

Policy Department C  
Citizens Rights and Constitutional Affairs



**THE INCREASE IN KURDISH WOMEN  
COMMITTING SUICIDE**

**WOMEN RIGHTS AND GENDER EQUALITY**





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**Directorate-General Internal Policies  
Policy Department C  
Citizens Rights and Constitutional Affairs**

# **THE INCREASE IN KURDISH WOMEN COMMITTING SUICIDE**

**STUDY**

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# **Kurdish Human Rights Project**

## **European Parliament Project: The Increase in Kurdish Women Committing Suicide**

### **Final Report**

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## **Executive Summary**

This report has been commissioned by the European Parliament to provide an in-depth analysis of the root causes of the increase in female suicides in the Kurdish community. Specifically, the study aims – where possible – to provide up-to-date statistics on the scope of suicides within the Kurdish community; identify the main root causes of the increase in the suicide rate in the Kurdish female community; to identify any legislation and concrete actions put in place by the authorities of the concerned countries in order to ameliorate the situation of these women; and to elaborate recommendations identifying key entry points for an improved EU support to these women.

The report is the product of extensive desk research and a fact-finding mission to the Kurdish regions of Iraq and Turkey. The report analyses the factors dominating women’s lives in the Kurdish regions which as such may be contributory factors to the suicide rate. Such factors include their socio-economic situation, their particular geo-political situation, the impact of long-term conflict, and the social and institutional obstacles to gender equality and Kurdish women’s rights. It concludes with findings and recommendations drawn from the research as a whole.

Chapters One and Two provide a background analysis of the situation of women in the Kurdish regions of Turkey and Iraq respectively. Outlining the ongoing conflict and security situation, and the impact of these elements on women there, these chapters also address the many social problems faced by internally displaced women in Kurdistan, make a number of observations regarding the effects on Kurdish women as victims of long-lasting war and persecution, and examine the causes and effects of poverty in Kurdish society. The chapters also address the various forms of aggression that women in Kurdistan have to cope with, along with low levels of educational attainment, low literacy rates and barriers to women’s advancement in employment, political processes and access to healthcare.

Chapter Three contains the preliminary findings and recommendations of the fact finding mission to the Kurdish regions of Turkey and Iraq. In relation to Turkey, the dearth of reliable and independent statistical data prevents the drawing of conclusive answers as to whether or not there has been an increase in female suicides. Statistics are more readily available in Iraqi Kurdistan, but the mission was concerned that they were neither coherent nor complete. However, it is clear that Kurdish women and girls in the Kurdish regions of Turkey and Iraq suffer disadvantages specific to their position within a patriarchal society that is subject to mistrust by the state, and despite a dearth of reliable statistics several root causes of suicide are identified: patriarchal society, family pressures

and the conflict situation; forced marriage, honour killings and polygamy; psychological problems; domestic violence; lack of education and language barriers; economic problems, unemployment and generational conflict; forced prostitution and State violence. The chapter finishes with a list of findings and a set of preliminary recommendations to the European Parliament, which will be useful as entry points for improved EU support to women living in the Kurdish regions of Turkey and Iraq.

Chapter Four provides a comparative analysis of the increase in suicide amongst women in Afghanistan, a country still dealing with armed conflict, whilst rebuilding itself, with a predominantly Muslim population with strong tribal structure and where the notion of 'honour' and women as a symbol of 'honour' is embedded in the cultural fibre. It argues that gender differentiated increases to suicide rates in Afghanistan are related to and induced by political and socio-economic inequalities suffered by women. Such inequalities leave women vulnerable to situations of forced and early marriage, their usage as tools for the settlement of inter-familial disputes and economic destitution. Thus female suicide appears as a problem deeply rooted within patriarchal social structures and its prevention will require long-term strategies focussed on women's empowerment, particularly within remote rural areas. The inclusion of this analysis of the situation of women in Afghanistan, which in many ways mirrors the situation in Kurdistan, will provide a valuable point of reference and comparison for the report.

## **Project Methodology**

The project was split into five distinct phases, commencing with a period of preliminary desk research to establish the situation of women living in the Kurdish regions. Using extensive primary and secondary materials, including internet-based resources, KHRP and other specialist resources/publications, and information from regional partners, the project researchers produced a background report which enabled informed analysis of the issues contributing to the increase in suicide prior to the conduct of the fact-finding mission. It also facilitated the preparation of a detailed questionnaire for use during the mission (see Appendix A). The research included an analysis of suicide amongst women in the comparable but different political situation of Afghanistan, in order to better understand the phenomenon.

The fact-finding mission to Istanbul, Van, Baskale, Hakkari, Diyarbakır, Batman, Mardin, Dohuk, Erbil and Sulemanya, organised by KHRP and conducted by team leader Margaret Owen and several team members, took place between 14 and 31 January 2007. In conducting its research, the mission interviewed state officials, members of non-governmental organisations (NGOs), civil society representatives (including, religious leaders and individuals affected by domestic violence), representatives of political parties, and intergovernmental agencies. Although every effort was made by KHRP to organise meetings with representatives of State institutions in Turkey, meetings were often refused. The findings and subsequent recommendations are therefore based primarily, but not exclusively, on information obtained from interviews conducted with civil society representatives and women's NGOs in both countries but also with an equal level of input from state institutions and intergovernmental agencies in Iraq.

Most of the information on conflict-related suicides and attempted suicides collected by the KHRP researchers was provided anecdotally. For example, the fact-finding mission was told about several case histories of women who have killed themselves or attempted suicide as a result of violent incidents and atrocities committed during the conflict. The stigma attached to suicide meant that gaining information directly from survivors of suicide attempts was extremely difficult. This difficulty with conducting research, coupled with the dearth of accurate official Government statistics regarding the suicide of women in the Kurdish regions, in particular within Turkey, rendered use of the questionnaire in the field largely redundant.

Upon return to the UK, project members monitored and evaluated the products of the desk research, and the results of the fact-finding mission, to produce an interim report, including preliminary recommendations and findings. The report

was submitted to the European Parliament. This report is the product of a further period of extensive analysis and development of the desk research and preliminary findings, taking into account the European Parliament's observations on the interim report, and which presents the collective findings and recommendations of the project as whole.

# Chapter One: The Kurdish Regions of Turkey and Increased Rates of Female Suicide

## Introduction

This chapter explores the problem of increased suicide rates amongst women in the Kurdish regions of Turkey. It identifies continued societal, political and economic inequalities as key factors that leave women vulnerable, both in the public and the private sphere, and identifies the root causes that work together to cause women to commit suicide.

The first section gives a historical overview of the conflict and how this has impacted on gender dynamics in the Kurdish regions.

The second section addresses women's position within Kurdish society, including patriarchal social-cultural structures which women struggle to escape, and the resultant domestic abuse, honour crimes and forced marriages. The section then examines women's access to political processes and the extent to which they can secure their fundamental rights to education and health. It is these basic entitlements that constitute the bedrock of any amelioration of their condition and their capacity for participation. Finally, the section explores women's access to justice and opportunities for seeking redress where human rights abuses have occurred; and the problems posed by economic inequality.

Part 3 goes on to investigate the suicide rates amongst women in the Kurdish regions of Turkey, and the degree to which these can be used to ascertain the actual rate of female suicide in the region. The chapter closes with a breakdown of the chief factors thought to be behind these suicides and concludes that, despite the lack of hard data to prove reports of a rising female suicide rate, women living in the Kurdish regions experience multiple disadvantages over and above those experienced by women in Turkey generally.

## 1 Women in the Kurdish Regions of Turkey: A Historical Overview

### *1.1 The impact of the conflict: IDPs and gender marginalisation*

The Kurds in Turkey are concentrated into the South and East, and form a majority of the population in provinces there including Mardin, Siirt, Hakkari, Diyarbakır, Bitlis, Muş, Van and Ağrı.<sup>1</sup> The provinces of Urfa, Adıyaman, Malatya, Elazığ, Tunceli, Erzincan, Bingöl and Kars have also been traditionally dominated by Kurdish populations.

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<sup>1</sup> Michael M Gunter, 'The Kurds in Turkey: A Political Dilemma', Boulder, CO., Westview Press, 1990



Between 1984 and 1999, violent conflict between the PKK and the Turkish military reigned in the southeast. During this time, over 3,000 Kurdish towns and villages were torched and destroyed by state security forces. An estimated three to four million mainly rural Kurdish villagers were displaced from their homes and forced to flee to nearby cities.<sup>2</sup> Families attempted to recreate their village enclaves in the large cities, building cheap houses of mud and concrete on the edges of the city and continuing to have large families for whom the women are expected to care. Men, meanwhile, struggled to find work and recreate their previously secure role as breadwinners, causing them severe humiliation. The hardships suffered by these IDP families disproportionately affects women and girls who, facing significant social, political, cultural and economic barriers, struggle to ameliorate their situation and frequently bear the brunt of male humiliation.

Although a ceasefire was declared in 1999, this is believed to have caused an increase in suicides and suicide attempts. Those affected by the conflict lost hope as they realised that, post-ceasefire, nothing was going to change.<sup>3</sup> Heightened expectations that peace would reign were dashed as the hostilities and state violence has continued well past the turn of the 21<sup>st</sup> century.

Accurate figures on the numbers of people internally displaced in Turkey have proved elusive. For years, Government figures have been 'increasingly upbeat but also contradictory and inconsistent. Moreover, because the Government never listed the settlements to which villagers returned, the statistics were impossible to verify'.<sup>4</sup> The situation of these IDPs still remains to be addressed 'with many living in precarious conditions'.<sup>5</sup>

Despite the perils they face, the Turkish Government has continued to fail to provide for the return of IDPs from the south-east.<sup>6</sup> Turkey has not reconstructed the basic infrastructure of most villages destroyed by the army during the conflict, so that many remain without basic modern needs, such as electricity, telephone access, or schools. IDPs who do return to their villages rarely have the money to rebuild homes or re-establish agriculture. A 2004 compensation law (Law 5233), which should have provided support for IDPs

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<sup>2</sup> 'Indiscriminate Use of Force: Violence in South-East Turkey', Fact-Finding Mission Report, KHRP, 2006.

<sup>3</sup> Interview with Mazlum-Der, Van Branch, 23 January 2007.

<sup>4</sup> Human Rights Watch, "Still critical", Prospects in 2005 for internally displaced Kurds in Turkey'. At <<http://www.hrw.org/reports/2005/turkey0305/turkey0305text.pdf>> (last accessed 8 February 2007).

<sup>5</sup> European Commission, Turkey Progress Report 2005, p.38

<sup>6</sup> 'The Status of Internally Displaced Kurds in Turkey: Return and Compensation Rights - An Update', KHRP, 2006, p.11.

who want to return to their villages, has been interpreted and applied by some provincial compensation commissions so as to pay derisory sums (frequently as low as US\$3,000) or exclude eligible IDPs from compensation altogether. The ECtHR has however recently judged Law 5233 an effective mechanism of redress, prompting KHRP to call for scrutiny of the ECtHR's decision and approach.<sup>7</sup>

In May 2006, the International Crisis Group named the conflict in Turkey as one of the ten conflict situations in the world that has deteriorated significantly during that month. Violent clashes between the PKK and the State security forces are still frequent. Lawyers, human rights advocates and representatives of Kurdish women's NGOs all fear that the political situation and conflict may worsen as neighbouring the formalisation of Iraqi Kurdistan as a federal state is completed. The conflict therefore continues to affect those living in the Kurdish regions, and this is felt particularly by women and children. According to a lawyer from *İnsan Hakları Derneği* (Human Rights Association, İHD) in Batman, 'most of us are not psychologically normal in this region, none of us are really mentally healthy, living under extraordinary conditions where cease-fires are continually broken. The pressures on all of us are unbearable for men as well, but our women and girls suffer in specific ways and we need to hear their voices and respond to their cries for help'.<sup>8</sup>

There are no official and accurate figures on the number of people killed during the conflict. According to the Department of Peace and Conflict Research at Uppsala University, Sweden, clashes between the Turkish Government and the PKK continued in 2006, albeit at a relatively low level. Most of the fighting has taken place in south-eastern Turkey. The PKK called a unilateral ceasefire in late September 2006, which was snubbed by the Turkish army, who were unwilling to soften the stance taken against the PKK. According to Uppsala University, there were 30,700 battle-related deaths between 1989 and 2006.<sup>9</sup> Other reports suggest approximately 37,000 people have been killed during the conflict as a whole, although this figure only seems to refer to the period up to 1997.<sup>10</sup> It is estimated there were 3,683 battle-related deaths between 1997 and 2006, of which 210 occurred during 2006.<sup>11</sup>

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<sup>7</sup> *Ibid.*, p.12.

<sup>8</sup> Interview with 'DTP', Hakkari, 25 January 2007

<sup>9</sup> At < <http://www.pcr.uu.se/> > (last accessed 8 February 2007).

<sup>10</sup> At < <http://www.middle-east-online.com/english/?id=19354> > (last accessed 8 February 2007); At < <http://www.arabicnews.com/ansub/Daily/Day/971229/1997122908.html> > (last accessed 8 February 2007).

<sup>11</sup> At < <http://www.pcr.uu.se/> > (last accessed 8 February 2007).

Thus, although there are no reliable statistics, there are millions of Kurdish girls without fathers, widows and wives of the 'disappeared' and many older women who are both widowed and have lost the sons and grandsons who would have supported them in their old age. These losses within the clans increase the tension in families as issues concerning bereavement, grief, the trauma of having witnessed brutal killings and torture are never addressed. Tensions increase as the gulf widens between the aspirations of the younger members of the family, urbanised and exposed to modernity, and their elders who yearn to return to their former lifestyles as agriculturalists in their home villages. It is women who tend to bear the brunt of these generational misunderstandings. Further, gender issues are sidelined as state violence towards men is considered to be of far greater seriousness than male violence to women. Concerns about women's mental health and other problems draw attention away from political priorities and therefore frequently go unaddressed.

### *1.2 The impact of state violence*

Kurdish women in Turkey, many of whom are IDPs, are particularly vulnerable to state violence. Many Kurdish women have themselves been torture victims as well as having been forced to witness the torture or killing of their relatives. They have also been victims of rape, sexual, emotional and psychological torture at the hands of the police, security forces and village guards. The honour of the family and the subordinate position of women often mean that these victims are forced to suffer in silence. According to a study published in 2000, two per cent of women situated in Turkey's mainly Kurdish southeast reported being the victims of sexual violence at the hands of security forces.<sup>12</sup> This figure is likely to be even higher given the reluctance of women to report such abuses out of fear of retaliation, ostracism or forced marriage.<sup>13</sup> Such pressure and crisis within the context of conflict is capable of generating extreme and desperate actions. The provision of minimal health services may assist some of the victims in the short-term, but it can do nothing to change the environment to which they must return. The result of this is that many women suffer from mental health problems, which in some cases has led to women committing suicide.<sup>14</sup>

In a seminal judgment by The European Court of Human Rights (ECtHR) in 1997, in a case brought by the Kurdish Human Rights Project (KHRP), it was ruled that the rape and physical ill treatment of a Kurdish woman while in police custody constituted torture in violation of Article 3 of the European Convention on Human Rights. It further found that the public prosecutor's failure to

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<sup>12</sup> İlkkaracan, P., 'Women and sexuality in Muslim societies. Women for Women's Human Rights'. Istanbul, 2000.

<sup>13</sup> Amnesty International, 'Turkey: End sexual violence against women in custody!', 2003

<sup>14</sup> KHRP, 'Kurdish politicians urge EU to keep pressure on Turkey', November 22, 2005.

complete a proper investigation constituted a violation of Article 13, ensuring an effective remedy by national authorities.<sup>15</sup>

Women are 'disproportionately affected by violence during and after conflicts', while domestic violence also increases during conflict.<sup>16</sup> Women driven from their homes are also considered at greater risk of violence from both state security forces and civilians. Furthermore, 'many suicides can be attributed, either directly or indirectly, to state violence.'

Some NGOs in Hakkari, Batman and Diyarbakır have listed post-traumatic stress, caused by state violence in previous years, as a cause of suicide and attempted suicide among women in the region,<sup>17</sup> although violence by the State is generally agreed to have decreased in recent years. However, the fear of violence by State officials, in particular the police, still appears to cling to the consciousness of many people living in the Kurdish regions.<sup>18</sup> Many of the people in the south-east have no confidence in the police and feel regarded as 'a different species'.<sup>19</sup>

### ***1.3 The European Union accession process, the limited implementation of Turkey's international obligations and domestic legal reforms***

The European Union (EU) granted Turkey candidature in 1999<sup>20</sup>, and in 2002 the European Council (the 'Council') agreed that accession negotiations would commence 'without delay' if, following a Commission report on Turkey's fulfilment of the Copenhagen Criteria and a subsequent recommendation by the Commission on the appropriateness of opening negotiations, EU leaders at the Council decided that Turkey met the required standards.<sup>21</sup>

On 6 October 2004, the Commission issued its recommendation as anticipated, concluding that Turkey 'sufficiently' fulfilled the criteria necessary to open accession negotiations. Certain conditions were imposed, including that Turkey should first be obliged to bring into force six specified pieces of legislation.<sup>22</sup> By 1 June 2005, Turkey had enacted each of the six pieces of legislation which were

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<sup>15</sup> *Aydin v Turkey*, 23178/94, [1997] ECHR 75 (September 25, 1997).

<sup>16</sup> Amnesty International, 'Turkey: Women confronting family violence', June 2, 2004, p. 8.

<sup>17</sup> Interview with SELİS, 27 January 2007.

<sup>18</sup> Interview with Mazlum-Der, Van Branch, 23 January 2007.

<sup>19</sup> Ibid.

<sup>20</sup> Helsinki European Council, 10-11 December 1999, Conclusions of the Presidency.

<sup>21</sup> Copenhagen European Council, 12-13 December 2002, Conclusions of the Presidency.

<sup>22</sup> These include: the Law on Associations, the new Penal Code, the Law on Intermediate Courts of Appeal, the Code of Criminal Procedure, the legislation establishing the judicial police and the legislation on the execution of punishments and measures.

set out in the Council's decision of 17 December 2004 as prerequisites to the opening of formal accession talks.

The opening of official European Union accession talks in October 2005 initially brought increased hope of radical social and economic improvements to the lives of Kurds in the south-east and a rapid end to the conflict. Although Turkey has undoubtedly moved towards closer compliance with international standards on human rights, democracy and the rule of law through the enactment of a series of reforms, many of these reforms in practice have not been implemented on the ground, and the conflict continues to affect the region. The Turkish administration must begin to open a dialogue with democratic Kurdish representatives with a view to bringing about a peaceful end to the conflict and the EU should stress that this is a prerequisite to EU membership.<sup>23</sup>

In addition to Turkey's commitments under EU accession standards, Turkey is party to many international declarations, conventions and treaties, the majority of which are legally binding. The most significant of Turkey's international obligations regarding the rights of women, freedom of the individual, and the safety of persons in armed conflict, are contained within the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the first optional protocol<sup>24</sup>, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the United Nations Guiding Principles on Internal Displacement<sup>25</sup>, and the European Convention on the Protection of Human Rights and Fundamental Freedoms. Turkey has also ratified the Convention on the Rights of the Child, the Convention against Torture and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The United Nations Declaration on the Elimination of Violence Against Women<sup>26</sup> condemns gender-based violence in both the private and public spheres and obliges Member States to work towards its elimination. The United Nations Security Council Resolution 1325 on Women, Peace and Security requests the Secretary General to *inter alia* provide to Member States 'training guidelines and materials on the protection, rights and the particular needs of women, as well as the importance of involving women in all peacekeeping and peace-building measures'.

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<sup>23</sup> 'Turkey's Accession to the EU: Democracy, Human Rights and the Kurds', KHRP, 2006.

<sup>24</sup> CEDAW calls for the full and equal participation of women in political, civil, economic, social and cultural life, and the eradication of all forms of discrimination against women. CEDAW further endorses the empowerment of women and promotes positive discrimination in order to ensure gender equality.

<sup>25</sup> Although the Guiding Principles are not considered to be binding on Governments, they reflect international human rights and humanitarian legal obligations and therefore set standards which Turkey should respect in providing redress for IDPs.

<sup>26</sup> General Assembly Resolution 48/104 of 20 December 1993.

In the last two decades, the actions and advocacy of the women's movement have succeeded in promoting a number of significant legal changes in Turkey. These efforts have been reinforced by the rise of a global women's movement, greater attention to gender equality and women's human rights at the global level through United Nations conferences and treaties, as well as Turkey's EU accession process.

These achievements include: the Constitutional Court's annulment of Article 159 of the Civil Code which had stated that women had to get consent from their husband to work outside the home; the repeal by the National Assembly of Article 438 of the Criminal Code (which provided for a one-third reduction in the rapist's sentence if the victim was a sex worker); and the addition of a new law to the Civil Code on domestic violence, enabling the survivor of domestic violence to file a court case requesting a 'protection order' against the perpetrator of violence. Furthermore, a reformed Civil Code was passed by the Turkish Parliament in November 2001, setting the equal division of the property acquired during marriage as the default property regime. The new Code also set the age of 17 as the legal minimum age for marriage for both men and women. In addition, Article 41 of the Constitution was amended to redefine the family as an entity based on equality between spouses.

In the revised Penal Code, 'characterisations of offences committed against women based in patriarchal notions of chastity, honour and shame are replaced with definitions based on international human rights norms...Sexual crimes are denoted as crimes against the individual rather than crimes against society, marital rape is criminalised and rape is no longer legitimised when the perpetrator marries the victim.<sup>27</sup> There are however, several sticking points which need to be resolved within the revised code. Although the killing of a woman in the name of 'honour' no longer serves as a partial justification for the crime leading to a reduced sentence, 'contrary to the lobbying efforts of women's groups the new code refers to custom killings rather than honour killings. It is not sufficiently clear that this term covers all murders committed according to 'honour' codes. In addition, although "genital examinations" can now only be carried out if necessary for public health or, at the behest of a court, if required for the investigation of a crime, there is no requirement that the woman's consent must first be attained. These examinations or 'virginity testing' have been used in Turkey, where pre-marital virginity is customarily seen as critical to a woman's 'honour', as a highly invasive and discriminatory means of controlling female sexual relations'.<sup>28</sup>

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<sup>27</sup> 'Turkey's Accession to the EU: Democracy, Human Rights and the Kurds', KHRP, 2006, pp.34-35.

<sup>28</sup> 'Turkey's Accession to the EU: Democracy, Human Rights and the Kurds', KHRP, 2006, p.35.

Despite legal reforms, many women's lives in Turkey continue to be shaped by customary and religious practices such as early and forced marriages, polygamy and honour crimes. The sources of gender inequality 'may be variously attributed to traditions, cultures, customs, religion or the internationalist [*sic*] capitalist system'<sup>29</sup>, claims which will be examined further below. Violence against women in its various forms, within and outside the home, continues to be a widespread violation of human rights. Lack of education is also a major barrier to women obtaining justice. Women's opportunities to learn and implement their rights are constrained by the Turkish political, bureaucratic and cultural context. The Turkish State does not consistently and effectively uphold and enforce women's human rights.

## 2 Women's Position in Kurdish Society

All women are viewed as second-class citizens in Turkish society.<sup>30</sup> The lives of Kurdish women in south-east Turkey are shaped by 'patriarchal practices, traditions and customs that govern all social zones, rather than the legal rights obtained on paper'<sup>31</sup>. The 'majority of women are not allowed the space to be an individual whether in the legal, social, economic or cultural domains. Rather, they are constantly faced with norms and practices forcing them to resign their right to be an individual and instead live as secondary citizens in the service of their families, as a 'girl-child', 'wife' or 'mother'.<sup>32</sup>

Family pressures upon women constitute one of the main causes of suicide and attempted suicide.<sup>33</sup> The feeling of lack of control over an individual's life is known to be a contributing factor to depression and suicide, and socially determined gender roles and responsibilities are considered far more likely to place women, rather than men, in situations where they may feel this lack of autonomy.<sup>34</sup> Forced marriages<sup>35</sup>, the continuing practice of '*berdel*' (the exchange

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<sup>29</sup> Women for Women's Human Rights - New Ways: Women's Human Rights Training Program, 1995-2003, Evaluation Report, Associate Professor Nükhet Kardam, at p.8.

<sup>30</sup> Interview with AKP, Justice and Development Party, Van, 23 January 2007. Interview with the Governor of Van, 23 January 2007; Interview with İHD, Hakkari, 25<sup>th</sup> January 2007.

<sup>31</sup> Women for Women's Human Rights - New Ways: Women's Human Rights Training Program, 1995-2003, Evaluation Report, Associate Professor Nuket Kardam.

<sup>32</sup> 'Human Rights education as a tool of grassroots organizing and social transformation: a case study from Turkey' by Pinar İlkkaracan and Liz Erçevik Amado, Women for Women's Human Rights - New Ways, Turkey, Intercultural Education, Vol.16, No.2, May 2005, pp.115-128.

<sup>33</sup> Interview with 'AKP', Van, 23 January 2007; Interview with 'Mazlum-Der', Van Branch, 23 January 2007.

<sup>34</sup> World Health Organisation, 'Gender and Mental Health', Geneva, 2002.

<sup>35</sup> Interview with Mazlum-Der, Van, 23 January 2007; Interview with DTP, 25 January 2007; Interview with SELİS, Batman, 27 January 2007.

of brides between two families)<sup>36</sup>, *'beşik kertmesi'* (marriage arranged from infancy), honour killings<sup>37</sup>, polygamy and a prohibition of choice in marriage have been cited frequently as root causes of suicide in a society where divorce is not an option, given the resulting shame it brings to the family unit.<sup>38</sup> The impact of such pressures has been recognised recently in the 'Report on Women's Role in Social, Economic and Political Life in Turkey' adopted by the European Parliament on 13 February 2007, in which the rapporteur Emine Bozkurt notes the fact that 'suicides committed by women due to the influence of the family continue to occur, especially in the regions of the east and south-east' of Turkey.<sup>39</sup>

## *2.1 Violence in the family*

Domestic violence is one of the main causes of attempted suicide and suicides among women in Kurdish communities in Turkey.<sup>40</sup> In all societies, to a greater or lesser degree, women and girls are subjected to 'physical, sexual and psychological abuse that cuts across the lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women'.<sup>41</sup>

In Turkey, domestic violence 'affects up to half of all Turkish women' and 'remains rooted in traditional patriarchal conceptions of femininity and the proper role of women. It is a pronounced problem in the Kurdish regions. Perpetrators are rarely investigated or charged by the police, and women are not protected against aggressive husbands or other male relatives'.<sup>42</sup> Women frequently do not report domestic violence to the police, not only because of fear of abuse or dismissal, but also because they too believe in upholding honour, and are concerned about the implications on their families and more broadly on Kurds if they were to report such events. A recent study carried out by Dr. Vahip and Dr. Doğanavşargil in 2006 reported in the Turkish Daily News, revealed that of the 100 married women 'who applied to the Aegean University Faculty of Medicine Psychiatry Clinic, almost half of the women surveyed had faced

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<sup>36</sup> Interview with DTP, 25 January 2007; Interview with SELİS, in Batman, 27 January 2007.

<sup>37</sup> Interview with Mazlum-Der, Van, 23 January 2007.

<sup>38</sup> Interview with Local Agenda 21, 30 January 2007.

<sup>39</sup> 'Report on Women's Role in Social, Economic and Political Life in Turkey' adopted by the European Parliament on 13 February 2007, by Emine Bozkurt, at para.26.

<sup>40</sup> As found by mission visit to Kurdish regions of Turkey - including Interview with İHD, 25 January 2007; Interview with SELİS, 27 January 2007; Interview with Hakkari Kadın Derneği, 24 January 2007 and Interview with 'DTP', Hakkari, 25 January 2007.

<sup>41</sup> The United Nations Fourth World Conference on Women, Beijing, China, September 1995, 'Platform for Action', para.112.

<sup>42</sup> 'Turkey's Accession to the EU: Democracy, Human Rights and the Kurds' KHRP, 2006, p.32.



physical abuse throughout their lives'.<sup>43</sup> A survey by the Centre for Education and Psychological Consultancy for Women in Diyarbakır, found that over 30% of women who had applied to the centre complained of family problems, of which 74% said they suffered physical abuse, 76% verbal, 69% emotional and 30% sexual.<sup>44</sup>

The introduction of the Turkish Civil Code, in 1926, based on the Swiss Civil Code, put the country well ahead of other predominantly Muslim countries with regard to legal reform for women. It banned polygamy and granted women equal rights in matters of divorce, child custody and inheritance. However, even several decades after these reforms, customary and religious practices continue to be more influential in the daily lives of the majority of women living in Turkey than the civil code; this is especially the case for women living in Eastern Turkey. In a context in which the violence of state actors and armed oppositionists became normalised, women's access to justice for violence within the family was severely circumscribed, and continues to remain so.

Yakın Ertürk has recently confirmed that there are 'no comprehensive statistics on gender-based violence in Turkey. The few available studies indicate that most violence against women occurs in the domestic sphere and it pervades all social and educational levels'.<sup>45</sup> In her report, she cites a survey of 1,259 women conducted between 1990 and 1996 which 'showed that 88.2 per cent lived in an environment of violence and 68 per cent were hit by their husbands'.<sup>46</sup> She also refers to a 1995 survey among women living in squatter housing in Ankara which indicated that '97 per cent were assaulted by their husbands'.<sup>47</sup> Another survey of 'middle-and upper-income families conducted one year later indicated that 23 per cent of women reported that their husbands were violent towards them; when questioned about specific types of violence, this figure rose to 71 per cent'.<sup>48</sup>

On 17 January 2007, a newspaper article reported that the reasons at the forefront of the attempts of suicides in Batman were 'domestic violence, lack of communication between children and parents, and problems with the other

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<sup>43</sup> 'Forty-two percent of women face physical abuse in both childhood and marriage - study shows', Turkish Daily News, 18 August 2006.

<sup>44</sup> DİHA news report by Rojda Kızgın and Evrim Dengiz

<sup>45</sup> Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakın Ertürk, Addendum, Mission to Turkey, 5 January 2007, par.24.

<sup>46</sup> Ibid., para.24: 'Mor Çatı Shelter Foundation, 1997, *Geleceğim Elimde.*', as cited in Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakın Ertürk, Addendum, Mission to Turkey, 5 January 2007

<sup>47</sup> Ibid., para.24: 'Amnesty International, 2004, Turkey: Women confronting family violence.'

<sup>48</sup> Ibid.

sex'.<sup>49</sup> An NGO based in Hakkari believes that the issue of domestic violence has become more visible within society in the past 3-4 years.<sup>50</sup> The most affected group are IDP women. Almost half the population of Hakkari consists of IDPs.<sup>51</sup> High rates of unemployment in the south-east and alcohol abuse are cited as factors which often lead to domestic violence in homes.<sup>52</sup>

In an effort to combat this violence, the Governor of Van has recently started developing a provisional action plan to deal with violence to women and children. This includes the opening of a women's shelter in Van in the near future, which will be staffed by individuals from the Social Services Directorate, and the funding for which will be provided by the 'Provisional Special Administrative and Social Solidarity Foundation, and Social Services Directorate'. The municipalities are obliged by law to establish shelters, but they are under great financial pressure concerning the distribution of available funds.<sup>53</sup> In addition, the Governor's office is in the process of supporting the existing family counselling centre, which is currently 'not very active'.<sup>54</sup>

The Anatolia News Agency in Ankara reported in January 2007 that the Minister of Internal Affairs Abdulkadir Aksu had asked for shelters for the abused to be set up as soon as possible in towns that do not yet have shelter facilities. The report states that 'Aksu has sent a circular to governors ...in which he stated that the prevention of honour killings was necessary to ensure basic rights and liberties, to boost the public's sense of peace and trust, and to confirm Turkey's esteemed place among the nations of the civilized world.' He added that procedures regarding women or children that are victims of violence and who have turned to law enforcement officers for help should be handled by female officers, with the victims' psychological well-being paramount at all times. The press report states that 'according to the circular, legal procedures regarding victims of violence will be handled under the Law Pertaining to the Preservation of Family, the circular dated 1 Dec 2006 and the Criminal Procedure Codes 5271 and 5395. The Public Prosecutor's Office will also be notified.'<sup>55</sup>

In reality, however, many provinces, particularly in the south-east of Turkey do not have any women's shelters. This includes Batman, Hakkari<sup>56</sup> and Mardin <sup>57</sup>;

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<sup>49</sup> Reported by Fırat News Agency (ANF) on 17 January 2007.

<sup>50</sup> Interview with 'Gewer Kadın Derneği', Hakkari, 24 January 2007.

<sup>51</sup> Interview with 'Hakkari Women's Social, Cultural Assistance and Solidarity Association, 'Gewer Kadın Derneği' Hakkari, 25 January 2007.

<sup>52</sup> Interview with 'Mazlum-Der', Van, 23 January 2007.

<sup>53</sup> Interview with the Governor of Van, 23 January 2007.

<sup>54</sup> Ibid

<sup>55</sup> Anatolia News Agency, 11 January 2007.

<sup>56</sup> Interview with Gewer Kadın Derneği, 25 January 2007.

<sup>57</sup> Interview with the Mayor of Kızıltepe and Local Agenda 21 in Kızıltepe, 30 January 2007.

whilst others have inadequate numbers of shelters to cater for the needs of the community. In Van, there is only one shelter within the municipality, which can accommodate seventeen women for a maximum period of two months. This shelter was established by the UNHCR and is funded by the United States Embassy in Ankara.

Moreover, shelters can only accommodate women for a maximum of 3-6 months. The very fact that a woman has been admitted to a shelter – often far from her village or town in order to protect her from further abduction or violence – makes her situation problematic. At present shelters cannot accommodate girls under the age of 18, or the children of the victim of violence.

A recent international recommendation by the European Parliament has stated the need for at least one shelter/refuge space for women and children survivors of domestic violence per female population of 10,000 people.<sup>58</sup> Yet, to date, Turkey has failed to respond adequately to calls from women's groups for the erection of more shelters for women fleeing abuse. In July 2006, there were only 8 state shelters to cater for Turkey's population of 70 million.<sup>59</sup> In a newspaper report in August 2006, Professor Nurselen Toygar from the Aegean University's Women's Issues Research Centre referred to the existence of 14 women's shelters which in her view, 'did not present an adequate solution because financial constraints limited their ability to address women's concerns'.<sup>60</sup>

In addition, police who deal with the reporting, investigation and treatment of domestic violence need to be trained to address the situation sensitively and appropriately. At the moment, the 'people and the police are two different species'. The 'people do not have any confidence in the police'.<sup>61</sup> Further, prosecutors are not using the 'protection orders' introduced by the Family Protection Law No.4320 to keep violent offenders away from the house in cases of domestic violence.<sup>62</sup> This confirms the observation made by European Parliament member Emine Bozkurt in her recently adopted report that 'due to the different data given by various sources', it is 'very difficult to get...accurate information about the shelters for women who have been victims of violence;

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<sup>58</sup> 'Report on women's role in social, economic and political life in Turkey' from the Committee on Gender Rights and Equality, submitted to the European Parliament on 11 January 2007, Emine Bozkurt; <<http://www.eminebozkurt.pvda.nl>> (last accessed 24 May 2007).

<sup>59</sup> 'Turkey's Accession to the EU: Democracy, Human Rights and the Kurds' KHRP, 2006, p.32.

<sup>60</sup> 'Ankara heads nation for 'honour killings'', Turkish Daily News, 18 August 2006.

<sup>61</sup> Interview with Mazlum Der, Van, 23 January 2007.

<sup>62</sup> Interview with Gewer Kadın Derneği, Hakkari, 25 January 2007.

namely the numbers of the shelters, the locations, the capacity, the general standards and the qualifications of the personnel who work in the shelters'.<sup>63</sup>

In 2006, the Council of Europe launched a broad campaign throughout Europe to stop violence against women in the home and denounce domestic violence in every single Council of Europe Member State as a human rights violation. The campaign seeks to encourage national parliaments to become actively involved in combating domestic violence through the implementation of the pan-European campaign in 2007. On 22 January 2007, Turkey appointed Gülsün Bilgehan, the main opposition Republican People's Party ('CHP') Ankara deputy, as elected head of the Parliamentary Assembly of Council of Europe (PACE) committee on equal opportunities for women and men.<sup>64</sup> Further developments concerning the implementation of the campaign in Turkey remain to be seen.

## 2.2 Honour crimes

*Honour surpasses everything, especially among us Kurdish people or people from the East, the concept of honour is at the foreground.*

(Adana, female, age 31, from Siirt)<sup>65</sup>

Honour killings occur when a woman, or sometimes a man, is murdered for supposed sexual, marital or cultural offences, with the justification that the offence has violated the honour of the family. 'Honour' in Turkey has been described as 'a woman, a woman's body, sexuality, and the control over women'. Moreover 'within this framework, a man's wife is his legal honor [*sic*]. This is true for his sister and his mother too, as well as for the other women in his family, and in his close circle. The male is then in the position of looking out for all of these women. Under such an understanding, women are under the close inspection of not only their fathers, brothers and husbands, but also all men in their close circles. And while the responsibility on these males widens, thus the pressure on the women is increased'<sup>66</sup> - yet the grounds for the accusations may be spurious, and no more than rumour.<sup>67</sup>

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<sup>63</sup> 'Report on Women's Role in Social, Economic and Political Life in Turkey' from the Committee on Gender Rights and Equality, submitted to the European Parliament on 11 January 2007, Emine Bozkurt.

<sup>64</sup> Newspaper report, TDN, 26 January 2007.

<sup>65</sup> Kardam F., 'The Dynamics of Honor Killing in Turkey', UNDP, November 2005, p.15

<sup>66</sup> Kardam F., 'The Dynamics of Honor Killings in Turkey: Suggestions for a Program of Action', UNDP, (Nov 2005); < [http://www.wunrn.com/news/12\\_11\\_05/Honorper cent20Killings-Turkey-UNFPA.pdf](http://www.wunrn.com/news/12_11_05/Honorpercent20Killings-Turkey-UNFPA.pdf)>.

<sup>67</sup> Amnesty International: *Iraq: Decades of suffering, Now women deserve better*, (February 22, 2005), p.11. At <<http://web.amnesty.org/library/print/ENGMDE140012005>> (last accessed 26 January 2007)

There are many words for 'honour' in south-east Turkey, the most common being *namus* and *şeref*. A women's *namus* is predominantly defined through her sexuality, behaviour and physical appearance. Men, on the other hand, are considered to achieve *namus* through the sexual 'purity' of their mothers, wives, sisters and daughters. *Şeref* is generally just attributed to men, and is defined as social standing and appearance in the public sphere. A man's 'honour' is largely determined by his own behaviour and the behaviour of his relatives.<sup>68</sup>

Women's advocacy groups in Turkey have reported that there are dozens of honour killings every year, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. Young male relatives are often instructed to carry out the killing as juvenile offenders can receive reduced sentences.<sup>69</sup> Fatma Şahin, Chair of the Turkish Parliamentary Commission, has stated that while honour killings occur in every region of Turkey, the problem is most prevalent in the south and southeast regions.<sup>70</sup>

It is important to consider the comments of Eren Keskin, a highly-regarded women's rights lawyer from Turkey, in this context. Ms Keskin has voiced concerns that to consider honour killings, and therefore the suicide of women, as a problem affecting solely the Kurdish population, accommodates a 'racist dimension' and constitutes a further slur upon Kurdish culture and values.<sup>71</sup> Given that Government statistics are unreliable and that in fact, male violence to women, honour killings and female suicides are endemic throughout Turkey and the wider Middle East<sup>72</sup>, Ms Keskin considers that it is therefore harmful to single out the Kurdish population as continuing to accommodate such practices. Referring to the alleged suicide increases in Batman, she explains that this province has experienced the highest number of disappearances in custody, extra-judicial killings, rape of women in custody and harassment from the police and Government officials in Turkey. Any emphasis upon high female suicide rates in this area by the media, or by the State, is therefore merely advantageous to the office of the Governor as it distracts attention away from other compelling social, economic and legal problems afflicting the town and surrounding villages.

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<sup>68</sup> Amnesty International, 'Turkey: Women confronting family violence', (June 2, 2004), p.9. <<http://web.amnesty.org/library/index/engneur440132004>> (last accessed 25 January 2007).

<sup>69</sup> US Department of State, 'Report on Human Rights Practices in Turkey 2005', section 5, (8 March 2006). <<http://www.state.gov/g/drl/rls/hrrpt/2005/61680.htm>> (last accessed 13 January 2007).

<sup>70</sup> 'Şahin: Peace Committee is a right demand', reported at *Flying Broom Women*. <[en.ucansupurge.org/index.php?option=com\\_content&task=view&id=93&Itemid=40](http://en.ucansupurge.org/index.php?option=com_content&task=view&id=93&Itemid=40)> (last accessed 22 January 2007).

<sup>71</sup> Interview with Eren Keskin, Istanbul, 16 January 2007.

<sup>72</sup> This observation was also made by the pro-Islamic human rights association Mazlum-Der in an interview in Van on 23 January 2007.

Although statistics on honour killings are hard to find, it is reported that in 2006, 39 women and 29 men were reportedly the victims of honour killings in Turkey, while 116 women and at least 45 children were killed due to domestic violence.<sup>73</sup> Further, a study on honour killings by Dicle University in Diyarbakır found that out of 430 people polled in the southeast, of which 78 per cent were men, 37.4 per cent of respondents said they believed honour killings to be justified if a wife committed adultery. Moreover, 21.6 per cent believed infidelity justified punishments such as cutting off a wife's ear or nose.<sup>74</sup>

A 'Custom Killings Report' prepared by the Turkish Parliamentary Investigatory Commission in November 2006, reported that between 2000 and 2005, 1091 murders were carried out in the name of custom or honour, although data collecting methods were considered to be unreliable and therefore actual numbers may be higher.<sup>75</sup> 19% of these were in Marmara, 18% in Central Anatolia, 19% in Aegean Sea region, 14% in South-East Anatolia, 13% in the Mediterranean Sea region, 9% in South Anatolian region and 8% in the Black Sea region. It would therefore seem that honour killings are not a problem that specifically affects the Kurdish regions of Turkey.

Şemse Allak was stoned to death as 'punishment' for a relationship in Diyarbakır in November 2002. She was in a coma for eight months until she died in June, 2003. Her unborn baby survived for six weeks and then also died. Her family did not collect her body from the morgue, and the local organisation Women's Centre (*Kadın Merkezi*, KA-MER) cared for her in hospital. Women's groups conducted the burial.<sup>76</sup>

Similarly, in October 2006, a 15-year-old girl was slain in an 'honour killing' after giving birth as the result of a rape. Press reports said the girl, from the town of Başkale, was murdered by an elder brother, who shot her at point-blank range in the middle of a street. The *Vatan* newspaper quoted the local public prosecutor as saying the family had convened a meeting where they nominated the brother to carry out the murder.<sup>77</sup>

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<sup>73</sup> The International Helsinki Federation 'Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005: Turkey' (8 June 2006).

<[http://www.ihfhr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4255](http://www.ihfhr.org/documents/doc_summary.php?sec_id=3&d_id=4255)>.

<sup>74</sup> US Department of State, 'Report on Human Rights Practices in Turkey 2005', section 5, (8 March 2006). <<http://www.state.gov/g/drl/rls/hrrpt/2005/61680.htm>> (last accessed 13 January 2007).

<sup>75</sup> 'Custom Killings Report' prepared by Parliamentary Investigatory Commission, Ankara, 25 November 2006

<sup>76</sup> Amnesty International (2004), op. cit, p.9

<sup>77</sup> *Turkish Daily News* and wire services, October 26, 2006.

KA-MER finds shelter for women and helps them to obtain restraining orders against relatives who have threatened them.<sup>78</sup> According to caseworker Ayten Tekay, the culture will not change overnight. Of 104 women who had called KA-MER that year, more than half had been uneducated and illiterate. In many cases, the families had not wanted to kill their relatives, but social pressure and incessant gossip had driven them to murder.<sup>79</sup>

A 2006 European Commission report has linked honour killings and suicides, and there has been considerable speculation as to whether some suicides are in fact disguised honour killings, or that women are being forced to commit suicides by their families. There is a lack of reliable data on the phenomenon, as well as on domestic violence generally, and 'women's suicides are not always properly investigated, especially in the southeast'.<sup>80</sup> Professor Yakın Ertürk, the Special Rapporteur of the United Nations Commission on Violence Against Women, visited Turkey in May 2006 to investigate the escalating female suicide rate in the southeast and eastern regions. She found that many senior justice and law enforcement officials reported a number of suspicious suicide cases, or 'accidental' deaths of women which may in fact have been murder. Some of these cases had been referred to courts for prosecution, and there had been at least one conviction. 'While the officials indicate that every case of suicide is thoroughly investigated and that the necessary forensic investigations are undertaken, more must be done to identify and resolve cases involving criminal responsibility.'<sup>81</sup>

It has been reported in recent media that, every few weeks in a Kurdish area of southeast Anatolia, a young woman tries to take her life. Although Turkey has tightened the punishments for 'honour crimes', the report claimed rather than such deaths being stopped, lives are being ended by different means. Parents are trying to spare their sons from the harsh punishments associated with killing their sisters by pressing the daughters to take their own lives instead<sup>82</sup>, 'Others have been stoned to death, strangled, shot or buried alive. Their offences ranged from stealing a glance at a boy to wearing a short skirt, wanting to go to the movies, being raped by a stranger or relative, or having consensual sex. Local women's groups claimed evidence suggested that a growing number of 'dishonoured' girls were being locked in a room for days with rat poison, a pistol

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<sup>78</sup> Bilefsky D., 'Virgin suicides' save Turks' honor', *International Herald Tribune*, June 13, 2006

<sup>79</sup> *Ibid.*

<sup>80</sup> European Commission, 'Turkey 2006 Progress Report', (8 November 2006).

<<http://ec.europa.eu/comm/enlargement/docs/>>

<sup>81</sup> Ertürk, Y. 'Report of the Special Rapporteur on violence against women, its causes and consequences', OHCHR A/HRC/4/34/Add.2, p.12.

<[http://ap.ohchr.org/documents/dpage\\_e.aspx?c=189&su=187.7](http://ap.ohchr.org/documents/dpage_e.aspx?c=189&su=187.7)> (last accessed 8 February 2007).

<sup>82</sup> Bilefsky D., 'Virgin suicides' save Turks' honor', *International Herald Tribune*, June 13, 2006

or a rope, and told by their families that 'the only thing resting between their disgrace and redemption was death'.

On 9 January 2007, the *LA Times* reported the death of 21-year-old Sahe Fidan, of Diyarbakır. After leaving her husband, she had sought refuge with her parents, who refused to take her in. She was subsequently found hanged in her bathroom, her infant son strapped to her back with a sheet. The article questions whether Sahe in fact, like many other Turkish women, was forced to kill herself, or if the killing was designed to look self-inflicted.<sup>83</sup> The authorities' frequent failure to thoroughly investigate the violent deaths of women renders futile any attempt to monitor and record such crimes.<sup>84</sup>

Further, on 17 January 2007, a newspaper article in the 'Turkish Daily News' made reference to findings made by a recent report on Istanbul's honour killing statistics in the past year. The article stated that 'one woman every two weeks was victim to a murder motivated by traditional beliefs about a woman's place in society' in İstanbul. The article refers to data from the Parliamentary commission on custom and honour killings and violence against women and children stating that 'İstanbul ranks first in the number of crimes related to protecting the family honour. The same report found that violence against women and children was on the rise'.<sup>85</sup>

Professor Ertürk has recommended that, considering the apparent risk of honour murders, more should be done to discover the true cause of death. She noted that medical autopsies undertaken by a specialised forensic institute should be standard procedure, as this was not always the case. Furthermore, she did not find that psychological autopsies, whereby the victim's mental state at the time of death is determined, were being performed following apparent suicides.<sup>86</sup>

### **2.3 Forced prostitution**

There is a great reluctance among the NGO community to discuss the link between forced prostitution of Kurdish women and acts of suicide. One NGO stated that there had been an increase in prostitution during and after the conflict following the forced displacement of Kurds to the cities, although such a

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<sup>83</sup> Wilkinson, T., 'Turkey Works to Stop Honor Killings', *LA Times*, January 9, 2007.

<<http://www.latimes.com/news/nationworld/world/la-fg-honor9jan09,1,3502531.story?ctrack=1&cset=true>>

<sup>84</sup> *Ibid.*, p.8

<sup>85</sup> Newspaper article in the 'Turkish Daily News', 17 January 2007.

<sup>86</sup> Ertürk, Y. 'Report of the Special Rapporteur on violence against women, its causes and consequences', OHCHR A/HRC/4/34/Add.2, p.15.

<[http://ap.ohchr.org/documents/dpage\\_e.aspx?c=189&su=187.7](http://ap.ohchr.org/documents/dpage_e.aspx?c=189&su=187.7)> (last accessed 8 February 2007).



phenomenon has not been documented.<sup>87</sup> A member of a prosecutor's office, who did not wish to be identified for the purpose of this report, stated that 'there are no problems in south-east Turkey in relation to prostitution and trafficking.' However, according to Van Women Association (VAKAD), 'prostitution in the area of Van is widespread'.<sup>88</sup> As a result, although it is clear that forced prostitution is an issue affecting Kurdish women in Turkey, KHRP researchers have not been able to obtain any independent statistics or information in this regard.

## ***2.4 Forced marriage***

Forced marriages<sup>89</sup>, the continuing practice of '*berdel*'<sup>90</sup> and the threat of honour killings<sup>91</sup> have been cited frequently as root causes of suicide.

Polygamy, although prohibited by law, continues to be practised in Turkey through the system of customary marriage, as there is no limitation upon the number of customary wives a man may have. The feudal structures of Kurdish communities through which power is vested in tribal clan leaders and heads of families support ancient patriarchal attitudes to land, marriage and children. Such customs provide the basis for '*berdel*', '*besik kertmesi*' (fathers betrothing their newborns at birth) and polygamy. The power of men to take women into polygamous marriages is evidently capable of causing extreme distress and has been cited as one of the reasons why women decide to attempt or commit suicide.<sup>92</sup>

In a report published in January 2003, the NGO 'Women for Women' referred to research conducted by Women for Women's Human Rights (WWHR)-New Ways in the Eastern and South Eastern regions of Turkey which indicated that 16.3% of women living in the region were married under the age of 15, the minimum legal age for marriage under the old Civil Code. One out of ten women was living in a polygamous marriage even though these had been banned by the Civil Code in 1926. More than half the women (50.8%) were married without consent, although the consent of both the woman and man is a precondition for marriage according to Turkish law.

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<sup>87</sup> Interview with İHD, Van on Monday 22 January 2007.

<sup>88</sup> Interview with VAKAD, Van, 22 January 2007.

<sup>89</sup> Interview with 'Mazlum-Der', Van, 23 January 2007; Interview with 'DTP', 25 January 2007; Interview with 'SELİS', Batman, 27 January 2007.

<sup>90</sup> Interview with 'DTP', Hakkari, 25 January 2007; Interview with SELİS, Batman, 27 January 2007.

<sup>91</sup> Interview with Mazlum-Der, Van, 23 January 2007.

<sup>92</sup> This interviewee does not wish to be identified in the report.

A 2003 survey in Batman found that women as young as 13 were being forced to marry sexagenarians.<sup>93</sup> A 17-year-old was reported to have locked herself in a room and threatened to kill herself rather than have to marry her cousin, as she loved someone else. Parents and guardians are wary of allowing daughters to meet with members of the opposite sex where marriage has not been agreed: eighty per cent of the women identified had to obtain special permission or arrange for a chaperone to go to the park, or to attend a social event. Furthermore, 90 per cent of the guardians of those who died, and 80 per cent of those who attempted suicide, did not want their sisters or daughters to date.<sup>94</sup>

## *2.5 Women and access to political processes*

Although the lack of adequate representation of Kurdish women in political life has not been cited directly as a possible cause of suicide or attempted suicide, it is clear that fair representation of women in political life is essential in order to ensure a gender balance and the raising of issues concerning the status of women at all levels of decision-making.

In her recent report to the European Parliament, Emine Bozkart makes the following observations:

Political participation by women in Turkey still remains dramatically low... Turkish authorities are constantly encouraged to take sustainable measures to increase the representation of women in elected and appointed bodies. The temporary measures of positive discrimination, notably the adoption of a mandatory quota system for the election lists are seen as the best possible way to improve women's participation in the parliament and in representative municipal bodies. NGOs and female politicians alike are calling for the introduction of quota systems. The upcoming elections in Turkey represent an important opportunity to increase women's participation in politics by including more female candidates on the election list and by giving them leading roles in the party's organisational structure beyond the women's branches.

Although a proposal has already been prepared and several promises were made by the Turkish government, a standing Committee on Women's Rights and Gender Equality with full legislative powers in the Turkish parliament has not been established yet. Regretting the inaction of the authorities, the rapporteur is of the opinion that a serious problem requires a serious committee. In this regard, the establishment of the Committee will be a concrete indicator of the Turkish government's commitment to women's rights and it will address gender

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<sup>93</sup> Erkan, R. and Sev'er, A, 'The Dark Faces of Poverty, Patriarchal Oppression and Social Change: Female Suicides in Batman, Turkey' (2003; revised April, 2004), p.6, *Women and International Development Journal*, 282, 1-24.

<sup>94</sup> *Ibid.*

mainstreaming within the Turkish legislation.<sup>95</sup>

In some Kurdish political parties, a quota system has been applied in order to encourage the participation of women. For example, in the Demokratik Toplum Partisi (DTP) party, a 40% quota for women is applied in respect of all administrative positions.<sup>96</sup> The parties, however, conceded that much progress is still required in order to ensure the fair representation of Kurdish women in political life at a national level.<sup>97</sup> It is therefore unsurprising to note that just four per cent of total seats in the Turkish parliament were occupied by women in 2004, whilst four per cent of ministerial positions were also occupied by women.<sup>98</sup>

The current 10 per cent threshold for obtaining seats in the Turkish Parliament, described by the European Court of Human Rights as the 'highest in Europe'<sup>99</sup> effectively constitutes double discrimination for Kurdish women. A recent judgment from the European Court of Human Rights has highlighted the resulting disenfranchisement of Kurdish political parties. The rule, laid down in section 33 of law no. 2839, means that parties need to win 10 per cent of national votes to win a parliamentary seat, irrespective of the number of votes they obtained in their electoral constituency. In *Yumak and Sadak v. Turkey*, two Kurdish men representing the DEHAP party, which won 45.95 per cent of the provincial vote but was denied full representation in parliament, argued the rule interferes with the free expression of the people in their choice of legislature, and consequently constitutes an infringement of the right to free elections. The Court stopped short of ruling the measures illegal, but did consider it would be 'desirable' to change an electoral system in which 45.3 percent of the electorate were 'completely unrepresented in parliament'.<sup>100</sup>

The appointment of Ankara woman Deputy, Gülsün Bilgehan to head the Council of Europe Committee in charge of gender equality and women's rights must surely herald a further opportunity for Kurdish women's NGOs to be consulted on future policies<sup>101</sup>. So far, a booklet on 'how to stop domestic violence' has been translated into the Turkish language - yet translation of the text into the Kurdish language has not occurred. A failure to ensure the efficient

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<sup>95</sup> 'Report on women's role in social, economic and political life in Turkey' from the Committee on Gender Rights and Equality, submitted to the European Parliament on 11 January 2007, Emine Bozkurt, page 13.

<sup>96</sup> Interview with DTP, Van on Monday 22 January 2007.

<sup>97</sup> Interview with DTP, Van on Monday 22 January 2007.

<sup>98</sup> World Bank, Turkey Genderstats, 2004. At

<<http://devdata.worldbank.org/genderstats/home2.asp?tempCty=TUR,Turkey>>

<sup>99</sup> *Yumak and Sadak v. Turkey*, 10226/03, ECHR Jan 30, 2007, p.17. (January 31, 2007)

<sup>100</sup> *Ibid*

<sup>101</sup> Turkish Daily News, 26 January 2007.

translation of this material will result in a grave disservice to Kurdish women and girls.

## ***2.6 Women and access to healthcare***

Psychological problems suffered by women in the Kurdish communities in Turkey and the inadequacy of health care, social care and mental health services have been cited by numerous NGOs as root causes of suicide and attempted suicide<sup>102</sup>. Yet it should be the priority of the state 'first of all to guarantee the right to life' by providing adequate and free health care for all.<sup>103</sup> In accordance with the 'Platform for Action' and the 'Beijing Declaration', 'women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life'.<sup>104</sup>

### *2.6.1 Barriers affecting access to healthcare*

There are both political and administrative obstacles which prevent the poor from receiving free health care (the 'green card' system). Applicants who are members of the DTP party, or have family members who belong to the DTP, may not be given a green card; whereas if an individual has good relations with the ruling party - the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP)- access to a green card is usually facilitated.<sup>105</sup> Further, applicants must obtain documents certifying the requisite level of poverty from seven different institutions before qualifying for a green card, which must be renewed annually<sup>106</sup>. Applicants will be unsuccessful if they have been detained at any time, for any reason, by the police and it is noteworthy that the green cards are in fact issued by the police.<sup>107</sup> For Kurds, the green card can become effectively 'a torture card'.<sup>108</sup>

Health check-ups carried out by a sub division of İHD among Kurdish refugees in Mersin, Turkey, found malnutrition and lack of vaccination as the main causes of disease. Ninety per cent of examined persons had no health insurance and consequently limited access to services.<sup>109</sup> It is not uncommon for even very

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<sup>102</sup> Interview with DTP, Van, 22 January 2007.

<sup>103</sup> Ibid.

<sup>104</sup> 'Platform for Action', para.89.

<sup>105</sup> Interview with DTP, Van on Monday 22 January 2007.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Bakac, A., 1997 Flucht und die kurdische Bevölkerung (*Flight and the Kurdish population*), pp. 59-62 in: Krieg und Gesundheit. Ergebnisse der sozialmedizinischen Fachkonferenz (*War and*

poor families, faced with the need for surgery, to save up to obtain treatment in private hospitals, as state health care is either inaccessible or inadequate. There are excellent private hospitals for the very rich and other private hospitals, of a lower standard, for the poor. For example, two women in a neighbourhood project in the suburbs of Istanbul, run by the 'Amargi Women's Academy', had previously received gynaecological surgery, the cost of which was valued at a price equivalent to one year of their husband's earnings.

Both Kurdish men and women encounter further problems once access to medical care has been secured, as most doctors and hospital officials speak Turkish, not Kurdish. Further, since Kurdish has been forbidden as a language in Turkey, many medical concepts which have evolved over time have not been grasped by Kurdish speakers. As such, patients may be unable to describe their symptoms. It is therefore often difficult or even impossible for patients to communicate effectively in such an environment.<sup>110</sup> There is clearly a desperate need for increased mental health services and professionals who speak Kurdish and understand the culture of the people in the region.

#### *2.6.2 Limited access to mental healthcare*

Further, there is limited availability of psychological and psychiatric counselling. For example, last year, the Governor of Van created a psychological support unit at the state hospital in Van. However, 140 people are currently on the waiting list for psychotherapy counselling<sup>111</sup>, and there is only one psychiatrist in the province of Van and 7 or 8 graduate psychologists.<sup>112</sup> Those who are fortunate enough to receive counselling may only receive a maximum of three or four sessions for approximately one hour. The services available are clearly inadequate to deal with the nature and extent of psychological and psychiatric counselling required.

In Hakkari, there are no psychiatrists, psychologists or sociologists in the province as trained professionals do not want to come to the distant southeast.<sup>113</sup> The training of individuals from the south-east to provide counselling and family counselling, in particular to women, is urgently required.<sup>114</sup>

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*Health in Kurdistan. Results of the Conference on Public Health*), 28-29 June 1997, Hamburg. Kurdish Red Crescent, Düsseldorf 1997.

<sup>110</sup> Interview with Gewer Kadın Derneği, 24 January 2007; Interview with İHD, 25 January 2007.

<sup>111</sup> This source does not wish to be named in the report.

<sup>112</sup> Ibid.

<sup>113</sup> Interview with İHD, 25 January 2007.

<sup>114</sup> Ibid.

In Batman, a counselling centre was established by the municipality in 2005. According to Government statistics, Batman has the highest rates of suicides among men and women, although researchers have not been able to confirm the accuracy of this information. Yet, according to the Woman's Consultancy Centre (SELİS), there are only three psychologists (one under the control of the Governor and two at the State hospital); four psychiatrists (only two of whom worked at the State hospital) and two social workers (one under the control of the central Governor's office and one at a rehabilitation centre for physically and mentally handicapped children) in the province.<sup>115</sup>

In Diyarbakır, the psychological counselling services are provided by SELİS to women who have suffered violence and/or experienced suicidal tendencies. The programme EPİDEM<sup>116</sup> is run by SELİS and the municipality. There are only two full-time psychologists providing services and no social workers.

The urgent need for counselling services in the south-east is supported by the fact that between October 2003 and August 2006, in the province of Diyarbakır alone, 653 people applied to EPİDEM: among them, 414 women stated that they had either attempted suicide or had suicidal thoughts. Of the 414 women, 201 had made one or more suicide attempt. The ages of these women range from 15-35.<sup>117</sup> Generally, the women who come to EPİDEM receive the minimum wage (403 TL per month) or below the minimum wage. Those who come to EPİDEM represent a fraction of those who require help. There is therefore an urgent need for the training of more social workers in order to be able to provide outreach services to women in remote areas.<sup>118</sup> Those with experience of tackling the issue of female suicide and knowledge of the region and culture (e.g. NGO workers) should clearly be prioritised as candidates for such professional training.

A clinic exists in Diyarbakır at Dicle University, operated with the assistance of the NGO KA-MER where women can also receive counselling. This unit is funded by the State and has only six beds. The clinic has seven psychiatrists, one social worker and one psychologist. This is the only shelter in Diyarbakır. The lack of facilities means that often women have to be sent to another province in order to stay in a shelter or receive appropriate counselling.<sup>119</sup> Furthermore, women cannot bring their children into the shelters. There is an urgent need for more social workers and psychologists who speak Kurdish to go to the villages in outreach projects to speak to the women. Although a pilot programme has

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<sup>115</sup> Interview with SELİS, 27 January 2007.

<sup>116</sup> Full name in English : Centre for Women's Education and Psychological Advice

<sup>117</sup> Interview with SELİS, 27 January 2007.

<sup>118</sup> Interview with SELİS, 27 January 2007.

<sup>119</sup> Interview with Professor Aytakin Sır, Diyarbakır, 26.1.07.

recently begun whereby every Wednesday, members of the clinic visit the villages to talk to women in need, 'more needs to be done'.<sup>120</sup>

At present, there is only one university in the whole of Turkey which trains social workers. All professionals – psychiatrists, psychologists, social workers – are most likely to be Turkish speakers, and not Kurdish speakers. This presents a problem in Kurdish communities as the success of psychoanalysis and psychotherapy depends entirely upon language, trust and understanding between the client and the professional. However, even if the provision of such services is improved, the question remains as to what the future holds for such women, post-shelter and/or post-counselling who must return to the same constrained environment.

The training and deployment of more social workers, psychologists and psychiatrists, and the provision of more shelters for women fleeing domestic violence while essential, will take many years to realise. Furthermore, in the climate of conflict, danger and poverty, it is questionable as to how effective these initiatives may be, since the crucial issues of culture, patriarchy, feudalism and language may represent insurmountable obstacles. As for family therapy, efforts to penetrate the family circle and reach out to the men (and the older women who often accept the oppression of women) are frequently rebuffed. It is exceptional for a family to come together to be counselled following a suicide attempt.

## ***2.7 Women and access to education***

*I will work and earn my own money, I will make my living on my own, not on any one else's money. Then I can struggle for the things I want. If the Kurdish people don't send their girls to school, then the girls will always be oppressed*  
(Female, age 17, who left middle school, Batman)<sup>121</sup>

The lack of education among Kurdish women has been cited by a number of interviewees as one of the main causes of suicide and attempted suicide.<sup>122</sup> Education empowers, and women's education is integral to their mental health, as well as the overall health of men and children. Education has also been found to render women less likely to tolerate domestic violence and abuse, more likely to find employment and also more likely to engage in public health

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<sup>120</sup> Ibid

<sup>121</sup> Kardam F., 'The Dynamics of Honor Killing in Turkey', UNDP, November 2005, p.58

<sup>122</sup> Interview with 'AKP', Van, 23 January 2007.

programmes.<sup>123</sup> As a human right, education is an 'essential tool for achieving the goals of equality, development and peace'.<sup>124</sup>

Therefore, restricting women's right to education denies them access to information about their rights, especially their right to choose how they live, their right to be free from violence and their access to justice.<sup>125</sup> Depriving girls of education constitutes a form of economic discrimination, since they are less likely to fulfil their employment potential and/or engage within the political sphere. Yet more than 640,000 girls in Turkey are not receiving compulsory education, although women have the right to equal education in law.<sup>126</sup>

Low levels of enrolment, a lack of education and the inability of students to use the Kurdish language within schools are key factors preventing Kurdish women and girls in particular from improving their status within the community and releasing themselves from the tyranny of extreme patriarchy.<sup>127</sup> Today, due to a lack of education and a deprivation of hope, disadvantaged Kurdish women and girls in particular are most at risk of attempting suicide or committing suicide. These issues will be examined further below.

### 2.7.1 Illiteracy

High illiteracy rates are prevalent among Kurdish women, particularly in the south-east of Turkey. Five to six years ago, the literacy rate of Kurdish women in the region was less than 10 per cent.<sup>128</sup> While an average 6.1 per cent of men and 19.4 per cent of women in Turkey were reported illiterate in a 2000 population census, the corresponding rates for the southeast were 12 and 35 per cent respectively.<sup>129</sup> The figure is closer to 50 per cent in rural areas generally.<sup>130</sup> In a

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<sup>123</sup> Des Jarlais, R., Eisenberg, L., Good, B., and Kleinman, A. (1995) *World Mental Health: Problems and Priorities in Low-Income Countries*. Oxford University Press.

<sup>124</sup> Platform for Action, para 60

<sup>125</sup> Amnesty International: 'Iraq: Decades of suffering, Now women deserve better', (February 22, 2005) <<http://web.amnesty.org/library/print/ENGMDE140012005>> (last accessed 26 January 2007).

<sup>126</sup> UNICEF, 'State of the World's Children 2004'. At <[http://www.unicef.org/sowc04/sowc04\\_chapters.html](http://www.unicef.org/sowc04/sowc04_chapters.html)> (last accessed 1 February 2007).

<sup>127</sup> Interview with the Peace Mothers, Diyarbakir, 27.1.07.

<sup>128</sup> Ibid.

<sup>129</sup> Ertürk, Y. 'Report of the Special Rapporteur on violence against women, its causes and consequences', OHCHR A/HRC/4/34/Add.2. <[http://ap.ohchr.org/documents/dpage\\_e.aspx?c=189&su=187.7](http://ap.ohchr.org/documents/dpage_e.aspx?c=189&su=187.7)> (last accessed 8 February 2007).

<sup>130</sup> Pavan-Woolfe, L. 'Combating Discrimination in the European Union and in Turkey', seminar address Ankara, 11-12 October 2004.



study in south-east Anatolia, approximately 44.4 per cent of women and 18.2 per cent of men were reported illiterate in 2000.<sup>131</sup>

Another study has also reported a regional distribution of female illiteracy in Turkey. The most striking rate was found in the southeast, where 39 per cent of women were reported to be illiterate.<sup>132</sup> This was followed by the East and Black Sea regions, with rates of 35 per cent and 21 per cent respectively. When it is considered most of these women will also be unable speak Turkish, their marginalisation becomes even more apparent.

Illiteracy and lack of competence in the Turkish language not only prevent women and girls from learning about their legal rights, but it also means that for many there is no hope of a life alternative to forced marriage, motherhood and grinding poverty. For example, in Istanbul, a female victim of domestic violence who had managed to escape from her home to seek protection at the police station was ordered by the police to 'go home and come back when you have learnt Turkish!'.<sup>133</sup>

### *2.7.2 School enrolment*

Girls from the Kurdish regions of Turkey are less likely to be enrolled in schools compared to the rest of Turkey. In some provinces of the southeast, 62 per cent of girls were reportedly enrolling in primary education and 50 per cent in secondary school in 2004.<sup>134</sup> In its study of women in east and south-east Turkey, and a district of İstanbul that is largely populated by migrants from those regions, Women for Women's Human Rights (WWHR) found that 62.2 percent of the sample had never been to school or had not been permitted to complete primary education. Only 9.8 per cent had completed middle school.<sup>135</sup> Meanwhile, in south-east Anatolia, another study found the ratio of female to male enrolment in primary and secondary schools to be significantly lower than the ratio for Turkey as a whole. The percentage of women who had attended primary and secondary school in the region was 75.2 per cent, and for men 96.9

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<sup>131</sup> Elmas G., 'Women, Urbanization and Regional Development in Southeast Anatolia: A Case Study for Turkey', *Turkish Studies*, Vol. 5, No. 3, Autumn 2004, pp. 1-24, p.9.

<sup>132</sup> UNICEF 'A Gender Review in Education', 2003

<sup>133</sup> Interview with Gökkuşığı Women Association, Istanbul, 16 January 2007.

<sup>134</sup> Human Rights Watch (HRW), 'Memorandum to the Turkish Government on Human Rights Watch's Concerns with Regard to Academic Freedom in Higher Education, and Access to Higher Education for Women who Wear the Headscarf Human Rights Watch Briefing Paper', 29 June 2004.

<sup>135</sup> *Ibid.*

per cent, compared to 92.3 per cent and 98.4 per cent respectively for Turkey as a whole.<sup>136</sup>

Further, in Batman, it was reported that within the 282 schools in the area, 61 per cent of students were male. After elementary education, the difference between the sexes increased significantly and further education was considered beyond the reach of the vast majority of women. Less than 20 per cent progressed beyond high school. The percentage of guardians who would completely support education for their sons was 90 per cent, while the figure was just 20 per cent for female children.<sup>137</sup>

There are a variety of reasons for this reduced enrolment rate. Firstly, although education in Turkey is free, the opportunity costs of sending girls to school are exceptionally high, in terms of potential earnings from child labour and the opportunity for daughters to marry into another family. A common attitude in traditional Kurdish families is that girls are not worth educating as their destiny is simply marriage and motherhood. The continuation of cultural practices such as forced marriage and '*berdel*' often results in Kurdish parents, especially fathers, vehemently opposing the education of girls. Furthermore, in the south-east, extreme poverty caused by forced migration, loss of assets and unemployment makes families dependent upon child labour: the average individual income in south-east Turkey is only \$500 per annum.<sup>138</sup> In Istanbul, girls aged between ten and twelve years work long hours in garment sweatshops.<sup>139</sup> In Batman and Van, there is mass migration of impoverished Kurdish families during six months of the year to work as seasonal agricultural workers on farms in western Turkey. According to NGOs in Van, September is 'the crisis month for suicides, as it is the time when the school year begins and family rows erupt into violence as decisions are made as to which child or children must be removed from school, in order to work.'<sup>140</sup> Such extreme poverty and high rates of unemployment cause many Kurdish children, in particular girls, to drop out of school. In addition, Government schools, especially in the southeast in the poor shantytown areas of cities are overcrowded and badly resourced. Schools originally designed for 800 pupils are now accommodating nearly 3,000.<sup>141</sup> Furthermore, many Turkish teachers are reluctant to take up posts in such dilapidated schools, as they are often engaged in 'controlling' the children as opposed to 'teaching' them.

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<sup>136</sup> Elmas G., 'Women, Urbanization and Regional Development in Southeast Anatolia: A Case Study for Turkey', *Turkish Studies*, Vol. 5, No. 3, Autumn 2004, pp. 1-24, p.9.

<sup>137</sup> Sever, A. and Erkan, R. op. cit. p.4.

<sup>138</sup> Interview with DTP, Van, 22nd January, 2007

<sup>139</sup> Interview with Gökkuşuğu Women's Association, İstanbul, 16 January 2007.

<sup>140</sup> Interview with İHD, Van, 22 January 2007.

<sup>141</sup> Ibid.

Further, Kurdish families are often fiercely protective of the 'honour' of their women and girls and as such, may view schooling in Government institutions as a means of forcing them to assimilate with mainstream society and abandon their customs and traditional way of family life. Some families are hostile to the notion that their females should be educated outside the home and forced to sit alongside the opposite sex, exposed to the dangers and perceived decadence of modern urban society.

In addition to opportunity costs, the practical expense of sending children to school (e.g. necessary clothes, shoes, stationery and transport) are often too high for families to afford. Although allowances are paid by the state to the very poorest of families - namely those without any family member in employment - in order to enable them to send their children to school, the sums available are however considered to be derisory - a mere 50 New Turkish Lira (YTL) per month per child (approximately 6 US dollars per week).<sup>142</sup> In Kızıltepe, for example, eligible families receive only 24 YTL per month per child.<sup>143</sup> In addition to the low level of financial assistance available, the bureaucratic process by which a family must prove eligibility coupled with the humiliation of applying for such assistance in rigorous interviews has meant that in practice, the scheme has done little to improve levels of attendance at school.

In response to this low level of school enrolment, in 2003, the Ministry of National Education and UNICEF have launched projects focusing predominantly on the south-eastern region and entitled, '*Haydi Kızlar Okula* ('Let's go to school, girls!') and 'Daddy, please send me to school'. According to the latest report of the UN Special Rapporteur, UNICEF has stated that the 'Let's go to school, girls!' campaign resulted in the 'enrolment of some 177,000 girls and 87,000 boys'. This was however, 'considerably less than the target set' and only '5 out of 33 participating provinces recorded a positive and statistically significant change in the gender gap in education'.<sup>144</sup>

In the area of Başkale, according to a Government employee, 'everyone goes to school - even the girls and those who live in the villages'. However, the source of this information did not wish to be named in the report and the assertion was vehemently contested by other NGOs and therefore cannot be independently verified. Researchers have not been able to obtain reliable statistics concerning school enrolment and drop-out rates, although KHRP researchers have been

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<sup>142</sup> Interview with Professor Aytakin Sır, Diyarbakır, 26 January 2007.

<sup>143</sup> Interview with the Mayor of Kızıltepe and Local Agenda 21 in Kızıltepe, 30 January 2007.

<sup>144</sup> Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakın Ertürk, Addendum, Mission to Turkey, 5 January 2007, par.17.

informed that, three years ago, the ratio of girls to boys attending school was 30:70 whereas the ratio in 2007 is now 40:60.<sup>145</sup>

An ideal step forward would be to introduce modules on gender equality into the school curriculum, the elimination of violence towards women and the important role of boys and men in achieving these goals. These recommendations however have been dismissed by local NGOs on account of the extremely rigid and nationalistic nature of the current curriculum.

### *2.7.3 Linguistic discrimination*

Language has also been cited as a barrier to Kurdish girls accessing education. While private language schools can teach Kurdish, the only language of instruction in mainstream schools is Turkish.<sup>146</sup> The Batman branch of the teachers' union Eğitim-Sen, whose board is made up of both primary and secondary teachers, has stated that 'it is hard for Kurdish children to learn in Turkish because they first have to translate from Kurdish to Turkish before they can learn what is being taught'.<sup>147</sup> This puts them at a clear disadvantage from the beginning of their education.

There are no provisions for teaching Turkish as a second language to Kurdish children starting school. One primary school teacher has stated that 'out of 41 students in his class, only 2 or 3 know Turkish when they first go to school and that is only because they are from a wealthier family that has a TV. Even those 2 or 3 students can only understand Turkish, not speak it, so it is still difficult for them'.<sup>148</sup> Restrictions on speaking Kurdish within the school precincts with other children or the teachers is hugely frustrating and humiliating for children generally, and often leads to aggressive behaviour, and in many cases withdrawal from education. One teacher from Batman was disciplined for allowing the children to sing a Kurdish song at the end of term, and was exiled, as punishment, to another part of Turkey.<sup>149</sup>

A possible new law, which would force teachers in the Kurdish areas to work in other parts of Turkey and bring Turkish teachers into the Kurdish areas, is a cause of great concern to the teachers' union. 'All education should be in

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<sup>145</sup> Interview with Professor Aytekin Sır, Diyarbakır, 26 January 2007.

<sup>146</sup> Ross-Thomas E, 'UNICEF urges Turkey to teach in Kurdish', July 9, 2006.

<<http://www.turkishdailynews.com.tr/article.php?enewsid=48385>> (last accessed 18 January 2007).

<sup>147</sup> 'Recognition of Linguistic Rights? The Impact of pro-EU reforms in Turkey', Fact Finding Mission, KHRP, 2005, p.33.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

Kurdish and Turkish,' state members of the Diyarbakır branch as this 'would facilitate dialogue and peace'.<sup>150</sup>

Since 2001, Turkey has undertaken several reforms regarding the use of the Kurdish language, 'including amending the Constitution twice, and instituting eight harmonisation laws between 2002 and 2005' affecting linguistic rights.<sup>151</sup> Prior to the harmonisation laws, the Kurdish language was forbidden in any public sphere – for example: schools, hospitals, police stations, courts and prisons. Even Kurdish first names and certain letters of the alphabet not present in the Turkish language were outlawed. Politically, there was fierce resistance to education being provided in Kurdish by the Turkish State.

However, these reforms have proved little more than paper concessions presumably designed to allay EU criticism. Kurdish language schools proved expensive, unworkable and subject to bureaucratic obstructionism, compelling them all to close on 2 August 2005.<sup>152</sup> Kurdish is not used in the classroom and study of the Kurdish language is not contained within the curriculum, even as an optional course.

#### *2.7.4 International and domestic initiatives in education*

In terms of international obligations concerning education, language rights and anti-discrimination provisions, Turkey has ratified *inter alia* the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the First Optional Protocol, the Convention on the Rights of the Child (CRC) and the European Convention on Human Rights (ECHR). In 1997, with the adoption of a new Basic Education Law (No. 4306), the five-year period of compulsory schooling was increased to eight years. However, in practice, the Government has done very little to enforce its international and domestic obligations concerning education. In particular, the Government has failed to take positive steps to identify and address the reasons why many girls do not attend school. In her recent report, the Special Rapporteur, Yakın Ertürk, noted that six years after the adoption of the new Basic Education Law, 'it was still estimated that one in eight girls had either never been sent to school or dropped out during the second phase of mandatory primary education (grades 6-8), when girls reach

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<sup>150</sup> 'Recognition of Linguistic Rights? The Impact of pro-EU reforms in Turkey', Fact Finding Mission, KHRP, 2005, p.34.

<sup>151</sup> 'Recognition of Linguistic Rights? The Impact of pro-EU reforms in Turkey, KHRP fact finding mission, 2005, p.15.

<sup>152</sup> Turkey's Accession to the EU: Democracy, Human Rights and the Kurds, p.41.

puberty. In Şanlıurfa and Van, for instance, almost one third of all girls were not enrolled in primary education'.<sup>153</sup>

It is of crucial importance that Kurdish girls and young women are educated in order to reduce the desperate situation in which so many find themselves, and the number of females who turn to suicide as an escape from life. In particular, the UN Millennium Development Declaration and Goals, to which Turkey is committed, requires States parties to develop strategies to increase enrolment in school and promote gender equality. It is therefore imperative that the Ministry of Education, in co-operation with the State Ministry responsible for Women's Affairs, Family and Child Protection, work with the NGO community in order to realise these objectives.

The Turkish Daily News has recently reported that the World Bank has called for more State involvement in the education sector, but urged 'more flexibility and openness' in order to secure innovative development.<sup>154</sup> The World Bank is currently working with the Turkish Government to introduce *conditional cash transfers (CCT)* whereby mothers will be financially rewarded for sending their children to school. However, such an initiative will have little influence on the primary, secondary and higher education of Kurdish girls if the Government does not also tackle the language obstacles and the political, economic, and social problems affecting Kurdish families, particularly those who are struggling to survive as IDPs.

## 2.8 Access to justice

Kurdish women frequently face barriers when seeking access to justice. Many of these have been explained in sections 2.2, 2.5 and 2.7 above. Often unable to communicate effectively in Turkish, they are likely to be suspicious of police or security forces because of a fear of further violence.<sup>155</sup> Further, it is often only the educated women who file complaints and start court proceedings<sup>156</sup>, and many are discouraged from taking such steps. A woman lawyer investigating honour crimes in the southeast said: 'They see us as well meaning crusaders... When we got involved in investigating one of these murders, a male colleague told me, 'You are very young. In time you will leave these cases alone'.

The 1998 Law on the Protection of the Family allows abused spouses and other family members the right to apply for a protective order. The perpetrator can

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<sup>153</sup> Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk, Addendum, Mission to Turkey, 5 January 2007, par.16.

<sup>154</sup> Turkish Daily News, 31 January 2007, p.4.

<sup>155</sup> Amnesty International (2004), op. cit p.10

<sup>156</sup> Interview with Gewer Kadın Derneği, 25 January 2007.

then be forced to leave the family home for a period of up to six months, or be subject to other protective measures. Professor Ertürk found, however, that the law is rarely invoked.<sup>157</sup>

## ***2.9 Women's NGOs and the lack of state support***

As part of the EU accession process, Turkey is required to protect *inter alia* the rights to freedom of association, assembly and expression. International instruments and resolutions (e.g. CEDAW and UNSCR 1325) also recognise the requirement of states parties to consult and collaborate with civil society organisations in developing appropriate policies to promote and protect the status of women. Women's NGOs are key partners in such processes.

These NGOs not only provide the best source of statistics on the issue of suicide and attempted suicide, but they also possess the requisite knowledge and experience, sensitivity and empathy to be able to deal with vulnerable women in providing shelters, counselling and other health and social services to thousands living desperate lives.

However, at present, many women's NGOs are struggling to provide services without the necessary state support. KHRP researchers were told that many of the NGOs in the field of women's rights are staffed entirely by volunteers<sup>158</sup> and do not receive any funding from abroad.<sup>159</sup> Moreover, any funding received by NGOs is subject to a high rate of taxation at 22 per cent.<sup>160</sup>

Kurdish women's NGOs such as SELİS, AMARGİ and DİKASUM<sup>161</sup> all have experience of harassment by the police in response to peaceful protests against male violence, honour killings, and the non-implementation of domestic and international laws. There is brutal repression from state authorities, who tend to view Kurdish NGOs as agents for terrorism and Kurdish separatism. For example, in 2006 the Mothers of Peace in Diyarbakır – Kurdish mothers and wives of the killed, disappeared and imprisoned – were beaten with truncheons and some were detained following a peaceful assembly in the town. The appeal by the Mothers of Peace to the Prime Minister and the 'head of the general presidents of political parties' requesting peace in the region and a general

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<sup>157</sup> Ertürk, Y. 'Report of the Special Rapporteur on violence against women, its causes and consequences', OHCHR A/HRC/4/34/Add.2, p.17.  
<[http://ap.ohchr.org/documents/dpage\\_e.aspx?c=189&su=187](http://ap.ohchr.org/documents/dpage_e.aspx?c=189&su=187)> (last accessed 8 February 2007).

<sup>158</sup> Interview with İHD, Van on Monday 22 January 2007.

<sup>159</sup> Interview with İHD, Van on Monday 22 January 2007.

<sup>160</sup> Ibid

<sup>161</sup> Full name: *Kadın Sorunları ve Uygulama Merkezi* (Centre for the help and assistance of women).

amnesty to free their children imprisoned as political prisoners has not been answered.<sup>162</sup> This is just one of many examples of the Government's refusal to listen to the women's NGOs.<sup>163</sup>

There have been numerous formal announcements from the Government referring to possible future liaisons with NGOs concerning women's issues. On 4 July 2006, the Ministry of the Interior issued a declaration stating that ministries *could* meet up every three months with NGOs to discuss better implementation of international declarations and the harmonisation laws.<sup>164</sup> However, to the best of KHRP researchers' knowledge, no such meetings have taken place and the NGOs remain indignant as to the use of the word '*could*' as opposed to '*must*'. Yet, in the context of the issue of suicide, it is women's NGOs alone, (e.g. DİKASUM, SELİS, AMARGİ, VAKAD) who are trying to undertake outreach work in the villages and shantytowns. These NGOs stand the best chance of accessing the traditional clans and families and the IDP communities in order to provide trauma counselling, psychiatric services, attempts at family therapy, and support to the survivors of suicide attempts. They are the only real custodians of information concerning suicide, honour killings and the status of women in Kurdish communities. It is therefore vital that the Government of Turkey cooperates fully with such experienced NGOs in order to effectively reduce the incidence of suicide, prevent future suicides, and provide help to those women who have survived attempts or are fleeing male violence in the home.

### ***2.10 Women and economic problems***

The majority of the women who attempt suicide or commit suicide are IDPs or women who have economic problems.<sup>165</sup> As the Special Rapporteur Yakin Ertürk has recently noted, in the south-east of Turkey, 'Economic deprivation, coupled with socio-cultural deprivation emanating from traditional patriarchal practices, put the burden of regional underdevelopment disproportionately on the shoulders of women in this region'.<sup>166</sup> The acute underdevelopment of the south-east and the resulting mass unemployment are often cited as potential

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<sup>162</sup> Interview with the Mothers of Peace, Diyarbakır, 27 January 2007.

<sup>163</sup> Interview with AMARGİ, 16 January 2007, Istanbul: One woman's collective working in Istanbul and in the South-East (AMARGİ) told us how 54 women's NGOs had formally asked for an appointment to discuss with the Minister for family and women (Nimet Çubukçu) how to implement the requirements of CEDAW on the ground. Again, there has been no response to their request: 'We have found it difficult to ever gain access or have a personal dialogue with the Minister.'

<sup>164</sup> Resmi Gazete (Official Gazette) Issue No: 26218. Interview with AMARGİ, 16 January 2007.

<sup>165</sup> This interviewee does not wish to be named.

<sup>166</sup> UN Special Rapporteur Report, para.14.



causes of suicide.<sup>167</sup> There is a dire need for workshops and industry in the area to provide employment for the increased numbers who live in the cities.<sup>168</sup>

### *2.10.1 IDPs*

Since the 1990s, 'the major cities in the southeast have been inundated with villagers from the regions, with a consequential effect on the city's original inhabitants'.<sup>169</sup> In addition, from the start of the conflict in 1984, the forced displacement of families from the villages to the towns has placed an enormous pressure upon many family units, struggling to adapt to city life and find employment. It is the women in particular who suffer the most from the stress caused by the upheaval of leaving the village and entering the cities.<sup>170</sup>

The limited steps taken by the Government to address these problems include the Return to the Villages and Rehabilitation Project, which intends to secure the economic infrastructure for return, and the Law on Compensation for Damage Arising from Terror (Law 5233). It is generally felt that these measures are not sufficient to solve the problem, since the village guard system, the landmines, the region's economic underdevelopment and the danger of renewed armed conflict all continue to present significant obstacles to return which fail to be addressed by the Government.<sup>171</sup>

To date, the Return to the Village Project has not been effective in granting the redress necessary to improve the severe situation of IDPs. The social and financial assistance afforded is limited and in some circumstances is conditional on villagers denying state culpability for their displacement or on whether or not the state perceives links between the IDPs and armed opposition groups.<sup>172</sup> In relation to Law 5233, the compensation awards are frequently delayed, minimised or denied. Law 5233 is a paper reform which fails to meet the applicable international standards.<sup>173</sup>

In Hakkari, almost half the population of the province is made up of IDPs.<sup>174</sup> Yet, according to İHD, 'no-one has received compensation or been able to return to their villages'.<sup>175</sup> İHD confirmed that it was mainly the older generation who

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<sup>167</sup> Interview with Mazlum-Der, Van, 23 January 2007.

<sup>168</sup> Interview with the Peace Mothers, Diyarbakır, 27.1.07.

<sup>169</sup> 'The Status of Internally Displaced Kurds in Turkey', KHRP, p.13.

<sup>170</sup> Interview with Mazlum-Der, Van, 23 January 2007.

<sup>171</sup> 'The Status of Internally Displaced Kurds in Turkey: Return and Compensation Rights – an Update', Fact-Finding Mission Report, December 2006, p.11.

<sup>172</sup> Ibid., at p.47.

<sup>173</sup> Ibid.

<sup>174</sup> Interview with Gewer Kadın Derneği, 24 January 2007; Interview with DTP, 25 January 2007.

<sup>175</sup> Interview with 'İHD', 25 January 2007.

wanted to return to the agricultural way of life, although in many of the areas, landmines have not been cleared. İHD also reported that applicants had to state that the PKK caused the evacuation of village in order to receive compensation.<sup>176</sup>

Similarly, in 2005, 40 households in the Batman province received 2 trillion old Turkish lira in total. However, in 2007, the average compensation per household is now approximately only 15-20 billion old Turkish lira.<sup>177</sup> Batman 'İHD' is currently dealing with between 2-300 pending cases in which individuals are seeking to obtain appropriate levels of compensation.<sup>178</sup> The amounts awarded are often minimal because no account is taken of the loss of livestock, the destruction of fields and orchards, agricultural tools and other assets.

There has been mixed reaction as to whether or not proper implementation of the Return to the Village Project and adequate compensation would reduce the number of suicides and attempted suicides among women in Kurdish regions. Many believe that the problems concerning suicide would decrease if women were allowed to return to their villages.<sup>179</sup> However, the view also exists that the Return to the Village Project would not reduce the suicide rate as the lifestyles of many women have now changed irrevocably.<sup>180</sup>

The inadequacy of this scheme has caused major social, economic and psychological stress to many forcibly displaced families. It is seen as a contributing factor to domestic violence, honour killings and suicide, as unemployment, loss of hope and the frustration of men within evicted families finds its release in the violent oppression of women.

The failure of the state to implement effective projects addressing the problems of IDPs has particularly severe consequences for women, including female heads of households, widows, wives of the missing and young girls.<sup>181</sup> These rural families may have spent up to fifteen years uprooted, unemployed, and struggling to survive in shantytowns in Turkey. Younger forced migrants may have little wish to return to a rural life. They have not only no experience in agriculture and rural livelihoods but have grown up in an urban setting, exposed to modern life by the media. These generational differences often produce

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<sup>176</sup> Interview with the Peace Mothers, Diyarbakır, 27.1.07.

<sup>177</sup> Interview with 'İHD', Batman, 29 January 2007.

<sup>178</sup> Ibid.

<sup>179</sup> Interview with 'DTP', 25 January 2007.

<sup>180</sup> Interview with SELİS, 27 January 2007.

<sup>181</sup> Interview with 'Hakkari Women's Social, Cultural Assistance and Solidarity Association, 'Gewer Kadın Derneği', Hakkari, 25 January 2007.

violent frictions within the family unit, increasing the desperation and feeling of entrapment of young women and girls.

It is evident that awards of adequate compensation could help thousands of families to make appropriate choices for the future. In the absence of such choice, many women in particular, see no way out of their situations and decide to take desperate measures.

One state initiative which has been introduced in an attempt to improve the lives of women living in urban areas in the south-east of Turkey has been the introduction of Multi-Purpose Community Centres (ÇATOMs). The ÇATOMs were first established in late 1995 through the cooperation of the Southeast Anatolia Project (GAP), the Sanliurfa Governor and UNICEF.

In 1996, the management of ÇATOMs was transferred to a joint mechanism run by GAP and the Development Foundation of Turkey (TKV). By the end of June 2003, there were 28 ÇATOMs across the south-east Anatolia region of Turkey. The stated objectives of the ÇATOMs are to emphasise the individuality of women, to increase the level of women's participation in social processes, to improve development indicators, and to contribute to a gender-balanced and sustainable human development in the region. ÇATOM activities fall under five main groups: training programs, health programs, social support programs, cultural-social activities, and income-generating programs. However, since their establishment, the ÇATOMs have been severely criticised by several NGOs. ÇATOMs are often seen as projects aimed at assimilating the Kurdish community and the majority of Kurdish NGOs distrust these community centres. Several NGOs did not have confidence in the types of civil society organisations engaged in ÇATOM projects and considered that they were not sufficiently knowledgeable about the culture and lifestyles of the poorest and most vulnerable within the Kurdish community.<sup>182</sup>

### *2.10.2 Lack of equality in employment*

Although there is no data for Kurdish women specifically, in Turkey generally women's salaries are between 20 and 50 per cent of those of men, while men own 92 per cent of all property and approximately 84 per cent of gross domestic production.<sup>183</sup> Currently, women's labour force participation rate is approximately 26 per cent, which is the lowest rate amongst the Organisation for

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<sup>182</sup> Interview with İHD, Van on Monday 22 January 2007; Interview with 'Gewel Kadın Derneği', Hakkari, 24 January 2007.

<sup>183</sup> Amnesty International: 'Iraq: Decades of suffering, Now women deserve better', (February 22, 2005). <<http://web.amnesty.org/library/print/ENGMDE140012005>> (last accessed 26 January 2007).

Economic and Co-operative Development (OECD) countries.<sup>184</sup> Furthermore, 49 per cent of employed women are actually unpaid family workers, the majority of them working in the agriculture sector. Hence, of those few women who are registered as employed, only half are in paid employment. The urban female labour force participation rate, which is a more accurate indicator of female employment, is only 17 per cent.<sup>185</sup> This low level of female participation in urban labour markets is due to women's responsibility for unpaid domestic work in addition to cultural and customary restrictions on women's freedom of movement outside the home.<sup>186</sup>

Another study found the rate of participation of females in the labour force to be considerably worse in south-east Anatolia than in the rest of the country in 2003. The rate was no more than eight per cent in urban areas of the region, with approximately 20 per cent of those employed in the public sector. In contrast, the rate of female participation for Turkey generally was 27.9 per cent (18.4 per cent in urban areas, 42.5 per cent rural).<sup>187</sup>

### **3. Statistics and Examples of Suicide**

Women in the Kurdish regions resort to suicide in order to gain some control over their lives, to escape repressive values towards them within society and from within their own families, as well as to avoid gender-based violence and state neglect. The scourge of honour killings only highlights the pressures that women in Turkey, and Kurdish women especially, are under to conform to societal and family expectations, with women's needs subordinate to those of the dominant patriarchal ideal.

Despite the absence of concrete and reliable Government statistics concerning suicide rates in the Kurdish regions, a small number of women's NGOs and regional human rights organisations possess a limited amount of data, which is set out below. However, the ability of these NGOs to provide reliable statistical information is severely hampered by the pervading political, social and economic situation in the region and the unwillingness of families, clans, neighbours and the larger Kurdish community to report or discuss the issue of suicide.<sup>188</sup> In the current climate, it is impossible for many of these organisations to accurately

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<sup>184</sup> Women for Women's Human Rights (WWHR), Shadow NGO Report on Turkey's Fourth and Fifth combined Periodic Report to the Committee on the Elimination of Discrimination against Women., January 2005.

<sup>185</sup> State Statistic Institute, 'Household Labor Force Survey 2003'.

<sup>186</sup> Women for Women's Human Rights (WWHR) (2005), op. cit. p.3

<sup>187</sup> Elmas G., 'Women, Urbanization and Regional Development in Southeast Anatolia: A Case Study for Turkey', *Turkish Studies*, Vol. 5, No. 3, Autumn 2004, pp. 1-24, p.9.

<sup>188</sup> Interview with İHD, Van, Monday 22 January 2007;

assess the number of female suicides and attempted suicides and whether or not there had been an increase in recent years.<sup>189</sup> The statistics produced by women's NGOs and set out below, therefore represent merely the 'tip of the iceberg'.<sup>190</sup>

### 3.1 Van

There has been a significant increase in the number of suicides committed in Van since 1999/2000.<sup>191</sup> However, statistical information was only available from the women's NGO VAKAD. This data is extremely limited and compiled from press bulletins obtained from the Governor's office, and therefore may not represent a wholly reliable picture<sup>192</sup>: please see Appendix B.

According to the information collected by VAKAD, between 2000 and 2005, 93 women committed or attempted suicide in the 'Van Central' area. The information records that there were 15 suicides in 2000 and 27 suicides in 2001. After 2001, the number of female suicides recorded by VAKAD decreases until 2006, with 17 female suicides in 2002, 12 suicides in 2003, 11 suicides in 2004 and 11 suicides in 2005. In 2006, there were 21 female suicides.

In 40.85 per cent of the 93 cases of suicides recorded by VAKAD, the reason for suicide was recorded as 'depression'. In 23.66 per cent, the reason was 'family pressure'. The data shows that in 70.97 per cent of the 93 suicide cases, the method employed by the deceased was 'taking pills'. The majority of women and girls who committed suicide were aged between 12-35 years old.

In the 'further data' provided by VAKAD which relates to 2005 and 2006 only, the statistics recorded for 2005 state that there were 15 suicides in Van and 3 attempted suicides (see Appendix B). This information contradicts the number of suicides recorded by VAKAD in the initial data table which states that there were 11 suicides in 2005. No information has been provided by VAKAD to explain these discrepancies or to delineate the precise geographical areas covered by the analysis.

The statistics provided by VAKAD relating to 2006 record that there were 21 suicides, 40 attempted suicides and 8 recorded cases of poisoning. The most common methods of committing suicide and attempting suicide were 'taking pills' and 'hanging'. The geographical breakdown of the location of the suicides and attempted suicides provided by VAKAD for 2006 has not been provided for 2000-2005.

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<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Interview with Mazlum-Der, Van, 23 January 2007.

<sup>192</sup> Interview with VAKAD, Van, 22 January 2007.

In Van, Governor, Mehmet Niyazi Tanılır, has established a provisional co-ordinating board on suicide in Van which holds periodic meetings under the presidency of the Deputy Governor. A separate monitoring and co-ordination board has been set up by the Governor in order to examine the issue of honour killings. No reports, recommendations or statistics have been issued by either board to date.<sup>193</sup>

### **3.2 Diyarbakır**

According to Professor Aytekin Sır from Dicle University, who produced an article in 1998 describing his study on suicides and attempted suicides in the Diyarbakır region, the overall suicide rate in the centre of Diyarbakır were 4.5 suicides per 100,000 people and that the rate of women committing suicide was nearly double the rate of men. Further, regarding suicide attempts (i) four times as many women attempted suicide as men; (ii) suicides and attempted suicides were carried out most frequently by women aged 15-25 and (iii) the majority of those committing suicide were women from families who had been forcibly evicted from their villages due to the conflict.

Professor Aytekin Sır observed a general increase in suicides in Turkey. He stated however, that the suicide rate in Turkey is low compared to other European countries, yet was unable to provide any up-to-date statistics.

Similarly, SELİS was not unable to provide clear statistics in relation to the numbers of women who attempt or commit suicide in the province of Diyarbakır, nor were they able to state whether or not there had been an increase in attempted suicides and suicides in the region. SELİS did however confirm that in recent years, awareness of the problem of suicide among women had increased due to improved media reporting.<sup>194</sup> However, according to a 2006 report by İHD, 2006 saw 111 suicides and 69 attempted suicides.<sup>195</sup> Similarly, a survey by the Centre for Education and Psychological Consultancy for Women in Diyarbakır, found that over 63% of women who had applied to the centre had thought about or attempted suicide on one or more occasions.<sup>196</sup>

### **3.3 Batman**

Batman has become widely known in the international press as the 'City of Suicides'. Professor Yakın Ertürk, the UN Special Rapporteur has also referred

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<sup>193</sup> Interview with the Governor of Van, 23 January 2007.

<sup>194</sup> Interview with SELİS, Diyarbakır, 27 January 2007.

<sup>195</sup> İHD human rights reports, provided to KHRP researchers on 27 January 2007

<sup>196</sup> DİHA news report by Rojda Kizgin and Evrim Dengiz

to the notoriety of Batman, through media publicity, in her press release on 31 May 2006 and subsequent report.<sup>197</sup> One NGO in İstanbul suggested that the peak of women's suicides in the province of Batman occurred between 1999-2000 after the ceasefire in the region and the dismantling of Hezbollah.<sup>198</sup> However, this NGO rejected the notion that there had been an increase in the rate of female suicides among Kurdish women in recent years.

In relation to statistics concerning attempted suicides in the province of Batman, a recent newspaper article has reported that a 'Psycho-Social Support and Crisis Intervention Team' created in May 2006 as part of the Batman State Hospital, received '43 applications from 41 women and 2 men who had attempted suicide'.<sup>199</sup> Psychologist Ümit Taş, from the Crisis Intervention Centre stated that 'alongside the 43 people who attempted suicide, 33 individuals including 28 women who were going through a pre-suicide crisis made applications to the team and were given psychological support'.<sup>200</sup> Taş stated that when the team first began work, people were hesitant to see them, although this has slowly changed. 'We now receive people from sections of society which we would not have expected, from different occupations and even women with headscarves come to see the psychologist.'

SELİS informed KHRP researchers that in 20 days in 2007, 5 women had committed suicide in the province of Batman.<sup>201</sup> Fifty per cent of the female applicants to the SELİS counselling service in Batman have considered suicide or attempted suicide. The most common age group is women aged between 15 and 25. In 2006, there were 9 female suicides in the province, all of whom were aged between 14 and 25. In the last 5 years, 402 men and women have attempted suicide in the province, 281 of whom were women. SELİS confirmed that the women who are aware of the services provided and are psychologically and physically able to make an application for counselling are undoubtedly the very 'tip the iceberg'. For every one woman who obtains counselling services, there will be hundreds of others who have no access to such assistance for social, cultural, economic and/or geographical reasons.

Due to the lack of reliable and up-to-date statistics, it is therefore difficult to confirm whether or not there has been any actual increase in female suicides or attempted suicides in the province of Batman. Indeed, Professor Aytekin Sır in Diyarbakır stated that in his view, there were not unusually high or increasing

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<sup>197</sup> Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakın Ertürk, Addendum Mission to Turkey, 5 January 2007.

<sup>198</sup> Interview with SELİS, Batman, 27 January 2007.

<sup>199</sup> Reported by Fırat News Agency (ANF) on 17 January 2007.

<sup>200</sup> Ibid.

<sup>201</sup> Interview with SELİS, Batman, 27 January 2007.

numbers of suicides in Batman. More media attention had merely been given to the problems in that particular area.<sup>202</sup>

### *3.3.1 İHD, Batman*

İHD in Batman stated that until 1997/1998, to their knowledge, there were no female suicides or attempted suicides in Batman or Diyarbakır. The statistics collected by İHD in Batman are based on press reports and no such cases were reported in the press at that time.<sup>203</sup> This information records 53 suicides or suicide attempts in 1999 (36 female and 17 male); 44 suicides or suicide attempts in 2000 (26 female and 8 male); 79 suicides or suicide attempts in 2001 (52 female and 27 male); 68 suicides or attempted suicides in 2002 (53 female and 15 male); and 23 suicides or attempted suicides in 2003 (13 female and 10 male). 70% of these suicides or attempted suicides were therefore committed by women; and 43% of the suicides or attempts were in the age bracket 21-25. 65% of those recorded had not proceeded beyond primary education.

The data for 2004-2006 simply records the number of suicides: 19 in 2004 (8 female and 11 male); 25 in 2005 (16 female and 9 male) and 33 in 2006 (24 female and 9 male). No further information regarding social background or status was provided.

### *3.3.2 The Bar Association, Batman*

The Bar Association in Batman conducted a study on suicide and attempted suicide in relation to both men and women in 1999 and 2000. The survey shows that 65% of those individuals who attempt or commit suicide are women and that such incidents happen most frequently in families with a low income. The Bar Association obtained the data contained in the study from the local courts as in every instance of suicide and attempted suicide, a case file is opened.<sup>204</sup> According to this data, in 1999, there were 53 suicides or attempted suicides, 33 female and 20 male; whilst in 2000 there were 57 suicides or attempted suicides, 38 female and 19 male.

## **3.4 Hakkari**

Hakkari, close to the Iraqi border, is a particularly tense area, especially since the occupation of Iraq. The police and military presence is very strong, with checkpoints outside the town and obvious police surveillance. NGOs indicated that the same problems exist in Hakkari as in Batman and Van, but that women's

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<sup>202</sup> Interview with Professor Aytakin, Diyarbakır, 26 January 2007.

<sup>203</sup> Interview with İHD, Batman, 29 January 2007.

<sup>204</sup> Interview with Bar Association, Batman, 29 January 2007.



issues concerning domestic violence tend to be more hidden, as the state's concern over security in the public was more visible.

Officially, there are said to be some 50,000 IDPs living in Hakkari, but İHD estimates the true number to be nearer 70,000. The 'clans' or 'tribes' are exceptionally powerful in this region, and NGOs are concerned that the police therefore tend to side with these feudal-type large family groups by allowing them to determine domestic matters – such as deaths in the family and gender based violence - without outside interference.<sup>205</sup> The strong presence of police, security forces and military check points in this area, due to the proximity of the border with Iraqi Kurdistan and its traffic of smugglers and access to the mountain quarters of the PKK, also adds to the perils facing women who attempt to leave their families, and seek shelter with NGOs. Cross-border action, with movements of Turkish troops by the frontier in pursuit of the PKK creates an environment of fear, confining many people to their homes without any release or possibility of social recreation.

Hakkari reflects all the problems of the other towns in the southeast and east, but the military and political situation exacerbates the threatening environment for poor and illiterate women.

According to 'Gewer Kadın Derneği' reported that there were three female suicides in Hakkari from July to August 2006: a married woman with 3 children, an 18-year old victim of a forced marriage and a 17 year old with psychological problems. Attempts by women's NGOs to investigate such suicides in the villages are usually frustrated by the families and by the police. When one NGO tried to visit a family, it found that the police had blocked the roads and cordoned off the village. Gewer Kadın Derneği had no further information about suicides or attempted suicides in and around Hakkari.<sup>206</sup> Cases of attempted suicide were not reported to the organisation on account of the shame associated with such conduct.<sup>207</sup> İHD in Hakkari confirmed the lack of statistics on this subject and stated that there were no honour killings in Hakkari.<sup>208</sup> However, according to a recent April 2007 newspaper report, 41 young girls and women between the age of 16 and 22 attempted suicide in Hakkari in the previous year, compared to an average of 15-20 attempts in previous years.<sup>209</sup> Of these 41 young women, 4 had lost their lives. In comparison, 2 men committed suicide, whilst 4 men attempted.

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<sup>205</sup> Interview with İHD, Hakkari, 25 January 2007.

<sup>206</sup> Interview with Gewer Kadın Derneği, Hakkari, 25 January 2007.

<sup>207</sup> Interview with Gewer Kadın Derneği, Hakkari, 25 January 2007.

<sup>208</sup> Interview with İHD, Hakkari, 25 January 2007.

<sup>209</sup> 'Forty one young girls attempted suicide in Hakkari within one year', ANF News Agency, 6 April 2007

### ***3.5 Mardin and Kızıltepe***

According to both the Mayor of Kızıltepe and the NGO 'Local Agenda 21' in the district of Kızıltepe, there are no statistics in relation to suicide in this province.<sup>210</sup>

### ***3.6 Bismil***

According to one interviewee from Diyarbakır who did not wish to be identified, stated that in 23 days in 2007, 12 people attempted suicide in Bismil, 8 of whom were women. Out of the 12 attempts, 6 people lost their lives. The interviewee claimed that this incident was not reported accurately by the Governor who issued a press release stating that these attempts took place in 2006 and that only 7 people attempted suicide.

## **4. Conclusion**

Although it is difficult to provide a conclusive answer as to whether or not there has been an increase in female suicides and attempted suicides in the Kurdish regions in Turkey, due to the dearth of reliable and independent statistical data, it is clear that Kurdish women and girls in Turkey experience multiple disadvantages, over and above those experienced by women in Turkey generally. These additional disadvantages are specific to their position within a patriarchal society that is subject to mistrust by the state. In such circumstances, women and girls in the forcibly displaced IDP community are especially prone to depression and desperation leading to suicidal tendencies, and actual and attempted suicide.

There are multiple root causes of suicide and attempted suicide in the Kurdish regions of Turkey. Briefly stated, these are the conflict situation and state violence; patriarchal society and family pressure, including forced marriage, honour killings and polygamy; domestic violence; lack of education and language barriers; lack of access to political processes; lack of access to health and psychological care; and economic problems.

In the circumstances, it is recommended that the European Parliament and the international community should undertake to identify and implement measures which the Turkish Government can take to improve the status of Kurdish women in all aspects of their lives. In doing so, it is vital that the European Parliament and the international community ensure that there is close consultation and collaboration with civil society organisations and especially women's NGOs. In addition, the creation of a democratic platform for

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<sup>210</sup> Interview with the Mayor of Kızıltepe and Local Agenda 21, Kızıltepe, 30 January 2007.

discussion of the ongoing conflict, and the amendment of the Turkish Constitution to recognise the rights of the Kurdish minority, will assist in augmenting the situation of Kurdish women in Turkey.

## **Chapter Two: Iraqi Kurdistan and Increased Rates of Female Suicide**

### **Introduction**

This chapter explores the problem of increased suicide rates amongst women in Iraqi Kurdistan. It points to continued political and socio-economic inequalities as key factors that leave women vulnerable, both in the public and home sphere.

Section 1 gives a historical overview of changing gender dynamics in pre-war and occupied Iraq. The following sub-sections address women's position within Kurdish society focusing on patriarchal social-cultural structures and how they have generated patterns of domestic abuse from which women have few means of escape, including honour crimes and forced marriage. This includes women's access to political power, health care, education and justice.

Part 2 goes on to investigate the suicide rates amongst women Iraqi Kurdistan, followed by a breakdown of the chief factors thought to be behind these suicides.

### **1 Women in Iraqi Kurdistan: A Historical Overview**

The vast majority of Iraq's Kurdish population of 6 million people inhabits the mountainous Iraqi Kurdistan in the north, an area of about 83,000 kilometres. Although most Kurds are Sunni Muslim, a minority, the Failis, are Shi'a, the Kurds have Indo-European roots and differ in race, history, and culture from Iraq's 19-20 million Semitic Arabs.

#### **1.1 Before 2003**

From the 1920s until 1991, the Kurds repeatedly rebelled against the central government which responded by destroying villages. Saddam Hussein's reprisals against the Kurds included deportations, detentions, disappearances, murders, and kidnappings for sex trafficking. Furthermore, this regime utilized biological and chemical weapons against its own people. The most chilling example of this is the Anfal campaigns, a series of military offences that took place in the spring and summer of 1988, which included the systematic use of chemical weapons against military and civilian targets in a campaign that killed an estimated 180,000, displaced 1.5 million, destroyed an estimated 3,000 villages and saw the detention, execution and disappearance of up to 100,000, a large number of whom were civilians. In addition, the Baathists' Arabization policy forcibly expelled Kurdish, Turcoman, and Assyrian families from their northern homes and replaced them with southern Arabic families.

Thus, there are millions of Kurdish widows, wives of the ‘disappeared’ and many older women who are both widowed and have lost the sons and grandsons who would have supported them in their old age, as well as adult women who have grown up ‘fatherless’. These losses within the clans increase the tension in families as issues concerning bereavement, grief, the trauma of having witnessed brutal killings and torture are rarely adequately addressed.<sup>211</sup> Tensions increase as the gulf widens between the aspirations of the younger members of the family, urbanised and exposed to modernity, and their elders who yearn to return to their former lifestyles as agriculturalists in their home villages. It is women who tend to bear the brunt of these generational misunderstandings. Further, this history of state violence, though widely recognized as destroying families and causing economic stress, overshadows and outweighs concerns about men and women’s mental health, and other problems draw attention away from economic priorities and therefore frequently go unaddressed. After the well-reported Kurdish uprising against the Hussein’s Baathist regime in 1991, Iraqi Kurdistan was divided into two administrative areas. The UN declared a safe haven and no-fly zone over the three north-eastern governorates (provinces) and the Iraqi government voluntarily withdrew all civil administration. Two major political parties, the PUK (Patriotic Union of Kurdistan) and KDP (Kurdish Democratic Party) governed in the de-facto autonomous governorates – albeit from rival administrative bases.

Regular violence, fuelled by an almost-fratricidal conflict between the PUK and KDP, reignited in 1994. Under UN sanctions and Hussein’s embargo of trade with the north, the area’s humanitarian crisis worsened. However, the self-governing areas generally had less repression, and lawlessness than the rest of the country endured, and compared to the rest of Iraq, Kurdistan thrived.

Thus, before 1991, Iraqi Kurdish women experienced fear, displacement, and violence along with the restrictions and occasional brutality of this male-dominated society. After 1991, male dominance persisted, but women in the autonomous region gained more freedom of movement and speech and basic human rights than many women in other regions of Iraq, and compared to pre-1991.

Putting aside for the moment the relative well-being of Iraqi Kurdish women, their lives were determined by the policies of the two political parties, the PUK and KDP and their patriarchal tribal structures. Some critics of the political parties claim that, after the parties came to power, hundreds of women were murdered in honor killings, wearing the *hijab* became a necessity, and girls could no longer attend school. More widely reported are both parties’ disregard of

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<sup>211</sup> Interview with Ibrahim Hawramani, Anfal Centre, Dohuk, Kurdistan, Iraq, 19 January, 2007.

women's issues and their attempts to suppress women's organizations. In any case, as with their counterparts in Turkey, customary and religious practices continue to be more influential in the daily lives of the majority of women living in Kurdistan, and their access to justice for violence in family remains sidelined.<sup>212</sup>

In 1998 agreement was reached between the PUK and KDP which led to a viable power-sharing agreement for the Kurdistan Regional Government (KRG). Therefore, although ostensibly one government, each party maintained administrative control of different geographical areas within the KRG, leading to divergent treatment of women within the KRG itself. The Women Affairs Committee in the Kurdistan Regional Assembly has worked significantly to ensure that women enjoy their rights in the Region. One of the most significant achievements of the Committee has been the changing of the law relating to the murder of women. Hence, in 2000 (PUK-controlled areas) and 2002 (KDP-controlled areas) the KRG amended its Penal Code, so as to outlaw honour killings. Women have held powerful political positions as well as served as judges, and there has been some support for the development of women's centres and organisations. However the Committee has admitted that much work remains to be done to ensure that the police force consider honour crimes as serious crimes and investigate them accordingly.<sup>213</sup>

Wadi, a German NGO working with local women for more than a decade, has established centres to help women with serious social and psychological problems to reintegrate into society, dispersed mobile teams to deal with women's health, and initiated literacy campaigns.

As in other restrictive societies, Kurdish women and girls navigated *the space available to them* towards self-expression and self-sufficiency. They initiated women's groups that frequently operated underground, and, in urban areas. Since the early 1990s women's rights organizations have raised awareness about the suffering caused by violence against women. In 1999, Wadi worked with local women to open the first shelter for Iraqi female victims of violence—a movement that subsequently spread to other cities in Iraqi Kurdistan. Some Muslim clerics also supported women's groups in the struggle against widespread female genital mutilation. In Sulaymanya in 2001 Asuda, a non-

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<sup>212</sup> Meeting with women's Organisations of the Halwest Group, Civil Development Organization (CDO), 17 January 2007; Interview with Mullah Mohammed Chamchamal, Sulaymanya, Iraq, 2 March 2007; Interview with Mullah Dr. Omar Ghazni, Islamic Union, Erbil, Iraq, 3 March 2007.

<sup>213</sup> United Nations Assistance Mission for Iraq (UNAMI), 'Human Rights Report 1 May – 30 June 2006'.

< <http://www.uniraq.org/documents/HR%20Report%20May%20Jun%202006%20EN.pdf> > (last accessed 25 May 2007).

politically aligned NGO working specifically on issues of violence against women opened. In addition to providing shelter space for women fleeing situations of honor related violence, Asuda tries to provide solutions to the problems facing these women, be it family mediations or through the justice system.

## ***1.2 War and occupation***

During the recent war, Kurdish forces fought alongside the Coalition. For most Kurds the war was a continuation of the process of liberation. In the north-eastern governorates, *peshmerga* (Kurdish militia) guard the streets and the Coalition forces are barely present.

Thus, most Kurds, and women in particular, are somewhat isolated from much of the horror experienced in southern and central Iraq. Nonetheless the north still reports a degree of terror, chaos, and deprivation – suicide bombings, particularly outside the autonomous governorates; fighting between Coalition troops and insurgents, mainly in the northwest, close to the Syrian border, and in the cities of Mosul and Kirkuk; Sulaymanya is reported to be the safest city in Iraq, but ex-patriot Kurdish families who have returned still lament the lack of oil, electricity and water, and the rising costs of housing.<sup>214</sup>

While girls and women across Kurdistan remain subject to the whims of their male family members, women's lives today differ markedly from their peers in central and southern Iraq. Indeed, in some ways there have been interesting improvements. Before the war, compared to other regions in Iraq, the north had the lowest levels of education for women and girls. Now, they attend elementary and intermediate schools in much greater numbers relative to the population than girls in central and southern Iraq. Nonetheless, according to UNDP, adult female illiteracy rate in 2004 was still 40% in the principal cities under KRG control.

Kurdish women have held positions in the interim Iraqi governments, and urban Kurdish women strongly protested in 2004 when the Iraqi Governing Council attempted to scrap secular family laws and reinstate Shari'a to define women's affairs. Despite a lack of support from international funding agencies, which

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<sup>214</sup> United Nations High Commissioner for Refugees (UNHCR), 'Sulaymaniyah Governorate Assessment Report', August 2006, < <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=459badd426> > (last accessed 25 May 2007).

prefer to focus on issues such as democracy building and elections, several NGOs that focus on women's issues have opened in Kurdistan.

Given the realities of the changing political and social environment and security situation, it is impossible to paint a clear, definite portrait of whether the lives of Kurdish women have changed in one direction. Many women who work on issues of violence against women feel that the situation has not improved since 2003. Although some positive changes may have occurred for the better in the lives amongst a select group of elite women, usually with strong tribal and political ties, the majority of the population has seen a regression in terms of freedom of movement, right to life and the ability to live free from violence. For rural and poor women, the situation has in fact, gotten worse, as the rising rates of inflation that have occurred in the past few years have made their burden even more difficult, as they struggle with the effects of political insecurity and financial instability. Further, the rural-urban divide that more often than not influenced women's position in Kurdish society in the past persists. As in the rest of Iraq, rural women and girls are much more likely to be illiterate and less likely to attend school than their urban peers. In rural areas, honor killings and mutilations, forced marriages, and female circumcision persist on a much greater scale than in urban centres. The relatively secular PUK and more conservative KDP with a tribally based leadership derive much of their support from the cities, but are being challenged by growing Islamic political parties with allegedly liberal, democratic ideals and anachronistic beliefs that oppose any major changes in women's traditional roles.

### *1.3 Political Organisation of the Kurdish Community in Iraq*

The KRG, based in the regional capital of Erbil, controls the three Kurdish governorates of Erbil, Dohuk and Sulaymanya in northern Iraq. The KRG is divided into a Parliament, the Kurdistan National Assembly (KNA), which forms the legislative branch, and a cabinet of Ministers, which forms the executive branch. The cabinet of Ministers exercises executive power according to the Kurdistan Region's laws as enacted by the KNA.

Elections for the KNA are held at least every four calendar years, as stipulated in Article 8 of the Kurdistan Electoral Law. There are 111 seats in the Assembly. In order to ensure representation of all minority groups, if a party or person representing a minority (such as Turkmen, Chaldeans or Assyrians) fails to be elected, one seat will be allocated to a party or person representing that minority. Currently women hold 29 seats, making up 27% of the KNA. According to Article 22 of KNA Law No 1 the legal requirement is that at least 25% of the parliamentarians must be women.



The current Government comprises a coalition of parties, all of which are members of the KNA. The parties comprising the coalition government are the KDP, PUK, Kurdistan Toilers Party, Kurdistan Socialist Democratic Party, Kurdistan Islamic Union, Kurdistan Communist Party, the Islamic Group and the Turkman Brotherhood Party. The current cabinet consist of 27 ministries and nine regional ministers without portfolio. It is the aim of the KRG cabinet to provide social services to the people and rebuild the regions infrastructure. The cabinet administers the region by implementing laws passed by the Assembly in order to maintain law, order and security.

The Iraqi Constitution grants the KRG and the KNA a considerable level of autonomy, stating in Article 141 'that legislation enacted in the region of Kurdistan since 1992 shall remain in force, and the decisions issued by the government of the region of Kurdistan including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution'.<sup>215</sup> The competencies of the KNA and KRG include all the functions it exercised prior to the deposition of the former regime, with the exception of those issues which fall within the exclusive competence of the Federal Government as specified in the Transitional Administrative Law (TAL).<sup>216</sup>

## **2 Women's Position in Kurdish Society**

Kurdish society, in spite of considerable progress toward modernisation, continues to hold onto the traditional, patriarchal relations of domination where women's rights are regulated by a complex web of cultures, religion, and nationalist practices. These regulations include moral regulations as well as women's rights of divorce, marriage, inheritance, and custody. As in Turkey, women have been assigned a dual role in this patriarchal nationalist project. They are both the 'honour' of the nation, representing its cultural and linguistic purity, and the 'shame' of the nation, when they deviate from the rules. As such, Kurdish women are expected to remain loyal to the nation, their own families, and the families of their husbands. Familial efforts to enforce these culturally ascribed gender roles can give rise to domestic violence, including honour crimes and forced marriage, whilst the closed nature of society can make it difficult for women to escape abusive situations. As with their counterparts in Turkey, the authors learned during their visit that family pressures upon women constitute one of the main causes of suicide and attempted suicide.

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<sup>215</sup> UN/US/UK agreed translation.

<sup>216</sup> UNHCR, *Country of Origin Information: Iraq, October 2005*, pp. 12-13.

<<http://www.unhcr.org/home/RSDCOI/435637914.pdf>> (last accessed 25 May 2007).

## 2.1 Violence in the family

Domestic violence in all its forms occurs throughout Iraqi Kurdistan, as in all other countries and regions, but there is a lack of information on prevalence. Such abuse customarily is addressed within the tightly knit family structure. There is little public discussion of the subject, and there has been no study across the Region to produce reliable statistics. Spousal violence constitutes grounds for divorce and may be prosecuted; however, suits brought on such charges reportedly are rare. All interviewed during the authors visit to the region agreed that as in Turkey, domestic violence pervades all social and educational levels.

In an effort to combat this violence, local NGOs with the support of the Regional government in Kurdistan have started shelters in Sulemanya and Erbil, however they have been rife with problems, and there is only one that was started by the NGO Asuda, now run by local government. According to all of the NGOs interviewed, lack of funding, lack of training and qualified staff and the inability to keep the location secret from clans has caused them to question the rationale for such structures. Further, they complained that the shelters made the women leave after '2 or more years', meaning they had to return to their families and often suffered worse abuse or death for leaving in the first place.

The Iraqi Penal Code effectively encourages the persistence of violence in the family by allowing husbands to use violence against their wives with impunity. The 'exercise of a legal right' to exemption from criminal liability is permitted in cases of: 'Disciplining a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by Islamic law (Shar'ia), by law or by custom' (Article 41 (1)). However, the Kurdish National Assembly has passed several laws guaranteeing better protection of women's human rights, including outlawing domestic violence and polygamy except in case of infertility.<sup>217</sup>

The authors again emphasise, however, that although these laws are important steps, they are largely overlooked, and tribal custom takes precedence. Furthermore, even in the instance where constitutionally recognized laws are given precedence, there is disparate application of relevant laws due to lack of awareness and training for the judiciary in how and when to apply new laws.<sup>218</sup>

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<sup>217</sup> Interview with Vian Ahmed Khidir Pasha, Member of Kurdistan National Assembly, Member of Women's Committee, Erbil, Iraq, 25 January 2007; Jambaz T., and Mohammed N., 'Bits from the reality of Kurdistan Women, 2004-1992, Iraqi Kurdistan as an example', Kurdistan National Assembly Woman Rights Protection Committee, 2006.

<sup>218</sup> American Bar Association (ABA), 'Iraq Legal Development Project', *Judicial Reform Index for Iraq: Kurdistan Supplement*, October 2006. < <http://www.abanet.org/rol/publications/jri-iraq-kurdistan-2006.pdf> > (last accessed 13 April 2007).

This means that judges and law enforcement generally rely on their personal knowledge and preferences of interpretation, rather than on unified and systemic interpretation and application.<sup>219</sup>

## *2.2 Honour crimes*

Activists and commentators pay most attention to the particular form of domestic violence known as 'honour crimes'. The incidence of honour killings, the most extreme form of honour crimes, is said to have increased since 1991 when Kurdish parties took over the administration of the territory. Sheri Laizer gives the following background information on the roots and incidence of honour killings in Iraqi Kurdistan:

In traditional Kurdish society, as in other patriarchal societies, the ruling male elite - whether secular or religious - restricts the development of female identity. Women are not encouraged to realise and express their own power and independence. Instead, a woman may be killed for exerting her will, for choosing a man to marry that the family has not selected - or of whom they disapprove - for having a love affair or sexual relationship, for eloping or being discovered in a compromising situation or for joining a political party. Punitive killings are carried out by a woman's father, husband, brothers or other male relatives. There is no trial, simply a death sentence, often brutally carried out.<sup>220</sup>

Although statistics are hard to come by, and are of limited use as they represent only those cases that have come to the attention of the authorities, it is evident that honor killing occurs in Iraqi Kurdistan. For the past few years, the rate has been rising. Recorded numbers stand at around 500 deaths per year, but again, this is only those that have come to the hospitals.<sup>221</sup> Many experts speculate based on anecdotal evidence and media reporting that in Erbil alone there is at least one killing per day.<sup>222</sup>

The UN Commission on Human Rights has addressed 'honour killings' in the context of the right to life and has called on States to 'investigate promptly and thoroughly all killings committed in the name of passion or in the name of honour (...) and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings, including

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<sup>219</sup> Interview with Prison officials, Social Reform Prison, Sulemanya, Iraq 14 January, 2007.

<sup>220</sup> Laizer, Sheri, *Generic Report on Northern Iraq*, available from Refugee Legal Centre External Information Service, 2002.

<sup>221</sup> Vian Ahmed Khidir Pasha, Member of Kurdistan National Assembly, Member of Women's Committee, Erbil, Iraq, 25 January 2007

<sup>222</sup> Reported by several NGOs and members of Kurdistan National Assembly over course of study to Project Team Member Tanyel B. Taysi.

those committed by (...) private forces, are neither condoned nor sanctioned by government officials or personnel'.<sup>223</sup>

The Committee on the Elimination of Discrimination against Women, the UN expert body charged with monitoring implementation of the Convention on the Elimination of All Forms of Discrimination against Women, noted in 2000 that 'The Committee is (...) deeply concerned by the violence against women perpetrated through honour killings.' The Committee urged the Iraqi government in particular 'to condemn and eradicate honour killings and ensure that these crimes are prosecuted and punished in the same way as other homicides'.<sup>224</sup>

Though no longer applicable, there are provisions still on the books within Iraqi law for the issue of lenient punishments for honour killings: in 1990, Saddam Hussein introduced a law that exempted men who killed female relatives in defence of the family's honour from prosecution and punishment under the Penal Code.<sup>225</sup> According to Article 41 of the Iraqi Penal Code of 1959, no crime is committed in the punishment of a wife by her husband if it is seen as educational. These laws are still regularly used in courts as justification for honour killings or any type of family violence against women, even though the current Iraqi Constitution and Kurdistan Regional Law should be applied.<sup>226</sup>

UNHCR draws attention to the Iraqi Penal Code, which allows 'lenient punishments for 'honour killings' on the grounds of provocation or if the accused has 'honourable motives'. The punishment will be between 6-12 months imprisonment.' The report adds that 'the law does not provide any guidance as to what 'honourable motives' are and therefore leads the door open for wide interpretation and abuse'.<sup>227</sup>

However, until legal reforms designed specifically to address 'honour killings' were introduced by the Kurdish authorities in northern Iraq between 2000 and 2002, the perpetrators of such killings were either never tried or received

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<sup>223</sup> Commission on Human Rights, Report to the Social and Economic Council on the Sixteenth Session of the Commission, Resolution 2004/37 Extrajudicial, summary or arbitrary executions, UN doc. E/CN.4/2004/L.11/Add.4, 20 April 2004.

<[http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/0cfdc9575008463c1256e82002f683b/\\$FILE/G0413868.doc](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/0cfdc9575008463c1256e82002f683b/$FILE/G0413868.doc)>, (last accessed 13 February 2007).

<sup>224</sup> UN Doc. A/55/38, 14 June 2000, paras 193-194.

<sup>225</sup> U.N. Commission on Human Rights, *Report of the Special Rapporteur on Violence against Women*, E/CN.4/2002/83, January 31, 2002.

<sup>226</sup> Meeting with women's Organisations of the Halwest Group, Iraqi Civil Development Organization (CDO), 17 January 2007, Sulemanya, Iraq.

<sup>227</sup> UNCHR, Country of Origin Information: Iraq, p.33 (October 2005).

<<http://www.unhcr.org/home/RSDCOI/435637914.pdf>> (last accessed 25 May 2007).

generally lenient sentences.<sup>228</sup> Amnesty International reported a well-documented case in northern Iraq in which the court, accepted the 'honourable motivation' of men who had killed a young woman as grounds for leniency in sentencing. Mutilation is another form of 'honour crime' used in northern Iraq as a punishment for people accused of a relationship considered to be illegitimate.<sup>229</sup>

Campaigning and lobbying by Kurdish women's organisations against 'honour killings' have led to legislative reforms in northern Iraq. On 12 April 2000 the Sulaymanya-based Kurdish authority controlled by the Patriotic Union of Kurdistan (PUK) decreed that:

The killing or abuse of women with the pretext of cleansing the shame is not considered to be a mitigating excuse. The court may not apply articles 130 and 132 of the Iraqi Penal Code number 111 of the year 1969 as amended to reduce the penalty of the perpetrator. (Decree No. 59)

The Erbil-based Kurdish authority controlled by the Kurdish Democratic Party (KDP) amended legislation on 'honour crimes' in Law No. 14 of 2002:

The perpetration of a crime with respect to women under the pretext of honourable motives shall not be considered an extenuating legal excuse for the purposes of applying the rules of articles 128, 130 and 131 of the Penal Code, number 111, 1969, amended.

In 2002, the Independent Women's Organization reported that the number of 'honour killings' in PUK territory declined from 75 in 1991 to 15 in 2001.<sup>230</sup> However, despite these reforms, Kurdish women's organisations fear that more efforts are made to conceal 'honour killings', in order to avoid the judicial consequences UNHCR states that, although the Kurdish authorities suspended these provisions, honour killings are still said to be prevalent and escalating in the North. It noted: 'No exact figures on the extent of the practice are available and many cases undoubtedly go unreported. 'Honour killings' occur mainly in conservative Muslim families (both Shiite and Sunni, of both Arab and Kurdish backgrounds), in all areas of Iraq.' The authors consider that in addition to legal

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<sup>228</sup>Iraqi Kurds Amend Law to Reduce Honor Crimes, AFP, 14 August 2002; UNOCHR, *Occasional Paper: Situation of Women in Iraq*, p. 4.

<sup>229</sup> Amnesty International, *Iraq: Decades of Suffering, Now women deserve better*, February 2005, <<http://web.amnesty.org/library/Index/ENGMDE140012005>>, (last accessed 23 February 2007).

<sup>230</sup>2004 Country Report- Kurdistan (Iraq), Freedom House, <<http://www.freedomhouse.org/template.cfm?page=22&year=2004&country=3077>>, (last accessed 23 February 2007).

amendments, honour killings need to be rendered socially and morally unacceptable.<sup>231</sup>

Anecdotal observations from NGOs in the Kurdish Governorates, as well as observations from the KRG Ministry of Human Rights indicate that recently there has been an increase in 'honour' related crimes. Hence, in April 2006 UNAMI reported that as many as 534 women may have been victims of 'honour'-related crimes, including killings, torture, and severe abuse, in the Kurdish Governorates since the beginning of 2006.<sup>232</sup>

In June 2006 UNAMI concluded that : 'The Kurdistan Regional Government has been a leading voice in denouncing Iraqi 'honour killings' and its amendment of the penal code to consider such killings as ordinary crimes is commendable.' It also noted the efforts of the Government to raise public awareness of the matter. However, it recognises that: '...over the last six months there has been a significant increase in the rate of female mortality due to accidents or crimes in the Region of Kurdistan'.<sup>233</sup> Furthermore, the Kurdish National Assembly reported to UNAMI that 'fire accidents' were being used to conceal honour crimes.

It appears as if efforts are made to conceal 'honour' killings in order to avoid justice. In October 2006 UNAMI stated that a 'worrying trend of female 'suicides' and 'attempted suicides' as a result of family conflicts were reported in the Kurdistan Region. These incidents are often in reality crimes committed or incited by the women's own family members on the grounds of 'honour'.<sup>234</sup>

Further, in December 2006 UNAMI reported that the latest monthly report from the Kurdistan Regional Government's Ministry of Human Rights stated that 239 women had burned themselves in the first eight months of 2006. Most of these cases have been investigated as 'accidents' or 'suicide attempts'. However, according to UNAMI, most of the women suffer horrific injuries which are

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<sup>231</sup> UNCHR, Country of Origin Information: Iraq, p.33 (October 2005), <<http://www.unhcr.org/home/RSDCOI/435637914.pdf>>, (last accessed 26 January 2007).

<sup>232</sup> UNAMI, 'Human Rights Report 1 March - 30 April 2006', <<http://www.uniraq.org/documents/HR%20Report%20Mar%20Apr%2006%20EN.PDF>> (last accessed 11 April 2007).

<sup>233</sup> UNAMI, Human Rights Report, 1 May 2006-30 June 2006, p. 11. <<http://www.uniraq.org/documents/HR%20Report%20May%20Jun%202006%20EN.pdf>>, (last accessed 11 April 2007).

<sup>234</sup> UNAMI, 'Human Rights Report 1 September - 30 October 2006', p. 12. <<http://www.uniraq.org/documents/HR%20Report%20Sep%20Oct%202006%20EN.pdf>> (last accessed 11 April 2007).

'unlikely to have been accidentally caused whilst cooking or refuelling heaters', thus suggesting that they have in fact been victims of 'honour-related' crimes.<sup>235</sup>

It has been acknowledged by both KRG government officials and civil society representatives that tribal traditions, a chauvinistic interpretation of Islam and unreasonable societal expectations of women, are some of the root-causes of honour crimes. However, harassment of legal personnel working on domestic violence cases, as well as sympathy from both police and judicial personnel, has significantly hampered efforts to bring perpetrators of 'honour' crimes to justice.<sup>236</sup>

The Women's Information and Cultural Centre (WICC) suspects that the bodies of victims of 'honour killings' have been hidden, or mutilated to conceal their identities. The Centre has reported recent cases where women have died in suspicious circumstances, and relatives have claimed that the deaths were accidental. One man, who had killed his daughter-in-law, Gulestan, in June 2001 in the Balisan area, told the Centre in August 2002

'We killed this woman to end the problem. If we did not kill this woman, two families would have got into a fight and maybe 15 people would have died over this. We have tribal customs and we do not take such cases to court... If I did not kill her I may have been told many times that I did not keep my honour... If I did not kill her, whenever I will have a family problem, the issue will be mentioned again.'

He said that they had to act swiftly to prevent the authorities from protecting Gulestan. Although he was aware of the legal amendments regarding 'honour killings', he did not expect the case to be brought to trial. An agreement, including the payment of compensation, had been reached with Gulestan's family, and the local authorities appeared to be aware of the arrangement.<sup>237</sup>

### **2.3 Female genital mutilation (FGM)**

Female genital mutilation (FGM) is an act of violence against women as well as a

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<sup>235</sup> UNAMI, 'Human Rights Report 1 November – 30 December 2006', p. 12.

<<http://www.uniraq.org/FileLib/misc/HR%20Report%20Nov%20Dec%202006%20EN.pdf>> (last accessed 11 April 2007).

<sup>236</sup> US Department of State, '2006 Country Report on Human Rights Practices – Iraq', 7 March 2007. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78853.htm>> (last accessed 11 April 2007).

<sup>237</sup> Women Information Cultural Centre (WICC) Statistical Study on Violence used against Women, 2003, pages 23-28. Also see the biweekly newspaper, Rewan, <http://www.rewan.org>.

serious health concern. In some rural areas in northern Iraq, FGM appears to be widespread.<sup>238</sup>

Areas where FGM seems to be common are the poorer areas, amongst displaced people and within the region where the Sorani Kurdish dialect is spoken, including around Halabja, Germian and Kirkuk. Between September and November 2004, the organisation WADI, conducted research on FGM in 40 villages in the Germian area. Members of WADI interviewed 1,544 women and girls, of whom 907 said they had been subjected to FGM, blaming the practice on tradition.<sup>239</sup> A midwife working in the district of Rania, the Sulemanya governorate, reported that the vast majority of women she had examined had undergone FGM, and only in recent years had she seen women who had not.<sup>240</sup>

Kurdish communities are becoming increasingly aware of the practice of FGM. New penalties have been introduced for practising FGM in Iraqi Kurdistan. These are important first steps towards eradicating the practice in the region. However, 'activists admit threats of legal action rarely have any effect on traditional practitioners in the villages, who work in the secrecy of their own homes'.<sup>241</sup>

Norwegian People's Aid has recently conducted a widespread survey on this practice. Though some doubt has been cast on the technical expertise of those carrying it out, the mission was told that the survey revealed the practice to be more prevalent than earlier anecdotal studies suggested. According to their findings, the FGM though more prevalent in rural areas is also common in cities, and as many as 70% of the female population of Kurdistan have endured this violent act.<sup>242</sup>

## **2.4 Forced marriage**

In Kurdish society, like in many societies, marriage is not just a private relationship between two adults, but a union involving many traditional and tribal ties which make it extremely restrictive. The relationship is considered as a bond between the wider families of cousins, uncles, aunts and all the other

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<sup>238</sup> Nazaneen Rashid, *DFID's Roundtable conference on Violence Against Women in Iraqi Kurdistan*. <<http://www.kwahk.org/articles.asp?id=33>> (last accessed 13 February 2007).

<sup>239</sup> WADI, *Research about circumcisions in Germian area*, 2 December 2004, found at: <http://www.wadinet.de>.

<sup>240</sup> Nicholas Birch, *Genital Mutilation Is Traditional in Iraq's Kurdistan*, *Women's E-News*, 1 August 2004. <<http://www.wadinet.de/projekte/frauen/fgm/attach4.htm>> (last accessed 23 January 2007).

<sup>241</sup> *Ibid.*

<sup>242</sup> Interview with Soran Qadir Saeed, Program Manager, Norwegian People's Aid, Sulaymaniyah, Iraq, 16 January 2007; Interview with NGOs in Erbil, Iraq, 16 January 2007.



relatives. In this context any criticism of the husband is an insult against the man's wider family which may bring bigger problems for the woman's wider family. In this case many Kurdish women keep their problems to themselves and suffer in silence.<sup>243</sup>

The UNHCR COI report, October 2005, mentioned that in northern Iraq, the practice of '*Jin be Jin*' [meaning a woman for a woman] contributes to the high incidence of forced marriage. It involves the exchange of girls – the girl from one family marrying the son of another (or from the same extended) family, while his sister is given in marriage in return – to avoid having to pay 'bride prices' for the daughters. If they do not have girls of the same age in the respective families then a baby will be married from the cradle in exchange for the older girl. There is often a big age gap between the partners in arranged marriages. Sometimes fathers, and other relatives of a girl-child, who want to marry again will use her as an exchange for their new wife.<sup>244</sup> This practice occurs especially in village areas where people do not have enough money to pay a bride-price. The report notes that another custom is giving a girl in marriage to another family as a compensation for a killing.<sup>245</sup>

Amnesty International states that the reasons for forced marriages vary. Yet forced marriage of girls reinforces women's unequal status in society, reduces their life choices and leaves them vulnerable to violence.<sup>246</sup>

Under Iraq's Personal Status Law, forced marriage is prohibited and punishable by up to three years' imprisonment (Article 9). The legal age for marriage is 18 (Article 7). Anyone who wishes to marry under the age of 18 must meet certain conditions prescribed by law: being at least 15 years old, having the approval of parent or guardian, and having judicial permission (Article 8). However, in practice, forced marriages, including of underage girls, continue to take place. Girls under the age of 15 are particularly vulnerable to forced marriage, which are arranged by the family in the vast majority of cases.

Due to the widespread nature of forced marriage the right to choose a partner freely is often extremely restricted. If women oppose forced marriage, they risk violence or even being killed. Women and girls who have been forcibly married

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<sup>243</sup> Ata Mala Karim, *It is time for Kurdish women to tell their stories*, <<http://www.kurdishmedia.com/printarticles.asp?id+12824>> (last accessed 7 February 2007).

<sup>244</sup> Nazaneen Rashid, *DFID's Roundtable conference on Violence Against Women in Iraqi Kurdistan*, <<http://www.kwahk.org/articles.asp?id=33>> (last accessed 13 February 2007).

<sup>245</sup> UNHCR, Country of Origin Information: Iraq, October 2005, <<http://www.unhcr.org/home/RSDCOI/435637914.pdf>> (last accessed 22 February 2007).

<sup>246</sup> Amnesty International, *Iraq: Decades of Suffering, Now women deserve better*, Feb. 2005. <<http://web.amnesty.org/library/Index/ENGMDE140012005>>. (last accessed 23 February 2007).

may be forced to submit to violence from their partner. If they seek refuge with their families, they may be made to return.

### *2.5 Women and access to political processes*

Compared to the rest of Iraq, Kurdish women are more visible in political processes, law enforcement and in the judiciary. Nonetheless, they remain grossly underrepresented in positions wielding real power. For example, there are only 3 women judges in all of Iraq, and they are found in Kurdistan yet all are found in the juvenile courts and no where else. Furthermore, they are not allowed to preside in Personal Status Courts. There are 150 women employed by the Public prosecutors office, and the head Public Prosecutor in Sulaymanya is a woman. The researchers note, however, that prosecutors have no decision-making power, even in the early stages of investigation.<sup>247</sup>

As previously mentioned women make up 27% of the Kurdistan National Assembly, just surpassing the KNA-mandated quota of 25 percent. The Iraqi constitution fails to guarantee rights for women in Iraq, including those in Kurdistan. In fact, at the heart of the Constitution there is an ambiguity that many critics consider to be a major step backward for women. The Constitution asserts that Iraqis are equal before the law 'without discrimination because of sex' and that 'no law that contradicts the principles of democracy may be established'. However, the Constitution also enshrines Islam as the official religion of the state and as a basic source of legislation—no law, it states, can be passed that contradicts the 'established rulings of Islam'

Critics, including Yanar Muhammad, the head of the Organization of Women's Freedom in Iraq (OWFI), have warned that the Islamic provisions will turn the country into an 'Afghanistan under the Taliban, where oppression and discrimination of women is institutionalized'.<sup>248</sup>

The rights given to Parliament particularly trouble the Constitution's critics who worry about the increasing political power of conservative Shi'a clerics and groups. If these groups control the Parliament, "Islamic rulings" will follow conservative interpretations of women's rights. As a case in point, critics point to the success of conservative Islamists in blocking the appointment of Nidal Nasser Hussein as a judge in Nijaf, despite the fact that women have served as judges in Iraq since Zakia Hakki was appointed in 1959.

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<sup>247</sup>ABA, op. cit.

<sup>248</sup> Coleman, I, 'Women, Islam and the New Iraq', *Foreign Affairs*, January/February 2006.  
< <http://www.foreignaffairs.org/20060101faessay85104/isobel-coleman/women-islam-and-the-new-iraq.html> > (last accessed 13 April 2007).

Another section of the Constitution of concern to critics deals with “personal law,” which governs issues like marriage, divorce and inheritance. Article 39 of the new Constitution declares that Iraqis are ‘free in their personal status according to their religions, sects, beliefs, or choices’ Subsequent legislation will determine what this article means. Critics argue that if family matters are to be judged according to the law practiced by the family’s sect or religion, the Constitution may nullify much of Iraq’s personal status law, which provided women with some of the broadest legal rights in the Middle East.

In addition the Constitution does not make clear what would happen in cases where the husband and wife are not from the same sect. And while some say that Iraqis would be free to reject a clerical role in family disputes and opt for a secular court, what happens when one of the parties in the dispute is secular and the other religious? Many Muslims who support rights for women believe that secular law will never completely replace Shari’a. They argue that instead of attempting to get rid of or work outside of Shari’a, advocates of women’s equality must recognize and work within the various interpretations of Shari’a. These Muslims point to countries that have broadened the rights of women while adhering to Islamic principles. For example, in 2003, Morocco revised its family law to raise the marriage age from 15 to 18, abolish polygamy, equalize the right to divorce, and give women the right to retain custody of their children.

One positive step for women’s rights was the Constitutional is the guarantee that 25% of the seats in the National Assembly be reserved for women.<sup>249</sup> Nevertheless, it is a mistake to assume that merely having a significant number of women in government will produce ‘women-friendly’ legislation. After all, nearly half of the elected women are part of the United Iraqi Alliance slate, the conservative Shi’a coalition put together by Ayatollah Ali al-Sistani, and they have toed their party’s conservative line. Assembly woman Dr. Jenan Al-Ubaedey, for example, defends polygamy and wife beating, as long as the husband does not ‘leave a mark’.

Other structures for women include the Women’s Ministries- both the national and regional government have one; and formal women’s committees in both parliaments. Furthermore, in Kurdistan, there is a Ministry for Martyrs and Anfal, which is devoted to survivors of the former regime’s chemical campaigns. The majority, but not all of these survivors are women. Nonetheless, in

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<sup>249</sup> At the insistence of Iraqi women, aided by the British, a 25% quota was established for the transitional National Assembly that was elected on January 30, 2005 and charged with drafting the Constitution. During the drafting process, female advocates for women’s representation focused on holding on to that 25% quota, while conservatives attempted to have the quota phased out. In the end, the quota remained in the final draft of the Constitution, thus giving women in Iraq one of the highest levels of representation in the world.

Kurdistan, it became clear during the course of the Mission that these bodies carried little political influence; were under-funded and often lack of clear roles/mandates.

The Kurdistan Regional laws have given women more rights, but there is currently a campaign to remove Article 7 from the draft Regional Constitution which enshrines Shari'a as primary source of law, and the Women's Rights Protection Committee of the KNA has submitted to the Regional Parliament the draft of a proposed bill of rights that seeks to make a number of changes in the personal status code, including making inheritance and laws related to marriage consistent with international standards.<sup>250</sup>

However, many people interviewed informed the mission that tribal leaders are using spurious interpretations of Islam as a crutch to support and reintroduce archaic traditional practices to suppress women's empowerment and equality in society. What is more, it was reported to the mission that many people in powerful positions condone these types of practices as well.<sup>251</sup>

## *2.6 Women and access to health care*

Kurdish women, being women of a stateless nation, have always been subsumed under the categories of the dominant state authorities. Therefore, figures on Kurdish women's health and their access to healthcare are hardly available. As a result of discriminative state policies towards the Kurds, the state authorities did not show any interest in investing in the infrastructural development of the Kurdish region – including health services.

Along with difficulties in receiving appropriate medication for common diseases, Kurdish women face even more severe problems in finding treatment for disorders resulting from violence, displacement, war and torture. Gender violence and generally high levels of insecurity continue to prevent access to healthcare for women. A lack of freedom of movement for women, combined with other restrictions on women's human rights, has had adverse health consequences for women and girls.

One survey found that fewer than half of women have access to a health care provider in Kurdistan when giving birth or when in need of prenatal care, and that maternal and infant mortality and malnutrition remain high.<sup>252</sup> However,

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<sup>250</sup> Kurdistan Regional Government. <<http://www.krg.org>> (last accessed 25 May 2007).

<sup>251</sup> Interview with Chnoor Ali, women's rights activist, and Najeba Mahmud of CDO, Sulaymanya, Iraq, 17 January 2007.

<sup>252</sup> Ayten Adlim, International Free Women's Foundation/Netherlands, *Multiple Oppression & Women's Access to Healthcare*, Rotterdam, Sept. 2005.

recently it has been reported that health centres specialising in maternal and post-natal care are available 'all over Kurdistan', and that care received at these centres is free for Iraqi citizens. The greater level of mobility and security enjoyed by women in the Kurdish regions means that health care is more accessible to them than is the case in other regions of Iraq. Despite these improvements significant problems remain, in particular in relation to resources and equipment.<sup>253</sup>

Availability of mental health care is almost non-existent and women treated for attempted suicide are often considered crazy or on return to their families, are physically abused or even killed. Many NGOs reported that the notion of sensitivity training for health care workers dealing with domestic abuse is entirely foreign, and many health care workers compound emotional distress, telling victims of abuse to suffer in silence. Worse, those who work in the few shelters that exist or have existed are often untrained and have reportedly abused women whilst there.<sup>254</sup>

## *2.7 Women and access to education*

As with other public services, there is a large gap in access to education between those living in urban areas and those living in rural areas. The gap is greater for females, and even greater when discussing secondary or higher education. Many schools are in a state of disrepair. For example, a survey in 2003-04 noted that in the entire governorate of Sulaymanya there were no primary or secondary schools that were NOT in need of rehabilitation. This was confirmed by both Kurdish National Assembly members, the Directorate of Human Rights in Sulaymanya and the mission's own visit to the Kwestin School in the Baryka district. However, it also observed that at the primary level, it is generally accepted that girls should go to school, and in some secondary schools and higher institutions of learning, female enrolment is higher than male enrolment.<sup>255</sup> In addition, the Kurdistan Women's Union has initiated an adult literacy campaign, which began several years ago mostly in urban areas of

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<[http://www.un.org/womenwatch/daw/vaw/ngocontribute/Internationalper cent20Freeper cent20Women\\_sper cent20Foundation.pdf](http://www.un.org/womenwatch/daw/vaw/ngocontribute/Internationalper cent20Freeper cent20Women_sper cent20Foundation.pdf).

<sup>253</sup> ABA, 'Iraq Legal Development Project' The Status of Women in Iraq: Update to the Assessment of Iraq's De Jure and De Facto Compliance with International Legal Standards, December 2006, <<http://www.abanet.org/rol/publications/assessment-iraq-status-of-women-update.pdf>> (last accessed 13 April 2007).

<sup>254</sup> Meeting with women's Organisations of the Halwest Group, Iraqi Civil Development Organization (CDO), 17 January 2007, Sulaymanya, Iraq; meeting with NGOs in Erbil, Iraq, 20 January 2007.

<sup>255</sup> United Nations High Commissioner for Refugees (UNHCR), Sulaymanyah Governorate Assessment Report, August 2006. <<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=459badd426>> (last accessed 25 May 2007).

Sulemanya, but has spread to the more rural Chamchamal district. This is targeting women, but men also participate. This region was hit hard by the Anfal Campaigns, and therefore has an above-regional average illiteracy rate amongst adult women.<sup>256</sup> Nonetheless, most with whom the mission met acknowledged that far too many girls and young women are prohibited by their families from attending or continuing their education and/or are required to drop out when they reach a 'marriageable' age.<sup>257</sup> One encouraging note is that a human rights curriculum has been developed for primary schools and is being implemented across Sulemanya and set to begin in Erbil. Unfortunately, this curriculum does not specifically discuss women's human rights, but the ministry and NGO's who developed the programme appeared to show genuine interest in considering its inclusion.<sup>258</sup>

## *2.8 Access to justice*

One of the most distressing findings of this report's mission to the governorates of the Kurdistan Regional Governorates, and its short meeting in Kirkuk was to learn of very few available resources for women to seek redress or protect themselves from abuse. The Women's Ministry and the Committee for the Protection of Women's rights are both bodies that can address women's issues as a whole, but for the individual women, she has very little recourse for redress or emancipation. Law enforcement and judiciary are not trained in gender sensitivity and often return victims of abuse to their homes. Women's lives are dictated by social norms and strict societal controls, and whether a woman is able to move freely is largely dependant on the men in her life. The mission learned of one highly educated woman in her thirties, with full-time reasonably paid employment, who had divorced her abusive husband only to find that she had to live with her parents because her father would not give his permission for her to rent her own accommodation.<sup>259</sup> Several NGOs discussed the failure of several shelters designed for women escaping domestic abuse, asserting that not only did the women often not receive necessary protection or care, but eventually were returned to their abusive situation. Furthermore, children were not allowed accompany escaping women.<sup>260</sup>

Overall, KHRP's team members found that most public services, the judicial system and law enforcement not only lacks specific attention to women, but is

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<sup>256</sup> Meeting with Kurdistan Women's Union, Dohuk, Iraq, 19 January 2007 and Sulemanya, Iraq, 17 January 2007.

<sup>257</sup> Interview with Chnoor Amin Ali, Sulemanya Iraq, 16 January 2007.

<sup>258</sup> Meeting with Ministry of Human Rights; Directorate of Human Rights; CDO, Erbil, Iraq.

<sup>259</sup> Interview with Baktyar Ahmad, Iraq, 17 January 2007.

<sup>260</sup> Meeting with women's Organisations of the Halwest Group, Iraqi Civil Development Organization (CDO), 17 January 2007, Sulemanya, Iraq; Interview with NGOs in Erbil, Iraq, 20 January 2007.

actually weighted against them making it incredibly difficult for them to access justice.

### *2.8.1 The Judiciary*

The judiciary suffers from a severe lack of material resources as well as capacity. Few judges have access to professional training and other than printed circulars distributed by the Ministry of Justice, there is no other systematic means made available to reference changes.<sup>261</sup>

The judiciary is highly susceptible to political influence and tribal influence, although little evidence suggests that this has been a major difficulty at this time. As mentioned, there are but three women judges in all of Kurdistan. Rural women have great difficulty accessing the formal court system.

### *2.8.2. Traditional and customary justice systems*

In rural areas, women's access to legal assistance is frequently limited to traditional local community leaders that often are not aware of women's rights, and are not inclined to protect them.<sup>262</sup> Especially outside major cities, legal personnel are unavailable to provide counsel and assistance. There are very limited professional training and development opportunities for defence lawyers to bring them up to date on constitutional mandates and the rights of women guaranteed by law.

Furthermore, armed political groups have strategically targeted traditional and customary justice systems throughout rural Kurdistan in an attempt to control local populations.<sup>263</sup> In many instances, these predatory forces have successfully positioned their loyalists within these groups, thus undermining this avenue of justice for women.

### *2.8.3. Gender-bias and uncertainty within the formal justice system*

Though by law, Iraqi law is supreme, there are several competing systems of controlling the social order: the state legal codes, the Regional legal codes, Islamic religious law (*Shar'ia*) and local customary law. The relative weights of these components vary depending on location and who is charged with

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<sup>261</sup> Judicial Reform Index For Iraq: Kurdistan Supplement, American Bar Association, October 2006.

<sup>262</sup> Meeting with women's Organisations of the Halwest Group, Civil Development Organization (CDO), 17 January 2007; Interview with Mullah Mohammed Chamchamal, Sulemanya, Iraq, 2 March 2007; Interview with Mullah Dr. Omar Ghazni, Islamic Union, Erbil, Iraq, 3 March 2007.

<sup>263</sup> Interview with Atta Muhammad, CDO, Sulemanya, Kurdistan, Iraq, 15 January, 2007.

interpreting them. Given the problems outlined above with training for judges, and the fact that most of the current laws are new, the authors believe this has allowed for de-facto rule by tribal custom in areas of personal status for women. Against this background, the legal rights of women continue to represent an area of great uncertainty. Many women detainees in the Social Reform Prison in Sulaymanya seem to be there not for criminal acts but for offences related to domestic violence or family law: refusing to live with abusive husbands or running away from the parental or matrimonial home – offences which have no basis in law.

Human rights abuses against women continue to occur with the ‘active support or passive complicity of state agencies, armed groups, families and communities’. Decisions taken by informal institutions such as the household or the community that might, in other contexts, be modified or contested through recourse to state laws are, more often than not, underwritten and endorsed by formal institutions such as law enforcement.<sup>264</sup>

The weakness of the judicial system and the gender bias within it has had demonstrably negative consequences for women. Even within the functioning criminal justice system (primarily in urban areas), women are severely underrepresented as plaintiffs seeking redress and largely absent as employees. Moreover, the legitimacy of the Regional courts and the independence of the judiciary will continue to be undermined in areas of the country where the *de facto* rule of local leaders persists.

Continuing insecurity, the use of force as a means of dispute settlement and the dislocation of communities make violence a pervasive social problem. The issue of gender-based violence elicits particular unease in a country where the maintenance of family honour through women’s appropriate sexual conduct is considered crucial across all ethnic communities. Sexual violence is considered a taboo subject that may not be spoken of, leading to a failure to investigate crimes against women in the family and community.

### **3 Statistics and Examples of Suicide**

The Independent Women’s Organisation of Kurdistan (IWO) and others have reported extensively on the large numbers of women who have killed themselves, often by self-immolation, after suffering years of abuse within the family. All parties interviewed agreed that self-immolation is by far the most common method for women to attempt suicide, whilst men tend to use guns or

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<sup>264</sup> Interview with Soran Qadir Saeed, Program Manager, Norwegian People’s Aid, Sulaymanya, Iraq, 16 January 2007.



hanging. These deaths continue to illustrate the isolation and lack of recourse to any protection experienced by women facing abuse. Kurdish Women Against Honour Killings (KWAHK) also documented dozens of cases of women who reportedly committed suicide in the 1990s in connection with violence in the family.<sup>265</sup> A few of the many incidents documented by the IWO from 1991 to 1998 are noted below.

Bahra Abdulkarim Barzingi was from the Islahi district of Sulemanya. In 1997 she attended seminars run by the Independent Organisation of Women against the wishes of her family. Bahra was a high school student, greatly praised by her teachers for her character and intelligence. Bahra had four sisters and four brothers. When her sisters were beaten, by her brothers and parents, Bahra would protest. She challenged the violence within her family and struggled for her rights, such as freedom of expression. She refused an arranged marriage to her cousin. Her outspoken independence caused her to be beaten and abused by her parents on a daily basis. On March 4<sup>th</sup> 1998, Bahra had an altercation with her father, which led to a beating. On the same day she set alight to herself. Bahra was eighteen when she died five days later in hospital. While critically ill in hospital she said she burned herself to be free of her family. Though she was told she would go to hell for saying such things, she insisted on speaking the truth.

In the middle of July 1997 a girl named Shamam burned herself and died after she was beaten and tortured by her brother to the extent that her hands and legs were broken.

At the end of November 1997 in Sulemanya a woman named Rezan burned herself because of abuse by her husband. She had been married to him when she was thirteen years old for 10 thousand Iraqi Dinars.

In the middle of July 1994 in Soran City a woman named Nasrin burned her self. She was a mother of four and her husband beat her if she protested about how hard her work was or his rudeness.

In its meeting with the Rewan Women's Information and Cultural Centre in Sulemanya reported, mission members learned of a 119 reported cases of self-immolation in 2002. This shows an increase of the reported cases from 2001 when 105 women from and around Sulemanya were admitted to the Sulemanya Training Hospital after apparently burning themselves intentionally, 63 died and 42 survived. According to the Medico Legal Institute, 191 women in Sulemanya died 'suspicious deaths', which is how suicide and honour killings are classified, but the authors reiterate that the statistics provided give no accurate reflection of the actual number of suicides per year. There were 735 cases of honour killings

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<sup>265</sup>KWAHK, 'Honour Killing - a Catalogue of Horror', Kurdish Women Action Against Honour Killing, May 2000.

and suicides recorded by a network of NGOs, journalists and community organisations for 2005 in Sulemanya city.<sup>266</sup>

One female member of the Kurdistan National Assembly stated in an interview there were 1711 case of self-immolation by women, resulting in 1500 deaths in 2005. In the same interview it was said that in 2004, in Dohok, 1334 female self-immolations were recorded and in 2005, there was a further 535 cases.<sup>267</sup>

Alarminglly, self-immolation and suicide is not only an act of forced-suicide or desperation by rural dwellers but has also increased amongst educated, urban professional women. Our research found the following stories of women who attempted/committed suicide from the Accident & Emergency section of a hospital in Sulemanya in February 2007. The health care workers interviewed declined to be named, as did the survivors. The authors are grateful for their bravery and willingness to discuss their personal plights.

Joan, a girl from a province of Sulemanya was living with her father and his father's wife. Her mother died when she was child. After her mother's death her father encouraged her to beg. She grew up being ashamed of begging especially of begging from shops. She wanted to stop begging but every time, she was forced back into it by her father. When she finally had enough, her father locked her in a room as punishment and forced her to burn herself. He gave her a bottle of fuel and she had to burn herself as she had no control and was under the pressure from her father. The residents in the neighbourhood heard her shouting but did not attempt to give any help.

A disabled girl who sold sunflowers in front of her house, met a young boy who was always buying flowers from her and eventually proposed marriage to her. Although she found it hard to believe that someone wanted to marry her, she eventually accepted his proposal. A few days into their marriage he asked her to start begging. She began begging everyday from morning until the evening. When she arrived home after a day of begging she was faced with beatings and ridicule by her husband. When she informed her family about her situation, they did not believe her. On one occasion when her brother visited her home and realised what was happening, he took her back to her parents' home. However after a while, they forced her to go back to her husband, so she returned to face the same treatment. She went back to her family for a final time, but she did not get any help from them, eventually she committed suicide by burning herself.

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<sup>266</sup> Interview with Hogr Ch. Shekha, Public Aid Organization, Erbil, Iraq, 20.Jan 2007.

<sup>267</sup> Interview with Vian Ahmed Khidir Pasha, Member of Kurdistan National Assembly, Member of Women's Committee, Erbil, Iraq, 25 January 2007.

A 16 year old girl was living with her mother and step-father. Her mother had divorced her biological father. She was sexually abused by her step-father. Her step-father who she felt was like her real father abused her in front of her mother who could not defend her because of fear of her husband. When her biological father heard about what had happened to his daughter, he went to Sulemanya to complain and register a lawsuit. The police called her step-father, and he stated that he loved her and wanted to marry her. The girl refused but her biological father withdrew his complaint and later agreed to the marriage after being told that he would receive some monetary compensation. The girl did not want to continue her life with him and chose to commit suicide.

A 15 year old girl from Sulemanya tried to cheat during her second course examination in January 2007 by transferring answers from her book. When the teacher discovered the situation she publicly called her out, took her out of the examination and informed the headmaster. The dishonour caused she and her family such great humiliation that according to the health care workers, she decided to burn herself when she returned home. However, she told the mission that she had an accident preparing food for herself because her mother was not there. She denied telling me the truth. Her parents brought a lawsuit and her teacher was called to the court.

A 50 year old woman from Arbat, a sub district near Sulemanya burned herself. Her two sons are working at the accident and emergency section of the hospital. She admitted to KHRP researchers that she had burned herself and began to describe the poverty in which she lives, but would not give further information about why she attempted suicide. She appeared to be very emotionally disturbed as a result of her miserable living conditions.

One 30 year old female patient who tried to commit suicide by taking an overdose explained to KHRP researchers that she wanted to end her life because considered herself as ugly and too old to get married. Her father was regularly calling her 'ugly' and taunting her about why she could not find a husband. She explained feeling demoralized and did not want to live under continuous 'scorn and discrimination'.

#### **4 Conclusion**

For Kurdish women in Iraq, they are living with a legacy of trauma from the Iran-Iraq war, the Baathist regime's repeated repressions, displacements and mass killings, and torture. In addition, Kurdish women IDPs, refugees and single parents continue to far outnumber their male counterparts and they are living in a perpetual state of uncertainty in a region on the cusp of conflict. Finally, as perversions of religious practice continue to be validated by religious and tribal

leaders, women's freedom of movement, expression and right to basic rights such as the rights to live without violence, to life and to freedom of movement will be under threat. As long as village, community and religious leaders are left to maintain social control without educating men and women about women's human rights, the mission is of the opinion that there is little that will improve the situation of women in Iraqi Kurdistan in the near future. The Kurdistan Regional Government will necessarily continue to focus its attention on fighting insurgency and securing its borders, but it must also find a way to strategically approach internal governance and personal security beyond 'regional security'. The international community can and should play an important role in helping the KRG achieve this.

## Chapter 3: Findings and Recommendations

### Findings

#### 1. Statistical Data

NGOs working in the Kurdish regions of Turkey reported consistently that the issue of suicide and attempted suicide among Kurdish women is one of the most impenetrable areas of health and life. Unknown numbers of incidents are never reported by the victims or their families while cultural, social and political obstacles to independent investigations prevent the recording of accurate information. It is also difficult to distinguish accurately those instances of suicide or attempted suicide from instances of (i) forced or instigated suicides in the context of honour or custom killings, (ii) actual honour killings disguised as suicide and (iii) mere 'cries for help' as opposed to deliberate attempts to die. Moreover, crucially, Turkish Government statistics are not disaggregated by means of ethnicity, age or marital status and are therefore of minimal relevance to the present study

In Turkey, a small number of women's NGOs and regional human rights organisations possess a limited amount of data concerning suicide rates in the Kurdish regions. In Iraq, more NGOs have begun collecting statistical information in the geographical locations in which they work. However, the ability of these NGOs to provide reliable statistical information is severely hampered by the pervading political, social and economic situation in the region, lack of technical expertise and the unwillingness of families, clans, neighbours and the larger Kurdish community to report or discuss the issue of suicide.<sup>268</sup>

Many of the NGOs in Turkey confirmed that in the current climate, it was impossible to accurately assess the number of female suicides and attempted suicides and whether or not there had been an increase in recent years.<sup>269</sup> The statistics produced by women's NGOs, such as VAKAD in Van represent merely the 'tip of the iceberg'.<sup>270</sup> The mission also observed that there is no consensus among the NGO community as to whether or not there has been an increase in the number of Kurdish women attempting suicide or committing suicide.<sup>271</sup>

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<sup>268</sup> Interview with İHD, Van, Monday 22 January 2007;

<sup>269</sup> Ibid.

<sup>270</sup> Ibid.

<sup>271</sup> Interview with İHD, Van, 22 January 2007: "There is definitely an increase in recent years". However, İHD Van also confirmed that in 2006, no suicide cases were reported to their association directly. Interview with DTP, Van 22 January 2007: "There has not been an increase in women committing suicide in recent years...it is simply that more attempts are now being registered"; Interview of three journalists who do not want to be named in the report, Diyarbakir,

In the Kurdish regions of Iraq, statistical information is also lacking, but is more readily available in some areas. The Governorate of Sulaymanya is thought to have the most dependable statistics since 2002.<sup>272</sup> However, because the Kurdistan Regional Government is only now fully moving to merge the administrations of the formerly PUK and KDP controlled areas, statistics for the entire area are not yet coherent. Furthermore, suicide continues to be underreported, as it is considered dishonourable. However, unlike the inconclusive findings in Turkey, the mission found consensus amongst almost all interviewed in believing that suicide – at least in the form of self-immolation – has increased in the Kurdish regions of Iraq, and this is supported by the statistics provided by the government records in Sulaymanya.<sup>273</sup> Furthermore, the mission learnt in its discussion with both the UNAMI Human Rights Office and in meetings with several NGOs that there is a marked increase in reported suicides amongst educated women. Also, while there was less consensus, anecdotal statistical evidence indicates that many ‘accidental deaths’ in the last few years may have been forced suicides. For example, in July 2006, 55 women accidentally died from burning to death in their ‘boiling bath water’.<sup>274</sup>

## 2. Causes of Suicide

In the absence of reliable statistics, the research and analysis has endeavoured to elicit and determine the causes of suicide among women in the Kurdish regions in Turkey and Iraq. Although much of the information was anecdotal in nature, over the course of the two week interview period, a number of contributing factors have emerged:

- the conflict situation and its attendant affects including domestic violence, mental and psychological problems;
- the patriarchal society and family pressures
- forced marriage, honour killings and polygamy;
- lack of acknowledgement of mental and psychological problems;
- lack of protection from domestic violence;
- lack of education and language barriers;

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<sup>272</sup> Jan 2007, one of whom stated that it was not possible to say whether or not there had been an increase in the number of suicides and attempted suicides, or whether there had simply been increased reporting on the issue in the media; Interview with Baktyar Ahmad and Najeba Mahmud Civil Development Organisation, Sulaymanya; Interview with Soran Qadir Saeed, Norwegian People’s Aid 16 January 2007;

<sup>273</sup> Interview with Vian Ahmad Khidir Pasha, Kurdistan National Assembly, Member of Parliament, Erbil, 25 January 2007

<sup>274</sup> Ibid; Roundtable with Halwest group members, Sulaymanya 17 January 2007

<sup>275</sup> Interview with UNAMI-Human Rights Office, Erbil, 24 January 2007: ‘Evidently these women are either being forced into the bath; oil is poured on them; they are set alight and then left to burn to death. Or, they are led into the bathroom, given the oil and told to do it to themselves’.

- economic problems, unemployment and generational conflict: tradition versus modernism;
- forced prostitution;
- state violence;
- vacuum of rule of law in day-to-day governance compounded by the ongoing insecurity surrounding Iraqi Kurdistan;
- the absence of a common enemy has made way for clan leaders to provide social structure, independent of the regional leadership or political parties;
- spread of Islamic fundamentalism in Iraqi Kurdistan;
- lack of clarity in the laws governing Iraq and specifically Iraqi Kurdistan
- loss of hope and sense that life will never improve
- shame or a feeling of 'dishonour'.

### **3. The Impact of the European Union Accession Process and the Limited Implementation of Turkey's International Obligations and Domestic Legal Reforms**

In the last two decades, the actions and advocacy of the women's movement has succeeded in promoting a number of significant legal changes in Turkey. These efforts have been reinforced by the rise of a global women's movement, greater attention to gender equality and greater exposure to women's human rights issues at the global level through United Nations conferences and treaties, as well as Turkey's EU accession process.

However, despite legal reforms, many women's lives in Turkey continue to be shaped by customary and religious practices such as early and forced marriages, polygamy and honour crimes. The sources of gender inequality 'may be variously attributed to traditions, cultures, customs, religion or the internationalist capitalist system'.<sup>275</sup>

### **4. UNAMI, the Kurdish Regional Government and Legislation that supports Women in Kurdistan**

The mission learnt that the UNAMI Human Rights Office in Erbil has dedicated a local staff member to launch an investigation into honour killings and suicide in the regions. They found statistics for 'unusual deaths' easy to find, but also believes that there is either a lack of political will or at least of political/technical expertise within the Kurdish government to financially support a large scale plan

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<sup>275</sup> Women for Women's Human Rights – New Ways: Women's Human Rights Training Program, 1995-2003, Evaluation Report, Associate Professor Nuket Kardam, at p.8.

to address these issues.<sup>276</sup> However, it is worth noting that honour killing is considered first degree murder under regional law, and that UNAMI believes that there is an openness on the part of the government to suggestions for implementing a public awareness campaign as well as developing long term training programmes. Furthermore, the mission found several parliamentarians willing to openly discuss both their current approaches and the failures so far in addressing this issue.<sup>277</sup> Nonetheless, it also learned that there is persistent confusion about which laws are applicable and how to interpret them.<sup>278</sup> The mission heard several accounts of old Baathist code being invoked in court in relation to domestic violence disputes, and confusion about what have been interpreted as contradictions between regional and national law.<sup>279</sup> Furthermore, the mission learned upon its return that for Muslims who appear in Sulemanya Governorate Courts, *Shar'ia* is being used in instead of the central government's Personal Status Law.<sup>280</sup>

## 5. The Role of Political Parties

The lack of adequate representation of Kurdish women in political life in Turkey was not cited directly by the interviewees as a possible cause of suicide or attempted suicide. However, it is clear that fair representation of women in political life is essential in order to ensure a gender balance and that issues concerning the status of women are raised at all levels of decision-making.

The lack of adequate representation of Kurdish women in political life in Iraq was cited in meetings with parliamentarians and NGOs in Iraq, but very few addressed the barriers political parties may have institutionalised or created which discourage discussion of women's rights.

## 6. The Role of Civil Society and Women's NGOs

As part of the EU accession process, Turkey is required to protect *inter alia* the rights to freedom of association, assembly and expression. International instruments and resolutions (CEDAW and UNSCR 1325 for example) also

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<sup>276</sup> Interview with UNAMI-Human Rights Office, Erbil, 24 January 2007; there were a reported 111 unusual deaths in Dohuk; 119 in Erbil; and 191 in Sulemania.

<sup>277</sup> Meeting with the Human Rights Committee of Kurdistan National Assembly 22 January 2007; Interview with Vian Ahmad Khidir Pasha, Erbil, 18 January 2007; Interview with Dr. Yousif M. Aziz, Minister of Human Rights, Erbil 21 January 2007

<sup>278</sup> Meeting with Department of Human Rights, Sulemanya 14 January 2007; Interview with Prshing Amin, Departmental Manager of Women's section, Social Reform Prison, Sulemanya 14 January 2007

<sup>279</sup> Interview with Sartep Ali Jaf, Civil Development Organisation, Sulemanya, 15 January 2007; Interview with Abdulrehman A. Kurde, Erbil, 18 January 2007

<sup>280</sup> Sulemanya Governorate Assessment Report, UNHCR, August 2006, pp.16



recognise the requirement of States parties to consult and collaborate with civil society organisations in developing appropriate policies to promote and protect the status of women. Women's NGOs are key partners in such processes, providing not only the best source of statistics on the issue of suicide and attempted suicide, but also possessing the requisite knowledge and experience, sensitivity and empathy to be able to deal with vulnerable women in providing shelters, counselling and other health and social services to thousands living desperate lives.

However, at present, many women's NGOs are struggling to provide services without the necessary State support. Many of the NGOs in the field of women's rights are staffed entirely by volunteers<sup>281</sup> and do not receive any funding from abroad.<sup>282</sup> Moreover, any funding received by NGOs is subject to a high rate of taxation at 22 per cent.<sup>283</sup> Many have experience of harassment by the police in response to peaceful protests against male violence, honour killings, and the non-implementation of domestic and international laws. The mission members were told of examples of brutal repression from state authorities and the tendency of the state to view Kurdish NGOs as agents for terrorism and Kurdish separatism.

In Iraqi Kurdistan, the Kurdish Regional Government has shown a willingness to support structures to support abused women, and protect women from further violence, but there is not yet a unified approach in systematically addressing the issues. For example, there have been several shelters that have been opened but most have closed, and the mission found that this was mostly because of lack of strategic planning and awareness of women's rights. Discourse around women's rights is mostly restricted to stopping violence against women, but not about what happens when the violence stops. Further, NGOs report a lack of understanding amongst the community concerning the very definition of what constitutes violence against women.<sup>284</sup> In its meeting with a group of 10 women's NGOs from across the Kurdish regions, including Mosul and Kirkuk, as well as in its discussions with several individuals working for NGOs, the mission repeatedly heard that women needed shelters that were permanent new homes, and that 'the problem with the shelters is that women have to leave in 1 or 2 years'.<sup>285</sup> It was explained that women must either return to their abusive families or to their parents because adult women, even well educated professional women, are not allowed to live alone, without parental

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<sup>281</sup> Interview with İHD, Van on Monday 22 January 2007.

<sup>282</sup> Interview with İHD, Van on Monday 22 January 2007.

<sup>283</sup> Ibid.

<sup>284</sup> Interview with Razaw Ahmed Sharif, Heartland Alliance, Sulemanya 2007

<sup>285</sup> Meeting with women's Organisations of the Halwest Group, Civil Development Organization (CDO), 17 January 2007

permission.<sup>286</sup> There exists limited instances of organisations assisting women to move to other villages, or to leave the region entirely, but this type of repatriation is rare, and fraught with difficulties.<sup>287</sup> It became clear during the course of the mission that discussion of women's rights had been limited almost exclusively to that of stopping violence, but not about women's rights in their entirety.

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<sup>286</sup> Discussion with Baktyar Ahmad, Civil Development Organisation, Erbil 17 January 2007

<sup>287</sup> Interview with Razaw Ahmed Sharif, Heartland Alliance, Sulemanya 2007

## Recommendations

This report recognises the crucial role of the European Parliament in monitoring the accession negotiations between the European Union and Turkey and ensuring Turkey's compliance with the Copenhagen Criteria. In this regard, the European Parliament is advised to take the following action points, and to engage with the Government of Turkey regarding the need for take such action.

This report similarly recognises the crucial role of the European Union and the European Parliament in the democratisation process in Iraq and in providing assistance to Iraq in matters of governance, the rule of law and civil society. In this regard, the European Parliament is recommended to take the following action points, and to encourage the Kurdistan Regional Government to take these steps.

The European Parliament is also advised to monitor and evaluate the extent to which these recommendations are met and to which the necessary changes are implemented.

Given the tribal structure which marginalises women within the Kurdish regions of Iraq, and the current tendency of EU member states to forcibly return refugees to Iraqi Kurdistan, the European Parliament should encourage member states to ensure that Kurdish women are not included within this programme.

Further, the European Parliament is encouraged, potentially through the use of its good offices, to ensure that these recommendations are brought to the attention of other European Union member states and the wider international community, including the Governments that are currently involved in providing assistance to Iraq and organisations such as UNHCR and UNDP. It should also ensure that due account is taken of these recommendations within inter-state relations, for example, in the context of international investment agreements. In addition, given the lack of international agencies engaging in human rights work in the relatively stable area of Iraqi Kurdistan, the European Parliament should encourage member states to update country advice to encourage the engagement of international NGOs.

### 1. Statistics

There is a dearth of reliable and independent statistical data relating to the issue of suicide and attempted suicide in the Kurdish communities.

**Given the gravity of this issue, the European Parliament is advised to consider making violence against women a priority area for funding through its**

**external assistance programmes and/or the European Initiative for Democracy and Human Rights to enable the Turkish and Kurdistan Regional Governments to:**

- Promote research and ensure the gathering of independent and reliable data on suicide, disaggregated by gender, ethnicity, age, marital status, education, income levels and geographical location;
- In the gathering of independent and reliable data, given the 'taboo' concerning intimate matters of women's health and personal status within the family, it is vital that the Ministries of Health, Justice, the Family and Women, to work in close consultation with the NGOs, Bar Associations and working at the grass-roots level in order to ensure access to information not available to local and central Government;
- Facilitate the nationwide dissemination of the data and resulting conclusions.
- Specifically allocate Government funds to be spent on data collection training and then regional data collection;

**The European Parliament should also seriously consider encouraging its member-countries to share their vast experience and expertise in both data collection and publication with both governments, but with particular attention to the Kurdistan Regional Government, as it has little experience in carrying out large-scale research.**

**We also encourage the European Parliament to share its wealth of expertise with the Turkish and Kurdish governments in working with and utilising the skills of its community organisations in data collection, as they often have the best access and have built trust with local inhabitants.**

## **2. The Role of Men and Boys**

Initiatives to educate men and boys about gender violence are severely lacking in Kurdish communities in Turkey and Iraq.

**The European Parliament is recommended to prioritise the education of men and boys about gender violence within its human rights external assistance programmes, and provide technical expertise and funding as necessary, to the relevant Ministries of the Turkish and Kurdistan Regional Governments, to enable them to:**

- To provide financial support to NGOs to encourage the establishment and mobilisation of men's groups against gender violence;
- To identify opinion-leaders in the communities such as Imams, village Mukhtars, teachers, trade-unionists, mayors and heads of branches of local political parties to be role-models in campaigns to educate men and change male attitudes.

**At the same time, the European Parliament, through its own efforts and by engaging with other Governments working in Iraq and Turkey, should impress upon the Turkish and Kurdistan Regional Governments the need to enable a suitable political environment and to encourage local NGOs, human rights organisations and civil society groups to:**

- Develop, implement and monitor the effect of initiatives to encourage the participation of men and boys in projects relating to gender equity and gender violence.

### **3. Education**

Article 28 of the Convention on the Rights of the Child requires all children to complete primary education. Turkish domestic law compels children to remain in school until the age of 15. Education is compulsory for those aged 6-11 in Iraq.

**The European Parliament should consider providing funding through its external assistance programmes, such as the European Initiative for Democracy and Human Rights, and providing technical expertise to the relevant Ministries of the Turkish and Kurdistan Regional Governments and Civil Society organisations, to enable them:**

- To work closely with NGOs who understand and address the link between girls' non-attendance/withdrawal from school, and early forced marriage, polygamy, and harmful traditional practices affecting women and girls;
- To establish a gender indicator system to monitor educational standards and outcomes;
- To provide informal education on gender based violence for men in the workplace and at other recreational centres where men gather (e.g. coffee-houses, sports clubs);
- Reform the curriculum in schools to make it more flexible, and to introduce modules on the promotion of gender equality and the elimination of gender violence at the primary and secondary level

of education in order to work towards modifying the social and cultural behaviour of boys, girls, women and men;

- In the development and implementation of all policies concerning the Millennium Development Goals, to prioritise the attendance and education of children, especially girls.

**The European Parliament should specifically guide and financially assist the Turkish Government:**

- To undertake an independent study in selected Kurdish towns and neighbourhoods across Turkey to determine the numbers of girls enrolling in school, withdrawing from school, and the underlying reasons for non-attendance;
- To work closely with the branches of the teachers' union, *Egitim-Sen* in gathering information on school attendance, achievement and withdrawal from schools;
- To work closely with NGOs who have the trust of the Kurdish community;
- In the development and implementation of all policies concerning the Millennium Development Goals, to prioritise the attendance and education of all of Turkey's children, including its Kurdish children, especially girls.

**The European Parliament should specifically provide technical guidance and funding to the Kurdistan Regional Government:**

- To continue to take the lead nationally in addressing violence against women;
- To enforce implementation of current legislation that protects women from violence, making training materials available to judiciary and law enforcement;
- To seek support and training from international agencies and integrate gender rights education in the existing human rights curricula used in public schools.

**The European Parliament should also consider encouraging its member-states to share with both governments their experience in working with and consulting NGOs and in promoting gender equality within education curricula.**

#### **4. Gender Training of Police, Prosecutors, Lawyers and Judges in the Context of Suicide Cases**

**The European Parliament should give serious consideration to the establishment of training programmes for the police, prosecutors, lawyers and judges in Turkey and Iraq, in conjunction with the Turkish and Kurdistan Regional Governments, with the following aims:**

- To train police on how to respond appropriately to appeals from women fleeing male violence in the home;
- To ensure all complaints against the police are investigated and to discipline those who have breached the proposed Code;
- To train crime site investigators on how to deal with suspected suicides, attempted suicide and honour killings, including training on how to work with the NGOs in investigating the role of family/clan members;
- To ensure action is taken against any police officer or prosecutor who (i) refuses to investigate thoroughly cases of 'sudden death' among Kurdish women and/or (ii) succumbs to pressure from family/clan members to halt investigations.

**The European Parliament should give serious consideration to working with local academic institutions to initiate an academic training programme for social workers in the Turkish and Kurdistan Regional Governments.**

**The European Parliament should also use its wealth of technical expertise and encourage the Turkish and Kurdish governments to:**

- Appoint and assign specially qualified female social workers to police stations to work with police teams investigating violent deaths of women, or attempted suicide;
- Develop a 'Code of Conduct' for the police relating to domestic violence, and to introduce it into all police training curricula and manuals;

**The European Parliament should also consider encouraging its member-states to share their expertise in training those responsible for investigating and prosecuting gender-based crimes with both governments.**

## **5. Legislation and Acts of Violence against Women**

**The European Parliament should encourage and advise the Turkish and Kurdistan Regional Governments:**

- To criminalise any act of any person, state or non-state actor who obstructs the proper investigation of a violent death, prevents or refuses to allow an autopsy, destroys forensic evidence, or fails to disclose vital information.

**By providing consistent strategic training, support and advice on unifying and correcting legislation and harmonising it with central government and international law, international agencies can make a positive contribution to the advancement of women's rights and bring a halt to the escalation of self-immolation.**

**The European Parliament is also encouraged to lend its name to initiatives such as the removal of Article 7 of the draft Kurdistan Regional Constitution, since this will increase the likelihood that the above recommendations will take effect.**

## **6. Shelters**

**The European Parliament should prioritise funding through its external assistance programmes and/or the European Initiative for Democracy and Human Rights, and technical guidance to the Turkish Government to ensure that:**

- Shelters are managed and staffed by NGOs, and not state employees;
- Staff in shelters include Kurdish speaking nurses and social workers;

**The European Parliament should prioritise funding and or other forms of sponsorship to the Kurdish government to ensure that:**

- Shelters are able to accommodate non-Kurdish speakers from the Arab, Turcomen and Assyrian communities;
- Shelters are able to assist with finding a long-term solution to a victim's situation;

**The European Parliament should prioritise funding through its external assistance programmes and/or the European Initiative for Democracy and**



**Human Rights, and technical guidance to the Turkish and Kurdish Governments to ensure that:**

- Shelters are constructed and staffed in order to enable women to be housed with their children;
- Shelters are able to accommodate girls under the age of 18;
- Shelters are provided with high security and their whereabouts protected;
- Shelters provide women with literacy and skills training to enable them to rebuild their lives;
- Regional funds are allocated to training programmes.

**7. Health and Mental Health**

**The European Parliament should prioritise funding from its external assistance programmes to assist the Turkish and Kurdistan Regional Governments:**

- To gather statistical data on the health of women, disaggregated by factors such as age, ethnicity, socio-economic status, family size, miscarriage, polygamy, widowhood;
- To support NGOs working in mental health and gender violence to develop 'outreach' counselling and family therapy programmes for the villages;
- To increase the number of training courses for Kurdish-speaking social workers, nurses, psychiatric social workers, psychologists and psychiatrists;
- To facilitate the appointment of independent forensic medical investigators to undertake autopsies in cases of suspected suicide.

**8. Civil Society and Women's NGOs**

**The European Parliament should provide technical assistance to the Turkish Government in order to enable them:**

- To strengthen support for Kurdish women's NGOs and promote consultation and collaboration on strategies to reach the most vulnerable women and to address the survivors of suicide attempts and victims of gender violence;
- To promote the capacity-building and scope of the NGOs' work by reducing the amount of tax to be paid on grants received from foreign donors;

**By forming partnerships with regional NGOs and by engaging with the Turkish and Kurdish governments, the European Parliament should use its considerable influence in international bodies and with governments:**

- To ensure that, in accordance with international laws and recent reforms, NGOs enjoy the right of freedom of expression, assembly and organisation and are free from harassment.
- To ensure that NGOs are invited to be equal partners in consultations with the Government in policy development concerning the status of women and girls;
- To facilitate dialogue through face-to-face meetings with Ministry of Women officials, both regionally and within central Government;
- To utilise the experience, knowledge and grass-roots connections of NGOs, as equal parties, in all research, monitoring, gathering of data, information and case studies to be used in the development of policies to address the issues of suicide.

**Finally, it is recommended that the European Parliament act swiftly and urgently to have this issue and that of violence against Kurdish Women raised on an international agenda. It can do this in several ways:**

- Relieve pressure on those advocating for change and creates public awareness by calling for a conference on gender rights in the Kurdish regions to discuss this issue;
- Sponsor a training either in the Kurdish regions or in Europe with international practitioners and experts to discuss methods to combat violence; engage community leaders; and develop public awareness strategies;
- Actively monitor the situation and raise the issue as in Parliament as a matter of public record;
- Use its good offices to maintain pressure on the governments to uphold women's rights and raise queries about specific cases
- Include respect for women's human rights as a prerequisite in trade/ investment agreements

## **Chapter Four: A Situational Analysis of Women in a Comparable State: the case of Afghanistan**

### **Introduction**

Issues of gender justice and equity are rarely at the forefront of international concerns in war and conflict situations. Indeed, a recent UNDP report (2003) notes the marginalisation of gender dimensions in conflicts and crises and a general failure to address women's vulnerabilities and concerns. Afghanistan would appear to constitute an exception to this rule if we are to go by the centrality accorded by the international community to women's oppression under the Taliban. The situation of women was invoked, among other concerns, as a humanitarian crisis justifying military intervention in the aftermath of the 11 September 2001 attacks in the United States. Reversing abuses of women's rights became an explicit policy goal, at least on a rhetorical level.

This chapter outlines the situation of women in Afghanistan with a view to understanding the reasons behind recent gender differentiated increases to the suicide rate. In particular, it highlights continued political and socio-economic inequalities which have left women vulnerable with little bargaining power in the family/home sphere, few ways of making an independent livelihood and little recourse to justice in the event of abuses to their human rights. It is suggested that this context allows for and facilitates factors directly contributing to female suicide, including early and forced marriages, the exchange of women and girls in dispute settlement and the destitution of female war widows.

Part 1 will provide an overview exploring the progress made in terms of addressing gender justice and the situation of women in the post-Taliban era. The first section gives a brief historical overview of evolving state-society relations over the past two decades and related changes to women's civic and citizenship rights. The second section addresses recent governance and legislative reforms where the most visible efforts have been made to address gender equity, focusing on women's civic rights. The political representation of women and the constitutional process have been particularly high-profile areas for advocacy and mobilisation. However, given that the vast majority of Afghan women have limited direct contact with the state or civil society, it is important to also analyse their situations at the micro-level, including gender realities within the household in section three and access to economic opportunities in section four.

An even more daunting task than ensuring women's political participation is securing their fundamental rights to education and health. It is these basic entitlements that constitute the bedrock of any amelioration of their condition

and their capacity for participation. Sections five and six look at women's current access to education and health care facilities. The final section explores women's access to justice and opportunities for seeking redress where human rights abuses have occurred.

Part 2 goes on to investigate the suicide rates amongst women in post-Taliban Afghanistan, followed by a breakdown of the chief factors thought to be behind these suicides. The root causes, it will be established, stem from the continuing gender inequality and patriarchal social structures reflected in Part 1 which leave women vulnerable, isolated and open to abuse and exploitation. In the context of this report's wider aim of investigation suicide rates amongst women in the Kurdish regions, it will become clear that the example of post-Taliban Afghanistan closely mirrors that of Kurdistan. Therefore, observations made in this chapter will be of great relevance to the wider aims of the report.

## **1. Women in Post-Taliban Afghanistan: An Overview**

Afghanistan has been plagued with internal conflict for more than twenty years.<sup>288</sup> After the Soviet invasion in 1979, a resistance movement commenced. Separatists fought for an independent state for 10 years. The Soviets withdrew from Afghanistan in 1989, relinquishing its claim on the Afghan government and policies. Fighting resumed when various factions began vying for power. In 1996, a group of ultra conservative religious students, calling themselves the Taliban, took over the capital, Kabul. They enacted a series of ultra-conservative social regulations and brutally suppressed any resistance or displays of 'western' ideologies. At the height of their power, the Taliban controlled about 90 percent of the country. However, they fought a continuous battle against an alliance of factions referred to as the United Front of the Northern Alliance, who maintained control of a small portion of north-eastern Afghanistan, until the time the Taliban fell.

Following the events of 11 September 2001, the US initiated a global campaign to counter terrorism. A coalition of countries attacked Afghanistan in October 2001 in an effort to topple the Taliban and capture Osama bin Laden, alleged leader of the Al-Qaeda terrorist network that attacked the US. The Taliban regime fell in November of that year, and a transitional government was established.

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<sup>288</sup> Atmar, H, Barakat, S, and Strand, A. (Ed.) 1998. *From Rhetoric to Reality. The role of aid in local peacebuilding in Afghanistan*. PRDU/BAAG/RTC/INTRAC; Atmar, H. and Goodhand, J. 2001; *Coherence of Cooption? Aid, conflict and peacebuilding in Afghanistan* in Journal of Humanitarian Assistance, June, 2001

Prior to Taliban rule, Afghan law guaranteed women constitutional rights, although local traditions and customs affecting the role of women in society varied throughout the country. The Taliban enforced gender apartheid, forbidding women's access to education and restricting access to health care and employment. Women were no longer permitted to leave their homes unless accompanied by a close male relative, and the windows of their homes were painted to hide them from view. Since the fall of the Taliban, women have increased access to employment, health services and education. However, many women in Kabul continue to wear the burqa, usually for the security it offers. The role of women in society varies throughout the country, especially between urban and rural areas, with little change occurring in the latter since the removal of the Taliban, particularly in the more conservative tribal belts.<sup>289</sup>

### *1.1 Women's civic rights & access to political processes*

The Afghan Constitution of 2004 contains specific provisions guaranteeing certain women's rights. These are as follows:

- There is an explicit reference to equality between men and women before the law. Article 22 on 'Basic Rights and Non-discrimination' which initially referred generically to 'citizens' now reads 'Citizens of Afghanistan – *whether man or woman* – have equal rights and duties before the law' (emphasis added).
- The Constitution guarantees seats for women in Afghanistan's bicameral National Assembly. Approximately 25 percent of the seats in the *Wolesi Jirga* (House of the People) are reserved for women and the president must appoint additional women to the *Meshrano Jirga* (House of the Elders).
- The Constitution also obliges the government 'to create a prosperous and progressive society based on social justice,' and to 'protect human rights.'

Nonetheless, there are several areas that leave room for interpretation and contention. Article 7 of the Constitution requires the state of Afghanistan to 'abide by the UN Charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights'. Not only are the mechanisms through which compliance may be monitored not specified, but there may be potential contradictions with other articles. Article 3 on 'Islam and Constitutionality' states that 'In Afghanistan, no law can be contrary to the beliefs and the provisions of the sacred religion of Islam', dropping the original wording in the draft referring to 'the sacred religion of

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<sup>289</sup> UNDP. 2003. *Transforming the Mainstream: Gender in UNDP*. UNDP, New York

Islam *and* the values of the Constitution' (emphasis added). This article, along with its affiliate, which declares Afghanistan an Islamic state, is not subject to amendment.

The Constitution gives the Supreme Court the authority to determine whether laws and treaties made by the government are in accordance with the Constitution, giving it the power to reject any law or treaty deemed un-Islamic. A Supreme Court dominated by fundamentalists has the potential to become an unaccountable body controlling the legislature, executive branch and electoral system on the pretext of protecting Islam, in a manner reminiscent of the Council of Guardians in Iran.<sup>290</sup>

However, these difficulties need to be placed within the context of compromises made necessary by a central dilemma threatening to bring a stalemate to deliberations during the drafting process: the choice between a strong presidential system and a parliamentary system. The draft presented by the government proposed a pure presidential system, while the opposition from *jihadi* groups and non-Pashtun areas of the country favoured a parliamentary one. Whilst Pashtuns rallied around a presidential system with a strong central government, a power bloc of non-Pashtuns in northern and north-eastern Afghanistan (Uzbeks, Tajiks, Turkmen and Hazara) found common ground around demands for more provincial autonomy and greater checks on presidential powers.

The articles pertaining to official languages (Article 16) and to presidential powers (Article 64) reflect these tensions. Article 64 was amended to enhance parliamentary powers. Granting broader language and cultural rights to the various ethnic groups composing the nation and declaring Afghanistan an 'Islamic republic' has been among the means of defusing the fundamental conundrum of politics in Afghanistan: the relations between the political centre and an ethnically diverse periphery that resists the overlordship of Pashtun state elites.

Thus, in a context where different ethnic and political constituencies are locked in struggles of representation in defence of their collective rights, women's rights may have a relatively low priority. Furthermore, women are not a homogenous category and may themselves mobilise as representatives of ethnic constituencies or diverse political tendencies. Given the factious nature of politics in Afghanistan, there is little *a priori* ground for making simplistic assumptions about women's primary commitment to subscribing to a common agenda.<sup>291</sup>

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<sup>290</sup> Thier, Alexander. J, 2004 'Attacking democracy from the bench' New York Times, January 26

<sup>291</sup> Oates, Lauryn and Isabelle Solon Helal. 2004. *At the Cross-Roads of Conflict and Democracy: Women and Afghanistan's Constitutional Loya Jirga*. Rights and Democracy, Ontario, Canada.

There is some potential for the emergence among women of civil society actors - such as professional associations and NGOs - alongside government cadres, that would actively uphold principles of equality within both secularist and Islamic frameworks. Such engagement, however, can exact high costs. Women participants in the *Loya Jirga* (Grand Council) subsequently faced retaliation in the form of harassment, dismissal from their jobs and transfers to less desirable positions. Others complained that local authorities and commanders harassed them through phone calls or in face-to-face meetings. Methods of intimidation included 'night letters' (*shabname*), threatening phone calls, death threats, and slander and physical attacks.<sup>292</sup>

Clearly then, women's 'rights on paper', as spelt out in the new constitution, and women's actual opportunities to avail themselves of these rights, are two different things. For example, some women who had committed themselves to be candidates in the *Wolosie Jirga* of the National Assembly (as stipulated in Article 83 of the Constitution) said they would not run because they were afraid for their own and their families' safety. Further, the report points to cases where women are used as 'fronts' by powerful political parties and told what to say and do. Thus, any formal gains resulting from the new Constitution will have to be safeguarded against the continuing onslaughts of political factions whose pro-*Shar'ia* demands draw on the most conservative interpretation of Muslim law.

## **1.2 Women & intra-household power relations**

National frameworks concerning gender equity do not necessarily have any purchase on communities and households at a local level. Rather, Afghan society continues to have a patriarchal structure whereby the male head of the family makes all the decisions related to his family, including whether females of the household may attend school or work, and with whom they marry.

The practice of exchanging girls and young women to settle feuds or to repay debts continues, as do high rates of early and forced marriage. According to a study by the Ministry of Women's Affairs and women's NGOs, approximately 57 percent of girls get married before the age of sixteen.<sup>293</sup> The Afghanistan Independent Human Rights Commission (AIHRC), women's activists, and

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<sup>292</sup> Human Rights Watch. 'Between hope and fear: Intimidation and attacks against women in public life in Afghanistan' (New York: Human Rights Watch 2004).

<sup>293</sup> IRIN, 'Afghanistan: Child marriage rate still high - minister,' Irinnews.org, July 13, 2004 <[http://www.irinnews.org/report.asp?ReportID=42160&SelectRegion=Central\\_Asia&SelectCountry=AFGHANISTAN](http://www.irinnews.org/report.asp?ReportID=42160&SelectRegion=Central_Asia&SelectCountry=AFGHANISTAN)> (retrieved August 5, 2004).

NGOs point to domestic violence being a widespread problem for which there is still little public awareness, prevention effort, or response.<sup>294</sup>

### *1.3 Women and economic opportunity*

More effort is needed to understand the nature of income generating activities in different districts and how this both stems from and serves to reinforce gender relations and women's relative lack of decision-making power and well-being within the household. Most recently, research has shown that women make contributions to household income in nearly all provinces.<sup>295</sup> However, their work is often invisible and poorly remunerated, being performed within their homes, rather than in their villages.<sup>296</sup> Almost no rural women generate income outside their villages. They are paid significantly less than men for performing the same work, and in many instances are paid less than children.<sup>297</sup> Furthermore, few women own resources such as land and livestock, and their income generating options are restricted in comparison to men. It is these inequities that leave married women with little bargaining power in household decision-making, given that their fall-back position in the event of a relationship breakdown is weak, whilst their perceived contribution to familial income in comparison to male counterparts is also likely to be low.

A gender-biased economy also leaves female-headed households particularly vulnerable to poverty, since there are few activities that they can do which are sufficient to support a family. When the most vulnerable are left to fend for themselves, they become easy prey to forms of exploitation ranging from debt *peonage* to human trafficking. This is a particularly important issue given that sixty percent of the population is female due to war-related deaths and the disappearances of men.

Thus, integrating women's livelihood projects into local markets is important in the Afghan context, where there has been extreme gender discrimination that is likely continue for some time to come.<sup>298</sup> A protracted three-year drought, combined with the devastation brought by conflict, has resulted in a need for new strategies to resurrect the economy. Crop substitution will be necessary to provide alternatives to poppy production. International development agencies

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<sup>294</sup> Human Rights Watch, 'Killing You is a Very Easy Thing For Us': Human Rights Abuses in Southeast Afghanistan, (New York: Human Rights Watch, 2003). <<http://www.hrw.org/reports/2003/afghanistan0703>> (last accessed 25 May 2007).

<sup>295</sup> Shawna Wakefield with Brandy Bauer. A Place at the Table: Afghan Women, Men and Decision-Making Authority -, Aug 2005, AREU; Jo Grace Who Owns the Farm? Rural Women's Access to Land and Livestock -, Feb 2005, AREU

<sup>296</sup> Ibid

<sup>297</sup> Ibid

<sup>298</sup> Ibid



charged with rebuilding Afghanistan identified support to the agricultural sector as an immediate priority. It is crucial that attention be given to the role of women in these efforts, given their responsibilities for agricultural production and livestock-raising in some rural areas. Innovations such as women's collectives - which guarantee women's control over resources - are also worth exploring.<sup>299</sup>

#### *1.4 Educational attainment and literacy levels*

School enrolment has significantly increased since 2001, with over four million children in school. Despite this improvement, more than half of Afghanistan's children do not attend primary school. Approximately 34 percent of those enrolled are girls, but their drop-out rates are high. Of those attending primary school, only 9 percent go on to secondary school.<sup>300</sup>

A security environment that fails to guarantee the most basic rights to physical safety continues to present a phenomenal obstacle to women's mobility and access to basic services such as education. The overall environment for the education of girls remains turbulent. Several attacks on schools, including girls' schools, have been reported and still continue.<sup>301</sup>

In the south and south central regions, girls' enrolment rates have shown little or no progress as families prevent their daughters from going to school out of fear that they – particularly the older girls – will be attacked or kidnapped or suffer harassment by the police.<sup>302</sup> For example, only one out of every one hundred girls in Zabul and Badghis provinces attend primary school.<sup>303</sup> This is in clear contrast to urban centres such as Kabul, where government reports indicate that over 80 per cent of girls attend primary school.<sup>304</sup>

Nevertheless, the demand for education is higher than ever, as are aspirations for a better future. The longer the gap between these legitimate aspirations and the

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<sup>299</sup> Ibid

<sup>300</sup> Oxfam, 2004: The Human Rights Research and Advocacy Consortium, Report Card: Progress on Compulsory Education, Grades 1-9.

<sup>301</sup> Human Rights Watch, *We Want to Live as Humans': Repression of Women and Girls in Western Afghanistan*, (New York: Human Rights Watch, 2002) <<http://www.hrw.org/reports/2002/afghnwmn1202>> (last accessed 25 May 2007).

<sup>302</sup> Ibid

<sup>303</sup> TISA, ADB, UNAMA, UNDP, and the World Bank, *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward*, 2004.

<sup>304</sup> Oxfam, 2004: The Human Rights Research and Advocacy Consortium, Report Card: Progress on Compulsory Education, Grades 1-9.

ability of the government to deliver persists, the harder it will be for the political centre to establish legitimacy.<sup>305</sup>

### *1.5 Women's access to healthcare*

While the general health situation in Afghanistan has long been bleak, it has been compounded by gender inequality under the Taliban. Lack of experienced and educated medical staff in hospitals and clinics is largely a result of the Taliban's restrictions on female employment, the disruption in the educational system (resulting in few new graduates), and the flight of trained medical personnel.

In 38 per cent of rural districts, the majority (over 50 per cent) of Afghans have no access to any form of health care.<sup>306</sup> The majority (over 50 per cent) of Afghans in 62 per cent of rural districts have access to only basic health care, including health posts, basic health care centres, and traditional healers.<sup>307</sup> These basic facilities often lack well-trained personnel and adequate medical supplies or medicines.

In relation to reproductive healthcare, between 43-78 per cent of women living in the rural areas of Badghis, Herat, Kabul, Kandahar, and Nangarhar provinces have no access to trained assistance during pregnancy and birth.<sup>308</sup> When they are able to access care, the majority (over 50 per cent) report that it is of poor quality. Further, most Afghan women have no voice in family planning, although many reported wanting to learn more about options for birth control.

Both women's reproductive health and mental health indicators are alarming. A 2002 study found that Afghan women's maternal mortality rate stood at 1,600 deaths per 100,000 live births, and the eastern province of Badakshan had the highest rate ever recorded in the world at 6,500 per 100,000 live births.<sup>309</sup> A key reason for this stratospheric maternal mortality rate is that thousands of females who make up these statistics are simply too young to give birth. They are girls,

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<sup>305</sup> Human Rights Watch, *We Want to Live as Humans': Repression of Women and Girls in Western Afghanistan*, (New York: Human Rights Watch, 2002). <<http://www.hrw.org/reports/2002/afghnwmn1202>> (last accessed 25 May 2007).

<sup>306</sup> UNICEF 2002 the Centers for Disease Control and Prevention, and the Afghan Ministry of Public Health, *Maternal Mortality in Afghanistan: Magnitude, Causes, Risk Factors and Preventability* (New York: UNICEF, 2002).

<sup>307</sup> Ibid

<sup>308</sup> Ibid

<sup>309</sup> Ibid

11, 12, 13 years old, 'forced into marriage by families eager to receive a dowry, no matter how pitifully low, or to get rid of a debt, or to feed one fewer mouth.'<sup>310</sup>

A 1999 report of the UN Gender Advisor noted strong evidence of an increase in the number of drug-addicted females. The evidence suggested that women have been using narcotics both as an alternative to medicines where these are not available and for psychological reasons. It is estimated that 10 per cent of a population living in a conflict usually suffers from mental health problems, although after 23 years of war, this figure is likely to be much higher for Afghanistan, with much residual mental illness having gone untreated owing to conflict and crisis.<sup>311</sup>

### *1.6 Women's access to justice*

The absence of effective redress for women victims of human rights violations, whether through informal or formal justice mechanisms, remains a pervasive problem in Afghanistan. The weakness of the judicial system and a legal reality marked by impunity make the aims of implementing domestic law and international legal obligations distant goals. Moreover, the compatibility in the Constitution between Articles 22 on equality and non-discrimination, Article 7 on compliance with international human rights law and Article 3 on Islamic 'beliefs and provisions' is assumed rather than demonstrated. A great deal hinges on the willingness and ability of the judicial system to undertake a rights-based analysis of Islamic jurisprudence and to find ways of harmonising the different sources of legislation referred to in the Constitution.

#### *1.6.1 Formal judiciary*

The Afghan judiciary suffers from a severe lack of human capacity as well as material resources. Many judges lack adequate legal training and public legal advocates and defence attorneys do not exist within the Afghan legal system.<sup>312</sup> For those judges who are trained, the judicial leadership is divided between graduates of the *Shar'ia* School and those of the Law School at Kabul University. These groups are often at ideological loggerheads with each other.<sup>313</sup> The three

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<sup>310</sup> Naderi, Manizha. 2006. Speech issued by Women for Afghan Women. <<http://www.womenforafghanwomen.org/about/ManizhaSpeech.html>> (last accessed 25 May 2007).

<sup>311</sup> WHO, 2001. Special Report Central Asia Crisis Unit, The Invisible Wounds: The Mental Health Crisis in Afghanistan. <<http://www.who.int/disasters/repo/7399.pdf>> (last accessed 25 May 2007).

<sup>312</sup> Amnesty International. 2003 Afghanistan. 'No-one listens to us and no-one treats us as human beings' : Justice denied to women. <<http://www.web.amnesty.org/library/index/engasal10232003>> (last accessed 3 February 2007).

<sup>313</sup> Ibid.

organs of the judiciary, the Ministry of Justice, the Supreme Court, and the Office of the Attorney General, lack effective coordination and communication and are often ideologically opposed.

The judiciary is highly susceptible to military and political influences at both the urban and rural level.<sup>314</sup> Formal courts, including family courts, are either non-existent or barely functional in most rural areas.<sup>315</sup> There are few women lawyers and judges in the urban areas and none in the rural areas, and rural women have great difficulty accessing the formal court system.

### 1.6.2 *Police and detention centres in rural areas*

Few police officers in rural areas have access to official training. Many are still loyal to their former commanders, who often serve as the chief of police, army officers or district or provincial authorities.

Police stations are often dilapidated and officers lack essential resources, including vehicles, communication equipment and uniforms. Most police stations lack secure facilities for the storage of weapons, with police officers using private weapons and taking these weapons home after work hours.<sup>316</sup> The detention centres visited by the Tufts team in Balkh, Badghis, Herat, Kabul, Kandahar and Nangarhar provinces were in very poor condition and lacked basic necessities such as secure structures, sanitation facilities, and blankets for detainees.<sup>317</sup> Prisoners are occasionally held in metal shipping containers or in private detention centres and signs of mistreatment were common in the areas visited.

### 1.6.3 *Traditional and customary justice systems*

In rural areas, women's access to legal assistance is frequently limited to traditional *shuras* (local councils) and local *mullahs* (religious leaders) that often are not aware of women's rights, and are not inclined to protect them.<sup>318</sup> Especially outside major cities, legal personnel are unavailable to provide

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<sup>314</sup> Human Rights Watch, 'Killing You is a Very Easy Thing For Us': Human Rights Abuses in Southeast Afghanistan, (New York: Human Rights Watch, 2003) <<http://www.hrw.org/reports/2003/afghanistan0703>> (last accessed 25 May 2007).

<sup>315</sup> Amnesty International. 2003 Afghanistan. 'No-one listens to us and no-one treats us as human beings' : Justice denied to women. <<http://www.web.amnesty.org/library/index/engasal10232003>> (last accessed on 3 February, 2007).

<sup>316</sup> Human Rights Watch, 'Killing You is a Very Easy Thing For Us': Human Rights Abuses in Southeast Afghanistan, (New York: Human Rights Watch, 2003), <<http://www.hrw.org/reports/2003/afghanistan0703>>.

<sup>317</sup> Ibid

<sup>318</sup> Ibid

counsel and assistance. There are very limited professional training and development opportunities for defence lawyers to bring them up to date on constitutional mandates and the rights of women guaranteed by law.

Furthermore, armed political groups, commanders, and warlords have strategically targeted traditional and customary justice systems (*shuras*) throughout rural Afghanistan in an attempt to control local populations.<sup>319</sup> In many instances, these predatory forces have successfully positioned their loyalists within these groups, thus undermining this avenue of justice for women. In regions where political armed groups are able to exert control over the district government authorities, these groups often also have their members on the district *shura*, thus ensuring greater control of the district.

The current *shura* system operating in much of the country is based on a framework put in place by the Taliban regime that sought to replace the more democratic (though only for adult Afghan men) *Jirga* systems. With the Taliban regime now out of power, some communities are restructuring their *shuras*, but fewer are returning to the *Jirga* system.

#### *1.6.4. Gender-bias and uncertainty within the formal justice system*

Aside from the institutional erosion of the formal legal and judicial system, various consequences flow from the fact that Afghanistan does not have a uniform legal system. There are three competing components of the legal system: the state legal codes, Islamic religious law (*Shar'ia*) and local customary law. The relative weights of these components have waxed and waned through time.<sup>320</sup>

After the Bonn Agreement, the Judicial Reform Commission (JRC) was charged with rebuilding the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions. The JRC worked in close co-operation with the Constitutional Commission and the Afghanistan Independent Human Rights Commission (AIHRC).

However, issues pertaining to the respective roles of statutory, Islamic and customary laws, and the place of informal law and dispute resolution mechanisms still remain unresolved. A recent report on Afghanistan's

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<sup>319</sup> Ibid

<sup>320</sup> Barfield, Thomas. 2003. *Afghan Customary Law and its Relationship to Formal Judicial Institutions*. United States Institute for Peace, Washington, D.C.

Millennium Development Goals acknowledged that addressing the social role of women will require 'sensitive issues of prioritization and strategy'.<sup>321</sup>

Against this background, the legal rights of women continue to represent an area of great uncertainty. Most women detainees in Kabul prison seem to be there not for criminal acts but for offences related to family law: refusing to marry husbands chosen by their parents, refusing to live with abusive husbands, or running away from the parental or matrimonial home – offences which have no basis in law.

Human rights abuses against women continue to occur with the 'active support or passive complicity of state agencies, armed groups, families and communities'.<sup>322</sup> Decisions taken by informal institutions such as the household or the community that might, in other contexts, be modified or contested through recourse to state laws are, more often than not, underwritten and endorsed by formal institutions such as the judiciary.

The weakness of the judicial system and the gender bias within it has had demonstrably negative consequences for women. Even within the functioning criminal justice system (primarily in urban areas), women are severely underrepresented as plaintiffs seeking redress and largely absent as employees. Discrimination on the part of male judges has also manifested itself in a belief that women's role in the justice system should be limited to the family courts. Moreover, the legitimacy of the Afghan courts and the independence of the judiciary will continue to be undermined in areas of the country where the *de facto* rule of local commanders and armed groups persists. The continuing recourse to informal justice mechanisms will also have to be addressed by the newly established judicial organs.

Continuing insecurity, the use of force as a means of dispute settlement and the dislocation of communities make violence a pervasive social problem. The issue of gender-based violence elicits particular unease in a country where the maintenance of family honour through women's appropriate sexual conduct is considered crucial across all ethnic communities. Sexual violence is considered a taboo subject that may not be spoken of, leading to a failure to investigate crimes against women in the family and community. The Criminal Procedure Law contains no provisions that criminalise violence against women. Moreover, the criminalisation of consensual sex outside marriage leaves women who have been

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<sup>321</sup> UNDP. 2004. *Opening Doors to Opportunity: Afghanistan's Millennium Development Goals*, pg 6.

<sup>322</sup> Amnesty International, 2003 Afghanistan. 'No-one listens to us and no-one treats us as human beings' Justice denied to women. <<http://www.web.amnesty.org/library/index/engasal10232003>> last accessed 3 February 2007).

raped open to charges of *zina* (adultery), for which they risk prosecution if they fail to produce four male witnesses. This constitutes a powerful disincentive to reporting incidents.

Despite extensive documentation of violence against women, both as a tool of war and within the home, women and men together are inclined to deny women's experience of physical insecurity and violence.<sup>323</sup> Rape, including a significant incidence of gang rape and the rape of women and girls from minority communities in the north and from nomadic groups, and of female aid workers and female members of aid workers' families, has been a common and recurrent manifestation of the current insecurity. In the southeast, incidents of rape by soldiers and commanders and of the abduction and sexual assault of women, girls and boys were reported. This has grave long-term consequences for a girl or woman's future because of the risk of permanent ostracism related to the loss of chastity and honour.<sup>324</sup>

### *1.7 Summary*

Sustained efforts have been made by the international community, the government of Afghanistan and local women's NGOs to ensure that legal and governance reforms address gender equity issues and support the civic and political participation of women. However, the security and socioeconomic conditions have not kept pace with political and juridical reforms, resulting in a growing gap between women's formal rights and their actual ability to avail themselves of those rights.

Significant obstacles need to be overcome for the promises of reconstruction and national consolidation to materialise for women. As the historical record indicates, women's rights have always been a contested issue in Afghanistan, with periods of reform followed by violent backlash and curtailment of rights. There are continuing tensions between the stipulations of international human rights instruments - including CEDAW, to which the government of Afghanistan is a signatory - Islamic jurisprudence and Afghan customary law. These tensions can neither be addressed nor resolved without a political settlement that ensures stability and the rule of law. In the absence of a process of national consolidation and reconciliation, there is a growing risk that women's rights issues will remain hostage to factional struggles, and that Islam will be deployed as a political tool

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<sup>323</sup> UNHCR. 2002. 'UNHCR returnee monitoring of women and girls in the western provinces.' Pg 12

<sup>324</sup> Human Rights Watch, 'Killing You is a Very Easy Thing For Us': Human Rights Abuses in Southeast Afghanistan, (New York: Human Rights Watch, 2003). <<http://www.hrw.org/reports/2003/afghanistan0703>> (last accessed 25 May 2007).

rather than a universal faith that enjoins believers to uphold ideals of social justice and equality

Moreover, in a context where a wide chasm exists between a small urban literate population and a much larger rural and tribal hinterland that is fractured along religious and ethnic lines, women's formal rights have relatively little bearing on their rights and entitlements in practice. Despite significant upheavals in the normative order occasioned by years of conflict and displacement, women continue to be wards of their communities and households and have little recourse to protection or justice outside these domains.

## **2. Increase in Suicide amongst Women in Afghanistan**

Afghanistan is witnessing a rise in suicides among women, despite the fall of the Taliban. For example, evidence suggests several hundred women are burning themselves to death every year in western Afghanistan. From 22 September 2003 until 19 April 2004, the AIHRC office in Herat, the biggest city in the country's west, documented 380 cases of self-immolation.<sup>325</sup> From 20 March to 21 September 2004, 184 cases of self-immolation were reported.<sup>326</sup> Similarly, a hospital in Kabul reported it had treated 30 similar cases during 2003, whilst 3 other cases were reported in the eastern city of Jalalabad.<sup>327</sup>

The actual figure is likely to be much higher than this. The strong social stigma attached to suicide means that families are often reluctant to seek help for a victim of self-immolation or disclose the reasons behind the attempt.

### ***2.1 Reasons behind women's suicide attempts***

The reasons behind women's self-immolation attempts vary and are related to individual socio-economic status, age and available coping strategies. Reasons range from domestic violence, early marriage, forced marriage, disillusionment and poverty.

#### ***2.1.1 Domestic violence***

According to Naderi (2006), 80 per cent of reported self-immolation attempts in Herat from 2003 to 2004 were attributed to family violence.<sup>328</sup> That is, in some

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<sup>325</sup> Naderi, Manizha. 2006. Speech issued by Women for Afghan Women. <<http://www.womenforafghanwomen.org/about/ManizhaSpeech.html>> (last accessed 25 May 2007).

<sup>326</sup> Ibid

<sup>327</sup> Ibid

<sup>328</sup> Ibid



cases the family had set the woman on fire, but in most cases, she had chosen this method of escape, seeing herself as having few other options in terms of dealing with physical and/or sexual abuse. In these cases, women were frequently young and recently married.

### *2.1.2 Early marriage*

Early marriages are reported to be occurring in rural areas and among extremely vulnerable groups, such as returning refugees and internally displaced persons (IDPs). Such groups are still displaced within Afghanistan in areas that were severely affected by long-standing drought. In some areas, early marriage has been documented as a coping strategy for families in drought-stricken areas. Girls between the ages of eight and twelve in Jawzjan province were married in exchange for a bride-price of US \$300-800. No further reports were received in these areas after World Food Programme food distribution commenced.<sup>329</sup>

In a recent assessment of a village in the Samagan province, it was discovered that families of poor and medium wealth used early marriage as a coping strategy from 1999 to 2002. The bride-price ranged from US\$100-800. Bride-price was dependent on the age of the girl, and whether she was the first wife. A girl who marries an older man, and becomes a second wife, has less security within the family and therefore commands a higher price.<sup>330</sup>

Self-immolation attempts have been directly linked to situations in which young girls have been forcibly married to much older men for the purposes of obtaining a better bride-price. According to the Los Angeles Times, a typical victim is:

14 to 20 years old and is trying to escape a marriage arranged by her father ... Often the marriage is to an older man who has another wife and children, in a society where it is not uncommon for men to have multiple wives. For example, a 14-year-old arrived recently at the hospital in critical condition with only her palms unscorched. She had been given in marriage to a 60-year-old married man with grown children.<sup>331</sup>

### *2.1.3 Exchange of women and girls for dispute settlement*

The practice of exchanging women and girls as a way of settling disputes is common in rural areas. The IOM estimated at least three or four cases of this during 2003 in one Eastern province.<sup>332</sup> According to tradition, when a murder

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<sup>329</sup> IOM, 'Trafficking in Persons: An Analysis of Afghanistan', 2004

<sup>330</sup> Ibid

<sup>331</sup> Sadid, Lailuma. 'Suicide an option for desperate war-widows', August 14<sup>th</sup>, 2006, Indo Asian News Service. < <http://www.rawa.org/suicide65.htm> > (last accessed 25 May 2007).

<sup>332</sup> IOM, 'Trafficking in Persons: An Analysis of Afghanistan', 2004

or similar such crime is committed, the sister or daughter of the accused can be given to the family of the victim. The girl's presence is meant to replace the honour lost by the family of the deceased. It is the father or eldest male from the victim's family that makes the demand. The girl is given to the family for marriage to one of the eligible males.

However, the marriage is often perceived by both families to be tainted as a 'bad nikkah' or marriage. The stigma of the crime can remain with the girl for life. Many of these girls commit suicide.<sup>333</sup>

#### *2.1.4 War, widows & poverty*

Poverty, hardship and unemployment are driving women to prostitution and suicide. Widows face particular difficulties as they attempt to look after their families in the face of little opportunities for earning a living and a high rate of inflation. A survey conducted by UNIFEM notes that 65 percent of the 50,000 widows in Kabul see suicide as the only option to escape destitution.<sup>334</sup> Further, 16 of the 65 per cent of women had already ended their lives.<sup>335</sup>

#### *2.1.5 Continued gender discrimination & disillusionment*

Many educated Afghan women feel disillusioned that the fall of the Taliban has brought little freedom. This is felt most strongly among former refugees who returned from Iran and who had grown accustomed to a freer life there. Significantly most of the female suicides recorded in Herat, about 100km from the border with Iran, were educated women, including several nurses and teachers. As Afzali states:

There are many more pressures on young Afghan women today because they have learned what freedom is from radio and television, but that is not what they have. In the past, every girl knew she belonged to her family, she existed only for her father and her husband: she knew she wasn't free. Now, young girls know they should have rights, and they are prepared to burn themselves to show society that they do not have them yet.<sup>336</sup>

Virdee comes to similar conclusions:

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<sup>333</sup> Ibid

<sup>334</sup> UNIFEM. 2004. Afghanistan: Women in the News, No. 23, 20-25 March.

<sup>335</sup> Sadid, Lailuma. 'Suicide an option for desperate war-widows', August 14<sup>th</sup>, 2006, Indo Asian News Service. <<http://www.rawa.org/suicide65.htm>> (last accessed 25 May 2007).

<sup>336</sup> RAWA, 'Self-Immolation of women on the Rise in Western Provinces', March 1<sup>st</sup>, 2004. <<http://www.rawa.org/immolation2.htm>> (last accessed 25 May 2007).

We were hoping that after the fall of Taliban and after the transitional authority took power, the situation would improve for women, and there would be fewer restrictions. But we see that there have been no changes, and women are using this very violent act [of self-immolation] to show their protest. Most of these girls are literate, they are knowledgeable, and several of them are students.<sup>337</sup>

### **3. Conclusion**

This chapter has shown that political and socio-economic inequalities have continued to be suffered by women in the years following the fall of the Taliban. Such inequalities leave women vulnerable to situations of forced and early marriage, their usage as tools for the settling of inter-familial disputes and economic destitution. Further, the continuing vulnerable situation of women in Afghanistan has been linked to gender differentiated increases to suicide rates. Thus female suicide appears as a problem deeply rooted within patriarchal social structures and its prevention will require long-term strategies focussed on women's empowerment, particularly within remote rural areas where little has changed since the fall of the Taliban.

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<sup>337</sup> Ibid.

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## Annex 1

### EUROPEAN PARLIAMENT PROJECT “THE INCREASE OF KURDISH WOMEN COMMITTING SUICIDE”

#### QUESTIONNAIRE FOR USE DURING FFM

##### **Section 1: Potential barriers which may prevent women in the Kurdish women from accessing their rights**

1. What external stresses impact on the day to day lives of Kurdish women: e.g. the ongoing conflict; effects of militarised society; trauma on community; poverty due to underdevelopment/ mass displacement?
2. What are the effects of the external stresses?
3. How does violence perpetrated by others contribute to this trend? E.g. state violence, domestic violence. What is the effect of the lawlessness of conflict and post-conflict situations?
4. To what extent do women have access to domestic violence protection groups?
5. How does education and literacy affect this trend? E.g. does access to and completion of secondary education help to minimise this trend? What if women are more highly educated than men? What if men are educated and women are not? What proportion of women continues into further education after school? And what is the proportion of men?
6. To what extent is awareness of gender-based violence, honour killings and discrimination included within the school curriculum?
7. How many girls receive education in their mother tongue? What effect does this have on those who don't receive mother tongue education?
8. How does access to new economic opportunities and/or opportunities for advancement in employment exist for women and for men contribute or hinder this trend?
9. How does the proportion of women to men in political office affect this problem?
10. What is the rate of forced marriages/child marriages in your town/city/region? And the practice of exchanging brothers for sisters at a young age?
11. To what extent are women involved in and/or do they have access to the political process – nationally or regionally?
12. How are women's health issues addressed and are there any particular problems that directly correlate to the increase in suicide rates? E.g. the rate of infertility, miscarriage, infant deaths, babies born with disabilities and various cancers for both women and children? Access to reproductive health clinics and treatment? Costs associated with treatments?
13. If a woman unsuccessfully attempts suicide, how is she treated by her family and community? Eg will she have access to mental health services?
14. How do women's legal rights compare to men's and what impact does that have on individual women, especially poor women? Eg property, divorce and child custody? Please specify the relevant legislation where possible.
15. What role is the woman expected to play in the family? And what about girls?

16. And what about the role of men/boys? And how can we involve them more in awareness of gender-based violence, honour killings and discrimination – what initiatives exist and/or could be suggested to educate men/boys?
17. How many honour killings happen per year in your town/city/region?
18. To what extent are the honour killings investigated and/or the perpetrators prosecuted? Who investigates them? If not investigated, why not?

**Section 2: In-depth analysis of the increase in suicide amongst Kurdish women in Turkey and Iraq**

1. Please compare the number of suicides committed by women and men per year, in this town/city/region? And what about ‘fatal accidents’ and nature of death?
2. What is the average/approximate age and socio-economic status of women committing or attempting suicide?
3. In what towns/cities do these suicides take place?
4. What proportion of all female and male deaths, respectively, are suicides?
5. Is there a notable difference between the methods used by men and women to commit suicide?
6. Why do the women commit suicide? – detail actual or presumed reasons.
7. What percentage of ‘suicides’ are investigated by a coroner and where it is recorded as suicide, as opposed to an open verdict?
8. What percentage of ‘suicides’ are investigated by the police? What are the common conclusions/ outcomes?
9. What factors hinder criminal investigations/ proceedings where homicide is suspected?

**Section 3: What is currently being done at the local, national and international levels to address the problem?**

1. What are the levels of current awareness and/or understanding of the increase in Kurdish women committing suicide. And who is aware of this increase?
2. What is the level of current awareness of how to recognise and identify at risk groups and of the treatment/ support available – e.g. through women’s shelters, access to appropriate health/ mental health care etc
3. How effective are the efforts taken by local civil society groups? What factors impede their success? – e.g. lack of government provisions/ support (medical or otherwise), ineffective legislative framework, lack of co-operation from affected families because of cultural norms/ privacy issues.
4. What is the relevant legislation? And what attempts have been made by Government to investigate the issue and assist women?
5. What role does the police play: do they receive training on such issues, and how? What prevention strategies exist to protect women and girls?
6. How can we improve the collection of statistics by using alternative methods of collecting the information – eg by civil society organisations?
7. What initiatives exist to promote awareness of gender-based violence, honour killings and discrimination: women and women’s groups, and to boys/men?

8. What is being done on the international level to ameliorate the situation?

**Where possible, reproduce statements from suicide attempt victims and/or their families (to be incorporated as in the report as an appendix)**