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A WOMAN'S STRUGGLE:  
USING GENDER LENSES TO  
UNDERSTAND THE PLIGHT OF  
WOMEN HUMAN RIGHTS  
DEFENDERS IN KURDISH  
REGIONS OF TURKEY

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Roj Women's Association



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# ROJ WOMEN'S ASSOCIATION

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## KURDISH AND TURKISH WOMEN'S RIGHTS

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Roj Women's Association campaigns to improve the lives of women in Kurdish regions and communities of the world. Kurdish women are subject to double discrimination as a result of their gender and of their ethnicity.

Our aim is to further their rights and to expand the opportunities available to them by drawing attention to the factors that shape their struggle and by advocating for the necessary changes to overcome them.



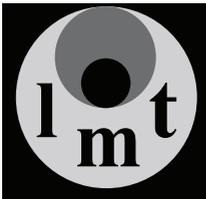
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# ACKNOWLEDGEMENTS

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The fieldwork carried out for this report would not have been possible without the determination and professionalism of the coordination team based in London, particularly of Ozlem Murray, and of the team of researchers on the ground formed by Alexandra Lort Phillips, Sema Yildiz, Ayse Tekagaç and Virginia Lopez Calvo. Neslihan Sever and José Carlos Conde Acuaviva were responsible for the design. Virginia López Calvo conducted desk-based research, wrote and co-edited this report.

Similarly, gratitude is extended to the women human rights defenders who acceded to be interviewed as well as to all those volunteers from women's groups, trade unions and other civil society and partisan organizations that facilitated such interviews. Lastly, this fact-finding mission is indebted to the many selfless individuals and families who provided the research team with logistical support. To all of you, thank you for your tireless work.



This report has been produced with the financial support of the Lipman-Miliband Trust

Printed in London (UK)  
April 2012

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# FOREWORD

This report explores the hitherto untold experiences of women human rights defenders in East and South East Turkey, a burning issue. As in other situations of violent conflict and gendered and ethnic oppression, women in the Kurdish region of Turkey have been disproportionately affected from curtailed access to education, decent employment, loss of livelihoods. For decades they have experienced military conflict, internal displacement and the attendant social, economic and political strains, which often work to circumscribe women's lives and render them more vulnerable to gendered control, both by the state and its security forces and their families and communities. Under these circumstances, becoming active as human rights defenders requires courage.

Yet, the women human rights defenders point out, that it is precisely these difficult circumstances that make it so urgent to address women's and human rights issues. In taking up this challenge, the women human rights defenders may encounter reluctance from a public, whose rights they are defending, to accept and respect female advocates and activists. Carrying on despite the suspicions of those whose rights they defend requires courage.

The activities of these women human rights defenders have led to many of them encountering criminalization, intimidation, emotional, physical and sexual violence. This report documents the involvement of state security forces in these attacks on women human rights defenders. Interviews with women human rights defenders document violations they experienced at the hands of security forces in the pursuit of their activism. Defending human and women's rights, despite threats and violence by security forces requires courage.

While some of the women have sought to seek justice against the perpetrators of this violence, this report documents a widespread frustration with the inefficacy of the Turkish legal and judiciary systems to protect them and bring the perpetrators to account. In addition, some women fear that reporting the abuses they experience will lead to stigmatization in their families and communities, where the potential for sexual abuse is seen as shaming them rather than the perpetrators. Speaking out about these violations requires courage.

Considering all these obstacles in raising the issue of violence against women human rights defenders, this report represents an important achievement by the researchers of Roj Women's Association. It brings these hitherto untold stories to the attention of the UK and international public. I hope that enough people will have the courage to read it.

Dr Umut Erel

# CONTENTS INDEX

1. Introduction
2. The context of women human rights defenders' work in the Kurdish regions of Turkey
  - 2.1 Political and social context
  - 2.2 Legal and policy context
    - 2.2.1 International law: the United Nations system
    - 2.2.2 International law: the European Union mechanisms
    - 2.2.3 Turkish domestic law
      - Penal Code
      - Anti terror Law
      - Law on meetings and demonstrations
3. Women human rights defenders in Kurdish regions of Turkey
4. Research methodology and fieldwork
5. Findings: risks and challenges faced by women human rights defenders
  - 5.1 Attacks on life and bodily integrity
    - Attempted killing
    - Torture
    - Rape and sexual assault
    - Excessive use of force
  - 5.2 Attacks on psychological liberty and against personhood and reputation
    - Threats, warning and ultimatums
    - Psychological harassment
    - Blackmail
    - Sexual harassment
    - Vilification and smear campaigns

### **5.3 Deprivation of liberty and invasion of privacy**

Arbitrary arrest and detention

Kidnapping or abduction

Raids of homes/offices

### **5.4 Legal provisions and practices restricting women's activism**

Criminalization and prosecution

Sanctions at workplace

### **5.5 Violations of women's freedoms**

Restrictions on freedom of association

Requirement of permission or denial to travel abroad

Restrictions on access to receive funding

### **5.6 Impunity and limited access to justice**

Limited access to justice

## **6. Conclusions**

### **6.1 Patriarchy at the heart of the risks faced by women human rights defenders**

6.2 Impact of attacks perpetrated on women human rights defenders

6.2.1 On women human rights defenders' health and personal relations

6.2.2 On the communities and society

## **7. Recommendations**

7.1 To the Turkish government and judiciary

7.2 To the European Union

7.3 To the Turkish and international civil society

# I. Introduction

This study is concerned with the experiences of women human rights defenders who work for women's rights and also to defend other rights in the Kurdish regions of Turkey. The East and Southeastern parts of Turkey are inhabited predominantly by ethnic Kurds (hereinafter this report will refer to these regions as either the Kurdish regions or Southeastern Turkey).

A report by the World Organisation Against Torture stresses that discrimination against women and against Kurdish people in Turkey contributes to a heightened risk of violence against Kurdish women by the State. Rape cases and other forms of sexual violence and sexual abuse during legal processes or by village guards tend to go without punishment. The report states that this is largely due to state's attitudes, which seek to protect its own officials. Subsequently, they either do not investigate at all or, in instances where an investigation is initiated, it rarely leads to prosecution<sup>1</sup>. In a male dominated environment with entrenched patriarchal norms, the attitudes and behaviour of enforcement officials present significant obstacles for women to access justice<sup>2</sup>.

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1 World Organisation Against Torture, 'Violence against Women in Turkey, A report to the Committee against Torture', (Belgium, 2003), pp. 368.

2 Diner C. & Toktas S., 'Waves of Feminism in Turkey: Kemalist, Islamist and Kurdish Women's Movement in an Era of Globalisation'. (Routledge, London, 2010), pp. 42

During their fact finding mission in Kurdish regions of Turkey, Roj Women's delegation observed a shift towards psychological attacks by security forces against women human rights defenders (away from physical attacks), but not a reduction in their quantity and sexualized nature. Methods were gendered and capitalized on prevalent honor-based and patriarchal social norms.

Gender differentials arise to a large extent because women's bodies are 'carriers' of cultural identity, while male people are 'protectors' of such bodies. For example, the spread of hearsay and rumours about alleged promiscuity was one technique used by security forces in South East Turkey to humiliate women and delegitimize them in their role as community figures and as human rights defenders. Similarly, filling up women defenders' email inboxes with pornographic images constitutes a message about their perceived sexuality: women who are visible in the public sphere break a social convention about a 'woman's place'. The pornographic images were hence a threat to their (sexual) integrity for daring to challenge the status quo and to cross the boundaries of the existing gender order.

For this research 30 interviews were carried out across the Kurdish regions in April 2011. Their testimonies portray grim pictures of deteriorated human rights standards justified in the name of Turkey's national security.

# 2. The context of women human rights defenders' work in the Kurdish region of Turkey

## 2.1 Political and social context

The socio-political history of Kurdish people in Turkey is complex and dynamic, with Kurdish human rights discourses wide-ranging. The Kurds constitute a population of approximately 35-40 million, making them the fourth largest non-state ethnic people of the world. In 1918 lands then referred to as “Kurdistan” were divided by force among four nation-states Turkey, Iran, Iraq and Syria with about a million of the population spread in other geographies.<sup>3</sup> The Treaty of Lausanne, signed in 1923, did not provide for the recognition or protection of the Kurdish rights, which were promised in the earlier (never- ratified) Treaty of Sevres in 1920. In other words, the Sevres Treaty, which promised Kurds to be citizens of a “newly independent Kurdish state”, was discarded and replaced by a constitution that criminalised any practices and motives perceived to distinguish the Kurdish identity from the Turkish identity.

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3 Mojab S, 2001. ‘The Solitude of the Stateless: Kurdish Women at the Margins of Feminist Knowledge’. Costa Masta, Mazda Publisher, 2001

Recent years have seen few changes to the situation of Kurds in Turkey despite hopes raised in 2009 by a 'democracy opening' programme, initiated by the government, that promised to bring a peaceful solution to the Kurdish question. The situation for the Kurds has only become grimmer and the amendments made on the Constitution in September 2010 did not make any difference to the Kurdish issue. The provision in the Constitution that bans the teaching of any languages other than Turkish as mother tongue still remains in force. Similarly, Turkey continues to reject to recognize the Kurdish identity in the Constitution<sup>4</sup>.

Since 2009 social unrest in the region has grown as new episodes of repression occur. The Justice and Development Party (AKP by its Turkish acronym) government has arrested since thousands of Kurds on thinly supported charges that they are terrorists; many continue to be detained as their trials get continuously postponed<sup>5</sup>. The detainees had done no more than to call for improved living conditions for Kurdish self-determination struggle leader, Öcalan<sup>6</sup>. An increase in protests and acts of collective civil disobedience preceded an upsurge of the Kurdistan Workers' Party (known by its Turkish acronym PKK<sup>7</sup>), armed activity in September 2011 which, it is claimed, is a reaction to the AKP government that is largely unresponsive to Kurdish demands and unwilling to address them in a non-military manner.

Since the beginning of the armed-struggle in the 80's around 17,000 people have disappeared under custody or were assassinated in extrajudicial killings by State agencies and these crimes still remain unresolved. In November 2011, 120 mass graves with bodies of civilians and guerilla combatants were discovered. The estimates of villages forcefully evacuated by security forces range between 2,400 and 4,000, as estimates of internally displaced people range from 3 to

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4 Minority Rights Group International, 'State of the World's Minorities and Indigenous Peoples', 2011. <http://www.minorityrights.org/10848/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2011.html> [Last accessed 1st November 2011]

5 The Economist, 'Turkey and the Kurds: Rebellious days', 2012. <http://www.economist.com/node/21551111> [Last accessed 24<sup>th</sup> March 2012]

6 BBC News Europe, 'Mass trial of Kurdish activists starts in Turkey', 2010. <http://www.bbc.co.uk/news/world-europe-11565813> [Last accessed 25<sup>th</sup> October 2011]  
Human Rights Watch, 'Turkey: Kurdish party members' trial violates rights', 2011. <http://www.hrw.org/news/2011/04/18/turkey-kurdish-party-members-trial-violates-rights> [Last accessed 15<sup>th</sup> October 2011]

7 Founded in 1978 and led by Öcalan, the PKK launched an armed struggle in 1984 against the Turkish State for an autonomous Kurdistan and for cultural, economic, social and political rights for the Kurds in Turkey.

3,5 million<sup>8</sup>; these people, who left villages and moved to urban centres, face economic and social challenges and the political will to assist them is limited.

Impunity for state officials perpetrators of torture and ill treatment remains a problem despite the AKP's government declared a policy in 2003 on 'zero tolerance' in relation to such abuses. Justice Minister Şahin stated that in the course of 2006 and 2007 more than 6,000 security officers had been investigated in relation to torture allegations, however only 223 of them faced criminal charges and of those just 79 received punishment<sup>9</sup>. Moreover, there is currently no regulation in Turkey limiting the postponement of trials for cases of torture, nor does any law state that sentences for crimes of torture and ill-treatment cannot be converted into a fine or a suspended sentence. Indeed state officials who do end up before the courts frequently receive lenient treatment.

Civil society organizations in Turkey have very limited capacity to hold the government and other state actors accountable. This is partly due to inadequate skills and resources in the sector, but also to underdeveloped linkages among civil society organizations and between them and the state<sup>10</sup>. These obstacles are greater in Kurdish regions of Turkey compared to other parts of the country and further exacerbated for women's organizations. According to the European Union Progress Report in 2010, dialogue and cooperation between women's organizations and relevant public institutions is deteriorating, at both central and local levels. Women's rights organizations also struggle to defend women against community attitudes, which are tolerant of violence against women, attitudes that are frequently shared by judges, senior government officials and opinion leaders in society<sup>11</sup>. In Mûş, a Kurdish province, the mayor's response to a group of women's complaint about the sexual harassment in the streets was that women should 'stay home' to avoid harassment.

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8 Kurdish Human Rights Project, 'Displacement in the Kurdish regions presentation', 2010. [http://www.khrp.org/khrp-news/human-rights-documents/2011-publications/search\\_result.html](http://www.khrp.org/khrp-news/human-rights-documents/2011-publications/search_result.html) [Last accessed 20<sup>th</sup> October 2011]

9 Kurdish Human Rights Project, 'Human Rights in the Kurdish region of Turkey: Three pressing concerns', 2009. [http://www.khrp.org/khrp-news/human-rights-documents/2011-publications/doc\\_details/230-human-rights-in-the-kurdish-regions-of-turkey-three-pressing-concerns.html](http://www.khrp.org/khrp-news/human-rights-documents/2011-publications/doc_details/230-human-rights-in-the-kurdish-regions-of-turkey-three-pressing-concerns.html) [Last accessed 20<sup>th</sup> September 2011]

10 CIVICUS Civil Society Index, 'Civil Society in Turkey: At a Turning Point. Country Report for Turkey II', 2010. [http://www.civicus.org/images/stories/csi/csi\\_phase2/analytical%20country%20report%20for%20turkey.pdf](http://www.civicus.org/images/stories/csi/csi_phase2/analytical%20country%20report%20for%20turkey.pdf) [Last accessed 3<sup>rd</sup> November 2011]

11 European Commission, 'Turkey 2011 Progress Report', 2011. [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/tr\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf) [Last accessed 3<sup>rd</sup> November 2011]

The gender gap in educational attainment shows that gender inequality is still a reality in Turkey<sup>12</sup>. Regional economic disparities worsen the situation for women in Kurdish regions of the country. Higher poverty levels in Eastern Turkey as well as a ban to provide education in languages other than Turkish put Kurdish speaking girls at disadvantage in Kurdish regions of Turkey. Similarly, while the low participation of women in the labour force in Turkey is appalling (30%), this figure does not reflect the situation of the Kurdish region provinces where female participation in the labour force is estimated to be of less than 10%. In addition there are higher illiteracy rates among women in Southeastern Turkey (double than in West Turkey), higher levels of violence against women (50% versus 39% national average), and higher maternal mortality rates. The Turkish Gender Equality Action Plan and the Action Plan to Combat Violence against Women envisions a great number of measures that, if implemented, would surely advance women's rights and gender equality.

However, since European Union's funding for the implementation of these Plans recently extinguished the Turkish government is not giving a clear signal that resources will be earmarked to meet commitments under these Plans. In early 2011, for example, shelters for victims of domestic violence opened recently thanks to EU funding, but these shelters were later shutdown. Overall, the Turkish government is widely failing to meet its own targets under the Plans<sup>13</sup>. Indeed, without a budget or human resources assigned to it, implementation becomes very difficult, hence targets are hardly achievable.

In an overall context of militarism, weak rule of law, democratic deficit and gender inequality, human rights defenders conduct their activities to protect and promote ethnic and minority rights, women's rights and labour rights, and other rights. Various state agencies and actors target them because large parts of the judiciary, the military as well as the government perceive their demands as challenging the status quo and the foundation of the Republic as set by Kemal Atatürk in 1923. Turkey was established as country of 'Turks', excluding many ethnicities and minority groups inhabiting namely East and Southeastern Turkey,. The ways in which women defenders are targeted are also a result of the deep rooted oppressive patriarchal phenomenon.

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12 World Economic Forum, 'The Global Gender Gap Report', 2011. <http://reports.weforum.org/global-gender-gap-2011> [Last accessed 30<sup>th</sup> November 2011]

13 Roj Women's Association, 'Is the Turkish National Plan to combat violence against women achieving its goals?' 2011. [http://rojwomen.files.wordpress.com/2010/04/nap-implementation\\_summary-report3.pdf](http://rojwomen.files.wordpress.com/2010/04/nap-implementation_summary-report3.pdf) [Last accessed 1<sup>st</sup> November 2011]

## 2.2 Legal and policy context

### 2.2.1 International law: the United Nations system

The right of women to participate in public life, including through the promotion and protection of human rights, is contained in the Universal Declaration of Human Rights as well as asserted in various international treaties ratified by Turkey, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of all forms of Discrimination against Women.

Additionally, human rights defenders count on the UN's Declaration on the situation of human rights defenders and the figure of the Special Rapporteur on the situation of human rights defenders. Indeed, the current Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, consistently addresses the specificities of the situation of women human rights defenders and the particular challenges they face both in her thematic and mission reports. The current and former Special Rapporteurs have also reiterated on several occasions that women defenders are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion, and repudiation than their male counterparts. According to the Declaration on Human Rights Defenders, the primary responsibility for developing mechanisms and measures for the protection of women human rights defenders lies with the state.

This attention to the situation of women human rights defenders was further mandated by the Human Rights Council in its resolution 7/8 from 2008 in which requested that the Special Rapporteur “integrate a gender perspective throughout the work of her mandate, paying particular attention to the situation of women human rights defenders”.

### 2.2.2 International law: the European Union mechanisms

Declaration of the Committee of Ministers of the Council of Europe from 2008 also puts forth an array of recommendations that aim to improve the protection of human rights defenders and to promote their activities. The Declaration calls for member States and countries in accession process to strengthen their judicial systems and to ensure the existence of effective remedies for those whose rights and freedoms are violated; to take effective measures to prevent attacks on or harassment of human rights defenders; to ensure independent and effective investigation of such acts and to hold those responsible accountable through administrative measures and/or criminal proceedings; and

to ensure that their legislation, in particular on freedom of association, peaceful assembly and expression, is in conformity with internationally recognised human rights standards<sup>14</sup>.

According to these guidelines human rights defenders engage in documenting violations, seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support, and in combating cultures of impunity. Notably, the obligation of governments not to react negatively to criticism from human rights defenders' work is highlighted. It is precisely their work, it is noted, that allows for debates on governments' policy to happen among the public and that plays a key role in helping to draft appropriate legislation and to draw up national plans and strategies on human rights<sup>15</sup>.

A subsequent European Union Local Strategy to Support and Defend Human Rights Defenders in Turkey was also been adopted in 2011. It provides operational guidelines for EU Missions to implement the EU's Guidelines for Human Rights Defenders, particularly with regard to the provision of support to human rights defenders as well as the monitoring of their situation in Turkey.

Further protection has been granted to human rights defenders in Turkey by an European Court of Human Rights' sentence: the case of 'Elçi and Other vs. Turkey' which affirms that the persecution or harassment of members of the legal profession in whatever form, but particularly large scale arrests and detention of lawyers and searching of lawyers' offices, will be subject to especially strict scrutiny by the Court<sup>16</sup>.

### 2.2.3 Turkish domestic law

In dire contrast with the standards set up in international law which Turkey has signed and ratified, the Turkish legislative framework allows for violations of basic rights, such as freedom of expression and assembly which are essential for human rights defenders to carry out their work. The European Commission has noted in fact a need for further amendments to Turkish legislation in relation to torture, freedom of expression and association, political representation of minorities and linguistic rights in its 2011 Turkey Progress

14 Council of Europe, 'Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities', 2008. <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1245887&Site=CM> [Last accessed 16<sup>th</sup> September 2011]

15 Council of the European Union, 'Ensuring protection. European Union Guidelines on Human Rights Defenders', n.d. <http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf> [Last accessed 1<sup>st</sup> September 2011]

16 ECHR Decision, 'Elçi and Others v. Turkey', Application Number: 23145/93 and 25091/94, Strasbourg, 13 November 2003, para. 669

Report. However, the Turkish executive and judiciary continue to abuse certain laws in order to hinder the work of women human rights defenders.

## Penal code

**Article 30I:** It criminalizes denigration of the Turkish nation, the Republic of Turkey or the Grand National Assembly and it is often used to restrict legitimate criticism of the state and its representatives.

**Article 215:** It criminalizes praising crime and criminals.

**Article 216:** It criminalizes inciting enmity or hatred among the population.

**Article 217:** It criminalizes provoking people to disobey the law.

**Article 220/6:** It criminalizes committing crime on behalf of an organization without being a member of the organization.

**Article 220/8:** It criminalizes making propaganda on behalf of an illegal organization and its objectives.

## Anti-Terror Law

**Article 1:** It gives an extremely wide and ambiguous definition of terrorism which does not make reference to specific criminal acts and potentially criminalizes non-violent activities such as legitimately criticizing the state.

**Article 7/2:** It provides for harsh prison sentences for the dissemination of 'terrorist propaganda', regardless of whether or not this includes advocating violence.

**Article 10:** It restricts access to legal counsel for the first 24 hours for those detained for terror offences which undermines protections against torture and ill-treatment by state officials.

## Law on Meetings and Demonstrations

**Article 23:** It criminalizes carrying the emblem or signs of illegal organizations and groups or shouting 'illegal' slogans.

In addition to the challenges posed by a restrictive legal framework, human rights defenders in Turkey find little support from the public institutions that have been theoretically set up for that purpose. The Prime Ministry Human Rights Presidency and the members of human rights boards, charged with monitoring the implementation of legislation relating to human rights, coordinating with NGO's, and educating public officials, are often subject to the

same intimidation and harassment as other human rights defenders<sup>17</sup>.

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17 Kurdish Human Rights Project, 'Human Rights in the Kurdish region of Turkey: Three pressing issues', 2009. [http://www.khrp.org/khrp-news/human-rights-documents/2011-publications/doc\\_details/230-human-rights-in-the-kurdish-regions-of-turkey-three-pressing-concerns.html](http://www.khrp.org/khrp-news/human-rights-documents/2011-publications/doc_details/230-human-rights-in-the-kurdish-regions-of-turkey-three-pressing-concerns.html) [Last accessed 15<sup>th</sup> September 2011]

# 3. Women human rights' defenders in Kurdish regions of Turkey

According to Article I of the UN Declaration of Human Rights Defenders,

a human rights defender is any person 'who promotes and strives for the protection and realization of human rights and fundamental freedoms'. The European Union's Guidelines on Human Rights Defenders contain the following definition:

**“Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence.”**

Human rights defenders in Kurdish regions of Turkey face serious challenges, including violence. Those targeted by security forces are mainly so due to activism related to the attainment of Kurdish rights and to the self-determination struggle, whether they combine this work to advance other rights, such as labour or women's rights, or not. The UN Special Rapporteur on Human Rights Defenders reported on her visit to Turkey in 2004 that many of those who, in the region, denounce abuses perpetrated against those who call for the respect of all human rights, including those of the Kurdish population, are perceived by many as siding with certain armed groups given that such claims are also part of armed groups' agendas.

Overall, Special Rapporteur Hina Jilani claims, Turkish authorities treat human rights defenders with great hostility, linking them to terrorist activities and organizations. Some authorities go as far as stating that the real purpose of some human rights defenders is not to help people but to trouble them. Yet, Jilani notes, defenders have never proven to be actually engaging in violent activities nor been sentenced for terrorist acts. Of all human rights defenders in Turkey, she argues, defenders working on minority issues are disproportionately exposed to harassment by the Government in the context of violence in the South East<sup>18</sup>. This claim is sustained by a number of other advocates who argue that 'there is a continuing clampdown on political activists, especially those

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18 UN Special Rapporteur on Human Rights Defenders, 'Promotion and Protection of Human Rights Defenders. Mission to Turkey', 2005. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/111/16/PDF/G0511116.pdf?OpenElement>

sympathetic to minority issues'.<sup>19</sup>

While sharing a regional or ethnic identity, or a self-determination goal, with armed groups adds a layer of difficulty to the work of defenders, for women barriers are even higher due to patriarchal structures, institutions and practices in place. Women defenders are perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society. Their work is often seen as defying “traditional” notions of the family. In many cases this leads to hostility or lack of support from the general population, as well as from the authorities.

This report focuses on violence perpetrated by security forces against women human rights defenders, which intersects with the violence against women arising from patriarchal social norms. These intersections are evident, for example, in that women human rights defenders are often reluctant to report abuse as a result of their human rights work due to fear of attacks from family or community members. A woman activist from Van province recalls her thoughts during an illegal interrogation:

**“I kept remembering cases of colleagues, like Gulbahar Gunduz, who had been kidnapped and raped [in the past by security forces] and I was concerned about my family; how would I tell them and what impact it would have on my family life, if the same happened to me.”**

Women human rights defenders in South East Turkey defend not only women's rights, but also a broader range of civil, political, social, economic and cultural human rights. They are involved in multiple issues that affect themselves, their communities or the general population. They work in many arenas, but particularly at local and regional levels.

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19 Kurdish Human Rights Project, ‘Turkey and EU accession: Key human rights concerns’, 2011. <http://www.khrp.org/latest-news/667-khrp-publishes-briefing-paper-entitled-turkey-and-eu-accession-key-human-rights-concerns.html> [Last accessed in 14<sup>th</sup> October 2011]

# 4. Research methodology and fieldwork

This report is based on research carried out by four Roj Women's Association's delegates in April 2011 in six cities across South East Turkey – Diyarbakir, Van, Hakkari, Batman, Siirt and Mardin – as well as in Istanbul. The fact finding mission documented recent risks and challenges, including violence, faced by women human rights defenders and political activists and perpetrated by Turkish state actors, particularly by security forces in Kurdish regions of Turkey that happened in or after 2007.

Having said that, the report does not intend to give an exhaustive account of all threats faced by women human rights defenders, its scope is limited to threats and violence at the hands of state actors, particularly, but not only, of security forces. For the purpose of this study the following officials have been defined as 'security forces': policemen, gendarmes, soldiers, Special Forces and village guards. Other state actors involved in abuses against women human rights defenders evidenced by this research but not explored in depth include province governors, prosecutors and judges.

**The police force** is responsible for law enforcement in cities and some exceptional locations, such as airports.

**The Gendarmerie** is responsible for maintaining law and order in rural areas which do not fall under the jurisdiction of regular police forces. The Special Operations commando units of the Gendarmeries are trained for riot control, urban warfare and counter-terrorism warfare.

**Special Forces Command**, also known as the Maroon Berets, are the special operations force of the Turkish Armed Forces.

**Village guards** are recruited, often forcibly, from local Kurdish tribes, paid and armed by the Turkish government to work alongside with other Turkish security forces.

Our delegation interviewed thirty women human rights defenders, all but one of whom are of Kurdish ethnicity; all of them working in the Kurdish regions of Turkey.

The information in this report is based on those interviews. For the safety of the interviewees, their names have not been disclosed, although individuals' locations and organizational affiliations are factual, although not all respondents' locations or affiliations are disclosed in this report to protect their identities. Roj Women's Association would like to thank those women who shared their stories with us despite the risks this could have entailed for them. The interviewees varied in age and occupation, spanning a variety of professional backgrounds including lawyers, trade unionists, students, writers and academics; they were mainly members of civil society organizations, although some were civil servants. They were also variously involved in activism including providing legal advice and support for other women, participating in public life in the form of political representation, undertaking community roles in health, social and psychological support and referrals, campaigning for political or rights issues and civil protest. All fit the definition of human rights defender outlined by the UN.

The fieldwork coincided with the first week of a civil disobedience campaign in the region and many active women were involved in associated meetings, events and protests<sup>20</sup>. Appropriate contacts were established with substantial local assistance from members of human rights and women's associations, political party activists and unions.

In addition to the issue of timing there was also the added challenge of an 'atmosphere of fear' in which the study was carried out. This was evidenced by a lack of willingness on the part of some respondents to be audio-recorded, because they were afraid of any evidence being used by authorities to strengthen current prosecutions against them. A number of respondents reported having been recently released from custody and their struggle to cope with adjustment to a return to their communities after long periods of incarceration. The inhibition of respondents to recount matters of fact to an independent study constituted a significant concern to the researchers.

A feminist approach has been used to highlight the specificities of the challenges faced by women due to the oppressive patriarchal gender system that precedes state oppression. A typology developed by the Asian Pacific Forum on Women based on the rights stipulated in the UN Declaration on Human Rights Defenders and interpreted using gender lenses was used. It allowed to identify the wide range of risks and challenges women human rights defenders are exposed to. In numerous occasions respondents would not their frequency and normalization, in a context of militarism, armed-struggle and patriarchy.

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20 This campaign, launched by the BDP (Pro-Kurdish Peace and Democracy Party) in March 2011, called on Kurds in Turkey to stage acts of civil disobedience to highlight four demands: the right to education in their Kurdish mother-tongue; the removal of the ten per cent electoral threshold to gain seats at Parliament; the release of Kurdish political prisoners, including Abdullah Öcalan; and the end to military and political operations against Kurdish people.

# 5. Findings: risks and challenges faced by women human rights defenders

The risks and challenges faced by women human rights defenders due to their human rights work occur in a wide array of manners. The scope of this report is to document risks arising from the actions of security forces, which evidently constitutes a State failure beyond a deficiency of due diligence. Given the normalization of those risks and violations, interviewed women defenders sometimes do not recognize them as such. For example, one of the activists disclosed how a policeman had attempted to kill her only after warning the research delegation that she might not have the right profile for our research because she had never suffered violence.

In this regard it was very useful to dissect their experiences using an adaptation of a typology previously developed by the Asian Pacific Forum on Women<sup>21</sup>. This chapter showcases examples drawn from the interviews; it is not an exhaustive listing of the testimonies we collected, however it intends to illustrate the width and the depth of risk women human rights defenders face in Kurdish regions of Turkey.

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21 Asian Pacific Forum on Women, 'Claiming Justice: A Guidebook on Women Human Rights Defenders', 2009. <http://www.wluml.org/node/5701> [accessed 2<sup>nd</sup> May 2011]

## 5.1 Attacks on life and bodily integrity

### Attempted killing

The research delegation heard an account from a member of TUYAD-DER (Association of Prisoners Relatives) in the province of Van, an organization that denounces the poor conditions in Turkish prisons, particularly of political prisoners. A secret police car, recalled the co-Director of TUYAD-DER, attempted to run her over as she walked up a road in Van city. She noticed how the vehicle accelerated towards her and she jumped onto the curb to avoid being hit by the car which sped up along the place she had just jumped from. Days after the incident the interviewee was able to identify the car, which was part of the local police fleet.

### Torture

Torture is an act by which severe pain or suffering, physical or mental, is intentionally inflicted on someone to obtain from her or a third person information or a confession, punishing her for an act she or a third person has committed or is suspected to have committed, or intimidating or coercing her on a third person for any reason based on discrimination, when such pain or suffering is inflicted, instigated or carried out with the consent or acceptance of a public official or other person acting in an official capacity.

Forced witnessing of a colleague's sexual assault in order to obtain a confession exerted during illegal detention in 2010 in Van city might have been one of the most outrageous methods of torture the delegation heard of. Two other interviewees also gave accounts of being beaten up while tied up under custody.

### Rape and sexual assault

A lawyer recounted an episode from 2009 which involved plain-clothed individuals, claiming to be police officers, who visited a private home and sexually assaulted the female resident after which they warned her that she and her colleagues should stop their activism. The victim and her colleagues are active in the protection and promotion of women's rights in the context of domestic violence. An investigation by the prosecutor failed to find sufficient evidence to prosecute the case, and the perpetrators were never identified.

Another woman defender shared an experience of abuse perpetrated by agents

of JITEM (Gendarmerie Intelligence and Fight against Terrorism Agency) which happened in the province of Hakkari in 2009:

**“On the third day of interrogation I was demanded to sign a false statement incriminating myself as a member of a terrorist group. When I refused I was sexually assaulted and raped. I fainted during the abuse. I then woke up naked and saw camera equipment around me. I was told that I had been recorded while being raped and I was forced to see the footage. Five officers had assaulted me. I was threatened that this material would be uploaded on Internet and shared with my family and community. Family honour is paramount where I come from and my family’s position would be harmed if the footage was to be circulated, so I agreed to sign a statement in which I confessed I was involved in activities against the State and my regret for it.”**

The following account took place in Van city in 2010:

**“They [police] stepped on my breast during the interrogation. ‘You will talk or I will rape you in front of your colleagues’. I was told my female colleagues were alone in separate rooms [unlike men, who were locked together] and that they would be raped if I didn’t speak. I was stripped naked but not further assaulted when they found out that I was on my period. Threats of murder followed as well as touching and burning with cigarettes of my breast. One of my female colleagues was brought to the room where I was held and I could see her face and body bruised – they had taken my blindfold off so that I could see her. They asked her to tell me what had happened to her and how the same would occur to me if I didn’t speak, but she was speechless. One of the officers said then that he didn’t mean to rape my colleague but that he couldn’t help it because she was so beautiful. Then, turning to me, he said that he could also rape me even if I ‘wasn’t so beautiful and was in such a state’ (referring to my period).”**

The respondent found out later that her colleague had indeed been raped as the policeman had claimed.

### **Excessive use of force**

The majority of participants in this study reported having been at some point, often in several occasions, beaten up with batons, subject to slaps, punches, kicks and hair pulling, as well as victims of indiscriminate tear gas used by

security forces. Other examples of excessive use of force reported include a broken arm during police raid in a 'Peace Tent' (community tents erected in town centres as part of a regional civil disobedience campaign) and a broken nose due to baton use and kicking with reinforced boots during a police intervention against the speaker at a public speech in 2010.

## 5.2 Attacks on psychological liberty and against personhood and reputation

### Threats, warnings and ultimatums

Interviewees had also faced a considerable number of threats and warnings, including threats by members of security forces that a woman would be murdered the next time she was arrested, ambiguous warnings made to another woman to 'watch her steps' and to 'stop her work or face the consequences' as well as gestures of disapproval while a third interviewee was carrying out a public activity related to her human rights work.

Overt stalking was also reported to be a scare tactic regularly used by policemen and village guards. This, many interviewees suggested, is intended to remind them of the constant threat they are under as women human rights defenders in the Kurdish regions of Turkey.

### Psychological harassment

The mental integrity of respondents is affected in a variety of ways by the use of derogatory language, including hate speech, verbal abuse and physical surveillance (at least three quarters of respondents reported being subject to surveillance) by security forces.

Women human rights defenders were also targeted with psychological harassment that takes advantage of gendered forms of oppression. Many received intimidating videos and images to their mobiles depicting women guerrilla fighters (militant in the PKK) who were stripped naked, gang-raped and tortured by means of genital and breast mutilation by soldiers. One of these videos shows a soldier burning a woman's breasts and genitals, and in a second one a woman is being gang raped by army forces. These videos and pictures are apparently intended to shock and create panic among recipients in

order to prevent them from continuing their work. Similarly, images of tortured female bodies being sent to women human rights defenders were clearly aimed to trigger the fear that their own bodies would be abused in that way too. These images target women activists particularly because of the symbolism of the female body in a patriarchal and honor-based culture. The depth of this symbolism is evident in that male activists who are the targets of verbal sexual harassment typically receive threats that are directed at their female relatives (sisters, mothers, wives or daughters).

Disturbing phone calls, during the night or several times every day, featuring screams, noises of machinery or sexual content were also reported by several respondents. A lawyer from Van province recalls:

**“I was receiving silent or very sexually charged phone calls for weeks (‘I want to sleep with you, I want to have sex with you’). I thought my name and number were being advertized as belonging to a sex worker. At one point I realized I was getting phone calls from numbers that could only come from members of security forces [editor’s note: this is possible because a certain mobile phone company targets specific professional audiences with special tariffs as a marketing strategy]. I realized all phone calls shared the same cellular code which was precisely that assigned to ‘police’ by such mobile phone company. In fact, one of the callers admitted he was a police officer when I asked. When the psychological harassment over the phone ended I started receiving emails.”**

## Blackmail

Nearly half of the interviewees reported having been demanded to work as an undercover agent for police while they were held under custody. They were usually offered around 250 Turkish Liras (approximately 100) per month as payment. Several also reported having been forced to sign a false statement incriminating someone else or herself while under police custody, and subjected to abuse if they refused. An interviewee in Hakkari told the story of a colleague who fled the country in 2008:

**“After much psychological pressure she agreed to sign a statement in which she declared herself involved in activities against the State and her regret for it. She was told she would be spared punishment. However, she spent 9 months in prison before her trial started, and she was subsequently released because she had expressed regret (in the forced and false**

statement). She was aware that this statement could now be turned against her. In fact, the reason why security forces included a statement of regret in her forced statement was to have her free and blackmail her to become an agent for them. She wouldn't have been able to reject the proposition given that police held footage of her being gang-raped under custody; if distributed, this might have put her in danger of attacks from her own community. So she fled the country to avoid bringing shame on her family."

## Sexual harassment

Sexual harassment is unwelcome attention of a sexual nature, ranging from verbal or psychological transgressions to serious physical abuses. Aggressive, derogatory and sexist language against women human rights defenders is not new in Turkey. Many are referred to as 'whores' during public acts and demonstrations, and are barraged with comments about the appropriate woman's appearance and roles, and verbal abuse referring to sexual acts, like these in Mardin in 2009:

**"I was taking part in a protest and security forces blockaded the way to the court house we were marching to while chanting 'Women, life and freedom'. Some officers started mocking this chant by shouting 'these women seem to be free, they must be prostitutes', and 'guys, open your eyes, these women are not here to protest against rape, they are asking for it'."**

Another interviewee reported members of the Special Forces intimidated her and other activists as they walked down a street in Van city in 2010: 'We haven't got any energy at the moment, we are going to have some food now and when we come back we are going to fuck in your untouched place', they were told. The interviewee was the only one married but her three colleagues were single. The reference to 'an untouched place' was an allusion to their expected virginity (as single women).

## Vilification and smear campaigns

Exposing interviewees' human rights work so as to harm their professional careers in the public sector is a common strategy used by security forces

exemplified by a number of stories such as this from a teacher in Van:

**“Police regularly comes to my workplace to ensure that I am at work. They also send letters to the school director informing about the public meetings I attend. Their purpose is to criminalise me and to force my managers to put pressure on me. In fact, my career has been hindered as a result of this campaign.”**

Smear campaigns profit from social norms that impose heavy sanctions on women who are perceived to be challenging patriarchal ideas that limit women’s ownership of their bodies. Thus security forces exploit oppressive gendered power relations to boost the effect that the spread of gossips, hearsay and rumors have on women: the alleged promiscuity of women defenders was found to be a very common strategy. A respondent’s explanation is telling in this regard:

**“There had been hearsay about me in my community during a year and a half up to 6 months ago. The rumors said that I had an affair. This has harmed my marriage. Some of my relatives, including my son, received texts about the alleged affair. I later realized that it wasn’t just a spontaneous gossip. The rumor had a pattern: it would die out and then spring up again. The investigation, for which I received help of women’s groups, identified a high-rank military officer as the initiator and found that the same person who started my gossip also started gossips in connection with three other married women human rights defenders. All the gossips were of a sexual nature.”**

Honor was exploited in order to disable women to continue their work. Only women with a senior and experienced profile were victims of these smear campaigns.

## 5.3 Deprivation of liberty and invasion of privacy

### Arbitrary arrest and detention

Interviewees frequently reported being detained without charges or with unfounded allegations and insubstantial evidence presented against them. Respondents had experienced arrest, detention, charge or conviction for

offences all classified as anti-terrorist or related to national security, such as 'membership of a terrorist organization', 'providing support to a terrorist organization' and 'propaganda on behalf of a terrorist organization'. Women defenders maintain that they were charged for alleged offences while taking part in legitimate activities including peaceful civil protest, political campaigning and human rights campaigning.

Arbitrarily detained women human rights defenders were kept not only in police stations. Arrests also occur in their own houses (while colleagues' houses are being raided) and in basements, and last an average of 6 hours, sometimes more than 48 hours.

### **Kidnapping or abduction**

These violations are perpetrated by state agents who circumvent the legal process of arrest or detention. A participant in the study from Hakkari explained how she was victim of an attempted abduction in 2007:

**“I was in the office and I received a phone call from a number I didn't recognize but I was asked to meet an acquaintance who I actually know somewhere in town. Suspicious, I informed my colleagues and left. When I arrived to the meeting point I was asked by two friendly individuals to get in the car they were driving, but I refused. They insisted that they needed to speak to me in private; then the strangers noticed the presence of my work colleagues, who had followed me fearing for my safety, and they drove off. That was a time when abductions of activists conducted by members the gendarmerie were commonplace.”**

### **Raids of homes**

Three respondents also reported their homes had been raided as a method used by security forces to intimidate them. They were described as very invasive and typically involved early-hours raids, with riot police in protective clothing carrying weapons, searches of homes while residents were held at gun point, children being left at the home while their parents were taken into custody, and removal of irrelevant items such as children's belongings. This account reflects how home invasions are used as a tool to threaten human rights activists:

**“Although my house has never been raided, it was burgled twice within the space of 20 days. The door was never forced open though. Nothing was stolen except books with political content, such as feminist magazines and a biography of Ocalan [Kurdish self-determination struggle leader]. There were valuables, including money, on sight which weren’t taken.”**

Respondents whose relatives had been involved or killed in the armed conflict, or who were held in custody felt they were particularly targeted with invasive raids.

## 5.4 Legal provisions and practices restricting women’s activism

### Criminalization and prosecution

The 2003 non-country specific report of the Special Representative on Human Rights Defenders to the UN General Assembly, Hina Jilani, noted that ‘restrictions on defenders have been justified as measures to improve state security and support counter-terrorism, while in many cases the objective has clearly been to conceal human rights abuses that defenders would have otherwise investigated and revealed, or to punish defenders for their human rights work and to discourage others from continuing it’. Women human rights defenders working in conflict areas are disproportionately affected by such security laws and are frequently accused of breaching national security. Similarly, in 2005 the Jilani drew attention to the use of the state security apparatus to violate the protection of human rights defenders in her report on Turkey. She expressed concern that ‘defenders all reported facing massive numbers of trials and investigations under various laws and regulations’.<sup>22</sup>

Harassment through criminalization in the Kurdish regions Turkey often involves the use of inappropriate evidence. An activist for women’s rights and at the forefront of the struggle for Kurdish self-determination recalls:

**“There was a case of kidnap in Hakkari in April 2010. A teenager had abducted his ex-girlfriend, who had decided to terminate their relationship. To avoid bloodshed, which could**

<sup>22</sup> UN Special Rapporteur on human rights defenders, ‘Promotion and protection of human rights defenders’, 2005. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/111/16/PDF/G0511116.pdf?OpenElement> [Last accessed 20<sup>th</sup> December 2011]

**happen due to the very feudal nature of society in this region, the case was brought to a civil panel in the Council, then governed by pro-Kurdish DTP [Democratic Society Party]. The kidnapped girl was brought before the panel and I was asked to participate given my expertise on women's and gender issues. As that the case couldn't be settled by the panel it was passed on to the Family Court. I was subsequently accused of complicity in the abduction of the girl by the public prosecutor. Surprisingly the file ended up being dealt with by the police department working on terrorist issues."**

The respondent who told the delegation this story suspects that the judiciary took the chance to criminalize her despite the fact that she did not participate in the abduction of the girl and despite the fact that such crime does not constitute a breach of anti-terrorist law. Yet her intervention as a civil servant in the resolution of a civil matter was considered a breach of anti-terrorist law. The case was on-going at the time of the interview and she was awaiting for a statement from the kidnapped victim to decriminalize her.

Other respondents were facing, or had faced, a large number of charges ranging in number from around ten to hundreds, all of them linked to their activism. Examples of evidence used to prepare cases against them included photographs of women taking part in an International Womens' Day event, a 'No To Violence against Women' march, and a commemorative event for people shot dead by police, wearing a traditional Kurdish outfit and carrying peas in a bottle (a symbolic way of protesting in the region), and evidence of public speaking in support of Kurdish rights using the title 'Mr.' to refer to Öcalan or the word 'guerrilla' instead of terrorist to refer to members of armed groups.

## **Sanctions at workplace**

The accounts of trade unionists in Van and Mardin are very illustrative of how civil servants who engage in human rights work or in partisan politics face challenges at work.

**“As a teacher, I am investigated by the school I work for when I fall ill on days that coincide with demonstrations [which are common in the city] even if I can prove that I had a medical condition. Last year [2010] I was warned by the school director that ‘I don’t have to attend political meetings and protests’. I responded that I wanted to demand justice in the face of crimes against humanity and that what I was doing wasn’t wrong. Two days after this conversation a gendarme came in the school and took everybody’s fingerprints and contact details and warned every single teacher that ‘they shouldn’t be politicized’.”**

## 5.5 Violations of women’s freedoms

### Restrictions on freedom of association

In January 2011 ‘Binevs Advice Centre for Women’, in Hakkari, recruited a sociologist from Kars to work as an advisor and support worker in their women’s centre for victims of violence. After a two months probationary period during which the new employee was coming in and out of Hakkari (as she lived in a nearby city), she was arrested one morning at the police check-point at the entrance of the city. The arrest happened 10 days before the official opening of the centre. ‘We are not going to let any outsider work in Hakkari’, she was told. She was questioned about the type of work she was due to conduct and ‘warned’ about the ‘illegal activities’ her managers engaged in. She was kept under custody for 3 days and her phone was confiscated. She was accused of being a member of DOKH, an umbrella body of Kurdish women’s groups, and of KCK (Union of Communities in Kurdistan<sup>23</sup>).

In court she was found innocent; however, after this incident the new employee renounced to her position, unwilling to potentially go through any more threats and harassment in the future.

The interviewee who shared this story with the delegation believes that security forces were trying to hinder work that empowers women in South East Turkey, in the Hakkari region in this case, as this could potentially feed and fuel the Kurdish movement for self-determination. This struggle, she claims, is multi-

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<sup>23</sup> The Union of Communities in Kurdistan (Koma Civak ên Kurdistan or KCK) is a confederation of Kurdish organizations, including political parties, civil society organizations and armed groups, organized in a bottom-up manner. KCK aims to further the Kurdish self-determination struggle and to provide an alternative to the nation-state.

pronged and it does not only demand ethnic rights but also seeks to tackle gender inequality within Kurdish society and in Turkey.

## Requirement of permission or denial to travel abroad

Some defenders met by the delegation also faced mobility restrictions. They complain that their applications for a visa to travel abroad were always denied while one interviewee has been forbidden to leave Turkey. For others, movement restrictions were regional or even local. Bans are also imposed on places respondents are allowed to visit; for example, a respondent from Diyarbakir was barred from entering coffee shops or bars.

## Restrictions on access to receive funding

Political considerations are reported as preventing groups in Kurdish regions of Turkey that don't sympathise with the central or regional government from accessing information, funding and contacts that may be available through the Governor's office, the representative of the central administration, also the head of the provincial local government and its chief executive. Regular meetings are supposed to be held between the Governor, the Mayor and human rights associations as spelled out in the Action Plan to combat Violence against Women, but one respondent reported that the authorities' attitude was not inclusive of them, due to gender discrimination and to differing political allegiances. This leads to missed opportunities to develop better local services, women human rights defenders claim.

The Governor and the central government were similarly accused by several interviewees of undermining women's rights work by restricting access to funding:

**“We requested funds to the governor’s office to staff our recently established centre to support women victims of violence with a sociologist, a psychologist and a lawyer, but our application was rejected. Since this type of projects get funding in other parts of Turkey we suspect the rejection is related to the fact that our women’s centre falls under the jurisdiction of a constituency governed by pro-Kurdish BDP party. The governor’s office argues though that the local authority this centre depends on is overstuffed and that no more money can be channeled to it.”**

The interviewee, from Hakkari, then said an application was subsequently submitted to obtain funding from independent donors in France (Brittanya

Kurdish Friends Organization), and it was accepted. Yet, when the award had to be approved by the Turkish government for the centre to receive the funds, as is the standard procedure, the government rejected it.

## 5.6 Impunity and limited access to justice

### Limited access to justice

The delegation heard cases of women defenders who have been denied by Turkish law enforcement officials to speak to a lawyer upon arrest, of failure to appropriately investigate complaints by the judiciary and of failure to identify signs of torture by medical staff under heavy pressure from police officers. The lack of recourse to justice for complaints that individuals might have was indeed a consistent finding in this study. To make matters worse, no legal aid funding is available due to the terrorism-related nature of the alleged offences.

A general sense of helplessness was expressed by nearly all interviewees with regards to redress. In addition to very low chances of their cases being treated fairly by the judiciary, many fear that a counter-case is filed by the accused officers and that the complainant will be put on trial herself, possibly resulting in a conviction. Indeed, public officials accused of involvement in human rights violations routinely file counter claims against their accusers in an attempt to turn the tables on them. This practice clearly contributes to the culture of impunity by discouraging citizens from taking appropriate action against officials responsible for abuses. The delegation heard how a hospital worker advised a woman human rights defender against making a complaint about a broken arm at police hands arguing that it would more likely result in a prosecution against her. Bar Associations advice similarly sometimes to avoid counter-prosecution.

Once counter investigations have been launched, the mission was told that efforts are made to maximize the extent to which they hamper human rights defenders' work. This reportedly includes applying probationary measures in place of custodial sentences in accordance with Article 50 of the Turkish Penal Code, which can involve forbidding human rights defenders from going to coffee shops and teahouses, participating in meetings and demonstrations, and taking part in training courses. Courts also often postpone the announcement of rulings for up to two years in accordance with Article 231 of the Turkish Code of Criminal Procedure, thereby putting enormous psychological pressure on

human rights defenders.

The research also suggests a pattern in the way the ordeal is conducted by the officers according to the individuals' vulnerabilities; for example a woman who is educated and legally aware will experience a different type and degree of violence than that experienced by an uneducated woman. One interviewee explained 'the officers are well aware that I know my rights and so they are more mindful of the treatment I receive. If I was an uneducated woman their language would be more humiliating and degrading'.

# 6. Conclusions

## 6.1 Patriarchy at the heart of the risks faced by women human rights defenders

After mapping out the spectrum of risks and challenges faced by women defenders in Kurdish regions of Turkey it arises that many of them have a gendered nature. Using gender lenses helps to understand how patriarchal oppression represents an additional barrier to the work of women human rights defenders regardless of the overall progress made in promoting and protecting human rights defenders in a country or a region. Sexualized physical attacks are illustrative of this.

In the early 2000's, campaigns led by Amnesty International, the International Free Women's Foundation and the Kurdish Human Rights Project to support women human rights defenders in the Kurdish regions of Turkey focused on sexual and physical attacks on women activists at the hands of Turkish security forces. These have traditionally occurred while the female victims were under police custody, but there have also been cases of abuse against women not in detention. Common forms of sexual torture perpetrated by Turkish security forces as reported by victims interviewed by the International Free Women's Foundation in 2005 included vaginal, oral, and anal rape by penis, batons, water hoses and other materials; mass rapes; urinating into the victim's mouth; electroshocks to breasts/nipples and sexual organs; forced virginity-tests; strip-searching, and stripping during questioning. Methods seem to be continually evolving so that the signs and scars of torture and degrading sexual harassment are not evident<sup>24</sup>.

In 2002, Amnesty International urged the Turkish government to address sexual violence against women in police custody, arguing that Kurdish women,

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24 International Free Women's Foundation et al, 'Psychological consequences of trauma experiences on the development of migrated Kurdish women in the European Union. Final results and background of a survey in five European countries and Turkey', 2005. <http://www.freewomensfoundation.org/english/research/researchindex.htm> [Last accessed 12<sup>th</sup> February 2012]

women living in the Kurdish regions of Turkey and women that hold political beliefs in opposition to the government, were victims of more violence. Similarly, in 2003 the Kurdish Human Rights Project denounced a considerable increase in the number of cases of women being tortured in a sexual nature by state agents in Turkey within a period of only 18 months. Moreover, the organization deemed the state's use of sexual violence a strategy to disrupt Kurdish families and to demoralize Kurdish communities<sup>25</sup>.

Yet, although such studies have been conducted, it remains difficult to garner accurate information about physical sexual abuses against Kurdish women human rights defenders. Several respondents in our interviews believed there are many unreported cases of rape and sexual abuse due to the difficulties associated with coming forward, such as low conviction rates, the threat of counter-prosecution and social stigmatization. Despite these challenges, the Legal Aid Project against Sexual Assault and Rape under Custody has compiled valuable statistics in relation to sexual abuses that women encounter under police custody. Although the figures do not refer uniquely to cases of women human rights defenders, it is noticeable that, out of the 1,400 applications for legal support filed within the last 10 years (between 2000 and 2010) by women who had been victims of sexual abuse by security forces, nearly 90% cited political or war related reasons as causes for their arrest<sup>26</sup>. This initiative revealed the following statistics from 2010:

## Total number of applicants 329

### Type of abuse

Rape	79
Sexual harassment (forced prostitution, harassment, subject to virginity test, miscarriage due to torture, etc)	250

### Perpetrators' profession

Policeman	139
Gendarme/soldier	90

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25 Kurdish Human Rights Project, 'Turkey' shame: sexual violence without redress. The plight of Kurdish women', 2003. <http://www.khrp.org/khrp-news/news-archive/2004-news/82-turkeys-shame-sexual-violence-without-redress-the-plight-of-kurdish-women.html> [Last accessed 1<sup>st</sup> November 2011]

26 Legal Aid Project against Sexual Assault and Rape Under Custody, unpublished document, 2010.

Anti-terror team member	17
Village guard	15
Prison guard	43
Other (courthouse officer, etc)	25

### Ethnic origin/nationality of applicants

Kurdish	248
Turkish	76
Other	5

### Current state of some cases

Legal action has been taken	144
Victims not wanting to bring matter to Court out of fear	93

Considering that only a low percentage of the victims come forward these statistics give a good idea of the dimensions of the problem.

Several civil society actors acknowledge improvements in the Turkish legal framework that protects victims of torture and inhuman treatment. A policy of “zero tolerance” on torture, announced on 10 December 2003, has most likely been the factor leading to a decrease in the use of physical violence by the State in recent years<sup>27</sup>. More recently, in February 2011, Turkey approved the ratification of the Optional Protocol to the UN Convention against Torture, which establishes a monitoring system whereby independent bodies regularly visit places of detention, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, showing thus some willingness to address the issue<sup>28</sup>.

Roj Women’s delegation indeed detected a shift to psychological attacks against women defenders. There was a feeling that sexual violence occurs more often as a threat, to humiliate and to prevent women human rights defenders work. In some cases the threat targets relatives, friends or colleagues as in the ordeal endured by an interviewee in Van in 2010 when she was blackmailed to

27 Kurdish Human Rights Project, ‘The increase in Kurdish women committing suicide’, 2007. <http://rojwomen.files.wordpress.com/2010/05/suicides-report.pdf> [Last accessed 3<sup>rd</sup> November 2011]

28 Kurdish Human Rights Project, ‘Turkey and EU accession: Key human rights concerns’, 2011. <http://www.khrp.org/latest-news/667-khrp-publishes-briefing-paper-entitled-turkey-and-eu-accession-key-human-rights-concerns.html>, [Last accessed 1<sup>st</sup> November 2011]

'confess' or have her female colleague, also illegally arrested, raped.

The delegation identified a number of techniques which capitalize on predominant honor-based and patriarchal values, used by Turkish security forces to target exclusively women human rights defenders. These mostly fall under the category of 'attacks against psychological liberty and against personhood and reputation' of the typology used for this research. For example, the spread of hearsay and rumors about activists' alleged promiscuity is one strategy aimed at curtailing the ability of women living in notably patriarchal communities to conduct their human rights work. Attacking a woman's honor can cause her great damage, given that they are the 'holders' of families and communities' honour<sup>29</sup>. 'You are a woman and we can shame you', a warning given to an interviewee from Siirt, clearly exemplifies such instrumentalization:

**"They said they would tell my family that I had been raped in prison and that then my family would kill me straight away and they wouldn't need to do anything. They said alternatively if I helped them and provided information they would become like family and would really assist me."**

Another respondent highlighted that, despite this shift to psychological abuse, we continue to see gender differentials in the way human rights defenders are targeted because 'a woman's body is an important way of passing cultural identity'. These gender differentials also arise from the belief that, while women's bodies are 'carriers' of cultural identity, male people are the 'protectors' of such bodies. Participants in this study reported how verbal attacks from security forces try to provoke their male colleagues in order to make them react violently, capitalizing on expectations of men to be the protectors (and owners) of women's bodies, as this episode in Mardin in 2010 illustrates:

**"As I was organizing women protestors to board coaches one of the officers was making sexual gestures and comments ('Are**

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29 Amnesty International, 'Turkey: End sexual violence against women in custody!', 2003. <http://www.amnesty.org/en/library/info/EUR44/006/2003/en> [Last accessed 18<sup>th</sup> September 2011]

**you girls tired of having sex up your ass?') aimed at the women. Women, who were given priority to board the buses, had to walk past the Special Forces at a distance of about two metres in order to reach the vehicles. Our male colleagues tried to help by standing between us and the officers. These started shouting at women: 'Why are you only giving it to them, give us something too'."**

Similarly, filling up women defenders' email inboxes with pornographic images constitutes a message about their perceived sexuality. Women who are visible in the public sphere and who thus break a social convention about 'a woman's place' can be accused of transgressing norms that restrict women's sexuality. Thus, the pornographic images send an accusatory message to a woman crossing accepted boundaries or challenging the status quo and warn her of the impact of this on her reputation and integrity. Members of security forces send constant messages of this kind to women human rights defenders. For example, 'These women seem to be free, they must be prostitutes' or 'Guys, open your eyes, these women are not here to protest against rape, they are asking for it' were shouted out loud by policemen at a demonstration calling for women's rights in Mardin in 2011. This is symptomatic of a society that sanctions women who transgress social norms about gender roles or who voice political views opposed to power-holders; the threat to their integrity for daring to cross the boundaries is implicit in the accusation (they are asking for it [rape]).

For as long as 'women and their bodies are the symbolic-cultural site upon which human societies inscript their moral order', in the words of Seyla Behanbib, women human rights defenders will continue to be subject to enhanced pressure, insofar they are defying gender roles as well as the status quo. After all, battles for domination also take place in the territories of the cultural and the symbolic.

## 6.2 Impact of attacks perpetrated on women human rights defenders

The array of risks and violations and the gendered nature of many of them have multiple impacts; this report will highlight two of them. Firstly an impact on women human rights defenders, who see their rights curtailed and their lives

disrupted, and secondly on the wider society, as a direct result of their human rights work being disabled.

## 6.2.1 On women human rights defenders' health and personal relations

Interviewees emphasized that, after attacks from security forces, a number of personal and health consequences follow. Self-harm, insomnia, severe psychological problems, use of anti-depressants and attempted suicide were mentioned. Many also complain that their family relations have been affected in connection with these. One of the interviewee from Van said:

**“My daughter told her that she missed me. When replied that there was no reason to miss me, as I am constantly next to her, she replied ‘No, I miss you. I miss my real mum. I am scared my mum has turned into a mad woman’.”**

Victims of rape or sexual attacks reported a number of consequences, from withdrawal from male relatives to exile, as in the case of an interviewee who fled Turkey to avoid bringing shame and ostracization of her family after she was gang-raped by policemen. Another respondent illustrated the long-term impact of a sexual assault by state actors on a detainee's relative. She is the sister of a woman defender who was raped whilst she was under custody; she was subsequently rejected by her husband who left her and her daughter. Her sister then fled Turkey and her niece was taken into state care. The interviewee added that her niece is currently suffering psychological, substance misuse and crime-related issues.

Incarceration affects relations with children, women said to the delegation. Unnecessarily long periods of custody had reportedly affected their children's performance at school and their relationships with them. The issue of traumatized children was one that recurred in the interviews. Links were made between negative experiences that children had been witness to and parental observations of the development of grudges and politicized ideas. A woman defender recalled how her youngest daughter had refused to speak to her for a month when the family tried to keep from her that her mother was in custody. She said both her daughters are more anxious and often check where she is since she returned from custody.

## 6.2.2 On the communities and society

The role of women human rights defenders is essential to document violations, seek remedies for victims of such violations and to combat cultures of impunity.

Hence, removing obstacles women human rights defenders face in carrying their work might have a direct impact on society's enjoyment of human rights.

For example, those working on improving women's rights, and in particular on tackling violence against women, should be able to work together with a properly functioning state authority. At present, though, all too often that is not the case. A respondent explained how an initiative to provide free legal aid to victims of violence against women in Van was subject to a vilification campaign by police due to her membership to the Human Rights Association, an organization derided by law enforcement officials as 'terrorist':

**“Women from all political factions came together for this project, bringing together people with different, and even opposed, political views including Kemalists, Islamic and Kurdish activists. Since legal aid doesn't exist here this type of initiative is key for women to come forward and speak out when they are victims of violence. Although some groups provide counseling and general advice, legal representation is not available for free. We are also having an impact on the decisions made by judges in Family Courts on cases of violence, where they have started to use CEDAW (the Convention on the Elimination of Discrimination against Women) and the European Human Rights Convention as a framework when sentencing. When the vilification attacks started I felt tempted to resign in order not to jeopardize the work of the initiative. The reason I haven't is because I am one of the founders; I am also one of the most senior and experienced members in the Management Committee. I fear that leaving would harm or hinder the project.”**

In a context of armed-struggle, as it is the case in Kurdish regions of Turkey, equalities are important for the promotion of peace, security and development<sup>30</sup>. As it has been shown by analysis of conflict data, 'when societal tolerance of violence is supported and legitimized by an environment of structural violence, the incidence of both inter- and intra-state violence should increase, for violence becomes a way of life and a valid tool for settling disputes.'<sup>31</sup>

The tireless work of women defenders in Kurdish regions of Turkey constitutes

30 World Development Report, 'Horizontal Inequalities as a Cause of Conflict: A Review of CRISE Findings', Background Paper, Frances Stewart, CRISE, Oxford University, 20th August 2010

31 Mary Caprioli, 'Gender Equality and Civil Wars', PRIO/Uppsala and Correlates of War, World Bank Working Paper no. 8, Gender Inequality and Civil Wars, 2003, p. 4

an important contribution to democratization and to the establishment of rule of law in the region insofar it promotes equalities and empowerment not only of women but also of the whole population. The organizational affiliations of the study's thirty interviewees listed below are indicative of the type of rights upheld through the work of women interviewed for this study.

Name of organization (and Turkish acronym)	Nature	Number of interviewees
Bineş Women’s Counseling Centre	Service provision civil society organization	2
Confederation of Public Workers’ Union (KESK)	Trade unions umbrella body	4
Education and Science Workers’ Union (Eğitim–Sen)	Education trade union	1
Free Women’s Movement for Democracy (DÖHK)	Advocacy civil society umbrella body	4
Human Rights Association (IHD)	Advocacy civil society organization	4
KAMER	Advocacy and service-provision civil society organization	1
Legal Aid Project against Sexual Assault and Rape under Custody	Advocacy and service-provision civil society organization	1
Peace and Democracy Party (BDP) – Women’s branch	Political party	4
Peace Mothers - Women’s Family Support Branch	Collective of peace activists	2

<b>People's Democracy Party (HADEP) - Women's branch</b>	Political party	1
<b>Support Network for Prisoners and Prisoner's Relatives (TUYADER)</b>	Advocacy and service-provision civil society organization	2
<b>Selis Women's Association</b>	Advocacy and service-provision civil society organization	1
<b>Van Bar Association (VAKAD)</b>	Professional body	1
<b>No organizational affiliation</b>	Lawyers (specialized on women's rights)	2

# 7. Recommendations

## 7.1 To the Turkish government and judiciary

- ◆ Tackle the culture of impunity by:
  - Investigating threats against human rights activists, identifying and punishing with appropriate penalties the perpetrators
  - Stopping investigations and trials intended to exert pressure, violence or intimidation against human rights
  - Ensuring full and appropriate reparation to the victims.
- ◆ Create an appropriate legal framework by:
  - Reviewing articles of the Penal Code and the Anti-Terror Law impeding freedom of expression with a view to repealing or amending provisions which do not comply with international standards
  - Offering guidance on the application of provisions which are incorrectly applied by the police and judiciary against human rights defenders legitimately exercising their rights.
- ◆ Promote gender equality by:
  - Developing a monitoring system with benchmarks and a timeframe for the implementation of the Turkish Gender Equality Plan and the National Action Plan to combat violence against women, and by assigning adequate budgets for their implementation.



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