

## The Role of Kurdish Women in Dialogue, Conflict resolution and Reconstruction, and in Their Struggle for Human Rights and Democracy

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May 2008

Patriarchal social structures, regional underdevelopment and the impact of conflict present women in the Kurdish regions with a battle against discrimination on multiple fronts. Moreover, access to political representation and adequate legal remedies that might provide redress to gender discrimination is often undermined by these very factors.

Yet, these problems have been and continue to be ignored and misused for political agendas. In Turkey particularly, but also in Iran, the state authorities have periodically and strategically highlighted their plights of honour-based & domestic violence to demonstrate 'the inferiority of Kurdish culture and make the argument to the international community that Kurds cannot live peacefully, especially if left to live amongst themselves. ...That they are a backwards culture... Misguidedly buying into this illogical argument—which ignores the history of violence in the region and the globally recognized links between post-traumatic stress and domestic violence—as well as the endemic practice of honour based violence across the entire Middle & near East, equally prevalent in Turkish, Persian and Arabic society, Kurdish political movements and society have often wilfully chosen to ignore the specific struggles of women in the name of 'the greater political struggle for Kurds', claiming that women's rights will be addressed after the conflict is resolved.

Some, especially women who have had central roles in the political and armed struggle, genuinely believe this will happen AFTER resolution, whilst others, are simply using this as a pretext to sanction ongoing violations of women. Unfortunately, the global experience of struggle demonstrates that this is not the case. The importance of the role of women in bringing about peace and simply in continuing day-to-day life during conflict must be recognized.

The Kurdish Human Rights Project's work started in London, focusing on a conflict region that was largely ignored by the international community. In pioneering the use of international human rights mechanisms KHRP has seen dramatic changes to the region, and its programme of transferring skills and building independent capacity means it increasingly serves as secondary advisors, rather than lead counsel in cases brought before international bodies. Our experiences throughout affirm the central tenets of UN Security Council Resolution 1325: women are amongst the most vulnerable in these fragile situations, but more, without recognition of their role in building peace and security, meaningful change will remain elusive.

Global analyses show that the involvement of women in governance increases engagement with consultative processes leading to a strengthened democracy. This is particularly important in conflict and post-conflict situations for peace-building and the legitimacy of government. For example, the Forum of Rwandan Women Politicians spearheaded a programme of public consultations surrounding the August 2006

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gender-based violence bill. This bill is now a law and is the only piece of legislation that has been successfully introduced by members of parliament, rather than the executive, in Rwanda.

In the post-apartheid government in South Africa, women have been instrumental in security sector reform, including the African Women's Peace Table Initiative which brings more than 100 women from across the defense services and civil society into an annual forum to discuss a common peace agenda. Women's inclusion in peace-keeping forces across Africa, including an all female UN peace keeping unit in Liberia, enhances stability and accountability of post-conflict reconstruction.

In the Kurdish regions, wherever they are, women are on the frontline of conflict. At once, particularly vulnerable, but also in a position of power, as the women in Rwanda, South Africa and indeed Northern Ireland know well. The strategic use of international mechanisms enables women to protect their rights enshrined in international law, and promote their role in conflict resolution and reconstruction, as recognised by the international community.

In the last two decades the actions and advocacy of the women's movement have succeeded in promoting a number of significant legal changes in Turkey and Iraq, including enshrining equality between spouses in the 2001 Turkish Civil Code reform, and securing a 25% female quota in the Kurdistan National Assembly in Iraq.

It is important however to note that while regional autonomy in Kurdistan, Iraq has created new opportunities for women, violence against them or at least reported violence against them has increased. The promotion of the role of women in achieving sustainable peace requires engagement across the international community. Although the enforcement of internationally agreed standards can appear particularly difficult regarding women's rights when human rights violations against them are sanctioned by tradition, KHRP has learned over the last 15+ years, it IS possible.

Nonetheless, as the Rwandan & South African cases, as well as many others across the world have shown, getting the language of international protection of women's rights to become part of human rights discourse, legislation and case-law is possible. Turkey and Iraq do have specific legal obligations as signatories of a number of international treaties protecting women's rights. There is the Convention on the Elimination of Discrimination against Women (CEDAW) which ensures that women will enjoy and be able to exercise all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other sphere on the basis of equality with men. This means that there must be both de jure (as a matter of law) and de facto (as a matter of fact) equal rights for

women, including the elimination of laws and practices which have a discriminatory effect although no discrimination was intended.

CEDAW's main legal provisions are supported by a number of other international treaties signed by Turkey and Iraq including the International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social and Cultural Rights (ICESCR).

In addition Turkey has obligations to eliminate discrimination as a signatory of the European Convention on Human Rights, (Article 14) and in its implementation of the 'Copenhagen criteria' in order to proceed with accession negotiations with the European Union that were opened in 2002. And of course there is Security Council Resolution 1325.

KHRP has used many tactics to ensure that women's rights are seen as integral to a healthy, vibrant democratic society in the Kurdish regions.

A joint initiative between the Kurdish Human Rights Project and Kurdish Women's Project (KWP) saw the creation of the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora, following three years development in consultation with women across the region. The Charter was launched in the House of Lords and the Kurdistan National Assembly in Erbil, in 2004 and was followed in 2005 by a training manual on the enforcement of the Charter in order to promote grass roots implementation.

Although the Charter is not legally binding, it provides Kurdish men & women with a comprehensive view of strategies to seek redress in the event of their human rights being violated, as the principles represent already existing international standards. There have been numerous reports of judges in the KRG citing the Charter in their judgements.

Also, our groundbreaking case at the European Court, *Aydin vs Turkey*, which established rape 'by or with' the acquiescence of state agents as 'torture' in the Council of Europe, combined with a number of KHRP trial observations that reported consistently on systematic state violence against women, saw the new Turkish Penal Code in 2001 bring significant changes to the definition of rape.

In the old penal code, sexual offences were regulated under the section "Crimes against Society" in the sub-section "Crimes against Public Morality and Family." This classification reflected a patriarchal notion that women's bodies and sexuality did not belong to themselves, but rather to their families or society. In the new penal code, sexual offences are now regulated as "Crimes against Persons," in the sub-section "Crimes against Inviolability of Sexual Integrity." This constitutes a groundbreaking shift in the overall perspective of Turkish Penal Law, legally acknowledging women's ownership of their bodies and

sexuality.

Sexual harassment is defined to include "all harassment with sexual intent" and sexual harassment in the workplace, perpetrated both by superiors and coworkers, is explicitly recognized as an aggravated offence. Marital rape has explicitly been acknowledged as a crime in the reformed penal code. It can be prosecuted upon the victim's complaint.

KHRP has also found that one of the most effective ways to promote women's rights in the region is through its gender mainstreaming tactics. Looking at gender-specific barriers in all of our training programmes allows women's rights to become a natural part of human rights discourse. Advocates who may passively defend women's rights become armed with knowledge about women's rights tools and this enables them to make stronger domestic cases that involve discrimination or violence against a person because of gender. As was the case in Rwanda, women in the Kurdish regions find that it is much easier to get men involved and interested, when the dialogue is about rights that protect the community and when they do not feel vulnerable to accusations of abuse. Using the case of domestic violence, and demonstrating how it negatively impacts on the community, especially using examples of how this hurts the family/ community network between mothers and sons or fathers and daughters, men, who often feel like 'enemy' when women's rights are discussed, start to take on board the importance of supporting women. This is just one way that we have learned how to effectively reduce inequalities affecting the most disadvantaged women and men, girls and boys in their access to resources, participation in decision-making processes and exercising of rights.

Last September, KHRP co-organised a roundtable in Van with lawyers, human rights associations, women's rights groups and social service organisations to discuss the situation of internally displaced persons who are trying to receive compensation through Turkey's weak compensation programme under Law 5233. In the course of our discussion, men and women discussed that women were being particularly discriminated against when going to the Compensation Commissions. They were being told by Commission members (most of whom are ethnically Turkish) to 'go home and get their husbands, fathers or brothers' if they wanted any compensation. They were also receiving comparatively less compensation to their male counterparts who had made equivalent claims. Further many of the displaced women were second or third wives and thus not recognized as having any rights by the Commissions. Although KHRP was concerned to hear about the forms of overt and covert discrimination, it was pleased to see that there was a general consensus from all present that this gender-based discrimination is yet another way to challenge the effectiveness of this deeply flawed law.

In sum, KHRP believes that although this battle has many fronts, it is actually not all that complicated. The tools are there. The skills & experience are there. Women in the Kurdish regions now need to be given a place at the table, in every sense and in every sphere. This will only be achieved through public awareness, consistent monitoring and enforcement that lead to a zero-tolerance policy for discrimination against them, whether it occurs in the home or at the United Nations.