



## **Gender dimension in Turkish migration policies and strategies**

**Submitted to:** Special Rapporteur on the human rights of migrants

**Submitted by:** Maat for Peace, Development and Human Rights (In a consultative status with UN Social and Economic Council)

**Date:** May 2019

### **• Preface**

In 2017, the number of international migrants reached 258 million, representing about 3.4% of the world's population. Asia hosts the largest number of international migrants (80 million), followed by Europe (78 million). The majority of migrants and refugees are women and children. They are often unable to travel long distances with their children or are exposed to harsh conditions and threaten their lives on the road, including gender-based violence.<sup>1</sup>

Although many female migrants do not face violence and benefit from migration, violence and discrimination can appear at the beginning of the migration process under different forms. In some cases, discrimination and violence in the private or public sphere may be the main motivation for women to migrate. For instance, bias against certain categories of women, such as single mothers, wives, widows, lesbians, bisexual and transgender people, can be a powerful driving force to immigration.

Violence and discrimination continue to be part of the lives of many migrant women, who suffer from double vulnerability. Primarily, because of their status as women, reflecting gender inequality in origin and destination communities as well as their status as aliens. These two main causes of vulnerability are often intersected with additional risk factors.

War-affected women are at greater risk of being abused. They have fewer opportunities for self-reliance and sustainable living in the country of asylum. The response to the urgent needs of female refugees remains urgent.

The risk of confronting violence increases with factors such as legal status, age, class, culture, race, religion, sexual orientation and identity or disability. In addition, the lack of local language skills and inadequate access to adequate jobs and limited knowledge of their rights. For example, in some cases, combined previous experiences of violence in their communities to reduce the ability of female migrants to protect themselves from abusive situations.

---

<sup>1</sup> Expert's take: Women refugees on the road need strong advocates to protect their rights, UN Women, August 17, 2018, link, <http://eca.unwomen.org/en/news/stories/2018/08/experts-take-iris-bjorg-kristjansdottir>



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

Since the conflict in Syria leads to the largest displacement crisis in the world, by mid-2018 Turkey hosted more than 3.5 million Syrian refugees. This is an increase of 21% over the number of refugees in 2017, about 70% of whom are women or children. Maat for Peace, Development and Human Rights (Egypt) submits this report to clarify and follow up the challenges and violations that female Syrian refugee faced in the Turkish Republic, after reviewing Turkish protection laws and their shortcomings towards women.

## • International legal framework of the protection of refugees

Refugees often share the same vulnerabilities with migrants when they travel in similar circumstances and on the same roads. However, it should be noted that refugees have an additional vulnerability that migrants do not suffer - justified fear of persecution, which makes them refugees. They can't seek the protection of the state they fled from. There are situations in which migrants and refugees face similar risks, including:

- Exploitation or abuse by smugglers, traders or unfair and illegal employers.
- Risk of injury due to personal circumstances. Persons in this category may include, for example, unaccompanied or separated children, women at risk, elderly persons with disabilities, persons with medical needs, or survivors of torture or trauma.

That is why the international community has long recognized the additional obligations to refugees, as provided for in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Also, regional instruments and relevant rules of customary international law. The 1951 United Nations Convention relating to the Status of Refugees in the World is the principal international legal document determining who is a refugee, his rights and legal obligations of host States. The Convention also requires states to receive refugees and not forcibly return them to their countries.<sup>2</sup>

The New York Declaration represents an unprecedented commitment in terms of strength and influence. It fills a permanent gap in the international protection system of shared responsibility for refugees. On September 19, 2016, the United Nations General Assembly adopted a set of commitments to strengthen the protection of refugees and migrants. The New York Declaration emphasizes the importance of the international refugee system. It also represents an obligation of Member States to strengthen and promote mechanisms for the protection of persons on their journey. In addition, the way is being paved for the adoption of two new world treaties in 2018: The Global Charter on Refugees and the Global Charter for Secure, Organized and regular Migration.

Under this Declaration, States are obliged to:

1. Reaffirm their commitment to respect fully the human rights of refugees and migrants.

<sup>2</sup> اعلان نيويورك بشأن اللاجئين والمهاجرين، المفوضية السامية للأمم المتحدة لشؤون اللاجئين، الرابط، <https://www.unhcr.org/ar/5aae47754>



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

2. Agreed that the protection of refugees and countries with shared international responsibility must be shared more equitably and predictably.
3. Pledge to provide strong support to countries affected by large movements of refugees and migrants
4. Agreed on the key elements of the comprehensive response framework for refugees.
5. Agreed to work towards the adoption of a world charter on refugees and a global compact for safe, orderly and orderly migration.<sup>3</sup>

### • Turkish obligations to protect refugees

In 2013, Turkey established a special legal system for Syrian refugees fleeing war to their territory. This system is granting them the right to temporary protection, access to health services, work and other social assistance. This was done without their recognition as refugees under the International Convention on the Status of Refugees, that signed by Turkey in 1951.<sup>4</sup>

The regulation of the Temporary Protection Act was based on Article 91 of the Turkish law on foreigners and International Protection 2013, which entered into force on 11/4/2014. The regulation consisted of 63 articles in eleven sections. In addition to a temporary provision relating to the inclusion of all arrivals from Syria from 28/4/2011, due to the circumstances of war and the implementation of temporary protection in accordance with the provisions of these Regulations. The identity document issued before the entry into force of the executive regulations, i.e. the card obtained by the Syrians from the Public Security Directorate (Omniyat) starting with No. 98, replaces the temporary protection document. The holders of this document may be granted a foreign card number under Law No. 5490, until a provisional identity document is organized in accordance with article 22 of the Regulations.

The section No.11 of the Regulation dealt with a number of varied and final provisions, in addition to other articles applying the provisions of the Family Protection and Violence Against Women Law No. 6284 of 2012. Which regarding measures and procedures with the victims of violence who are foreigners and covered by these regulations. Finally, the necessary measures and procedures provided for in the relevant legislation shall be immediately taken against those found to be victims of trafficking in foreign persons covered by these Regulations.

The regulation also explained the meaning of special needs, which included the status of women according to article 3 of the regulation: unaccompanied children, disabled persons, old age, pregnant women and single mothers with the child and the single father with the child and persons who have been subjected to torture and sexual assault or other forms of violence '*Psychological, physical, or sexual abuse*'. In addition to the public services provided under these regulations, those categories benefit from all the services and benefits provided for Turkish citizens according to the Turkish laws. Such

<sup>3</sup> For more information, please, check this link: <https://undocs.org/ar/a/res/71/1>

<sup>4</sup> الترحيل غير الشرعي للاجئين السوريين في تركيا، مركز رفيق الحريري للشرق الاوسط، الرابط، <http://www.achariricenter.org/forcing-syrians-in-turkey-to-leave-ar>



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

as the laws on empowerment of persons with disabilities, child protection laws, anti-trafficking laws, family protection and against violence against women and other laws related to those categories.<sup>5</sup>

However, the situation of the Syrian refugees in general and women in particular has witnessed many violations and challenges during their stay in the Turkish camps. The legal framework for the situation of Syrian refugees in Turkey is unclear and subject to change according to the political and social conditions in Turkey. It should be noted that the refugee crisis has been used politically on many occasions inside Turkey, especially during the recent presidential and parliamentary elections. Turkey is also using the refugees' paper to justify and legitimize its role in the Syrian conflict.<sup>6</sup>

## • Violations and challenges faced by Syrian refugee women in Turkey

According to official statistics, until December 2018, more than 3.6 million Syrian refugees are registered in Turkey. 45.7% of whom are female and half of them are under the age of 18 years. Girls and women refugees are most vulnerable to exploitation and are exposed to all forms of violence in their daily lives. On the other hand, the services provided to Syrian refugees in Turkey don't take the gender dimension into account, leaving many problems unresolved.<sup>7</sup>

Syrian refugees live in Turkey in a state of security instability where Syrian refugees reside in camps with a legal vacuum and a world of misery and discipline. Decent work is prohibited, strict restrictions are imposed on their movements and dependent on foreign aid. Thus, they have no hope of establishing any future for them or their children. The lack of funding for humanitarian support poses a threat to the lives of many refugees.<sup>8</sup>

Gender-based problems are particularly increase. Women suffer especially in camps and villages where Syrian refugees are sexually harassed by employers, apartment owners and even aid workers. In addition to early marriages, abuse and even prostitution. According to reports issued by human rights organizations, many girls are

<sup>5</sup> الحماية المؤقتة للسوريين في تركيا، شبكة اورينت، 18 يناير 2015، الرابط، [https://www.orient-news.net/ar/news\\_show/84448](https://www.orient-news.net/ar/news_show/84448)

<sup>6</sup> الترحيل غير الشرعي للاجئين السوريين في تركيا، مركز رفيق الحريري للشرق الاوسط، الرابط، <http://www.achariricenter.org/forcing-syrians-in-turkey-to-leave-ar>

<sup>7</sup> Burcu Karakaş, Violence, exploitation, marginalisation: these are the challenges of a difficult everyday life for many Syrian refugee women in Turkey, Osservatorio Balcani e Caucaso. 24 December, 2018, link ,<https://www.balcanicaucaso.org/eng/Areas/Turkey/The-fragility-of-Syrian-refugee-women-in-Turkey-191805>

<sup>8</sup> صادقي نعيمة، السياسة الأمنية التركية تجاه اللاجئين السوريين، مركز جيل البحث العلمي، 4 أكتوبر 2018، الرابط، <https://jilrc.com/السياسة-الأمنية-التركية-تجاه-اللاجئي/>



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

forced to marry at 15 or 16 in order to get the physical and financial stability and protection.<sup>9</sup>

According to a study conducted by the United Nations and ASAM, the main problems that Syrian women faced are the access to better housing conditions, language and employment opportunities. One of the most important challenges faced by Syrian women refugee in Turkey is the language barrier. The language is a major obstacle to Syrian women's access to rights and services.

Many Syrian refugees live below the poverty and hunger threshold, isolated from their host society, unable to engage in economic life because of family burdens, lack of Turkish knowledge and employment skills. As 70% of Syrian women do not speak Turkish, thus hampering their access to rights and services.

According to human rights reports, only 15% of women work in income-generating jobs. 36% of women live in poor or very poor housing, and 17% live in substandard accommodation such as lower floors with no sunlight, poor ventilation and cottage houses. Overcrowding is also a chronic problem, presenting additional burdens on women and generally increasing the risk of sexual and gender-based violence.<sup>10</sup>

The gender-based violence and protection mechanisms in Turkey need to be further strengthened. Their weakness points representing a risk to Syrian women and girls; all health services should ensure protection and referral to survivors of gender-based violence.<sup>11</sup>

Syrian women also consider access to housing, inability to speak Turkish and work are their greatest challenges. As well as lack of knowledge of their rights to protection and legal support services available to them. Even though Syrian women and girls are subjected to abuse and discrimination in their daily lives, 73% do not know from where they can get help against violence or harassment. Although 11% of them have had an accident with their children, 74% do not know from where they can get help for their children. Syrian women do not know the various support services, 6% do not know about free legal advice, 59% about psychosocial support and 57% about childcare services.<sup>12</sup>

---

<sup>9</sup> اللاجنات السوريات ضحية الإذلال والاستغلال في تركيا، موقع المونتور، الرابط، <https://www.al-monitor.com/pulse/ar/contents/articles/originals/2014/03/syria-refugees-women-exploitation-harassment.html>

<sup>10</sup> Expert's take: Women refugees on the road need strong advocates to protect their rights, UN Women, August 17, 2018, link, <http://eca.unwomen.org/en/news/stories/2018/08/experts-take-iris-bjorg-kristjansdottir>

<sup>11</sup> Needs assessments of Syrian Women and Girls under temporary protection status in Turkey, UN Women, 2018, p 63, link, [http://sgdd.org.tr/wp-content/uploads/2018/08/The\\_Needs\\_Assessment\\_ENG\\_WEB.pdf](http://sgdd.org.tr/wp-content/uploads/2018/08/The_Needs_Assessment_ENG_WEB.pdf)

<sup>12</sup> Alican Yücel, Cecilia Utas, (others), Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey, UN Women, 2018, link , <http://eca.unwomen.org/en/digital-library/publications/2018/08/needs-assessment-of-syrian-women-and-girls-under-temporary-protection-status-in-turkey>



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

Therefore, it can be argued that responding to the urgent needs of 'women and girls' refugee remains urgent and needs further support and reciprocity with host country women. Especially that war-affected women are at greater risk of being abused and have fewer opportunities for self-reliance and sustainable living in the country of asylum.

### • **Recommendations**

- The Turkish Government should give particular attention to the gender dimension of its refugee policies and strengthen the mechanisms of support provided to women.
- Act as far as possible to enforce laws on the elimination of violence against women on an equal footing with all women and girls without discrimination between citizens and refugees.
- Any final solution to the Syrian crisis should include the achievement of transitional justice and economic opportunities for the refugees to ensure their voluntary return.
- Returnees should continue to be classified as refugees for a period of time to ensure that they receive rehabilitation assistance.
- International protection of refugees is a humanitarian responsibility and international laws must be enforced in order to ensure their personal safety and security. So that they can be compensated for the protection they have lost in their countries. This role is played by the international community because of their governments' inability to do so.