



The Failure of Beijing in Fighting Violence against Women: A Case Study of Tunisia and Turkey

This article seeks to showcase the failures of the Beijing Declaration and any attempts of secular systems to address the problem of violence against women through the case studies of Tunisia and Turkey.

20 years have passed since 189 UN Member States adopted the Beijing Declaration and Platform for Action contained within the UN Beijing Declaration. One of their 12 critical areas of concern was violence against women. They agreed on a comprehensive definition of what violence is, whether it takes place in the family or community, or is perpetrated or condoned by the State. The promise of Beijing was “that governments, community organizations, schools, businesses and others would work tirelessly to stop violence, in whatever form it takes.” However, this year they themselves had to confess that nothing had changed for women across the world; in some cases it had worsened. The UN’s Beijing+20 campaign page stated,

“In 1993, the UN General Assembly Declaration on the Elimination of Violence against Women provided a framework for action on the pandemic. But more than 20 years later, 1 in 3 women still experience physical or sexual violence, mostly by an intimate partner.” (<http://beijing20.unwomen.org/en/infographic/beijing-at-20>)

The report itself expresses that “*violence against women is pervasive globally*”. Overall, 35% of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. [...] Worldwide, almost one-third (30%) of all women who have been in a relationship have experienced physical and/or sexual violence by their intimate partner. In some regions, 38% of women have experienced intimate partner violence; [...] Globally, as many as 38% of all murders of women are committed by intimate partners. [...] Globally, 7% of women have been sexually assaulted by someone other than a partner. There is less data available on the health effects of non-partner sexual violence. However, the evidence that does exist reveals that women who have experienced this form of violence are 2.3 times more likely to have alcohol use disorders and 2.6 times more likely to experience depression or anxiety. i

Tunisia:

Tunisia is the first country in the Arab world that introduced a modern Code of Personal Status (CPS) in January 1957. It is lauded as the most progressive legislation regarding women's rights in both the private and public spheres. The then government under staunch secularist Habib Bourguiba legislated multiple “new rights for women”, regarding abortion and divorce, abolishing polygamy, enforcing consensual marriage and setting a minimum marriage age of 17 for females and 20 for males and many more, and it made Tunisia even the first Arab country which banned hijabs at public institutions. The CPS code had real teeth, imposing serious penalties on those who breached its provisions. ii Tunisia also ratified CEDAW in 1985, but maintained some discriminatory provisions until April 2014 when it was hailed as the first country ever to lift all reservations to the provisions contained within CEDAW. Tunisia is also one of the signatories in the Beijing Declaration. Further reforms to the Personal Status Code, Labour Code, and Penal Code were undertaken in 1993 in order to reinforce women’s social, cultural and political rights in Tunisia. In January 2014, Tunisia’s

parliament officially adopted a new constitution that now recognizes full equality between men and women. iii

Additionally, the European Union is providing financial support for the process of adopting the bill on violence against women and girls, within the scope of the **EU-Tunisia Action Plan**, as part of the European Neighbourhood Policy. The section on “Promotion and protection of the rights of women and children” also aims to combat discrimination and violence against women, and to **promote gender equality**. In 2012, a Civil Society Support Programme (PASC) was launched; it is a cooperation program between Tunisia and the EU falling within the framework of “European support for transition and sustainable establishment of democracy in Tunisia” with an overall financial support of 7 million Euros.iv

Tunisia, a staunchly secular state, has always been presented by Western governments, feminists and institutions as a model of securing women’s rights in the Muslim world. However, its promotion and implementation of secular liberal values, policies, and laws within its society has only led to an increase in oppression of its people, and in particular violence against women.

Data from 2010 given by the **National Survey on Violence Towards Women in Tunisia** (ENVEFT) stated that **1 in 5 Tunisian** women became a victim of domestic violence v, while later surveys from 2012 and 2014 proved a rapid increase in violence against women in the country.

The Tunisian National Office of Population and Family (ONFP)’s published a survey in 2012, which found that *violence against women in Tunisia is a common occurrence*. Physical violence against women was most commonplace, followed by sexual violence and economic violence. The study found that the private sphere (where the perpetrator is a husband, fiancé, or friend) is where a woman is most likely to be exposed to violence. The intimate partner is the author of physical violence in 47.2% of cases, of psychological violence in 68.5% of cases, of sexual violence in 78.2% of cases, and of economic violence in 77.9% of cases. Family members are the authors of physical violence in 43% of cases, of psychological violence in 16.7% of cases, and of economic violence in 22.1% of cases. Outside the private sphere, violence against women is sexual in nature in 21.3% of cases, psychological in 14.8% of cases and physical in 9.8% of cases.vi

The National Office for Family and Population has revealed that about 50% of Tunisian women have suffered some form of violence, and that **42% of them are university graduates**. An aggregate sample of 3000 women, showed that 31% had been victims of physical violence, 28% suffered sexual violence and 7.1% were subject to economic violence (13 August 2014).

Domestic violence remains the most common form of violence against women in the country as has been shown in a study conducted by the Tunisian Democratic Women (ATFD, French acronym). It revealed that 84% of women who are victims of violence are married, and 82% of cases happen in the matrimonial home.

Another source of concern regarding the safety of women in the country is women trafficking. According to the International Organization for Migration (IOM), Tunisia is a source, destination and transit country for women who are “subjected to forced labor and sex trafficking.”

All of this illustrates that any adaptations in laws have not only failed to protect the women in Tunisia, but in fact led to a worsening of oppression and an increase in violence.

Turkey:

Another Muslim country which is also presented as a role-model and pioneer in promoting capitalist values like secularism, democracy and gender-equality and their implementation in the Muslim world is Turkey.

Turkey, which was an active participant in United Nations Fourth World Conference on Women in 1995, is among the countries that has signed the Beijing Declaration and the Action Plan without any reservations.

Turkey gathered eight of the "critical areas of priority" in three major categories. [...] And the third [category is] the implementation areas (violence against women, women and media, women in power and decision making) that is *thought to change religion, custom, tradition and "special area" values* that are known to play an important role in legitimizing and reproducing gender inequality and discrimination against women with social-cultural values. (General Directorate on the Status and Problems of Women, 2004) ^{vii}

Turkey actively participated in almost every international agreement regarding women. It ratified CEDAW already in 1986, established the General Directorate on the Status of Women (GDSW) as a national mechanism in 1990 which greatly contributed to the active participation of Turkey at the Beijing Declaration and Platform for Action processes in 1995.

When the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was opened for signature on May 11, 2011 Turkey was the first country who signed the Convention and became the first country to ratify it on November 25, 2011.

The principle of equality between women and men in Turkey were sought to be strengthened with amendments in various Articles of its Constitution. A provision was added into the 90th Article of the constitution stating that *"in case of contradiction arising from the difference between the provisions of the duly ratified international agreements on fundamental rights and freedoms and the provisions of domestic laws, provisions of the international agreements shall be predicated"*. Thus, United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been granted **priority over national regulations**.

Additionally, the principle of equality between women and men was further strengthened through expressions in the constitution like *"Men and women have equal rights and the State is liable for ensuring this equality in practice"* or *"the measures to be taken with this aim cannot be contradictory to the principle of equality"*, and the provision that *"family is the foundation of society"* is followed by the phrase *"is based on the equality between the spouses"*.

As a result of the amendments made to the Civil Code in 2002, a number of regulations were introduced, which equalize women with men in family like amending the provision that *"the head of the family is the husband"* and replacing it by *"the conjugal union is governed by both spouses"*.

Based on the approval of the Beijing Declaration and Platform for Action, Turkey established a significant number of institutions like the "The Equal Opportunities Commission for Women and Men" within the Turkish Grand National Assembly in 2009. It established an Ombudsman to supervise and screen out every act, deed and approach of the administration in terms of law and equity and has a "women rights" supervisor within itself.

Combating violence against women was recognized as a state policy and embraced by many organs of the state since 1995. "Family Courts" were set up in 2003 and the Courts were authorized to implement the Law. A "National Stop Violence against Women Campaign" was launched in 2004. A "National Action Plan on Combating Domestic Violence against Women 2007-2010" was prepared and updated for the years 2012 and 2015. Through the amendments introduced to the Penal Code in 2005, a necessary legal basis and statutory grounds were laid down to protect women from custom killings and sexual rape. Legal regulations and legal grounds were sought to be improved through the signing and ratification of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

Furthermore, women's shelters started to function for the first time in 1990. Currently, there are 125 women's shelters throughout Turkey 90 of which are affiliated to the General Directorate on the Status of Women and 35 of which are affiliated to the governorates, district governorates and local administrations. In addition to the shelters, there are 14 Violence Prevention and Monitoring Centers and 25 First Step Stations which are delivering services for victims of violence.

Another mechanism of reference for the victims or survivors of violence or those at risk of violence and in need of support is the "ALO 183" Hotline. A "Pilot Application on the Use of Electronic Support Technologies for Combating Violence against Women" was started. In two pilot cities, safety pushbuttons have been handed out to the survivors/ victims or those under risk, upon the order of a judge. Additionally, psychosocial support services are being offered at the Women's Counseling Centers of the Bar Associations and the "Psychosocial Support and Crisis Response Units" formed within the emergency rooms of hospitals. (General Directorate on the Status and Problems of Women)

Yet despite all these actions and all efforts and initiatives to promote and implement gender equality within the country, Turkey still has the fastest increasing rates of violence against women in the world. According to the Turkish Ministry of Justice, from 2003 (when the AKP came to power) until 2014, there was a **1,400 percent increase** in the number of murders of women. And it is worth noting that the greatest changes in laws and regulations according to international agreements like CEDAW and the Beijing Declaration were made by the AKP government.

This announcement was based on the February 2015 report prepared by the Ministry of Family and Social Policy through its 'Commission of Searching for the Reasons of Violence' about women facing physical or sexual violence at the hands of a family member:

In 2014, **4 in 10** women in Turkey have been exposed to violence, while the global average of domestic violence against women is around 30%. In Turkey, 36% of non-single women face physical violence through men. 12% of married women and 10 percent of pregnant women have been exposed to sexual violence. Regardless of being married at young age or as an adult, or being in a non-married relationship or divorced; women face physical and/or sexual violence at high levels. 9% of women face sexual violence before the age of 15. And still the numbers are expected to be much higher than revealed by the state as many incidents are not reported by women.

These examples of Turkey as well as Tunisia showcase that all of these international agreements and declarations have clearly failed to even dent the scale of violence against women; moreover they have directly fuelled degrading, humiliating and violent behaviour towards women all across the world. This is due to approaching the problems of women on the basis of 'gender equality' which is a secular liberal value that arose from the call for personal freedoms. More precisely, the idea of secularism excludes the Creator from the organisation of the affairs of life and grants individuals the permission to perform actions in their lives according to their own whims and desires. As a result, promoting the human to pursue his/her own desires, also promoted sexual freedoms, allowed the exploitation of bodies of women in advertising, entertainment and pornography industries for profit while continuously corrupted the view on women and degraded their value and status in societies. This together with a lack of convincing and satisfying regulations for the affairs and interaction between men and women as well as the lack of adequate punishment for any transgressions against the honour and dignity of women led to the ungovernable escalation of violence against women. Therefore, as long as these corrupt values and views remain predominant in societies, making a few policies or laws or setting up initiatives and women's organisations will do little or even nothing to remove the problem; rather these actions do only serve to preserve the secular liberal freedoms and thus the intellectual colonisation of Muslim lands and people. In face of these facts, we as Muslims must reject these kinds of approaches, ideas and values and any international agreements and declarations, and instead must become aware of this form of colonisation – a colonisation that could take

place, spread and gain effectiveness only after the removal of the protective shield of the Khilafah that solely acts according to the desire of the Creator of the Worlds, Allah (swt). And Allah (swt) prescribed and regulated relationships between men and women through the laws and rules He (swt) revealed through His (swt) Messenger Muhammed (saw).

﴿وَمَا أَنزَلْنَا عَلَيْكَ الْكِتَابَ إِلَّا لِتُبَيِّنَ لَهُمُ الَّذِي اخْتَلَفُوا فِيهِ وَهُدًى وَرَحْمَةً لِّقَوْمٍ يُؤْمِنُونَ﴾

“And We have not revealed to you the Book, [O Muhammad], except for you to make clear to them that wherein they have differed and as guidance and mercy for a people who believe.” [An-Nahl 64]

Thus; Islam as a divine system offers a robust, sound strategy to safeguard the dignity and wellbeing of women within society through clear values, credible principles and accurate laws that have to be and can only be implemented by the Khilafah. And the Khilafah as the prescribed form of governance by Allah (st) is the only form of governance that realizes all the aims and views desired by Allah (st). This state will ensure a respectful view and behaviour towards women through all means at its disposal like education, media and policies that reject a capitalist and secular view on social life and promote instead God-consciousness (taqwa) and fear of Allah for any misbehaviour by nurturing a mentality of accountability regarding the view and treatment of women. Therefore any influx of secular liberal values and ideas through the means of media, images, books, magazines or music that cheapen the status of women or promote hedonistic lifestyle will be prohibited. Instead these means will be replaced by media and publications that promote the noble treatment of women. The very basic principles are shaped upon the Qur'an and the advices of the Prophet (saw), as for example:

«إنما النساء شقائق الرجال ما أكرمهن إلا كريم وما أهانهن إلا لئيم»

“Women are the twin Halves of men. None but a noble man treats women in an honorable manner, and none but an ignorant treats women disgracefully.”

Any approach undertaken by the Khilafah in addressing problems regarding women, like violence, humiliation, assaults, rape or slander aims at targeting the root causes of their emergence. Thus it prohibits the sexualisation of society, all forms of objectification and exploitation of women's bodies. And relationship between sexes is regulated by a comprehensive social system that includes a modest dress code, the segregation of the genders and a prohibition of extramarital relationships. Additionally the Khilafah obliges an efficient judicial system that deals with crimes swiftly and applies harsh punishments such as lashing for slander against women, or even the death-penalty for the violation of a woman's dignity. Cultural attitudes that devalue women or rob them of their Islamic rights, as well as oppressive traditional practices such as forced marriages and honour killings will be eradicated through the Islamic educational and judicial system. It is a state where a single dishonourable glance, word, or act against a woman is considered a crime and will not be tolerated. This is going to create an atmosphere of immense respect towards women and thus the long-desired safe environment where they can study, work, travel, and live truly safe and dignified lives.

**Written for the Central Media Office of Hizb ut Tahrir by
Zehra Malik**

ⁱ Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence - Executive summary

http://apps.who.int/iris/bitstream/10665/85241/1/WHO_RHR_HRP_13.06_eng.pdf

ⁱⁱ <https://www.opendemocracy.net/openglobalrights/elsy-melkonian/women%E2%80%99s-rights-in-tunisia-promising-future-or-religiopolitical-game>

ⁱⁱⁱ http://genderindex.org/country/tunisia#_ftn80

^{iv} <http://www.medinstgenderstudies.org/wp-content/uploads/Session-2-EMHRN-Factsheet-VAW-Tunisia-EN.pdf>

^v <http://www.tunisia-live.net/tag/national-survey-on-violence-towards-women-in-tunisia-enveft/>

^{vi} . (The [National Survey on Violence towards Women in Tunisia \(ENVEFT, 2010\)](#) questioned 3,873 women aged between 18 and 64, living in all seven regions of Tunisia.)

^{vii} REPUBLIC OF TURKEY - PRIME MINISTRY; General Directorate on the Status and Problems of Women; Response Of The Republic Of Turkey to the Questionnaire on Implementation Of The Beijing Platform for Action; Ankara, April 2004;