

TURKEY'S FAILURE TO IMPLEMENT ITS
RESPONSIBILITIES TOWARDS HEADSCARVED
WOMEN



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EXECUTIVE SUMMARY

The Islamic Human Rights Commission (IHRC) examines the plight of Turkish women due to the ongoing headscarf ban. Despite the fact that Turkey has participated in numerous international conferences and ratified almost every international agreement related to the rights of women, and has committed itself to improve the rights of women in the country, there are still significant numbers of Turkish women who have been severely discriminated against.

In addition, Turkey failed to implement the request of CEDAW (the 32nd Session) which expressed concerns regarding the impact of the headscarf ban on the education of girls and women in Turkey and requested the government “to monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban.”

The IHRC’s **overall recommendation** is the implementation of CEDAW’s request to the Turkish government “to monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban.” and take every necessary measure towards the immediate abolishment of the ban.

Guarantee of Basic Human Rights and Fundamental Freedoms: Article 3

The IHRC notes that by the current ban on the headscarf, Turkey is failing to guarantee basic human rights and fundamental freedoms that are stated within ICCPR article 18 and the Declaration of Beijing article 12. They have also failed to comply with CEDAW’s 32nd Session request to the Turkish government.

Recommendations:

(a) The IHRC urges the Turkish government to comply with the Declaration of Beijing article 12, (b) ICCPR Article 18, and (c) remove all the restrictions against women especially restrictions on the right to practice their religion.

Political and Public Life: Article 7

The IHRC notes that there are serious obstacles for women in Turkey who wish to partake in political and public life. Therefore the IHRC has come to the conclusion that the attitude of local and national political authorities and parties speaking against headscarved women in Turkey, is explicit and extremely worrying.

Recommendations:

The IHRC expects the Turkish government and the political parties to (a) fully comply with the relevant article of the Beijing Platform for Action in order to remove all the

barriers against women in political and public life, (b) develop more inclusive and accommodating policies towards women in general and practicing Muslim women specifically, (c) it should be a government responsibility to establish an independent body that supervises and monitors this process and (d) there should be deterrents for those who exclude or restrict the access of headscarved women to political and public life.

Education: Article 10

The IHRC has noted that there is strenuous discrimination against practising Muslim women in Turkey in the field of education. Arbitrary interpretations of secularism have left a great portion of women deprived of their basic right to education in high schools as well as higher education since 1997. University students with headscarves were denied entrance into campuses and mistreated and occasionally were assaulted by police and soldiers.

Recommendations:

(a) The Turkish government immediately halt its discriminatory policies towards headscarved girls and women in the schools as well as those in higher education, (b) in compliance with the CEDAW request “monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban”, (c) take all the necessary measures to include headscarved women within the education system i.e. giving them the opportunity to be able to continue their studies (d) establish an independent body to assess the extent of the material and psychological damage that have been incurred upon headscarved students and compensate those damages, (e) ensure that all the legislation regarding education in Turkey address the recommendations concerning education contained in the CEDAW Committee Concluding Observations of 1997.

Employment: Article 11

The IHRC notes that between 1998-2000 around 3500 women were dismissed from their civil service positions and thousands of them had to resign. Since 2000, women have not been allowed to enter a central examination process for recruiting civil servants, so there is no way they can get employment within the government.

Recommendations:

The IHRC expects the Turkish government to (a) enact and enforce laws to remove any kind of discrimination against headscarved women in the workplace, (b) stop preventing headscarved women from obtaining jobs and return the jobs of those who have been dismissed or forced to resign from their jobs due to their headscarves, (c) compensate emotional and material losses of women who have been dismissed or forced to resign from their jobs.

Health: Article 12

Turkey has a notorious record of bad treatment against headscarved women in the health system. The IHRC has noted that due to this policy, people were denied their basic right

to receive adequate health care and there have been a number of shocking incidents that have reportedly led to deaths.

Recommendations:

The IHRC expects the Turkish government to take every necessary measure to provide (a) indiscriminate health service to headscarved or religiously dressed women at the highest level (b) through deterrent legislation, prevent any sort of discrimination, (c) educate the medical staff about providing health services without any discrimination especially religious discrimination (d) launch urgent investigations regarding the deaths of Medine Bircan and the 4 month old baby (mentioned below) and (e) ensure that appropriate disciplinary codes are implemented across public and private health care sectors.

Economic and Social Life: Article 13

The IHRC notes that the headscarf ban has expanded to almost all sectors of economic and social life with many women prevented from enjoying their rights in these sectors.

Recommendations:

The IHRC recommends (a) the immediate abolishment of the ban in every sector of economic and social life, (b), the government take legal measures against those who have discriminated women in these sectors.

INTRODUCTION

In order to grasp the headscarf issue firmly, it is crucial to examine the issue from a historical and legal background. It is also important to mention the debates that have been centred around the legitimacy of the headscarf in modern multicultural democratic states. This report was written to be presented to the committee for CEDAW (Convention on the Elimination of all Forms of Discrimination against Women).

This report will firstly examine the historical and legal background of the ban starting from the establishment of 'modern' day Turkey.

In the second chapter the report will delve into the debate surrounding the headscarf issue. The arguments that are directed against the headscarf in Turkey as well as in Europe will be addressed with the help of some facts and figures related to the issue.

In the final chapter the report will discuss the present situation of the headscarf ban, the scope of the ban and the implication of the ban in terms of Turkey's commitment to international covenants ICCPR and CEDAW. In addition, the Beijing Platform for Action will be used to compare discrepancies between the commitment and practices of Turkey. The articles in this report refer to articles of CEDAW.

A. HISTORICAL BACKGROUND OF THE HEADSCARF ISSUE IN TURKEY

The modern Turkish state was established in 1923 after the collapse of the Ottoman Empire. In order to establish a new political identity the founders of modern day Turkey adopted Western political and social values. This was "a total project, embracing and internalizing all the cultural dimensions that made Europe modern" (Keyder, 1987, p. 37). Concepts of liberalism and individualism associated with Western culture were thought to be impossible to reconcile with the religious norms and laws, thus, they were perceived to be a threat to the new modernisation process. (Arat: 1998). Hence, the founders of modern day Turkey launched a great campaign to transform the Republic into a secular society. A Western political and legal system which was merged from French and Swiss systems replaced the semi-Monarchical political and Islamic legal systems. During this process of transformation the governing elites of the Republic who kept Turkey under a single-party regime until 1945 (Heper, 1985) resorted to authoritarian measures to implement the reforms (Tuncay, 1981). However, the 'modern' Turkish state showed inconsistencies in terms of its interpretation of secularism and its core principle of neutrality. In this regard the Special Rapporteur of UNHRC questioned the inconsistencies of the implementation of secularism in his report submitted to UNHRC in 2000:

“This interpretation, basing secularism on the principle of neutrality, would seem however to be contradicted by certain constitutional and legislative provisions that empower the State, through the Department of Religious Affairs, to structure Muslim religious affairs and to wield excessive powers of religious management such that religious practice appears to be regimented by the government and Islam is treated as if it were a “State affair”” (p. 23)

It should be noted that, one of the goals of the leaders of the State was to improve the rights of Turkish women and, in this regard, there were significant improvements. In 1926, the new civic code granted equal rights to women and this led to the right to vote for Turkish women in 1934.

The first encounter with the dress issue took place in 1925. The official founder of 'modern' Turkey Mustafa Kemal Atatürk introduced a decree in order to regulate a dress code for the citizens of the state. However, the National Assembly rejected the decree on the grounds that it contradicted the constitution. Thereupon, the National Assembly enacted a statute which made it mandatory for every Turkish man to wear a hat. Within the same year the National Assembly enacted another statute by which only clergymen were allowed to wear religious clothing thus all types of religious clothing were banned from the common people. This statute was later amended in 1934 with the clergymen's right to wear religious clothing restricted only within religious places. However, none of these statutes imposed any restriction on the headscarf and the Turkish constitution has never contained an article that opposed the headscarf (Alperen, 1998). As a matter of fact Atatürk himself did not consider the headscarf as a problem or threat to the system. He stated that “The religious covering of women will not cause difficulty... This simple style [of headcovering] is not in conflict with the morals and manners of our society.” (Atatürkism, 1982).

Therefore, until 1980 Turkish women had not faced any difficulty in terms of wearing the headscarf. However, in 1980 a military coup d'état took place which suspended all the activities of the democratic system and institutions. The military replaced the civil constitution with a military constitution in 1982. This new constitution brought severe restrictions on civil and political liberties by the introduction of new political parties, elections, the press, trade unions, collective bargaining and lockouts, professional organisations, and higher education laws (Ahmad, 1985). However, the military junta had paid particular attention to the universities, considering it to be a source of opposition to their domination of the country. Thus prior to the new constitution the Junta enacted a law in 1981 in order to regulate higher education in Turkey. A Higher Education Council (HEC) was established to control universities and campuses at the national level. Members of this council were appointed by the president and the military¹. The HEC was given total control over Higher Education and the academic system. The aim of the council was to create students who are "loyal to Atatürkist nationalism and Atatürk's reform and principles."

Immediately after the establishment of the Council, hundreds of academic staff and thousands of university students were expelled from the universities. The HEC was also granted legal immunity for its decision. According to the Human Rights Watch Turkey (HRW) Report in 2004:

"The HEC exercises central control over the university system and violates international human rights law and standards on academic freedom. It restricts the liberty of professors to write, teach, and take an active role within society, and limits the autonomy of universities in their suffering, teaching, and research policies and practice." (p.2)

The HEC council targeted all different groups that were considered to step out of line, regardless of their world view, and enforced harsh penalties on those who refused to comply with its official ideology. The penalties measured from disciplinary actions to curtailment of academic career, expulsion and even closing of a university for contradicting with the ideas of the HEC (HRW, 2004).

The first implementation of the draconian policies that the HEC had embarked upon took place in 1984 when Dr. Koru was an assistant Professor of Chemical Engineering at Aegean University in Izmir. She was lecturing at the university while wearing her headscarf. When a national newspaper picked up the story and published Dr. Koru's photo with headscarf, the rector of the university ignored the statement of the Ministry of Higher Education which allowed the "modern turban"² and censured Dr. Koru from the university. In return Dr. Koru chose to protest the decision of the university and thus a legal battle began between the two parties. During the growing dispute some jurists maintained that according to the constitution there was no existing restriction on the headscarf. Eventually the court found the decision of the university to be right and the case was closed (Olson, 1985).

¹ One of the members of the council was to be appointed by the Turkish military, however, in 2004 due to the changes in the constitution this member was removed from the council.

² A type of headscarf mostly worn by Turkish women.

After this incident some other isolated incidents took place, however, due to a more tolerant and popular approach of the new elected Motherland Party³, the headscarf was allowed in different sectors of the society. The headscarf became very visible in schools, universities, government buildings and other public spheres. The tolerant approach of the Motherland Party was followed by consequent governments and the headscarf issue had not been a problem for more than a decade. However, in 1997 the army felt that the democratic system of Turkey was under “threat” and initiated a “post-modern coup” that removed the democratically elected coalition government (Lombardi, 1997). Immediately after the military coup, the Generals delivered an ultimatum that “the HEC forbids any women who wear the closefitting headscarf from studying or teaching in higher education.” (HRW report, 2004: p.3). Furthermore, the military warned the government about women staff who wore headscarves and even some male officials whose wives wore the headscarf were asked to remove their headscarves. After this ultimatum a modern day witch-hunt began against practising Muslim women in Turkey. Heavy restrictions were imposed upon students in high schools, universities, government staff, including elected MPs who wore the headscarf. The headscarf ban that was imposed due to an undemocratic process, forced many women to make a choice between their religious beliefs and their right to education or right to work.

It is very difficult to document the number of victims who have been suffering from the headscarf ban. A report published by Organization for Women’s Right Against Discrimination (AKDER) (2005) states that “the ban on headscarf on different times in different forms, hence it is very difficult to asses the scope of the ban as well as to find out the number of women who are discriminated[sic]”. There is no official record or any other source that documents the effects of the ban. Legal cases would have been a good source of information, however, a recent study (Hazar Report; 2007) indicated that 76.2 percent of the participants who are affected by the ban did not take legal action. The majority of them thought that it was pointless to take legal action since they did not believe that the Turkish courts could deliver justice. In addition, the court expenses were another discouraging factor.

However, despite the hardships that have made it very difficult to document the number of women who have been affected by the headscarf ban, it is still possible to make a close estimation. The HRW Report published in 2004 estimates that 72 percent of Turkish women wear the headscarf. Using the figure at hand, a rough calculation would give an estimation of 17 million⁴ Turkish women who are potentially affected by the headscarf ban.

It should be noted that there has not been any law in the Turkish constitution that has banned females from wearing the headscarf, there has only been a series of regulations. (Alperen, 1998, *Guardian* 7 Sept. 2001). However, in February 2008 the government amended articles 10 and 42 of the constitution and removed the effect of those regulations, thus, explicitly allowing headscarved females to pursue higher education without any disruption. However, since then, the main opposition party has taken the matter to the Constitutional Court on the grounds that the amendments are contradicting

³ *Anavatan Partisi*, abbreviated as ANAVATAN is a political party in Turkey. It was founded in 1983 by Turgut Ozal. The ANAVATAN is considered a centre-right party which supported restrictions on the role that government plays in the economy, supported privatisation of capital and enterprise, and allowed moderate public expressions of religion.

⁴ AKDER estimates 62 percent of Turkish women wear the headscarf, thus reduing the number to 11 million.

the principles of the Constitution and the Court struck down the amendment. Currently, the ban is being vigorously imposed at universities.

Furthermore, article 90 of the Turkish constitution obliges Turkey to fulfil international conventions that are ratified by the Turkish National Assembly.

B. HEADSCARF DEBATE

The initial debate about headscarf begins with the terminology. The Arabic word *hijab*, which is commonly used to denote the Islamic headscarf, is not the precise meaning of the headscarf. In fact *hijab* has a more negative connotation, meaning ‘curtain’ and ‘barrier’, and hence represents an oppressive image of Islam and Muslims that suggests seclusion of women from the public sphere. There is a more technical word, *kehimar*, which is cited in the Islamic sources including the Qur’an to describe the covering of the head. However, despite the confusion about the terminology there is no disagreement regarding the religious justification of the headscarf.

The Muslim scholars in different schools of thought unanimously agree upon the headscarf being a religious obligation, decreed by the Qur’an⁵ and the Traditions of the Prophet.

However, despite its religious justification and significance for the Muslims, there have been many arguments against the headscarf in parts of Europe and Turkey. The recent *Sabin* and *Begum* cases demonstrate that the headscarf issue in Turkey is very much related to Europe, especially in the context of the ECtHR. In this regard, despite the fact that the overwhelming majority of Turkey is Muslim, there is not much difference between the Turkish and European headscarf debate. In fact, if we take into consideration the scope of the headscarf ban, Turkey has taken harsher measures and extended the ban to schools, universities, hospitals and courts etc.

The chief argument against the headscarf is that it is an instrument of oppression and inequality against women; often assuming that Muslim women wear the headscarf just because their male religious leaders force them to do so. Thus, it is perceived to be a key symbol to patriarchal society’s discrimination of women. It is for this reason people such as French philosopher Bernard-Henry Levy maintained that ‘the fight against the veil is for the liberty of women and therefore for human rights’ (McGoldrick: 2006). They relate the headscarf ban to the liberation of women and strongly press for it. Furthermore, they consider veiled women to be either “exotic” or “fundamentalists” and wearing the headscarf as unreasonable behaviour. Therefore, they are assuming that those who wear the headscarf are uneducated and backward people. This perception was consistent with the Western colonial images of the “Orient” that considered Muslims as primitive and uncivilized people and, consequently, removal of the veil being equal to modernity and civilisation (McGoldrick: 2006).

However, being representative of a particular mindset this argument completely ignores the reality that the headscarf is a well established religious decree and many Muslim women who wear it are very well educated and professional people including MPs, lawyers, doctors, lecturers etc. In fact, the issue arises from the will of Muslim women who wish to practice their religion at the same time to continue to study or work, thus willing to be involved within society. These are not the type of women that would fit the stereotype of those who are waiting to be emancipated. Especially in the context of Turkey, a woman like Merve Kavakci a Harvard graduate, practicing Muslim who had been elected to parliament, was struggling to enter the National Assembly before she was thrown out for her headscarf. She had become a symbol for Muslim women in Turkey

⁵ Verses 33:53, 33:59 and 24:31.

who did not wish to stay at home but wanted to actively engage in society and show that Muslim women are capable of achieving things.

With this in mind, it can be argued that imposing a headscarf ban upon Muslim women backfires and has the complete opposite effect. Most of the Muslim women who are forced to choose between their religion and freedom opt for the former, thus in patriarchal eastern family structures they have been imprisoned within homes and deprived from their rights of education and work that would allow them to be more independent and liberated. Furthermore, their financial abilities are taken away from them by not allowing them to work hence leaving them to rely on their fathers, brothers, and husbands for support.

In this regard, a group of academics on behalf of the Hazar Education Culture and Solidarity Organization⁶ conducted a study to find out the impact of the headscarf ban on Turkish women⁷. According to the findings of the report, in contrast to general acceptance, 62 percent of the participants decided to wear the headscarf because they chose to do so and the rest mentioned different reasons (Hazar, 2007). In fact, the same research reveals that 34 percent of the participants were pressurised by their families and relatives to remove their headscarves so that they would not have been affected by the ban. However, there is no indication in this report or any other academic research to date that would prove the headscarf is an instrument of oppression and inequality against women and that they wear the headscarf just because their male religious leaders force them to do so.

Another striking impact of the headscarf ban is that the ban diminishes the rights of women in Turkey through the opportunistic approach of some private institutions. For example, some private hospitals are well aware of the fact that those professional Muslim women who wear the headscarf are not allowed to work, thus they take advantage of them by forcing them to work on long night shifts for little salary⁸. B. A. was a medical student when the ban was imposed in Turkey, she then moved to Vienna in order to complete her studies. Many other students went to Vienna for the same reason. When the Higher Education Council found out about the situation they abolished the equivalent of the university in Turkey. Therefore, she was obliged to move to the UK in order to complete the final stages of her studies and now she has become a doctor. However, she cannot legally work in Turkey and is offered underpaid jobs by private hospitals. She mentioned that there are many female doctors and nurses who are taken advantage of because of their headscarf and are underpaid and forced to work under very difficult conditions. She also stressed that it has become a widespread practice for highly educated practising female doctors and nurses to be exploited by the private sector.

In this light, the Hazar report indicated that 17.8 percent of the participants stated that they were forced to work at lower positions so as not to be visible. 17.1 percent of participants stated that they had to work in some other profession other than what they are qualified in and 12.7 percent of the participants stated that they were underpaid because of their headscarf.

⁶ Hazar Egitim Kultur ve Dayanisma Dernegi

⁷ 1112 participants from different age groups were involved in the research.

⁸ Interview with F. B. and B. A. in December 2006

Another important argument against the headscarf is that it has somehow been linked to the increase in “Islamic fundamentalism”. According to this view, young Muslim females are used by their families or relatives to assert a more fundamentalist form of Islam. This view also maintains that the headscarf has some political implications and those who wear it have a political agenda to assert their fundamentalist beliefs on society and hence consider the headscarf to be the banner of fundamentalism (McGoldrick: 2006). In the context of Turkey, the headscarf is considered to be a symbol of Islamic fundamentalism that threatens secular Turkish democracy.

Having said that, the link between the headscarf and fundamentalism has yet to be established. There is no concrete evidence that directly links the headscarf to Islamic fundamentalism nor do those who wear the headscarf reflect any particular political ideology. So far all the arguments are based on assumption, allegations and fears. In this context, the argument of Judge Tulkens, who was the only dissenting judge at the Grand Chamber for the Sahin case, is very important and raises serious doubts about the validity of the argument. She stated:

“Accepting that the principle of *secularism* necessary for the protection of the democratic system in Turkey was not sufficient as religious freedom was also a founding principle of democratic societies. It still had to be established that the ban on wearing the Islamic headscarf was necessary to secure compliance with that principle and, therefore, met a ‘pressing social need’. Only indisputable facts and reasons whose legitimacy was beyond doubt –not mere worries or fears- were capable of satisfying that requirement and justifying interference with a right guaranteed by the Convention. Mere affirmations did not suffice: they must be supported by concrete examples. Such examples had not been produced.”

Furthermore, according to Hazar’s report (2007), 96.7 percent of the participants maintained that they wear the headscarf because it is a religious precept and there is no other motivation. Only 0.1 percent agreed that the headscarf reflected their political identity. Furthermore, 95.9 percent of the participants believe that the headscarf should not be used as an instrument for political ambitions. According to another report published by Turkish Economic and Social Studies Forum (TESSF) in 2007, the percentage of women who wear the headscarf as part of their religious conviction is 78.8 percent. Only 0.4 percent of participants considered the headscarf as a political identity.

The third argument against the headscarf is about the proselytizing effect of the headscarf. According to this view, the headscarf is seen as being a “powerful external symbol” that might be imposing a particular religious precept upon other women and this might lead to tension within the society. Female pupils who wear the headscarf in schools, or students who wear the headscarf in universities or women who wear the headscarf in public places pressurise believers of other religious groups or atheists, thus the headscarf contradicts with the tolerance that is expected from democratic societies. However, again there is no tangible evidence that indicates that headscarved women have a proselytizing effect on others. Besides, in today’s liberal plural societies it is unavoidable that people show different forms of symbols, including their religious symbols. If the government is of the opinion that this might lead to tension in society, it should not give

up on pluralism but ensure the competing sides have an understanding of others' beliefs and values.

C. THE SCOPE OF THE HEADSCARF BAN AND DISCRIMINATION OF WOMEN

Guarantee of Basic Human Rights and Fundamental Freedoms: Article 3

In recent years, the Turkish government has committed itself to improve the rights of women in the country. It has participated in numerous international conferences and ratified almost every international agreement that is related to the rights of women. In this regard, Turkey attended the 4th World Women's Conference held in Beijing in September 1995 and fully pledged itself to the Beijing Platform for Action (one of the outcomes of this pledge was to remove the reservations in the Charter for the Elimination of Discrimination Against Women (CEDAW)). Therefore, Turkey is expected to fulfil its pledges to the Beijing Platform for Action. In this regard the Declaration of Beijing article 12 states that:

“The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations.”

In addition, Turkey has ratified the International Covenant on Civil and Political Rights (ICCPR). Article 18 (1) of the ICCPR states that:

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

The ICCPR article 18(3) states that this right may be limited where it is “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” However, the HRW report (2004) states that “General Comment number 22 of the United Nations Human Rights Committee, adopted on July 20, 1993, issued to clarify the meaning of article 18, explicitly includes that wearing of distinctive religious headgear as a protected form of religious practice. The Committee states that, “The observance and practice of religion or belief may include not only ceremonial acts but also such customs as... the wearing of distinctive clothing or headcoverings.” With regard to paragraph (3) of article 18, the General Comment reads, “Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.” The same principles are reflected in article 26 of the ICCPR, which prohibits discriminatory laws and has been interpreted to apply to “any field regulated and protected by public authorities.”

Recommendations:

The IHRC urges the Turkish government to (a) comply with the Declaration of Beijing article 12, (b) ICCPR, Article 18, (c) remove all restrictions against women especially restriction against the right to practice their religion.

Political and Public Life: Article 7

The IHRC notes that there are serious obstacles for women in Turkey who wish to partake in political and public life. Therefore the IHRC has come to the conclusion that the attitude of local and national political authorities and parties speaking against headscarved women in Turkey is explicit and extremely worrying. A great number of Turkish women are being alienated from political and public life, creating great imbalance and inequality in Turkish society and undermining the development of democracy. In this regard, the Beijing Declaration article 181 states that:

“The Universal Declaration of Human Rights states that everyone has the right to take part in the Government of his/her country. The empowerment and autonomy of women and the improvement of women's social, economic and political status is essential for the achievement of both transparent and accountable government and administration and sustainable development in all areas of life. The power relations that prevent women from leading fulfilling lives operate at many levels of society, from the most personal to the highly public. Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning...”

The following incidents have been noted by the IHRC as examples of the violation of CEDAW article 7.

In May 2007, journalist Fatma Akin was insulted by Saadet Balci, a City Council Member of Republican People's Party at the city of Kirsehir. Akin was following a meeting at the Council when Balci insulted her because of her headscarf.

In July 2007, local head of Republican People's Party of the Avcilar district complained to the District Election Committee that three observers of the ballot box wear headscarves. They were subsequently removed from their duties.

In November 2006, a group of women were asked to either leave the Malatya Community Centre or remove their headscarves.

In April 2006, Nuran Yiğit, went to Kadıköy Council in order to pay her environment and estate tax. However, she was not allowed to enter to the building because of her *'chador'* religious dress. Kadıköy Council denies the allegations but women dressed with *chador* are still not allowed to enter the council building.

Recommendations:

Beijing Platform for Action article 190 states that:

“By the governments:

a. Commit themselves to establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions;

b. Take measures, including, where appropriate, in electoral systems that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and at the same levels as men;

c. Protect and promote the equal rights of women and men to engage in political activities and to freedom of association, including membership in political parties and trade unions;

d. Review the differential impact of electoral systems on the political representation of women in elected bodies and consider, where appropriate, the adjustment or reform of those systems;

f. Support non-governmental organizations and research institutes that conduct studies on women's participation in and impact on decision-making and the decision-making environment;

191. By political parties:

a. Consider examining party structures and procedures to remove all barriers that directly or indirectly discriminate against the participation of women;”

Therefore, (a) the IHRC expects the Turkish government and the political parties to fully comply with the relevant article of the Beijing Platform for Action in order to remove all the barriers against women in political and public life, (b) develop more inclusive and accommodating policies towards women in general and practicing Muslim women in particular, (c) it should be a government responsibility to establish an independent body that supervises and monitors this process and (d) there should be a deterrent for those who exclude or restrict the access of headscarved women to political and public life.

Education: Article 10

The IHRC has noted that there is strenuous discrimination against practising Muslim women in Turkey in the field of education. Arbitrary interpretations of secularism have left a great portion of women deprived from their basic right to education in high schools as well as higher education since 1997. University students with headscarves were denied entrance into campuses and mistreated and occasionally were assaulted by police and soldiers. For instance in June, 1998 Nuray Bezirgan who was a second-year student at İstanbul University's Health Services Vocational College, was asked by her instructor to leave a final exam because she was wearing a headscarf. She refused to remove her headscarf. The instructor then called the police that were already deployed on campus as a safety measure against daily headscarf protests and journalists filming them. The police entered the classroom dragged her out. She was detained by the police and later charged with "obstructing education", eventually being expelled from school. She was released pending trial and when the trial ended in the June 2000, she was sentenced to six months in prison, a sentence later converted to a monetary fine. In her interview that appeared in Today's Zaman she stated that "many other people had similar experiences, but only a few of them spoke out."

In February 1999, Nuray was detained once again, during a demonstration of headscarved students at Marmara University. She was four-and-a-half-months pregnant with twin boys. "I was not even part of the demonstration. I was waiting for a friend there," she recalls. When she fainted in the detention cell and was taken to the hospital she was told by the doctors that she had lost one of the babies. She also remembers that male protesters were beaten by the police and humiliated by officers. At some point during her hospitalisation, an officer even tried to remove her from the hospital to take her to court despite doctors' objections (Today's Zaman: Sep 26, 2008.)

In addition those who wanted to wear wigs instead of the headscarf have also been denied entrance. In 1998, in Imam-Hatip High School (a vocational religious educational establishment) the girls who refused to remove their headscarf were taken to police cars while they were handcuffed and were taken away from the school. The approach of the Turkish government clearly contradicts Beijing Declaration article 69.

In addition, in the 32nd session CEDAW expressed concerns regarding the impact of the headscarf ban on the education of girls and women in Turkey and requested from the government "to monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban." There has not been any indication that Turkey has taken the initiative to fulfil the request of CEDAW.

IHRC has noted the following incidents as the breach of women's right to education in Turkey.

In one of the recent incidents, Tevhide Kutuk was forced to step down from the stage of her high school after a military commander and the governor of the province shouted that she must be removed from the stage due to her headscarf. During a program organized in Adana to commemorate Teachers' Day On 24th of November, 2007, 16-year-old Tevhide from Kozan's Imam Hatip School was forced to leave the stage in tears, while waiting to receive a prize. The student, wearing a headscarf, had been waiting to receive a prize for her composition, when the city's director of education, Mutlu

Canbolat, removed her from the stage. The video footage of the incident showed that Canbolat acted upon the orders of Garrison Commander Maj. Hüseyin Çopur and Kozan Governor Aydın Tetikoğlu.

Some officials are undergoing disciplinary procedure for letting Elif Büsra Dogan receive her prize in an official ceremony while she was wearing the headscarf. She was a high school student winning the Turkey Science and Maths Olympics in 2007.

In December 2007, high school student Emine Elif Azder's headscarf was removed forcefully while attending an official ceremony to receive her prize for a local composition competition in the city of Rize.

In October 2007, a group of female high school students were not allowed to attend a school trip on the occasion of teacher day in the city of Kocaeli. The local education institute barred them from attending the trip because of their headscarves.

Furthermore, the headscarf ban was imposed on distance learning students of Ahmet Yesevi University on February 2007. The students were not allowed to enter the liaison office in Ankara.

Şeyma Türkan was not permitted to register with Sütçü İmam University in September 2006, because of her wig.

Nagehan A. who is pursuing a distance learning degree in Islamic Studies sat for her exams in the city of Bartın. However, her exam paper was refused to be marked on October 2007, on the ground that she wore a wig to replace her headscarf.

In September 2007, a group of female students were not allowed to be registered to Çukurova Üniversitesi because of their headscarves.

On 7 September 2007, the Education ministry released a circulation that made it obligatory for distance learning students to sit their exams without the headscarf and female students in Gazi Üniversitesi were barred from entering the campus while wearing wigs which was thought to be replacing the headscarf.

In February 2008, a group of female students were not allowed to enter the campus due to their headscarves.

Furthermore, on 26 February 2008 in *Samsun Ondokuz Mayıs University*, the father of a female student was beaten up by the security guards due to his request that his daughter should be allowed to enter the university.

In 2007, a report published by Mazlum-Der (Organization of Human Rights and Solidarity for Oppressed People) regarding religious discrimination, stated that "there has been significant decrease in terms of religious freedom in Turkey. The headscarf ban that has already been imposed on women in education and work has currently reached an intolerable stage".

Recommendations:

According to Beijing Platform for Action article 80 a.

Advance the goal of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, language, religion, national origin, age or disability, or any other form of discrimination and, as appropriate, consider establishing procedures to address grievances;

Therefore, the IHRC expects the Turkish government to (a) immediately halt her discriminatory policies towards headscarved girls and women in schools as well as those in higher education, (b) in compliance with the CEDAW request “monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban”, (c) take all the necessary measures to include headscarved women within the education system i.e. giving them the opportunity to be able to continue their studies (d) establish an independent body to assess the extent of the material and psychological damage that has been incurred upon headscarved students and compensate those damages, (e) ensure that all legislation regarding education in Turkey, addresses the recommendations concerning education contained in the CEDAW Committee Concluding Observations of 1997.

Employment: Article 11

The Beijing Declaration article 150 states that:

“There are considerable differences in women's and men's access to and opportunities to exert power over economic structures in their societies. In most parts of the world, women are virtually absent from or are poorly represented in economic decision-making, including the formulation of financial, monetary, commercial and other economic policies, as well as tax systems and rules governing pay. Since it is often within the framework of such policies that individual men and women make their decisions, inter alia, on how to divide their time between remunerated and unremunerated work, the actual development of these economic structures and policies has a direct impact on women's and men's access to economic resources, their economic power and consequently the extent of equality between them at the individual and family levels as well as in society as a whole.”

In Turkey between 1998-2000, around 3500 women were dismissed from their civil service positions and thousands of them had to resign. Sühayle Yadigar who had been working for 18 years as a teacher with her headscarf was dismissed without being able to defend herself. Gülbahar Kaplan was dismissed from her job on the ground that she wore a wig (in replacement of her headscarf) and was accused of causing “public disorder”

Since 2000, women are not allowed to enter a central examination process for recruiting civil servants.

In June 2007, Aynur Goktas' application to set up a souvenir shop was turned down by the mayor of Kusadasi. The mayor's reason was that in the documents she had submitted for the application she had headscarved photos. In November 2007, the local health authority launched an investigation into a medical assistant who wore the headscarf on a particular occasion. In February 2008, Mayor of Edirne launched an investigation for Dr. Zeynep Mahmut, who was filmed wearing a headscarf while she was practising in her surgery.

Recommendations:

The IHRC expects the Turkish government to (a) enact and enforce laws to remove any kind of discrimination against headscarved women in the workplace, (b) stop preventing headscarved women from obtaining jobs and return the jobs of those who have been dismissed or forced to resign from their jobs due to their headscarves, (c) compensate emotional and material losses for women who have been dismissed or forced to resign from their jobs.

Health: Article 12

Turkey has a notorious record of bad treatment against headscarved women in the health system. The IHRC has noted that due to this policy, there have been a number of shocking incidents that have reportedly caused the deaths of some people. The following incidents have come to the attention of the IHRC so far.

In 2006, an investigation was launched against Dr Aysu Say, Head of the Pediatrics Department in Zeynep Kamil Hospital, who refused to treat a 5-year-old boy because his mother wore the *niqab* (veil). There was another incident in which Dr Say did not admit a 4-month-old baby into the hospital and allegedly caused her death in March 2006, because her mother wore the headscarf. She was only given a warning for her actions.

Another blatant implementation of the ban took place when Medine Bircan, a senior Turkish citizen, was denied cancer treatment at Istanbul Capa Medicine Faculty in 2002. The faculty denied the treatment due to her head-covered photo on another ID card. As of yet, there has not been an official investigation launched into the death of Medine Bircan and those responsible have yet to be made accountable.

In December 2007, the mother of 22 month old baby Z.K. was forced to leave her baby alone while he was anaesthetised to undergo an operation and afterwards at Cerrahpaşa Medical Faculty. The doctors said that she was not allowed to see her baby because she wore the headscarf. Her suggestion that she cover her head with surgical scrubs thus making her headscarf invisible was turned down by the doctors.

In March 2008, patients S.A. and S.K. were insulted by Prof. Dr. Ahmet Erdoğan, a senior neurologist, in Ankara İbni Sina Hospital because of their headscarves.

In December 2008, Saziye Gerede responded to a blood transfusion appeal by Hacettepe Hospital in Ankara. When she arrived at the hospital, duty nurse Zubeyde insulted her headscarf, saying that “this place is not a mosque, don’t come here like this” and she refused to draw her blood for the appeal.

In October 2009 a general Practitioner in Eskişehir Province refused examining an old woman, because the patient was wearing headscarf. According to the claims of the patient, she went to the hospital for her stomach ache and instead of being examined she had faced questions of Gulsen Y., MD, like ‘Why you are covered?’. She replied that it was her daily ordinary clothing, and then the doctor asked her identity card. Despite of her illness, Fatma Grand mom had to go home for bringing her identity card. She gave her identity card, and this time the doctor said that the photos in health insurance card and identity card was not similar and again did not examined the ill woman. Local health authority started an investigation about the issue.

The aforementioned incidents clearly contradict the Beijing Declaration article 89. According to the article, “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...” Depriving women from such a crucial right inflicts incurable harms on women and their babies as seen above.

Recommendations:

Beijing Platform for Action article 106, b. requests that the government

“Reaffirm the right to the enjoyment of the highest attainable standards of physical and mental health, protect and promote the attainment of this right for women and girls and incorporate it in national legislation, for example; review existing legislation, including health legislation, as well as policies, where necessary, to reflect a commitment to women's health and to ensure that they meet the changing roles and responsibilities of women wherever they reside;

Therefore, the IHRC expects the Turkish government to take every necessary measure to provide (a) indiscriminate health service to headscarved or religiously dressed women at the highest level (b) through deterrent legislation, prevent any sort of discrimination , (c) educate the medical staff about providing health services without any discrimination especially religious discrimination (d) launch urgent investigations regarding the deaths of Medine Bircan and the above mentioned 4 month old baby (e) ensure that appropriate disciplinary codes are implemented across public and private healthcare sectors.

Economic and Social Life: Article 13

In December 2007, Gulsum Horan, a member of the Consumers Rights Committee for Disabled People, was denied access to a stall that she had been assigned to at the

Congress of Consumers Union held in Harbiye Museum, Istanbul. Officials warned her that the way she covered her head was not appropriate and that it should be tied from under the chin. Having done what they had asked, the officials of the Consumers Union still took grievance against her by making an official record of the incident which might be used for future investigations.

In November 2007, in Kadirli district of Osmaniye, at the ceremony of commemorating Ataturk, two members of a widowed women's solidarity organization (*Bir Adam Daha İleri*) were prevented by officials from placing a wreath onto the statuary of Ataturk because of their headscarves.

In April 2007, a group of students were not allowed to enter a public symposium organised by the Turkish Education Association and the Education Ministry at Dedeman Hotel, Istanbul.

In July 2007, the mother and two sisters (Aynur and Necla) of Private Enver Aydemir, who serves at the Gendarmerie Command Headquarters in the city of Bilecik, were not allowed to pay him a visit, because of their headscarves.

In March 2008, Hatice Unsal joined her autistic son for a school trip to a medicine factory. However, the factory did not let the mother into the factory because of her headscarf.

In March 2008, mother (Kiyafet Tümer) and sister (Özlem Erbir) of Private Mutlu Tumer were not allowed to visit him because of their headscarves. He was serving in Mamak Cigiltepe Military Residence.

In December 2008, a group of parents were not allowed to enter Dokuz Eylül University Campus. They wanted to accompany their primary school student children who were at the campus to take an exam for a private school.

Neşe Gündoğar, was not allowed to take a driving exam in February 2007 because she wore the headscarf.

In February 2008, Pepsi launched a promotion campaign to ask its customers to send their photographs to the company so they could select the best photograph to be the winner. However, they specifically asked from participants not to send photos with headscarves otherwise they would be disqualified.

Recommendations:

The IHRC recommends (a) the immediate abolishment of the ban in every sector of economic and social life, (b), the government takes legal measures against those who have discriminated against women in these sectors.

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