

‘The Role of Women in Civil society, Conflict Prevention, Resolution and Reconstruction’ -Kurdish Human Rights Project

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The Kurdish Human Rights Project works to promote and protect the human rights of all peoples within the Kurdish regions, through advocacy, litigation, and monitoring, capacity-building, and public awareness. We have been working for 16 years to highlight the gross human rights violations occurring in Turkey, Iran, Iraq, Syria, Armenia and Azerbaijan. Violations that occur there cannot be separated from the ongoing conflict in these regions. Women have played a vital role in highlighting violations that happen in these regions, and reaching out to build networks to alleviate the difficulties faces as a result of violations.

Back in 1992, KHRP’s first act was to use international human rights mechanisms and fora to highlight the high level of human rights violations in these regions. We have since represented more than 500 individuals before the European Court of Human Rights and made numerous representations to the OSCE, both in writing and in person. Our experiences throughout affirm the central tenets of UN Security Council Resolution 1325: women are amongst the most vulnerable in these fragile situations, but more, without recognition of their role in building peace and security, meaningful change will remain elusive.

Patriarchal social structures, regional underdevelopment and the impact of conflict, present women in the Kurdish regions with a battle against discrimination on multiple fronts. Moreover, access to political representation and adequate legal remedies that might provide redress to gender discrimination, is often undermined by these very factors. Yet, these problems have been and continue to be ignored and misused for political agendas. In Turkey particularly, but also in Iran, the state authorities have periodically and strategically highlighted their plights of honour-based & domestic violence to demonstrate ‘the inferiority of Kurdish culture and make the argument to the

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international community that Kurds cannot live peacefully, especially if left to live amongst themselves. ...That they are a backwards culture...’

Misguidedly buying into this illogical argument—which ignores the history of violence in the region and the globally recognized links between post-traumatic stress and domestic violence—as well as the endemic practice of honour based violence across the entire Middle & near East, equally prevalent in Turkish, Persian and Arabic society, some in Kurdish political movements and living in society have often wilfully chosen to ignore the specific struggles of women in the name of ‘the greater political struggle for Kurds’, claiming that women’s rights will be addressed after the conflict is resolved. Some, especially women who have had central roles in the political and armed struggle, genuinely believe this will happen AFTER resolution, whilst others, are simply using this as a pretext to sanction ongoing violations of women. What is more, the international community, and particularly institutions of the Council of Europe have also bought into the argument and accepted ideas of cultural relativism and allowing government and non-governmental actors to get away with simply saying ‘it takes time.’

This is unfortunate, especially given that the global experience of armed conflict demonstrates this is not the case. The importance of the role of women in bringing about peace and simply in continuing day to day life during conflict must be recognized. Around the world it has been proven time and time again that the involvement of women in governance increases engagement with consultative processes leading to a strengthened democracy. This is particularly important in conflict and post-conflict situations for peace-building and the legitimacy of government. For example, the Forum of Rwandan Women Politicians spearheaded a programme of public consultations surrounding the August 2006 gender-based violence bill. This

bill is now a law and is the only piece of legislation that has been successfully introduced by members of parliament, rather than the executive, in Rwanda.

In post-apartheid government in South Africa, women have been instrumental in security sector reform, including the African Women's Peace Table Initiative which brings more than 100 women from across the defence services and civil society into an annual forum to discuss a common peace agenda. Women's inclusion in peace-keeping forces across Africa, including an all female UN peace keeping unit in Liberia, enhances stability and accountability of post-conflict reconstruction.

In the Kurdish regions, wherever they are, women are on the frontline of conflict. At once, particularly vulnerable, but also in a position of power, as the women in Rwanda, South Africa and indeed Northern Ireland know well. The strategic use of international mechanisms enables women to protect their rights enshrined in international law, and promote their role in conflict resolution and reconstruction, as recognised by the international community.

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 including enshrining equality between spouses in the 2001 Turkish Civil Code reform.

It is important however to note that while legal reforms have created new opportunities for women, violence against them or at least reported violence against them has increased. The promotion of women's role in achieving sustainable peace requires engagement across the international community. Although the enforcement of internationally agreed standards can appear particularly difficult regarding women's rights when human rights violations

against them are sanctioned by tradition, KHRP has learned over the last 16 years, it IS possible, especially with the support of the international community, including the OSCE.

As Rwandans & South Africans, as well as many others across the world learned, getting the language of international treaties protecting women's rights to become part of human rights discourse, legislation and case-law is both necessary and possible. Turkey has specific legal obligations as signatories of a number of international treaties protecting women's rights. In addition to its OSCE commitments in the Madrid, Istanbul, Moscow, and of course most notably, the Sofia document, there is the Convention on the Elimination of discrimination against Women (CEDAW) which ensures that women will enjoy and be able to exercise all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other sphere on the basis of equality with men. This means that there must be both *de jure* (as a matter of law) and *de facto* (as a matter of fact) equality rights for women, including the elimination of laws and practices which have a discriminatory effect although no discrimination was intended.

CEDAW's main legal provisions are supported by a number of other international treaties signed by Turkey including the International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social and Cultural Rights (ICESCR).

In addition Turkey has obligations to eliminate discrimination as a signatory of the European Convention on Human Rights, (Article 14) and in its implementation of the 'Copenhagen criteria' in order to proceed with accession negotiations with the European Union that were opened in 2002.

And of course there is UN Security Council Resolution 1325.

KHRP has used many tactics to ensure that women's rights are seen as integral to healthy, vibrant democratic society in the Kurdish regions.

A joint initiative between the Kurdish Human Rights Project and Kurdish Women's Project (KWP) saw the creation of the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora, following three years development in consultation with women across the region. The Charter was launched in the House of Lords and the Kurdistan National Assembly in Erbil, in 2004 and was followed in 2005 by a training manual on the enforcement of the Charter in order to promote grass roots implementation. Although the Charter is not legally binding, it provides Kurdish men & women with a comprehensive view of strategies to seek redress in the event of their human rights being violated, as the principles represent already existing international standards. There have also been numerous reports of judges in the Kurdistan Regional Governorate of Iraq citing the Charter in their judgements.

Further KHRP has published easy to use manuals in several languages on how to take complaints to the European Court and to the UN. It is currently working on one that includes individual complaints procedures for the OSCE, ILO and European Parliament.

Also, our groundbreaking case at the European Court *Aydin vs Turkey* classified rape 'by or with' the acquiescence of state agents as 'torture' in the Council of Europe. This, combined with a number of KHRP trial observations that reported consistently on systematic state violence against women, saw the

new Turkish Penal Code in 2001 bring significant changes to the definition of rape.

KHRP has also found that one of the most effective ways to promote women's rights in the region is through its gender mainstreaming tactics. Looking at gender-specific barriers in all of our training programmes allows women's rights to become a natural part of human rights discourse. Advocates who may passively defend women's rights become armed with knowledge about women's rights tools and this enables them to make stronger domestic cases that involve discrimination or violence against a person because of gender. As was the case in Rwanda, women in the Kurdish regions find that it is much easier to get men involved and interested, when the dialogue is about rights that protect the community and when they do not feel vulnerable to accusations of abuse. Using the case of domestic violence, and demonstrating how it negatively impacts on the community, especially using examples of how this hurts the family/ community network between mothers and sons or fathers and daughters, men, who often feel like 'enemy' when women's rights are discussed, start to take on board the importance of supporting women. **Let me be clear, this is not to the exclusion of naming and shaming abuse and abusers where appropriate.** All tactics should be used and applied strategically. Gender mainstreaming is just one way that we have learned how to effectively reduce inequalities affecting the most disadvantaged women and men, girls and boys in their access to resources, participation in decision-making processes and exercising of rights.

We have also learned that supporting intergovernmental missions to regions where government information alone cannot be relied upon to paint the whole picture of what is happening to the women in its country. KHRP has made annual submissions to the OSCE HDIM, provided concrete evidence of abuse

and case studies to intergovernmental missions to the Kurdish regions, and of course, disseminated its independent reports written by lawyers from across Europe who are held in high esteem by the legal community for their accuracy and fairness in reporting. The KHRP would like to see the OSCE become more active in Turkey and support everyone living in the Kurdish regions of Turkey, as well as the Kurdish communities in Armenia and Azerbaijan in realising their fundamental rights.

In sum, KHRP believes that although there are many fronts where support is needed, it is actually not all that complicated. The tools are there. The skills & experience are there. Women in the Kurdish regions now need to be given a place at the table, in every sense and in every sphere. This will only be achieved through international support of public awareness campaigns and consistent monitoring and enforcement that leads to a zero-tolerance policy for discrimination against them whether it is in the home or at the OSCE itself.