

The Experience of Internally Displaced Women in Urban Areas of Western Turkey

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Introduction

According to the United Nations Guiding Principles on Internal Displacement (Guiding Principles), internally displaced persons (IDPs) refers to any person or group of persons who involuntarily had to leave their home or habitual settlements, without crossing an internationally recognized state border, especially in order to protect themselves from the consequences of armed conflict (UN Commission on Human Rights, 1998). There are an estimated 25 million IDPs worldwide and approximately 1 million in Turkey alone (Deng, 2003). In the 1980s and 1990s, an armed struggle between the Kurdistan Workers' Party (PKK) and the Turkish Armed Forces resulted in significant levels of internal displacement in Turkey. Throughout this period, state security forces forcibly evacuated approximately 3500 rural communities in the Kurdish regions of Turkey. Between 3 and 4 million villagers were displaced from their homes in officially sanctioned village evacuations, which were routinely accompanied by violent state security operations against Kurdish villages that were considered unsupportive of the government agenda. A state of emergency existed in many of the Kurdish provinces between 1987 and 2002, significantly contributing to the breakdown of the rule of law throughout this period.

Displacement and its consequences continue to have a detrimental impact on displaced women in Turkey, who are predominantly Kurdish. Although many of the problems suffered by IDPs

in Turkey are common to both men and women, there are specific manifestations of displacement that disproportionately affect women. However, the experiences of women are often neglected in discussions related to internal displacement, despite the fact that approximately 80 percent of displaced persons throughout the world are women and children (Schmiechen, 2003). In view of that trend, we will examine the experience of female IDPs in the western cities of Turkey, considering some of the social, economic, and psychological impacts of their displacement. This article will also discuss mechanisms in domestic and international law that are relevant to the violations suffered by displaced women in Turkey. Within this framework, we will consider the experience of internally displaced women in western Turkey in terms of their domestic citizenship rights and their international human rights.

The Experiences of Internally Displaced Women

The Turkish government has historically failed to investigate the nature and extent of displacement within its borders, making it difficult to properly assess the impact of displacement on particular categories of IDPs, such as women or city slum-dwellers. However, there has been a shift during the past five years which has resulted in greater attention being paid to IDPs in the domestic and international spheres and, as a result, more available information. For example,

in the international arena, the European Court of Human Rights found in the cases of *Akdivar and others vs Turkey and Mentesh and others vs Turkey* that Turkish security forces were guilty of village destruction and of forcing villagers to flee (Norwegian Refugee Council/Global IDP Project, 2004). Official recognition of internal displacement in Turkey has encouraged further investigation, particularly by civil society organizations. Nevertheless, it is still necessary to make inferences from the experiences of IDPs and women in Turkey as a whole, due to the lack of hard data.

In the process of evacuation, IDPs were subjected to many forms of maltreatment, including rape, torture, beatings, mental and emotional abuse, and the destruction of property. In some cases, food embargoes were imposed, forcing villagers out of their homes (Human Rights Foundation of Turkey, 2001). Security forces often destroyed the infrastructure and means of living in these communities. Even where inhabitants were not forced to flee immediately, they were often compelled to resettle elsewhere as a result of the destruction of their physical and social communities and the government's failure to provide any form of assistance or resources to rebuild.

The relative safety of the Western cities, where many women fled, was not sufficient to overcome the difficulties facing them. Rather, migration to these cities represents another stage of displacement with ongoing consequences. Although the initial impact of internal displacement continues, the urban context of displacement is further complicated by changes in family and community structures, domestic and state violence, and biases against women. These factors are compounded for internally displaced women because of their ethnicity and their educational and economic standing. IDPs suffer disproportionately high levels of psychological problems as a result of violence and the threat thereof, combined with severe social dislocation associated with displacement (Muller & Linzey, 2007). They are at an economic disadvantage and lack the social support networks necessary to survive in times of crisis. These problems create

a complex situation in which many cumulative difficulties have an impact at an individual, family, and community level. Internally displaced women emerge as a particularly disadvantaged group, suffering from racial discrimination and material losses as well as from the general disempowerment of women in Turkish society.

Changes in Family and Community Structures

The traditional economy of Kurdish villages is based on agriculture and animal husbandry. Within this economic structure, communal living arrangements based on kinship ties and traditional cultural practices are crucial to everyday patterns of life. However, these lifestyle arrangements are often absent from the urban context. One of the critical issues shaping the experience of displaced women in Turkey is the alteration of traditional family and community structures in order to survive in an urban environment.

In their displaced setting, many families attempted to recreate their village structures, building cheap houses on the city fringes. However, it is estimated that there are millions of Kurdish girls without fathers and widows and wives of the 'disappeared'. In addition, there is a significant number of older women who are both widowed and have lost the sons and grandsons who would have supported them in their old age. These losses not only impact women in the form of bereavement, grief and trauma, they also change the dynamics of the household. For example, many women have become single heads of households. This puts women at a particular disadvantage as they continue to be disempowered in accordance with traditional social structures while becoming solely responsible for the survival of their families. While there is no raw data on the psychological impacts of this burden, the day to day reality of life for female heads of households in Turkey are obvious: violence, inequality in employment and a lack of regard for the position of displaced women have left many women destitute and suffering from severe psychological problems and suicidal tendencies.

Violence

State-sponsored violence, domestic violence, and the complex issue of 'honor' crimes all represent significant threats to the lives and well-being of displaced women in the urban areas of western Turkey. It is generally believed that domestic violence increases in situations of conflict. In addition, displaced women who have been forced to flee their homes are considered to be at greater risk of becoming victims of violence perpetrated by state security forces and civilians (Amnesty International, 2004). Although it is generally agreed that state violence has decreased in recent years, fear of violence by state officials, particularly the police, continues to shape the lives of many people in the Kurdish regions and beyond (Mazlum-Der, personal communication, January 23, 2007). While reliable information regarding the situation of displaced women in western Turkey is not readily available, it may be assumed that this fear continues in the post-displacement context. As a result, displaced women are likely to have little confidence in the police, which leaves them without protection against continuing violence in the home.

Women as Representatives of 'Honor'

In many aspects, women in Turkey are treated as 'second-class' citizens. Their lives are shaped by religious and customary practices, without regard for their rights as recognized by law (Kardam, n.d.). For example, perpetrators of domestic violence are rarely investigated or charged by the police and women are not protected against violent relatives (Turkey's accession to the EU, 2006). Furthermore, women often decide not to report domestic violence to the police. Their reasons for this include the fear of further abuse; the belief that to do so would taint the family's honor; and concerns about the possible impact that reporting violence to the police may have on their families and the Kurdish population more generally (European parliament project, 2007). The difficulty in escaping domestic violence is compounded for women who do not speak Turkish. For example, one female victim of domestic violence in Istanbul managed to seek protection from the police. However, she only spoke Kurdish. She was told to "go home and come

back when you have learnt Turkish" (Gökkusagi Women Association, personal communication, January 16, 2007).

According to a recent survey, sexual violence, the threat of sexual violence, and direct threats to women's lives are the main causes of psychological problems, such as depression, insomnia, intensive anxiety, and hopelessness (International Free Women's Foundation, 2007). Internally displaced women in the urban context are likely to develop behaviors based on a lack of confidence, hopelessness, anger, suspicion, and introversion. One survey found that 90 percent of internally displaced women's psychological problems, such as stress and headaches, have increased after moving to Istanbul (Aker, 2002). For many displaced women life has become a vicious cycle of victimization, disempowerment, hopelessness, and further victimization. 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" (1995, para 89). The Turkish government is obliged to ensure the right to life in accordance with international law. Thus, the implementation of protection measures and the provision of basic services for displaced women should be a priority.

Social Exclusion

The main social difficulty that displaced Kurdish women experience in urban centers is exclusion. This is strongly related to the changes in the social structure on which gender roles depended, as outlined above. Women's responsibility for the children and household management, and their contribution to social, economic, and political processes within their villages has not translated to the Western cities to which they fled. These changes in their social roles, coupled with their lack of formal education and their inability to communicate in Turkish, often prevent displaced women from adapting to city life. Instead, they perceive their existence as a "prison-like life" in

the city (Yukseker, 2007, p. 258). The linguistic disadvantage, in most cases, also causes particular difficulties for displaced women in accessing social services, such as health and social aid programs (Demirler, n.d.). For the older generation of Kurdish women who are not employed, cannot speak Turkish, and cannot return to their homelands, the urban context represents absolute isolation. However, for many of the younger generation the urban environment is the only home they have ever known and the prospect of returning to underdeveloped villages is not welcome. This causes significant tension between those who wish to return and those who do not.

Economic hardship is not new to Kurdish women. The Kurdish region has historically been one of the most deprived areas in the country. Despite the relative wealth of western cities, displacement to urban centers in western Turkey has not resulted in an improved economic situation for displaced women. In addition to the rupture in traditional life, IDPs in urban areas face significant difficulties in obtaining housing and employment. In addition, they experience discrimination and social exclusion (Yukseker, 2006). When persons experience gender and ethnic discrimination as well as discrimination in educational opportunities, as is the case for displaced women in Turkey, the impact of economic disadvantage is compounded. Furthermore, women who have access to employment are paid less than their male counterparts, which makes it particularly difficult for single females and their households to survive.

In traditional Kurdish communities daily activities revolve around agriculture, animal husbandry, upkeep of the household, and preparations for weddings and other celebrations. Since the household is the main site of productive activities, Kurdish women play a crucial role in providing for their family's livelihood (Kurdish Family and Households, n.d.). Women in Kurdish families are responsible for key aspects of the family's survival, including making dairy products, stocking food for the winter, managing supplies, and caring for the children. The economic, social, and cultural contributions that Kurdish women provided were

vital to the continuation of social order in the villages. Raising children in accordance with social and cultural traditions and teaching them their domestic roles were also important for supporting their future economic welfare.

This economic structure deteriorated significantly as a result of the armed struggle between the PKK and the Turkish Armed Forces. However, the displacement of the Kurdish population into urban centers has had a particularly detrimental effect: traditional economic relations have almost completely disappeared. Kurdish women, in particular, experience difficulty in translating their traditional contribution to agriculture and animal husbandry into the urban context. Furthermore, unemployment among displaced Kurdish men has diminished the overall welfare of displaced families. Thus, they experienced not only a horizontal and geographical displacement but also a vertical displacement, in the form of lower living standards (Yukseker, 2006). They have become "the worst among the poor" in the urban context (Sen, n.d.). Changes in the existence of displaced women, specifically in relation to their economic activity, have put them in an economically and socially inactive position. This, in turn, exacerbates the psychological impact of their displacement.

Domestic Obligations and Rights

Under normal circumstances, the national laws of a country protect those within its territory. The principle of territorial sovereignty provides for the protection of internally displaced persons, as stipulated by the domestic laws of their home country. This represents a significant challenge for displaced women, as the state may not be willing or able to create protection measures or to implement existing laws. Further, their governments are often ultimately responsible for their displacement. Internally displaced women often find it difficult to rely on domestic laws to obtain adequate protection from, and an adequate remedy for, the consequences of their displacement, making it essential that they have access to international legal mechanisms.

The policy of internal displacement of the Kurds in Turkey during the 1980s and 1990s was devised and implemented without acknowledgement by the state and beyond the rule of law (Ayata & Yüksek, 2005). Although the 1983 State of Emergency legislation (commonly referred to as OHAL) authorized the Regional State of Emergency Governor to evacuate villages and resettle the population, this power was never utilized (Ayata & Yüksek, 2005). As a result, official records of displacement are scant and their reliability is doubtful. The extent of internal displacement has been a continual source of contention and the lack of reliable statistics has historically facilitated the Turkish government's denial of the existence of IDPs. As a result, displaced women have not only been stripped of their constitutional rights, they have also been denied adequate support during their displacement and an adequate remedy for their displacement and its consequences.

International Human Rights and Obligations

Despite many practical similarities between the situation of refugee women or female asylum seekers and internally displaced women, the legal protection available to internally displaced women is significantly less than that available to refugees and asylum seekers. The range of international mechanisms that IDPs can take advantage of is limited to those international and regional treaties signed and ratified by their country. However, as there are no binding international mechanisms dealing with internal displacement, historically displaced women have had no choice but to rely on more general instruments dealing with human rights and discrimination. There has been some improvement in the past decade because these instruments have been supplemented by the United Nations Guiding Principles on Internally Displaced, which are consistent with international human rights and humanitarian law. This section will discuss examples of how international law is relevant to the situation of displaced women in Turkey, focusing on the United Nations Guiding Principles on Internally Displaced, the Convention on the Elimination of all Forms of Discrimination

against Women (CEDAW), and the Geneva Conventions. Although important, the European Convention on Human Rights (ECHR) will not be considered in any detail in this work.

In 1994 the UN Commission on Human Rights gave Francis Deng the mandate to develop the UN Guiding Principles on Internally Displaced, addressing the specific needs of IDPs by identifying rights and guarantees relevant to their protection before, during, and after displacement (UN Commission on Human Rights, 1998, Para. Introduction). The UN Guiding Principles on Internally Displaced are now widely accepted and represent the benchmark for both states and non-state actors in dealing with internal displacement. The Guiding Principles address each stage of the phenomenon of displacement, as well as the responsibilities of states and others towards IDPs.

Section I of the Guiding Principles for Internally Displaced outlines the fundamental principles underlying their development and application. The most basic of these principles is that the government (Turkey, in this case) has the primary duty and responsibility to provide protection and humanitarian assistance to IDPs within its jurisdiction (UN Commission on Human Rights, 1998, Para. Principle 3(1)). Therefore, the Turkish government's historical denial of the plight of IDPs within its borders and its lack of political will to deal with that plight cannot continue.

Furthermore, the Guiding Principles on Internally Displaced are to be applied without discrimination of any kind, including discrimination on the basis of sex or ethnicity. This is particularly relevant to women in Turkey, as the Guiding Principles require the achievement of substantial equality between men and women. Therefore, systemic gender-based discrimination must be properly addressed in order for the government to comply with these Guiding Principles. Principle 3(2) addresses several of the specific circumstances and situations facing IDP women. It provides that, as expectant mothers, mothers with young children, and female heads of households, the special needs of displaced women must be taken into account.

Considering the marginalization of women in Turkish society, especially displaced women, there are obvious improvements that could be made in the Government's approach.

The Guiding Principles on Internally Displaced also address the responsibilities of all parties to protect communities from displacement, requiring preventive measures and appropriate planning, should internal displacement be the only feasible option. Although new instances of internal displacement are now relatively rare in Turkey, it is evident that the minimization of displacement, in keeping with Section II of the Guiding Principles, has not been the predominant concern of the Turkish authorities.

Further, the government has failed to ensure that IDPs are provided with proper accommodation, satisfactory conditions of nutrition, health, and hygiene and that family members are together (UN Commission on Human Rights, 1998, Para. Principle 7(2)). If these principles were adhered to in the development of the Turkish Government's policies, many of the factors contributing to women's social, psychological, and economic difficulties would be accorded a significant amount of attention. This is clearly not the case to date.

The Turkish government has also failed to meet the standard established by Principle 18(1), which states that all IDPs have the right to an adequate standard of living. This requires, at a minimum, that the competent authorities provide IDPs with and ensure safe access to essential food, potable water, basic shelter and housing, clothing, essential medical services, and sanitation. In addition, they stipulate that women must be able to fully participate in the planning and distribution of these basic supplies.

For displaced women in Turkey, section III of the Guiding Principles is particularly relevant because it deals with situations where displacement has already occurred. This section outlines a broad range of fundamental human rights and measures directed towards their protection in the circumstances facing internally displaced persons. For example, Principle 11(1) states that "every human being has the right to

dignity and physical, mental and moral integrity." Further, IDPs are to be protected against rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence and any form of indecent assault (UN Commission on Human Rights, 1998, Para. Principle 11(2)). In addition, Principle 19(2) requires that "appropriate counseling for victims of sexual and other abuses" is provided. Therefore, the Turkish government is not only required to protect displaced women from violations of their human rights, they are also required to take the lead in addressing the consequences of such violations.

As international law is constantly developing, the international treaties that are reflected in the Guiding Principles continue to be useful in their own right. It is therefore relevant to briefly examine relevant provisions contained in CEDAW and the Geneva Conventions. One of the major difficulties displaced women face is entrenched gender discrimination in the laws and policies of their country of origin. Article 2 of CEDAW (which Turkey has ratified) affirms that States Parties agree to pursue "by all appropriate means and without delay, a policy of eliminating discrimination against women." Although this provision does not amount to a prescriptive obligation, it requires Turkey to direct its attention towards the elimination of gender discrimination in its policies, laws, and conduct. That is made clear by Article 2(d) whereby Turkey, as a signatory, agrees to "refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation."

The situation of internally displaced women in general and instances of gender-based discrimination in the operation of the Compensation Commissions and in relation to proof of property ownership demonstrate the failure of the Turkish government to meet its international obligations in this regard. Treating women differently than men, specifically displaced women, also constitutes a failure on the part of the Turkish government to ensure that women and men are treated equally before the law, as required by Article 15(1) of CEDAW. Equality

in relation to the administration of property is specifically required by Article 15(2) of CEDAW, reinforcing the gravity of the Turkish government's failures in that respect. The Turkish government has not only failed to develop policies directed towards the elimination of discrimination and the achievement of substantial equality, it continues to directly discriminate against displaced women in the administration of its existing laws and policies.

Turkey has also ratified the Optional Protocol to CEDAW, which allows the Committee on the Elimination of Discrimination Against Women to receive and consider communications (complaints) from individuals and groups. Article 4 of the Optional Protocol outlines the admissibility criteria for communications to the Committee. One difficulty that internally displaced women face in utilizing this mechanism is the requirement that all available domestic remedies be exhausted before the communication is considered. However, it can be argued that the reference to "available" domestic remedies in Article 4 allows for the consideration of communications where individuals or groups are not accorded equality before the law, as the pursuit of domestic remedies may be considered futile in that situation. This argument could be made in relation to displaced women who have been refused compensation by domestic compensation commissions on the basis of their gender or told to return with a male relative. Although the Guiding Principles reflect the content of CEDAW, the possibility of making a communication to the Committee on the Elimination of Discrimination against Women remains an additional avenue for achieving justice for internally displaced women in Turkey. That is particularly the case for women in the urban areas of western Turkey who are more likely to have access to expertise and assistance in making such a communication.

There is also a growing body of international humanitarian law that regulates armed conflict within a state's borders, such as Common Article 3 of the Geneva Conventions. Turkey is party to the Geneva Conventions and is thus bound by common Article 3. Although the Turkish government disputes the application of Article 3 to the situation

in south-east Turkey, it has been argued that the hostilities between Turkey and the Kurdistan Workers' Party (PKK) amounts to an armed conflict, as defined by the Geneva Conventions. Common Article 3 forbids violence to life and person, and outrages to personal dignity if perpetrated against civilians and those taking no part in the hostilities. Therefore, internally displaced women who experience physical or sexual violence at the hands of government forces can assert their legal rights under Common Article 3. Further, following the jurisprudence of the International Criminal Tribunal for Rwanda and particularly its decision in *Prosecutor vs Jean-Paul Akayesu*, a non-military perpetrator can be convicted of sexual assault under Common Article 3, even when physical contact does not occur (Schmiechen, 2003). However, it remains unclear whether the Akayesu decision would prohibit violence against a displaced woman by another displaced person (Schmiechen, 2003).

Conclusion

Internally displaced women in urban areas of western Turkey have experienced violations of their rights under the Turkish Constitution in circumstances that also, arguably, amount to breaches of Turkey's international obligations. Internal displacement and its consequences have had a specifically detrimental impact on internally displaced women in urban areas of Western Turkey, where psychological, social, and economic factors combine to secure their marginalization and disadvantage. The Turkish Government is responsible, both under the Turkish Constitution and international law, to address this situation and must do so as a matter of urgency.

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