

Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora

**Kurdish Human Rights Project
Kurdish Women's Project**

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of Women in the Kurdish Regions
and Diaspora**

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Acknowledgements

We would like to thank the following individuals and organisations for their insights, experience and time: Ms Rofia Abbasi, Ms Samrand Abdul-Hsein, Mr Hasan Abdulkerim, Mr Idris Ahmadi, Ms Bahar Ali, Mr Dara Ali, Mr Ahmad Askandari, Mr Faruq Babamiri, Mr Salim Baban, Ms Saqi Barzani, Mr Taifur Bathaee, Dr Nazand Begikhani, Mr Sherko Bekas, Dr Shamal Celiker, contributors from Iran, Ms Christina Curry, Ms Beriwan Dosky, Ms Runak Faraj, Ms Jila Faraji, Ms Marzieh Fareghi, Dr Rebwar Fatah, Mr Mustafa Germeney, Mr Abbas Hamad, Mr Hama Saeed Hasan, Ms Shadya Heidari, Mr Abdullah Hijab, Ms Ulla Hoffmann, Sheikh Ezzadin Huseini, Ms Shirin Huseini, Ms Marza Jewanmerd, Dr Jebar Kadir, Ms Najiba Mahmud, Ms Pirshing Mamand, Mr Ali Manaz, Ms Sadiqa Mohamadi, Dr Shahrzad Mojtabi, Mr Rebwar Mokhtar, Mr Husein Muhammed, Mr Nawroz Oramar, Ms Galawez Qaderi, Ms Suhaila Qadri, Ms Runak Raouf, Ms Aghila Rewardzi, Ms Kazewa Saleh, Ms Mahabad Saleh, Ms Farah Salek, Ms Chnur Sediq, Ms Taman Shakir, Batman Kadin Platformu (Saadet Becerikli), Dikasum (Handan Coskun), Selis Kadin Danismanlik Merketi, Mr Saeed Shams, Ms Runak Shwani, Dr Nuri Talabani, Dr Abbas Veli, Dr Heidi Wedel, Mr Hiwa Zandi, Ms Pakhshan Zangana, Kurdish Women's Organisation (Britain), Kurdish women organisations and groups and Kurdish Women's Information and Cultural Centre (Iraqi Kurdistan), Mothers for Peace and Women Section of HADEF (Turkey), Kurdish Women's Organisation related to Federation of the Kurdish Organisations (Stockholm), Kurdish Women's Organisation (Gothenberg), Zagros Medya Press (Gothenberg), Radio Zrebar (Stockholm), Radio Jivar (Gothenberg), ABF centre (Stockholm), Folkets Hus (Gothenberg), and Kurdistan Post, Kurdistan Net and Jinname the Kurdish websites for presenting the KWC draft and all participants of the meetings in May 2001 in Stockholm (Sweden), in July 2001 in Sulaymania and Hewler (Iraqi Kurdistan), in July 2001 in Stockholm, in September 2001 in Stockholm, in October 2001 in Gothenberg (Sweden), in December 2001 and March 2002 in London (Britain).

Printed in Great Britain

June 2004

Published by the Kurdish Human Rights Project

ISBN 1 900175 71 1

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Foreword

Discrimination against women occurs globally, but is all the more damaging when compounded with ethnic, religious or other forms of discrimination. Women in the Kurdish regions and diaspora, therefore, face an uphill struggle as they attempt to tackle discrimination on several fronts; often without access to political representation or adequate legal remedies.

There are many ethnic minorities inhabiting the region spanning the borders of Turkey, Iraq, Iran and Syria, the largest of which, with a population of over 30 million, is the Kurds. Located in a position of great strategic importance, the Kurds have been marginalised and repressed through continuous political and military activity. Kurdish women continue to witness the devastating effects of wars, military attacks and economic embargoes. Millions of women live as refugees or internally displaced, having been exiled by conflict or even forcibly relocated.

In Syria, denial of citizenship to up to 300,000 Kurds causes multifold social and economic problems for women. Among the rights denied to Kurds include the right to own property, land or businesses; to the same state education as non-Kurds; to legal representation; to hold Syrian identity documents or a passport; to leave the country; or to a legally-recognised marriage. The widespread poverty particularly affects women, with only limited access to work opportunities. These Kurdish women, usually expected to take care of the children, do so without the right to access state healthcare.

In Iraq, the effects of Saddam Hussein's brutal regime continue to be felt. The use of chemical weapons to kill over 5,000 civilians in the Kurdish town of Halabja was just one part of the 'Anfal' campaigns in which an estimated 1.5 million people were displaced and up to 180,000 killed. Hundreds of thousands of women have been forcibly displaced from their homes in a policy of Arabisation in strategically important areas, including the oil-rich Kirkuk: now a flashpoint of potential future conflict. Following the US-led invasion of 2003, numerous issues of critical importance to the security and human rights of the population are yet to be determined.

In Iran, Kurds are denied equal political and social rights as well as suffering, indirectly, from religious discrimination. The suppression of freedom of

expression and of association has inhibited the ability of both domestic and international NGOs focusing on human and women's rights to operate there. Kurdish women suffer as do all women in Iran from a constitution and laws that refuse to recognise their equality with men, demonstrated, *inter alia*, by the Penal Code's stipulation that the murder of a woman who has betrayed her family's honour is justified.

The Constitution of the Republic of Turkey does not recognise Kurds as a national, racial or ethnic minority even though they number over one quarter of the population. Those who participate in political or economic affairs and publicly identify themselves as Kurds face harassment or prosecution. A series of reforms have partially lifted the ban on education and broadcasting in non-Turkish languages (i.e. Kurdish), but the widespread failure to implement the reforms on the ground means that newspapers, journalists, students and others continue to be prosecuted. More than 3 million Kurdish villagers are unable to return to their homes in the Southeast, following a campaign of forced displacement and armed conflict. The human rights violations experienced by Kurdish women have been incontrovertibly established by the European Court of Human Rights.

These countries share a hostile attitude and common policy towards their Kurdish communities. In all parts of the Kurdish regions, the authorities' dedication to suppressing Kurdish interests has restricted Kurdish women's struggle for equal rights. Elsewhere, throughout the Middle East, America, Australia, Asia and most particularly Europe, Kurds form one of the most prominent refugee and migrant communities: one more reason for the human rights situation in the Kurdish regions to be recognised as a matter for global concern.

Against this backdrop, Kurdish women have been pushing hard to achieve the enforcement of human rights and the establishment of the rule of law, equal rights and a strong civil society. In the Iraqi Kurdistan established after the 1991 Gulf War, Kurdish autonomy and the absence of ethnic oppression have provided the opportunity for a number of organisations campaigning for women's rights to develop. A variety of women's organisations have made significant achievements in these fields. Such organisations exist too in Turkey, although still subject to bureaucratic restrictions and harassment. Elsewhere in the regions, such groups are almost inconceivable.

The Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora urges the elimination of discrimination against women in private and political life. It also urges the full participation of Kurdish women in political, economic, educational, cultural and all other fields, and the implementation of rights for women irrespective of their religious, political or other beliefs.

The Charter is a collective effort that has been published by the Kurdish Women's Project (KWP) and Kurdish Human Rights Project (KHRP). It is envisaged to continue as a living document responding to needs as they arise. It was

initiated by a number of Kurdish women in exile, the *Tori Daxwazinamey Jini Kurd* (Network on the Kurdish Women's Charter) and has been continually developed to ensure that it appropriately identifies the needs and wishes of women in the Kurdish regions and diaspora. We are grateful to a great many individuals, non-governmental organisations including human rights and women's organisations, human rights defenders and academics throughout the regions, particularly in Iraqi Kurdistan, and the diaspora for their input and assistance.

The Charter will be presented to the citizens of the Kurdish regions in addition to international, national and non-governmental organisations in the regions and diaspora, including the UN, European Parliament, human rights and women's rights organisations, political parties, cultural organisations and academic institutes. A particular opportunity now exists in Iraq, since the overthrow of the Ba'athist regime, to establish the rule of law under the auspices of a genuine participatory democracy. For this reason the document will also be presented to the bodies responsible for enacting, amending and implementing the law in Iraq and Iraqi Kurdistan.

It is hoped that these relevant bodies, particularly the Kurdish Parliament and Kurdistan Regional Government, will support this document for the rights of women in the Kurdish regions and diaspora. These bodies are urged to consider seriously the domestic incorporation of the rights and needs identified in the Charter in both letter and spirit.

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Executive Director
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Kurdish Women's Charter

Charter for the Rights and Freedoms of Women in the Kurdish Regions and the Diaspora

The Kurdish Women's Project and the Kurdish Human Rights Project,

Noting that law is the foundation of justice and equality and political, social, cultural and economic security and a safeguard for the protection of individual's rights,

Convinced that a firm foundation for a modern society in the Kurdish regions can only be achieved through democracy and equality,

Convinced that only a separation of religion from state can guarantee a free democratic society,

Noting the importance of enacting, amending and implementing legislation which is based on universal human rights as they are codified in the Charter of the United Nations, in the Universal Declaration of Human Rights, in the international covenants on human rights and other conventions, resolutions, declarations and recommendations,

Concerned that religion is often misused in order to legitimate an infringement of rights guaranteed in a democratic society and fosters discrimination against women,

Aware that a change in the traditional role of men as well as the role of women in the Kurdish society and in the Kurdish family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Declaration on the Elimination of Violence against Women, we therefore find it

necessary to highlight Kurdish women's demands for equality in order to bring about a fundamental transformation for all women within the Kurdish regions and the Kurdish diaspora,

Call for the following:

Article 1

Any legal system within the Kurdish regions shall condemn and eliminate discrimination against women in all forms. Referring to CEDAW the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital and sexual status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

Women shall not be discriminated against in the political and public life of Kurdish society and, in particular, they shall have:

- (a) Equal rights before the law, e.g. equal rights as witnesses;
- (b) The right to vote in all elections and to be eligible for election to all publicly elected bodies;
- (b) The right to participate in decision-making bodies at local, national and international level, such as parliaments, governments and political parties;
- (c) The right to participate in non-governmental organisations and associations.

Article 3

All appropriate measures shall be taken to eliminate discrimination against women in all matters relating to family relations and marriage, in particular:

- (a) Marriage shall not be legally entered into without the full and free consent of both parties, and not by any person under the age of 18;
- (b) The same rights and responsibilities shall exist for both spouses during marriage and at its dissolution, including reproductive rights;
- (c) The same rights to decide freely on the number of their children and to have access to information, education and means to enable

- them to exercise these rights;
- (d) The same heritage, ownership and property rights;
 - (e) The traditional practices of polygamy, temporary marriage and dowry shall be forbidden.

Article 4

All appropriate measures shall be taken to eliminate discrimination against women in the field of employment, in particular:

- (a) The right to the same employment opportunities and to equal remuneration;
- (b) To prohibit dismissal on the grounds of pregnancy or of maternity leave;
- (c) To introduce paternity leave with pay;
- (d) To provide necessary supporting social services, e.g. nurseries, to enable parents to combine family obligations with work responsibilities and/or social activities.

Article 5

(1) The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

(2) All appropriate measures shall be taken to condemn and eliminate violence against women and no custom, tradition or religious consideration should be invoked to avoid this obligation with respect to its elimination, in particular:

- (a) Prevent, investigate and, in accordance with the existing legislation, punish acts of violence against women, whether those acts are perpetrated by the State, by non-state actors or by private persons;
- (b) Develop penal, civil and other sanctions in domestic legislation to punish and redress acts of violence against women, e.g. consider “honour killings” as murders, provide shelters and protection for women and their children;
- (c) Abolish cruel, inhuman and degrading measures of punishment such as stoning, which are mainly executed against women.

Article 6

All appropriate measures shall be taken to combat all forms of sexual exploitation and trafficking of women and girls.

Article 7

All appropriate measures shall be taken to eliminate discrimination against women in order to ensure equal rights for women and men in the field of education, in particular:

- (a) Girls shall be afforded the same conditions and the same access to education, vocational training and studies as boys, the recommended minimum of nine years of compulsory and free education for children;
- (b) Any stereotyped concept of the roles of men and women at all levels and in all forms of education shall be eliminated, in particular textbooks shall be revised to accurately reflect the role of women in history;
- (c) Women shall be afforded the same opportunities to benefit from scholarships and other study grants as men.

Article 8

(1) All appropriate measures shall be taken to eliminate discrimination against women in the field of health care in order to ensure access to health care services, including that related to family planning.

(2) Traditional practices like female genital mutilation shall be prohibited by law.

Article 9

Appropriate measure shall be taken to eliminate discrimination against women in other areas of economic and social life, in particular:

- (a) The right to family benefits, e.g. for Anfal women, children, displaced and other affected families;
- (b) Women shall have the right to free legal advice regarding all forms of discrimination against women.

Daxwaznameya Jinêk Kurd

Daxwaznameya maf û azadiyêñ jinan li herêmên kurdî û li derveyî welat

Projeya Jinêk Kurd û Projeya Kurdî ya Mafêni Mirovan

Baldêr li ser hindê ku qanûn bingehê dadperwerî û wekheviyê û ewlehiya siyasî, civakî, çandeyî û aborî û berevana parastina mafêni kesî ye,

Qayil ku bingehhek qayim bo civakek nûjen li herêmên kurdî dikare tenê bi rêya demokrasî û wekheviyê peyda bibe,

Qayil ku tenê vegetandina dîn û dewletê ji hev dikare civakek demokratîk misoger bike,

Baldêr li ser giringiya danîn, guherrandin û bicihanîna qanûnan yên bingehê wan mafêni mirovan yên gerdûnî wek hatine berhevkirin di Bingehnameya Neteweyêñ Hevgirtî de, di Danezana Gerdûnî ya Mafêni Mirovan de, di peymanêni mafêni mirovan de û di peyman, biryarname, danezan û pêşniyarêni dî de,

Xemgîr ji hindê ku dîn pirri car çewt tê bikaranîn daku rewa bêt xwiyakirin binpêkirina mafêni li civakêni demokratîk misogerî û daku rê bide awartina diji jinan,

Haydar ji hindê ku guherrandin di rola kevnar ya zelaman de û herwa di rola jinan de di civaka kurdî û malbatêni kurdî de pêdivî ye daku wekheviya di navbera jinan û zelaman de bêt bidestxistin,

Bibiryar ku bi cih bîne rîbazên di Peymana Hilweşandina Hemî Cûnêن Awartina Dijî Jinan (CEDAW) û di Danezana Hilweşandina Şideta Dijî Jinan de destnîşankirî, lew em pêdivî dîbînin pûte bi daxwazên jinêن kurd bikin bo wekheviyê daku guhartinek bingehîn peyda bibe bo hemî jinêن li herêmên kurdî û li revenda kurdî,

Bang dîkin ku:

Bend 1

Her pergala dadî li nav herêmên kurdî divê her cûn awartina dijî jinan mehkûm bike û nehêle. Bi balkışandina li CEDAW, têgiha "awartina dijî jinan" divê bêt wateya her cûn cudakirin, bêparkirin û sinorkirina li ser bingehê zayendî hatî kirin ku bandor yan armanc mezaxtin yan betalkirina naskirin, çêştin yan xebitandina mafêni mirovan û azadiyêن bingehîn e ji alî jinan ve, statûya wan ya zewacî çi be jî, ca di warê siyasî, aborî, civakî, çandeyî, sivîl yan yên dî de be.

Bend 2

Nabe awartina dijî jinan bêt kirin di jiyana siyasî û gelempêrî de di civaka kurdî de û, bi taybetî, divê wan hebin:

- (a) mafêni wekhev li gel zelaman li pêşberî dadê, bo nimûne mafêni wekhev wek şahid;
- (b) mafê dengdanê di hemî hilbijartinan de û mafê berbijariyê di hemî dezgehêن bi gelempêrî hilbijartî de;
- (c) mafê besdarîkirinê di dezgehêن biryardanê de li asta deverî, neteweyî û navneteweyî, wek perlemanan, hikûmetan û partiyêن siyasî;

(d) mafê besdarîkirina di rêxistin û yeketiyên ne-hikûmî de.

Bend 3

Hemî pêngavêن bikêr divê bêñ avêtin bo nehêlana awartina dijî jinan di hemî warêñ têkildarî malbatê û hevseriyê de, bi taybetî:

(a) zewac divê bi qanûnê neyêt rewakirin bêyî rezamendiya temam û azad ya herdu aliyan, û nabe ti ji herduyañ kêmtíri jiyê 18 salan bin;

(b) maf û erkêñ wekhev divê bo herdu hevseran hebin di dema hevjiyanê de û li dema betalkirina wê, di nav de mafêñ berhemdarî jî;

(c) mafêñ wekhev bo bi azadî birydardana li ser hejmara zarrokêñ xwe û mafê xwegihandina agahiyan, perwerdeyê û alavan bo bikaranîna van mafan;

(d) mafêñ wekhev di mîrasgiriyyê, xwedîtiyê û maliyetê de;

(e) nerîtêñ kevnar yên pirjinî, zewaca demkî û next divê bêñ qedexekirin.

Bend 4

Hemî pêngavêñ bikêr divê bêñ avêtin bo nehêlana awartina dijî jinan di warê karkirinê de, bi taybetî

(a) divê wan mîna zelaman delîvên wekhev yên karkirinê û heqdestwergirtinê hebin;

(b) jikaravêtina ji ber avisiyê yan betlaneya dayikaniyê divê bêt qedexekirin;

(c) betlaneya babîniyê ya muçedar bila bêt raberkirin;

(d) xizmetkariyên civakî yên destekder, mîna dayegehan, divê bêñ peydakirin daku delîvan bidin

dêbavan ku erkên malbatî li gel berpirsiyariyêñ kar û/yan çalakiyêñ civakî bimeşînin.

Bend 5

- (1) Têgiha "şideta dijî jinan" tê wateya her reftara şidetî ya li ser bingehê zayendî be ku encama wê dibe, yan belkî bibe, ziyangihandina yan êşandina jinan, di nav de gefêñ wan reftaran, tade yan bêparkirina kêfî ji serbestiyê, ca di warê jiyana takekesî yan jî ya fermî de be.
- (2) Hemî pêngavêñ bikêr divê bêñ avêtin bo mehkûmkirin û nehêlana şideta dijî jinan û nabe ti adet, kevneşopî yan baweriyêñ dînî bêñ bikaranîn bo rêgirtina li vî erkî, bi taybetî divê:
- (a) reftarêñ şideta dijî jinan bêñ berlêgirtin, lêkolîn û, li gor qanûnêñ heyî, cezakirin, ca ev reftar ji alî dewletê, aliyêñ ne-dewletî yan jî mirovêñ takekes ve hatibe encamdan;
 - (b) qanûnêñ cezayî, sivîl û yên dî yên xwemalî divê bêñ pêşxistin bo cezakirin û tezmînatkirina van reftarêñ şideta dijî jinan, bo nimûne "kuştina namûsî" divê wek qetil bêt hesibandin û parêzkarî û penageh ji jinan û zarrokêñ wan re bêñ dan;
 - (c) cezayêñ hovane, nemirovane û bêqîmetker, mîna kevirkirinê, ku herî zêde dijî jinan têñ bikaranîn, divê bêñ hilweşandin.

Bend 6

Hemî pêngavêñ bikêr divê bêñ avêtin bo rêgirtina li hemî cûnêñ şelandina cinsî û bazirganiya bi jinan û keçan.

Bend 7

Hemî pêngavên bikêr divê bêñ avêtin bo nehêlana awartina dijî jinan daku mafêñ wekhev bêñ misogerkirin bo jinan û zelaman di warê perwerdeyê de, bi taybetî:

- (a) divê keç li gel kurran bi şertêñ wekhev xwedî heman mafan bin di perwerdeyê, rahênana pîşeyî û xwendekariyê de, di nav de perwerdeya pêşniyarkirî ya herî kêm neh salan ya mecbûrî û belaş bo zarrokan;
- (b) her têgihiştina qalibgirtî ya li ser rolêñ jinan û zelaman, li ci astê û bi ci cûnê perwerdeyê be, divê bêt hilweşandin, bi taybetî pirtükên dersê divê bêñ veraçavkirin daku rola jinan di dîrokê de bi diristî diyar bikin;
- (c) divê jin mîna zelaman xwedî heman delîvan bin bo mifadariya ji bexşîşan û xelatêñ dî yên xwendinê.

Bend 8

(1) Hemî pêngavên bikêr divê bêñ avêtin bo nehêlana awartina dijî jinan di warê çarederiya saxlemî de daku xwegihandina xizmetêñ saxlemî, di nav de plankirina malbatî jî, bêñ misogerkirin.

(2) divê nerîtêñ kevnar, mîna xesandina endamê cinsî yê jinan, bi qanûnê bêñ qedexekirin.

Bend 9

Hemî pêngavên bikêr divê bêñ avêtin bo nehêlana awartina dijî jinan di warêñ dî yên jiyana aborî û siyasî de, bi taybetî:

- (a) mafêñ wergirtina mifayêñ malbatî, bo nimûne bo jinêñ Enfal-kirî, zarrokan, malbatêñ aware û yên dî yên ziyanlêbûyî;
- (b) divê jinan mafê şîretmendiya dadî ya belaş hebe li ser hemî cûn awartina dijî jinan.

داخوازینامه‌ی ژنی کورد

داخوازینامه‌بؤ ماف و ئازادىيەكانى ژنان
له هەرثەمە كوردىيەكان و ژنانى كورد له
ھەندەران

(لەممەدوا به دېز بک ناو دەبرىت)

پرۇزەي ژنی کورد و پرۇزەي مافي
مرؤضىي کورد،

بە تىبىنى ئەۋەي كە ياسا بناغەي
دادىپەرۇقىي و يەكسانى، ئاسايىشى سىاسىي
، كۆمەلأىتى ، كلتۈوري ، ئابوورىيە تو
بەرگەرىكارىي پاراستىي مافەكانى تاكە،
لە سەر ئەمۇ بذوایەي كە بنچىنەي
ستەقامگىر بؤ كۆمەصىگەي نوڭ لە
ھەرثەمە كوردىيەكان، تەنها لە ذىگەي
دىمۆكراسىي و يەكسانى دىتەئاراوا،

لة سقر ئەتو بذوايىي كە تەنها جىايى ئايىن
لە دھو صەت دەتوانى مسۇگەرى
كۈمە صىگەتىكى ئازاد و ديموكراتى بىت،
بەرچاوكىرىنى بايىخى گۈزىن و دانان و
پيادەكىرىنى ياسا لە سقر بنەما
گەمردوونىيە كېشىگەنلىكىنى مەفەكەنلىي مەرۆض
ذىخراوي لە پەيماننامەي
جاذنامەي نەتە تو قىيە كەرگەر تۈوفە كان،
گەمردوونى مافىي مەرۆض و پەيماننامە
نۇنۇنەتە تو قىيە كان لە سەر مافىي مەرۆض و
ذىشكە توتنامە، بىيارنامە، جاذنامە و
راسپىزىيە پەسەندىكراوه كانى تر،
بە نىكەرانىي لە قوەي كە ئايىن زۇر جار
كە سەكئاۋە قۇزۇي لىث و قىردە كېرىت بؤ
مەقبەستى ذقۇايەتىدان بە پېشىڭىرىنى
مەفە مسۇگەر كراومەكان لە كۈمە صىگەتى
ديموكراتىدا و زەمبىنە خۇشكەرى
ھەلاؤاردىنە دېز بە ژنان،

بە هۆشیاری لتووی کە گۆزانکاری لە
ذؤصی نەریتی پیاوان و ئافرقان لە
کۆمەسگەی کورد و، لە ناو خىزانى
کوردا پۇيىستىيەكە بؤ بەقدىستەنانى
يەكسانى تەواوي ژنان و پیاوان،
بە سوربوون و پىداگرتن لەسىر
پىادەكردنى بەندەكانى پەيماننامەي
لەناوبردىنى ھەممۇ جۈرە جىاكارىيەك دىز
بە ئافرقان (CEDAW) و بانگەخوازى
نەھىشتى ھەممۇ جۈرە تۈوندۇتىزىيەك دىز
بە ژنان، ئىتمە بەپۇيىستى دەغانىن
داخوازىيەكانى ژنى کورد بؤ يەكسانى
بەخەينەذوو ، بە مەقبىستى ھىشانەدى
گۆزانکارى بەندەذتى بؤ ھەممۇ ژنان لە
ھەرىمە كوردىيەكان و لە كۆمەسگەي
کورد لە ھەندەراندا،
ئەم داخوازىيەيانەي خوار قومان ھەمیە:

خاصی 1

هەر دامودقزگایەکی یاسایی لە ناوچە کوردیبیەکاندا، هەممو ششوقیەکی هەلاؤاردن دژ بە ژنان بەتقاوان دابنثت و قەدەغەی بکات. وەک لە (CEDAW)دا ھاتووه دەستەوازەتی "ھەلاؤاردن دژ بە ژنان" بە مانای هەممو جۆرە جیاکاریي، بىتمەشكىرن و سنوورداركىرىنىڭ كە پىيادەدەكرىنت لەسەر بىنەماي توخم "جنس" كە ئاكام يان مەقبىستى بىبايەخىردىن يان بەتقاىسىرىنىڭ تەۋەتى ئاكادارىي، بەھەر قەندىدى يان تواناي بەكاربرىنە لە ژناندا، بىت رەچاواكىرىنى ھاوسەردارىتى يان چۈنۈھەتى ژيانىي جنسىييان، لەسەر بىنەماكانىي يەكسانى پىاو و ژن، لە مافەكانىي مرؤض و ئازادىبىيە بىنەذقىتىيەكەن لە بوارىي سىياسىي، ئابورىي، كلىتوري ، مەدقىي و بوار مakanitir.

خاصی 2

ژنان نابىثت ذوبەذووي هەلأواردن بىنەۋە
لە ژياني سىياسىي و كۆمەلأىيقتى گشتىي لە
كۆمەصىگەي كوردىدا، بە تايىەتتىش
پۇيىستەبەھەر مەماند بن لە:

- ئا- مافى يەكسان لە بەرانبەر ياسادا، بؤ
نمۇونە مافى يەكسان لە گەواھيداندا؛
- بىث- مافى دەنگدان لە ھەمەو
ھەصبىز اردىنەكان و خۇپا لاؤتن بؤ ھەمەو
دامودقۇزگا گشتىيە ھەصبىز ثىردا و مەكان؛
- پىث- مافى بەشدارىكىردىن لە ناوقدەكانى
بىذىاردا چ لەتسىر ئاستىي ناوجەتىي و چ
لەتسىر ئاستىي نەتەۋەقىي و نىۋەنەتەۋەقىي؛
و ۋەك پەرلەمان، حۆكمەت و پارتە
سياسييەكان.
- تىث- مافى بەشدارىكىردىن لە كۆمەصە و
ذىخراوە ناھىكمىيەكاندا؛

خاصی 3

هتموو هموص و تواناکارییەك بخرتة
کار بؤ بقربەستکردن و ببنذکردنی
ھەلأواردن دژ بة ژنان لة هتموو
پەيو قدیيەكانى خىزان و لة ژيانى
هاوسەرئى دا ، بة تاييەت :

ئا- ذقوايىتى نەدرىت بة هاوسەردارى بة
بىز ذقرا مەندى تەواوي ھەردوولا و،
ھېچكامىيان تەممەنيان لة 18 ساصل كەمنىز
نەبىت ؟

بىز- ئەرك و مافى يەكسان بؤ ھەر دوو
هاوسەر ھەبىت، چ لة ماۋەتى
پىڭتو ۋە ژيانىي و، چ لة كاتى
ھەصۈقشاندىن ھەۋەتىي ژيانى هاوسەرئىتىدا؛ بؤ
نمۇونە مافى بقىرەتەنائى نەۋە ؟

پىز- مافى يەكسان لة بىنبارداني ئازادانە
لەسەر ژمارەتى منداصل، بەقدەستەنائى
زانىاري و فىرىبوون و ذووناكىبىرىي ،
بەقدەستەنائى ئامرازە سەرقەكىيە

پژویسته‌کان بؤ يار مقتيدانيان لة
بەكاره‌تاني مافة‌کانياندا؛
نت- مافي يەكسان لة ميرات و خاوه‌نثي و
موصکداريدا؛

جث- قەدەغە‌کردنى نەرىيەتەکانى و ئاك
فرزنى، ھاوستەرتى كاتىي و مارقىي؛

خاصىي 4

ھەممۇ جۈرە ھەمۆص و تواناكارىيەتى
پژویست بخېشىتە كار بؤ بىندىكىردى
ھەلأواردىن دىز بە ڙنان لة بوارى
كاركىدىن و دامقىزراىدىن لة كاردا، بە
تايىتەت:

ئا- مافي ذەخساندى دەرقەتى يەكسان لة
كار و دامقىزراىدىن لة كار و، مووجەتو
ھەقدەقىستى يەكسان؛

بىث- قەدەغە‌کردىنلىكاردەقىزراىدىن لة
سۈنگەتى زىگپىزىي يان مۇصلەتى
منداصبۇون و گۈشكەردىنلىك منداص؛

پىش - دانانى ماۋەتىي مؤصلقى باوکايىتى بە
مووچقۇة؟

نىڭ - داپىنگىردىنى كۈمەتكىي پۇيىست و
خزمەتگۈزارىي كۈمەلائىتىي و ئەڭ
دايەنگەمۇ باخچەتىي ساوايان، تا دايىكان و
باوکان بوارى ذاپەذاندى ئەركەكانى
زىيانى خىزانى و كاركىرىن و، هەروەها
دەرقەتىي بەشدارىكىرىدىيان لە چالاكىيە
كۈمەلائىتىيەكاندا بؤ بىذەخسشت؛

خاصىي 5

1- دەستتۇوازقىي "تۇوندوتىزىي دېز بە
ژنان" بە ماناي ھەممۇ جۈرە رەفتارئىكى
تۇوندة كە لەسقىر بنەماي ژىندقىر پىادە
دەكىرىت كە دېبىتە، يان "ذەنگە بېتە"،
ھۆي زىيان وئازارىي سىكىسى، فيزىيکىي و
دەرۋونىي ئافرۇت. هەروەها ھەذىشەتىي ئەمۇ
كەردىقە ئازارئامىزانە، زۇرلىڭىرىن يان
بېتەشكىرىن لە ئازادىي چ لە زىيانى
كۈمەلائىتىي و چ لە زىيانى تاكىيدا.

2- بةگەذخستىي هەممۇ جۈرە ھەتوشتىك
بؤ بىنذىرىن و بەتتاواندانانى تۈوند و تىزىي
دژ بة ژنان و ، ذقچاونەكردىنى ھېچ جۈرە
داب و نەرىيت يان دىشىا و دۇانىنىڭ ئايىنى
كە بة مەقبەستى خۇلادان لەم ئەركە لە
ئارادىيە، بة تايىيەت:

ئا- بەرپەستىكىرىن، لىكۈصىنەمۇ و ، بة پىي
ياسا ھەمموارەكان، تەمبىت كەردىنى
كەردىھەي تۈوندۇتىزىي ئامىز دژ بة ژنان،
جا ئەم كەردىوانە لە تاكىڭى كۆمەصىگە
رووبات، يان لە لايقىن دامودۇزگاپى
حۆمەتنەمۇ بېت؛

بىت- گەشمېۋىدانى سزاكان بؤ تاوانىي
جەزايىي، مەدققى و تاوانەكانى تر لە
ياساكانى ناوخۇيىدا بەممەبەستى تەمبىت
كەردى و قەرقۇو كەردىنەمۇ زيانەكانى
تۈوندۇتىزىي دژ بة ژنان، بؤ
نمۇونە"كوشتىي ژنان بة پاساوىي پاراستىي
شەرق" بة تاوانىي كوشتىي بەممەبەست

دابنرثت و، پەنگا و کۆمەکي پارێزگارىي
بؤ ئافرقتان و مۇداصەكانىيان دابىن بىكىرثت.
پىش- بىنۈذۈرىنى ھەممۇ جۈرە بىذىيارىڭىي
زاصمانە، نامرۇضانە و سوکكارىي و ئەلک
بەقىدباران كە به تايىمەتى بەقى قۇذۇوي ژنان
دەقىنەۋە و بىيادىقەتكەرن.

خاصی ۶

بەگەمەذخستىي هەممۇو ھەمۆص و توانىيەك
بؤ بەرپەستىرىنى كەسىكئاۋەزروو
و قىرگەرتىي سىكىي و بازىرگانىي و
سەتەوداومامەصةكەردىن بە سىكىي ژنان و
كچان.

خاصی ۷

هتموو هتووص و تمقة لایتکی پتویست بؤ
بقریبەستکردنی هەلأواردن دژ بە ژنان لە
بواری خوشن و فەربۇون دا بىرىت بە
تاپىلتى:

ئا- پىدانى دەرفقت و سازكىرىنى
ھەلۇمەرچى يەكسان بؤ كچان و كۈزان لە

بواري خوشن و پقروقردەي پېشىيىدا.
پېشىاري نؤ ساصل خوشنى بقزۇر و
بەخۇذايى بؤ مىنالان دەكەمىن؛
بىث- ھەممۇ جۈرە بۈچۈن و تىڭوانىنىڭ
كە زەمىنە بؤ ھەلأواردىن دەسازىت
سەبارەت بە نۇص و ئەرك و مافەكانى
ژنان و پىاوان لە سېستەمي پقروقردە دا
نەمىتىت و، بە تايىمت پقىتۇوكى خوشنى
فېرگەكان دېبىت سەرلەنۈ دابەشىرئەۋە
و چاپىكىرئەۋە بە جۈرۈك كە ئەركى
مېرىۋەي ژنان لە كۆمەسىگەدا لە ناوياندا
ذقىگ بداتەۋە.

پىث- سازاندى دەرفەتى يەكسان بؤ ژنان
بؤ ئەۋەي بتوانن وەك پىاوان لە قۇناغى
خوشنى بىلەدا سوود لەيارمەتىيەكان
و قىرگەن بؤ گەشەپىدانى خۇيان؛

خاصي 8

1- هموص و تهقة لاي پثويست بدرثت بؤ نه هشتنى هتموو جورڭى هلاواردن لە بوارى سترپېرىشتى تەندروستى و بە مقبىسى دىستېر كردى خزمەتگۈزاري لمبوارى سترپېرىشتى تەندروستىدا، بؤ نموونە لقاوەدا كە پېيوقدى بە پلانى بەرnamەي خىزانقۇهەمە.

2- ئاكارە نەرىيىتەكانى و ئەن خەتكەنەكىرىنى مىئىنە بە پىشى ياسا قەدەغە بىرىن.

خاصي 9

ھموص و كۈششى لىبذاوانە بؤ نه هشتنى هتموو جۈرە هلاواردىڭ لمبوار ئەكانى ژيانى ئابورى و كۆمەلائىتىدا، بە تايىقت:

ئا- پىدانى دەرماصەپ تايىقت بە خىزانەكان، بؤ نموونە بە ژنانى ئەنفال،

مندالأن ، خثرانة ئاوارقكان و خثرانة زيانلنكەوتۈوچىكى ؟
بىث - دابىنكردىي كۆمەتكى تايىھەت بؤ ژنان بؤ پرسەتكانى تايىھەت بە ذىئۇمايى و ذاوتىرى ياسايى لە پەيىوقدى بە هەلاؤاردىي پېادەكراو دىز بە ژنان .

لائحة مطالib المرأة الكردية

(لائحة حقوق وحرية المرأة في المناطق الكردية و بلدان المهاجر)

برنامج المرأة الكردية بالتعاون مع المنظمة الكردية لحقوق الإنسان

إنطلاقاً من أن القانون هو أساس العدالة والمساواة وهو الضامن للأمن السياسي، الاجتماعي، الثقافي والاقتصادي للأفراد والذاند عن حقوقهم ،

وإيماناً منا بأن بناء المجتمع الحديث والمستقر في المناطق الكردية لا يمكن أن يتحقق إلا من خلال تبني الديمقراطية والمساواة ،

وتأكيداً على أن بناء المجتمع الحر والديموقراطي يقوم فقط على أساس فصل الدين عن الدولة ،

ودعوة منا إلى ضرورة الأخذ بنظر الأعتبار أهمية تشريع وتعديل وتطبيق القوانين وفق المعايير الكوبونية لحقوق الإنسان كما وردت في لائحة حقوق الإنسان التي أقرتها الجمعية العامة لمنظمة الأمم المتحدة ، فضلاً عن اللوائح والمقررات والاتفاقيات الدولية الأخرى ،

وتعبرنا عن قلقنا من سوء استخدام الدين لأضفاء الشرعية على انتهاكات الحقوق المصادنة في المجتمعات الديموقراطية و التشجيع ممارسة التمييز ضد المرأة ،

وابراكاً منا بأن إحداث التغيير في الدور التقليدي لكل من الرجل والمرأة في المجتمع الكردي و داخل العائلة الكردية أمر ضروري لتحقيق المساواة الكاملة بين الرجل والمرأة ،

وحرصاً منا على ضرورة تطبيق المبادئ التي تضمنتها اتفاقية القضاء على جميع مظاهر التمييز ضد المرأة (CEDAW) و لائحة محاربة العنف ضد المرأة . لكن ذلك وجدنا من الضروري طرح مطالib مساواة المرأة الكردية من أجل إحداث تغيرات جذرية في أوضاع المرأة في المناطق الكردية وفي بلدان المهاجر ، لذا نطالب بما يلي :

البند 1 :

على أي نظام قانوني سائد في المناطق الكردية إدانة و تحريم التمييز ضد المرأة بكل أشكاله . ويعني (التمييز ضد المرأة) وفق تعريف (CEDAW) أي تمييز أو إقصاء أو تقيد للمرأة وحقوقها على أساس الجنس و الذي يوثر أو يهدى إلى إضعاف الإناث و الموهاب و إمكانيات الممارسة الفعلية لدى النساء بغض النظر عن أوضاعهن المادية و الجنسية . بل يجب أن يستند على أساس المساواة بين الرجل والمرأة ، و حقوق الإنسان و الحريات الأساسية على الأصعدة السياسية ، الاقتصادية ، الاجتماعية ، الثقافية و المدنية و غيرها .

البند 2

يجب أن لا تتعرض المرأة إلى التمييز في الحياة السياسية و الاجتماعية العامة في المجتمع الكردي و يجب أن تتمتع بـ :

أ . حق المساواة مع الرجل أمام القانون كالمتساوية في الشهادة أمام المحاكم مثل.

- بـ. حق التصويت والترشح في الانتخابات و إلى جميع المؤسسات العامة المنتخبة.
- تـ. حق المشاركة في مؤسسات صنع القرار على جميع المستويات الأقليةمية و الوطنية و الدولية كالبرلمان و الحكومة و الأحزاب السياسية.
- ثـ. حق المشاركة في الجمعيات و المنظمات الغير حكومية.

البند 3

بـذل الجهود والأمكانـيات جميعـاً لمنع ممارسة التميـز ضد المرأة و القضاـء عليهـ في جميعـ القضاـءـيات المتعلقةـ بالعـالـاتـ العـانـيلـةـ و الزـواـجـ و بـخـاصـةـ فـيـ :

أـعـدـ اعتـبارـ الزـواـجـ مـشـروـعاـ إـلـاـ بـالـرـاضـاـ التـامـ وـ الـحرـ للـطـرـفـينـ وـ عـلـىـ أـنـ لاـ يـقـلـ سـنـ أـيـ مـنـهـماـ عـنـ الثـامـنةـ عـشـرـةـ .

بـ. ضـمـانـ المـساـواـةـ فـيـ الـحـقـوقـ وـ الـوـاجـبـاتـ لـلـزـوـجـينـ سـوـاءـ اـثـنـاءـ الـحـيـاةـ الـزوـجـيـةـ الـمـشـرـكـةـ أـوـ عـنـ الـأـنـفـصـالـ وـ التـفـرـيقـ ،ـ مـثـلـ حـقـ الـحـصـولـ عـلـىـ الـأـطـفـالـ مـنـ جـديـدـ .

تـ. ضـمـانـ الـمـساـواـةـ فـيـ اـتـخـاذـ الـقـرـارـ الـحرـ حـوـلـ عـدـ الـأـطـفـالـ وـ حـقـ اـكتـسـابـ الـمـعـلـومـاتـ وـ الـحـصـولـ عـلـىـ الـتـعـلـيمـ وـ الـمـسـاعـدـةـ لـمـارـسـةـ تـلـكـ الـحـقـوقـ .

ثـ. ضـمـانـ الـمـساـواـةـ مـعـ الرـجـلـ فـيـ حـقـوقـ الـأـرـثـ وـ التـمـلـكـ وـ الـمـلـكـيـةـ .

جـ. مـنـ ظـواـهـرـ تـعـدـ الـزـوـجـاتـ وـ الزـواـجـ الـمـؤـقـتـ وـ فـرـضـ الـمـهـورـ .

العدد 4:

اتخاذ جميع الاجراءات اللازمة لمنع ممارسة التمييز ضد المرأة في مجالات العمل و التوظيف وبخاصة :

- أ. حق توفير فرص التوظيف المتكافئة وفي الرواتب والأجور،**
- ب. منع طرد المرأة من العمل بسبب الحمل أو أثناء التمتع بإجازة الأمومة و تربية الطفل،**
- ت. تشريع إجازة أبوة مدفوعة الراتب،**
- ث. توفير المساعدات الضرورية و الخدمات الاجتماعية كمراكز الأمومة و رياض الأطفال لتمكين الآباء و الأمهات من الجمع بين التزاماتهم العائلية و مهام الوظيفة و العمل و المشاركة في النشاطات الاجتماعية .**

البند 5

١. تشمل عبارة (العنف ضد المرأة) على جميع التصرفات والسلوكيات العنفية التي تقوى على أساس جنس المرأة والتي تتسبب أو يمكن أن تتسبب في إلحاق الضرر أو الآذى الجنسي أو الجسدي أو النفسي بالمرأة . كما تشمل عبارة (العنف ضد المرأة) على التهديد بالقيام بذلك الأفعال المعنوية أو إيجار المرأة أو حرمانها من حرياتها الاجتماعية أو الشخصية .
٢. يبذل كل الجهد للقضاء على ظاهرة العنف ضد المرأة واعتبارها جريمة و عدم اتخاذ أية عادات أو تقالييد أو أعراف أو معتقدات دينية كمبررات للتبرير من القيام بهذه المهمة ، بخاصة:
 - أ. منع و التحقيق وفق القوانين السائدة و معاقبة أعمال العنف ضد المرأة سواء مورست هذه الأفعال من قبل الدولة أو من قبل ممثلين غير حكوميين أو أشخاص عاديين .
 - ب. تشديد العقوبة المدنية و العقوبات الأخرى في القوانين الوطنية لمعاقبة ومعاملة مرتكبي أعمال العنف ضد المرأة مثل جرائم (غسل العار) و النظر إليها كجرائم قتل مع تأمين الحماية للنساء و أطفالهن في هذه الحالات .
 - ت. القضاء كلياً على العقوبات الوحشية و المهينة مثل الرجم بالحجارة و التي تنفذ عادة بحق المرأة .

البند 6 :

اتخاذ الأجراءات الازمة لمحاربة جميع أشكال الاستغلال الجنسي و التجارة بالنساء و الفتيات.

البند 7 :

- اتخاذ الأجراءات الازمة لمحاربة التمييز ضد المرأة بهدف تأمين الحقوق المتساوية للرجال و النساء في مجال التربية و التعليم و بخاصة في :**
- أ . يجب أن توفر للفتيات نفس الظروف و الفرص التي يتمتع بها الأولاد للحصول على التعليم و التدريب المهني و الدراسات . ونطالب بفترة تسع سنوات للتعليم المجاني و الازامي للأطفال.**
 - ب . إزالة كل التفسيرات و النصوص المسبقة عن دور الرجل و المرأة في مستويات و أشكال التعليم المختلفة و يجب أن يعاد النظر في الكتب المنهجية بطريقة تعكس بصورة صحيحة دور المرأة في التاريخ .**
 - ت . خلق الفرص المتكافئة أمام المرأة لكي تتمتع مثل الرجال بالمنح و الزمالات الدراسية الأخرى .**

البند 8 :

- 1 . اتخاذ الخطوات الازمة لمنع التمييز ضد المرأة في مجال الخدمة الصحية بهدف تأمين حصولها على تلك الخدمات بما فيها المتعلقة بالتطبيب العائلي .**
- 2 . منع بعض العادات و الممارسات التقليدية كختان المرأة بقوة القانون .**

البند 9 :

- اتخاذ الأجراءات الازمة لمنع ممارسة التمييز ضد المرأة في مجالات أخرى من الحياة الاقتصادية و الاجتماعية ، مثل :**
- أ. منح المخصصات الى العوائل المنكوبة و بخاصة ذوي ضحايا الأطفال من النساء و الأطفال و كذلك المرحلين و غيرهم .**
 - ب. يجب أن تحصل المرأة على الاستشارة القانونية المجانية في جميع القضايا المتعلقة بمارسة التمييز ضدها .**

Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora

ISBN 1 900175 71 1