

**Submission to the Committee on the Elimination
of All Forms of Discrimination Against Women**

Pre-Sessional Working Group 81

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List of Issues of Turkey



**International Association for Human Rights Advocacy
Geneva (IAHRAG)**

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I. The International Association for Human Rights Advocacy in Geneva

1. The International Association for Human Rights in Geneva (IAHRAG) thanks the Committee on the Elimination of All Forms of Discrimination against Women (Committee) for its engagement with civil society and for providing this opportunity to be associated in the process of adoption of the list of issues prior in relation to the 8th periodic report of Turkey.

2. IAHRAG has been created in 2017; its purpose is to assist, support, guide and sustain victims of human rights violations. One of the main concerns of its interest is the violation of human rights in Turkey. It particularly provides support and guidance to supporters, men and women, of the “Hizmet Movement” (HM, also known as the Gülen Movement) that are victims of a relentless witch-hunt and persecution, particularly since the coup attempt of 15 July 2016.

II. Women's situation in the Hizmet Movement and in Turkey

a) The Hizmet Movement

3. The “Hizmet Movement” (HM) is a transnational faith-based civil society group of men and women, essentially Sunni Muslims (hereafter supporters), in Turkey but also elsewhere, that intend to follow the inspirational teachings and writings of Fethullah Gülen, an intellectual self-exiled in the USA Pennsylvania since 1999. The movement is known for its attachment to values of services, philanthropy, and education, and many of its supporters are educators or teachers running schools open to all students, regardless of religious beliefs or origins. Within a few decades, people inspired by Mr. Gülen had built schools in 140 different countries; schools that often served the poor and underprivileged. HM volunteers have established professional and intellectual associations as well as educational, dialogue, media, health and humanitarian organizations.

b) Women and the Hizmet Movement

4. It is no secret that patriarchy has been the dominant model in most traditional social systems, everywhere. Although Islam and its foundational principles originally established a more equalitarian society in which women's roles, contributions and rights were quite important, patriarchal and misogynistic practices are unfortunately the norm in most Islamic societies today. Turkish society does not escape to this rule as mentioned by the Committee in paragraph 28 of its 2016 Concluding observations (Cobs).

5. Fethullah Gülen, founder of the HM, has always been supportive of women's equal position in all societies. He constantly reiterated in his statements that at the time of the Prophet, women were as active in social life as men. The HM took those statements from theory to practice: women in the HM assume important positions in the movement, various leadership stances and roles as spokespersons of NGOs, chief editor of newspapers, professors and teachers in schools and universities run by the movement. Women in the movement are extremely active: their role is neither limited nor confined to stay at home.

6. The HM is also a strong advocate of women's education. Turkey, as many countries, had a ban on Islamic headscarf, notably in Universities¹. The HM made it clear that education is a priority for women and girls and that while the headscarf is

¹ The Human Rights Committee, in the « Wig case », found that Turkey violated article 18, 26 and 3 for not letting a student, wearing a wig in substitution of a headscarf, enrolling at university, CCPR/C/123/D72274/2013.

an important part of the Islamic faith, women should not hesitate to remove it should it allow them to attend university. Recep Tayyip Erdoğan has a long history of hate speech² against the HM and Fethullah Gülen himself and such a statement caused much of his anger. In 2014, while Prime Minister, he publicly stated:

*“You don’t have to cover your head,’ they said; ‘Remove your headscarf to attend university,’ they said. So he is a preacher; you’re kidding; he is nothing close to a preacher.”*³

c) Women in Turkey

7. The recent withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, on 20 March 2021, not only is unconstitutional, as it came on the form of a Presidential Decision⁴ without any form of parliamentary consultation⁵; it also says a lot on the current backlash women’s rights face in Turkey. It is actually the first Turkish withdrawal from a human rights treaty: this is raising serious concerns as to the Turkish commitment to human rights treaties and it might not be an isolated phenomenon. The withdrawal, result of an attested authoritarian and populist trend of the Government, also shows that pleasing anti-gender, misogynistic conservative voices, for domestic political purposes, is actually more important for the Government than the respect of women’s rights.

8. This all the more worrisome when women’s rights situation is facing serious backlashes: since the AKP⁶ is running the country, the rate of femicide has been constantly increasing. Since 2010, more than 3.000 women could have been murdered by husband or partner⁷. Femicide, as the most serious attack against women’s rights, is always a strong indicator of the women’s rights situation in any country.

d) Women arbitrarily accused of terrorism face even stronger discrimination in Turkey

9. Although the women rights’ situation is globally worrisome in Turkey, women belonging to minority groups such as the Kurdish women or the women of the HM face even more systematic discrimination and rights’ violations. The Committee

² See Erdogan’s Vile Campaign Of Hate Speech Case Study: Targeting Of The Gülen Movement, https://stockholmcf.org/wp-content/uploads/2017/06/Erdogans-Vile-Campaign-Of-Hate-Speech-Case-Study-Targeting-Of-The-Gulen-Movement_2017.pdf

³ *Ibid.*

⁴ Official Gazette, 20 March 2021, Presidential Decision 3718.

⁵ Article 90 of the Turkish Constitution states that the Parliament must ratify human rights treaties by legislation.

⁶ Justice and Development Party, run by Recep Tayyip Erdoğan himself.

⁷ See We will stop femicide platform: <http://www.kadincinayetlerinidurduracagiz.net/for-english>

expressed its concerns about Kurdish women in its previous 2016 Cobs. The parallel between Kurdish women and women in the HM is quite relevant. In paragraph 22 of its 8th Periodic Report submitted to the Committee, Turkey mentions that “it is fighting against brutal terrorist organizations, namely FETÖ/PDY, PKK, DAESH and DHKP-C”.

10. FETÖ is the government’s naming for the HM, arbitrarily qualified as a terrorist organization⁸ from one day to the next after a long hate speech campaign led by the executive⁹. HM women, as well as Kurdish women face persistent disadvantage, discrimination and marginalization with respect to their civil, political, economic, social and cultural rights. This report aims at stressing the systematic discrimination and rights violations the women of the HM face in Turkey.

11. IAHRAG also strongly condemns the fallacious and insidious association, made by the Turkish government in its report, between the HM and DAESH. While DAESH is an internationally recognized armed, violent, extremist group, responsible of massive and serious human rights violations, particularly on women in Syria and Iraq; the HM, and Fethullah Gülen himself, are adamantly opposed to acts of violence.

12. As to the government asserts that it is currently fighting DAESH on its territory, there are credible allegations that Turkey would have supported the group responsible of war crimes, crimes against humanity and gross human rights violations in Syria, particularly on women and girls, through complicity in the oil traffic for the benefit of high level personalities in the executive.

III. Women of the Hizmet Movement and the purges/massive arbitrary dismissals

13. In its latest Cobs, adopted in the immediate context of the thwarted coup attempt of July 2016, the Committee expressed its concerns (para. 7 and 8) regarding the “*removal of large numbers of members of the judiciary, academic institutions and civil servants, including teachers*”.

⁸ No other State regards the HM as a terrorist organization. In fact, many States grant asylum status to Turkish citizens supporters of the HM.

⁹ See paragraphs 7, 8, 9 of the IAHRAG report submitted to the Human Rights Committee in May 2021 :https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCPR%2fHCS%2fTUR%2f44917&Lang=fr

14. Indeed, right after the coup attempt of 15 July 2016, Turkey, on the ground of 36 decrees¹⁰ adopted under the emergency law the Turkish government initiated the “purge” process. All in all, 150.348 state officials (teachers, bureaucrats), 4.463 judges and prosecutors, and 6.021 academics were dismissed under State of emergency law decrees for being real or alleged HM supporters (and 20.571 military personnel have been dismissed from the Turkish Armed Forces on alleged links with the HM). Those dismissals based on those decrees were totally arbitrary (the criteria used to assess the links of the individuals to the HM have not been made public, at least not officially). It is unfortunately not possible for civil society to assess the percentage of women affected by such arbitrary measures. However, Turkey mentions in its report that 46 per cent of judges (para. 98), 45 per cent of the academic staff (para. 96), 39.6 per cent of public officials (para. 92) are women. This could help the Committee seeing the dimension of how much women could have been affected by those measures.

15. The Commission for State of Emergency Measures established to provide remedy to persons dismissed had largely been criticized for its lack of independence and absence of proper means of defense¹¹.

16. The Turkish answer in its 8th report, para. 20, 21 and 22, to the concern of the Committee is far from being satisfying. In reality, Turkey never provided any concrete answer to any of the UN bodies, mostly the Special Procedures¹², on those massive purges, let alone on the necessity and proportionality of dismissal measures affecting more than 150.000 persons, among them an important number of women, under a State of emergency on the ground of alleged links with the HM, arbitrarily qualified from one day to the next as a terrorist group by the executive power.

17. We respectfully ask to the Committee to consider raising this question in its LOIs:

Please provide: (a) data disaggregated per age and socio-professional category on women affected by the massive dismissals occurring during the State of emergency; and (b) information on the remedies and reparations available for women arbitrarily dismissed.

¹⁰ The text of all those decrees can be consulted here in English: <https://publicsearch.coe.int/#k=Turkey%20decree#f=%5B%5D#s=51>

¹¹ See European Commission, Turkey 2020 Report, SWD (2020) 355, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/turkey_report_2020.pdf

¹² See TUR 7/2016, TUR 4/2017, TUR 5/2017, TUR 6/2017, TUR 18/2020.

IV. Abuse of anti-terrorism legal frameworks: arbitrary arrest and conditions of detention of women of the Hizmet Movement

a) Arbitrary mass arrests and detentions against women of the HM

18. The Turkish anti-terror law is particularly problematic as it adopts an overly-broad definition of terrorist acts and terrorist offenders that implicates a range of activities protected by the freedoms of opinion, expression, association, and political participation”. It has been constantly condemned both by UN bodies, particularly special procedures, and the European Court of Human Rights.

19. Since 15 July 2016, there has been on average 3 police operations per day targeting HM supporters, and the average daily number of persons arrested was 74 on terrorism charges¹³. A few figures could help the Committee realizing the scale of this phenomenon: in 2016, 52.100 persons have been taken into custody on terrorism charges in Turkey, while only 1.002 persons were taken into custody on terrorism charges all over Europe; in 2017, 61.070 persons in Turkey *versus* 1.219 all over Europe; in 2018, 72.293 persons in Turkey *versus* 1.056 all over Europe; in 2019, 20.567 in Turkey *versus* 1.100 all over Europe.

20. It is hard to provide accurate data on the number of women of the HM targeted and detained, although the Stockholm Center for Freedom estimates that the aftermath of the witch-hunt persecution against the HM results in approximately 16,000 to 20,000 detained women¹⁴. We respectfully ask to the Committee to consider raising this question in its LOIs:

Please provide data on the number of women in prisons and please specify the number of women detained for being real or alleged HM supporter.

21. Another disturbing pattern of violations from the Turkish government targeting women of the HM (but not only) is the arrest of wives of suspects when they are not found. A well-known case is that of journalist the police could not find him at home: they arrested his wife, housewife and mother of five, and kept her under arrest for eight months. The OHCHR stated in 2018 that approximately 600 women with young children were arrested “as “associates” of their husbands - who were the

¹³ See Solidarity with others, https://b2923f8b-dcd2-4bd5-81cd869a72b88bdf.filesusr.com/ugd/b886b2_826d5f69e0384da68dba565882d96bdf.pdf

¹⁴ See Stockholm Center for Freedom, “Jailing Women in Turkey Systematic Campaign of Persecution and Fear”, <https://stockholmcf.org/wp-content/uploads/2017/04/Jailing-women-in-Turkey.pdf>

Government's primary suspects for connection to terrorist organizations - without separate evidence supporting charges against them"¹⁵.

b) Conditions of detention of women of the HM

22. The detention conditions of women in Turkey are globally alarming. The OHCHR notably denounced the pattern of detaining women just before or immediately after giving birth¹⁶. The OHCHR report also makes references to unendurable kinds of violations in restricting women's right to freedom and security. It refers to the detention of a woman who was shackled by her legs immediately after her miscarriage. It also refers to evidence of a woman who gave birth by caesarean section and was arrested hours later at high risk to her and baby's health. It also refers to credible reports that babies were held in inadequate conditions with their mothers, a situation which may constitute ill-treatment. These are not isolated cases. There are hundreds of similar situations that could be found out only by thoroughly investigating the situation on the ground. The Stockholm Center for Freedom's report, "Jailing Women in Turkey Systematic Campaign of Persecution and Fear"¹⁷, is quite edifying and shed light on the systematic campaign to jail women (as young as 18 over 80), while abusing the justice system, as a tool to reprimand critics and opponents of the President and the AKP. Among the most disturbing aspects are: (a) the overcrowded prisons; (b) women in jails and facilities designed for men with only male guards; (c) disregards for health needs of women detainees; (d) women detained with young babies; and (e) separation of families (children left alone with no care neither from their mother nor father).

c) Unlawful strip-searches on women in detention and sexual abuses

23. Unlawful strip-search have been frequently put into practice in Turkey's prisons and detention centers in particular against women from the HM, Kurdish women and government opponents. The women subjected to such strip-searches appear to be broadly those detained or arrested on charges of terrorism due to their alleged affiliation with the HM, but also visiting female relatives of inmates. Following the denial of the claims about strip-searches by AKP deputy group¹⁸, the women subjected to such practices have shared videos on social media in which they related their experiences of unlawful and humiliating strip-searches conducted during

¹⁵ Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, January-December 2017.

¹⁶ *Ibid.*

¹⁷ *Op. Cit.*

¹⁸ Medya News, Turkish parliament divided over claims of unlawful strip-searches, December 19, 2020, at <https://medyanews.net/turkish-parliament-divided-over-claims-of-unlawful-strip-searches/>

detention or imprisonment since the coup attempt in July 2016 and how difficult it was for them to live with the trauma they inflicted. Among those women are journalists, lawyers, former teachers, housewives and students. The Turkish authorities and the AKP deputies have been trying to cover up reports of harassment and strip-searches conducted Turkey's prisons and detention centers.

24. There are also many concurring testimonies of women from the HM being raped in prisons and detention centers, notably in the aftermath of the 15 July 2016 coup attempt. A medical doctor, assigned to conduct physical examination in a gymnasium turned into a detention center, run by the Ankara Police Department, made public for the first time what he saw: harsh methods of torture such as rape, sexual assault, severe beatings¹⁹... Male detainees also claimed they heard women being raped in detention centers²⁰.

25. Those elements are totally covered by Decree-law n° 667 that provides blanket immunity for State agents involved in the Coup investigation. Although women were subjected to abuse in detention and prison on a large scale in Turkey, there appears to be no accountability for the perpetrators, either in the form of disciplinary or criminal action.

26. In its 2016 Cobs, the Committee already expressed its concerns regarding sexual violence on women on detention (para. 51). The 8th report of Turkey does not provide any kind of information on this aspect. We respectfully ask to the Committee to consider raising this question in its LOIs:

Please respond to credible allegations that women in prison and in detention centers, particularly the ones charged with terrorism accusations, are victims of unlawful strip-searches, sexual harassment and violence, including rape. Please provide figures about the criminal investigations initiated concerning those allegations and their outcome.

V. The social annihilation of women of the HM

27. There is general fear in the Turkish society of being stereotyped and associated with the HM. HM supporters, including women, have to isolate themselves. Purged public servants, and their families, continue to face discrimination on a daily basis: notably in terms of loss of the right to work, the right to an adequate standard of

¹⁹ See <https://stockholmcf.org/doctor-bears-witness-to-torture-and-abuse-he-observed-in-turkish-mass-detention-center-part-1/>

²⁰ <https://stockholmcf.org/i-heard-screams-of-women-being-raped-at-a-turkish-detention-center-says-torture-victim/>

living, adequate housing, to health, to freedom of movement... Along with their families, dismissed public officials have also lost health care benefits related to their jobs and are left with strictly nothing. The head of the Justice and Development Party (AKP) Isparta branch stated:

“some people tend to raise their voice against the dismissals, asking what people who were fired will eat and drink and how they will survive. Let them eat tree roots. This country has nothing to give them”.

28. In view of the intense persecution faced by the HM supporters both from the judiciary and police forces that could amount to the qualification of crimes against humanity according to the Working Group on Arbitrary Detention²¹, many women of the HM do not have other choice than the one of forced exile. However, in view of the restriction to freedom of movement on HM supporters²², women and families leave the country under illegal and very dangerous conditions: most of them arrive in Greece by crossing by boat the Evros River. They are then potentially subject to detention and violent push-backs. The German Bild daily reported in February 2018 that according to local authorities, approximately 1.300 persons are estimated to have drowned in the Evros River trying to flee to Greece (among them pregnant women and children).

²¹ “Under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity”, WGAD Opinion No. 47/2020; WGAD Opinion No. 66/2020, 2 February 2020; WGAD Opinion No. 47/2020, 2 February 2020; WGAD Opinion No. 67/2020.

²² See paragraph 41 of the IAHRAG report to the Human Rights Committee.