

WOMEN AND SECURITY - WORKING SESSIONS 10 / 11

Current Situation

Most women's groups and NGOs familiar with the current situation for women in Turkey agree that 2006 was a good year for women's rights, closing with revisions to the Law on Protection of the Family in December that widened its scope, the enactment of new legislation friendly to women and the issuing of several statements denouncing violence against women by the government. New Turkish women's groups were formed, and those that have been fighting for reforms for years finally felt that their views were consulted and their voices heard by government ministers. This encouragement from the government then allowed women's groups to reach out to one another and sympathetic NGOs to create more support networks for women in Turkey and lobbying groups to press the government for further changes.

Probably the greatest success for women's rights advocates on these grounds has been the government circular order officially denouncing violence against women and enhancing state protection of women. This order was issued in July of 2006, and followed up by promises of positive discrimination in government appointments, new gender equality laws, media campaigns to raise public awareness on domestic violence and other issues and a 24 hour violence hotline staffed by professional trained in psychology and social work. 2006 therefore witnessed several positive developments that left women and human

rights defenders hopeful that 2007 would see the enactment of many of these promised changes, and particularly the implementation of a strict policy against violence towards women on the ground.

Unfortunately, with the tumult of a failed Presidential election, early Parliamentary elections, increasing censorship of the press and renewed struggles with militant groups, improvements for women have slowed in 2007. In January of this year the Kurdish Human Rights Project sent a fact finding mission for the European Parliament to Turkey to research the alleged increase in suicide amongst young girls in the southeast of the country. The mission came back with a wealth of information both on the increase in suicides and also on women's situation in Turkey more generally, which it found to be much the same as it had been in years before and little evidence of steps towards positive change on the ground. One example is the dearth of women's shelters and the inadequacy of those that do exist, which the Special Rapporteur to the UN noted in 2006. Though women's groups were hopeful that the government's promises of improved conditions for women would stimulate the construction of new shelters throughout the country, there has been little improvement in this regard in 2007. Similarly, despite the recent legal reforms penalising many crimes against women, women from all parts of Turkey continue to fall victim to 'honour killings' and suffer abuse from family members based on old behavioural codes.

Domestic violence also continues to plague women around the country, but poses a special problem for Kurdish women, for whom the problem is often compounded by the effects of struggles with the gendarmerie. Domestic violence issues are also more likely to go unaddressed in these areas because of the general lack of governmental support and total absence of women's shelters. Of Turkey's 15 women's shelters, only one is located in the Kurdish east. With limited access to healthcare and suffering the added stress of political disenfranchisement and, in some cases, internal displacement, Kurdish women remain especially vulnerable to many forms of violence and abuse both from their own families and agents of the government. Furthermore, Kurdish women are less able to seek help as fewer of them receive formal education and therefore they are less likely to speak Turkish than their male counterparts. The combination of these factors has left Kurdish women doubly exposed to attacks of violence, and often quite helpless to prevent or stop them.

OSCE Commitments

We recall to the Turkish state the following commitments that it has made and ask it to renew its undertaking to respect them.

- Participating States “stress the importance of ensuring equal rights of men and women; accordingly, they agree to take all actions necessary to promote equally effective participation of men and women in political,

economic, social and cultural life". (Madrid Document 1983, "Questions Relating to Security in Europe: Principles")

- Participating States therefore promise to "undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings". (Istanbul Document 1999, "Charter for European Security: III. Our Common Response", par. 24)
- To ensure that women are protected in accordance with these promises, participating States will, "among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims". (Moscow Document 1991, par. 24)
- Participating States, individually and collectively, bear the primary responsibility and are accountable to their citizens for the implementation of their commitments on equality of rights and equal opportunities for women and men. They have committed themselves to making equality between women and men an integral part of policies both at State level and within the Organization. They will ensure the full use of the appropriate OSCE fora for reviewing the implementation of OSCE commitments on equality between women and men". (Sofia Document 2004, "Decisions: Annex to Decision No. 14/04: 2004 OSCE Action Plan for the Promotion of Gender Equality")

Assessment 2006-2007

Though 2006 ended with positive legislative changes for the situation of women in Turkey and the official denouncement of violence against women by the Turkish government, on the ground many problems continue to go unaddressed, and the day-to-day situation of women remains largely the same. The Turkish Parliament continues to be dominated by men, even after the election of 48 female MPs in the July 2007 Parliamentary elections. Indeed, the OSCE/ODIHR election observation mission noted in its preliminary findings that the participation of women as candidates “remained low”.²⁸ ‘Honour killings’ still occur throughout Turkey, and often go uninvestigated in the Kurdish south-eastern part of the country. Internal displacement, violence between militant groups and Turkish gendarmes, illiteracy and ethnic discrimination continue to render Kurdish women more vulnerable than their Turkish sisters, while both groups endure domestic violence. The summary below offers a brief snapshot of each of these different issues in 2006-2007.

a) Women and Political Representation:

February 2007 witnessed the first occasion of a female majority within a Turkish political party when the socialist Freedom and Solidarity party (ODP) set a 40 per cent quota for all administrative positions within the party, and 50 per cent of those actually elected were females. The 2007 Parliamentary elections

²⁸ ‘Turkish Elections Underscore Positive Record and Continuing Challenges’, OSCE Press Release 23 July 2007.

also saw a victory for women with the election of 48 female candidates, 8 of which ran independently. While this result is a positive step for women and brings hope to those who wish to see more reforms enacted and changes actually implemented on the ground, it remains to be seen how these women will be treated in government and therefore if their participation in the political process will be real. Women who have won a Parliamentary seat have crossed the threshold, but will likely have to fight in order to have their voices heard or win important appointments as in the past women MPs have been relegated to the backbenches by their male counterparts. Furthermore, 48 is a small number when compared to the 550 MPs elected in total. Indeed, chairwoman of the Association for the Support and Training of Women Candidates (Ka-Der) Hülya Gülbahar has called for a quota in order to assure that women are equally represented in government.²⁹

One of the greatest barriers women seeking to enter government in Turkey face is the 10 per cent threshold required for Parliamentary representation, which has been criticised by the European Court of Human Rights as the “highest in Europe”.³⁰ This limitation discriminates doubly against Kurdish women, as they must struggle first to gain representation within their own parties, and then again to achieve the 10 per cent minimum required to actually win a seat in Parliament. Though male MPs have been integral to the

²⁹ ‘48 Women in Parliament’, BIA News Centre 23 July 2007.

³⁰ *Yuman and Sadak v. Turkey*, 10226/03, ECHR Jan 30, 2007, p. 17. (January 31, 2007).

women's rights movement in Turkey, the lack of women in government also means that women's rights advocates and lobbyists often press for changes without the support of women from within Parliament. Kurdish women suffer in this regard even more, as their exclusion from government means that their particular issues and problems are likely to go unaddressed when women's rights are discussed.

b) Suicides, 'Honour Killings' and Domestic Violence

'Honour killings' occur when a woman, or sometimes a man, is murdered for supposed sexual, marital or cultural offences, with the justification that the offence has violated the honour of the family.³¹ Despite the passage of new laws criminalising such murders and the government's condemnation of violence against women, an article published by the 'Turkish Daily News' on 17 January 2007 reported that "one woman every two weeks was victim to a murder motivated by traditional beliefs about a woman's place in society" in Istanbul. The report used data from 2006 taken by the Parliamentary commission on custom and honour killings, which also stated that violence against women and children was on the rise in Istanbul.³² In addition to enduring direct attacks from male members of their communities, reports have circulated claiming that since the government criminalised certain 'honour killings', families have begun

³¹ 'European Parliament Project: The Increase in Kurdish Women Committing Suicide', KHRP, 2007, p. 13.

³² Newspaper article in the 'Turkish Daily News', 17 January 2007.

pressuring their 'dishonoured' female relatives to kill themselves. KHRP sent a fact finding mission to discover the truth of these allegations in the Kurdish regions of Turkey, the results of which are discussed below. Though conclusive evidence remains elusive, the suggestion that violence against women has shifted with the passage of new laws should alert the Turkish government, NGOs and other human rights defenders to the limitations of progressive legislation when community attitudes lag behind. This information also underscores the country's need for concrete measures to combat violence against women such as more shelters, special police training and public education programs to implement the government's new policy of no tolerance for violence against women as, despite the new laws, they continue to be victims of violence throughout the country.

c) Lingering Gender Equalities Under the Law and in Society

Despite the government's proclamation that it will take a great interest in women's rights and interests, a July 2007 Supreme Court decision seriously undermines a woman's ability to recover a fair settlement in divorce proceedings, and also denigrates the value of women's domestic work. The case of *Fatma and Mehmet A*, decided in July 2007, held that a woman's domestic work does not qualify as financial contributions to a married couple's net worth under Article 227 of the Turkish Penal Code, and that therefore she is not entitled to any portion of joint assets upon divorce from her husband. Lawyer Hülya

Gülbahar called this holding "a wrongful dismissal of women's work within a marriage and an act of violence on behalf of the state".³³ Indeed, this holding is especially troubling in light of the fact that, as of November 2006, only 28 per cent of Turkish women work outside the home, and many of these perform unpaid work for a family business.³⁴ The decision overruled one from a lower court that had granted the divorced wife a portion of she and her former husband's assets. In addition, Turkish women continue to complain that Article 10 of the Turkish Civil Code, amended in 2002 to allow for the division of jointly-held property in a divorce, is not being applied retroactively, so that women who are leaving longer marriages cannot receive any portion of assets acquired before this date. In fact, as the Civil Code currently stands, the majority of married women would be unable to benefit from it. Gülbahar complained that though three courts in Istanbul alone have referred cases dealing with this issue to the Constitutional Court, that body has refused to make any effort to interpret the law more equitably or change it on its face.³⁵

Equally disturbing are the results of the 2006 World Economic Forum Gender Gap Report, which ranked Turkey at 105 of 115 countries, placing it behind every EU state as well as countries like Cameroon, Bahrain and Ethiopia.³⁶ The ranking assesses economic participation, educational attainment, health and political empowerment. A European Stability Initiative Report

³³ 'Supreme Court Devalues Housework', BIA News Centre 11 July 2007.

³⁴ World Economic Forum Gender Gap Report; <http://www.weforum.org/pdf/gendergap/report2006.pdf>

³⁵ 'Supreme Court Devalues Housework', BIA News Centre 11 July 2007.

³⁶ World Economic Forum Gender Gap Report; <http://www.weforum.org/pdf/gendergap/report2006.pdf>

published in June 2007 argued that of all these areas, it is the low levels of Turkish women in the labour force and in institutions of higher education that contribute most dramatically to this poor ranking.³⁷ Indeed, a lack of formal education not only prevents Turkish women from successfully working outside the home or participating in politics, but may also render them more vulnerable to domestic violence as they are wholly dependent on the support of male heads of the household.

d) Kurdish Women – Separate Issues and Particular Vulnerabilities

Though violence against women and repression of their interests remains a problem throughout the entire Turkish nation, a recent KHRP fact finding mission observed that it is an issue most acutely felt by Kurdish women occupying the south-eastern part of the country. Because of the myriad of social issues such as displacement, unemployment, illiteracy and political disenfranchisement impacting the Kurds, Kurdish women have to contend with an additional set of problems that create stress in their communities and leave them vulnerable to violent attacks from family members and state actors. It is thus doubly important that Kurdish women are able to achieve political representation that will allow them to effectively push for reforms, and receive time and money from both the government and human rights defenders to create the support networks needed to assist Kurdish women in both coping with

³⁷ ‘Sex and Power in Turkey: Feminism, Islam and the Maturing of Turkish Democracy’, European Stability Initiative Berlin-Istanbul 2 June 2007, p. 27-28.

violence perpetrated against them, and overcoming current obstacles to their advancement, which are discussed below.

1) Failure to Investigate Suicides and 'Honour Killings'

Unfortunately, the practice of 'honour killings' persists in the Kurdish regions of Turkey despite the new legal reforms meant to criminalise it. Though Kurdish and Turkish women alike continue to be killed by their male relatives to redeem lost 'honour', new information has suggested when the government increased the punishments for such killings, family members began pressuring their female relatives to commit suicide once their 'honour' had been compromised. One of the primary goals of KHRP fact finding mission of January 2007 was to investigate the validity of such reports in Kurdish communities. While a dearth of reliable and independent statistical data prevented the mission from definitively concluding that the suicide of young women is indeed on the rise in the Kurdish regions of Turkey, it did gather evidence that the root causes of suicides by young Kurdish women are largely linked to a variety of different pressures from their families, many of which could be minimized by government reforms and aid.³⁸

KHRP's 2007 report found that because Kurdish communities continue to operate largely on tribal structures that allow men to determine what will happen to their daughters and wives almost entirely independently of their

³⁸ KHRP's European Parliamentary Project: The Increase in Kurdish Women Committing Suicide Report, p. 9.

consent, women are often placed in situations capable of causing extreme distress and feelings of desperation that may cause them to contemplate suicide. Practices such as forced marriage, '*berdel*' (the exchange of brides between two families), '*beşik kertmesi*' (marriage arranged from infancy), polygamy, forced prostitution and the ongoing threat of 'honour killings' continue in the Kurdish communities of Turkey, often leaving women under total male domination. Nevertheless, human rights lawyer Eren Keskin has warned that characterising these suicides and 'honour killings' as a particularly Kurdish problem constitutes a slur on Kurdish culture and values.³⁹ Indeed, the mainstream Turkish media often spins 'honour killings' and female suicides that occur in predominantly ethnic-Turkish areas of the country as problems experienced by Kurdish emigrants rather than by ethnic Turks. In addition, these crimes are noticeably less investigated when they occur in the country's predominantly Kurdish south-east. In its 2006 Progress Report, the European Commission criticised the Turkish government for failing to properly investigate reports of suicide or murder of women, while Special Rapporteur of the United Nations Commission on Violence Against Women Yakin Ertürk found that many senior justice and law enforcement officials reported a number of suspicious suicide cases or 'accidental' deaths of women that may have in fact been forced suicide or

³⁹ 'European Parliamentary Project: The Increase in Kurdish Women Committing Suicide', KHRP 2007, p.14.

murder.⁴⁰ KHRP 2007 fact finding mission found supporting evidence in the form of numerous reports of girls being locked rooms for days with rat poison, a pistol or rope and being told that all that lay “between their disgrace and redemption was death”. Though such allegations were widely known and discussed in the local community, they were not investigated by the police even when they were reported.⁴¹

2) Domestic Violence, Internal Displacement and the Need for Shelters

Domestic violence has been cited as one of the main causes of attempted suicide and suicide by women within the Kurdish communities of Turkey.⁴² Though it is a problem throughout the country, high unemployment and alcohol use have been shown to make domestic violence particularly endemic among the Kurdish regions of the country.⁴³ A recent survey conducted by the Centre for Education and Psychological Consultancy for Women in Diyarbakir revealed that over 30 percent of women who had applied to the centre complained of family problems, with 74 percent saying they suffered physical abuse, 76 percent

⁴⁰ ‘European Parliamentary Project: The Increase in Kurdish Women Committing Suicide’, KHRP 2007, p.16.

⁴¹ ‘European Parliamentary Project: The Increase in Kurdish Women Committing Suicide’. KHRP 2007, p.16-17.

⁴² KHRP European Parliamentary Project: The Increase in Kurdish Women Committing Suicide Report, p. 9.

⁴³ KHRP European Parliamentary Project: The Increase I Kurdish Women Committing Suicide Report, p. 11.

verbal, 69 percent emotional and 30 percent sexual.⁴⁴ Furthermore, women in these regions continue to suffer for being unable or unwilling to report the abuses they suffer. Women in the Kurdish regions often do not report domestic violence to the police for fear of shaming their families, but when they do, the attacks are rarely investigated and charges are almost never pursued.⁴⁵

The most affected group is internally-displaced or IDP women, who are concentrated mostly in the south-east of Turkey and have often come to the region separated from the rest of their former communities. These women and their families must then face the stress of acclimatising to a new place, often without money or job prospects, without the support of old friends or extended family, effectively stripping IDP women of the support networks they need to cope with and protect themselves from domestic violence. Turkey's dearth of women's shelters, noticeable throughout the country, presents particular problems in the south-east as IDP women have nowhere to turn in the face of violence. Indeed, many provinces in the south-east of Turkey, including Batman, Hakkari and Mardin, have no shelters at all. Though Van has a shelter, which is funded by the US embassy, it can only accommodate 17 women for a maximum of two months. Shelters in other parts of the country will only admit women for a maximum of 3-6 months. Such a short amount of time is not adequate to help women escape from the violence they have fled, or effectively deal with the

⁴⁴ DIHA news report by Rojda Kizgin and Eyrin Dengiz.

⁴⁵ 'Turkey's Accession to the EU: Democracy, Human Rights and the Kurds' KHRP, 2006, p. 32.

feelings of helplessness which not only perpetuate the cycle of domestic violence, but also contribute to despair that can end in suicide. Indeed, a 2007 report on women in Turkey submitted to the EU Parliament recommends at least one shelter or refuge space for women and children survivors of domestic violence per female population of 10,000.⁴⁶

3) Abuse and Rape of Women in Detention

Kurdish women are often detained or arrested in connection with their political activities, or those of their male family members. In November 2006 the results of a nine year study revealed that a total of 236 women have sought legal assistance for being harassed or raped while in detention by the police from 1997 to 2006.⁴⁷ At least 70 of these women were raped, while 166 others were sexually harassed. While most of the victims were over 18, 38 were reportedly between ages 10 and 18. 187 of the complainants were Kurdish women, and 206 of the 236 were detained for “political reasons”. Eren Keskin, the project’s lawyer, said she felt that the police and gendarmes specifically use harassment and rape as deterrents to political activity.

⁴⁶ ‘Report on women’s role in social, economic and political life in Turkey’ from the Committee on Gender Rights and Equality, submitted to the European Parliament on 11 January 2007, Emine Bozkurt; <http://www.eminebozkurt.pvda.nl> (last accessed 10 July 2007)

⁴⁷ ‘Women Harassed and Raped in Detention’, BIA News Center, Ayca ORER, 2 November 2006.

4) Enrolment in School and Education

Lack of formal education remains a problem for women across Turkey, with teacher's union *Egitim-Sen* reporting in 2006 that 70 per cent of children not in primary school are girls.⁴⁸ The number of uneducated females tends to be even higher in the rural south-east and Kurdish east. UN Special Rapporteur on Violence against Women Yakin Ertürk reported on 5 January 2007 that one third of all girls were not enrolled in primary education in Van and Şanhurfa.⁴⁹ While women throughout Turkey suffer from a lack of formal education, this problem further endangers Kurdish women as without formal schooling they may not learn Turkish, and therefore will never be able to get health care or approach the police on their own. Furthermore, women who never receive formal education have greater difficulty escaping from situations of domestic violence and abuse.

Recommendations to the Government of Turkey

Undoubtedly the Turkish government's decision to enhance state protection of women and circulation of its official policy denouncing violence against women has encouraged women's rights advocates both within Turkey and abroad that further reforms are possible. Upon returning from its fact finding mission at the end of January 2007, however, KHRP made several recommendations to the Turkish government which bear repeating here.

⁴⁸ *New Turkish School Term Starts with Defects*, BIA News Center 19/09/2006.

⁴⁹ Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, Yakin Ertürk, Addendum, Mission to Turkey, 5 January 2007, par. 16.

a) Legislative Reforms and Recommendations on Women's Safety

Though the new Penal Code has largely aligned its definitions of crimes against women with international human rights standards, it retains some unclear and imprecise language that allows certain crimes against women to go unpunished. For example, not all 'honour killings' are criminalised under the new code as it references 'custom killings', rather than 'honour killings'. This definition does not fully cover the murder of a woman based on codes of 'honour', and therefore leaves women vulnerable to potentially unpunished attacks. During the code's drafting phase several women's groups and NGO's suggested that the new Penal Code use the phrase 'honour killings' rather than 'custom killings'. KHRP supports this suggestion, and urges the Turkish government to thus amend the code to more fully protect women from the vicious attacks they continue to suffer in the name of 'honour'.

KHRP further urges the Turkish government to fully investigate purported suicides by young women, as some evidence indicates that the criminalisation of certain 'honour killings' has lead families to pressure their daughters to kill themselves for breaking 'honour' codes. The Turkish government must continue to be vigilant in confronting this denigrating, oppressive practice wherever and however it occurs.

A similar problem exists with the new Penal Code's regulation of 'genital examinations'. Though they are now only legal if carried out for reasons for public health or, at the request of the court, to further the investigation of a

crime, a woman still need not give her consent before the exam is conducted. By allowing genital exams without the explicit consent of the woman, the Turkish government turns a blind eye to the practice of 'virginity testing', which may still be carried out under the guise of a medical exam. In much of Turkey pre-marital virginity remains critical to a woman's perceived 'honour', and therefore the use of 'virginity testing' is yet another means of controlling women's behaviour, and can even affect their safety. We therefore urge the Turkish government to mandate a woman's consent before any 'genital examination' be conducted on her.

Nazik Isik has also recommended that to strengthen its declaration against violence against women, the Turkish government should expand its definition of violence to recognize the myriad of ways that women are harmed by repressive and discriminatory policies and practices.⁵⁰ This broader definition should include an understanding that not sending female children to school does them violence, as does the general perception that domestic violence is a private issue that should not be discussed in society. By formally recognizing that women are harmed by a variety of societal practices and norms, the Turkish government could then take positive steps to combat these problems and thereby effectively improve the situation for women on a day-to-day basis on the ground.

KHRP also urges the Turkish government to amend Article 10 of its Civil Code so that it applies retroactively, enabling all women to recover the true value

⁵⁰ *Women Getting Results Against Violence* BIA News Center 27/11/2006.

of jointly-held assets in divorce proceedings. In addition, this report recommends that the state of Turkey train all members of the Judiciary on its obligation to regard men and women equally under the law with the goal of reversing the Fatma and Mehmet A. decision, among others that weaken or devalue women's rights.

The Turkish government should also amend the Political Parties and Election Acts to include a minimum 30 per cent quota for women's political participation.

b) Support for Displaced Women and Victims of Domestic Violence

KHRP further urges the state of Turkey to build more shelters for women and children who seek to escape from situations of domestic abuse or violence. The government should follow the proportion recommended to the European Parliament and construct one shelter per 10,000 women.

The Turkish Armed Forces and Police should receive training on domestic violence so that they know what to look for and how to intervene in situations of violence against women and children.

KHRP also recommends that the Turkish government make serious efforts to educate women as education will help empower them to escape from abusive situations and prevent them from depending totally on male family members or husbands for support.

Finally, KHRP urges the Turkish government to continue to speak out against violence against women, condemn 'honour killings', and create supportive environments where women can go to talk about domestic violence or abuse they are suffering. At present, domestic violence is a social taboo, viewed as a private, shameful issue that should not be discussed, and this belief shields violence from exposure and intervention. If the Turkish government were to expend time and energy in breaking down this notion of domestic violence as a private issue through public education programmes and community service initiatives, it may find that communities will begin sharing the burden of protecting women from domestic violence.

Recommendations to the OSCE

Recalling the commitment to protecting and promoting women's rights and safety that all OSCE participating States agreed to uphold in the Madrid, Istanbul, Moscow and Sofia Documents, KHRP recommends that the OSCE take measures to encourage the state of Turkey to honour these promises for all women found within its borders. In particular KHRP urges the OSCE to:

- monitor the safety of women throughout Turkey by liaising with human rights defenders, national women's groups, NGOs and IGOs by remaining informed as to 'honour killings', suspicious suicides and their investigations occurring in Turkey;

- recall the agreement made by all participating States in the Sofia Document of 2004 to make use of OSCE fora to review the implementation of these commitments and send an observation mission to different parts of Turkey to review the status of women in all parts of the
- use its good offices with the United Nations and European Union to exert pressure on the state of Turkey to actualise the reforms it promised in 2006, including positive discrimination in government appointments, public education programmes, domestic violence hotlines, the construction of new shelters and the persistent prosecution of perpetrators of all forms of violence against women;
- again recalling the commitments agreed to by all OSCE participating States in the Sofia Document, monitor the seriousness with which the Turkish government investigates suicides of young females and 'honour killings' by sending trial observation mission to observe the prosecution of these types of cases.