



Turkey

**Submission to the UN Universal Periodic Review
Eighth Session of the UPR Working Group of the
Human Rights Council**

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Executive Summary.

In this submission, The Islamic Human Rights Commission provides information under section B, C and D, as stipulated in the General Guidelines for the preparation of the information under the Universal Periodic Review. Under section B, The Islamic Human Rights Commission gives background information about the restriction in relation to choice of Muslim women's dress which undermines the human rights framework in Turkey. Under section C, The Islamic Human Rights Commission highlights concerns about human rights violations in Turkey, including right to participate in public life, right to education, right to health, right to freedom of expression and religion. For details see attached Islamic Human Rights Commission report "Turkey's Failure to implement its responsibilities towards headscarved women." In section D, the Islamic Human Rights Commission makes a number of recommendations for action by the government to address the areas of concerns.

Key words: right to participate in public life, right to education, right to health, right to freedom of expression and religion.

B. Normative and Institutional framework of Turkey.

1. Turkey is unique in that it has been a highly secular Muslim country with no official religion since the constitutional amendment in 1923. The official founder of 'secular' Turkey, Mustafa Kemal, in 1925, introduced a decree in order to regulate a dress code for the citizens of the state making 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 Muslim women's dress/ headscarf and the Turkish constitution has never contained an article that opposed the headscarf

2. 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. 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 organizations, and higher education laws

3. It should be noted that there has not been any law in the Turkish constitution that has banned females from wearing the headscarf, there have only been a series of regulations. In February 2008 the government amended articles 10 and 42 of the constitution and removed the effect of those regulations¹. However, since then, the main opposition party has taken the matter to the Constitutional Court on the grounds that the amendments are contradicting the principles of the Constitution and the Court struck down the amendment. Currently, the ban on headscarf is being vigorously imposed.

¹ Constitution of Republic of Turkey. Available at: http://www.constitution.org/cons/turkey/turk_cons.htm. (accessed 02 November 2009)

4. 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.

C: Promotion and protection of human rights on the grounds:

Right to Public and Political life:

5. Islamic Human Rights Commission notes that there are serious obstacles for women in Turkey who wish to partake in political and public life. 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. Islamic Human Rights Commission Research shows that: ²

7. 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

9. 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 headscarf. They were subsequently removed from their duties.

10. In April 2006, Nuran Yigit, went to Kadikoy 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. Kadikoy Council denies the allegations but women dressed with *chador* are still not allowed to enter the council building.

11. The above incidents clearly show women are excluded from public sphere who choose to wear headscarf. Thus it seems that the overriding concern of the ruling elite during and since the Ottoman period has been to preserve the state, rather than to protect the individual. It makes absolutely no sense for the Turkish government to bar Muslim women from public places because they wear headscarf. This attitude of the government is creating xenophobic/Islamophobic environment in the country and parties speaking against headscarved women in Turkey, is explicit and extremely worrying

Right to Education

12. The IHRC has noted that there is strenuous discrimination against practicing 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 1997.³

² For details see Islamic Human Rights Commission Report, "Turkey's failure to implement its responsibilities towards headscarved women." October 2009. Available at: www.ihr.org

³ Ibid

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

14. 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.

15. On 07 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 University were barred from entering the campus while wearing wigs which was thought to be replacing the headscarf.

16. Being a party to CEDAW⁴ and its optional protocol⁵ Turkey is bound under international law to put into practice the various provisions of the convention. CEDAW seeks to achieve equality for women in the political and public spheres, in education health and employment. These objectives are not met by excluding women who make a choice to wear a headscarf. Turkey's ban on headscarf clearly violates the right to freedom of expression and religion. It is the responsibility of the democratic state to facilitate an environment in which a woman can freely make a choice to wear or not to wear a headscarf free of any coercion or violence

Right to Health.

17. Turkey has a notorious record of bad treatment against headscarved women in the health System also. 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.⁶

18. 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.

19. In December 2007, the mother of 22 month old baby Z.K. was forced to leave her baby alone while he was anesthetised 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.

20. 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

⁴ Turkey became a signatory to CEDAW on 20 December 1985 and ratified the convention on 19 January 1986.

⁵ Turkey signed the optional protocol on 08 September 2000 and ratified it on 29 October 2002.

⁶ Supra n2

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.

21. 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.

D. Recommendations:

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.

Right to Political and Public Life:

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) there should be deterrents for those who exclude or restrict the access of headscarved women to political and public life.

Right to Education:

(a) The Turkish government immediately halts its discriminatory policies towards headscarved girls and women in the schools as well as those in higher education, (b) 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.

.Health

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) launch urgent investigations regarding the deaths of Medine Bircan and the 4 month old baby