

COMMUNICATION TO
THE COMMISSION ON THE STATUS OF WOMEN
ON
THE STATUS OF KURDISH WOMEN IN TURKEY

Submitted by Kurdish Human Rights Project

August 2009



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Kurdish Human Rights Project

11 Guilford Street

London WC1N 1DH

KURDISH HUMAN RIGHTS PROJECT

The Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation and registered charity founded in 1992 and based in London, England. KHRP is committed to the promotion and protection of the human rights of all persons living within the Kurdish regions of Turkey, Iran, Iraq, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion.

These states, which encompass the regions traditionally and currently inhabited by the Kurdish people and form the crossroads between East and West, are bound by numerous international laws regarding the respect of human rights. Yet, they have been the scenes of some of the worst human rights violations in the twentieth century and onwards; often combined with the failure of the international community to bring governments in the regions to account for their human rights abuses.

KHRP was born out of a desire to utilise the international mechanisms available to victims of human rights violations, to make the perpetrators accountable and prevent further abuses in the future.

Today, KHRP has earned international recognition for its tireless work to promote and protect human rights in these regions. Its victories have established weighty judicial precedents, secured justice and redress for past abuses and prevented further abuses from recurring. KHRP also produces publications and research that members of the mainstream media have come to rely on as a reliable source of accurate information about the situation for the Kurdish people in these regions.

KHRP employs eleven permanent members of staff in England, and has representatives in Turkey, Armenia and Kurdistan, Iraq. Its UK office is located in central London, where it is not subject to the intimidation and censorship faced by Non-Governmental Organisations (NGOs) in the Kurdish regions. It has formed partnerships with such as The Corner House and Human Rights Watch to send fact-finding missions to the aforementioned regions, and works with the Bar Human Rights Committee of England and Wales to conduct trial observation missions to these regions. KHRP is both a registered charity and limited company, and is funded through charitable trusts and donation.

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INTRODUCTION

1. The purpose of this communication to the United Nations Commission on the Status of Women (CSW) is to highlight the plight of and the various human rights violations which are committed against Kurdish women in Turkey.
2. Kurds constitute the largest minority in Turkey, although exact figures are non-existent since the Turkish Government does not recognize Kurds as a minority group and thus collects no data on the Kurdish population. Since no formal mechanisms for data collection on the Kurds exist, this report will use Kurd-specific data when available and generalise from data on the Southeast and Eastern regions of Turkey as representative of data on the Kurds, since the majority of residents in these respective regions are Kurdish.
3. Kurdish women in Turkey face a double bind and experience discrimination on two levels; firstly, due to their Kurdish identity, and secondly, due to their status as a woman. Since the Turkish government does not recognise Kurds as a minority and does not allow Kurdish to be spoken or taught in public spaces, Kurdish women experience even more discrimination than non-Kurdish women in Turkey. Since many cannot speak Turkish, Kurdish women face very significant barrier to accessing spoken and written resources which directly impacts their independence, as they must depend on others for important information.¹
4. This submission illustrates the key human rights violations faced by Kurdish women in Turkey. Gender-based violence and a lack of resources dedicated to helping victims of gender based crimes are a serious problem for Kurdish women in Turkey. Kurdish women also face inequality in civil legal services, both due to language issues and in accessing justice through the provision of legal aid. They lack educational equality, face discrimination and barriers in employment; and lack access to health services to a greater extent than non-Kurdish women in Turkey. Most of the violations identified stem from two issues: (1) the lack of accessibility and provision of education and services in Kurdish; and (2) lower educational levels attained by Kurdish women, stemming in large part from the barriers to obtaining an education in Kurdish.

¹ Jeroen Smits and Aye Gündüz-Hoşgör, 'Linguistic Capital: Language as a socio-economic resource among Kurdish and Arabic women in Turkey,' 26(5) *Ethnic and Racial Studies* (September 2003), 829–853, at 831.

GENDER-BASED VIOLENCE

Domestic Violence

5. Turkey has made some legal reforms which purport to eliminate discrimination against women and to increase women's rights in respect of protection against domestic violence. Reforms include amending Turkey's Penal Code and implementing the Law on the Protection of the Family². Its reforms, however, fall short of putting into place sufficient measures to ensure the full implementation of these reforms at the level of law enforcement.
6. Pervasive cultural attitudes, male dominated environments and non-compliance of law enforcement officials hinders the full implementation of these reforms. Women's rights groups report that despite these reforms, they still struggle to defend women against 'community attitudes, which are tolerant of violence against women and are frequently shared by judges, senior government officials and opinion leaders in society.'³ Various bodies are at fault for this gap between law and practice; police officers do not take allegations of domestic violence seriously; prosecutors do not investigate allegations for insubstantial reasons; protective orders against men accused of domestic violence, made under the Law on the Protection of the Family, are not sufficiently enforced.⁴ This discriminatory implementation of the Law of the Protection of the Family was highlighted by the European Court of Human Rights (ECtHR) in *Opuz v. Turkey*, in which the court found that Turkey was in violation of Articles 2, 3, and 14 of the European Convention on Human Rights due to the failure of the police and courts to deal with the applicant's and her mother's reports of domestic violence and their requests for protective measures under the Law for the Protection of the Family.⁵
7. Rather than taking appropriate measures pursuant to the Law for the Protection of the family, police officers often see their role as one of a 'mediator,' rather than a 'law enforcement official,' and encourage women to return home and resolve their issues with their spouse. Police decline to investigate allegations of abuse and institute protective

² The Law on the Protection of the Family, Law No. 4320, was passed in 1998 and allows a court to order a spouse accused of domestic violence to abide by certain behaviours. If the court order is violation, the spouse may be arrested and imprisoned.

³ KHRP FFM Report, *Turkey: Fact Finding Mission May 2009*, (draft report, publication forthcoming).

⁴ *Ibid.*

⁵ *Opuz v. Turkey*, Appl. no. 33401/02, para. 192, ECHR 2009.

measures⁶ and view domestic violence as a private family matter that should be sorted out amongst family.⁷

8. In cases where a woman is able to obtain a protective measure against an abusive spouse under the Law on the Protection of the Family, there remain problems with enforcing the order, since the spouse is sometimes friends with the local police⁸. Such indifference toward domestic violence and non-enforcement of injunctions undermine women's ability to gain effective protection from domestic violence.
9. The severity of the situation is exacerbated for Kurdish women who do not speak Turkish. Similar to their experience in accessing other social services, Kurdish women who lack Turkish language skills are at a significant disadvantage in receiving redress for domestic violence since law enforcement officials, as appendages of the state, speak only Turkish. Since many Kurdish women are unable to communicate with law enforcement officials, they are deterred from bringing domestic violence allegations to the attention of the police and, additionally, fear violence at the hands of law enforcement.⁹ The Turkish government has not provided for any mechanisms, such as interpreters, which would increase the ability of Kurdish women to receive protection from their abusers and increase their access to justice. Hence, any legal reforms, such as the Law on the Protection of the Family, without additional apparatus to allow non-Turkish speaking minority women to access these reforms is ineffective, since it bars an entire segment of the Turkish population from benefitting from these reforms.
10. Another obstacle to the full implementation of Turkey's legal reforms is the lack of awareness among Kurdish women of their legal rights. According to a nationwide survey published in 2009 only 2.1 % of women in Turkey and 0.8% of women in Eastern Turkey said that they would call the police, go to court or go to the Association for the Protection of Women if their spouse beat them.¹⁰ Furthermore, data provided by Van Women's

⁶ KHRP FFM Report, *Turkey: Fact Finding Mission May 2009*, (draft report, publication forthcoming).

⁷ Women's Rights Information and Implementation Centre of the Diyarbakir Bar Association (KA-MER), *Research Report on Implementation of Law no. 4320*, 25 November 2005, cited by *Opuz v. Turkey*, Appl. no. 33401/02, para. 192, ECHR 2009.

⁸ "The opinion of Purple Roof Women's Shelter Foundation (Mor Çatı Kadın Sığınağı) on the implementation of Law No. 4320," submitted to *Opuz v. Turkey*, Application no. 33401/02, §192, ECHR 2009.

⁹ KHRP FFM Report, *Turkey: Fact Finding Mission May 2009*, (draft report, publication forthcoming).

¹⁰ Altınay, Ayşe Gül and Arat, Yeşim (2009) *Violence against women in Turkey: a nationwide survey*. See http://research.sabanciuniv.edu/11418/1/Violence_Against_Women_in_Turkey.pdf, (last accessed 24 July 2009)

Association in 2008 indicates that 70 percent of women who applied to the Association did not apply anywhere to seek a remedy for their problems, 22 percent applied to health institutions and local authorities and only 2.5 percent of women applied to the police station. There is clearly a need for awareness campaigns and to ensure that Kurdish women are not disadvantaged, campaigns should be conducted in Kurdish and Turkish.

11. Turkey must overcome the indifference towards violence against women so pervasive throughout all levels of the criminal justice system, through providing increased gender equality training to law enforcement officials, so that the Law on the Protection of the Family may be fully implemented and women may access all the protective measures this law affords. Additionally, Turkey needs to recognize the Kurds as a minority group, so that relevant data relating to the effects of domestic violence on all women in Turkey may be made available.

Lack of Women's shelters

12. Shelters for women who are victims of domestic violence are an important component in not only providing necessary protection for these women, but also in providing the necessary mental and health services required to rehabilitate victims of domestic violence. At present, it is not entirely clear how many shelters exist to serve its population of over 35 million women¹¹ as official and non-official numbers differ greatly. What is clear, however, is that the number of shelters is insufficient to serve Turkey's female population.
13. Turkey has passed the Law of Municipalities No. 5393 which gives local municipalities the authority to render women's services and requires municipalities with over fifty thousand inhabitants to create a shelter. However when asked what penalties a qualifying municipality would suffer if it did not build a women's shelter pursuant to the law, Mural Zorluoğlu, Head of Department of Directorate General for Regional Authorities, stated that a warning was the only penalty in place.¹² The effectiveness of this law, therefore, is questionable since a municipality in violation of the law will receive no penalty and can

¹¹ Turkish Statistical Institute, *Address Based Population Registration System 2008 Population Census Results*, No. 14, 26 January 2009.

¹² UK Border Agency, "Interview with Mural Zorluoglu, Head of Department of Directorate General for Regional Authorities, Ministry of the Interior," *Report of Fact Finding Mission, 11-20 February 2008, Turkey*. (London: UK Home Office, 23 July 2008), at 116.

essentially choose not to build these shelters that are an essential component in protecting women from violence.

14. In addition to creating penalties for non-compliance with this law, the Turkish government should provide more guidelines for the construction of these shelters, as some municipalities are willing to build shelters but are unable to move forward due to lack of guidance from the central government.¹³ Municipalities are also prevented from constructing much-needed shelters due to a dearth in funding. In the Southeast province of Van where many Kurds reside, there is only one state-run women's shelter which can house up to seventeen women for periods of three to six months.¹⁴
15. Despite the need for an increase in women's shelters, these should however only be viewed as a temporary measure and the Turkish government must work to improve conditions at the grassroots level to deter and eliminate incidents of domestic violence through rigorous investigation, prosecution and sentencing of perpetrators, education of law enforcement and other officials, and education and rehabilitation of women through State supported schemes.

State violence against Kurdish women

16. Worse than violence against women perpetrated by non-state actors, violence against Kurdish women perpetrated by state actors is a salient problem which is a clear human rights abuse.
17. In a paper to the EU Turkey Civic Commission (EUTCC), Barrister and KHRP Advisor on Women's and Children's Rights, Margaret Owen, highlighted the issue of physical, sexual, and mental abuse and ill treatment of Kurdish women by Turkish state agents, such as security forces, police, and village guards.¹⁵ Due to recent legal reforms increasing punitive measures for torture, state agents have resorted to using violence

¹³ UK Border Agency, "Interview with Temucin Tuzecan, Director of 'Stop Violence against Women' Campaign, Hürriyet newspaper," *Report of Fact Finding Mission, 11-20 February 2008, Turkey*. (London: UK Home Office, 23 July 2008), at 66-67.

¹⁴ Kurdish Human Rights Project, *European Parliament Project: The Kurdish Women Committing Suicide*, at 8, [undated] at <http://www.khrp.org/component/option,com_docman/task,doc_view/gid,126/> (last accessed 17 July 2009).

¹⁵ Margaret Owen, *Women's Rights in Turkey and Kurdish Cultural Rights*. European Union Turkey Civic Commission (Paper: Brussels 2005). <<http://www.eutcc.org/articles/8/20/document215.ehtml>> (last accessed 3 July 2009).

against Kurdish women as a substitute for torturing Kurdish men in formal detention in order to demoralise the community and also specific individuals.¹⁶ State agents are aware of the dishonour attached to such violence, especially sexual assault, and of the low probability of these women reporting these acts of violence; thus, they are able to use physical and sexual violence against Kurdish women with impunity.¹⁷ The ECtHR has recognised the severity of such physical and sexual abuse in the KHRP-assisted case, *Aydin v. Turkey*, in which the court ruled that rape is a form of torture.¹⁸

18. If Kurdish women do choose to report sexual violence by state agents, they then face extreme difficulty in pursuing criminal claims against the state. A KHRP-led delegation observed several trials prosecuting gendarmes who had allegedly committed physical and sexual violence against Kurdish women.¹⁹ One such case involved Şükran Esen, a Kurdish woman who had allegedly been tortured and raped on three occasions by gendarmes who unofficially detained her. The Prosecutor had indicted 405 gendarmes for this crime which significantly lessened the probability of the guilty to be convicted beyond a reasonable doubt for physical and sexual violence. The victim's attorney requested that the court order the indicted gendarmes to be arrested for fear that the guilty ones would flee; instead, the court allowed the indictment of forty additional gendarmes which further reduced the victim's ability to assert her rights. Additionally, the victim's attorney drew attention to the fact that the Chief Commander of the Gendarme who had been found guilty of torture in *Aydin* had still not been removed from his post; this failure by Turkey to implement fully the ECtHR's judgment in *Aydin* signals a culture of impunity for torturers in Turkey.²⁰

19. The KHRP-led delegation also found that the lack of proper recording of detentions, especially those such as the unofficial detention suffered by Şükran Esen, prevented Kurdish women from successfully bringing to justice those state agents responsible for the torture and ill treatment of female detainees. The Human Rights Association of Turkey (İHD) reported to the delegation that 99 percent of detentions went unrecorded.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ KHRP case, ECtHR case, Appl. no. 23178/94, *Aydin v. Turkey*, judgment of 27 September 1997.

¹⁹ Margaret Owen, edited by Kerim Yildiz. *Trial Observation Report, Turkey's Shame: Sexual Violence Without Redress – The Plight of Kurdish Women*. KHRP: December 2003, at 10-21.

²⁰ Margaret Owen, edited by Kerim Yildiz. *Trial Observation Report, Turkey's Shame: Sexual Violence Without Redress – The Plight of Kurdish Women*. KHRP: December 2003, at 21

From this it is apparent that physical and sexual violence against Kurdish women is rife in Turkey, and by ignoring illegal detentions and violence against Kurdish women by state agents, the Turkish government is in violation of relevant international conventions and *jus cogens* norms from which no state is legally able to derogate under any circumstances.

20. Most recently, a criminal court in Diyarbakir allowed for the confiscation of a Kurdish newspaper, *Azadiya Welat*, after a complaint from the Diyarbakir police department and demands by the Diyarbakir Public Prosecutor.²¹ The newspaper's confiscation was ordered after it reported a woman's claims that she had been raped by four plainclothes Diyarbakir police officers. The woman alleged that she was sexually assaulted by these plainclothes officers for her activities with the Democratic Free Women's Movement (DÖKH). The Human Rights Association in Turkey (İHD) also reported that four other women had brought similar claims of rape by police officers within the same week.
21. It is of great concern that violence against women perpetrated by agents of the state is ignored by the Turkish government and that the authorities have in some cases taken direct action to conceal allegations of this violence. Under its international obligations, Turkey must investigate all allegations of violence, punish perpetrators whether they are state or non-state actors, and have in place preventative mechanisms protecting women against such treatment.

'Honour killings' and 'Honour suicides'

22. Turkey recently amended its Penal Code to provide for the most severe punishment for perpetrators of honour or custom killings, however honour crimes remain a salient issue affecting women throughout Turkey, and especially women living in the more conservative Kurdish regions in Southeast and Eastern Turkey.²² Despite the introduction

²¹ Erol Önderoğlu, "Newspaper Confiscated for Reporting Allegations of Police Rape," *Bianet*, 10 July 2009, <<http://bianet.org/english/gender/115773-newspaper-confiscated-for-reporting-allegations-of-police-rape>> (last accessed 13 July 2009).

²² UK Border Agency, 'Interview with Mural Zorluoglu, Head of Department of Directorate General for Regional Authorities, Ministry of the Interior,' *Report of Fact Finding Mission, 11-20 February 2008, Turkey*. (London: UK Home Office, 23 July 2008), at 63.

of legal reforms intended to eliminate this practice, the lives of many women in Turkey continue to be shaped by custom and tradition.²³

23. The steps taken by the Turkish government to combat and bring to justice perpetrators and instigators of honour crimes is welcomed. However there remains the serious problem of the forced suicide of women who would have otherwise been victims of honour crimes. Increasingly, instead of the killing of women alleged to have dishonoured their family, families are forcing women to commit suicide in an attempt to spare male relatives from life imprisonment.²⁴
24. In the largely Kurdish province of Batman in Southeast Turkey, three-quarters of all suicides are committed by women. In comparison to the rest of the world, men are usually three times more likely than women to commit suicide.²⁵ Mustafa Peker, Batman's chief prosecutor, notes the difficulty in investigating such crimes, despite their high-volume and highly suspicious nature.²⁶ A KHRP report commissioned by the European Parliament described these 'honour suicides' as usually consisting of the family locking the woman in a room with various methods of death such as a noose, pistol, or rat poison. The woman would be kept in the room until she had committed suicide.²⁷
25. At present, the organisations which have the best statistics on suicides involving Kurdish women and which are in the best position to assist in eradicating the problem are local women's NGOs. The Turkish government has failed to provide the much-needed support that these local NGOs require to tackle this problem. Instead, because these organisations work in the Kurdish regions, and often have largely Kurdish staff, they are often viewed by the government as pro-terrorist and separatist.²⁸
26. Despite amendment of its Penal Code to provide for the severest punishment for perpetrators of custom killings, the Turkish government must ensure that courts strictly

²³ Kurdish Human Rights Project, *European Parliament Project: The Increase in Kurdish Women Committing Suicide*, at 6, [undated], at <http://www.khrp.org/component/option,com_docman/task,doc_view/gid,126/> (last accessed 17 July 2009).

²⁴ *Ibid* at 9.

²⁵ Ramita Navai, 'Women told: 'You have dishonoured your family, please kill yourself'', *The Independent* [UK], 27 March 2009 <<http://www.independent.co.uk/news/world/europe/women-told-you-have-dishonoured-your-family-please-kill-yourself-1655373.html>> (last accessed 3 July 2009).

²⁶ *Ibid*.

²⁷ Kurdish Human Rights Project, *European Parliament Project: The Kurdish Women Committing Suicide*, at 9, [undated], at <http://www.khrp.org/component/option,com_docman/task,doc_view/gid,126/> (last accessed 17 July 2009).

²⁸ *Ibid.*, at 13.

adhere to these legal reforms and sentence perpetrators of honour killings to the maximum punishment of life imprisonment. Although there appears to be some progress in this with one court recently sentencing five family members, who were responsible for a sixteen-year-old girl's honour killing, to life imprisonment,²⁹ there is room for more robust changes to be made. The European Court of Human Rights found in the case *Opuz v. Turkey*, decided in June 2009, that mitigation of sentences for honour crimes still existed in the Turkish judiciary.

27. This finding was based on a report submitted to the European Court by the Diyarbakir Bar Association.³⁰ Under the Turkish Penal Code, the perpetrator of an honour crime may still invoke Article 51 which allows discretionary mitigation of punishments if a crime was committed due to 'unjust provocation' by the victim. Although this Article does not specifically mention 'honour crimes,' judicial precedent demonstrates that courts are willing to mitigate punishments for honour crimes based on defences of 'unjust provocation.'³¹
28. Despite the increasing prevalence of 'honour suicides' as noted above, recent reports show that 'honour killings' remain a persistent problem which disproportionately affects Kurdish women in Turkey. In 2006, a report compiled by the police entitled 'Custom and Honour Crimes' found that over the past five years 1,091 people, 710 or 65 percent of them being women, were murdered in Turkey in 'honour killings.'³² The vast majority of victims were from poor families.³³
29. A fact finding mission by KHRP in May 2009 found that a significant number of women in Southeast Turkey had reported threats of 'honour killings' from family members. KAMER, the leading woman's organisation in the southeast, reported to the mission that from 2003-2007 a total of 198 women from Eastern and Southeastern Anatolia contacted their organisation to report that a family member had threatened them with 'honour

²⁹ Associated Foreign Press, 'Full family jailed for honour killing act,' *Hürriyet Daily News*, 14 January 2009 at <<http://arama.hurriyet.com.tr/arsivnews.aspx?id=10771619>> (last accessed 23 July 2009).

³⁰ 'Research Report on Honour Crimes, prepared by the Diyarbakir Bar Association's Justice For All Project and the Women's Rights Information and Implementation Centre,' cited by *Opuz v. Turkey*, Appl. no. 33401/02, para. 192, ECHR 2009.

³¹ World Organisation Against Torture (OMCT). *Violence against Women in Turkey: A Report to the Committee Against Torture*, 353-354 (http://www.omct.org/pdf/VAW/Publications/2003/Eng_2003_09_Turkey.pdf).

³² Kurdish Women's Rights Watch, *Turkey: 'Honour' Killings, A scourge which is hard to eradicate*, 25 August 2006.

³³ *Ibid.*

killings.’³⁴ Among these reported cases, three of the women died from injuries sustained in attacks, one committed suicide, and 27 were pressured to commit suicide. Often it was the father or husband who decided the fate of these women. The organisation further reported that in these cases, 76 of the decision makers were illiterate and 47 had no education, which suggests a link between underdevelopment and ‘honour killings’ in the Southeast.

30. Governmental guidance entitled ‘Measures to be Taken to Prevent Custom and Honour Killings and Violence Against Children and Women’ was circulated in 2006, however given Turkey’s practice not to recognize the Kurdish people as a minority population, it is unlikely that their efforts have been tailored to address challenges that might be unique to the Kurdish community or to target the Kurdish community, particularly those without much education and who are illiterate. Until this is done, Kurdish women in Turkey will continue to face a significant risk of harm.

³⁴ KHRP FFM Report, *Turkey: Fact Finding Mission May 2009*, (draft report, publication forthcoming).

EQUALITY IN CIVIL LEGAL MATTERS

Language

31. Kurdish women are disadvantaged in civil legal matters through non-provision of interpreters, as a very high number of Kurdish women are not fluent in the Turkish language.
32. There is no legal framework enabling minorities to use their mother tongue when interacting with the government or public authorities, however Article 39 of the Treaty of Lausanne provides that all ‘Turkish nationals of non-Turkish speech’ have the right ‘for the oral use of their own language before the Courts’ and requires the state to ensure the realization of this right. In practice, Turkey provides interpreters for non-Turkish speakers in criminal proceedings (though these interpreters are often not competent to translate legal proceedings), but its laws regulating civil proceedings do not provide minorities with a similar right.³⁵ While men and women are formally equal under the law, the lack of translation facilities in civil matters disproportionately impacts women and renders them a vulnerable party in civil legal proceedings.

Access to Justice

33. Given the prevalence of women receiving less education than men, and their higher rates of illiteracy coupled with the lower level of education among women in the Southeast region,³⁶ Kurdish women often have little or no understanding of their legal rights and the legal system. For example 34 percent of women who applied to the Van Women’s Association in 2008 were illiterate.³⁷ Similarly, according to the Women’s Rights Information and Implementation Centre of the Diyarbakir Bar Association, from 679 women who applied to the Centre in 2008, 222 of them were illiterate, 81 of them were literate, 197 of them had only primary school education, 54 of them had secondary school education, 84 of them had high school education, 10 women had vocational school

³⁵ Minority Rights Group International, ‘A Quest for Equality: Minorities in Turkey’, (2007), 19, at <<http://www.minorityrights.org/?lid=4572>> (last accessed 23 July 2009).

³⁶ UNDP, *Human Development Report: Youth in Turkey: Turkey 2008*, 2008, at 27-28.

³⁷ Van Women Association, Assessment Data of the Applications received 2008

education and 5 women had upper school education. Only 11 women had university education.³⁸

34. The KHRP fact finding mission in Turkey in May 2009 found overwhelmingly that Kurdish women lacked an awareness of their rights and there was an absence of proactive measures on the part of the government to step in and educate women on their rights.³⁹ KHRP's mission delegates encountered one woman in Siirt who exemplified the lack of understanding many Kurdish women have about their legal rights; she told the mission that she did not want to request free legal assistance when charged with a crime because she did not want to encourage the perception that she had committed the crime.⁴⁰
35. At times, however, lack of access to legal help does not stem from a lack of understanding of one's rights but is connected to a lack of faith of an effective remedy through legal proceedings. The KHRP mission was also told that when public officials were the perpetrators of violence, many women were discouraged from lodging complaints due to a lack of belief that their complaint would be responded to fairly, and because of fear that counter claims by the officials would put them under a risk of accusation of a crime.⁴¹
36. There are also aspects regarding the administration of legal aid which lessen women's capacity to seek legal redress. Although there is no data for Kurdish women specifically, in Turkey women's salaries are generally between 20 and 50 percent of those of men; men own 92 percent of all property and approximately 84 percent of gross domestic production.⁴² Many women provide unpaid domestic work at their homes.⁴³ As a result of the low earnings or lack of paid employment, legal aid is essential to enable women to access legal help. On KHRP's fact finding mission, however, the team was informed by a representative from the Commission on Violence Against Women in Diyarbakir that existing legal aid mechanisms are not effective for women, particularly when they are the

³⁸ Statistical data of the Applications received in 2008 by the Women's Rights Information and Implementation Centre of the Diyarbakir Bar Association, 2008

³⁹ KHRP FFM Report, *Turkey: Fact Finding Mission May 2009*, (draft report, publication forthcoming).

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Kurdish Human Rights Project, *European Parliament Project: The Increase in Kurdish Women Committing Suicide*, 13, [undated], at <http://www.khrp.org/component/option,com_docman/task,doc_view/gid,126/> (last accessed 17 July 2009).

⁴³ Ibid.

victim of domestic violence or sexual assaults.⁴⁴ Accessing legal aid is a lengthy process, requiring the submission of documents proving poverty.⁴⁵ The Commission indicated that completing the required documents and receiving an attorney sometimes takes one to two months, which is often too slow in urgent and serious cases.⁴⁶ Likewise, in civil cases which involve court fees, there is a lengthy determination process in order to be exempted from the court fee. This raises another barrier against women in accessing justice.⁴⁷

⁴⁴ KHRP FFM Report, *Turkey: Fact Finding Mission May 2009*, (draft report, publication forthcoming).

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

POLITICAL LIFE AND CIVIC PARTICIPATION

37. Turkey forbids the use of minority languages in political activities.⁴⁸ Given the relatively low percentage of Kurdish women who are literate and who speak Turkish, the government's policy of forbidding the use of minority languages disproportionately affects Kurdish and other minority women.
38. In addition to the language and literacy barrier, women in general in Turkey are underrepresented in political life. While there has been an increase in the number of women nominated by their parties for political positions since 2002, they usually represent less than 20 percent of the parties' candidates and are in low ranking positions on the nomination lists, resulting in many not being elected to parliament.⁴⁹ On the whole, women's participation in political activities within Turkey is largely limited to voting, as political participation is viewed by most as the 'male's prerogative.'⁵⁰
39. The political career of the prominent Kurdish activist, Leyla Zana, highlights the challenges one Kurdish woman has faced in participating in political life in Turkey. In 1991, Zana was the first Kurdish woman to be elected to the Turkish Parliament.⁵¹ When she lost her parliamentary immunity, she was convicted and served a ten year prison sentence for speaking in Kurdish in the Turkish Parliament when taking her oath of office.⁵² In December 2008, Zana was again sentenced to another ten years in prison, this

⁴⁸ Minority Rights Group International, 'A Quest for Equality: Minorities in Turkey', (2007), 25, <<http://www.minorityrights.org/?lid=4572>> (last accessed 23 July 2009).

⁴⁹ The Republic of Turkey, Prime Ministry, General Directorate on the Status of Women, 'National Action Plan Gender 2008-2013', 2008, Ankara, 49, <http://www.huksam.hacettepe.edu.tr/English/Files/NAP_GE.pdf> (last accessed 17 July 2009.)

⁵⁰ Ferhat Selldşelli & Aygul Fazlioğlu, 'Social Parameters of Woman Labour in GAP Region', Second International Conference on Women's Studies, East Mediterranean University, Centre for Women's Studies, 26-28 April 2006, 11, <<http://www.gap.gov.tr/English/Sosprj/kibris.pdf>> (last accessed 17 July 2009).

⁵¹ Prominent Kurdish Activist Gets Jail Sentence in Turkey, *Dow Jones Newswires*, 28 July 2009, at <<http://www.nasdaq.com/asp/stock-market-news-story.aspx?storyid=200907280532dowjonesdjonline000179&title=prominent-kurdish-activist-gets-jail-sentence-in-turkey>> (last accessed 5 August 2009).

⁵² Jean Lambert MEP, Press Release, 'Green MEP demands action on human rights in Turkey as Kurdish campaigner is sentenced', 31 July 2009, at <http://www.jeanlambertmep.org.uk/news_detail.php?id=489>.

time for political statements she made that the Turkish Government alleged amounted to supporting and spreading propaganda for the PKK.⁵³

40. Zana has been recognized for her human rights work and awarded the Sakharov Prize by the European Parliament in recognition of her accomplishments. Despite the accolades, however, Zana's experiences are likely to be very intimidating for many women and may in fact serve as a deterrent to those interested in politics but unwilling to make the types of sacrifices made by Zana.

⁵³ 'Kurdish Spokeswoman and EUTCC Patron Leyla Zana Convicted to Ten Years in Prison by Turkish Court', EUTCC Press Release, 6 December 2008, at <<http://www.eutcc.org/articles/7/document368.ehtml>> (last accessed 5 August 2009).

EDUCATION

41. Although the Turkish government has attempted to implement some administrative reforms and campaigns to increase educational opportunities for women and girls (including in the Southeast Anatolian region), Kurdish women and girls continue to struggle in education due to the prohibition of Kurdish being spoken and taught in schools and classrooms.
42. Illiteracy among Kurdish women is significantly higher than among women in Turkey generally. In Turkey, the illiteracy rate among women is roughly 20 percent whilst in the Southeast Anatolian region, whose residents are mostly Kurdish, the illiteracy rate is roughly 40 percent.⁵⁴ While this is not indicative of a clear bifurcation in education levels between women in Turkey who speak Turkish and those who do not, it is an indication of the inequalities which Kurdish women face compared to Turkish-speaking women in Turkey.
43. Under Article 42 of the Constitution of Turkey, only Turkish may be taught as the mother tongue in Turkish educational institutions. Due to this constitutional limitation, those who do not speak Turkish as their mother tongue or at all are severely limited in their educational opportunities and cannot achieve at the same level as those who speak Turkish as their first language. In a paper to the EUTCC, KHRP Advisor on Women's and Children's Rights, Barrister Margaret Owen noted that, 'Thousands of Kurdish girl children do not attend school or leave after only a few years. Not being conversant in Turkish, facing humiliation because they have Kurdish names..., Kurdish children generally do not prosper or progress in the school environment as they should.'⁵⁵
44. The prohibition of all other languages besides Turkish has greater ramifications on Kurdish women beyond educational achievement; Kurdish women are also adversely affected in areas such as gaining employment, participating socially and politically, and

⁵⁴ Turkey's Prime Ministry State Planning Organisation, *Ranking of Provinces and Regions in Terms of Socioeconomic Development Indicators*, cited by Ferhat Şellı and Aygöl Fazlıoğlu, *Social Parameters of Woman Labour in the GAP Region*, Second International Conference in Women's Studies, Eastern Mediterranean University, Centre for Women's Studies, 26-28 April 2006, at 5.

⁵⁵ Margaret Owen, *Women's Rights in Turkey and Kurdish Cultural Rights*. European Union Turkey Civic Commission (Paper: Brussels 2005). <http://www.eutcc.org/articles/8/20/document215.ehtml> (Last accessed 3 July 2009).

accessing healthcare due to the importance of education in gaining Turkish language skills. By allowing Kurdish to be spoken in schools, the Turkish government could increase educational opportunities for Kurdish girls including the opportunity to learn Turkish.

45. A study in Turkey examining the influence of speaking Turkish on socio-economic indicators found that 90 percent of women in the eastern and southern Turkish regions who do not speak Turkish did not finish primary school, and are illiterate, being employed either as agricultural or unpaid family workers.⁵⁶
46. Through the South Eastern Anatolia Project (GAP), the Turkish government has created ÇATOMs which are community centres which provide various social services, particularly aimed at women and girls living in the Southeast regions, such as health services, literacy classes, and information sessions regarding the Turkish Civil Code and legal rights, and programmes promoting female entrepreneurship.⁵⁷ These ÇATOMs have been successful in raising female literacy rates and school enrolment and have also increased women's awareness of the importance of education.⁵⁸ ÇATOMs are not however readily available to a great number of Kurdish women and girls due to travel constraints imposed by distance and also cultural constraints imposed by domestic duties and male decision-makers. This could be addressed through a more proactive strategy to increase educational opportunities for Kurdish women and girls further within their regions.

⁵⁶ Jeroen Smits and Aye Gündüz-Hoşgör, 'Linguistic Capital: Language as a socio-economic resource among Kurdish and Arabic women in Turkey.,' 26(5) *Ethnic and Racial Studies* 26:5 (September 2003), 829–853, at 849–50.

⁵⁷ Aygül Fazlıoğlu, *Social Dimension in Regional Development: GAP Experience of Turkey's Southeastern Anatolia*. Regional Planning and Sustainable Development Conference, Damascus University, 26-29 November 2007.

⁵⁸ Ferhat Şellı and Aygül Fazlıoğlu, *Social Parameters of Woman Labour in the GAP Region*, Second International Conference in Women's Studies, Eastern Mediterranean University, Centre for Women's Studies, 26-28 April 2006, at 6.

EMPLOYMENT

47. Despite the absence of any legal barriers to female employment, the female labour force participation rate in Turkey is still significantly lower than that of males. The female labour force participation rate is even lower among Kurdish women than the general female labour force participation rate in Turkey. This disparity can mainly be attributed to the unequal access to education of Kurdish women, as outlined above, which subsequently undermines the ability of Kurdish women to gain Turkish language skills. The ability to speak Turkish is requisite in gaining employment in a society in which Turkish is the official and the only permissible language. Without a cohesive strategy to increase Kurdish women's educational levels and Turkish language skills, Kurdish women will be systematically excluded from the labour force.
48. In Southeast Anatolia, there is currently a high level of rural-to-urban migration partly due to the shrinking share of agriculture in the national economy⁵⁹; thus, many Kurdish women are finding themselves removed from their agrarian environments and injected into an urban society in which they are unable to participate due to their lack of marketable job skills and sufficient Turkish language skills. These Kurdish women in urban areas are relegated to unskilled labour and experience discrimination on various levels such as services in housing, education, and healthcare.⁶⁰
49. Those Kurdish women who remain in rural areas in Southeast Anatolia maintain their positions as unpaid family or agricultural workers and usually possess no Turkish language ability. 56 percent of women applied to the Van Women's Association in 2008 for economical purposes and to receive assistance in finding jobs and 90 percent of these women stated that they did not have any source of income⁶¹. Moreover, 38 percent of women who applied to the Women's Rights Information and Implementation Centre of

⁵⁹ Ferhat Şellı and Aygöl Fazlıođlu, *Social Parameters of Woman Labour in the GAP Region*, Second International Conference in Women's Studies, Eastern Mediterranean University, Centre for Women's Studies, 26-28 April 2006, at 8.

⁶⁰ Ferhat Şellı and Aygöl Fazlıođlu, *Social Parameters of Woman Labour in the GAP Region*, Second International Conference in Women's Studies, Eastern Mediterranean University, Centre for Women's Studies, 26-28 April 2006, at 13.

⁶¹ Van Women Association, Assessment Data of the Applications Received in 2008.

the Diyarbakir Bar Association did not benefit from any social security insurance and 35 percent of women did not have any source of income.⁶²

⁶² Statistical Data of the Applications received in 2008 by Women's Rights Information and Implementation Centre of the Diyarbakir Bar Association

HEALTH CARE AND HEALTH SERVICES

50. Despite the fact that the Turkish laws governing health care creates *de jure* equality between men and women in the field of health care, health indicators of the Kurdish region of Southeast Anatolia lag behind the country's averages in infant and maternal mortality rates, disease incidence, quality of health services and facilities, the ratio of healthcare providers to population, and accessibility of health services.⁶³ Kurdish women in this region are hindered from accessing health services due to several obstacles including lack of health care infrastructure in rural areas and constraints that are a result of low education levels. As a result, Kurdish women generally are less likely to use certain health services such as pre-natal care than non-Kurdish women in Turkey.

Pregnancy-related services and family planning

51. Kurdish women face numerous barriers in accessing health services, such as pre-natal care, assistance with delivery, and post-natal services. One such barrier is the disparity in distribution of health care providers among regions and provinces; there are less health care providers available to Kurdish populations residing in Southeast Anatolia as compared to the more developed provinces in Western Turkey. According to the Turkish Statistical Institute, there is one physician or health care practitioner in the Southeast Anatolian province of Mardin for every 1523 people, whilst in the Western province of Ankara, there exists one physician or practitioner for every 257 people.⁶⁴ In the Southeast Anatolia province of Sirnak, there is one midwife for every 1597 women, whilst in Ankara, there is one midwife for every 720 people.⁶⁵

52. It has been consistently proven that education increases autonomy and confidence in decision making, including in a 2003 demographic and healthy survey⁶⁶ which found that

⁶³ Ferhat Şellı and Aygöl Fazlıođlu, *Social Parameters of Woman Labour in the GAP Region*, Second International Conference in Women's Studies, Eastern Mediterranean University, Centre for Women's Studies, 26-28 April 2006, at 7.

⁶⁴ Turkish Statistical Institute, "Distribution of Health Personnel of Turkey by Provinces," Healthcare Providers, Social Security & Health, 2006.

⁶⁵ Turkish Statistical Institute, "Distribution of Health Personnel of Turkey by Provinces," Healthcare Providers, Social Security & Health, 2006.

⁶⁶ See Yusuf Celik and David R. Hotchkiss, "The socio-economic determinants of maternal health care utilization in Turkey," 50 *Social Science & Medicine*, 50 (2000), pgs. 1797-1806; S. Raghupathy, S. 1996. "Education and

education increases women's autonomy and confidence in making decisions regarding their own health and increases the probability that women will seek out health care to produce better health. According to our partners and recent missions to the region, little has changed in this regard.

53. The Turkish government has not yet produced a strategy to increase Kurdish women and girls' access to education and ability to gain Turkish language skills as part of its push to increase health indicators among the various regions in Turkey. Since these state-provided services are only constitutionally permitted to offer health services in Turkish some Kurdish women who attempt to utilise these services are unable to do so. These obstructions in accessing health services results in higher maternal and infant mortality rates and possibly higher fertility rates, as information about family planning is not disseminated in any languages other than Turkish.
54. One study by the Eastern Mediterranean University's Centre for Women's Studies⁶⁷ found that the fertility rate in Southeast Anatolia is almost double Turkey's Total Fertility Rate which was 2.3 in 2003⁶⁸. Education empowers women to make decisions about their bodies independently and encourages women to access health services which will benefit them. There is a clear need for educational disparities for Kurdish women to be addressed, given the interplay between educational levels and access to health.

Mental health services

55. In a study by KHRP commissioned by the European Parliament on the increasing number of suicides among Kurdish women, KHRP found that the lack of mental health services was a predominant factor affecting suicides by Kurdish women.⁶⁹ The factors barring Kurdish women from utilising mental health services include a lack of mental health

the use of maternal health care in Thailand.”, 43(4) Soc. Sci. Med. 43 (4),(1996) , 459–471; K. Streatfield, K.M. Singarimbun, M.,I. Diamond, I., 1990. “, ‘Maternal education and child immunization.,’ 27(3) Demography 27 (3),, 447–455 .

⁶⁷ Ferhat Şelli and Aygül Fazlıoğlu, *Social Parameters of Woman Labour in the GAP Region*, Second International Conference in Women's Studies, Eastern Mediterranean University, Centre for Women's Studies, 26-28 April 2006, at 8.

⁶⁸ Turkish Statistical Institute, “Total Fertility Rate,” Gender, Life, and Family.

⁶⁹ Kurdish Human Rights Project, *European Parliament Project: The Increase in Kurdish Women Committing Suicide*, [undated], at <http://www.khrp.org/component/option,com_docman/task,doc_view/gid,126/> (last accessed 17 July 2009).

services in areas with high Kurdish populations and the inability to communicate with mental health service providers.

56. The inability of Kurdish women to access mental health services is a particularly pressing issue due to the history of political instability of the Kurdish regions in Turkey. Ayten Adlim, a Kurdish woman and humanitarian paediatrician, called for the governments of the states in which Kurds reside to find solutions to the severe problems that Kurdish women face in dealing with mental disorders resulting from the violence, displacement, war, and even torture experienced in these regions.⁷⁰
57. The Turkish Statistical Institute has no published data on the distribution of mental health service providers among provinces. The only published statistics relate to the distribution of traditional health care providers such as physicians, dentists, pharmacists, and nurses.⁷¹ This absence of any monitoring of mental health services in the Kurdish regions makes apparent the Turkish government's lack of awareness of how vital these services are to the well-being of Kurdish women, particularly given the instability of the Kurds' socio-political situation and violent history in Turkey. As expounded by Dr. Adlim:

“The improvement of women’s access to health in the Kurdish region will be closely related to a change of the political climate in the region. Without a sustainable peace process including the democratisation of political, social, economi[c] structures and an indiscriminat[e] implementation of human rights, it will not be likely for Kurdish women to gain appropriate access to health care in their homeland. Peace is a precondition for health.”⁷²”

⁷⁰ Presentation by Ayten Adlim, “Multiple Oppression & Women’s Access to Healthcare,” International Free Women’s Foundation, Netherlands, Sept 2005.

⁷¹ See Turkish Statistical Institute, “Distribution of Health Personnel of Turkey by Provinces,” Healthcare Providers, Social Security & Health, 2006.

⁷² Presentation by Ayten Adlim, “Multiple Oppression & Women’s Access to Healthcare,” International Free Women’s Foundation, Netherlands, Sept 2005.