insurance.<sup>644</sup> Again, under this law,

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<sup>633</sup> Demir, H. (November, 2018). Kadına yönelik şiddetle mücadelede 6284 sayılı kanun: Biz neden savunuyoruz, onlar neden rahatsız? (Law no. 6284 in the fight against violence against women: Why do we advocate, why do they bother?). Retrieved from <http://sendika63.org/2018/11/kadina-yonelik-siddetle-mucadelede-6284-sayili-kanun-biz-neden-savunuyoruz-onlar-neden-rahatsiz-av-hatice-demir-518197/>

<sup>634</sup> Ibid.

<sup>635</sup> Ibid.

<sup>636</sup> Ibid.

<sup>637</sup> Ibid.

<sup>638</sup> Ibid.

<sup>639</sup> Ibid.

<sup>640</sup> Ibid.

<sup>641</sup> Ibid.

<sup>642</sup> Ibid.

<sup>643</sup> Ibid.

<sup>644</sup> Ibid.

survivor of violence can request free social counselling services along with the psychological, vocational, and legal support they need.<sup>645</sup>

In fact, for protection measures which may be provided up to 6 months; evidence, witness, and document are not required. However, if there is a criminal case, then it is important to report it at the first stage if there is physical violence.<sup>646</sup> Apart from police offices, district governors, family courts; women who are exposed to violence can also apply to the Violence Prevention and Monitoring Centers (SONIMs) in order to reach the rights under the law.<sup>647</sup> These SONIMs was established by this new law (No.6284) in order to provide survivor of violence with support and monitoring services which operate on a 7/24 basis for the prevention of violence and effective implementation of protective and preventive measures.<sup>648</sup> In emergencies, women can call certain numbers such as 183 -social support line-, 156 -gendarmerie-, 155 -police station-, and SONIMs. Likewise, they can ask for help from women's organizations.<sup>649</sup> Moreover, women can call the bar associations in order to receive the legal support. When a woman is exposed to violence, the survivors of violence will be placed in a women's shelter upon the survivors' demand by the state authorities to ensure the survivor's physical safety against the threats of perpetrator.<sup>650</sup> It means survivor will be under the protection of Turkish authorities. Women's shelters are under coordination and management of the Provincial Directorate of Migration Management. These shelters would be providing some services as shelter, psychosocial help, fees, legal aid, guidance and counseling.<sup>651</sup> Moreover, in the case of divorce and violence, the method of reconciliation and mediation was strictly prohibited under this law. Essentially, once a complaint is filed by women for a man who engages in violent act, it is necessary to object to the advice and guidance for reconciliation because judges may propose to go to the reconciliation

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<sup>645</sup> Ibid.

<sup>646</sup> Alphan, M., (2018), *ibid*.

<sup>647</sup> As a distinction between holding an ID and being a Turkish woman here is that refugees cannot directly apply to SONIMs, they should first apply to the police, in connection with police, their petition to be sheltered in SONIMs are taken. Then, SONIMs accept the person's application and accepts them to the women's shelter.

<sup>648</sup> Turkey: Law No. 6284 of 8/3/2012 on *Protection of the Family and Prevention of Violence against Women*, Article 14. Retrieved from [http://ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=91822&p\\_country=TUR&p\\_count=781](http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=91822&p_country=TUR&p_count=781)

<sup>649</sup> Support to Life, (January, 2018), *ibid*, p.34

<sup>650</sup> UNHCR – FAQ about Syrian Refugees in Turkey, (2017), *ibid*, p.29.

<sup>651</sup> Ibid.

due to the perception of holding the family together and avoidance of dissolution of marriages.

In connection with the child marriages, as it was stated before, men or women cannot marry unless they are seventeen years old as it was specified by Turkish Civil Code even if there may be some exceptions through the judicial decisions.<sup>652</sup> On the other hand, in accordance with the Juvenile Protection Act, under 18 was defined as child<sup>653</sup>; while the Criminal Code considers a child, who is not completed age of 15 as minor.<sup>654</sup> These contradictory expressions in Turkish law may cause many forms of violence relating with child/early marriages against minors under 18 years. Whereas, Turkey is one of the State Parties which signed the Convention on the Rights of the Child (CRC) in 1990 and entered it into force in April 1995.<sup>655</sup> Turkey declares; concerning Article 17 (access to information, mass media), Article 29 (goals of education), Article 30 (children of minorities/indigenous groups) of the Convention, that it reserves its right to interpret and apply those provisions according to the spirit of the Constitution and those of the Treaty of Lausanne of 24 July, 1923. Those provisions are predominantly related with minority rights.

The signatories of the Convention on the Rights of the Child are obliged to take necessary legal and social measures to protect every individual under the age of 18 from violence and abuse.<sup>656</sup> Besides, TPR provides that unaccompanied children shall be treated in accordance with relevant child protection legislation and in consideration of the “best interests” principle since they are accepted as persons with special needs.<sup>657</sup> As provided by the Turkish Penal Code<sup>658</sup>, marriages under the age specified in the Civil Code constitute the crime of child abuse in the Penal Code.<sup>659</sup> Thereby, as set out by Article 8 of the Turkish Penal Code; if the crime is committed within the borders of Turkey, perpetrator will be punished according to Turkish law regardless of whether

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<sup>652</sup> Turkey: Law No. 4721 of November, 2001 on Civil Code, *ibid*.

<sup>653</sup> Turkey: Law No. 5395 of 2005 on *Juvenile Protection*, Article 3/a, *ibid*.

<sup>654</sup> Turkey: Law No. 5237 of September 26, 2004 on *Criminal Code*, Article 104/a, *ibid*.

<sup>655</sup> United Nations Treaty Collection (UNTC). (2019). Retrieved from [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en)

<sup>656</sup> Kasapoglu, C., & Kaytazoglu, O. (November, 2018). Dünya Çocuk Hakları Günü: Türkiye Çocuklarını Koruyamıyor mu? (World Children's Rights Day: Can't Turkey Protect its own Children?). Retrieved from <https://www.bbc.com/turkce/haberler-turkiye-44824367>

<sup>657</sup> Temporary Protection Regulation (Council of Ministers Decision No: 2014/6883), (October, 2014), *ibid*. Article 48/2.

<sup>658</sup> Turkey: Law No. 5237 of September 26, 2004 on *Criminal Code*, Article 104, *ibid*

<sup>659</sup> Ayata, G., (n.d), *ibid*.



foreigner or citizens of Turkey.<sup>660</sup> Besides; “*where a criminal act is partially, or fully, committed in Turkey, or the result of a criminal act occurs in Turkey the offence shall be presumed to have been committed in Turkey.*”<sup>661</sup> Yet, for example, the applicable law to divorce cases may vary depending on the nationality and residence of the person, differently from the domain of criminal law.

There are several factors which prompt/force these young population to marry at the early ages due to the situation created by forced migration and resettlement to another country. As a matter of the fact that more than half of all Syrian refugee population in Turkey is under 18-year-old, these demographic facts may contribute to the increase in child marriages which would most likely result in more serious consequences for these minors in the future regarding their physical, psychological, and sexual health. The fact that these marriages can be actualized through the decision of Syrian judges who have the power of discretion for boys as young as 15 and girls as young as 13, if underage parties have reached puberty; this can create malfunctions in the law enforcement of Turkish Penal Code. However, informal child marriages are considered as child abuse in accordance with the Turkish Penal Code. In this context, the perpetrators should be sentenced to imprisonment in line with the Law. In fact, according to the Child Protection Law No.5395; state institutions, health and education institutions, and NGOs are obliged to inform the relevant authorities regarding those children who are at risk of early marriage and SGBV.<sup>662</sup>

Due to the fact that these marriages are unrecognized under the Civil Code of Turkey, while they correspond to the Syrian law; even if there is a well-designed punishment system in Turkey in theory, several problems are arising in practice. Under these circumstances, in the event that an underage girl gives a birth, a criminal complaint is directly filed to the prosecutor and the investigation has to be initiated accusing the husband of sexual assault with the underage. Nevertheless, as it was exemplified in the previous title regarding the criminal complaint filed for the 13 years old girl's<sup>663</sup>, Turkish judges are most likely face a dilemma while they are judging on the informal early marriages due to the differences in civil and criminal law of both

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<sup>660</sup> Turkey: Law No. 5237 of September 26, 2004 on *Criminal Code*, Article 8, *ibid.*

<sup>661</sup> *Ibid.*

<sup>662</sup> UNHCR – FAQ about Syrian Refugees in Turkey, (2017), *ibid.*, p.37.

<sup>663</sup> TR Sputnik News., (July, 2018), *ibid.*

countries. The defendant who defend himself thereby indicating that he married with a Syrian girl in compliance with the Syrian law as a Syrian national and he does not have to know the provisions of Turkish law was acquitted by the Court, consequently, he went unpunished. In the opinion of the prosecutor, it was stated that the defendant did not act with the intent to commit a crime and that his actions should be evaluated within the scope of ‘mistake’ which is expressed in the Article 30 of the Turkish Penal Code.<sup>664</sup> Unfortunately, these differences in both laws may cause the differences in the implementation which even lead to impunity of the perpetrator for sexual assault against a minor, as it can be seen in this example. Although, it is exactly the same procedure with any citizen of Turkey should be followed for the Syrian men who marry with an underage girl in accordance with the Penal Code of Turkey; poor enforcement of existing laws in Turkey as well as lack of clear legislation on outlawing child marriage in practice endure as main obstacles for changing the mindset that child marriages should be recognized as a wrongdoing.

In terms of trafficking for prostitution and sexual exploitation, pursuant to Article 48/4 of TPR; it was stated that necessary measures shall be taken immediately for those who are assessed to possibly be victims of human trafficking within the scope of this Regulation and in line with the relevant legislation.<sup>665</sup> On the one hand, Turkey is a party to relevant international legal instruments to combat against human trafficking. One of them is the United Nations Convention against Transnational Organized Crime (Palermo Protocol) along with its supplementary protocol on Trafficking in Human Beings and Smuggling of Migrant were ratified by Turkey in 2003.<sup>666</sup> Moreover, Turkey developed two National Action Plan through National Task Force<sup>667</sup> to combat against human trafficking.<sup>668</sup> These action plans intend to reach international standards in combating human trafficking and to eradicate human trafficking by strengthening the relevant institutions as well as to harmonize its domestic regulations with the EU

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<sup>664</sup> Ibid.

<sup>665</sup> Temporary Protection Regulation (Council of Ministers Decision No: 2014/6883), (October, 2014), *ibid.* Article 48/4.

<sup>666</sup> Republic of Turkey Ministry of Foreign Affairs. Turkey on Trafficking in Human Beings. Retrieved from <http://www.mfa.gov.tr/turkey-on-trafficking-in-human-beings.en.mfa>

<sup>667</sup> The National Task Force including relevant government institutions as well as NGOs plays significant role in policy making, identification of victims, and prosecutions of traffickers.

<sup>668</sup> Ibid.

*Acquis*.<sup>669</sup> In addition, the Council of Europe Convention on Action against Trafficking in human Beings as of 2005 -within an independent monitoring mechanism- was signed by Turkey in 2009, entered into force in September, 2016.<sup>670</sup>

On the other hand, certain amendments were made in the relevant domestic instruments such as the Turkish Penal Code and Law on the Work Permits for Foreigners in compliance with the international instruments in order to combat trafficking. While Article 80 of the Penal Code prohibits both sex and labor trafficking by use of force as well as prescribes the person involved in trafficking activities to be sentenced 8 years to 12 years of imprisonment and up to ten thousand days of judicial fine<sup>671</sup>; Article 227 of the Penal Code was regulated for the people who encourage a person to prostitution, or facilitate their way, or mediate for prostitution and it prescribes penalty of imprisonment.<sup>672</sup> For the protection of the victims of trafficking, ‘Department for the Protection of Victims of Human Trafficking’ was established under the DGMM which was authorized by the LFIP.<sup>673</sup> This department was rendered responsible for fighting against human trafficking and protection of victims as well as implementing certain projects. One of them was the Victim Support Program which provides support services for the victims of trafficking.<sup>674</sup> Several provisions regarding the fight against human trafficking were included in the Law of Foreigners and International Protection (No.6458) which was introduced as a response to the mass-influx of refugees into Turkey in 2013. There are also shelters for women who were the victims of trafficking in certain cities funded by the Turkish Government. It can be said even if the Government does not fully meet the minimum standards for the elimination of trafficking, however, it is making effort to do so.

Women who are exposed to any forms of violence face several challenges with regard to reach to required authorities as well as mechanisms which provide prevention, protection, prosecution, and punishment for SGBV.<sup>675</sup> One of them is that women may have difficulties in conveying their experiences of violence because of the language

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<sup>669</sup> Ibid.

<sup>670</sup> Council of Europe Portal. (2019). Chart of Signatures and Ratifications of Treaty 197. Retrieved from <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures>

<sup>671</sup> Turkey: Law No. 5237 of September 26, 2004 on *Criminal Code*, Article 80/1, *ibid*.

<sup>672</sup> Turkey: Law No. 5237 of September 26, 2004 on *Criminal Code*, Article 227, *ibid*.

<sup>673</sup> Republic of Turkey Ministry of Foreign Affairs. Turkey on Trafficking in Human Beings, *ibid*.

<sup>674</sup> Ibid.

<sup>675</sup> Support to Life, (January, 2018), *ibid*, p. 31

barrier and lack of knowledge in Turkish.<sup>676</sup> Secondly, maybe the most serious one, unless women obtain their Temporary Protection Identification Cards<sup>677</sup> from the DGMM, they cannot take advantage of certain services which were laid down by the laws. Foremost among them concerning protective measures in the event of SGBV is the legal and shelter rights that they had in Turkey. As long as they have these IDs, *“they can benefit from the health facilities and the legal system just like the women in Turkey”*<sup>678</sup>. They are subjected to the new Law on Family and VAW of Turkey (No.6284) as any Turkish citizen as long as they are registered to the Turkish authorities and holding a valid Temporary Protection ID. However, although the rights of women to stay in the women’s shelter was determined in the law as six-month long and can be extended further; it was claimed that women’s shelters have been providing shelter for women for short terms like two weeks-long upon the information provided from the interviews with humanitarian workers from NGOs.<sup>679</sup> Third one is highly connected with the place of violence in the cultural perception.<sup>680</sup> The person who is exposed to violence in private sphere may not perceive the act of violence as a form of violence or they may perceive it as ‘private’ and ‘family issue’. Thus, they do hesitate to report the violence to the police. Even if Syrian women who are the survival of any forms of violence may agree to receive a forensics medicine report from a hospital in order to prove the violence which was exposed to, but nevertheless they may not wish to initiate the judicial proceedings as the main problem which is common among the refugee community.<sup>681</sup> In this circumstance, the advantages and challenges of initiating the judicial process should be clearly explained to these women. Forth challenge is about public and law enforcement authorities’ indulgence and their highly tolerated attitude in the face of SGBV.<sup>682</sup> Police officers may not be sensitive and empathetic about the seriousness of the SGBV and vulnerability of women. Even they may apply to the method of reconciliation and mediation in order to solve this ‘family issue’ which is supposed to be ‘private in their eyes. However, this can lead to the emergence of more serious problems for women who are survival of violence. The Fifth and last one is

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<sup>676</sup> Ibid.

<sup>677</sup> The number which starts with 99 which means humanitarian resistance.

<sup>678</sup> Support to Life, (January, 2018), *ibid*, p. 31

<sup>679</sup> Ibid.

<sup>680</sup> Ibid.

<sup>681</sup> Support to Life, (January, 2018), *ibid*, p. 34

<sup>682</sup> Ibid.

about women's unwillingness to inform their experiences of violence to the state authorities.<sup>683</sup> It is because of their thought that informing these to the responsible authorities would make residing in Turkey difficult in addition to their fear of deportation and exclusion. These are the most important obstacles for the refugee women who are the survival of violence and are supposed to reach the protective and preventive measures provided by the host government.

Although Law of Turkey prohibits all forms of violence against women through the recent adoption of the Law to 'Protect Family and Violence against Women' (Act no: 6284, 3 March 2012), which is conforming with Istanbul Convention<sup>684</sup> as an international instrument; yet, being under temporary protection regime can create a situation in which refugees cannot easily exercise their rights through national or international instruments and can face inadequacies in terms of protection and prevention. However, the Temporary Protection Regime which provides for additional guarantees to some specific groups and defines 'persons with special needs' including unaccompanied minors, elderly persons or persons with disability, pregnant women, single parents with accompanying children, survivors of sexual assault/ torture/ other forms of psychological, physical, and sexual violence.<sup>685</sup> Likewise, when it comes to civil society operating in Turkey embracing women's organizations operates for women and their affairs in Turkey, they are predominantly providing psychological and social support and occasionally legal advice which cannot manage to reach the root of the problem. Even though operations of civil society in Turkey had been shrinking in the last years because of the two years-long state of emergency after the attempted *Coup*<sup>686</sup>, the number of people who are participating to any civil society organizations are increasing as well as their role in the society.<sup>687</sup> In terms of prevention and protection, adopting a multi-sectorial approach in struggling with gender-based violence that includes coordination function, supporting survivor, providing security through law

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<sup>683</sup> Ibid.

<sup>684</sup> Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011.

<sup>685</sup> Guarantees for vulnerable groups - Turkey | Asylum Information Database. (2018). Retrieved from <https://www.asylumineurope.org/reports/country/turkey/guarantees-vulnerable-groups-0>

<sup>686</sup> State of emergency was declared after the failed coup attempt on 15th of July 2016. It was lifted on 18th of July, 2018

<sup>687</sup> Ersen, T. (2018). 'Türkiye'de STK'lar ve son 10 yıl' (The Last 10 Years in case of Civil Society Organizations in Turkey). Retrieved from <http://www.aljazeera.com.tr/gorus/turkiyede-stklar-ve-son-10-yil>

enforcement agencies and health support, legal services through Bar Association, community services, and prevention have the vital importance.<sup>688</sup>

In conclusion, while Syrian women in Turkey may equally benefit from the rights and services under the new Law on violence (No.6284) as Turkish women do, and the perpetrator of violence can be brought into court in the same way with a Turkish national within the scope of the Turkish Penal Code; However, judges can be more indulgent when they decide on the defendant in the early marriage cases, unless girls who married at early ages make their own application to the court and denounce the offender to the authorities in the context of the Penal Code. In theory, a well-designed mechanism of protection and prevention for SGBV in Turkey was established in terms of preventive and protective measures laid down by new domestic law on violence, even in accordance with the Istanbul Convention. However, when it comes to the implementation, there are still certain obstacles in administering justice for these women who are exposed to multi-faceted violence from the beginning of the conflict in Syria. Even if the general mechanism of the new Law<sup>689</sup> is based on a theoretical foundation which can effectively prevent the perpetrator of violence, protects and supports the survival of violence both women and children, punishes the perpetrator and monitor violence, nevertheless, it has been shown as a reason for increasing divorces over time and the feature has been targeted by some media organs which are mostly conservatives and reactionaries in Turkey. Whereas, it is claimed by the opponents that the effectiveness of the new Law is tried to be weakened with the implementation.<sup>690</sup> In addition, strengthening mechanisms such as shelter, temporary financial and social support remained idle due to the reluctance of the administrative units to implement the law.<sup>691</sup> As the name of the law suggests, the phrase ‘protecting the family’ is an indication that the woman is identified with the family in Turkish society<sup>692</sup>, indifferent to Syrian society.

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<sup>688</sup> Support to Life, (January, 2018), *ibid*, p. 29

<sup>689</sup> Turkey’s Law on the Protection of the Family and the Prevention of Violence against Women (Law No.6284)

<sup>690</sup> Alphan, M., (2018), *ibid*

<sup>691</sup> *Ibid*.

<sup>692</sup> *Ibid*.

#### **4.4. The Way Forward**

Since its establishment in 1995, SGDD/ASAM (Association for Solidarity with Asylum Seekers and Migrants) has been providing refugees and asylum seekers with the social, psychological, as well as the legal support in the matter of accessing to rights and services. Besides, they have organized a myriad of courses and activities that would contribute to the improvement of refugees on language and profession for the purpose of actualizing the integration. In addition, their activities and projects are implemented in 80 offices and more than 48 provinces of Turkey. ASAM is an independent, impartial and non-profit association which offers services to all refugees and asylum seekers regardless of language, religion, gender, race, sexual orientation and political views. Nevsehir Women's Rights Project, Assistance to Vulnerable Refugees Project, Women's Empowerment and Solidarity Center Project, Needs Assessment of Syrian Women and Girls Under Temporary Protection, Safe Space Project for Women and Girls, Al Farah Child and Family Support Centers are among the projects carried out by ASAM. For these reasons, I prefer to arrange a meeting with them. A face-to-face interview was conducted with Attorney Gaye Saglam -field worker and legal consultant- and Aysenur Sari -field worker-. In the course of the interview, I addressed open-ended questions to two current employees of ASAM in order for finding the roles of associations working for refugees and asylum seekers out.

Among these questions, outstanding ones were; in which conditions Syrian refugee women/girls are consulting with them embracing if the consultation includes the experiences of any types of gender-based violence, or which kinds of activities have been carried out in order to provide these women with occupation within the aim of strengthening them against the vulnerabilities in the host community, or which problems are the most confronted among the Syrian refugee women who have consulted them. First, when they were asked about in which conditions Syrian women under TPR consult with them, they stated that Syrian women who are victims of in-door violence usually do not apply to ASAM in order to provide information about their rights and services ensured by State. This is because they do not perceive domestic/in-door violence within the family as a form of violence and do not define it in this direction. Second, most of these women have consulted with ASAM on the legal problems that

are encountered in divorces and custody of the children. Besides, they added that priorities have changed. For instance, there were common problems such as housing and finding food, but now, they face predominantly legal problems. These legal problems are most probably stemming from the practice of polygamy and the informal marriages which deprive women of certain rights since they do not have contractual rights based on any registered civil marriages. Third, they expressed their concerns about women who come to consult them on intimate partner violence since they do not usually make a complaint about the violence that they were exposed to due to the normalization of the violence. Whereas, almost the same procedure with the Turkish citizens is followed for Syrian women who are victims of violence. However, it is an indisputable fact that there are many problems regarding women's protection and prevention of sexual and gender-based violence in Turkey regardless of Syrian or Turkish women when it comes to practice. Fourthly, they predominantly provide vocational training projects/programs for single women, or single women with child. While explaining those projects, they accounted for why they mostly design such projects as shirt sewing courses for single women. One reason was the fact that these single women were most frequently stigmatized by their own communities in the neighborhood where they live together. Additionally, these single women living alone in the outskirts of the big cities are referred to as being single and believed to be open to the sexual intercourse with any men by the other women inside their community. Therefore, the danger of stigmatization and the socio-economic inadequacies coupled with the other obstacles to the empowerment of women such as language barrier render them more vulnerable to any forms of violence. That's why these projects are predominantly towards single women. Finally, that demand for language courses provided by ASAM has shown a considerable increase in the recent period compared to the first years of the displacement. This proves that they do not consider themselves as 'temporary' here in Turkey as it was thought in the first years of the displacement. They also indicated that there are also child and family support centers within ASAM in certain cities such as Ankara, Adana, İzmir, and Istanbul. These centers operate in these cities in cooperation with social workers, psychologists, family consultants, child protection officers, health educators in order to provide children and their families



social and legal counseling. Additionally, they remarked that -underage- girls who are the survival of SGBV are directed to these centers to receive support.

‘Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey’ was a project which was carried out by ASAM in cooperation with UN Women in 2018. This project aimed at expressing the experiences and conditions of Syrian women residing in Turkey as well as the challenges that they face through conducting in-depth semi-structured interviews with them. In addition, investigating what are the major obstacles for them to access rights and services was set an objective in the course of project. Therefore, in the light of these information provided by ASAM through this meeting and this project conducted by ASAM and UN Women, I will give some worthwhile suggestions for a further step towards achieving women-empowerment among the refugee community in Turkey and mapping out routes for social integration, as well.

First of all, it is vital to take concrete steps for the protection of children at risk from SGBV since they are very vulnerable to not only harmful traditional practices and sexual exploitation and abuse, but also the danger of being cheap labor in the informal sector.<sup>693</sup> Secondly, the gap and failures in the registration systems should be resolved in order to be avoided from survival sex as a coping mechanism.<sup>694</sup> Thirdly, men and boys should be engaged in the briefing programs and projects about sexual and gender-based violence because raising awareness about SGBV cannot be achieved through unilateral consciousness raising which includes only women.<sup>695</sup> Besides that, public information campaigns should be conducted on the subject of the family planning, procedures of work permit, and the availability of free legal assistances. In addition, raising awareness campaigns/projects regarding gender inequalities in the society and the damages of early marriages should be carried out for women and girls. Fourthly, providing safe environments and safe access to the resources and services for the vulnerable groups such as women and girls, LGBT individuals, and persons with disabilities play a crucial role in terms of their disadvantageous situation in the forced migration.<sup>696</sup>

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<sup>693</sup> Support to Life, (January, 2018), *ibid*, p.36

<sup>694</sup> *Ibid*.

<sup>695</sup> *Ibid*.

<sup>696</sup> *Ibid*.

Second, in the matter of efficient capacity building, humanitarian actors through broaden network formation including professionals, policy-makers, legal assistance, fundraising, communications, should be included into processes in order to form an efficient prevention and protection mechanisms for SGBV.<sup>697</sup> In addition to this, the other policies in the such fields as education, workforce development, health and sanitary assistance, and legal support should be designed in cooperation with NGOs operating in this fields considering the best practice.<sup>698</sup> Moreover, service workers or civil servants of the public institutions which are assigned to the required positions should be qualified and skilled, as well as being equipped with the comprehensive knowledge on SGBV.<sup>699</sup> Lastly, alternative women's shelters may be established by NGOs and local organizations within the bounds of possibility in order to fill the deficiency in the numbers of existing shelters. Currently, there are 137 Women Shelters including civil and public ones in 49 cities of Turkey along with 49 SONIMs which were established by this new law (No.6284) on violence.<sup>700</sup> However, these are not sufficient enough to fulfil all the needs of women.

Third, in the matter of structural problems; full access to education, specifically in the rural regions, should be ensured and the necessary measures to do so should be taken in order to increase girls' attendance in formal education as a source of women's/girls' empowerment.<sup>701</sup> As Unutulmaz stated, *"The low educational attainment and skill repertoires coupled with rampant economic problems experienced by the Syrian population in Turkey further complicate the question of integration as well as making it vital for the social and economic stability in the country."* That's why, making sure that girls can access to the education is important in the sense that they will less likely marry at their early ages and obtain necessary vocational skills for their future life. Next, the intolerance and xenophobia against refugee community should be alleviated through several activities in order for socializing both the host community and the refugees. For instance, safe spaces should be formed and expanded in order for facilitating social cohesion between the refugee community and the host community as

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<sup>697</sup> Support to Life, (January, 2018), *ibid*, p.37

<sup>698</sup> *Ibid*.

<sup>699</sup> *Ibid*.

<sup>700</sup> *Ibid*.

<sup>701</sup> Support to Life, (January, 2018), *ibid*, p.38

well as increasing the solidarity between them.<sup>702</sup> Then, there should be briefing programs and projects towards both youth and their families in order to combat child marriages and polygamy as the most threatening aspects of the culture.<sup>703</sup> In addition, the psychosocial support services and assistance for the survivors of SGBV should be intensified and professionalized.<sup>704</sup> Furthermore, it is essential for employees in this sector to adopt an approach that respects the confidentiality and sensitivity of the survivors of SGBV when conducting their activities. Not only mental and psychological support mechanisms should be provided, but also women and girls should be informed about the reproductive health, the risks of the early sexual life and pregnancy. Lastly, lack of knowledge in Turkish poses an origin of the other problems such as limited access to the formal labor market, education, and social interaction.<sup>705</sup> That's why, it has vital importance to provide girls and women access to language courses which would improve their communication with the host community as well as their personal empowerment. Along with the language courses, vocational trainings should be organized for regular employment opportunities in a wide spectrum. That is, these vocational trainings do not only have to be traditional so-called 'women's field of work' such as cooking, hairdressing, and sewing, but also it should encompass the other sectors.<sup>706</sup>

In terms of housing, since their access to housing facilities are quite limited, public house projects can be initiated in order to facilitate the access to safe and sanitary housing opportunities and preserve women and girls from possible misappropriations by their landlords and the other dangers that they may face in the camps.

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<sup>702</sup> Yucel, A., Utas, C., Luchsinger, G., Kavlak, İ V., Kristjansdottir, I. B., & Freizer, S. (Eds.), (June, 2018), *ibid*, p.9

<sup>703</sup> Support to Life, (January, 2018), *ibid*, p.38

<sup>704</sup> Support to Life, (January, 2018), *ibid*, p.39

<sup>705</sup> Support to Life, (January, 2018), *ibid*, p.38

<sup>706</sup> Yucel, A., Utas, C., Luchsinger, G., Kavlak, İ V., Kristjansdottir, I. B., & Freizer, S. (Eds.), (June, 2018), *ibid*, p.9

## CONCLUSION

Overall, this thesis aimed at examining gendered aspects of the Syrian displacement on women and girls, by taking women's experiences and subjectivity into account, with a specific focus on Turkey as a host state. The factors which escalated the vulnerabilities of female refugees, the prominent forms of SGBV as the results of displacement on Syrian female refugees in Turkey, and the due precautions taken by State of Turkey for prevention and protection for SGBV were illustrated with multi-disciplinary and multi-layered perspectives through the lens of feminist theory.

The purpose of the Chapter two was to illustrate immigration and asylum regulations attributable to Syrian asylum seekers in three levels of analysis: international, regional, and national. The reason for tackling legal framework in depth was to conceive the tangled situation of the people who fled Syria and sought refuge in different countries towards reaching to the international protection and obtaining a fully-fledged refugee status in Turkey. This study demonstrated that although Turkey is a party to the 1951 Refugee Convention, the geographical limitation clause constitutes an impediment for those from non-European countries who desire to seek asylum in Turkey to enjoy an international protection laid by the Convention as well as benefiting from the rights and services provided. Furthermore, considering the attitude of the EU Member States to the 'crisis' and the agreement which was concluded between EU and Turkey, one can conveniently state that these asylum seekers had to stay either in Turkey or in the Greek Islands where they are unable to reach efficient and substantive protection mechanisms within the defined international framework. This particular situation enabled Turkey to revise its domestic instruments by introducing the LFIP and TPR in order to fill the void arising out of the application of the geographical limitation to the Convention for the status determination of the 'guests'. These instruments which were newly introduced by the State of Turkey provide refugees temporary protection as well as a range of rights including access to health, education, social assistance, psychological support, and access to the labor market in principle. However, in a broader perspective, close examinations of the Turkey's migration management in Chapter two gave us clues regarding the challenges that were faced by refugees even in the acquisition of fully-fledge refugee status, and the emergence of certain factors which

created vulnerabilities of the refugees at the first stage. Taken together, these investigations made in this chapter supported the notion that discrepancy in the construction of the legal framework in different levels and inconsistencies in the implementation of migration regimes between the neighbor countries are the triggering factors that increase vulnerabilities for the refugees who reside/have to reside in Turkey.

In Chapter 3, the analysis of the causes of SGBV within a specific focus to Syria has revealed the underlying reasons for gender equality and discrimination as the main sources of SGBV in Syrian society. Besides that, examining the multi-dimensional nature of SGBV on women either in the conflict situation or in the country of asylum proved that the combination of several factors provokes gender inequalities and discrimination which would further provoke the emergence of SGBV. When the root causes and contributing factors for SGBV and VAW on Syrian women were scrutinized, the results of this study indicated that social norms and culture, differences in legal framework and practices in the host country and/or country of origin, war and armed conflict situations; refugee, returnee and IDP situations, destruction of social and family support structures, higher crime rates, restricted movement, lack of police protection, the concept of camp within limited opportunities, unavailability of basic needs, lack of NGO presence in the camps, lack of security, lack of individual registration and identity cards, stigmatization and isolation could be listed among the prominent contributing factors which escalate/increase vulnerabilities and the risk of SGBV. Furthermore, along with these contributing factors; lack of denouncing SGBV, lack of advocacy campaigns, discriminatory practices in law enforcement and justice, under-reporting the events of SGBV, lack of effectively prosecution of the SGBV cases, lack of trust to police and courts, and absence of female law enforcement officers are the crucial constituents which arise from the malfunction of the legal framework of any country.

With regard to the root causes; this Chapter suggested that religion and culture, deep-rooted patriarchy, and state feminism play a crucial role in the escalation of the gender inequalities and discrimination against women in the Syrian society which would cause the emergence and persistence of SGBV in the long term. For instance, the presence of child/early marriages, the concept of fellow wife which is hinged upon polygyny (*Kumalık*), normalization of domestic violence could be directly associated

with the culture, religion, and deep-rooted patriarchy in the case of Syria. In other words, as Walby suggests 'patriarch' is defined '*as a system of social structures and practices in which men dominate, oppress and exploit women*' (Walby, 1990, p.20; cited in Sultana, 2012, p.2)<sup>707</sup>; rape, marital rape, domestic violence, child abuses through early/forced marriages, polygamy, honour killings are materialized and even sometimes justified by the agency of patriarchy which is nourished by power imbalances between men and women. What is more, in terms of religion, Syrian women are rendered defenseless and disadvantaged since Islam as one of the sources of legislation in Syria regulates social areas of life such areas as contracts, personal status, marriage and divorce.

Lastly, another source of increasing vulnerabilities for Syrian women and girls who reside in Turkey has been found as poverty, limited access to income generating activities and formal employment, and inadequate housing in the post-conflict resettlement within the scope of political economy of violence against women. Due to the fact that being under temporary protection regime as a refugee brings lack of economic means and opportunities into the forefront, women have become socio-economically impoverished along with limited access to the formal employment in the host country. Therefore, socio-economically impoverished women, who are more disadvantaged in terms of language barriers and lower educational attainment level, have to work in the informal sectors with neither social security nor job safety within the substandard working conditions and lower wages. Thereby, this cycle of socio-economic poverty which is experienced by refugee women further increases the risk of human trafficking and sexual exploitation as well as the danger of the cheap labor in the post-conflict settlement.

The purpose of Chapter four was to investigate main concerns associated with SGBV and VAW for Syrian female refugees in Turkey as well as revealing protection and prevention measures for SGBV which were identified by the State of Turkey. The most obvious findings emerging from this study in Chapter four was that child and forced marriages, polygyny through illegitimate marriages, and domestic violence including intimate partner violence have gradually increased not only in Syria, but also in Turkey since the beginning of the civil war. Although these practices were already in

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<sup>707</sup> Sultana, A., (2012), *ibid*, p.2

existence in the Syrian society, they have escalated in the post-conflict settlement in Turkey within the effects of various factors which increase the vulnerabilities of women and girls. Strikingly, even if child/early marriages as well as polygyny are partially widespread in the Eastern and Southeastern parts of Turkey, they are not legally recognized practices in Turkey. However, these traditions still exist especially in rural areas of Turkey where old traditions are often practiced.

For example, with respect to child/early and forced marriages as harmful traditional practices, families consider them either as a provider of a financial assistance/relief to the family through 'dowry' or 'bride price' in the exchange of their daughter or as an assurance for their daughters at young ages in order for protecting them from any presumptive sexual harassment, rape, and kidnapping. However, due to the fact that these marriages including child/forced and polygamous ones are based on the religious doctrine and not registered civil marriages by authorities, they indispensably victimize women due to lack of rights assured by civil marriages and divorces. Besides that, the practice of child marriages renders these girls more vulnerable to survival sex and sexual exploitation if they experience an early widowhood.

This study has also found out that child/early marriages based on religious doctrine increase domestic violence and intimate partner violence. In addition to these, girls remain under a constant risk of emotional distress, early pregnancies and STDs, restriction of freedom of movement, loss of childhood and lack of independence, and even the risk of conducted religious marriages by traffickers as a consequence of child/forced marriages.

To continue, polygyny, which are officiated by local sheiks and legitimized by religious bases, allows men to have more than one wife simultaneously. This practice appears to be based on the superiority of men and distortion of the balance between men and women. Additionally, it deprives women who are as the second, third, or fourth wife of a man of enjoying their rights based on registered civil marriages as well as the rights arising from the spouse's death or divorce. Besides, since this research was specific to Turkey as a host state and Syrian women and girls who reside in Turkey as a focus group, as illustrated by this Chapter, these marriages actualized in Turkey may turn into short-term marital unions in which women and girls are systematically

exploited by men who desire to have sexual intercourse with a moral mask. Lack of legal status of these marriages and the discrepancies in civil laws in both Syria and Turkey block the ways to compensate/redress for the damage. Therefore, they increase the vulnerabilities and the risk of further exposure to SGBV over and over again for these women who get married either at an early age or through illegitimate religious marriages. These findings also highlighted that the occurrence of child/forced and polygamous marriages are more frequent in rural areas -both in Syria and Turkey-. Additionally, they demonstrated that the frequency of the occurrence of these practices can vary depending on the ethnic and religious background of the Syrian families.

Regarding the protection and prevention measures for SGBV which are provided by the State of Turkey, this Chapter provides a deeper insight into these national measures. To exemplify, Turkey's new law 'Protect Family and Violence against Women' (no: 6284, March 2012) corresponds to the Istanbul Convention as a first legally binding international document for the State Parties concerning the prevention of domestic violence as the Convention entails. As an advantage of this new domestic instrument regarding violence against women; it is recognized that all women, regardless of any marital status, can apply to the mechanisms regardlessly of who the perpetrator of the violence is. As long as the survivor of the violence is registered with the Turkish authorities and given her a Temporary Protection Identity Document by DGMM, she could avail herself of this new law on 'Protect Family and Violence against Women'. Therefore, protective cautionary decisions could be drawn for the survivor of the violence while preventive cautionary verdicts are given for the perpetrator of the violence in accordance with this law. Throughout the Chapter, it was also revealed what kind of support and monitoring mechanisms are provided to those who are the survivors of violence within this new law of Turkey which is genuinely considered well-formulized and enduring in theory. However, as for the effectiveness of the implementation of this law, there were found quite a few arguments about whether the Turkish authorities would attempt to dynamize the application of this law since the secular values are in decline while Islamist discourse are on the rise within the agenda of the AKP Government. Finally, a semi-structured interview with two current employees of the Association for Solidarity with Asylum Seekers and Migrants (SGDD/ASAM) was conducted in the last subtitle of the thesis in order to find out



which problems predominantly are faced by Syrian female refugees who consulted with them. The findings provided a shred of additional evidence for the presence of legal problems including divorces and custody of children, which is most likely stemming from the practice of polygamy and the informal marriages that deprive women of certain rights, as the mostly-consulted topics. This meeting also revealed that the reason why women who are the survivors of any forms of violence do not benefit from an effective prosecution of the violence is that they mostly do not denounce SGBV and report it to the authorities for several reasons such as the fear of stigmatization or normalization of violence. In addition, I have made some worthwhile suggestions for capacity building, diluting the effects of structural problems, and women's empowerment in the light of this interview.

Nevertheless, the imitation of this study was that although I determined to conduct a field study as a part of the thesis which could have involved direct observation or interview(s) based on first-hand experiences with female refugees who reside in Turkey, instead I could only meet employees of ASAM/SGDD. The reason behind is that conducting these kinds of field research is hindered by the cumbersome process of obtaining authorization from the Republic of Turkey's Ministry of the Interior even if any research is made by the assistance of any outstanding NGOs.

All in all, gendered impact of asylum procedure has affected men and women in different ways by creating asymmetrical gender system of power, that is why this process had to be analyzed illuminating the daily experiences of Syrian female refugees in Turkey. Structural indivisibility of all these factors which were expressed in this thesis creates a basis for varied forms of violence along with structural (indirect) and cultural violence for these women under temporary protection who have already fled war in Syria and taken refuge in Turkey. Due to the fact that gender inequalities for women deepen and sharpened more in the economic, politic, and social areas of the life within forced migration either in the course of the conflicts and in the post-conflict resettlement; this thesis tried to unfold complex nature of this particular case investigating the various factors which would potentially increase Syrian refugee women's and girls' vulnerabilities to SGBV such as poverty, honour, domestic violence, socio-cultural and religious pressures, early marriages, polygamy, illiteracy, lack of access to income-generating activities and employment on the individual level.

Besides that, the interconnectedness of these factors creates a vicious cycle of vulnerabilities for these women which would further appear as reasons for increasing SGBV. For instance, the effect of legal status within the temporary protection, lack of migration alternatives as a result of EU-Turkey Statement, the implementation gap in the new family and violence law of Turkey in terms of prevention and protection of the violence against women could be noted both as causes of increasing vulnerabilities of women and as impediments to administering the justice for these women. This study also showed that there may be failures and malfunctions in practicing the prevention and protection mechanisms for SGBV due to the differences of Civil and Criminal Codes of both countries.

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