

# Masters Research Paper

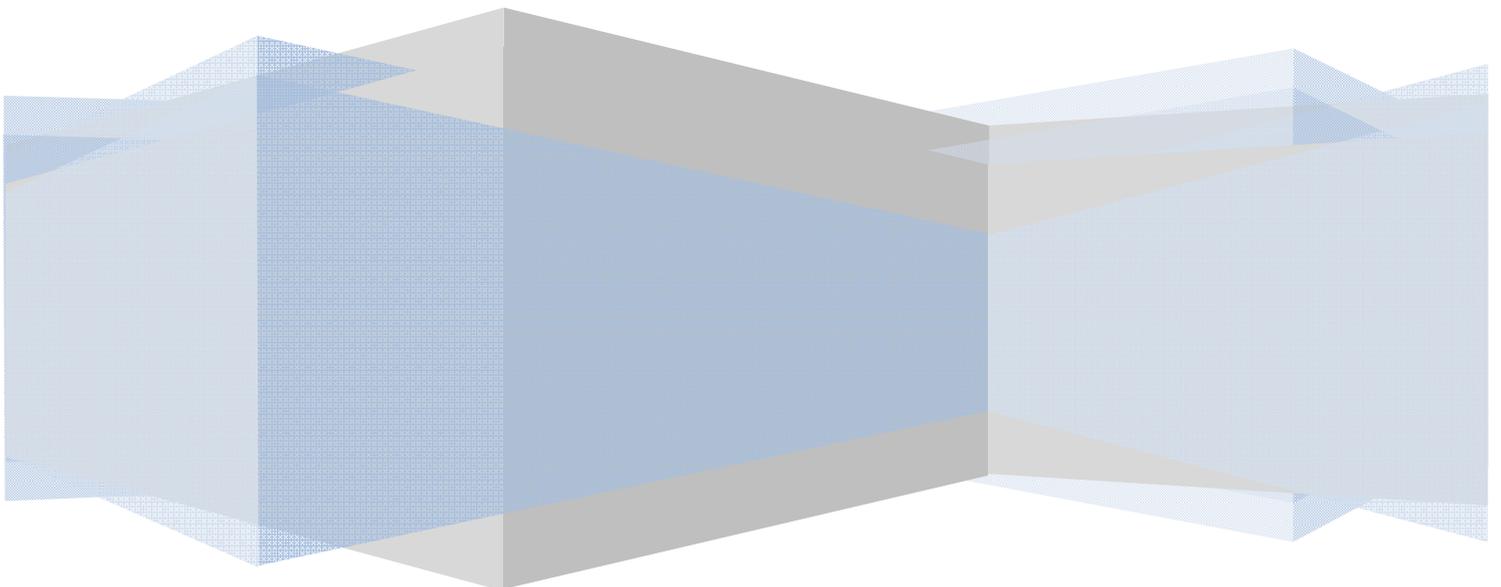
## Balancing women's rights with the practice of Islam: Case studies of Turkey and Iraq.

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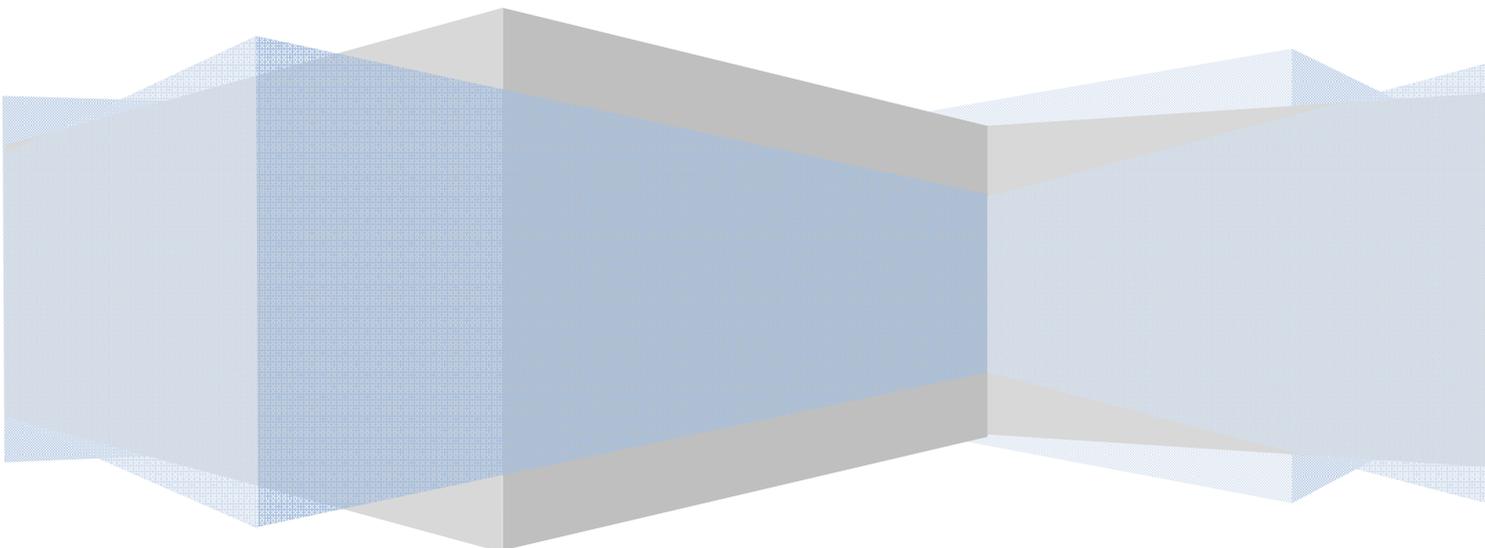
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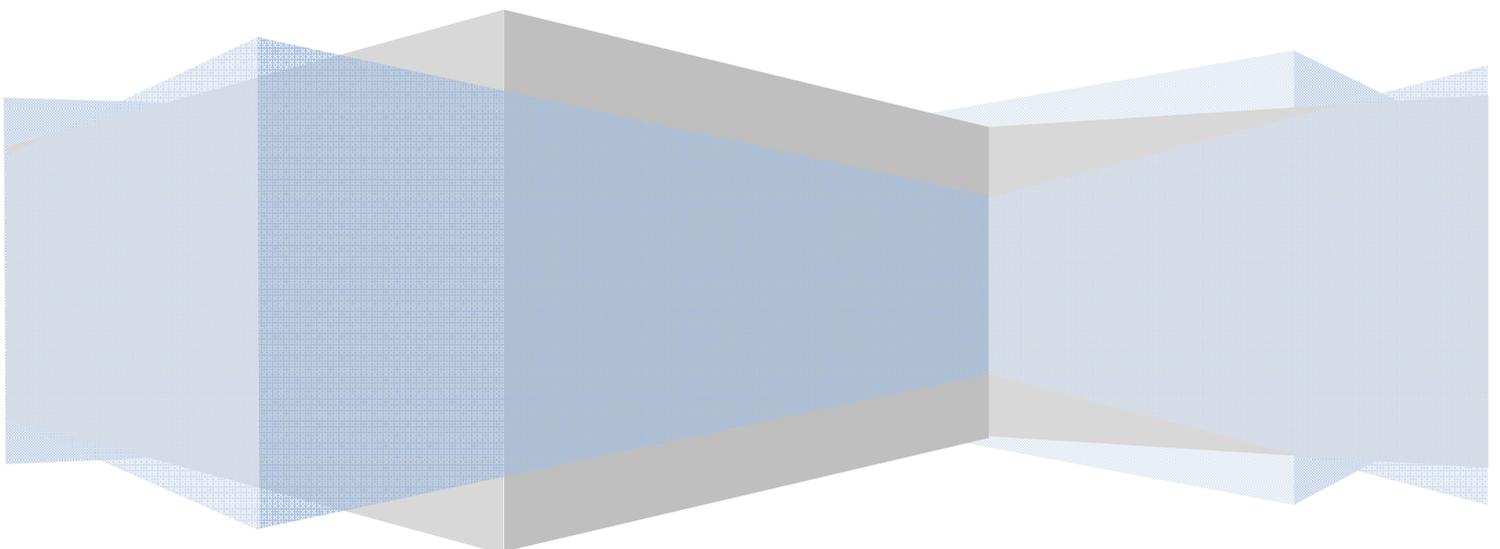
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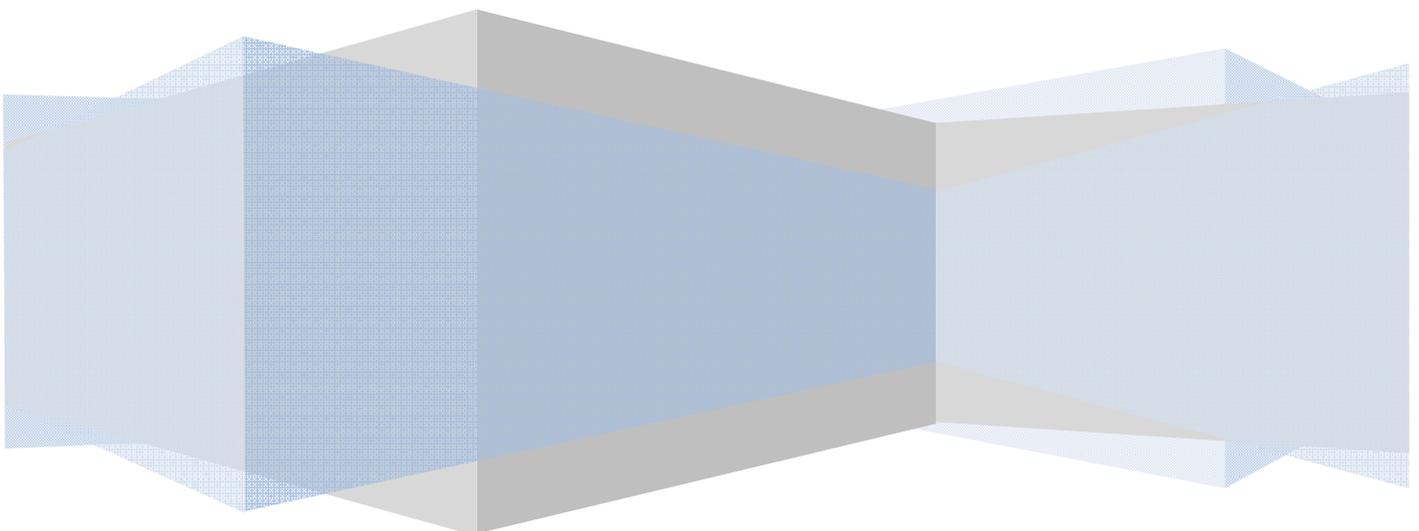
## Abstract

Islamic women's rights remain a widely contested issue within the international relations discourse. This research attempts to address this issue by examining Islamic women's rights in Turkey and Iraq. *Balancing women's rights with the practice of Islam: Case studies of Turkey and Iraq*, discusses the balance that Turkey has achieved between women's rights and the practice of Islam with the aid and discussion of postcolonial feminism and Islamic feminism. This research then examines the case of Iraq, a state currently seeking international recognition. Iraqi women's rights are examined in an attempt to pinpoint whether factors that enabled Turkey's success can be found in Iraq. This research then identifies and analyses such factors, by concluding on the future of women's rights and the practice of Islam in both Turkey and Iraq.

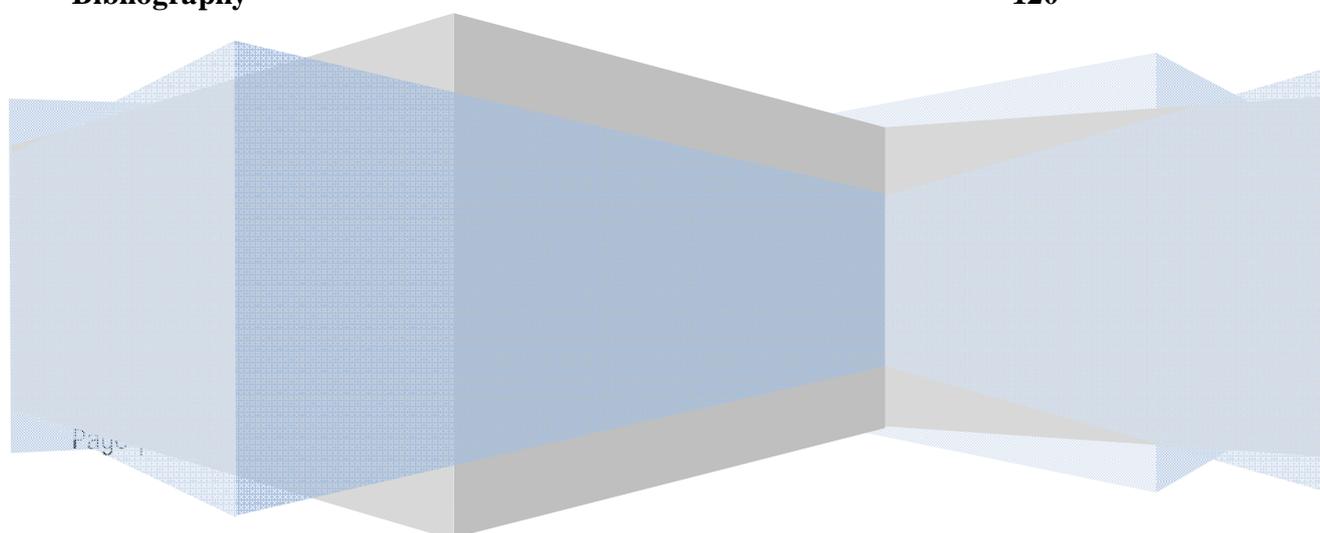


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## Abbreviations

CEDAW – Convention for the Elimination of All Forms of Discrimination against Women

CPA – Coalition Provisional Authority

CSO – Civil Society Organisations

EC – European Community

EU – European Union

HREP – Human Rights Education Program for Women

IIG – Iraqi Interim Government

IWL – Iraqi Women’s League

MDG – Millennium Development Goals

NGO – Non-Governmental Organization

NSP – National Salvation Party

NUG – National Unity Government

MoH – Ministry of Health

UDHR – Universal Declaration of Human Rights

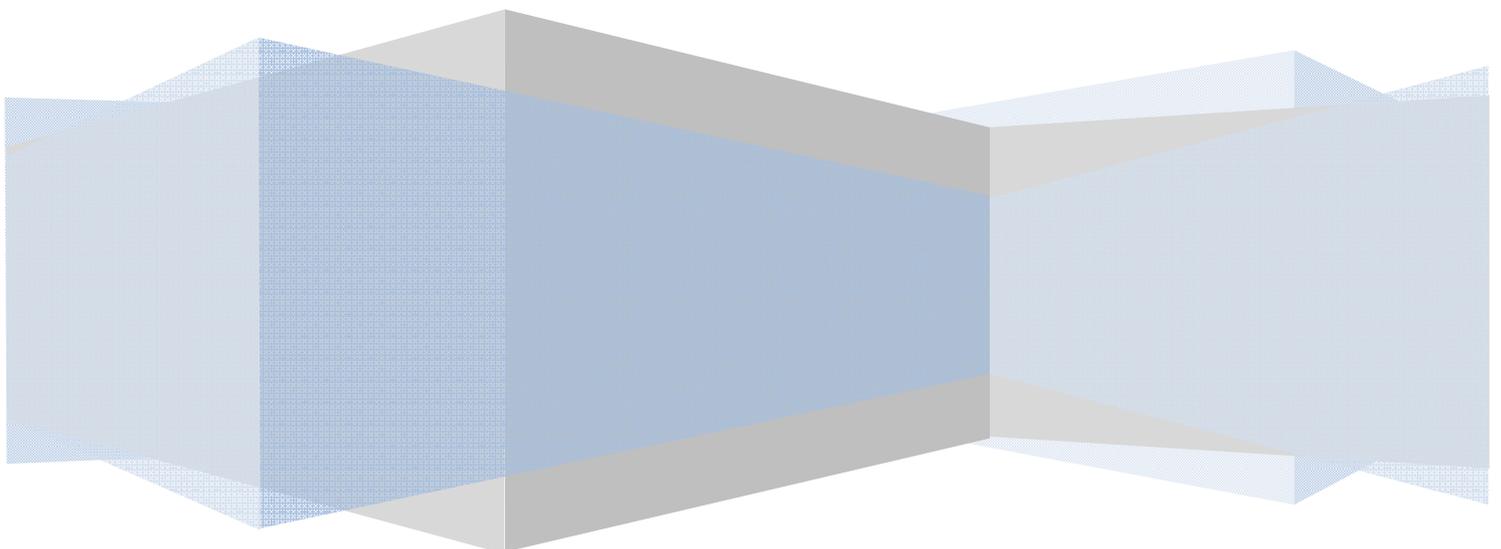
UNIFEM – United Nations Development Fund for Women

USA – United States of America

US – United States

WWHR – Women for Women’s Human Rights

WWII – World War Two



# Chapter 1

## Introduction

### 1. Title

Balancing women's rights with the practice of Islam: Case studies of Turkey and Iraq.

### 2. Aim

A recurrent theme in universal religious discourse is the status of women in society<sup>1</sup>. This is partly due to the resurgence of the issue of women's rights as human rights in international discourse, as stipulated in the Universal Declaration of Human Rights (UDHR)<sup>2</sup>. Islam is especially examined in this regard, as numerous international debates concern themselves with the issue of Islamic women and their rights<sup>3</sup>. The relative importance of human rights always assumes certain cultural and religious justifications and traditions<sup>4</sup>. Islam is hence viewed by the West as the fundamental contributor to the oppression of women<sup>5</sup>. The nature of Islam and the subsequent status of Islamic women asserts that a secular democratic state would provide better rights for Islamic women, than a theocratic state. This is due to the fact that religion in the political/public domain is assumed to create an isolated state, which is not conducive to development and modernization<sup>6</sup>. In accordance with this stance, the status of women in secular Middle Eastern states are substantially better than women in Islamic theocracies or states where Islam is enforced by the government, such as Saudi Arabia.

Secularism is a universal principle, however, particular factors within a state enable there to be a balance between secularism and Islam, such as seen in Turkey. This research thereby seeks to consider how the balance of secularism and Islam was achieved in Turkey with respect to

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<sup>1</sup> Moaddel, M. "Religion and Women: Islamic Modernism versus Fundamentalism" in the Journal for the Scientific Study of Religion, Vol. 37, No. 1, March 1998, p. 109.

<sup>2</sup> Okin, S. M., "Feminism, Women's Human Rights and Cultural Differences" in Hypatia, Border Crossings: Multicultural and Postcolonial Feminist Challenges to Philosophy, Vol. 13, No. 2, 1998, p. 33

<sup>3</sup> Loc Cit.

<sup>4</sup> Okin, S. M., Op Cit. p. 37.

<sup>5</sup> Loc Cit.

<sup>6</sup> Biswas, S. "The New 'Cold

<sup>6</sup> Okin, S. M., Op Cit. p. 37. "War' Secularism, orientalism and postcoloniality" in Chowdhry, G. and Nair, S. (eds.), Power Postcolonialism and International Relations – Reading race, gender and class, London, Routledge, 2004, p. 188.

gender, and whether it can be translated into another Islamic state. It seeks to consider how and why Turkey chose a secular course, and equally how and why women's rights were achieved. This research will be a critical examination of Turkey's experience with secularism, and will examine whether another state, such as Iraq, will be able to gain a similar experience and achieve adequate women's rights within their respective political discourse.

Iraq has been selected in this research, because it is an Islamic state aiming for global integration and recognition in the twenty-first century<sup>7</sup>. In light of the fall of Saddam Huseein's regime and the recent announcement of the withdrawal of American troops, this research seeks to consider whether Iraq could potentially achieve the same balance between its Islamic political discourse and women's rights. Despite the fact that Iraq has deviated from its secular regime, due to the fragile state in which it sits, Iraq is in need of international recognition, as well as economic and political repair. Empowering Iraqi women is therefore an important manner at which this can be achieved. This research will therefore seek to consider whether the secular past of Iraq will have any effect on the manner at which the current Islamic political regime views women's rights, and whether similar aspects seen in Turkey can equally be seen in Iraq.

This report has particularly chosen Turkey and Iraq as the case studies. The rationale is that Turkey is a democratic and fundamentally secular state, in which religion has been successfully separated from the state since 1923<sup>8</sup>. As of June 2009, Turkey's population was 76.8 million, of which 99 percent are Islamic<sup>9</sup>. Secularism in Turkey was initially brought about by Ataturk in an attempt to achieve maximum development and human rights whilst still providing religious freedom<sup>10</sup>. Turkey is therefore in juxtaposition to other Middle Eastern states, with the majority of the population Islamic and where the position of women is dictated by secular law, as opposed to Shari'a law<sup>11</sup>. This is despite Islamic opposition and pressure against secularism. This research

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<sup>7</sup> Conetta, C. "Radical Departure: Toward a Practical Peace in Iraq", a Project on Defense Alternatives Briefing Report #16, retrieved on <http://www.se1.isn.ch/serviceengine/Files/ISN/26823/...A6A9.../0407br16.pdf>, 8 July 2004, p. 17.

<sup>8</sup> US Department of State, "Background Note: Turkey" retrieved on <http://www.state.gov/r/pa/ei/bgn/3432.htm>, 10 March 2010.

<sup>9</sup> Loc Cit.

<sup>10</sup> Olson, E. A. "Muslim Identity and Secularism in Contemporary Turkey: "The Headscarf Dispute"" in Anthropological Quarterly, Vol. 58, No. 4, October 1985, p. 162.

<sup>11</sup> Shari'a Law is Islamic law, based on the Q'uran and the teachings of the prophet Mohammed.

thereby seeks to determine how secularism in Turkey gave women an adequate status in the public realm, as well as to assess its adherence of the international guidelines of women's rights that are stipulated in the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW).

The rationale behind the choice of Iraq is due to its dynamic historical background from the beginning of Saddam Hussein's regime, in 1979 to the United States of America (USA) invasion in 2003, followed by the USA's final withdrawal - due in 2011<sup>12</sup>. Iraq has emerged out of a secular regime under Saddam Hussein into an Islamic state ruled under Islamic law. The importance of women's rights in Iraq will be examined, during secularism under Saddam Hussein, the United States' (US) invasion and present institution of Islamic law.

After considering Turkey, this research will juxtapose its experience against Iraq to determine whether similar variables are present in Iraq that will create an environment for the expansion of women's rights in Iraq. This research is not advocating for the Iraqi government to adopt secularism, but will rather attempt to understand the factors responsible for Turkey's success and whether similar aspects could be seen in the present day Islamic state of Iraq.

This research is in contrast to other studies which have focused on discrimination against women in theocratic states, as it considers the fine balance between secularism and Islam in Turkey and then considers whether an Islamic state, such as Iraq could embrace similar ideals as it moves toward global recognition. Iraq thereby has a similarity with Turkey, having been previously secularist under the Ba'ath regime, as well as both having a majority Islamic population.

It needs to be clear from the outset of this research, that only the public realm rights of women in Turkey and Iraq will be discussed, due to the fact that this research needs an adequate measurement of enforceable rights, which is difficult when considering private realm rights. The time periods that will be considered is the time period at which secularism was instituted in

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<sup>12</sup> US Department of State, "Background Note: Iraq" retrieved on <http://www.state.gov/r/pa/ei/bgn/6804.htm>, 17 September 2010, p. 1.

Turkey, namely the 1920s until the present. Iraq will, however, be examined from 1979; the year at which Saddam Hussein came into power and instituted secularism, until 2010.

### **3. Rationale**

The importance of this subject and subsequent relevance of this research is demonstrated by the fact that the promotion of gender equality and the empowerment of women is the third Millennium Development Goal (MDG) to be achieved by 2015; and the achievement of this MDG is important regardless of religion<sup>13</sup>. There is equally a growing importance and awareness of gender equality across the globe. The improvement of the status of women in all states makes this research important as it adds to the current international relations interest in accordance with the third MDG.

This research is especially significant, as it will examine how Middle Eastern states have and can achieve a successful balance between Islam and women's rights. This research will contribute most significantly due to the inclusion of Iraq, a state that is currently considered of high importance in academic debates, by examining whether or not the balance achieved in Turkey could similarly be relevant in present day Iraq.

### **4. Existing Literature**

The United Nations Human Development Report in 2002 pointed to the social, political and economic exclusion of women in Arab societies as one of three primary deficits in Islamic states that serve as a hindrance to societal development<sup>14</sup>. Islamic politics are communal in nature and do not thereby focus on the importance of individual rights, which has been highlighted as part of the reasoning for the inadequate status of women in Islamic societies<sup>15</sup>.

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<sup>13</sup> United Nations Development Programme, "Goal 3: Promote gender equality and empower women" retrieved on <http://www.undp.org/mdg/goal3.shtml>, retrieved on 18 May 2010, p. 1.

<sup>14</sup> Bundesministerium für Wirtschaftliche Zusammenarbeit und Entwicklung (BMZ), "Promoting Women's Rights in Egypt" retrieved on <http://www.gtz.de/en/weltweit/maghreb-naher-osten/aegypten/17083.htm>, p. 1.

<sup>15</sup> Moaddel, M. "The Study of Islamic Culture and Politics: An Overview and Assessment" in the Annual Review of Sociology, Vol. 28, 2002, p. 364.

## **Theoretical framework**

Chowdry and Nair discuss feminism and the lack of importance that mainstream feminism, as well as the other sects of feminism have gained in the international arena<sup>16</sup>. Chowdry and Nair provide interesting insights into postcolonial theory as the starting point of this research. Chowdry and Nair highlight Said and Orientalism, as the entry point into postcolonial theory, and feminism.

## **Orientalism**

This research therefore invokes Edward Said, and considers Orientalism as the theory of the “orient” and the “occident”<sup>17</sup>. Said’s theory asserts that the “occident” (the West) views the “orient” (the East) as inferior, thereby emphasizing the Western view of superiority over the developing world<sup>18</sup>. Orientalism highlights the political, social, cultural, religious and economic differences between the “occident” and the “orient”<sup>19</sup>.

## **Postcolonial theory**

The discussion of postcolonialism begins from Orientalism, as the term postcolonial is debated by Chowdry and Nair<sup>20</sup>. McLeod asserts that the dehumanization and oppression of the colonized people, has remained within these societies and particularly affected women<sup>21</sup>. Chowdry and Nair discuss race and religious affinity, which has remained an obstacle to North-South relations and affected the application of feminism in Southern societies<sup>22</sup>.

## **Postcolonial feminism**

Postcolonial feminism as discussed by Chowdry and Nair is a feminist theory dealing with the inferiority felt by women of different races and religions<sup>23</sup>. Steans discusses that postcolonial feminists highlight the fact that they do not want to be ‘saved’ by mainstream feminism, but

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<sup>16</sup> Chowdry, G. and Nair, S., “Introduction: Power in a postcolonial world: race, gender and class in international relations” in Chowdhry, G. and Nair, S. (eds.), Power Postcolonialism and International Relations – Reading race, gender and class, London, Routledge, 2004, p. 2.

<sup>17</sup> Said, E. W., Orientalism, London, Penguin Books Ltd, 1985, pp. 1-2.

<sup>18</sup> Loc Cit.

<sup>19</sup> Loc Cit.

<sup>20</sup> Chowdry, G. and Nair, S. Op Cit., p. 13.

<sup>21</sup> McLeod, J. Beginning Postcolonialism, United Kingdom, Manchester University Press, 2000, p. 5.

<sup>22</sup> Chowdry, G. and Nair, S. Op Cit., p. 18.

<sup>23</sup> Loc Cit.

rather seek to look after themselves<sup>24</sup>. Bryson discusses the weakness of mainstream feminism in failing to acknowledge different classes of women, in different geographical and geological spaces, as well as different religions<sup>25</sup>. Patriarchy is then considered as a means of control of women in the developing world by Mies, however, the differences of religion, economic standing and culture play significant roles in which feminism is able to address patriarchy in society<sup>26</sup>. In essence, Suleri highlights the importance of postcolonial feminism in lifting developing world women out of the ‘oppressed’ status that is accorded to them in Western feminism<sup>27</sup>.

### **Secularism**

Secularism is then discussed by Biswas as the solution which Western feminism provides for developing world women’s oppression, especially when considering Islam<sup>28</sup>. Biswas considers secularism, and the manner at which religion hinders the growth and modernity of the state and is therefore integral for development, and women’s rights<sup>29</sup>. Norris and Ingelhart also discuss the issue of secularism, and separating religion and politics<sup>30</sup>. The developing world has therefore been encouraged to adopt secularism for women’s rights<sup>31</sup>. Hashemi then discusses the adaption of secularism to religion, class and geopolitical space, which is integral to this research as Turkey is a case in which secularism has been successfully adapted to Islam<sup>32</sup>.

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<sup>24</sup> Steans, J. Gender in International Relations – An Introduction, New Jersey, Rutgers University Press, 1998, p. 75.

<sup>25</sup> Bryson, V., Feminist Political Theory: An Introduction, Hampshire, Palgrave Macmillan, 2003, p. 243.

<sup>26</sup> Mies, M., Patriarchy and accumulation on a world scale: women in the international division of labour, London, Zed Books Ltd, 1998, p. xi.

<sup>27</sup> Suleri, S. “Women Skin Deep: Feminism and the Postcolonial Condition” in *Critical Inquiry*, Vol. 18, No. 4, Summer 1994, p. 760.

<sup>28</sup> Biswas, S. “The New ‘Cold War’ Secularism, orientalism and postcoloniality” in Chowdhry, G. and Nair, S. (eds.), Power Postcolonialism and International Relations – Reading race, gender and class, London, Routledge, 2004, p. 187.

<sup>29</sup> Loc Cit.

<sup>30</sup> Norris, P., and Inglehart, R., Sacred and Secular - Religion and Politics Worldwide, Cambridge University Press, Cambridge, 2004, p. 4.

<sup>31</sup> Loc Cit.

<sup>32</sup> Hashemi, N. Islam, secularism and liberal democracy: toward a democratic theory for Muslim societies, USA, Oxford University Press, 2009, p. 172.

## **Islamic feminism**

From this discussion, Islamic feminism is examined. Golley defines Islamic feminism as the successful reconciliation of feminism with Islam<sup>33</sup>. The history of Islamic feminism,<sup>34</sup> is then discussed by Moghadam, Mojab and numerous other authors. In short, numerous Islamic feminists discuss as different interpretations of the Q'uran, which gives Islamic women rights.

Badran, Merinissi and Kandiyoti discuss different interpretations of numerous verses regarding male authority and domination over women; Islamic women's clothing and seclusion; rights to own property; as well as Islamic women's religious equality with men, among other issues<sup>35</sup>. Moghadam discusses that Islamic feminism has been marked as an important theory that has bridged the gap between Islam and secularism enabling women to gain rights within the confines of Islam<sup>36</sup>.

This theoretical framework will thereby provide a background for this research, and is relevant to women in both Turkey and Iraq.

## **Gendered history of Turkey**

Kandiyoti discusses Turkey as being in an interesting placement, due to its progressive and Western view regarding women's rights<sup>37</sup>. In order to understand why Turkey occupies this particular placing in the international women's rights community, the history of the Ottoman Empire and secular Turkey is discussed.

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<sup>33</sup> Golley, N, A-H., "Is Feminism Relevant to Arab Women?" in *Third World Quarterly*, Vol. 25, No. 3, 2004, p. 522.

<sup>34</sup> Moghadam, V. M., "Islamic Feminism and Its Discontents: Toward a Resolution of the Debate" in *Signs*, Vol. 27, No. 4, Summer 2002, p. 1139.

<sup>35</sup> Badran, M., "Islamic Feminism Revisited" on <http://www.countercurrents.org/gen-badran100206.htm>, 10 February 2006, pp. 4-10.

<sup>36</sup> Moghadam, V. M. *Op Cit.* p. 1144.

<sup>37</sup> Kandiyoti, D., "Emancipated or Unliberated? Reflection on the Turkish Case" in *Feminist Studies*, Vol. 13, No. 2, 1987, p. 320.

## Ottoman Empire

The Ottoman Empire's reign officially ended in 1923<sup>38</sup>. Kucukcan discusses the history of the empire in detail, and considers the extent of the Ottoman Empire's economic and political might during its reign, as well as the fall of the Empire which resulted in secularism<sup>39</sup>.

## Secularism

Despite the fact that 99 percent of the Turkish population is Muslim, Ahmad discusses the fact that Ataturk instituted secularism to turn Turkey into a modern state that embraces women's rights<sup>40</sup>. Parla then discusses the important place which Turkish women occupied during the Independence War<sup>41</sup>. Thus, the commitment made to women's rights by Ataturk is considered by a number of different authors, namely Kucukcan, Parla and White. White discusses Ataturk's numerous calls for women's economic, political and social participation in Turkey<sup>42</sup>.

The number of reforms that were instituted following the institution of secularism in Turkey is considered by Delaney, as the constitutional reform and different legislation instituted to protect women's rights, such as the civil code is discussed<sup>43</sup>. Kandiyoti considers the importance that women's rights played in the early years of secularism and gaining of political rights for women, such as the right to vote in the 1930s<sup>44</sup>.

The different era and numerous effects they had on Turkish women's rights are considered by Ahmad. From 1930-1960, Turkish women gained significant political rights, as well as economic

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<sup>38</sup> Kucukcan, T., "State, Islam, and Religious Liberty in Modern Turkey: Reconfiguration and Religion in the Public Sphere" in the *Brigham Young University Law Review*, Vol. 5, No. 31, 2003, p. 477.

<sup>39</sup> *Loc Cit.*

<sup>40</sup> Ahmad, F., "Politics and Islam in Modern Turkey" in *Middle Eastern Studies*, Vol. 27, No. 1, 1991, p. 3.

<sup>41</sup> Parla, A., "The 'Honor' of the State: Virginitiy Examinations in Turkey" in *Feminist Studies*, Vol. 27, No. 1, Spring 2001, p. 71.

<sup>42</sup> White, J. B., "State Feminism, Modernization, and the Turkish Republican Women in the *NWSA Journal*, Vol. 15, No. 3, 2003, p. 151.

<sup>43</sup> Delaney, C., "Untangling the Meaning of Hair in Turkish Society" in *Anthropological Quarterly*, Vol. 67, No. 4, October 1994, p. 159.

<sup>44</sup> Kandiyoti, D., "Emancipated or Unliberated? Reflection on the Turkish Case" *Op Cit.* p. 321.S

liberation<sup>45</sup>. The 1961 amendment of the constitution in Turkey was also marked as an important moment in Turkish women's rights by a number of authors<sup>46</sup>.

Despite the progressive environment which Turkey has become for women within the confines of Islam, Kucukcan describes numerous instances in which the secular rule was compromised by Islamic opposition<sup>47</sup>. Kucukcan equally discusses the decades, 1960-1990<sup>48</sup>.

Arat then discusses when Tansu Ciller became the first female Prime Minister of Turkey in 1991<sup>49</sup>. The global awareness on human rights and women's rights in the 1990s is also discussed by Arat, as Turkey increased its bid to join the European Union (EU)<sup>50</sup>. Phillips considers the importance of the EU application in 1964, and the effects that it has had on Turkish women's rights<sup>51</sup>. Phillips discusses Turkey's recognition of Protocol 6 and 13 of the European Convention of Human Rights, as a sign of Turkey's commitment to becoming a member of the EU, and in turn women's rights<sup>52</sup>.

The Constitution of the Republic of Turkey, as amended in 2001 is then discussed by Özel. Özel discusses the amendments to the 1983 constitution<sup>53</sup>. Despite this constitutional change, however, Kandiyoti discusses the fact that due to patriarchy deep within Turkish society, not all women, especially rural women have benefitted from these legislation changes<sup>54</sup>.

The secularist history of Turkey has demonstrated an immense struggle between the Islamist and secular forces within Turkey. Göle concludes that despite this struggle, Turkish women have been high in all political agendas; however the extent of their public realm rights still needs to be

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<sup>45</sup> Ahmad, F., *Op Cit.* pp. 8-9.

<sup>46</sup> "Turkey's 'liberal constitution' of 1961 source myths, facts" retrieved on <http://www.hurriyetdailynews.com/n.php?n=the-8216libertarian-constitution8217-of-61-the-myth-and-the-facts-2010-05-26>, 16 May 2010, p. 1.

<sup>47</sup> Kucukcan, T., *Op Cit.* p. 492.

<sup>48</sup> *Loc Cit.*

<sup>49</sup> Arat, Y., "On Gender and Citizenship in Turkey" in *Middle East Report*, No. 198, January-March 1998, p. 28.

<sup>50</sup> *Loc Cit.*

<sup>51</sup> Phillips, D. L., "Turkey's Dreams of Accession" in *Foreign Affairs*, Vol. 83, No. 5, 2004, p. 91.

<sup>52</sup> *Loc Cit.*

<sup>53</sup> Özel, S., "Turkey Faces West" in *The Wilson Quarterly*, Vol. 31, No. 1, 2007, p. 21.

<sup>54</sup> Kandiyoti, D., "Sex Roles and Social Change: A Comparative Appraisal of Turkey's Women" in *Signs*, Vol. 3, No. 1, 1977, p. 57

considered<sup>55</sup>. This is as Turkey has become synonymous as a progressive state, despite being Islamic, as the exact public realm rights of Turkish women are considered.

### **Turkey and women's rights**

The public realm rights that Turkish women have are discussed in this chapter, along with the legal rights of women enshrined in numerous laws and the Constitution. The CEDAW website was used to determine that Turkey ratified CEDAW in 1986<sup>56</sup>. CEDAW stands as an international bill of women's rights, thereby emphasizing all political, economic and social rights for women and can all be seen in the convention<sup>57</sup>.

### **Legal and political rights**

The legal rights of Turkish women are then considered, by examining the Constitution of the Republic of Turkey<sup>58</sup>. The numerous political rights of Turkish women, enshrined in the Constitution, are discussed. Statistics from the United Nations (UN), the UNStats – Millennium Development Goal Indicators are used in order to provide an illustration of political rights of Turkish women<sup>59</sup>.

### **Economic rights**

The economic rights of Turkish women are also present and examined in the Constitution. Statistics from UNStats are again used, on the number of women working in Turkey; in the agricultural sector; and how many women work in other sectors<sup>60</sup>. The issue of unpaid care work

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<sup>55</sup> Göle, N., "Secularism and Islamism in Turkey: The Making of Elites and Counter-Elites" in the *Middle East Journal*, Vol. 51, No. 1, 1997, p. 47.

<sup>56</sup> United Nations, "Chapter IV Human Rights: Convention on the Elimination of All Forms of Discrimination against Women" retrieved on [http://treaties.un.org/Pages/ViewDetail.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetail.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en), 21 May 2010, p. 1.

<sup>57</sup> Loc Cit.

<sup>58</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, retrieved on [http://www.anayasa.gov.tr/images/loaded/pdf\\_dosyalari/THE\\_CONSTITUTION\\_OF\\_THE\\_REPUBLIC\\_OF\\_TURKEY.pdf](http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf), 2001.

<sup>59</sup> UNstats, "Millennium Development Goal Indicators, Country Level Data", retrieved on <http://unstats.un.org/unsd/mdg/Data.aspx>, 23 June 2010.

<sup>60</sup> Loc Cit.

in Turkey is discussed by Keklik<sup>61</sup>. Bruce also considers the increase of women entrepreneurs, which has in turn pointed to a greater financial freedom of Turkish women<sup>62</sup>.

### **Social rights**

Social rights in education, marriage and alike are then discussed. Rankin and Aytacı therefore discuss education in Turkey<sup>63</sup>. The Constitution is re-examined regarding the legal rights of education<sup>64</sup>. Ozvaris et al, discusses the importance that Atatürk placed on education<sup>65</sup>. Statistics from UNStats are used to examine the number of Turkish girls in school enrollment; school completion; and the literacy rate.

The Constitution is utilized again for the rights of Turkish women in marriage. Women for Women's Human Rights (WWHR) discuss the new Civil Code of 2001 and its effect for women's rights<sup>66</sup>. The Civil Code is examined providing the rights for women in marriage, divorce, and custody<sup>67</sup>.

The Constitution of Turkey is also examined for women's rights in health care. Ozvaris et al writes on the health care services for Turkish women, and Ozvaris et al and UNStats provide statistics on child birth, antenatal care and the maternal mortality rate<sup>68</sup>. Akin et al discuss family planning; access to contraception; and contraceptive use in 2003<sup>69</sup>. Remez and Kulczycki,

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<sup>61</sup> Keklik, H. T., "As if She is Family": The Marginalisation of Unpaid Household Workers in Turkey" in Gender and Development, Vol. 14, No. 2, July 2006, p. 191.

<sup>62</sup> Bruce, C., "Iraqi, Turkish Women Workers Unite" retrieved on [http://www.ocnus.net/artman2/publish/Labour\\_9/Iraqi\\_Turkish\\_Women\\_Workers\\_Unite.shtml](http://www.ocnus.net/artman2/publish/Labour_9/Iraqi_Turkish_Women_Workers_Unite.shtml), 26 April 2009, p. 1.

<sup>63</sup> Rankin, B. H., and Aytacı, I. A., "Gender Inequality in Schooling: The Case of Turkey" in the Sociology of Education, Vol. 79, No. 1, January 2006, p. 25.

<sup>64</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 14.

<sup>65</sup> Ozvaris, S. B., et al., "The Role and Influence of Stakeholders and Donors on Reproductive Health Services in Turkey: A Critical Review" in Reproductive Health Matters, Vol. 12, No. 24, November 2004, p. 117.

<sup>66</sup> Women for Women's Human Rights, "Turkish Civil Code", retrieved on 1 June 2010, [http://www.wwhr.org/turkish\\_civilcode.php](http://www.wwhr.org/turkish_civilcode.php), p. 1.

<sup>67</sup> "Official Gazette No. 24607, dated 08.12.20019 - Turkish Civil Code", retrieved on <http://www.tusev.org.tr/userfiles/image/turkey%20tr%20civil%20code%20provisions.pdf>, 6 August 2003, p. 2.

<sup>68</sup> <sup>68</sup> Ozvaris, S. B., et al., Op Cit. pp. 117-119.

<sup>69</sup> Akin, A. et al., "Study Supports the Introduction of Early Medical Abortion in Turkey" in Reproductive Health Matters, Vol. 13, No. 26, November 2005, p. 101.

discuss the fertility rates and use of contraception in recent years in Turkey<sup>70</sup>. Kulczycki also discusses the role Turkish men now play in contraceptive use, as well the importance of this advancement<sup>71</sup>.

Abortion is then considered in *Reproductive Health Matters*, with interesting statistics on abortion provided by Akin, et al and this above journal<sup>72</sup>. In a related topic regarding Turkish women's sexual autonomy, Parla specializes in the issue of virginity testing and the recent change in legislation regarding the women's consent for the test to be conducted<sup>73</sup>. The issue of violence against women is discussed by Rodriguez and WWHR, as they consider the legislation protecting women from violence and statistics of violence in Turkey.

Regarding sex role and stereotyping, the issue of clothing in Turkey is discussed by Marshall, Porter and news reports, which discuss the headscarf ban in Turkey and the response<sup>74</sup>. The sensitive issue of honour killings in Turkey is considered by Tait<sup>75</sup>, as the legislation regarding the crime is examined in the Constitution. Tait also provides some interesting statistics on the numbers of Turkish women killed in honour killings<sup>76</sup>.

The role of various organizations and movements in Turkey is then discussed by Ozvaris et al, as well as the rights that can be accorded to movements and organizations. The Human Rights Education Program for Women by WWHR is also considered<sup>77</sup>.

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<sup>70</sup> Remez, L., "In Turkey, Women's Fertility is Linked to Education, Employment and Freedom to Choose a Husband" in *International Family Planning Perspectives*, Vol. 24, No. 2, June 1998, p. 97.

Kulczycki, A., "Husband-Wife Agreement, Power Relations And Contraceptive Use in Turkey" in *International Family Planning Perspectives*, Vol. 34, No. 3, September 2008, p. 127.

<sup>71</sup> *Ibid.* p. 128.

<sup>72</sup> Akin, et al. *Op Cit.* p. 101.

<sup>73</sup> Parla, A., *Op Cit.* p. 66.

<sup>74</sup> Marshall, G. A., "Ideology, Progress, and Dialogue: A Comparison of Feminist and Islamist Women's Approaches, in *Gender and Society*, Vol. 19, No. 1, February 2005, p. 107. And Porter, M., "Headscarves in Turkey wave a red flag" retrieved on <http://www.globalpost.com/dispatch/study-abroad/100209/headscarves-turkey>, 9 February 2010, p. 1.

<sup>75</sup> Tait, R., "Turkish girl, 16, buried alive 'for talking to boys'" retrieved on <http://www.guardian.co.uk/world/2010/feb/04/girl-buried-alive-turkey>, 4 February 2010, p. 1.

<sup>76</sup> *Loc Cit.*

<sup>77</sup> Women for Women's Human Rights, "Human Rights Education Program for Women" retrieved on 1 June 2010, <http://www.wwhr.org/hrep.php>, p. 1.

## **Iraq and women's rights**

### **Background**

The background of Iraq was gained from the US Department of State<sup>78</sup>, as well as Farouk-Slugett and Slugett, which both discussed the history of Iraq from the beginning of Saddam's reign and secularism to the current state of US occupation<sup>79</sup>. Coleman is also used to decipher the history of Iraq regarding women and the US occupation<sup>80</sup>. Tetreault is then used as she discusses the trend during revolutions, or in Iraq's case post-conflict and occupation, when women are generally excluded from the reconstruction processes; drawing a parallel in Iraq<sup>81</sup>.

### **Iraq and CEDAW**

The CEDAW website is again invoked to discuss when Iraq ratified CEDAW, and the conditions upon which they did so<sup>82</sup>. The CEDAW report on Iraq and the number of recommendations that the CEDAW committee recommended is also discussed, and the research is again gained from the CEDAW website.

### **Legal and political rights**

The Constitution of the Republic of Iraq is examined in detail to decipher Iraqi women's legal rights<sup>83</sup>. Coleman, as well as Hunt and Posa also consider the legal implications for women's rights with the change from secularism to Islamic law<sup>84</sup>. The political rights of Iraqi women are examined in the Constitution. UNStats is also used to determine how many women are in the Iraqi Parliament<sup>85</sup>.

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<sup>78</sup> US Department of State, "Background Note: Iraq" *Op Cit.* pp. 1-6.

<sup>79</sup> Farouk-Sluglett, M. and Slugett, P., "Iraq Since 1986: The Strengthening of Saddam" in *Middle East Report*, No. 167, November-December 1990, pp. 19-23.

<sup>80</sup> Coleman, I., "Women, Islam, and the New Iraq" in *Foreign Affairs*, January/February 2006, p. 2.

<sup>81</sup> Tetreault, M. A., *Women and Revolution in Africa, Asia and the New World*, University of South Carolina Press, Columbia, 1994, p. 5.

<sup>82</sup> CEDAW Wordpress, "Iraq" retrieved on <http://cedaw.wordpress.com/2007/04/10/iraq-reservations-to-cedaw/>, 10 April 2007, p. 1.

<sup>83</sup> "Iraqi Constitution" [http://www.uniraq.org/documents/iraqi\\_constitution.pdf](http://www.uniraq.org/documents/iraqi_constitution.pdf), 2005, pp. 1-43.

<sup>84</sup> Hunt, S. and Posa, C., "Iraq's Excluded Women" in *Foreign Policy*, No. 143, July-August 2004, p. 43.

<sup>85</sup> UNstats, "Millennium Development Goal Indicators, Country Level Data", retrieved on <http://unstats.un.org/unsd/mdg/Data.aspx>, 23 June 2010.

### **Economic rights**

The Constitution of Iraq is also examined to determine Iraqi women's economic rights. Bajraktari discusses the economic right of Iraqi women and their ability to exercise them<sup>86</sup>. UNStats are again used to determine the numbers of women exercising their economic rights<sup>87</sup>. Halliday discusses the detrimental economic effects that years of sanctions and occupation have had on Iraqi women, which provides an interesting insight into Iraq's economic climate<sup>88</sup>. Unpaid care work is also discussed, with the issue of Iraqi's financial rights discussed in the Gender index<sup>89</sup>.

### **Social rights**

Education is discussed first to kick off the social rights. The Constitution is again invoked to examine the rights of Iraqi women in education. USAID also discusses the issue of education for Iraqi women<sup>90</sup>. UNStats are again used to determine the literacy rate of Iraqi women, as well as school enrollment and completion rates<sup>91</sup>. Coleman similarly discusses the education of Iraqi women and statistics on increasing numbers of women in education.

Marriage is then considered. Legislation, namely the Iraqi Constitution and the Personal Status Law is examined to understand Iraqi women's rights. The discussion of legislation is vast and Coleman is again considered, as a commentary on the legislation for Iraqi women's rights<sup>92</sup>.

The health care rights of Iraqi women can be seen in the Constitution of Iraq. UNStats is then used to determine maternal mortality rates and antenatal care<sup>93</sup>. Family planning is then

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<sup>86</sup> Bajraktari, Y., "Economic Empowerment of Women in Iraq: The Way forward" retrieved on <http://www.usip.org/publications/economic-empowerment-women-iraq-way-forward>, May 2006, p. 2.

<sup>87</sup> UNstats, *Op Cit.*

<sup>88</sup> Halliday, D. J., "The Impact of the UN Sanctions on the People of Iraq" in *Journal of Palestine Studies*, Vol. 28, No. 2, Winter 1999, p. 33.

<sup>89</sup> "Gender Equality and Social Institutions in Iraq" retrieved on <http://genderindex.org/country/iraq>, retrieved on 03 December 2001, p. 2.

<sup>90</sup> USAID, "Assistance for Iraq – Support to Iraqi women" retrieved on <http://www.usaid.gov/iraq/accomplishments/women.html>, 2007, p. 1.

<sup>91</sup> UNstats, *Op Cit.*

<sup>92</sup> Coleman, I., *Op Cit.* p. 3.

<sup>93</sup> Unstats, *Op Cit.*

examined, as UNStats are again utilized to determine the rates of contraceptive use in Iraq<sup>94</sup>. Abortion in Iraq is equally discussed by Lasky and numerous news articles from the BBC, as there is no direct legislation in Iraq regarding abortion<sup>95</sup>. No active literature regarding virginity testing in Iraq was found, however, it is believed to be occurring. Violence against women is discussed by Tavernise as highly common, having escalated during the US occupation<sup>96</sup>. Tavernise also provides numerous statistics on violence against women<sup>97</sup>. Campaigns on violence against women are equally discussed by the Iraqi Women's League<sup>98</sup>.

With regards to sex role stereotyping and prejudice, as with Turkey, clothing and honour killings are considered. The issue of women's clothing is discussed in an article titled "Gender equality and social institutions", in which the US occupation have created further volatile conditions for Iraqi women, and they are therefore forced to wear the hijab<sup>99</sup>. Lasky also discusses the fact women were not previously forced to wear a hijab, but that the pressure has arisen due to the increase of violence against Iraqi women<sup>100</sup>. Honour killings in Iraq, as well as statistics of the occurrences of these killings are discussed by Bruce and Tavernise<sup>101</sup>. News reports are equally used to consider the rate and severity of honour killings in Iraq.

The role of various Iraqi organizations and movements on women's rights since the 1950s is discussed by Efrati<sup>102</sup>. Gaestal then considers the particular rights that have been accorded to Iraqi women due to organizations and women's movements<sup>103</sup>.

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<sup>94</sup> Loc Cit.

<sup>95</sup> Lasky, M. P., "Iraqi Women Under Siege" a report for Women for Peace and Global Exchange, retrieved on <http://s3.amazonaws.com/codepink4peace.org/downloads/IraqiWomenReport.pdf>, retrieved on 3 November 2010, p. 15.

<sup>96</sup> Tavernise, S., "Abortion and Rape in Baghdad" retrieved on <http://www.feministezine.com/feminist/abortioninbaghdad.html>, retrieved on 22 November 2010, p. 1.

<sup>97</sup> Loc Cit.

<sup>98</sup> Iraqi Women's League, "Press Release: Campaign to stop violence against women in Iraq" retrieved on <http://www.c-we.org/eng/show.art.asp?aid=513>, 1 May 2008, p. 1.

<sup>99</sup> "Gender Equality and Social Institutions in Iraq" *Op Cit.* p. 3.

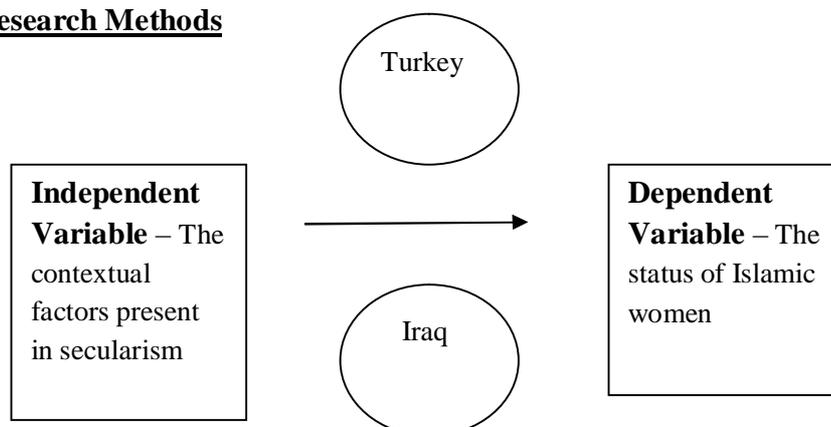
<sup>100</sup> Lasky, M. P., *Op Cit.* pp. 13-15.

<sup>101</sup> Bruce, C., *Op Cit.* p. 2.

<sup>102</sup> Efrati, N., "The Other 'Awakening' in Iraq: The Women's Movement in the First Half of the Twentieth Century" in the *British Journal of Middle Eastern Studies*, Vol. 31, No. 2, November 2004, p. 153.

<sup>103</sup> Gaestal, A., "Women's movement in Iraq grows despite lack of international support" retrieved on <http://www.mediaglobal.org/article/2010-04-29/womens-movement-in-iraq-grows-despite-lack-of-international-support>, 29 April 2010, p. 1.

## 5. Research Methods



The Causal diagram demonstrates the independent variable, namely the contextual factors present in secularism, and its effect on the dependent variable, which is the status of Islamic women. Turkey is the case study chosen, as this research seeks to consider what factors were responsible for the successful balance between secularism and Islamic women's rights. It will then discuss whether this is unique or can be seen in Iraq from its secularist past, and therefore the possibility of the same balance between the political regimes, albeit Islamic and women's rights.

Turkey has been specifically chosen as the case study due to the fact that it is a fundamentalist secular state, and thereby places the rights of Islamic women as highly important within its political discourse. The inability of most Arab states to adhere to the 1948 Universal Declaration of Human Rights (UDHR) represents a severe lack of adherence to international human rights commitments due to aspects in Shari'a law which contradicts secularist principles<sup>104</sup>. This research seeks to consider what factors have allowed Turkey to maintain its secular state, which honours women's rights. Turkey, having achieved a careful balance between secularism and Islamic women's rights thereby may have important lessons which Iraq could adapt and apply to its Islamic regime, with regards to Islamic women's rights. Once having considered whether certain secularist principles remain in Iraq, this research will examine whether these factors are resistant enough in the present day Islamic Iraq to allow for Islamic women's rights.

<sup>104</sup> Majid, A., "The politics of Feminism in Islam" in *Signs*, Vol. 23, No. 2, Winter 1998, p. 321.

Iraq was particularly chosen due to the fact that Iraq is a highly significant state in the Middle East, attempting to gain global recognition and development<sup>105</sup>. The recent adoption of Shari'a law, after the 24 year long secular regime, has been described as detrimental for Iraqi women's rights. However, the government seems committed to maintaining a degree of Iraqi women's rights in accordance with Islam. It is therefore important to examine whether particular aspects within Turkey's past that achieved women's rights can be currently seen or translated in Iraq.

The indicators that have been chosen to prove the causal process in Turkey, and possibly Iraq, between secularism and the status of women; have been grouped into political, economic and social indicators. CEDAW indicators will be used for this study as they assert the needs for an end to discrimination against women; and exclusion or distinctions based on sex, regardless of marital status in political, social and economic realms of society. The indicators will similarly be used to assess the current status of women in Turkish and Iraqi societies.

### **Political Indicators**

The political rights of Turkish and Iraqi women will be examined.

Part II in CEDAW will be used for the first group of indicators.

- Article 7 of CEDAW is "Political and Public Life" which includes the inalienable rights to vote; the right "to participate in the formulation of government policy and the implementation thereof...", as well as the right "to participate in non-governmental organizations and associations concerned with the public and political life of the country"<sup>106</sup>.
- Article 8 is "Representation" which dictates the need for government to ensure the "full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"<sup>107</sup>.
- These indicators will be used in this research, and will allow the examinations of the rights of Turkish and Iraqi women to vote; the right to participate in government policy;

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<sup>105</sup> Conetta, C., *Op Cit.* p. 17.

<sup>106</sup> United Nations, "The Convention on the Elimination of all Forms of Discrimination Against Women", retrieved on <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>, 2009, p. 6.

<sup>107</sup> *Ibid.* p. 7.

as well as the right to representation in political and public life on a basis of equality between men and women.

### **Economic Indicators**

The indicators for economic rights of Turkish and Iraqi women can be found in Part III of CEDAW.

- Article 11 is titled “Employment”, which includes the right to work and the same employment opportunities in sectors; free choice of profession; as well as the right to equal remuneration and good working conditions are included in this article<sup>108</sup>. Unpaid care work will also be briefly considered in this regard, despite the lack of active legislation regarding this particular issue.
- Article 13 includes “Social and Political” rights for women, which aims to “eliminate discrimination against women in other areas of economic and social life” and includes “the right to bank loans, mortgages and other forms of financial credit”<sup>109</sup>.

### **Social Indicators**

The Social rights of Turkish and Iraqi women in the last group of indicators are considered in this research.

- Article 13 of CEDAW ensures women social benefits equal to men<sup>110</sup>.
- Education will equally be examined, and can be considered as both an economic and social right. The right to education; enrollment rates; as well as female drop-out rates in education will be the indicators examined in this research. This is clearly stipulated in Part III, Article 10 of CEDAW as the elimination of “discrimination against women in order to ensure to them equal rights with men in the field of education” which includes the indicators mentioned<sup>111</sup>.
- Article 16 accords women rights in “Marriage and Family Life” which ensures the elimination of “discrimination against women in all matters relating to marriage and

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<sup>108</sup> ibid. p. 8.

<sup>109</sup> ibid. p. 9.

<sup>110</sup> ibid. p. 9.

<sup>111</sup> ibid. p. 7.

family relations...”<sup>112</sup>. Article 16 of CEDAW also includes the equal right to enter into marriage; equal rights of the spouses during marriage and divorce; equal rights as parents; equal responsibilities of custody; and lastly equal rights of ownership in acquisition during the marriage<sup>113</sup>.

- The legislation on the minimum age for marriage is considered as an indicator in this research, as Article 16 of CEDAW states that “the betrothal and the marriage of a child shall have no legal effect, and all necessary action...to specify a minimum age for marriage”<sup>114</sup>.
- Health care indicators will be used in this research from Article 12 of CEDAW in which states take the responsibility to “eliminate discrimination against women in the field of health care in order to ensure...access to health care services, including those related to family planning”<sup>115</sup>. Laws on health and women’s access to health in Turkey and Iraq will be examined. Family planning, abortion and virginity testing will also be examined in this context.
- This research will include violence against women in the health care indicators, as Article 15 ensures women’s rights in the “equality of men and women before the law”, which includes the fact that men and women are accorded with “the same rights with regards to the law”<sup>116</sup>. This includes the legislation on the safety and protection of women against abuse.
- Article 5 of CEDAW titled “Sex Role Stereotyping and Prejudice” deals with clothing and religious practices, as it pledges that states will “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices...stereotyped roles for men and women”<sup>117</sup>. The legal rights with regards to the clothing of women in Turkey and Iraq; the social freedom of Islamic women in these states, as well as the custom of honour killings, will therefore be considered.

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<sup>112</sup> Loc Cit.

<sup>113</sup> Loc Cit.

<sup>114</sup> Ibid. p. 10.

<sup>115</sup> Ibid. pp. 8-9.

<sup>116</sup> Ibid. p. 10.

<sup>117</sup> Ibid. p. 6.

Finally, Article 15 of CEDAW states that there be “women equality with men before the law”<sup>118</sup>, which is integral to this research as only the legal status and rights that can be guaranteed within the public domain are considered in this research.

These indicators have been chosen as they are all contained in CEDAW. It is the internationally recognized standard against which the rights of women in a country can be measured and utilized, regardless of whether the said country has ratified CEDAW or not. Turkey signed and ratified CEDAW in 1987 and has managed to maintain Turkish Islamic women’s rights in the public realm<sup>119</sup>. Thus, Turkey’s commitment to women’s rights can be judged on this standard. Iraq, having ratified CEDAW in August 1986 should equally be providing all Iraqi women with the public realm rights stipulated in CEDAW<sup>120</sup>. This research will examine to what extent the rights of Turkish and Iraqi women are upheld in these states.

It is, however, important to note that Iraq ratified CEDAW upon a number of reservations. These reservations include the fact that the ratification stands as long as Iraq is not subject to Article 2, Paragraphs (f) and (g); Article 9, Paragraphs 1 and 2; nor Article 16 of the convention<sup>121</sup>. This is highly significant due to the fact that Article 2, Paragraph (f) states that states must “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”<sup>122</sup>, which is especially important when considering public realm rights of women guaranteed by legislation. Article 9 contains paragraphs about acquiring nationality, which is not relevant to this particular research and indicators chosen. The fact that Iraq does not recognize Article 16 is highly problematic for this research as Article 16 contains clauses regarding “measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall

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<sup>118</sup> *Ibid.* p. 10.

<sup>119</sup> United Nations, “Chapter IV Human Rights: Convention on the Elimination of All Forms of Discrimination against Women” retrieved on [http://treaties.un.org/Pages/ViewDetail.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetail.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en), 21 May 2010, p. 1.

<sup>120</sup> *Loc Cit.*

<sup>121</sup> CEDAW Wordpress, “Iraq”, retrieved on <http://cedaw.wordpress.com/2007/04/10/iraq-reservations-to-cedaw/>, 10 April 2007, p. 1.

<sup>122</sup> United Nations, “The Convention on the Elimination of all Forms of Discrimination Against Women”, *Op Cit.* p. 5.

ensure, on a basis of equality of men and women”<sup>123</sup>. This already indicates tension in Iraq between secularism and Islam with regards to women’s rights. This is in contrast to Turkey, and highlights the numerous doubts of Saddam’s regime and his commitment to women’s human rights.

Whilst considering the status of Islamic women in Turkey and Iraq; this research will inevitably invoke the use of domestic legislation on women in order to determine their political, economic and social rights in the public realm. While this research seeks to consider the pertinent laws regarding Islamic women’s rights, such as the ownership of property, marriage and custody of children, this research is limited in that it will not consider the entire legal status of women in Turkey and Iraq. This limitation is significant as it will provide the research with an insight into the legal rights of women, but is unable to consider the legal status of Turkish women thoroughly. This research will similarly only consider the rights of women in Turkey and Iraq in the public realm, as the only rights that governments are able to guarantee. Due to the fact that it is difficult to measure women’s rights in the private realm, only the legislated rights of women in the public realm will be examined.

## **6. Research Data**

The data for this research has been collected through a number of means. This research has drawn significantly on qualitative analysis, which includes the use of journal articles, as well as government and academic reports and commentaries. Books have also been used; however, the use of books has been limited, as books were primarily used for the historical aspects, and the theoretical framework of the research. CEDAW reports have also been used in this research, as Turkey’s last CEDAW report released by CEDAW in July 2010 and Iraq’s last report, completed in 2000 was accessed<sup>124</sup>.

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<sup>123</sup> *Ibid.* p. 10.

<sup>124</sup> United Nations, “CEDAW Country Reports”, <http://www.un.org/womenwatch/daw/cedaw/reports.htm>, 28 December 2007.

The use of statistics has also been invoked, as data from the United Nations on the Millennium Development Goals (MDG) have been used, specifically statistics on MDG number three which seeks to “Promote gender equality and empower women”<sup>125</sup>.

## **7. Research Analysis and Interpretation**

The literature on women in Turkey will be analyzed, along with the statistics and data in order to determine the success of secularism, along with Islam in Turkey from a gendered perspective. The literature and statistics on women in Iraq will then be analyzed in order to determine whether Turkey’s experience with its political discourse and women’s rights could also successfully translated into Iraq.

## **8. Conclusion**

This research will attempt to consider whether aspects present in secularism are interchangeable from one state to another. This research will utilize Iraq and Turkey as the case studies in an attempt to discover whether this is possible. This research question will challenge the universal principle of secularism, by determining the degree of success secularism has on women’s rights as well as whether aspects seen in secularism could be translated into another Islamic state, such as Iraq – with regards to women’s rights. The importance of this research is therefore undoubtedly highly significant, as it will equally attempt to understand whether Western feminist ideals about Islam are correct.

## **9. Chapterization**

Chapter 2: Theoretical framework

Orientalism and Postcolonial theory will be discussed in detail as a framework for the research. A discussion on Islamic feminism will follow, thereby providing women rights within their religious context.

Chapter 3: Gendered history of Turkey

The history of Turkey from a gendered perspective will be considered from the 1920s to the present.

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<sup>125</sup> United Nations Development Programme, “Goal 3: Promote gender equality and empower women” Op Cit. p. 1.

#### Chapter 4: Turkey

The political, economic and social rights of Turkish women are examined, subsequently ascertaining Turkey's compliance to CEDAW. The manner at which Turkey has achieved a delicate balance between secularism and Islam will be examined and the factors that have fostered this balance will be identified and analyzed.

#### Chapter 5: Iraq

A brief history of Iraq will be provided from a gendered perspective. Iraq's compliance to CEDAW and the rights of women since 1979 to the present will be factors in Iraq that are responsible for women's rights will also be identified, as a contrast between the factors in Turkey and Iraq will be pursued, as this chapter scrutinizes the future of human rights for Iraqi women.

#### Chapter 6: Conclusion

This chapter will sum up this research by briefly summarizing what the research achieved. Moreover, the factors present in Turkey and Iraq will be analyzed in order to understand the progress made in Iraq and the future for Iraqi women's rights, relative to the factors identified in this research. This comes as present day Islamic Iraq seeks international recognition in order to repair its fragile state – women's rights being an important factor for this.

## Chapter 2

### Theoretical framework

Feminism, and on a larger spectrum, international relations has largely omitted race, class and gender in its analysis of the international arena<sup>126</sup>. Mainstream international relations theory obscures the racialized, gendered and class divisions in power, and in fact reinforces them<sup>127</sup>. The theoretical framework chosen for this research is Postcolonial theory, which invokes the postcolonial discourse on feminism, as well as Orientalism. Secularism is also considered as it is particularly relevant when considering the status of women in Turkey. Islamic feminism is then examined, as the feminist theory particularly relevant for Islamic women, as a means for Islamic women to gain rights.

International relations feminism primarily asserts that the international relations scholarship has omitted women from all analyses and has thereby tasked itself with righting the invisibility of women<sup>128</sup>. International relations feminism calls for the deconstruction of gender based knowledge and theory<sup>129</sup>. Feminism in the field of international relations therefore considers gendered otherness; moreover postcolonial feminism considers women's racialized and sexualized otherness by locating the source of their oppression and discrimination<sup>130</sup>.

#### Postcolonial theory

As mentioned, postcolonial theory adds a distinctive approach and critique to international relations and theory. This is due to the postcolonial interrogation of international politics and the ways in which historical processes have contributed to the current climate<sup>131</sup>. Postcolonial theory

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<sup>126</sup> Chowdry, G. and Nair, S., Op Cit. p. 2.

<sup>127</sup> Loc Cit.

<sup>128</sup> Tickner, J. A., "Introduction: Gendering World Politics" in Gendering World Politics, New York, Columbia University Press, 2001, p. 2.

<sup>129</sup> Loc Cit.

<sup>130</sup> Chowdry, G. and Nair, S., Op Cit. p. 2.

<sup>131</sup> Loc Cit.

developed from work completed on the colonial discourse. This research in particular, will examine Orientalism, by Edward Said<sup>132</sup>.

### **Orientalism**

Orientalism therefore serves as the entry point into postcolonialism. Edward Said, the founder of Orientalism firstly provides Orientalist names for the West, namely ‘Occident’ and the East, the ‘Orient’<sup>133</sup>. His discussion continues that “The Orient was almost a European invention”, as the ‘Orient’ moved from being an exotic place to one of disdain and pity<sup>134</sup>. The ‘Occident’ and the ‘Orient’ are man-made geographical sectors; therefore making the ‘Orient’ an idea arising out of Western traditional thought, history and imagination<sup>135</sup>.

Orientalism therefore accentuates the differences between the ‘Orient’ and the ‘Occident, which promotes a relationship of European-Atlantic superiority over the ‘Orient’<sup>136</sup>. The Western world’s relationship with the East, which is based on power and domination, can be considered a corporate institution for dealing with the ‘Orient’<sup>137</sup>. Orientalism is thus a body of theory, instead of European fantasy of superiority<sup>138</sup>. Said asserts that Western interest in the ‘Orient’ was due to political and economic interests and the economic and political circumstances, as well as the dynamic culture in the ‘Orient’ created the relationship of superiority which has become Orientalism<sup>139</sup>. Orientalism has become a geopolitical awareness of the political, economic, aesthetic, cultural, and religious differences between the ‘Occident’ and the ‘Orient’<sup>140</sup>; which has been exacerbated by the period of postcolonialism.

Orientalism has been developed through Western academic, philosophical and cultural expressions, as well as imperialistic endeavors throughout the 20<sup>th</sup> century<sup>141</sup>. The structures of

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<sup>132</sup> Mills, S., “Post-colonial feminist Theory” in Jackson, S. and Jones, J. (eds.), Contemporary feminist Theories, Edinburgh, Edinburgh University Press, 1998, p. 98.

<sup>133</sup> Said, E. W., Op Cit. p. 1.

<sup>134</sup> Ibid. pp. 1-2.

<sup>135</sup> Ibid. p. 5.

<sup>136</sup> Ibid. p. 6.

<sup>137</sup> Ibid. p. 3.

<sup>138</sup> Ibid. p. 6.

<sup>139</sup> Ibid. p. 12.

<sup>140</sup> Loc Cit.

<sup>141</sup> Chowdry, G. and Nair, S. Op Cit. p. 13.

domination between the occident and the orient in Orientalism draw on colonial practices and ideology, as the colonial power is viewed as superior to the colonized power<sup>142</sup>. This research will thus use Orientalism in order to establish to what extent the assumptions of Western feminists, were based on facts and whether Western feminist theory is applicable to Islamic women.

### **Postcolonial theory**

Postcolonial theory is a complex theory, which has enabled a complex web of interdisciplinary studies<sup>143</sup>. The term postcolonial has engendered much debate, as critics of postcolonial theory argue that the term suggests the demise of colonialism and therefore the relevance of this theory<sup>144</sup>. Critics also argue that the term postcolonialism undermines the economic, political and cultural consequences of the colonial past<sup>145</sup>. It is, however, argued that the term postcolonial refers to the multifaceted shifts that occurred in the international arena due to decolonization, seen in values, representations and alike<sup>146</sup>. Postcolonial theory and the term itself, does not therefore signify the end of colonialism, but rather the perseverance of colonial practices within the world, and more specifically in the decolonized nations<sup>147</sup>. Postcolonialism therefore considers colonialism as “a continuing set of practices that are seen to prescribe relations between the West and the Developing World beyond the independence of the former colonies”<sup>148</sup>. The imperialistic and colonial practices thereby continue within the relations between the developing and the developed world, as the superiority of one over the other, continues within all sectors of society, especially the status of women. Postcolonialism hence begins with the principle that imperialism represents a key historical juncture in which the colonies national identities were constructed in opposition to Western identities<sup>149</sup>.

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<sup>142</sup> Loc Cit.

<sup>143</sup> Ibid. p. 11.

<sup>144</sup> Loc Cit.

<sup>145</sup> Loc Cit.

<sup>146</sup> McLeod, J. Op Cit. p. 5.

<sup>147</sup> Chowdry, G. and Nair, S. Op Cit. p. 11.

<sup>148</sup> Ibid. p. 14.

<sup>149</sup> Chowdry, G. and Nair, S. Op Cit. p. 2.

The material and representational legacies of colonialism and decolonization remain highly significant and poignant in the international arena<sup>150</sup>. This is due to the fact that colonialism took on a number of different forms and has thereby resulted in diverse effects<sup>151</sup>. Colonialism was initially considered an attempt of the ‘Occident’ to civilize the ‘Orient’ and attempt to create a fair and just world with democratic regimes<sup>152</sup>. In reality, colonialism was primarily enacted to gain profit, trade and enrichment of the colonial powers<sup>153</sup>. Colonialism is often used interchangeably with imperialism, as the people of the colonized world were thought of as the “other”<sup>154</sup>.

Postcolonial theory asserts that the dehumanization and oppression of the racialized colonial subject, including women, also referred to as “thingification”, was critical to the efficiency of colonization<sup>155</sup>. Colonialism included the classification of race, as well as economic standing and this has hence influenced North-South relations<sup>156</sup>. The superiority of the West over the ‘orient’, racially, intellectually and morally is therefore highlighted in Postcolonial theory and Orientalism<sup>157</sup>.

### **Postcolonial feminism**

Race and gender have equally been central to the construction of the nation and national identity<sup>158</sup>. The effect that race and ethnicity have on national identity has been key when considering the identity of women in the ‘Orient’<sup>159</sup>. Postcolonial feminism thus emphasizes that the national identity of women in the ‘Orient’ is tied to the colonial past and the manner with which their identities were constructed as the inferior other<sup>160</sup>. This added to the numerous indigenous values that these women were already burdened with.

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<sup>150</sup> McLeod, J. *Op Cit.* p. 7.

<sup>151</sup> *Loc Cit.*

<sup>152</sup> *Loc Cit.*

<sup>153</sup> *Loc Cit.*

<sup>154</sup> *Ibid.* p. 9.

<sup>155</sup> Chowdry, G. and Nair, S. *Op Cit* p. 17.

<sup>156</sup> *Ibid.* p. 18.

<sup>157</sup> *Loc Cit.*

<sup>158</sup> *Ibid.* p. 20.

<sup>159</sup> McLeod, J. *Op Cit.* p. 68.

<sup>160</sup> *Ibid.* pp. 68-69.

It is, at this juncture, important to reiterate the fact that colonization was deemed necessary for the establishment of a modern white civilized international order<sup>161</sup>. Colonialism resulted in the subsequent construction of the civilized superior race and culture, attempting to civilize the uncivilized inferior races in the colonized nations<sup>162</sup>. Moreover, colonization created a gendered hierarchical international arena in which the colonized nations were largely feminized and hence inferior, as opposed to the West which was masculinized and superior, which was considered upper class<sup>163</sup>. The identification of the colonized subject as the other has resulted in postcolonial discourse in an internalization of the identity<sup>164</sup>. Apart from the objectives of colonialism being to create a civilized international arena; colonial states equally sought to ‘save’ the ‘female victim’ of the colonized states<sup>165</sup>. Colonization resulted in the politicization of cultural and religious practices such as veiling, among others, which ultimately gained a symbolic importance in western view of oppression<sup>166</sup>. The politicization of cultural and religious practices, despite being already rooted in society, thereby allowed for a clear assertive identity and refusal to adopt a Western identity.

Subsequently, Women from the West continue to adopt a colonial ethos, trying to save developing world women from oppressive cultural and religious practices<sup>167</sup>. Symbols, such as the veil have therefore become aspects around which the oppression of Developing World women and the ‘Orient’, particularly Islam, has centered<sup>168</sup>. Western feminists hence claim the need to liberate the colonized subject; the oppressed Eastern women, without considering their individual circumstances such as culture, history, geographical space and societal norms<sup>169</sup>. However, these Eastern women cannot be ‘liberated’ without taking their individual factors into account. The vast majority of women that do not live in the West lack basic rights and legal protection and are vulnerable to geographic/humanitarian disasters, economic factors, ethnic

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<sup>161</sup> McLeod, J. Op Cit. p. 7.

<sup>162</sup> Chowdry, G. and Nair, S. Op Cit. p. 20.

<sup>163</sup> Loc Cit.

<sup>164</sup> McLeod, J. Op Cit. p. 21.

<sup>165</sup> Ibid. p. 20.

<sup>166</sup> Loc Cit.

<sup>167</sup> Loc Cit.

<sup>168</sup> Loc Cit.

<sup>169</sup> Steans, J. Op Cit. p. 75.

conflict, as well as religious and cultural fundamentalism<sup>170</sup>. Mainstream feminism tends to simplify these issues, often focusing their efforts on eradicating perceived ‘symbols’ of Eastern oppression such as the veil, while overlooking more pressing areas.

In contrast, drawing on Orientalism and Postcolonial theory, Postcolonial feminism makes gender, race and class central to their examinations<sup>171</sup>. Postcolonial feminist theory emphasizes the fact that Postcolonial theory is masculine in nature, as colonialism represented women as inferior<sup>172</sup>. Women’s studies are considered a “living subject” in Postcolonial theory, which is in stark contrast to mainstream feminism, due to the lack of consideration of women’s religions and cultures<sup>173</sup>. Postcolonial feminist theory seeks to deconstruct Western feminist knowledge about developing world women, and therefore reconstruct a locally grounded knowledge about these women. Mohanty states that Postcolonial feminist theory seeks to draw attention to the “simultaneity of oppressions” and grounds “feminist politics in the histories of racism and imperialism”<sup>174</sup>. Through the consideration of race and class along with gender, Postcolonial feminist theory seeks to suggest that the meanings of race and class are derived from their particular circumstances<sup>175</sup>.

The postcolonial context is one that is filled with sexual coding and meanings, as women from former colonial lands are still viewed as “exotic”<sup>176</sup>. This was acted out in the colonial era, as colonialists adopted women as concubines or prostitutes<sup>177</sup>. There are still colonial ideals seen in the sexual/submissive manner at which Western men think of women in the orient<sup>178</sup>. These sexual meanings have resulted in postcolonial feminists attempting to lift the inferior sexual status of oriental women<sup>179</sup>. The image “third world woman” has also been distorted by Western

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<sup>170</sup> Bryson, V., *Op Cit.* p. 243.

<sup>171</sup> John, M. E. *Discrepant dislocations: feminism, theory, and postcolonial histories*, London, University of California Press Ltd, 1998, p. 6.

<sup>172</sup> Mills, S. *Op Cit.* p. 99.

<sup>173</sup> Wiegman, R. “Academic Feminism against Itself” in *NWSA Journal*, Vol. 14, No. 2, Summer 2002, p. 26.

<sup>174</sup> Chowdry, G. and Nair, S. *Op Cit.* p. 13.

<sup>175</sup> *Ibid.* p. 14.

<sup>176</sup> Mills, S. *Op Cit.* p. 100.

<sup>177</sup> *Loc Cit.*

<sup>178</sup> *Loc Cit.*

<sup>179</sup> *Loc Cit.*

feminists, as they view 'Oriental' women according to their Third World outlook, primarily domestic, poor, uneducated and victimized due to their feminine gender<sup>180</sup>.

Postcolonial feminists highlight that there is a gap between feminist theoretical developments and practical experience, as such no simple explanations can be sought to solve the gender inequalities seen in the 'Orient' or Third World<sup>181</sup>. This is due to the fact that the interrelated forces that sustain gender inequalities in society are not easily identified, with most theoretical frameworks failing to identify and apply factors to the particular society/religion and culture. Feminists thus accentuate the debate that eastern women remain unaffected by economics and the state, and are oppressed by the male control of religion and culture<sup>182</sup>. An important aspect begging consideration is the fact that women have internalized patriarchy and are therefore affected not merely due to male domination, but equally due to internalized subordination and will.

Patriarchy is a significant concept considered by Postcolonial feminist theory; which emphasizes the non-random nature of male superiority and female disadvantage, which reinforce one another in the private and public domains<sup>183</sup>. Patriarchy asserts that men are the superior norm, with women being 'optional extras' in society<sup>184</sup>. Women who are controlled by patriarchy have lives ruled by exploitation and oppression<sup>185</sup>. Patriarchy is often viewed as a trademark of oppressive male-controlled religions, but can transcend religions and is ingrained in most societies<sup>186</sup>. Patriarchy is identified with capitalism, although patriarchy preceded capitalism; capitalism merely expanded and enforced patriarchy, due to the economic empowerment of men over women<sup>187</sup>. Patriarchy, along with the colonial identities attached to oriental women, reiterates the

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<sup>180</sup> Mills, S. *Op Cit.* p. 106.

<sup>181</sup> Bryson, V. *Op Cit.* p. 249.

<sup>182</sup> *Ibid.* p. 198.

<sup>183</sup> *Ibid.* p. 247.

<sup>184</sup> *Loc Cit.*

<sup>185</sup> Mies, M., *Op Cit.* p. xi.

<sup>186</sup> *Loc Cit.*

<sup>187</sup> *Ibid.* p. 9

identity of being the ‘other’ within the home and community and ultimately the state in which these women live<sup>188</sup>.

Postcolonial feminist theory points out that Western feminist theory see Eastern women as subjects, which never rise above the category of being generalized oppressed women with an ‘object’ status within their societies<sup>189</sup>. Western feminist theory further exacerbates the status of the Eastern women when religion is involved. Islam is particularly targeted in this regard, as Islamic women are considered particularly oppressed by religious and societal patriarchal structures; more so than other religions.

Postcolonial feminists are thus critical of concepts regarding ‘global sisterhood’ asserted in mainstream feminism; as these concepts are premised on the universality of shared oppressions and challenges and therefore avoid contextualizing individual feminist struggles according to specific historical, geographical, religious and cultural practices<sup>190</sup>. In this regard, Postcolonial feminists work in a specific region and religion/culture are important, if we are to understand the particular feminist struggle of these women<sup>191</sup>. Postcolonial feminism has attempted to “world” mainstream feminist theory by going against the universalisation advocated in feminism; as well as the fact that it has included women of different races and cultures in the theoretical framework<sup>192</sup>.

The relevance of Postcolonial theory and feminism for this research is highly significant, as Postcolonial theory provides a critique of the relevance of Western feminism in developing and postcolonial nations, and the utility of Islamic feminism. It equally demonstrates the need for feminism to be adapted according to particular factors, such as seen in Postcolonial feminism, thus demonstrating the later relevance of Islamic feminism.

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<sup>188</sup> Mehta, B. “Postcolonial Feminism” in Code, L. (ed.), *Encyclopedia of Feminist theories*, New York, Routledge, 2000, p. 395.

<sup>189</sup> Suleri, S. *Op Cit.* p. 760.

<sup>190</sup> John, M. E. *Op Cit.* p. 10.

<sup>191</sup> Suleri, S. *Op Cit.* p. 760.

<sup>192</sup> Mills, S. *Op Cit.* p. 98.

## Secularism

Secularism is similarly important to consider in the context of postcolonial theory. Secularism arose out of the ‘enlightenment’ principle of secularism; that asserts the need to banish religion from the public sphere of politics<sup>193</sup>. Western democratic theory emphasizes the need for secularism, and it therefore took root as a western style of governance<sup>194</sup>. Secularism therefore became a signature of modernity in twentieth century governance and was hence expected to blossom in the decolonized world<sup>195</sup>.

In secularism, which was particularly emphasized as important for the ‘Orient’, religion in the political/public domain is considered a hindrance to development and modernity in that state<sup>196</sup>. This is due to the fact that religiously-infused political demands ultimately bind a state to tradition, as opposed to progressive modernity and development, and whilst it is important to maintain religion, secularism emphasizes that this should be restricted to the private sphere. Secularism therefore refers to the “privatization” of religion in the public arena; not the disappearance of religion, which is often misunderstood<sup>197</sup>. The decolonized world was therefore encouraged to adopt this style of governance in an effort to provide the conditions for equality and development, as is seen in the western world to conform to ensure the enlightened style of Western governance, which was considered superior to all others.

The dichotomy between the Western secularism and Eastern fundamentalism approaches demonstrates the various complexities between the ‘Orient’ and the ‘Occident’ according to religion and culture<sup>198</sup>. Nevertheless it has frequently been used as a framework around which to analyse the oppression of Eastern/’Oriental’ women<sup>199</sup>.

Theoretically, Western secularism contains prejudices which formulate religion as a kind of racio-cultural marker in which the people of the ‘Orient’s’ race cultural/religious affiliation are

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<sup>193</sup> Biswas, S. *Op Cit.* p. 187.

<sup>194</sup> Hashemi, N. *Islam, secularism and liberal democracy: toward a democratic theory for Muslim societies*, USA, Oxford University Press, 2009, p. 172.

<sup>195</sup> Norris, P., and Inglehart, R., *Op Cit.* p. 4.

<sup>196</sup> *Ibid.* p. 188.

<sup>197</sup> *Loc Cit.*

<sup>198</sup> *Ibid.* p. 197.

<sup>199</sup> Hashemi, N. *Op Cit.* p. 172.

marked as the sign of underdevelopment<sup>200</sup>. Thus, the West attempted to save the underdeveloped ‘Orient’ women from oppression by mandating the imposition of secularism in these states<sup>201</sup>. Secularism is considered by the West to be the solution to patriarchy in the orient, particularly signified by the “women in the veil”<sup>202</sup>. Secularism is also claimed to better the effects of globalization and development, which in turn will equally improve the status of women in the ‘Orient’, allowing them to achieve the status of women in the “liberated first world”<sup>203</sup>.

The adaption of secularism to a particular geographic space, culture or religion, namely indigenization, is not considered in detail in the theoretical framework<sup>204</sup>. The difficulty of making secularism predominant in political culture as opposed to Islam is underestimated, due to religious fundamentalists and the belief that secularism and Islam are usually incompatible. This can also be attributed to the difficulty associated with the changes of the religious beliefs and tradition needed, to fit in with secularism. In spite of this, Turkey and Iraq have both embraced secularism and the benefits for women will be examined later in this research.

Postcolonial theory, and more particularly, Postcolonial feminist theory can be adequately applied to world politics and Islamic women in Developing World countries. The impact that Postcolonial theory has had on International Relations has thus far been minimal<sup>205</sup>, however, this research demonstrates its relative importance regarding women in Islamic Third World states, such as Turkey. Western feminist academics have thus far ignored the vital differences of women in the ‘Orient’ and ‘Occident’; however, few academics have admitted that Postcolonial theory is significant, as feminist theory has failed to challenge the mainstream theory.

### **Islamic feminism**

Islamic feminism therefore becomes an important theory in this context, as it seeks to reconcile feminism with Islam. Islamic feminism equally seeks to deal with the Western feminist

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<sup>200</sup> Biswas, S. Op Cit. p. 199.

<sup>201</sup> Loc Cit.

<sup>202</sup> Loc Cit.

<sup>203</sup> Ibid. pp. 199-200.

<sup>204</sup> Hashemi, N. Op Cit. p. 172.

<sup>205</sup> Chowdry, G. and Nair, S. Op Cit. p.14.

misinterpretation of Arab women, and therefore Islam<sup>206</sup>. Islamic feminism seeks to build on Postcolonial feminism's ideal that feminism cannot be universalized and is hence particular to each religion. Islamic feminism was first seen in Iran after the revolution, in which women who were labeled as Islamic feminists, made demands for equality and greater opportunity<sup>207</sup>.

Islamic feminism emphasizes that gender discrimination has a social, rather than a natural basis and gender discrimination within Islam can hence be stemmed in Islamic social spheres<sup>208</sup>. Patriarchy, as discussed in Postcolonial feminism is present within Islamic society, as with numerous religions and cultures, but has been emphasized as Islamic in nature. Islamic feminism thereby asserts that a gendered interpretation of Islam and Islamic text has resulted in female inferiority and discrimination.

### **Background of Islamic feminism**

Contact with the West brought about the gradual consciousness about women's unequal gender roles in Islamic societies, as resentment over the domination of males began to develop among Islamic women<sup>209</sup>. Although this did not develop into a movement, a slight compatibility between Islam and feminism, depending on the interpretation of the Qur'an and the subsequent Shari'a law was noted<sup>210</sup>. With respect to Islam, Western feminism has merely regarded religion as an instrument that is used to justify men's domination over women<sup>211</sup>. Muslim women have therefore considered feminism as prejudiced against Islam and inherently anti-Islamic<sup>212</sup>. It is equally important to note that Muslim women view Islam as central to their lives and as such, use it as a sense of identity and belonging<sup>213</sup>. Due to this severe juxtaposition, feminism and Islam were only recently reconciled.

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<sup>206</sup> Golley, N, A-H., *Op Cit.* p. 522.

<sup>207</sup> Moghadam, V. M., *Op Cit.* p. 1139.

<sup>208</sup> *Ibid.* p. 1144.

<sup>209</sup> Mojab, S., "Theorizing the Politics of 'Islamic Feminism'" in *Feminist Review*, No. 69, winter 2001, p. 125.

<sup>210</sup> *Ibid.* p. 127.

<sup>211</sup> Hashim, I., "Reconciling Islam and Feminism" in *Gender and Development*, Vol. 7, No. 1, March 1999, p. 7.

<sup>212</sup> *Loc Cit.*

<sup>213</sup> *Ibid.* p. 8.

Islamic women began to emphasize the need for women to seek religious and cultural ways to achieve gains in society, as opposed to revolting against Islam and societal structures<sup>214</sup>. This marked the birth of Islamic feminism<sup>215</sup>. It is important to consider that although Islam was reconciled with feminism, Islamic feminism was not ‘imported’ from the West<sup>216</sup>. Islamic feminists have based their arguments for women’s rights on the Qur’an, because the gap between what the Qur’an says and how it is interpreted and practiced is significant<sup>217</sup>.

Women’s status in marriage, divorce and family law within Islam have been the most contested areas within the religion, and Islamic feminism initially concentrated on these factors<sup>218</sup>. Islamic feminists emphasise the right of ijtehad (independent reasoning and religious interpretation), as well as Islamic women’s rights to reinterpret Islamic law<sup>219</sup>.

### **Details of Islamic feminism**

Gender relations in Islam have largely been interpreted from the verse, 4:34 in the Qur’an in which the term, “qawwamuna ‘ala” is used to denote male authority over and the protection of women as a duty of men<sup>220</sup>. Islamic feminists have rather used this term to affirm the ideal of Qur’anic human equality<sup>221</sup>. Islamic feminists therefore place this term of men being “qawwamuna ‘ala” with regards to child bearing and nursing, tasks that men are unable to do<sup>222</sup>. Islamic feminists equally assert that mutual support and protection of males and females is in the Qur’an in verse 9:71, which states that “The believers, male and female, are protectors of one another.”<sup>223</sup> This verse therefore marks the core argument of Islamic feminism asserting the need for equal rights for women in the public and private sphere.

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<sup>214</sup> Ahmadi, F., “Islamic Feminism in Iran: Feminism in a new Islamic Context” in Journal of Feminist Studies in Religion, Vol. 22, No. 2, Fall 2006, p. 34.

<sup>215</sup> Ibid. p. 42.

<sup>216</sup> Golley, N, A-H., Op Cit. p. 529.

<sup>217</sup> Hashim, I. Op Cit. p. 9.

<sup>218</sup> Ibid. p. 1145.

<sup>219</sup> Ibid. p. 1144.

<sup>220</sup> Badran, M., “Islamic Feminism Revisited” on <http://www.countercurrents.org/gen-badran100206.htm>, 10 February 2006, p. 4.

<sup>221</sup> Loc Cit.

<sup>222</sup> Loc Cit.

<sup>223</sup> Loc Cit.

Similarly, despite common practice, with regards to money in households; the traditional male control of money in the home was instituted in patriarchal society despite verse 4:32, which interpreted from the Qur'an reads, "to men is allotted what they earn and to women what they earn"<sup>224</sup>. This demonstrates the male manipulation of Islam, regardless of the scripture.

The issue of clothing; especially the veil (in Arabic *hijab*, linguistically means anything that hides, makes forbidden, and separates women from society), is an important issue within Islamic feminism<sup>225</sup>. The Qur'an contains four relevant verses in this regard, two directly to Prophet Muhammed's wives, who are clearly stated as different, and more important than regular Islamic women; as well as two verses to women in general<sup>226</sup>. These verses have been interpreted by men as the need for veiling and purdah (seclusion)<sup>227</sup>. Verse 33:33 reads "Stay quietly in your house and make not a dazzling display, like that of the former Times of ignorance", and verse 33:53 reads "And ye when ye ask (his ladies) for anything ye want, ask them from before a screen that makes for greater purity for your hearts and for theirs"<sup>228</sup>. These two verses were directed to Prophet Muhammed's wives, already stated as different from all women, and thus there has been a global agreement in Islamic academia that these two verses should perhaps not be directed to all Muslim women<sup>229</sup>.

The two verses that are directed to Islamic women in general, read "O' Prophet! Tell thy wives and daughters and the believing women, that they should cast their outer garments over their persons (when abroad) that is most convenient that they should be known as such and not molested" (33:59) as well as "And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what (must ordinarily) appear thereof; that they should draw their veils over their bosoms and not display their beauty" (24:31)<sup>230</sup>. Islamic feminists contend that these verses need to be read in context, as verse 33:59 is interpreted by Islamic feminists as the need to wear Islamic garments

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<sup>224</sup> Hashim, I., *Op Cit.*, p. 9.

<sup>225</sup> Golley, N, A-H., *Op Cit.*, p. 524.

<sup>226</sup> Hashim, I., *Op Cit.*, p. 9.

<sup>227</sup> *Loc Cit.*

<sup>228</sup> *Ibid.*, p. 10.

<sup>229</sup> *Loc Cit.*

<sup>230</sup> *Loc Cit.*

in order to be identified as such<sup>231</sup>. It is especially important to consider that there is a verse in which the Qur'an also instructs Islamic men to "lower their gaze and guard their modesty", which Islamic feminists contend would not be necessary if women were to be covered completely; as men are given an equal instruction as women, and do not veil themselves<sup>232</sup>. Islamic feminism therefore argues that women should therefore not veil themselves, unless it is a personal religious choice<sup>233</sup>. Islamic feminists equally question the need for women's purdah, also known as seclusion, when women feature so prominently in the Qur'an and play important roles in Prophet Muhammed's life<sup>234</sup>.

Women are equally not instructed to veil themselves during pilgrimage and prayer, which are two of the five central pillars of Islam<sup>235</sup>. Islamic feminists have similarly demonstrated that the veil was in use before Islam within ancient civilizations and was only introduced in the fifth year of Islam<sup>236</sup>. Furthermore, only women in Prophet Muhammed's family, as well as his wives were instructed to veil themselves; however, eventually all Muslim women were instructed to veil themselves<sup>237</sup>.

With regards to politics, the Qur'an has been interpreted as saying that only men are to participate in Islamic politics, however, the word used in the Qur'an is "rejal", which speaks of mankind (thereby including both genders), and Islamic feminists hence emphasize that the term includes women<sup>238</sup>. This has been marked as another manner at which the Qur'an has been interpreted for the purpose of excluding women from societal participation and is thereby an opening for Islamic feminism. Islamic feminism consequently highlights the multi-gendered interpretation of "rejal", hence providing Islamic women with a means of participating in politics within the realms of Islam.

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<sup>231</sup> Loc Cit.

<sup>232</sup> Loc Cit.

<sup>233</sup> Loc Cit.

<sup>234</sup> Loc Cit.

<sup>235</sup> Loc Cit.

<sup>236</sup> Golley, N, A. H. Op Cit. p. 524.

<sup>237</sup> Loc Cit.

<sup>238</sup> Ahmadi, F. Op Cit. p. 48-49.

Islamic feminists emphasize the fact that human writings on the Qur'an, such as the Hadith and Sunna should be avoided, due to the fact they were written on the Qur'an after Prophet Muhammed's life and are therefore human interpretations of the Qur'an<sup>239</sup>. The Qur'an, being the divine and holy book, should be the only book referred to in matters of women's subordination, as it is the Word of Allah<sup>240</sup>.

Another aspect of the Qur'an, which is emphasised by Islamic feminists is in two 'categories', namely the mu'amalat, which is the social-economic inequality between men and women that is enshrined in the religion and is seen in present Islamic societies; but most importantly the 'ibadat', which is the moral and religious equality that men and women should share in Islam<sup>241</sup>. The Qur'an equally states that the 'mu'amalat' is subject to change depending on context, whereas the 'ibadat' cannot be changed, as men and women remain equal in the eyes of Allah<sup>242</sup>. 'Ibadat' equally dictates women's ability for freedom of choice, which translates into the fact that women should be allowed freedom to choose whether they wish to participate in Jihad or not, among other issues<sup>243</sup>.

Islamic feminism contends that these misinterpretations are male tools used to exclude and subordinate women in society and the many illiterate Islamic women and consequent inability to understand the Qur'an contributes to their subordination<sup>244</sup>. Islamic feminists equally state that men continue to allow the illiteracy of women in poorer Islamic states, as it maintains male domination in Islamic society<sup>245</sup>.

Islamic feminism has therefore made an effort not to go against the core of Islam, but to rather use Islamic texts to serve as proof for women's rights in Islamic society. The core texts of Islam

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<sup>239</sup> Hashim, I. *Op Cit.* p. 11.

<sup>240</sup> *Loc Cit.*

<sup>241</sup> *Loc Cit.*

<sup>242</sup> *Loc Cit.*

<sup>243</sup> "Women and Terrorism: Jihad Jane is Nothing New" retrieved on <http://paltalknewsnetwork.com/node/2513>, 9 April 2010, p. 1.

<sup>244</sup> Hashim, I. *Op Cit.* p. 10.

<sup>245</sup> *Loc Cit.*

similarly stated women's rights to education, which was later misconstrued by Islamic scholars such as Ahmed Fares el-Shidyak<sup>246</sup>.

“The Muslim world faces two threats: the infidel without and the women within”<sup>247</sup> This signifies the Islamic feminists belief that the Islamic institutional practices, such as veiling, seclusion and legal submission are set in place to protect the unity and dignity of the umma (male believers)<sup>248</sup>.

Islamic feminism is equally important whilst considering secularism, as numerous authors discuss the fact that Islamic feminism has bridged the gap between secular and religious thought<sup>249</sup>. After the birth of Islamic feminism, national discourses that called for the active participation of all citizens arose<sup>250</sup>. Islamic feminism gave women the right to call for secularism and achieve rights within their states, whilst still adhering to religious discourse. Islamic feminism has equally allowed discussion around Arab women, in a bid to remove the Orientalist stigma surrounding them due to their religion<sup>251</sup>. Despite their importance in secularist states, Islamic feminist movements are henceforth critical for the expansion of women's rights in an Islamic state.

### **Theoretical framework and research**

As can be surmised, Western feminism has not explicitly considered Islamic contexts, primarily due to the persistence of Orientalist and Postcolonial approaches. Women in the Middle East have always been between the opposing' forces of Islam and feminism, until recently. Despite numerous claims that Islam is an overarching ideology that cannot be easily changed; the theoretical framework has demonstrated that Islamic feminism allows for the maintenance of religion, as well as women's rights.

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<sup>246</sup> Golley, N, A. H. *Op Cit.* p. 524.

<sup>247</sup> Mernissi, F., *Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society*, New York, John Wiley, 1975, p. 12.

<sup>248</sup> Kandiyoti, D., *Op Cit.* p. 319.

<sup>249</sup> Moghadam, V. M. *Op Cit.* p. 1144.

<sup>250</sup> Badran, M., “Between Secular and Islamic Feminism/s: Reflections in the Middle East and Beyond, In *Journal of Middle East Women's Studies*, Vol. 1, No. 1, winter 2005, p. 9.

<sup>251</sup> Saliba, T., “Arab feminism at the Millennium” in *Signs*, Vol. 25, No. 4, 2000, p. 1091.

Most importantly, this theoretical framework provides this research with a manner in which to consider Turkish and Iraqi women, from an internal and external perspective. Postcolonial theory and Orientalism has provided this research with theory demonstrating how Middle Eastern women are regarded by the democratic West and the Developed World. Islamic feminism has provided the theory for how Middle Eastern women have begun to see themselves, as well as the manner at which they were able to 'liberate' themselves whilst maintaining their religious devotion.

This research will therefore invoke the theoretical framework in the forthcoming chapters in an attempt to understand how Turkish and Iraqi women have invoked Islamic feminism in their respective political contexts, despite the manner at which the Developed World views women in the Middle East, as seen in Postcolonial feminism and Orientalism.

## Chapter 3

# Gendered History of Turkey

Turkey has traditionally occupied a unique space, at the crossroads between Western and Eastern interests, and due to this, Turkey is easily highlighted as the Republic that addressed the issue of women's rights early, extensively and unequivocally<sup>252</sup>. Before the founding of the Turkish Republic in 1923, however, the primary ideology of the Ottoman Empire was Islam under Sultan-Caliph, who provided both temporal and spiritual leadership<sup>253</sup>. Due to Turkey's Islamic identity, the modern shift that occurred was a watershed moment in Turkey's history and thus vitally important for Turkish women.

### The Ottoman Empire

A brief consideration of the Ottoman Empire is vital in order to understand Turkey's passage to secularisation. The Ottoman Empire reigned from 1600-1923<sup>254</sup>. Subsequently, the old Empire traditionally continued with very little change, until the 17<sup>th</sup> century when reforms were needed to maintain economic might<sup>255</sup>. Secularisation and modernisation therefore began during the Caliph's rule, but was not explicit<sup>256</sup>. The numerous reforms that occurred during this period characterized the separating relationship between Islam and the state well before secularism was established<sup>257</sup>. Despite the shock of the formal separation of Islam and the state due to secularism, Turkey had already unknowingly embarked on a secularist path from approximately 1789 – the French Revolution, until 1923<sup>258</sup>.

### The establishment secularism in Turkey

Turkey's population is 99% Muslim, mostly following the Sunni tradition of Islam<sup>259</sup>. Atatürk, earlier known as Mustafa Kemal Pasha, adopted national secularism and was subsequently

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<sup>252</sup> Kandiyoti, D., "Emancipated or Unliberated? Reflection on the Turkish Case" Op Cit. p. 320.

<sup>253</sup> Ahmad, F., Op Cit. p. 3.

<sup>254</sup> Kucukcan, T., Op Cit. p. 477.

<sup>255</sup> Loc Cit.

<sup>256</sup> Loc Cit.

<sup>257</sup> Loc Cit.

<sup>258</sup> Loc Cit.

<sup>259</sup> US Department of State, "Background Note: Turkey" Op Cit. p. 1.

accused of sidelining Islam in an attempt to create a modern state with rule of law and institutions that would facilitate the development of capitalism in Turkey<sup>260</sup>. Ataturk argues that Turkey had “a sufficient social base for establishing a secular Republic”<sup>261</sup> Furthermore, secularism was deemed necessary for Turkey, as Turkish society had traditionally used Islam to challenge the legitimacy of the state, and hence Islam had to be removed from the public sector; secularism, the separation of the church and the state was therefore instituted.<sup>262</sup>

Article 2 of the Turkish Constitution was changed in the 1920s to explicitly reflect the secularisation of the state<sup>263</sup>. This article remains in the current Constitution and reads “The Republic of Turkey is a democratic, secular and social State...” in which “Everyone has the right to freedom of conscience, religious belief and conviction” which is contained in Article 24<sup>264</sup>. In accordance with the theory of secularism, the first change in Turkey was political - the abolishment of the Seyhülislam, the Ministry of Religious Affairs and the establishment of a secular body, as well as the changing of the Ümmet (or Umma, the “community of believers”) into a secular national identity in order eradicate Islam as the foundation of identity in Turkey<sup>265</sup>. Sharia law was therefore eliminated from Turkish society, much to the dismay of a number of Islamists.

During the Independence War (1919-1922), Turkish women’s roles became more legitimized and more visible<sup>266</sup>. Large numbers of women left their homes and made themselves visible in the public realm as active participants of the war, nurses, carriers of ammunition, soldiers, and replacement workers for men<sup>267</sup>. The significant roles that women played in the war thereby strongly influenced the manner at which women’s rights were viewed in Turkey’s new regime.

Due to Turkish women’s vital role in Turkey’s War of National Independence, secularism thus allowed for the legitimate call for women’s political, economic and social participation in the

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<sup>260</sup> Ahmad, F., *Op Cit.* p. 3.

<sup>261</sup> Kucukcan, T., *Op Cit.* p. 480.

<sup>262</sup> Ahmad, F., *Op Cit.* p. 3.

<sup>263</sup> “The Constitution of the Republic of Turkey”, as amended 17 October 2001, *Op Cit.* p. 2.

<sup>264</sup> *Loc Cit.*

<sup>265</sup> Kucukcan, T., *Op Cit.* p. 487.

<sup>266</sup> Parla, A., *Op Cit.* p. 71.

<sup>267</sup> *Loc Cit.*

country<sup>268</sup>. In his speech – Ataturk called for “women to take their places in the general economic division of labour”,<sup>269</sup>. One of the main goals when instituting secularism in Turkey was to change the overall structure of Turkish society and redefine the political community, emphasising women<sup>270</sup>. One of the goals of Ataturk was to truly make Turkish women equal citizens of the state<sup>271</sup>. Ataturk stressed that for the status of women in Turkey to be changed permanently, the dress of the Turkish people had to equally change<sup>272</sup>. He thereby ordered women to uncover shortly after the Republic was established and made numerous speeches precisely on this ‘hot’ topic, accompanied by his uncovered wife and assistants<sup>273</sup>.

The formal emancipation of Turkish women consequently followed the institution of secularism and was done through a series of legal reforms<sup>274</sup>. This included the adoption of a secular Civil Code in the public realm, which was adapted from the Swiss Civil Law established in 1926, with very few changes<sup>275</sup>. Turkish women’s lives changed dramatically in the public sector as polygamy was legally prohibited, women similarly had equal legal rights to men in marriage, divorce, and custody, as well as the need for the public political participation of women being emphasised, with full suffrage for women enacted in 1930 for local elections and in 1934 for general elections<sup>276</sup>. It is important to note that suffrage was not granted to Turkish women due to feminist movements, as seen in the West, but rather due to an enlightened political elite aiming towards modernisation and westernisation<sup>277</sup>. The institution of secularism in Turkey thus provided the grounds for the legal and institutional reforms that would end the discrimination and segregation of Turkish women within the public realm<sup>278</sup>. Regarding education, the political elites believed that free mass education was needed for girls and boys as a means of transforming

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<sup>268</sup> White, J. B., Op Cit. p. 151.

<sup>269</sup> Loc Cit.

<sup>270</sup> Kucukcan, T., Op Cit. p. 485.

<sup>271</sup> Parla, A., Op Cit. p. 72.

<sup>272</sup> Delaney, C., Op Cit. p. 159.

<sup>273</sup> Loc Cit.

<sup>274</sup> Kandiyoti, D., “Emancipated or Unliberated? Reflection on the Turkish Case” Op Cit. p. 320.

<sup>275</sup> Kagitcibasi, C., “Status of Women in Turkey: Cross-Cultural Perspectives” in the *International Journal of Middle East Studies*, Vol. 18, No. 4, 1986, p. 485. (pp. 485-499)

<sup>276</sup> Abadan-Unat, N. “The Modernization of Turkish Women” in *The Middle East Journal*, Vol. 32, No. 3, 1978, p. 291.

<sup>277</sup> Kandiyoti, D., “Emancipated or Unliberated? Reflection on the Turkish Case” Op Cit. p. 320.

<sup>278</sup> Kagitcibasi, C., Op Cit. p. 485.

the agricultural society into a more industrial and modern nation state, thus making school compulsory for boys and girls<sup>279</sup>.

Since the founding of the Ottoman Empire, Turkey maintained strong ties with the West. It is thus important, at this juncture to note that women's rights had repeatedly played an important role in the political basis of the Ottoman Empire and was therefore considered "proof" of Turkish progress, westernisation and democratisation<sup>280</sup>. The emphasis placed on the 'oppressed' Turkish women by the West, as seen in Postcolonial feminism, thereby proved integral to the establishment of secularism in Turkey and Ataturk's dream of a modernized state. This is partly due to Ataturk's will for modernisation which addressed the issue of women's rights in Turkey.

Nationalism was therefore decidedly instituted as a substitute for religion in Turkey, as a manner through which the Turkish people could identify themselves. There was significant Islamic opposition to secularism in Turkey, and Islamic fundamentalists arose to lead the harsh opposition, as they called for the re-institution of Shari'a law and the Sultan-Caliph. Most opposition in Turkey was therefore of an Islamist nature opposing the nature of secularism, as an impediment to religion. Militant secularism was therefore instituted to combat the opposition<sup>281</sup>. Despite opposition, Islam became a matter of private concern, conscience and practice in Turkey<sup>282</sup>.

Granting women suffrage in the 1930s was highly significant, given the rise of fascist states across Europe and Asia. Turkey maintained a Western outlook of liberating women, hence claiming its rightful place amongst the modernized democratic Western nations<sup>283</sup>. Turkey experienced an internationally unprecedented achievement for women in 1935, when 18 women were elected to the Grand National Assembly (Turkish Parliament) which had approximately 400

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<sup>279</sup> Rankin, B. H., and Aytac, I. A., *Op Cit.* pp. 28-29.

<sup>280</sup> Kandiyoti, D., "Emancipated or Unliberated? Reflection on the Turkish Case" *Op Cit.* p. 321.

<sup>281</sup> Ahmad, F., *Op Cit.* p. 3.

<sup>282</sup> Ilyasoglu, A., "Religion and Women during the Course of Modernization in Turkey" in *Oral History*, Vol. 24, No. 2, 1996, p. 50.

<sup>283</sup> Kandiyoti, D., "Emancipated or Unliberated? Reflection on the Turkish Case" *Op Cit.* p. 321.

members<sup>284</sup>. These political changes continued despite the fact that Islamic patriarchal traditions still lay at the root of Turkish identity and family life<sup>285</sup>.

### **Opposition to secularism in Turkey**

In the years after 1945, traditional Islamists maintained their stance against the institution of democracy in Turkey due to the fact that democracy had the possibility of inhibiting the freedom and practice of Islam, especially regarding to women<sup>286</sup>. The 1950s was characterized by harsh opposition and various anti-secularist religious orders emerging, as well as the reassertion of Islam, seen by the increased building of mosques<sup>287</sup>. Religion seemed to re-enter the public domain in the 1950s through schooling, languages, and the media, however, this was cornered, due to the inhibiting effect it had on modernization in Turkey<sup>288</sup>.

There was simultaneously an economic revolution taking place in Turkey. Rural areas were developed with transport routes and the market for foreign goods was created<sup>289</sup>. This resulted in the economic liberalization of both men and women, which increased politicization among the masses, as economic power does empower individuals to be more politically aware<sup>290</sup>. The 1960s saw massive industrialization in which dislocation and urbanization took hold in Turkey<sup>291</sup>. This had a positive effect on Turkish women, as urbanization ultimately increases women's access to information and political awareness regarding their rights.

A coup d'état took place in 1960, in which the democrats were overthrown by a military regime; however, power was restored to the people in 1961<sup>292</sup>. The 1961 Turkish Constitution thereby replaced the 1924 Constitution, officially further liberalising and secularising Turkey<sup>293</sup>. The 1961 Constitution declared Turkey a social state and therefore responsible for each citizen's

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<sup>284</sup> White, J. B., Op Cit. p. 151.

<sup>285</sup> Kucukcan, T., Op Cit. p. 489.

<sup>286</sup> Ahmad, F., Op Cit. pp. 8-9.

<sup>287</sup> Ibid. p. 10.

<sup>288</sup> Kucukcan, T., Op Cit. p. 491.

<sup>289</sup> Ahmad, F., Op Cit p. 12.

<sup>290</sup> Loc Cit.

<sup>291</sup> Ibid. p. 13.

<sup>292</sup> Ibid. p. 12.

<sup>293</sup> "Turkey's 'liberal constitution' of 1961 source myths, facts" Op Cit. p. 1.

wellbeing<sup>294</sup>. All classes were explicitly recognised, as the Constitution permitted the formation of political groupings with regards to classes<sup>295</sup>. This Constitution has been marked as “legend” by law faculties in history due to its liberal stance regarding equal human dignity and social justice rights for both men and women in conjunction with the Islamic religion<sup>296</sup>.

To exacerbate the Islamic opposition in Turkey, Islam was undergoing an internationalism fostered by Saudi Arabia in the 1960s, and fundamentalists therefore called for activism against anti-Islamic practices, such as secularism in Turkey<sup>297</sup>. During this period, clothing - especially headscarves and veiling became an important issue for Turkish women<sup>298</sup>. The modern versus traditional beliefs were placed in the spotlight, as Islamists continually highlighted the need for the veil and other Islamic laws enshrined in Shari’a Law.

Importantly though, the environment in Turkey had evolved significantly from the 1950s to the 1960s and Turkish women were therefore more politically aware of their rights, as a shift in modernised thinking had begun among them<sup>299</sup>. Headscarves and full veiling therefore became associated with rural and middle class, as opposed to urban lifestyles<sup>300</sup>. This has remained a contested issue in Turkey since the 1960s, as the veil is still viewed as a traditional mechanism of male manipulation in Islam, thus women who still veil themselves are seen as ‘traditional’ and therefore the opposite of modern.

The Turkish democracy remained fairly fragile during the 1970s, as the National Salvation Party (NSP) remained a key partner for coalitions with either the left-wing or right-wing parties to establish governments<sup>301</sup>. In 1980, a military regime came to power in Turkey through a coup, in which all political parties were banned and political leaders put on trial<sup>302</sup>. This further increased

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<sup>294</sup> Ahmad, F., *Op Cit* p. 13.

<sup>295</sup> *Loc Cit*.

<sup>296</sup> “Turkey’s ‘liberal constitution’ of 1961 source myths, facts” *Op Cit*. p. 1.

<sup>297</sup> Ahmad, F., *Op Cit*. p. 13.

<sup>298</sup> *Loc Cit*.

<sup>299</sup> White, J. B., *Op Cit*. p. 150.

<sup>300</sup> *Loc Cit*.

<sup>301</sup> Kucukcan, T., *Op Cit*. p. 492.

<sup>302</sup> Ahmad, F., *Op Cit*. p. 18.

religious influence among women and the youth<sup>303</sup>. This was due to the fact that all leftist movements were banned, with the government standing against Ataturk's reforms<sup>304</sup>. Islam was hence used by the youth and women as a vehicle against the military regime, which was not particularly strictly aligned to the religion<sup>305</sup>. 1982 marked the rise of Islamic feminist activism in Turkey, as women campaigned using Islamic feminism for the right to wear the headscarf (turban) and the hijab<sup>306</sup>. The rise of Islamic feminism in Turkey was partly due to the successful Islamic revolutions that had taken place, such as the Iranian revolution in 1979<sup>307</sup>. The rise of Islamic feminism in Turkey thereby demonstrates the importance of Islamic feminism during this era, as a theory which allowed Turkish women to call for rights within their religious boundaries. On Mothers day in 1987, activists organized public campaigns against domestic violence, as it drew on Islamic traditions of respecting your mother, with the slogan "Do you love your mother and beat your wife?"<sup>308</sup> This period was, however, markedly different from the 1950s and 1960s, due to the intense international rise of Islamic feminism, especially seen in Iran during the 1980s<sup>309</sup>.

Despite the rise of Islamic feminism in Turkey, a Constitution was entered into force by the military rule in 1983, which did not eradicate the secularist beliefs in Turkey but made the Constitution more authoritative<sup>310</sup>. This Constitution therefore became the second Constitution that was entered into force due to a coup d'état in Turkey. This Constitution did not have any highly significant changes for women, but concentrated more on changes towards a making Turkey more Socialist.

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<sup>303</sup> Loc Cit.

<sup>304</sup> Loc Cit.

<sup>305</sup> Loc Cit.

<sup>306</sup> Loc Cit.

<sup>307</sup> Loc Cit.

<sup>308</sup> Rodriguez, B. L., "Justice through domestic violence legislation: Improving the implementation of Turkey's Law No. 4320 on the protection of the family" retrieved on <http://www.princeton.edu/jpia/past-issues-1/2009/2.pdf>, 2009, p. 32.

<sup>309</sup> Loc Cit.

<sup>310</sup> Loc Cit.

### **The 1990s in Turkey**

The next most important period in Turkey's history was when Tansu Ciller became the first female Prime Minister of the Republic of Turkey in 1991<sup>311</sup>. This was a big step for women in Turkish politics and signified a great leap for Islamic feminism in Turkey. The democratic institution of the first female Turkish Prime Minister was marked as the beginning of liberation beyond emancipation<sup>312</sup>. Tansu Ciller, although being Turkey's first female Prime Minister, did not do a significant amount of campaigning or policy changes towards women's rights, but rather concentrated on human rights as a whole<sup>313</sup>. This can be attributed to the fact that the years in which she was in office (1993-1996), were characterized by the global emphasis on human rights awareness due to genocides in Europe and Africa<sup>314</sup>.

### **Application to the EC/EU**

An important point at this juncture is the fact that Turkey has been consistently working towards accession to the European Community (EC), now the European Union (EU) since the 1964, with Recep Tayyip Erdogan working especially hard to gain European recognition and acceptance since he became Prime Minister of Turkey in 2003<sup>315</sup>. Most Turks are supportive of the EU application process, as many see it as the best way to achieve a developmental state with continuous economic reform, as well as a good human rights record. It is therefore pertinent that the Kurds, and most especially women, support Turkey's bid for EU membership<sup>316</sup>. Since the 1960s, Turkey has embarked on wide legislative and constitutional reforms, by signing Protocols 6 and 13 of the European Convention on Human Rights<sup>317</sup>.

This has meant significant public sphere rights for Turkish women – more than would have necessarily been embarked upon within an Islamic society, and has therefore been earmarked as a major contributor to Turkish women's rights progression and success. A number of public realm rights can therefore be directly attributed to the EU application. In brief, they include the

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<sup>311</sup> Arat, Y., Op Cit. p. 28.

<sup>312</sup> Ibid. p. 31.

<sup>313</sup> Loc Cit.

<sup>314</sup> Loc Cit.

<sup>315</sup> Phillips, D. L., Op Cit. p. 91.

<sup>316</sup> Ibid. p. 93.

<sup>317</sup> Ibid. p. 94.

rights of Turkish women that are contained in the amended Constitution in 2001, among others. The EU was also instrumental in ensuring that Turkey signed and ratified CEDAW, which has resulted in a number of invaluable social rights for Turkish women. These will, however, be discussed in detail in the next chapter.

Despite the fact that Turkey has been seeking accession to the EU since 1964, its road of secularism has been fraught with a number of periods in which Islamic opposition has prevailed. The army staged four interventions in the democratic government since the 1950s<sup>318</sup>. The last of these interventions took place in 1997, in which the army mobilized public opinion and the media to force the resignation of the coalition government led by the Islamist Welfare Party for not adhering to Atatürk's principles of secularism<sup>319</sup>. These interventions have made the road to women's rights and liberation more difficult for Turkish women, than initially perceived, as Islamist fundamentalists have been opposed to the ideal of the economic, political and social liberation of women – and due to the power of Islamic feminism, women in Turkey have gained religious ground on which to stand against this anti-secularist opposition.

### **The New Constitution of the Republic of Turkey**

An integral moment for Turkish women was the amendment of the 1983 Constitution in 2001, which was marked as the most extensive amendment of the Constitution since its inauguration<sup>320</sup>. The amendments to the 1983 Constitution, set into force by the military rule have been marked as the final elimination of non-democratic, Islamist and military influences within the Republic<sup>321</sup>. The issue of amending the Constitution became integral for Turkey due to the internal politics, as well as the application for accession to the EU<sup>322</sup>. The amendments that this research is most concerned with are the amendments concerning the fundamental rights and freedoms of women<sup>323</sup>. The changes to the political rights and freedoms, as well as the social and economic rights and freedoms of the constitution clearly stipulated that in all sectors men and

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<sup>318</sup> Özel, S., "Turkey Faces West" in *The Wilson Quarterly*, Vol. 31, No. 1, 2007, p. 21.

<sup>319</sup> *Loc Cit.*

<sup>320</sup> Gönenc\*, L., "The 2001 Amendments to the 1982 Constitution of Turkey" in *Ankara Law Review*, Vol. 1, No. 1, 2004, p. 90.

<sup>321</sup> *Loc Cit.*

<sup>322</sup> *Ibid.* p. 95.

<sup>323</sup> *Ibid.* p. 99.

women are equal in Turkey<sup>324</sup>. This has been marked as an unprecedented occurrence, as women in Turkey according to the Constitution, are now equal to men in every respect within the public realm.

Despite the fact that the Kemalist reforms did not affect all Turkish women, especially in the rural areas, the female urban bourgeoisie were affected the most significantly<sup>325</sup>. Throughout Turkey's secularist journey, there was a vast difference between the development of women in various areas across Turkey. Women in the nomadic tribes, the traditional peasant villages and the changing rural environment developed much slower than women in small towns, cities and urban centers<sup>326</sup>. Despite the fact that the secularist Constitution of Turkey has always dictated a principle of equal status of men and women in the public realm, the more rural the lifestyle, the less effect the Constitution and formal rights had on women in the home.

Turkey, as a state, has never been colonized; and as such, Western ideals of emancipating women were not readily identified<sup>327</sup>. Turkey has, however, historically had a presence of Western influence, and Turkish women hence followed women around the world in attempting to gain rights, but in a distinctly different manner. Women in Turkey recognized early, that mainstream feminism was not applicable to Islam and thereby sought different solutions<sup>328</sup>.

### **Secular Turkey**

Turkey's secularist history can thus be characterized as a long struggle between secularists and Islamists, with the rights of Turkish women debated and asserted by both<sup>329</sup>. Turkish women have equally been placed in an interesting bracket, due to the drastic modification of the legal system since the establishment of secularist Turkey<sup>330</sup>. The West's hegemony over Turkey has consistently been highlighted by Islamists as the central issue in Turkish politics, since the

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<sup>324</sup> Ibid. pp. 100-106.

<sup>325</sup> Kandiyoti, D., "Emancipated or Unliberated? Reflection on the Turkish Case" Op Cit. p. 322.

<sup>326</sup> Kandiyoti, D., Op Cit. "Sex Roles and Social Change: A Comparative Appraisal of Turkey's Women" in Signs, Vol. 3, No. 1, 1977, p. 57.

<sup>327</sup> Loc Cit.

<sup>328</sup> White, J. B., Op Cit. p. 153.

<sup>329</sup> Göle, N., Op Cit. p. 47.

<sup>330</sup> Kagıtcıbası, C., Op Cit. p. 485.

1960s<sup>331</sup>. Erbakan, a strong anti-secularist Islamist stated that secularism and democracy is the “victory of Christianity over Islam...”<sup>332</sup>. The manner at which Turkish women have tackled their place in between the secularists and the Islamists has been remarkable, with the use of Islamic feminism as a tool for liberation and emancipation in the public realm.

In conclusion, Turkish women have therefore become synonymous with efforts for rights in the public realm that stretch beyond mainstream feminism and have thus involved their postcolonial Islamic identities<sup>333</sup>. The 1990s have been characterised as a period of an Islamic mode of modernization, seen through Islamic feminism in Turkey; as women have taken the center stage in efforts to truly modernise their rights in the public realm<sup>334</sup>. Despite the progress achieved by Turkish women, the male-dominated political culture of Turkey has posed a number of obstacles to women’s participation, especially in the public realm<sup>335</sup>.

## Conclusion

Turkey has been marked as exemplary of where Islam and secularism can positively coexist<sup>336</sup>. This brief historical overview has demonstrated that there has been significant Islamic resistance; however, Turkey has been a success story of reconciliation between Islam and its political discourse, namely secularism. The particular factors that enabled this success will be examined in the following chapter, in an attempt to consider whether this success can be seen in other Islamic states, such as Iraq.

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<sup>331</sup> Göle, N., Op Cit. p. 14.

<sup>332</sup> Ibid. p. 15.

<sup>333</sup> White, J. B., Op Cit. p. 158.

<sup>334</sup> Çinar A., “Modernity, Islam, and secularism in Turkey: bodies, places and times” Minneapolis, University of Minnesota Press, 2005, p. 6.

<sup>335</sup> Esim, S. and Coindoglu, D., “Women’s Organizations in 1990s Turkey: Predicaments and Prospects” in Middle Eastern Studies, Vol. 35, No. 1, 1999, p. 178.

<sup>336</sup> Kucukcan, T., Op Cit. p. 506.

## Chapter 4

### Turkey

This chapter will attempt to consider the effective balance between Turkey's political discourse, which is secularism, and the public realm rights of Islamic Turkish women. This will be done in accordance with the indicators laid out in the introductory chapter, as political rights, economic rights and social rights will be looked at accordingly. The contributing factors to the successful balance between secularism and Islamic women's rights will similarly be examined.

#### **Public realm rights**

The importance of public realm rights is a contested issue. This comes as public realm rights are argued to be inadequate if they are not implemented in the private sphere. This research does, however, seek to examine the legal and public realm rights of Turkish women, due to the difficulty of measurement when it comes to private sphere rights; as well as the fact that rights accorded to women in the public sphere demonstrates political will. This research does not, however, deny that patriarchy is deeply rooted within most societies. Nevertheless, if women are provided public realm rights, they are able to legally assert themselves and protect themselves against patriarchy. Moreover, domestic violence reporting, which is included in this research, provides a blunt indication of the private realm lives of women.

#### **CEDAW and Turkey**

The Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) was ratified by Turkey in 1986<sup>337</sup>. The manner at which CEDAW is structured demonstrates significant emphasis being placed on public realm rights as integral to the development of women's rights within developing countries. Due to CEDAW being the international guideline for women's rights, Turkey, having ratified it, should therefore be corresponding with the stipulated guidelines, which is what this research will examine.

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<sup>337</sup> United Nations, "Chapter IV Human Rights: Convention on the Elimination of All Forms of Discrimination against Women" Op Cit. p. 1.

Turkey's ratification of CEDAW in 1986 was highly significant, as Turkey's application to the EC was in 1964<sup>338</sup>. This ratification of CEDAW was labelled as another form of international pressure from Europe regarding women's rights<sup>339</sup>. Furthermore, the European pressure was considered mild in 1964, which mounted steadily, culminating in Turkey's ratification of CEDAW<sup>340</sup>. The EU application hence resulted in Turkey signing the cornerstone of international guidelines for women's rights, and the numerous other 'fine-tuning' aspects of legislation on women's rights since the 1960s.

Interestingly enough, despite the fact that Turkey ratified CEDAW in 1986, the first country report to CEDAW only took place in 1997<sup>341</sup>. The CEDAW report on Turkey saw a number of Committee recommendations vis-a-vis Turkish legislation on women. The CEDAW Committee asserted that the Turkish Constitution needs to provide a definition of discrimination of women<sup>342</sup>. In 2009, the CEDAW Committee emphasised a number of issues with Turkey's women's rights obligations; particularly women's political representation, government plans on family planning, violence against women, education, employment and preventing bad socio-cultural behaviour within Turkey<sup>343</sup>. Despite numerous issues that CEDAW emphasises, Turkey still remains a progressive and modern country regarding women's rights, providing numerous public realm rights for Islamic women.

### **Legal rights**

Along with the institution of secularism, Turkey was one of the first Islamic states to secularize the legal system in favour of women<sup>344</sup>. Furthermore, before examining Turkish women's legal rights; it is important to mention the Non-Governmental Organisation (NGO), Women for Women's Human Rights (WWHR); which was founded in 1993 with the aim of promoting women's human rights in Turkey and has dealt specifically with the public realm and legal rights

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<sup>338</sup> Phillips, D. L., *Op Cit.* p. 91.

<sup>339</sup> *Loc Cit.*

<sup>340</sup> *Loc Cit.*

<sup>341</sup> Rodriguez, B. L., *Op Cit.* p. 35.

<sup>342</sup> Committee on the Elimination of Discrimination against Women, "List of issues and questions with regard to the consideration of periodic reports – Turkey" retrieved on <http://www.un.org/womenwatch/daw/cedaw/16thsess.htm#documents>, 15 September 2009, pp.1-6.

<sup>343</sup> *Loc Cit.*

<sup>344</sup> Yilmaz, I., "Secular Law and the Emergence of Unofficial Turkish Islamic Law" in *Middle East Journal*, Vol. 56, No. 1 Winter 2002, p. 117.

of Turkish women<sup>345</sup>. WWHR will therefore be repeatedly mentioned within this chapter, vis-a-vis the legal rights of women in Turkey. The Constitution is also particularly considered within this chapter due to the central role it plays in women's legal rights in Turkey.

### **The Constitution of the Republic of Turkey**

Most importantly, according to the 2001 Constitution of the Republic of Turkey – Article 10, “All individuals are equal without any discrimination before the law...” and “Men and women have equal rights.”<sup>346</sup> Equally important for Turkish women is Article 12, which states that “Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable”<sup>347</sup> The Constitution equally lists rights for men and women under “Personal Rights and Obligations,” “Social and Economic Rights and Obligations,” and “Political Rights and Obligations.”<sup>348</sup>

The Constitution provides a liberalized framework of legal rights for women in an Islamic state, and therefore demonstrates the successful balance between Islam and secularism within a legal framework. The Constitution, having been amended a number of times, has therefore been amended to create the best legal foundation for Turkish women's equality before the law. It should be noted that particular political, economic and social rights accorded to women in the Constitution will be examined in the relevant section of this chapter.

### **Political rights**

According to CEDAW, Turkey has an obligation to prevent any discrimination based on sex in the political realm, and relating activities<sup>349</sup>. The Convention calls for the equality between men and women in politics and Turkey thereby has an obligation to assert these rights of Turkish women in legislation.

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<sup>345</sup> Women for Women's Human Rights, “About Us”, retrieved on 1 June 2010, [http://www.wwhr.org/about\\_us.php](http://www.wwhr.org/about_us.php), p. 1.

<sup>346</sup> “The Constitution of the Republic of Turkey”, as amended 17 October 2001, *Op Cit.* p. 2.

<sup>347</sup> *Ibid.*, p. 4.

<sup>348</sup> *Ibid.* pp.1-66.

<sup>349</sup> United Nations, “The Convention on the Elimination of all Forms of Discrimination Against Women” *Op Cit.* p. 2.

### **Political and public life**

The Constitution of Turkey asserts that all Turkish citizens are entitled to vote, be elected and engage in political activities, whether in a political party or independently<sup>350</sup>. The Constitution also stipulates that Turkish citizens have the right to form political parties; as well as engage in organisations that deal with political issues and may in fact lobby government<sup>351</sup>. These legal rights thereby permit Turkish women to participate freely in Turkish politics.

Women therefore have the rights to partake in Turkish political discourse, whether part of a political party, as a member of an NGO concerning political issues, or representing a region in the National Parliament. Disappointingly, Turkey only has 9.1% of its Parliamentary seats held by women, which translates to 50 seats held by women, with 499 seats held by men in June 2010<sup>352</sup>. This statistic most definitely does not demonstrate any means of equality in Turkish politics; however, it has increased remarkably from 1990, when only 1.3% of the Turkish Parliamentary seats were held by women<sup>353</sup>.

These statistics are disappointing, considering the progressive and modern political rights that Turkish women have in the Constitution. The lack of participation of women in Turkish politics, points to continuing patriarchy within the society, as well as an inability of women to take advantage of their legal rights<sup>354</sup>. It should, however, be noted that the political representation of women does not always translate to adequate rights for women, and that regardless of the lack of political representation that Turkish women have, the political will of male leaders has resulted in a number of public realm rights for women<sup>355</sup>. Turkish women may therefore feel that it is not necessary to assert themselves politically, as they continue to gain rights due to politically motivated men in Parliament, as well as active Civil Society and NGO participation in Turkish politics.

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<sup>350</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 21.

<sup>351</sup> Ibid. p. 22.

<sup>352</sup> UNstats, "Millennium Development Goal Indicators, Country Level Data", Op Cit.

<sup>353</sup> Loc Cit.

<sup>354</sup> Goksel, N., "Women in Turkey – What is on Paper, What is in Practice?" retrieved on <http://www.todayszaman.com/news-185775-women-in-turkey%E2%80%94what-is-on-paper-what-is-in-practice.html>, 2007, p. 1.

<sup>355</sup> Loc Cit.

## **Economic rights**

CEDAW similarly asserts the need for equality between men and women within the economic sphere, with no discrimination based on sex occurring in any economic activities<sup>356</sup>. Subsequently, Turkey has a responsibility to guarantee women's economic rights in legislation.

## **Employment**

As with political rights, the economic rights of Turkish women are enshrined in the Constitution. The Constitution states that everyone has the freedom to work in a field of his/her choice<sup>357</sup>. The state is also required, within the Constitution, to take the necessary measures to raise the standard of living of workers, as well as to protect workers regardless of sex, against unsatisfactory conditions of labour; as well as to protect against the threat of unemployment, where possible<sup>358</sup>. The Constitution explicitly states that “minors, women and persons with physical and mental disabilities, shall enjoy special protection with regard to working conditions”<sup>359</sup>. All workers are equally protected within the Constitution as having a right to rest and leisure<sup>360</sup>. Furthermore, the legislation within the Constitution states that all workers, both male and female, have the right to fair and equal wages in return for work; as well as the subsequent social benefits<sup>361</sup>.

Within the agricultural sector, in which women play significant roles worldwide and in Turkey; the 1990s saw numerous structural adjustment policies implemented, which sidelined women<sup>362</sup>. The percentage of Turkish women that worked in wage employment, outside of the agricultural sector was 22.4% in 2008<sup>363</sup>. Since the 1990s, the percentage of women that worked in non-agricultural sectors has increased, from 15.8% in 1990 to 18.9% in 1999<sup>364</sup>. The employment to population ratio for women for 2008 was 21.7:100, as opposed to 63:100 for Turkish men<sup>365</sup>.

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<sup>356</sup> United Nations, “The Convention on the Elimination of all Forms of Discrimination Against Women” Op Cit. p. 2.

<sup>357</sup> “The Constitution of the Republic of Turkey”, as amended 17 October 2001, Op Cit. p. 16.

<sup>358</sup> Ibid. pp.16-17.

<sup>359</sup> Ibid. p. 17.

<sup>360</sup> Loc Cit.

<sup>361</sup> Loc Cit.

<sup>362</sup> Morvaridi, B., “Gender Relations in Agriculture: Women in Turkey” in Economic Development and Cultural Change, Vol. 40, No. 3, April 1992, p. 567.

<sup>363</sup> UNStats, Op Cit.

<sup>364</sup> Loc Cit.

<sup>365</sup> Loc Cit.

These statistics signify a steady increase in women's economic activity and participation within different sectors, which is essential for modernity and growth.

Turkey has an especially high rate of unemployment, of which many are women<sup>366</sup>. Women remain one of Turkey's most under-used resources, as the gap between employed men and women widens every year<sup>367</sup>. This demonstrates a continuing under-utilisation of women within the economic sector of Turkey, which has been attributed to the entrenched patriarchy in Turkish society, stemming from the Ottoman Empire and male-controlled religious tradition.

### **Unpaid care work**

The importance of unpaid care work/domestic work is uncontested. Unpaid care work provides an interesting insight into women's private realm rights in the society. In Turkey, almost all women do unpaid care work in their own homes, which is mostly unrecognised. Furthermore, most working women hold the double burden of the unpaid care work and paid employment, which is rarely recognised by policy makers and continually stressed by feminists<sup>368</sup>. There is no particular legislation in the Constitution regarding unpaid care work. However, the reformed Civil Code does, however, recognise unpaid care work for women in marriage, as they are entitled to some of the assets and property during divorce<sup>369</sup>. This recognition in the Civil Code is significant as very few states have legislation that recognises unpaid care work as a job entitled to a form of remuneration in the event of a divorce.

Women and girls outside of the family, that do unpaid care work/domestic work are common in Turkey, and are termed *Evatliks*<sup>370</sup>. *Evatliks* are brought into the home as children, provided with clothes, food and a basic education and grow up working for the home as care workers in order to earn their keep and thereby do not receive any remuneration<sup>371</sup>. *Evatliks* are not officially recognised by policy makers, or by the households in which they work which results in *Evatliks*

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<sup>366</sup> The Economist, "The economy has had a big boost from much sounder management – A special report on Turkey" retrieved on <http://www.economist.com/node/17276384>, 21 October 2010, p. 4.

<sup>367</sup> Loc Cit.

<sup>368</sup> Keklik, H. T., Op Cit. p. 191.

<sup>369</sup> Women for Women's Human Rights, "Turkish Civil Code", Op Cit. p. 1.

<sup>370</sup> Loc Cit.

<sup>371</sup> Loc Cit.

being practically invisible<sup>372</sup>. In most families, the status of these workers is ambiguous, as in some families they are considered part of the family, whilst in others they are merely considered the housekeepers that work to earn their keep<sup>373</sup>.

The difficulty of women working as Evatlüks, or in any form of unregistered employment, is the fact that they have no access to social security or employment security for unfair treatment<sup>374</sup>. The implementation of legislation that gives Turkish women fair working rights is most difficult to implement in unregistered employment sectors. This has resulted in numerous Turkish women not having any recourse vis-à-vis unfair working conditions.

### **Financial rights**

All Turkish citizens, regardless of gender have the right to own, as well as inherit property<sup>375</sup>. The Constitution of Turkey does, however, not explicitly state any clauses regarding credit for women. Turkish banks have been providing special financial programmes for businesswomen<sup>376</sup>. By 2010, it was estimated that more than 9000 women had profited from the bank financial support packages, totalling approximately 280 million Turkish Liras<sup>377</sup>.

Women's entrepreneurship is on the rise in Turkey, which has severely bettered the economic climate of Turkey, by slowly decreasing unemployment, especially for women<sup>378</sup>. The rise of women owned businesses has signified a rise in the availability of credit for Turkish women. The main issue inhibiting women entrepreneurship in 2001 was pinpointed as a lack of information and motivation<sup>379</sup>. A motivating factor which has been created to encourage more women has been the Women Entrepreneur of the Year, which was started in 2006<sup>380</sup>. Despite the rise of

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<sup>372</sup> Loc Cit.

<sup>373</sup> Loc Cit.

<sup>374</sup> Bruce, C., Op Cit. 1.

<sup>375</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 12.

<sup>376</sup> Yinanç, B., "Women entrepreneurship on the rise in Turkey" retrieved on <http://www.hurriyetdailynews.com/n.php?n=women-are-more-loyal-to-their-debts-says-banker-2010-05-07>, 8 May 2010, p. 1.

<sup>377</sup> Loc Cit.

<sup>378</sup> Loc Cit.

<sup>379</sup> Loc Cit.

<sup>380</sup> Loc Cit.

women entrepreneurs in Turkey, Turkey still remains very low on the scale of numbers of women entrepreneurs among OECD countries<sup>381</sup>.

The ability to make women economically independent and responsible through providing them with access to credit, results in the economic liberation of women, providing them with overall independence. Islamic feminism equally emphasises these rights within the confines of Islam. The economic emancipation of women is hence integral to assisting Turkish women gain independence and thereby actively demand their political and social rights, which are seen to be occurring, albeit slowly in Turkey.

### **Social rights**

Social rights are perhaps the most difficult rights to enforce, especially whilst simultaneously not inhibiting the right to practice religion. CEDAW therefore emphasises the importance of guaranteeing women's rights in the social sphere, despite religion<sup>382</sup>. Turkey thereby has an obligation to guarantee women's social rights in legislation, which shall be examined.

### **Education**

Education is seen by the International community as both an economic and social right. It is also generally accepted by the International community that an increase in women's education is one of the most important factors for economic and social development in a developing country<sup>383</sup>. Furthermore, educating girls has further benefits for the growth of developing countries, as it boosts the family income; leads to higher social status, independence and mobility; increased contraception use; lower fertility rates; lowers levels of infant mortality; and results in long-term economic prosperity for the state, more so than merely educating boys<sup>384</sup>.

The Constitution of the Republic of Turkey states that "Training and education shall be conducted along the lines of the principles and reforms of Ataturk..." in that all no person,

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<sup>381</sup> Loc Cit.

<sup>382</sup> United Nations, "The Convention on the Elimination of all Forms of Discrimination Against Women" Op Cit. p. 2.

<sup>383</sup> Rankin, B. H., and Aytac, I. A., Op Cit. p. 25.

<sup>384</sup> Loc Cit.

regardless of gender be deprived of an education, from primary to tertiary education<sup>385</sup>. The amended Constitution of 2001 asserts that 8 years of primary education is compulsory for both genders and is provided by the state<sup>386</sup>. Finally, the Constitution states that should Turkish citizens wish to continue with their education, scholarships, bursaries and other funding mechanisms will be available to both sexes<sup>387</sup>.

Ataturk fully believed in the need for education, for both girls and boys. Until 1996, five years of education for both girls and boys were compulsory<sup>388</sup>. This was raised to eight years in 1997<sup>389</sup>. Despite the mandating of years of schooling that this legislation has enacted, numerous areas across Turkey had large numbers of girls missing from classes in the 1980s, which continues to steadily decrease<sup>390</sup>. It was also found that the use of child labour was very common in Turkey, and girls were therefore used in the home, as opposed to being sent to school<sup>391</sup>.

Despite the numerous public realm rights and legislation that has been passed regarding women's rights to education since the founding of the Republic, the literacy rate has remained lower for women than men since 1935<sup>392</sup>. In 2007, the literacy rate for women had increased to 94.3%, with the literacy rate for Turkish men being 98.6%<sup>393</sup>. Despite the fact that the literacy rate of Turkish women is lower than men, 94.3% remains a remarkable rate, which demonstrates Turkey's commitment to ensuring the primary education of both girls and boys. This literacy rate also signifies political commitment to the education of girls in Turkey, as stemming from Ataturk.

The Turkish primary, secondary and tertiary education enrolment statistics are important, as they demonstrate the number of girls in the primary, secondary and tertiary education enrolment, in comparison to boys in Turkey. The gender parity index that is used in these statistics

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<sup>385</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 14.

<sup>386</sup> Loc Cit.

<sup>387</sup> Loc Cit.

<sup>388</sup> Ozvaris, S. B., et al., Op Cit. p. 117.

<sup>389</sup> Loc Cit.

<sup>390</sup> Rankin, B. H., and Aytac, I. A., Op Cit. p. 29.

<sup>391</sup> Loc Cit.

<sup>392</sup> Ozvaris, S. B., et al., Op Cit. p. 117.

<sup>393</sup> UNStats, Op Cit.

demonstrates that for every 1 boy that enrolls in school, so many girls enroll. The most recent statistics that could be obtained for the gender parity index for primary school enrollment was 0.93 girls for every boy, in 2008<sup>394</sup>. The gender parity index for secondary school enrollment for 2008 was 0.89 girls for every 1 boy<sup>395</sup>. Lastly, the gender parity index for tertiary school enrollment in 2008 was 0.78 girls, for every 1 boy<sup>396</sup>, which demonstrates a slight drop in girls for each level of higher education, relative to boys, although for a developing country, the slight drop in girls demonstrates a significant societal commitment to girl's education<sup>397</sup>.

The completion rates for girls in primary school are equally interesting, as these statistics demonstrate the number of girls that are allowed and motivated to stay in school and complete the final grade of primary school in Turkey. In 2007, the rate of girls that completed primary school was 88.5%, as opposed to 93.5% of boys<sup>398</sup>. The statistics on girl's education in Turkey, demonstrates a steady increase in the societal importance of girl's education, stressed in Islamic feminism, as well as significant political will in Turkey.

## Marriage

The 2001 Constitution provides the legal foundation for the public realm rights of women in marriage in Turkey. Article 41 states that the family must be redefined as "The family is the foundation of Turkish society, and is based on equality between the spouses"<sup>399</sup>. The new Turkish Civil Code is particularly important with regards to women's public realm rights, as it took a new approach to women's roles in the family with women assuming a central role in the family and marriage, as opposed to a subordinate role<sup>400</sup>.

In the Civil Code of 2001, which replaced the Civil Code instituted in 1926 the terms 'husband and wife' are no longer used, replaced by the term, spouses<sup>401</sup>. The spouses are thereby delegated

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<sup>394</sup> Loc Cit.

<sup>395</sup> Loc Cit.

<sup>396</sup> Loc Cit.

<sup>397</sup> Loc Cit.

<sup>398</sup> Loc Cit.

<sup>399</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 14.

<sup>400</sup> Women for Women's Human Rights, "Turkish Civil Code", Op Cit. p. 1.

<sup>401</sup> Loc Cit.

equal status within a matrimonial union with no spouse being subordinate to the other<sup>402</sup>. The Civil Code equally sets out the equal division of property acquired during marriage<sup>403</sup>. WWHR asserts that this particular change in the Civil Code thereby provides economic value and recognition to the women's care work during marriage for the wellbeing of the household<sup>404</sup>.

The minimum legal age for marriage in Turkey is set out by the Turkish Civil Code as 18 years old<sup>405</sup>. Interestingly enough, the minimum age for marriage is for both women and men, as opposed to previously when the legal age was 17 years of age for men and 15 years of age for women<sup>406</sup>. The Civil Code does, however, allow for earlier marriage with parental consent, from the age of 15 years old, but subject to a court decision<sup>407</sup>.

The Civil Code equally allows for the adoption of children by single parents, including single women<sup>408</sup>. With regards to children in Turkey, the term "illegitimate children", which was used as a term for children born out of wedlock, was abolished with the new Civil Code<sup>409</sup>. Furthermore the Civil Code states that the custody of children born out of wedlock automatically belongs to the mothers, as opposed to previously<sup>410</sup>. In the new Turkish Civil Code, inheritance rights to children born outside of marriage are the same for children born in marriage<sup>411</sup>. This is significant as it does not allow for the discrimination of children regarding the behaviour of their parents, as would previously be considered appropriate in Turkey.

With regards to divorce, the legislation protects the mother's rights to custody of children after the divorce; as well the separation of property in divorce, according to the marriage contract<sup>412</sup>. The Civil Code, as already mentioned, protects women's rights to property during divorce,

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<sup>402</sup> Loc Cit.

<sup>403</sup> Loc Cit.

<sup>404</sup> Loc Cit.

<sup>405</sup> "Official Gazette No. 24607, dated 08.12.20019 - Turkish Civil Code", Op Cit. p. 2.

<sup>406</sup> Women for Women's Human Rights, "Turkish Civil Code", Op Cit. p. 1.

<sup>407</sup> "Official Gazette No. 24607, dated 08.12.20019 - Turkish Civil Code", Op Cit. p. 2.

<sup>408</sup> Women for Women's Human Rights, "Turkish Civil Code", Op Cit. p. 1.

<sup>409</sup> Loc Cit.

<sup>410</sup> Loc Cit.

<sup>411</sup> "Official Gazette No. 24607, dated 08.12.20019 - Turkish Civil Code", Op Cit. p. 3.

<sup>412</sup> Women for Women's Human Rights, "Turkish Civil Code", Op Cit. p. 1.

whether they have earned money during the marriage for themselves or not<sup>413</sup>. This, as already mentioned, demonstrates that Turkey recognises the unpaid care work that all women do in their homes.

The liberal stance that this legislation has allowed Turkey to adopt regarding marriage is considered very progressive for an Islamic state. This is as it provides women with many highly important rights in marriage and provides them with an equal status with men in the social sphere. Islamic feminism ensured that marriage rights in the new Civil Code do not stand in conflict with Islam.

### **Health care services**

The Constitution of the Republic of Turkey asserts that the state is responsible for protecting the welfare of the family<sup>414</sup>. Part of this responsibility, includes the responsibility to educate the successful application of family planning, to ensure the health and protection of the mother and children of the family<sup>415</sup>.

The Turkish Ministry of Health (MoH) has been very active regarding implementing the rights of Turkish women to health care services, especially reproductive health services. Two Population Planning Laws have been implemented in 1965 and 1983 respectively, which seek to provide Turkish women with contraceptives, including IUDs, as well as induced abortion and sterilisation on request<sup>416</sup>. The success of the health care services provided to Turkish women can be seen by the maternal mortality ratio, which was 200 deaths per every 100,000 live births in the 1960s to 49.2 deaths per every 100,000 live births in the late 1990s; with post-partum haemorrhage being the leading cause of death which is unavoidable in certain cases<sup>417</sup>. In 2008, the maternal mortality rate had further decreased, demonstrating the part success of the health services provided by Turkey with there being only 23 deaths per every 100,000 live births<sup>418</sup>.

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<sup>413</sup> Loc Cit.

<sup>414</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 14.

<sup>415</sup> Loc Cit.

<sup>416</sup> Ozvaris, S. B., et al., Op Cit. p. 117.

<sup>417</sup> Ibid. p. 118.

<sup>418</sup> UNStats, Op Cit.

Antenatal care is increasing and by 1998, approximately 68% of pregnant women were getting the appropriate antenatal care<sup>419</sup>. Also, in 1998, 81% of all deliveries were safely done with the necessary medical equipment and staff<sup>420</sup>. By 2008, the proportion of births attended by skilled personnel was 91.3 per every 100 births, which demonstrates the government's commitment to providing adequate health care services for Turkish women<sup>421</sup>. Furthermore, the percentage of women that received antenatal care was 92% in 2008, which is a staggering statistic for a developing country<sup>422</sup>. The increase in the number of women receiving antenatal care delivery care in a decade (1998-2008) demonstrates a staggering commitment to women's health care by the Turkish government. Problems still do, however, plague some Turkish women, with one out of three women not gaining any antenatal care, but this is primarily in rural areas<sup>423</sup>. As can be seen from these statistics, there are still a fair amount of Turkish women that do not enjoy the services provided by the Turkish MoH due to a number of factors including, a lack of education, traditional customs regarding birth, and patriarchy within the family and society, especially in rural areas.

### **Family planning**

Family planning has been a significant issue in Turkey, as it is an important means at which social change in Turkey is still being achieved. Turkey has progressed significantly, as equality in marriage and joint decision making norms among couples have resulted in increased family planning.

The legislation of Turkey, as already mentioned, declares spouses equal in responsibility within a marriage, and the significance of this legislation within an Islamic society can be demonstrated by the statistics of contraception usage. The issue of contraception usage is usually controlled by patriarchal and religious traditions, as its usage is often denied by men and hence controlled by the male partner. In spite of patriarchal and Islamic traditions regarding family planning, the

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<sup>419</sup> Ozvaris, S. B., et al., Op Cit. p. 118.

<sup>420</sup> Loc Cit.

<sup>421</sup> UNStats, Op Cit.

<sup>422</sup> Loc Cit.

<sup>423</sup> Ozvaris, S. B., et al., Op Cit. p. 118.

Turkish MoH continues to implement its comprehensive family planning programme, which has been operating since 1965, and seeks to widen and improve the use of modern contraceptives<sup>424</sup>.

The contraceptive use of Turkish women has increased steadily since the 1990s. The percentage of married women (aged 15-49 years old) using any method of contraceptives was 71% in 2003<sup>425</sup>. The percentage of married Turkish women utilizing modern methods of contraception is a bit lower, as only 42.5% in 2003, which was an increase from 37.7% in 1998<sup>426</sup>. Condoms are not, however, used a lot in Turkey, as only 10.8% of Turkish women utilize condoms in 2003, an increase from 8.2% on 1998<sup>427</sup>.

A study conducted within the 1990s, found that fertility decreased and contraception use increased when the woman had an elevated social status, most likely due to education or working outside of the home<sup>428</sup>. The study also found that Turkish men were more likely to accept their wives' opinion regarding family planning if the wife had an elevated social and economic status<sup>429</sup>. This is highly significant, as numerous Turkish women now have equal decision making power regarding family planning, which indicates the elevating status of women in Turkey. Consequently, in 2003, the number of Turkish women using contraception was 71%, of which 42.5% were using a modern method of contraception, and 28.5% a traditional method of contraception<sup>430</sup>.

Since 2000, fertility has declined significantly in Turkey, with men playing an active role in contraception practice<sup>431</sup>. The fertility rate in Turkey has declined significantly since 1978 from 4.3 children, to 2.6 children in 1998, and fell further to 2.3 children in 2003<sup>432</sup>. This reduction in

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<sup>424</sup> *Ibid.* p. 117.

<sup>425</sup> UNStats, *Op Cit.*

<sup>426</sup> *Loc Cit.*

<sup>427</sup> *Loc Cit.*

<sup>428</sup> Remez, L., *Op Cit.* p. 97.

<sup>429</sup> *Loc Cit.*

<sup>430</sup> Akin, A. et al., *Op Cit.* p. 101.

<sup>431</sup> Kulczycki, A., *Op Cit.* p. 127.

<sup>432</sup> *Ibid.* p. 128.

fertility is primarily attributed to the increased contraceptive use, primarily among married women from 64% from 1988-1998 to 71% in 2003<sup>433</sup>.

It therefore appears that Turkish men are adopting a more responsible attitude towards contraception and their accountability in this regard. This cannot solely be attributed to the legislation regarding marriage in Turkey, but rather to the willingness of people to make contraception usage a joint responsibility within the family, which is highly significant within an Islamic state. Turkish men are playing a greater role in determining condom use, as well as equal discussions about other forms of contraception, which is not considered the 'norm' in Islamic societies<sup>434</sup>. This demonstrates the modern societal outlook present in Turkey, stemming from years of secularism.

### **Abortion**

Abortion has been legal in Turkey for a pregnancy of up to 10 weeks since 1983, which allows general practitioners to terminate pregnancies<sup>435</sup>. The Constitution does not explicitly state legislations regarding abortion, however, it asserts that it is the state's responsibility to provide family planning and subsequent health services, which has been said to include abortion<sup>436</sup>.

2003 saw statistics that ascertained that 24% of married Turkish women have had an induced-abortion, of whom only 58% had undergone no more than one abortion<sup>437</sup>. A crucial service that the Turkish MoH provides women after an abortion, are family planning services to prevent a recurrence<sup>438</sup>. The MoH started providing structural and compulsory links to family planning services in 1991, which severely dropped the number of abortions that each women had<sup>439</sup>. This move demonstrates political will and subsequent successful action by the Turkish government and MoH to educate women and provide them with the choice and means not to have another abortion.

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<sup>433</sup> Loc Cit.

<sup>434</sup> Ibid. p. 129.

<sup>435</sup> Akin, A. et al., Op Cit. p. 101.

<sup>436</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 14.

<sup>437</sup> Loc Cit.

<sup>438</sup> "Providing Family Planning after Abortions, Turkey" in Reproductive Health Matters, Vol. 10, No. 20, November 2002, p. 193.

<sup>439</sup> Loc Cit.

Nevertheless there remains a need to supply induced abortion services provided by public health services in rural and semi-rural parts of Turkey<sup>440</sup>. There are number of needs still to be provided by the Turkish MoH, however, the mere fact that Turkish women are currently able to choose whether to have an abortion or not, is significant within an Islamic society. This also demonstrates the modernity of Turkey, stemming from secularism.

### **Virginity testing**

Within Islamic societies, virginity is considered highly significant, as a manner at which a Turkish woman's modesty and honour is protected<sup>441</sup>. Despite the fact that Turkey has been a secular state for many years, the issue of virginity has remained entrenched in Turkish tradition<sup>442</sup>. A virginity test includes the examination of whether the hymen on the women/girl being tested is intact or not<sup>443</sup>. Virginity tests in Turkey are carried out by a state appointed doctor in which the doctor, usually a male, declares whether the women/girl is a virgin or not<sup>444</sup>.

The issue of virginity testing, which is the regulation of a woman's sexuality, has been tackled by human rights organizations and labelled as a sign of traditionalism (*geleneksellik*), which is in stark contrast to the freedoms entrenched in secularism<sup>445</sup>. In 1999, after much pressure exerted on the government by human rights organizations, an amendment (*genelge*) was enacted, which requires the consent of the woman for the virginity test to be performed<sup>446</sup>. The requirement of consent and the abolishment of forced virginity testing by the state has been considered as the gradual continuation of Ataturk's mission of turning women into citizens<sup>447</sup>.

Despite the enactment of this law, the controversy in Turkish society over state-enforced virginity tests on women that infringe on the public morality of Turkey, remains<sup>448</sup>. Virginity

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<sup>440</sup> Akin, A. et al., *Op Cit.* p. 101.

<sup>441</sup> Parla, A., *Op Cit.* p. 66.

<sup>442</sup> *Loc Cit.*

<sup>443</sup> *Ibid.* p. 67.

<sup>444</sup> *Loc Cit.*

<sup>445</sup> *Ibid.* p. 68.

<sup>446</sup> *Ibid.* p. 66.

<sup>447</sup> *Ibid.* p. 70.

<sup>448</sup> *Ibid.* p. 66.

testing by the state has been defended as a way in which the state protects the honour of the family, in the same way a man would protect his own honour<sup>449</sup>. Islamic feminists in Turkey were very active on this issue, on the premise that the ‘requirements’ for virginity testing were based on the male manipulated concept of maintaining “honour” in Islam. The requirement of consent for a virginity test demonstrates a significant move toward recognising women’s individual needs and rights regarding their sexuality, which is most often considered a taboo topic in Islamic societies and therefore a great stride for Turkey.

### **Violence against women**

Violence against women has been targeted as an integral way of deciphering the private realm rights of women. Turkey’s rate of violence against women thereby provides an interesting insight into the private realm rights of Turkish women. It has been estimated that more than 150,000 Turkish women have been victims of domestic violence, as approximately 31.5% of Turkish women were beaten by their husbands in 2003<sup>450</sup>.

A degree of domestic violence is prevalent in Muslim societies, as with all societies and religions, and is therefore seen across the world<sup>451</sup>. Muslim societies are, however, pinpointed as inherently violent by the West, which is ingrained in international Islamaphobia. It is hence important to examine the legislation Turkey has in place to protect women from domestic violence, regardless of religion. WWHR has lobbied for the new legislation regarding domestic violence for 20 years<sup>452</sup>.

In 1998, the Turkish Parliament signed a new law against domestic violence, namely Law No. 4320 on the Protection of the Family<sup>453</sup>. This legislation was designed to protect the women who suffer from domestic violence by removing them from the violent atmosphere and allowing for

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<sup>449</sup> *Ibid.* p. 69.

<sup>450</sup> Rodriguez, B. L., *Op Cit.* pp.33-34.

<sup>451</sup> *Ibid.* p. 29

<sup>452</sup> Women for Women’s Human Rights, “Law No. 4320 on the Protection of the Family”, retrieved on 1 June 2010, [http://www.wwhr.org/law\\_no\\_4320.php](http://www.wwhr.org/law_no_4320.php), p. 1.

<sup>453</sup> *Loc Cit.*

the placement of protection orders, which can be filed by family members and friends and from the home directly to the public prosecutor<sup>454</sup>.

As mentioned in the previous chapter, the Turkish accession to the EU has played a significant role in certain rights that have been enacted for Turkish women. The law on the Protection of the Family is one enacted largely for the EU's approval<sup>455</sup>. The implementation of this legislation has been difficult, and its delay, has resulted in the European Court of Human Rights ruling against Turkey precisely because of the poor implementation of the law and gender discrimination due to "the discriminatory judicial passivity in Turkey that created a climate that was conducive to domestic violence"<sup>456</sup>.

Relating to the rights of women with regards to violence, the change in the Turkish Penal Code is also important. In September 2004, the Turkish Parliament accepted the new Turkish Penal Code, which was the fruit of a three-year long campaign of women's movements to include gender equality and sexual protection and bodily rights of Turkish women and girls<sup>457</sup>. In short, the new Turkish Penal Code classifies sexual offenses under "crimes against individuals/crimes against inviolability of sexual integrity" so that they are not merely classified as crimes against society as before<sup>458</sup>. Patriarchal concepts such as, chastity, honour, public morality, public customs, shame or decency were eliminated in the new Penal Code<sup>459</sup>. Progressive definitions of sexual offences were adopted; sexual harassment at the workplace was criminalized, and sentences for sexual crimes were increased, which increased women's legal rights within Turkish society significantly<sup>460</sup>. Equally as important was the fact that the new Penal Code criminalized marital rape; increased the sentences for honour killings as aggravated homicide; banned the consent of children in sexual abuse cases; created non-discrimination clauses for women with regards to virginity in all legal processes; and abolished the provisions that previously

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<sup>454</sup> Loc Cit.

<sup>455</sup> Rodriguez, B. L., Op Cit., p. 35.

<sup>456</sup> Ibid. p. 36.

<sup>457</sup> Women for Women's Human Rights, "Turkish Penal Code" retrieved on 1 June 2010, [http://www.wwhr.org/turkish\\_penalcode.php](http://www.wwhr.org/turkish_penalcode.php), p. 1.

<sup>458</sup> Loc Cit.

<sup>459</sup> Loc Cit.

<sup>460</sup> Loc Cit.

legitimized rape and abduction when the perpetrator married the victim<sup>461</sup>. The article regulating “indecent behaviours” has been changed to only include sexual intercourse in public<sup>462</sup>.

Despite the fact that violence occurs in every society, Islamic feminists work actively against violence against women as inherently against Islam. The implementation of the new Penal Code has been highly successful, with minor bouts of Islamic opposition. WWHR states that the successful implementation of the law demonstrates the progressive and women’s rights centred societal attitude in Turkey<sup>463</sup>. Significant political will has also been attributed as having a major effect of the societal reception of the new Penal Code and its subsequent implementation.

### **Sex role stereotyping and prejudice**

Sex role stereotyping and prejudice includes the numerous religious practices that are labelled as oppressive signs of Islam by the ‘occident’. These include social rights, such as the wearing of the veil; and honour killings.

### **Clothing**

The important issue of clothing in Turkey refers to the use of the veil, also named the *hijab*, which refers to Islamic wear or the covering of the head and shoulders<sup>464</sup>. Turkey has had a strict ban on wearing the headscarf in public since 1997<sup>465</sup>. This headscarf ban/legislation was labelled a significant stride toward achieving modernisation and limiting Islamic influence in society.

There are different groupings regarding head covering in Turkey. The secularists believe that covering the head or wearing the veil signifies a desire to return to Islamic rule<sup>466</sup>. The Islamists, however, see the need to wear the veil and adhere to Islamic law in order not to arouse desire in

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<sup>461</sup> Loc Cit.

<sup>462</sup> Loc Cit.

<sup>463</sup> Loc Cit.

<sup>464</sup> Marshall, G. A., Op Cit. p. 107.

<sup>465</sup> BBC, “Turkey eases ban on headscarves” retrieved on <http://news.bc.co.uk/2/hi/europe/7236128.stm>, 9 February 2008, p. 1.

<sup>466</sup> Marshall, G. A., Op Cit. p. 109.

men toward strange women<sup>467</sup>. Islamic feminists, however, call for the choice to wear the veil, as a religious right, as well as the choice not to wear the veil<sup>468</sup>.

Furthermore, due to the modernized nature of urban Turkey, the veil signifies different things for rural and urban women, due to the degree of patriarchy within their societies<sup>469</sup>. Urban women have more freedom to express and exercise choices than rural women do<sup>470</sup>. However, the veil in a secular state is said to make women invisible, with the hallmark of the Turkish state being to make women visible<sup>471</sup>.

The veil issue is an important issue in Turkey, which still demonstrates the lasting battle between the secularists and the Islamists, but has lately included numerous Islamic feminist movements. In 2008, the Parliament of Turkey was forced to ease the restrictions on wearing the headscarf at schools and universities, as it resulted in numerous girls being denied an education<sup>472</sup>. This comes as the headscarf ban has actively denied the Constitutional right to higher education<sup>473</sup>. The loosening of restrictions has been labelled as the beginning of allowing Islam to assume some control over the social rights of Islamic women.

The headscarf ban in Turkey has allowed for a vibrant Islamic feminist rise in Turkey, which calls for the right to choose to wear the scarf<sup>474</sup>. The banning of headscarves does, however, demonstrate an unwillingness to truly provide women with rights within their religions, but rather an extremist secularist regime, that is willing to enforce secularism, regardless of the effects on women's rights.

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<sup>467</sup> Loc Cit.

<sup>468</sup> Loc Cit.

<sup>469</sup> Delaney, C., Op Cit. p. 168.

<sup>470</sup> Ibid. p. 169.

<sup>471</sup> Hancock, C., "Spatialities of the Secular: Geographies of the Veil in France and Turkey" in the European Journal of Women's Studies, Vol. 15, No. 165, 2008, p. 167.

<sup>472</sup> BBC, "Turkey eases ban on headscarves" Op Cit. p. 1.

<sup>473</sup> Loc Cit.

<sup>474</sup> Porter, M., Op Cit. p. 1.

## Honour killings

An honour killing stems from the meaning of the word 'honour' in Islamic society. The term honour refers to a social code of behaviour imposed upon women and girls in order to preserve the integrity and respect of the family<sup>475</sup>. Honour killings thereby take place when women or girls are murdered to repair and protect the family honour<sup>476</sup>. The concept of honour killings assume that a man's honour lies with the male family members<sup>477</sup>. The honour killing is either perpetrated by a family member, but due to recent legislation regarding honour killings, families pay outsiders to commit the honour killings<sup>478</sup>.

With regards to honour killings, the Constitution states that no person may be forced to participate in any religious traditions and customs<sup>479</sup>. Statistics demonstrate that despite this legislation, approximately 200 honour killings take place in Turkey every year<sup>480</sup>. However, these only mark the reported killings, as numerous girls go unfound and are merely reported missing<sup>481</sup>. Furthermore, an estimated 1,985 women were reported to have died from domestic violence from 2007-2008<sup>482</sup>. Numerous Islamic feminist movements claim that many women reported to have died from domestic violence, are more often than not, killed in an honour killing, which is made to look like domestic violence due to the strict legislation against honour killings in Turkey<sup>483</sup>. Islamic feminists remain very active in Turkey on this issue, as they maintain that it is against Islam.

Honour killings are illegal in secular Turkey, but despite this, numerous Turkish women are still afraid of honour killings, as they are still committed by Islamic opponents to secularism<sup>484</sup>. In February 2010, a case of a 16 year old girl was found, in which she was buried alive for talking

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<sup>475</sup> "Family Honour" retrieved on <http://www.honourkillings.gn.apc.org/>, retrieved on 2 January 2011, p. 1.

<sup>476</sup> Loc Cit.

<sup>477</sup> Loc Cit.

<sup>478</sup> Tait, R., Op Cit. p. 1.

<sup>479</sup> "The Constitution of the Republic of Turkey", as amended 17 October 2001, Op Cit. p. 8.

<sup>480</sup> Tait, R., "Turkish girl, 16, buried alive 'for talking to boys'" Op Cit. p. 1.

<sup>481</sup> Loc Cit.

<sup>482</sup> "Special teams to stop honor killings" retrieved on <http://www.stophonourkillings.com/?q=node/3187>, 18 November 2008, p. 1.

<sup>483</sup> Loc Cit.

<sup>484</sup> Ilkkaracan, P., "Exploring the Context of Women's Sexuality in Eastern Turkey" in Reproductive Health Matters, Vol. 6, No. 12, November 1998, p. 66.

to boys, thereby dishonouring her family<sup>485</sup>. The girl was found after her family reported her missing to authorities<sup>486</sup>. The fact that the Turkish women remain afraid of recurring honour killings indicates that Islamic influence and patriarchy is still present in Turkish society despite legislation against it.

### **Role of Civil Society and NGOs in Turkey**

Civil Society Organisations (CSOs) and Non-Governmental Organisations (NGOs) are invaluable for strengthening a society and community, especially regarding women's rights<sup>487</sup>. CSOs and NGOs are integral as they are able to deal with sensitive issues regarding women more easily than public figures are able to<sup>488</sup>. In Turkey, the CSOs and NGOs have been vital in gaining rights for women regarding reproductive and health services, education, and women's positions in the home<sup>489</sup>.

There are not too many NGOs in Turkey that specifically work on women's rights. One particular NGO, namely Women for Women's Human Rights (WWHR) has, however, been highly significant in gaining rights for Turkish women within sensitive areas. As this chapter has demonstrated, WWHR has played an invaluable role in solving Ataturk's age old "women question" by lobbying and advocating for legislation to change in favour of women. Despite the crucial work that WWHR and other CSOs have achieved for Turkish women, an obstacle still remains, as Turkish women are still largely unaware of their own rights. WWHR are similarly very active overseas and have been active in international lobby work with a number of NGOs and CSOs about women in the Middle East and the Mediterranean<sup>490</sup>.

### **Human Rights Education Program for Women (HREP)**

Despite the vast number of rights that Turkish women enjoy, numerous women, especially within rural areas are still ruled by Islam and patriarchal traditions. These women are vastly

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<sup>485</sup> Tait, R., Op Cit. p. 1.

<sup>486</sup> Loc Cit.

<sup>487</sup> Ozvaris, S. B., et al., Op Cit. p. 121.

<sup>488</sup> Loc Cit.

<sup>489</sup> Loc Cit.

<sup>490</sup> "Women, Sexuality and Social Change in the Middle East and the Mediterranean: Statement: Women for Women's Human Rights Meeting", in Reproductive Health Matters, 30 September 2001, p. 1.

unaware of their rights within the political, economic and social spheres. WWHR thereby developed the Human Rights Education Program for Women (HREP) in 1995 to provide non-formal human rights training for Turkish women to equip them with the necessary knowledge for democratic change<sup>491</sup>.

The program includes a number of workshops which include topics, such as women's human rights, constitutional and civil rights, violence against women and domestic violence, strategies against violence, women's economic rights communication skills, sensitive parenting and the rights of children, women and sexuality, reproductive rights, women and politics, feminism and the women's movement, and women's grassroots organizing<sup>492</sup>. The aim of the HREP is to provide education on rights to one woman on an individual level, who will in turn become an agent of advocacy and organize education on the local and national level within their communities<sup>493</sup>.

This program is significant since Turkish women are not actively informed of their rights as Islamic women living in a secular republic and programs such as these are therefore integral to assisting the further development of women in Turkey. This program represents an NGO initiative that is working significantly in trying to teach women about their rights and mobilise them to assert their rights in their communities, still within the confines of Islam.

### **Turkey's balance between Islamic women's rights and secularism**

This chapter, as well as the previous chapter, has attempted to ascertain what factors can be particularly attributed to achieving the successful balance between Islam and secularism within Turkey. Turkey's importance is paramount when considering Islamic women's rights, and it is therefore highly significant that this research attempts to consider the factors that fostered this. A number of the factors are intertwined and have worked together to create a successful environment in which Turkey has achieved its balance between secularism and Islamic women's rights.

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<sup>491</sup> Women for Women's Human Rights, "Human Rights Education Program for Women" Op Cit. p. 1.

<sup>492</sup> Loc Cit.

<sup>493</sup> Loc Cit.

### **Secularism and Ataturk's "women question"**

As has already been considered in the preceding chapter, Ataturk adopted secularism and fully believed in modernising, secularising and growing Turkey to the same stature as that of the West. He thus, adopted legislation, in the form of the Swiss Civil Code, and Constitutional reform, which gave Turkish women significant rights, and remains an unprecedented first within the Islamic world<sup>494</sup>. It was the view of Ataturk that Islam within the public sphere was detrimental to growth and achieving modernity, along with the fact that Turkish women had to be emancipated and utilised within the state for his change to occur<sup>495</sup>. The phrase coined by Ataturk, the "women question", has been integral to numerous politician's goals. As Ataturk stated in 1923 "Our nation has made up its mind to be a powerful nation. One of the requirements of today is that we should ensure the advance of our women in all respects. Therefore, our women, like our men, will be enlightened and well-educated."<sup>496</sup>.

Similarly, the fact that Turkish women adopted such an active role within the Independence War has also been highlighted as a large factor as to why women's rights were given such importance after secularism was instituted in Turkey<sup>497</sup>. As history has demonstrated, during times of war, women adopt different roles, including roles normally assumed by men<sup>498</sup>. This in turn resulted in Turkish women becoming very visible and hence could not be easily ignored by the government when the war was over.

Being the founder of the Republic of Turkey, Ataturk played a highly significant role within the gaining of women's rights. Ataturk's views and ideology of secularism has been adopted by numerous past and present Turkish politicians. Ataturk has hence been emphasised as the initial cause and factor that ensured secularism, and in turn, women's rights in Turkey.

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<sup>494</sup> Kagitcibasi, C., *Op Cit.* p. 485.

<sup>495</sup> Ahmad, F., *Op Cit.* p. 3.

<sup>496</sup> Europa, "'Women's rights in Turkey' – Speech by EU Commissioner Füle" retrieved on [http://www.europa-eu-un.org/articles/en/article\\_9701\\_en.htm](http://www.europa-eu-un.org/articles/en/article_9701_en.htm), 29 April 2010, p. 1.

<sup>497</sup> Parla, A., *Op Cit.* p. 71.

<sup>498</sup> Tickner, J. A., *Op Cit.* p. 37.

## **Political will**

Political will to achieve secularism and women's rights in Turkey can be traced back to Ataturk and numerous other Prime Ministers that have sought to achieve Ataturk's dream of a secularist state where women play important roles. The most recent amendments to the Constitution in 2001, which were the most extensive since the Constitution's inception, have been attributed to political will, as well as lobbying and activism of women's movements<sup>499</sup>.

Gender concerns can be directly seen in the political will of numerous Turkish leaders since the adoption of secularism in 1923. Regardless of the significant women's movements and NGO work on legislation for women, the political will of numerous leaders can be directly attributed to the timely and drastic changes for women made to legislation. The drastic changes to the Penal Code in 2004 can be highlighted as one such example, as the political will of the Turkish Parliament saw one of the most drastic amendments to a Penal Code made to protect women's rights. The 2001 amendment of the Civil Code in aid of women's rights has also been attributed to significant political will in the Turkish government.

Since the institution of secularism in Turkey, the military, which saw itself as the country's guardian, overthrew three prime ministers, as well as the Islamic Welfare Party (Refah) in 2007 for deviating from Ataturk's ideology of secularism<sup>500</sup>. The political will to achieve ultimate secularism and modernity has also been seen present in the military leadership of Turkey, with the military becoming increasingly concerned with Islamic fundamentalism as an impediment to modernity in Turkey, especially since 1997<sup>501</sup>. The military's political will to achieve modernity has therefore resulted in concern for women's rights, as an important means to achieving the ultimate modern state. Turkey remains an exception in this regard, as not many military regimes maintain the political will for women's rights, as a means for achieving modernisation, and this demonstrates a severe commitment in Turkish politics.

Despite a period in which the current Prime Minister Recep Tayyip Erdogan seemed to be against the separation of Islam and politics, he currently seems to have evolved into a strong

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<sup>499</sup> Gönenç\*, L., *Op Cit.* p. 89.

<sup>500</sup> Phillips, D. L., *Op Cit.* p. 88.

<sup>501</sup> *Loc Cit.*

willed leader that is determined to achieve Atatürk's vision of Turkey<sup>502</sup>. Whether this political will is individually tactical or not, the political will to achieve women's rights in Islam remains a strong determinant to the current progress in Turkish women's rights<sup>503</sup>.

### **The role of CSOs and NGOs**

Women's movements, CSOs and NGOs have played vital roles in achieving the successful balance between Islam and secularism in Turkey. This research has demonstrated this, through the involvement of actors in the discussion on WWHR, which has achieved a number of public sphere rights and laws for Turkish women since its inception. The adoption of the new Civil Code, which accorded women with numerous rights in marriage; changes made to the Penal Code; and Law No. 4320 on the Protection of the Family, all lessened discrimination against women.

Lobby, advocacy work, and campaigns are usually the ways in which CSOs, NGOs and women's movements achieve their goals, as they gain a large amount of public attention. Such initiatives have been very successful in Turkey due to the democratic nature of the political climate. It is, however, somewhat more difficult to attribute success when considering sensitive topics, such as religious practices, topics of a sexual nature and topics that may go against religious tradition. Turkey experienced these issues but did, however, manage to overcome them, as WWHR has done a lot of work on sensitive Islamic issues. The success of WWHR has been unprecedented, but should also be linked to the power of Islamic feminist movements and political will in Turkey.

Particular women's rights achieved in Turkey that can be directly attributed to WWHR include the change of the Civil Code; the particular inclusion of women in the amended Constitution in 2001; and the reformed Penal Code. Other movements and CSOs have equally lobbied successfully in Turkey to ensure the consent of the women is needed for a virginity test, as well as the fact that CSOs are particularly instrumental in dealing with violence against women. HREP has also been a highly successful campaign, which has educated many women about their

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<sup>502</sup> Ibid. p. 90.

<sup>503</sup> Loc Cit.

human rights and given them the confidence to assert themselves in their societies for their own rights. These are but a few of the direct rights that have been secured for Islamic women in Turkey due to the role of CSOs, NGOs and women's movements.

### **Islamic feminism**

Turkey has not had an active and highly publicized Islamic Feminist movement as Iran has had. However, Islamic feminism has been significant in Turkey's women's fight for rights. There was and continues to be a large degree of Islamic opposition against secularism. In an attempt to reconcile the two, many Turkish women are Islamic feminists, so as to observe Islam, secularism, as well as gain rights.

The adoption of new legislation that protects women's rights and roles within families was advocated for as an Islamic right for women to have equal status to their spouse, as is stated in Islamic feminism. The ongoing debate concerning the headscarf is another demonstration of a strong Islamic feminist movement in Turkey. Women are currently calling for the right to wear the headscarf and not be hindered in expressing their religious affiliation. Islamic feminism is largely intertwined with the activity of CSOs and NGOs in achieving a number of legislative changes that have given Turkish women's rights in accordance with Islam. Islamic feminism has therefore played a part in each legislative change, lobby and campaigns work, as a manner at which women have gained rights still within their religion. The relevance of Islamic feminism in Turkey has been very important in this regard, and continues to play an important role in gaining Turkish women rights around these issues.

### **Application for accession to the EC/EU**

The application to the EC, now the EU, has been highlighted as one of the most important factors in the achievement of women's rights in Turkey. As, has been considered briefly within the previous chapter, the application to the EC resulted in the need for Turkey to adhere to a number of women's rights criteria, including the eventual ratification of CEDAW.

Prime Minister Erdogan continually reasserts Turkey's ties to the West, and has used the Turkish application to the EU since the 1960s as subsequent proof of commitment to accession to the

EU<sup>504</sup>. Erdogan equally emphasizes that Turkey will continue implementing the domestic reforms needed to gain accession to the EU<sup>505</sup>. Turkey remains committed to gaining political stability, as the unstable political climate that existed in the 1990s, with nine coalition governments ruling unsteadily, weakened their application to the EU<sup>506</sup>. Erdogan therefore has been continually seen attempting to strengthen Turkish ties with the West, so as to avoid the Islamic status that is often attached to Turkey.

Gaining accession to the EU seems to have become an obsession for a number of Turkish, political parties, corporates and citizens<sup>507</sup>. This is because becoming a member of the EU would accelerate economic growth, better basic freedoms and human rights, strengthen itself as an ally of the West against terrorism, deepen its commitment to diversity and foster a steady liberalization of the Islamic world<sup>508</sup>. As, has already been mentioned, the signing of Protocol 6 and 13 of the European Convention on Human Rights also demonstrates Turkey's commitment to women and human rights<sup>509</sup>. All these facts demonstrate the integral part that the application to the EU has played in the progress on women's rights in Turkey.

As has already been mentioned, the numerous requirements that CEDAW placed on the Turkish government in 2009, for them to adequately achieve an elimination of discrimination against women, continues to play an important role in Turkey's accession to the EU<sup>510</sup>. This is partly due to the fact that the EU views CEDAW and the adherence to the principles of CEDAW as paramount to achieving women's equality and a good human rights record, regarding women.

In a recent speech by the EU Commissioner, Štefan Füle in April 2010, Ataturk was quoted as being the inspiration for Turkey's gains regarding women<sup>511</sup>. The EU commissioner did, however, stress that for Turkey to be considered for accession to the EU, Turkey still has a

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<sup>504</sup> Phillips, D. L., Op Cit. p. 86.

<sup>505</sup> Loc Cit.

<sup>506</sup> Ibid. p. 91.

<sup>507</sup> Ibid. p. 93.

<sup>508</sup> Ibid. pp. 93, 97.

<sup>509</sup> Ibid. p. 93.

<sup>510</sup> Committee on the Elimination of Discrimination against Women, "List of issues and questions with regard to the consideration of periodic reports – Turkey" Op Cit. pp. 1-6.

<sup>511</sup> Europa, Op Cit. p. 2.

significant number of reforms to institute so as to ensure that it fits in with the EU's overall policy of gender mainstreaming in all aspects of the society: politically, socially, and in the business environment, among others<sup>512</sup>. This was the EU's position in 2010 and thereby demonstrates the successful place that the EU has assumed in the continuation of progress in women's rights.

The particular reform of women's rights that can be attributed to the EU application includes the changes and amendments to the legislation that have been enacted in Turkey in favour of women's rights, such as the Constitution. This is as the EU continually asserts the need for women's legal equality with men and the need for legislation securing women's rightful and equal placement in society. The EU also continually monitors women's rights in Turkey regarding violence against women and alike, as can be seen in the speech on Turkey in April 2010.

### **Conclusion**

This chapter has examined the public sphere rights that Turkish women enjoy in the political, economic and social realms. Legal rights have also been considered, as numerous rights have been enshrined within particular legislation. This chapter has not, however, merely scrutinized the public realm right accorded to Turkish women, but has in the process attempted to pull out the successful aspects that enabled Turkey to achieve a successful balance between Islam and secularism, and this research shall thereby continue with an examination as to whether or not similar aspects could be seen in Iraq, due to its need for international recognition.

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<sup>512</sup> Loc Cit.

## Chapter 5

### Iraq

Iraq is at a critical juncture currently, having established a new government that seeks Islamic law and adherence, along with political and economic growth to achieve global recognition. This chapter therefore seeks to examine to what extent Iraq has been able to subscribe to secularist governance so as to exclude Islam as a dominant force from the political arena, as Turkey has done. This chapter further wants to determine to what extent Iraq has used secularism, despite the current Islamic regime, to increase the rights of its women.

#### Background of Iraq

Iraq has approximately 28,945,657 people, with 97% of the population Muslim<sup>513</sup>. Iraq is currently a Parliamentary Democracy, with the most recent Constitution being passed in October 2005<sup>514</sup>. Iraq's history is infamous with the secularist reign of the Ba'ath Party dictatorship, since 1968, with Saddam Hussein ruling from 1979-2003<sup>515</sup>. Saddam Hussein instituted a brutal secular rule, which underlined "the vital need for the establishment of democracy... however broadly this may be defined"<sup>516</sup>.

Under the secular, albeit brutal Baathist rule, Iraqi women acquired a number of important gains in legislation, especially in the areas of employment and education<sup>517</sup>. The Personal-Status Law, instituted in 1959, was another such gain for Iraqi women's rights, but will be examined in detail later in this chapter. The Baathist rule maintained an iron fist, having extended rule to Kuwait by 1989<sup>518</sup>. The living standards of Iraqis declined dramatically after the invasion of Kuwait, with women taking the brunt of the economic decline in the family<sup>519</sup>. Despite the institution of legislation on women's rights, Iraqi women suffered severely during the years of war, which inhibited the Iraqi women's movement, increased violence against women and denied Iraqi

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<sup>513</sup> US Department of State, "Background Note: Iraq" Op Cit. p. 1.

<sup>514</sup> Loc Cit.

<sup>515</sup> Loc Cit.

<sup>516</sup> Farouk-Sluglett, M. and Slugett, P., Op Cit. p. 19.

<sup>517</sup> Coleman, I., Op Cit. p. 2.

<sup>518</sup> Farouk-Sluglett, M., and Slugett, P., Op Cit. p. 19.

<sup>519</sup> Ibid. p. 20.

women the ability to exercise their right to education<sup>520</sup>. Despite legislation enacted by the Baathist regime to provide women with rights, the conditions in which the women lived made the exercising of these rights difficult.

In March 2003 a US-led coalition overthrew the Ba'ath regime and the Coalition Provisional Authority (CPA) was set up to assume administrative and security responsibilities for Iraq, whilst the Iraqi people established a Transitional Government<sup>521</sup>. The USA entered Iraq in order to rid the country of the Baathist regime, who they stated were in possession of weapons of mass destruction<sup>522</sup>. They therefore entered Iraq with the intentions of maintaining its secularism and creating a true democratic state. As Deputy Secretary of Defense Paul Wolfowitz stated "The Iraqis are. . . by and large secular..."<sup>523</sup>. The complexity of the Iraqi state, with the hostile history between the Shiites, Sunni Muslims and the Kurdish was further exacerbated by the US invasion<sup>524</sup>. The aim of the invasion was to create a secular state, but has however achieved the exact opposite<sup>525</sup>. Despite America's goals, one aspect that was made clear straight after the US invasion was that Iraq was to be an Islamic state, deviating from its secular past<sup>526</sup>.

As can be surmised since the early 1980s and the Gulf Wars, is that the occupation resulted in violence, severe displacement, casualties and economic decline. The US invasion in 2003 saw the destruction of infrastructure, such as schools, but, unlike the previous Gulf Wars; there was minimal damage done to Iraq's religious and historical sites during the invasion and 'war on terror' with fewer civilian and US casualties, than seen in previous Gulf wars<sup>527</sup>. Despite these reports, the US military was much slower in implementing security measures for the civilian population, than previously; which was detrimental to Iraqi women<sup>528</sup>. Iraqi women's rights thus deteriorated severely, as the dangerous conditions worsened their freedom of movement as well

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<sup>520</sup> *Ibid.* pp. 19-22.

<sup>521</sup> US Department of State, "Background Note: Iraq" *Op Cit.* p. 1.

<sup>522</sup> Yaphe, J. S., "War and Occupation in Iraq: What went right? What could go wrong?" in *Middle East Journal*, Vol. 57, No. 3, Summer 2003, p. 392.

<sup>523</sup> Cole, J., "The United States and Shi'ite Religious Factions in Post-Ba'thist Iraq" in the *Middle East Journal*, Vol. 5, No. 4, Autumn 2003, p. 543.

<sup>524</sup> *Loc Cit.*

<sup>525</sup> *Loc Cit.*

<sup>526</sup> Coleman, I., *Op Cit.* p. 2.

<sup>527</sup> Yaphe, J. S., *Op Cit.* p. 392.

<sup>528</sup> *Ibid.* p. 393.

as their social and economic rights<sup>529</sup>. During occupation approximately 85% of Iraqi women were unemployed<sup>530</sup>. It has been estimated that an additional 98,000 deaths had been caused due to the US occupation, of which most were women<sup>531</sup>. Due to the significant rate of mortality during the occupation, Iraqi women have had to sustain their families with poor incomes, look after wounded husbands and sons as well as looking after children<sup>532</sup>. Iraqi women have also been the victims of secretarian violence during the occupation<sup>533</sup>.

As the US attempted to install a new Iraqi government, it did try to some extent to make women's rights a priority<sup>534</sup>. However, despite its rhetoric, the USA did not adequately include women in the meetings and various proceedings regarding the establishment of the new government<sup>535</sup>. This exclusion of women comes, despite post-conflict experts emphasizing the need for women to be included in all the measures of creating a new government and the subsequent policy making<sup>536</sup>. Furthermore, after the invasion, women's movements and organizations found it difficult to work for women's rights as they received very little support from the newly established government and fractured society<sup>537</sup>.

In June 2004, the Iraqi Interim Government (IIG) took control of the state from the CPA<sup>538</sup>. In 2006, a new four year government took office, with a new cabinet, as was stipulated in the new 2005 Constitution of Iraq, creating an Islamic state, thereby intertwining religion in the public sector and politics<sup>539</sup>. In March 2010, national elections took place in which the Al-Iraqiya party won 91 seats, and the State of Law Coalition won 89 seats<sup>540</sup>. These and numerous other parties

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<sup>529</sup> Al-Azzawi, S. N., "Deterioration of Iraqi Women's Rights and Living Conditions Under Occupation" retrieved on <http://www.brusseltribunal.org/pdf/WomenUnderOccupation.pdf>, 19 December 2007, p. 2.

<sup>530</sup> Loc Cit.

<sup>531</sup> Lasky, M. P., Op Cit. p. 15.

<sup>532</sup> Al-Azzawi, S. N., Op Cit. p. 2.

<sup>533</sup> Ibid. p. 3.

<sup>534</sup> Al-Ali, N. S., and Pratt, N. C., What kind of liberation? Women and the occupation of Iraq, California, University of California Press, 2009, p. 88.

<sup>535</sup> Loc Cit.

<sup>536</sup> Loc Cit.

<sup>537</sup> Ibid. P. 89.

<sup>538</sup> US Department of State, "Background Note: Iraq" Op Cit. p. 1.

<sup>539</sup> Loc Cit.

<sup>540</sup> Cordesman, A., "Iraq After US 'Withdrawal': Meeting the Challenges of 2010 and Beyond", Center for Strategic and International Studies, retrieved on <http://www.csis.org/burke/reports>, 30 August 2010, p. 8.

formed the National Unity Government (NUG), with Jalal Talabani as President and Nuri al-Maliki as Prime Minister<sup>541</sup>. Most academics claim that Iraq is in a more critical stage now, than before 2003<sup>542</sup>. With the imminent and final withdrawal of the US troops due to take place at the end of 2011; a successful transition and functioning of the National Unity Government is needed, as it needs to provide for every male and female Iraqi<sup>543</sup>. Iraq will therefore take a number of years of calm in order to overcome 30 years of war and crisis<sup>544</sup>.

In 2009, the Iraqi government finished its first National Development Plan (NDP) for the period of 2010-2014, which set the tone and priorities for the state for the next four years<sup>545</sup>. The NDP demonstrates that the primary concern for Iraq currently is the achievement of the governance chapter within the NDP, as stable governance is needed to ensure the fulfillment of the other goals<sup>546</sup>. This is also necessary for women's rights to be reinstated and improved upon. However, the question of Iraqi women's rights was not given much consideration within the NDP<sup>547</sup>.

American troops are, presently due to withdraw completely from Iraq by 31 December 2011<sup>548</sup>. This signifies an important upcoming era, in which the National Unity Government has to establish a successful balance between Islam and its political discourse. Iraq faces a number of economic, political, stability and security challenges which will require a large degree of political will and numerous reforms. Iraq similarly needs to stimulate its economy, establish civil law and order, and rid Iraq from political corruption after decades of intermittent war. This research proposes that this can only be achieved by gaining a successful balance between Islamic women's rights and the political regime, further to empowering Iraqi women. These women need to assume proactive political, social and economic roles in order to successfully steer Iraq into a

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<sup>541</sup> US Department of State, "Background Note: Iraq" *Op Cit.* p. 4.

<sup>542</sup> Cordesman, A. H., "Iraq: The Realities of US 'Withdrawal' of Combat Forces and the Challenges of Strategic Partnership" retrieved on <http://csis.org/publication/iraq-realities-us-withdrawal-combat-forces-and-challenges-strategic-partnership>, 30 August 2010, p. 1.

<sup>543</sup> *Loc Cit.*

<sup>544</sup> *Loc Cit.*

<sup>545</sup> "Iraqi pioneers governance indicators for a complex post-conflict setting" retrieved on <http://gaportal.org/iraq-pioneers-governance-indicators-complex-post-conflict-setting>, 30 September 2010, p. 1.

<sup>546</sup> *Loc Cit.*

<sup>547</sup> *Loc Cit.*

<sup>548</sup> US Department of State, "Background Note: Iraq" *Op Cit.* p. 4.

stable democracy. Women's rights remain key to Iraq's need for international recognition, despite now being an Islamic state.

In the aftermath of revolution, or in Iraq's case: war and occupation, the nature of the state is in ruins, socially, politically and economically<sup>549</sup>. More broadly, revolutions are described as attempts to guide a process of political change along a preferred path of system transformation<sup>550</sup>; which can equally be seen by the US occupation in Iraq. As has been previously discussed, revolution has numerous effects on women, particularly within the social arena<sup>551</sup>. After revolutions, however, women are rarely considered, but are merely identified by their reproductive roles and capacities<sup>552</sup>. Iraqi women have not been considered in the post-conflict reconstruction of the state. They have been relegated to their reproductive 'responsibilities'. Iraq thus follows an international trend by excluding women during the reconstruction phase of the state. The irony is that under the Baathist regime, women had potentially improving statuses, as opposed to the current regime.

This chapter thus seeks to examine whether a balance can equally be achieved in Iraq, and in order to do this, the current public realm rights that Iraqi women have will be examined and whether aspects exist that could replicate the successful balance seen in Turkey.

### **CEDAW and Iraq**

Iraq ratified CEDAW in 1986<sup>553</sup>. However, it was ratified upon a number of conditions and reservations<sup>554</sup>. These reservations were clearly stipulated and are therefore highly significant as they demonstrate Iraqi views on women's rights during Saddam's reign. The new Iraqi regime has also not moved to have these reservations changed. Moreover, it was only due to international pressure that resulted in Iraq's ratification of CEDAW, due to its fragile economic and political placement in the international arena in the 1980s.

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<sup>549</sup> Tetreault, M. A., Op Cit. p. 5.

<sup>550</sup> Ibid. p. 8.

<sup>551</sup> Ibid. p. 13.

<sup>552</sup> Ibid. p. 20.

<sup>553</sup> CEDAW Wordpress, "Iraq" Op Cit. p. 1.

<sup>554</sup> Loc Cit.

Iraq's reservations to CEDAW prevented the adherence of a number of very important clauses that would ensure the rights of Iraqi women, as given obligations of the international convention. One such important reservation states that Iraq shall not be bound by Article 2, Paragraphs (f) and (g)<sup>555</sup> which means that Iraq is not obligated to change legislation, customs and practices that discriminate against women<sup>556</sup>. Iraq equally does not agree with Article 9, Paragraphs 1 and 2, as well as Article 16<sup>557</sup>. Iraq's refusal to adhere to Article 16 is highly problematic for the rights of women. It requires the state to take "measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality between men and women"<sup>558</sup> These reservations were stated to be protecting Islam in Iraq from Westernization, thereby keeping women's rights in accordance with the religion.

These reservations demonstrate the ever-present conflict between its political climate and Islamic women's rights in Iraq. It is yet to be determined whether Iraq is moving closer to a reconciliation between Islamic women's rights and its political discourse, as well as whether certain aspects of the successful balance in Turkey could equally be seen in Iraq. This is unlike Turkey, as Turkey remains fully obligated to CEDAW, as women's rights are intrinsically linked to their goals of achieving a secularist and modernist state, which was in stark contrast to Saddam's goals to ensure he retained power.

Since the ratification of CEDAW, Iraq has submitted two reports to the Committee. The first occurred in May 1990 and the second in October 1998<sup>559</sup>. The latest comments from the CEDAW Committee regarding Iraq's implementation of CEDAW were in 2000<sup>560</sup>. The Committee expressed appreciation for Iraq's submissions of reports, as well as the constructive dialogue with the aim of improving Iraq's implementation of the Convention<sup>561</sup>. The Committee congratulated the legislative changes Iraq made to the Penal Code and the Personal Status Code,

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<sup>555</sup> CEDAW Wordpress, "Iraq", Op Cit. p. 1.

<sup>556</sup> United Nations, "The Convention on the Elimination of all Forms of Discrimination Against Women", Op Cit. p. 5.

<sup>557</sup> CEDAW Wordpress, "Iraq" Op Cit. p. 1.

<sup>558</sup> United Nations, "The Convention on the Elimination of all Forms of Discrimination Against Women", Op Cit. p. 10.

<sup>559</sup> CEDAW Wordpress, Op Cit. p. 1.

<sup>560</sup> Loc Cit.

<sup>561</sup> Loc Cit.

which provided women with more equality with men<sup>562</sup>. The adoption in 1997 of the National Strategy for the Advancement of Women; as well as the establishment of the high-level National Committee for the Advancement of Iraqi Women, was also praised by the CEDAW Committee<sup>563</sup>. It must, however, be noted that these legislative acts were before the US occupation in 2003 and the institution of an Islamic state in 2004. Despite these successes, the Committee made a number of recommendations regarding legislation and constitutional changes that need to be made to ensure that women have adequate legislative and public realm rights<sup>564</sup>.

The Committee particularly condemned that lack of action regarding Islamic practices that discriminate against women, such as honour killings, socio-cultural and traditional behavior that eliminates women's rights<sup>565</sup>. Numerous other recommendations were equally included in the reports; however, the overarching conclusion was that Iraq has significant work to be done in order to eliminate discrimination of women, especially with regards to Islamic traditions.

Since the US invasion in Iraq it has proved difficult to get a current prognosis of CEDAW implementation in Iraq. The last country review of Iraq, completed in 2000, is the last communication from the CEDAW Committee on Iraq's progress. Articles written by numerous writers do, however, paint a grim picture of CEDAW implementation in Iraq due to the invasion and associated problems regarding post-conflict reconstruction, as has been discussed.

Although Turkey and Iraq both ratified CEDAW in 1986, Turkey did not however, have a number of reservations upon ratifying the treaty. This demonstrates the differences in its commitment to international guidelines on women's rights. Nevertheless, both states do have a number of recommendations submitted by the CEDAW Committee that it suggested they implement. The CEDAW Committee highlighted the issue of Islamic practices hindering women's rights, namely violence against women and honour killings in both Turkey and Iraq. Therefore, regarding the CEDAW country reports, Turkey and Iraq have similar issues to consider. Nevertheless, it should be noted that in post-invasion Iraq, some of these concerns may

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<sup>562</sup> Loc Cit.

<sup>563</sup> Ibid. pp.1-2.

<sup>564</sup> Ibid. p. 2.

<sup>565</sup> Loc Cit.

be more pertinent, as well as the fact that it is no longer governed under secular law. Turkey may well find issues of violence against women, among others, less challenging within its current governmental structure, which is further assisted by the fact that it is politically stable and not undergoing post-conflict reconstruction, as is seen in Iraq.

### **Legal rights**

It is important that the Constitution of Iraq be examined in detail in order to understand the public realm rights that Iraqi women are able to enjoy. The Constitution of Saddam's regime stated Iraq as a secular state, but did, however, not explicitly address women's rights, as this was seemingly done in other legislation<sup>566</sup>. The most recent Iraqi Constitution was in 2005, when the IIG drafted a new Constitution for the Republic of Iraq, which marked the end of secularist Iraq and the beginning of Iraq as an Islamic state<sup>567</sup>.

### **The Constitution of Iraq**

The new Constitution of Iraq was approved in a nationwide referendum in October 2005<sup>568</sup>. Marking the end of secularist Iraq is Article 2 of the Constitution, which states "Islam is the official religion of the State and is the foundation source of legislation"<sup>569</sup>. Article 2 continues to state that "no law may be enacted that contradicts the established provisions of Islam"<sup>570</sup>. This comes as Iraqis unequivocally stated their desire to return to an Islamic state and move away from secularism, which was characterized by Baathist rule. Article 14 of the Iraqi Constitution states that all Iraqis are equal before the law "without discrimination based on gender"<sup>571</sup>. In spite of this clause being included, the provision stating that no law should prohibit the practice of Islam has been cited as a major setback for Iraqi women, as well as a setback for the remaining secularist legislation. The Organization of Women's Freedom in Iraq has especially marked the Islamic provision as a tool for male manipulation of women in Iraq<sup>572</sup>. Legal rights for women in Iraq have proved to be the realm in which Islamic feminists have been most active.

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<sup>566</sup> Farouk-Slugett, M., and Slugett, P., *Op Cit.* p. 19-21.

<sup>567</sup> US Department of State, "Background Note: Iraq" *Op Cit.* p. 3.

<sup>568</sup> Coleman, I., *Op Cit.* p. 1.

<sup>569</sup> "Iraqi Constitution" retrieved on [http://www.uniraq.org/documents/iraqi\\_constitution.pdf](http://www.uniraq.org/documents/iraqi_constitution.pdf), 2005, p. 3.

<sup>570</sup> *Loc Cit.*

<sup>571</sup> *Ibid.* p. 7.

<sup>572</sup> *Loc Cit.*

Islamic feminists are attempting to promote women's rights within legislation in the current Islamic framework<sup>573</sup>.

The changes in the Constitution have resulted in a number of concerns for Iraqi women's rights. The belief in Iraq that Islamic women's rights can be gained and considered important in an Islamic regime has been demonstrated by a poll completed in 2004, which demonstrated that two-thirds of the Iraqi population support equal legal rights for Iraqi women within Islam<sup>574</sup>. The will of the majority in Iraq has, however, throughout history been ignored by the minority<sup>575</sup>. Despite the fact that the new Iraqi Constitution makes Islam the law of the land, concern for Iraqi women's rights has been labeled as unnecessary by Iraqi Islamic feminists due to the different, more positive, interpretations of Shari'a law<sup>576</sup>. It is, however, not clear whether this is enough for Iraqi women as yet. Iraqi Islamic feminists concentrate on family law, in order to provide equality of women within Islam in the family situation<sup>577</sup>.

The various articles of the Constitution that accord women with particular political, economic and social rights will be compared in the various sections of this chapter. The Constitution of Turkey and Iraq differ drastically. Turkey's Constitution is undoubtedly secularist, and clearly stipulates the division between religion and politics; while Iraq in contrast, states a clear inclusion of Islam in Article 2 of the Iraqi Constitution. The Turkish Constitution clearly stipulates that 'women' are equal to men in all regards'. In the Iraqi Constitution - Article 2 and Article 4 sit in stark contrast, with secular and Islamic law in the same legislation. Iraq's Constitution is therefore highly contradictory with both Islamic and secularist law and identities in the Constitution, however, it is not clear as yet which one will prevail. This demonstrates significant differences between the two state's primary bodies of law. Some clauses in the Iraqi Constitution do, however, provide for secular law to be utilized by choice – which may be overshadowed by the overarching call for Islamic adherence.

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<sup>573</sup> Coleman, I., *Op Cit.* p. 1.

<sup>574</sup> Hunt, S. and Posa, C., "Iraq's Excluded Women" in *Foreign Policy*, No. 143, July-August 2004, p. 43.

<sup>575</sup> *Loc Cit.*

<sup>576</sup> Coleman, I., *Op Cit.* p. 1.

<sup>577</sup> *Ibid.* p. 2.

### **Political rights**

The amended Constitution of Iraq in 2005 states that all “Iraqi citizens, men and women, have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office”<sup>578</sup>. The Constitution also states that women are required to hold 25% of the seats in parliament<sup>579</sup>. Iraqi women therefore have the right to participate in the political realm of Iraq.

Preceding the Baathist party rule in Iraq, women were not given many political rights; however, Iraqi women were eventually accorded with the right to vote and the right to participate in politics in 1980<sup>580</sup>. This was marked as the beginning of Baathist Party moves at providing Iraqi women with political rights in its secularist regime. Although, this comes as the USA have repeatedly blamed the Baathist regime for numerous injustices, women’s movements seek to point out that the regime was perhaps not as oppressive for Iraqi women as is perceived by the West<sup>581</sup>.

Since 2004, the new government of Iraq has been working hard to implement UN Resolution 1325, which stipulates the need for women’s participation in conflict resolution and political peace-building<sup>582</sup>. This is equally as significant, due to the nature of post-conflict reconstruction and the need for peace building in Iraq. UN Resolution 1483 stated that the post-conflict reconstruction and disarming of the population had to be done speedily, and women had to be particularly regarded in state re-construction<sup>583</sup>. This is considered a political right, as women need to be included in the political, post-conflict repair of the state.

Another significant right accorded to women in the 2005 amended Constitution of the Republic of Iraq, re-guaranteed the political rights of Iraqi women by stipulating that 25% of the seats in

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<sup>578</sup> “Iraqi Constitution” Op Cit. p. 9.

<sup>579</sup> Loc Cit.

<sup>580</sup> Coleman, I., Op Cit. p. 4.

<sup>581</sup> Loc Cit.

<sup>582</sup> Massey, E., “Iraqi women resist return to secretarian rule” retrieved on <http://www.awid.org/eng/issues-and-analysis/library/iraqi-women-resist-return-to-sectarian-laws>, 2 December 2008, p. 1.

<sup>583</sup> United Nations Security Council, “Resolution 1483 (2003)”, retrieved on <http://www.uncc.ch/resolutio/res1483.pdf>, 22 May 2003, p. 1.

the Iraqi Parliament have to be held by women<sup>584</sup>. This has been praised by a number of CSOs and NGOs as a positive aspect of the Islamic state constitution. Through the years, women have had a steadily increasing role in Iraqi politics. In June 2010, 25.5% of the Parliamentary seats were held by women, but this percentage of women's participation has held steady since 2006<sup>585</sup>. The percentage of Iraqi women's political participation was until the steadily increasing since 1990 from 10.8% female participation, to 7.6% in 2001, to the 2010 figure<sup>586</sup>. This decrease was attributed to the drastic conflict conditions in the state and the lack of democratic political rule. After the 2010 elections, Iraqi women gained 70 seats in the Parliament, with men holding 205 seats<sup>587</sup>.

There are still vocal minorities within Iraq that are attempting to halt women's political progress, especially within the political realm. This is because of the belief that actively including women in the political sphere results in a breach of Islam<sup>588</sup>. Thus it is unacceptable if Iraq's new regime is establishing an Islamic state<sup>589</sup>. This backlash has been attributed to the USA's lack of inclusion of women in the interim government in 2003, despite the calls for women's participation<sup>590</sup>. This omission has been said to have led to women being mandated to only 25% of the Parliament, when women make up 60% of the Iraqi population<sup>591</sup>.

Turkey has provided Turkish women with the rights to participate in numerous political movements, the Parliament, and to establish political parties in the Constitution. In Iraq, the Constitution states Iraqi women's rights to vote and hold seats in Parliament but does not expand on these further, to especially allow all forms of political participation. Despite this legislation, the statistics vis-à-vis women's participation in politics in both states, paints a significantly different picture. In Iraq, 25% of the Parliamentary seats are currently occupied by women, as

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<sup>584</sup> "Iraqi Constitution" *Op Cit.* p. 9.

<sup>585</sup> UNstats, "Millennium Development Goal Indicators, Country Level Data", retrieved on <http://unstats.un.org/unsd/mdg/Data.aspx>, 23 June 2010.

<sup>586</sup> *Loc Cit.*

<sup>587</sup> *Loc Cit.*

<sup>588</sup> Hunt, S. and Posa, C., "Iraq's Excluded Women" in *Foreign Policy*, No. 143, July-August 2004, p. 41.

<sup>589</sup> *Loc Cit.*

<sup>590</sup> *Ibid.* p. 42.

<sup>591</sup> *Loc Cit.*

stated in the Constitution; with Turkey having only 9.1%. This is not what the secularist theory predicts, however, whether these seats result in rights particularly in Iraq is debatable.

This demonstrates a significant difference between the political will and societal attitudes toward granting women political rights and the means to exercise them. Iraq's statistics demonstrate that a legislative requirement; does not guarantee adequate representation for the furthering of women's rights, as well as whether these women are allowed to actively participate in government policymaking, or are merely filling a quota. Turkey's lack of women in Parliament has been attributed to women lacking the means to exercise their rights, and the absence of a social environment in which they feel comfortable to do so. However, Turkish women have gained a number of additional and significantly more important rights, despite the lack of political representation, demonstrating that the political will for women's rights in Turkey is not due to women in Parliament.

### **Economic rights**

The Constitution of Iraq provides for the protection of the economic, social and cultural rights of all Iraqi citizens, but does not do so explicitly based on gender<sup>592</sup>. It also provides legislative protection regarding all employees' rights in work, but does not state that this particularly applies to women<sup>593</sup>.

Economic advancement of women is one of the first aspects that is often ignored, as the political advancement of women and social rights are always accorded with higher importance<sup>594</sup>. The socio-cultural heritage of Islam has traditionally been accused of keeping women in inferior economic roles<sup>595</sup>. Very little research has been found regarding the Ba'ath party's policies concerning women's economic empowerment. However, the Baathist regime did encourage the education and employment of Iraqi women, in an effort to achieving their secularist agenda<sup>596</sup>.

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<sup>592</sup> "Iraqi Constitution" Op Cit. p. 9.

<sup>593</sup> Loc Cit.

<sup>594</sup> Bajraktari, Y., Op Cit. p. 2.

<sup>595</sup> Loc Cit.

<sup>596</sup> Coleman, I., Op Cit. p. 2.

The sanctions that have been intermittently enforced in Iraq during its 30 years of war, hit Iraqi women particularly severely<sup>597</sup>. Women continued to work as civil servants during the 1990s, but this was undermined by the low monthly income levels that were equal to one tenth of the price of a pair of shoes<sup>598</sup>. Numerous women took up employment in sweat shops, in order supplement their families income<sup>599</sup>.

The US invasion in 2003 had numerous impacts on women's ability to safely work outside of the home<sup>600</sup>. This was largely attributed to the increase in violence against women during and after the invasion. In 2006, women only made up 23% of the workforce, both in agricultural and other sectors<sup>601</sup>. The percentage of Iraqi women that took part in wage employment, not within the agriculture sector was only 12.8% in 2008 which was a decrease from 16% in 2004<sup>602</sup>. 2004 was the first time that statistics could be produced on women's work in Iraq, as these were unobtainable due to the Baathist rule and the intermittent war, prior to the 2003 invasion<sup>603</sup>. The employment to population ratio for Iraqi women was 12.9:100 in 2008, as opposed to 61.9:100 for Iraqi men<sup>604</sup>.

The number of women that are treated badly within employment in Iraq is rising with numerous women working in unregistered employment sectors. This makes the enforcement of labour law by the state difficult<sup>605</sup>. The lack of legislation in Iraq that enforces Iraqi women's right to social security and fair rights in employment further exacerbates the situation<sup>606</sup>. Sexual harassment in the workplace is common and legislation that expressly recognizes a responsibility to protect women from this does not exist<sup>607</sup>.

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<sup>597</sup> Halliday, D. J., Op Cit. p. 33.

<sup>598</sup> Loc Cit.

<sup>599</sup> Ibid. p. 34.

<sup>600</sup> Al-Azzawi, S. N., Op Cit. p. 2.

<sup>601</sup> Bajraktari, Y., Op Cit. p. 1.

<sup>602</sup> UNStats, Op Cit.

<sup>603</sup> Loc Cit.

<sup>604</sup> Loc Cit.

<sup>605</sup> Bruce, C., Op Cit. p. 1.

<sup>606</sup> Loc Cit.

<sup>607</sup> Loc Cit.

Women are found at university, schools and in health care, but the number of women in paid employment is miniscule<sup>608</sup>. Statistics for this are unobtainable<sup>609</sup>. Few women are currently involved in the private sector, despite the fact that numerous grants have been provided for women-owned businesses and does not go against the main tenets of Islam<sup>610</sup>. A number of programmes have been enacted in Iraq by the UN and other NGOs that seek to assist women-led initiatives within the private sector to boost the employment of Iraqi women in underrepresented sectors and activities<sup>611</sup>.

When considering Iraqi women's economic rights relative to Turkey, it is clear that Turkey has a greater number of women working outside of the home, as well as more women working in sectors outside of agriculture, than Iraq. The difference of the employment to population ratio for women in Iraq is 12.9:100, as opposed to 21.7:100 in Turkey. Turkey's progress in this area is largely due to ongoing commitment to the improved status of women over a long period of history. Iraq still has to make as tight a commitment to women's economic advancement and institute mechanisms to achieve this.

### **Unpaid care work**

Unpaid care work by women, whether within the homes or in other homes, is not explicitly recognized by the state. The difficulty to monitor unpaid care work needs to be recognized, in order to achieve a degree of liberation for women in this area<sup>612</sup>. The lack of recognition in Iraq of domestic work points to a wider societal lack of recognition for women's responsibilities in general. Iraqi women are expected to fulfill their roles of care work, without due legislative or societal consideration.

In contrast, Turkey is very liberal in this regard; its Civil Code directly recognizes unpaid care work, especially during divorce. Whether the implementation of recognizing unpaid care work in

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<sup>608</sup> Bajraktari, Y., *Op Cit.* p. 2.

<sup>609</sup> *Loc Cit.*

<sup>610</sup> *Loc Cit.*

<sup>611</sup> *Loc Cit.*

<sup>612</sup> Deen, T., "Women's Household Chores Unpaid, Unrecognised" retrieved on <http://ipsnews.net/news.asp?idnews=45954>, 3 March 2009, p. 1.

the case of divorce is enacted, is unknown<sup>613</sup>. It also appears that women's movements and CSOs are seeing this issue as important in Iraq, which indicates that Turkey's mere recognition of unpaid care work is a great stride in women's rights.

### **Financial rights**

The Iraqi Constitution equally stipulates that all Iraqis have the "right to own property anywhere in Iraq"<sup>614</sup>. Again, there is no explicit mention of women's rights to own property. Creating financial stability and growth is very important for post-conflict Iraq. Given that women make up just over half of the population, this cannot be achieved with the suppression of their economic rights.

The Personal-Status Law, which was enacted in 1959 made the rules for inheritance equal for Iraqi men and women<sup>615</sup>. Unfortunately, traditional customs sometimes overshadow this law, especially in the current Islamic regime<sup>616</sup>. Islamic law, under which Iraq now operates, stipulates that women are allowed to inherit, but their share is usually substantially smaller than a male relative would be entitled to receive<sup>617</sup>.

Women in theory, have a larger degree of financial freedom and autonomy in Iraq. The current Iraqi law provides women with legal rights to access land and property, as it gives them equal rights to men, with regards to access bank loans and other means of credit<sup>618</sup>. Nevertheless no data is available to allow us to evaluate the impact that this has had on women or whether the legislation is adhered to. A lack of financial rights and opportunities, such as access to credit, ownership of property and inheritance rights has been marked as the most inhibiting factor to women participating in the private sector<sup>619</sup>. Although data is limited there is some evidence that Iraqi women do face patriarchal difficulties which inhibits their economic empowerment<sup>620</sup>. Despite these obstacles, legislation permitting Iraqi women to gain credit is in itself significant.

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<sup>613</sup> The recognition of the domestic work of women further demonstrates the private realm rights of women.

<sup>614</sup> "Iraqi Constitution" Op.Cit. p. 10.

<sup>615</sup> Coleman, I., Op.Cit. p. 2.

<sup>616</sup> "Gender Equality and Social Institutions in Iraq" Op.Cit. p.2.

<sup>617</sup> Loc.Cit.

<sup>618</sup> Loc.Cit.

<sup>619</sup> Bajraktari, Y., Op.Cit. p. 2.

<sup>620</sup> Loc.Cit.

The implementation of this legislation and public realm rights is what needs to be monitored in Iraq by the government, CSOs, and other NGOs to ensure that these rights are guaranteed and accessed.

Again, Turkey has fared better than in Iraq due to the greater financial freedom that Turkish women enjoy and can be attributed to the political commitment. The Turkish society has been able to eventually formulate and implement the legislation, to provide Turkish women with financial independence. However, Turkey has had greater success in policy implementation, with a number of programmes begun to encourage women to take credit and start businesses. Iraq stipulates within its legislation that all Iraqis are entitled to own property and gain credit. The implementation of this legislation for women is now the primary concern. If Iraq is able to achieve this, it would be on a par with Turkey in this regard.

### **Social rights**

Social rights are usually the most contested issue regarding women's rights in Islamic states. Legislation can be created to ensure women's social rights, but fail to be implemented in the private realm in which these rights and laws are operational, as they conflict with societal norms and values.

### **Education**

Article 34 of the Iraqi Constitution stipulates that "education is a fundamental factor for the progress of society"<sup>621</sup>. The Constitution also stipulates that primary education is mandatory for all Iraqis and is provided by the state<sup>622</sup>. Again, women are not specifically mentioned and women's movements fear will impede women's access to education.

Education for women is the key to societal ills and the economic, political and social upliftment of Iraqi women. The current disrepair of the Iraqi education system, due to decades of conflict affects all, but most especially women<sup>623</sup>. Numerous school buildings had been destroyed, and

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<sup>621</sup> "Iraqi Constitution" Op Cit. p. 12.

<sup>622</sup> Loc Cit.

<sup>623</sup> USAID, Op Cit. p. 1.

the 'brain drain' of numerous Iraqi teachers has resulted in fewer educators<sup>624</sup>. It is estimated that since 2005, there has been an increase in the enrollment rate of Iraqi women in educational systems<sup>625</sup>. Approximately 75,000 women were enrolled in different training schemes in the 2005-2006 academic year<sup>626</sup>. The literacy rate for Iraqi women in 2008 was 80.2%. The male literacy rate in 2000 was 80.5%, as opposed to 84.5% in 2008<sup>627</sup>. The decrease is, however, not severe and can be understood due to the occupation, and infrastructural damage that occurred to schools throughout the numerous Gulf Wars and most especially from 2003.

The state provides primary education, with additional education being the responsibility of the family<sup>628</sup>. The most recent gender parity index in primary, secondary and tertiary school enrolment are for 2004. This index compares the number of girls enrolled in school for every boy. The gender parity index for primary school enrolment is 0.84 girls for every 1 boy; with the gender parity index for secondary school enrolment being 0.67 girls for every 1 boy; and finally the gender parity index for tertiary school, index being 0.59 girls for every 1 boy<sup>629</sup>. These statistics demonstrate that the higher the level of education, the less the number of girls enrolling. In spite of this, the number of girls not attending school has decreased significantly since the 1990s, which demonstrates a slow and steadily increasing commitment to girl's education in Iraq, stemming from Baathist rule.

The number of girls completing primary school is also less than the number of boys that complete school, due to the lack of incentive to keep girls in school, especially during conflict and economic strife. In 2005, 86.9% of Iraqi boys completed the final grade of primary school, with only 65.2% of girls completing primary school<sup>630</sup>. This difference is still not as drastic as has been seen in other Islamic states. The numerous aid programmes that encourage and fund Iraqi girls to go to school have managed to increase the number of Iraqi girls attending

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<sup>624</sup> Loc Cit.

<sup>625</sup> Loc Cit.

<sup>626</sup> Loc Cit.

<sup>627</sup> Coleman, I., Op Cit. p. 2.

<sup>628</sup> "Iraqi Constitution" Op Cit. p. 12.

<sup>629</sup> UNStats, Op Cit.

<sup>630</sup> Loc Cit.

schools<sup>631</sup>. This points to a positive trend in the Iraqi education system. The state needs to challenge the traditional culture that does not see the importance of educating girls and enforces school enrolment through legislation. Nevertheless, the more fervent adherence to Islam, which is supported by legislation, prohibits the education of girls, as seen under the Afghanistan Taliban regime<sup>632</sup>.

When comparing education in Iraq and Turkey, it is important to note the impact the political and economic climate of the state has on gender in these areas. The education of girls is one of the first expenses forgone by families and is hence dependent on the economic stature of the family and the economic climate of the state. The state therefore should assist families in combating the economic constraints that prevent girls from being educated.

The literacy rates for Turkey and Iraq differ by approximately 10%, despite Turkey's headstrong position in educating girls. On the other hand, enrollment rates differ substantially with Iraq having the enrolment of girls enrolling for school much less than for boys. This may be result of the economic disrepair of the state; the lack of control of family money by women, or the societal opinion regarding a girl's right to education. In Iraq, girl's primary education has been advocated, and societal attitudes will have to be severely altered to increase these statistics. Turkey in contrast provides for eight years of compulsory education for both boys and girls, which surpasses the primary education supplied by the Iraqi state. Once again this demonstrates the ongoing commitment in the Turkish government in enforcing the education of girls. Iraq cannot however be dismissed, as numerous strides in the education and literacy rate of girls and women are continuing in the new Islamic regime, which can be pinpointed to global pressure.

## **Marriage**

For almost 50 years, the Iraqi Personal-Status Law, enacted in 1959, provided women with some of the most progressive rights in the region<sup>633</sup>. This law set the minimum age for marriage at 18 years old for both men and women, although with parental consent, as well as judicial consent,

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<sup>631</sup> Coleman, I., *Op Cit.* p. 2.

<sup>632</sup> Joya, M., "Raising my voice", Random House UK Ltd, United Kingdom, 2009, p. 21.

<sup>633</sup> Coleman, I., *Op Cit.* p. 2.

the age could be lowered to 15 years of age<sup>634</sup>. The Personal Status Law equally banned arbitrary divorce<sup>635</sup>. Polygamy was also banned in 1959; but due to strong Islamic opposition, polygamy was again legalized in 1963<sup>636</sup>. As a man could then have up to four wives, but only by judicial permission, which required proof that the man in question could treat all wives equally<sup>637</sup>. Before the Personal-Status Law, Islamic law prevailed<sup>638</sup>.

Article 39 of the new Iraqi Constitution deals with the Personal-Status Law, it deems all Iraqis to be “free in their personal status according to their religions, sects, beliefs, or choices”<sup>639</sup>. It remains for subsequent legislation to define the exact meaning of this article<sup>640</sup>. This article gives Shiites and Sunni Muslims in Iraq the freedom to apply their respective interpretations to areas covered under the Personal-Status Law<sup>641</sup>. This could severely restrict the rights of women in this arena, depending on the types of interpretations of Islam adopted.

According to Islamic law, the fathers are considered the legal guardians of children; the mothers are, however, the physical custodians of children<sup>642</sup>. With regards to divorce in Islamic law, women are only able to request dissolution if they are able to prove that their husbands have not fulfilled stipulations within the marriage contract<sup>643</sup>. Thus a women’s right to divorce could now be restricted depending on Islamic sect interpretation of the Article 39.

Regardless of the Personal-Status Law, and its minimum age of marriage being 18 years of age, and 15 on request, early marriages do occur, especially within rural areas<sup>644</sup>. In 2004, statistics

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<sup>634</sup> “Gender Equality and Social Institutions in Iraq” Op Cit. p. 1.

<sup>635</sup> Coleman, I., Op Cit. p. 2.

<sup>636</sup> Loc Cit.

<sup>637</sup> Loc Cit.

<sup>638</sup> Loc Cit.

<sup>639</sup> Ibid. p. 3.

<sup>640</sup> Loc Cit.

<sup>641</sup> Coleman, I., Op Cit. p. 3.

<sup>642</sup> “Gender Equality and Social Institutions in Iraq” Op Cit. p. 1.

<sup>643</sup> “The Republic of Iraq” retrieved on <http://www.law.emory.edu/ifl/legal/iraq.htm>, retrieved on 20 November 2010, p. 2.

<sup>644</sup> Loc Cit.

demonstrated that 21% of all Iraqi girls, aged 15-19 years of age were either married, divorced or widowed<sup>645</sup>.

Regarding marriage, the re-institution of Islamic law in Iraq has severely hindered Iraqi women's rights in marriage, despite Article 39. The progressive Civil Code that guides marriage in Turkey has resulted in a vastly different scenario for Turkish women. Turkish women have the right to divorce, equal status in marriage and the equal economic rights in marriage, with unpaid care work recognized; which are not all explicit rights for Iraqi women. Thus, the Islamic law protruding over the Personal-Status Law in Iraq severely hinders women's rights in marriage.

### **Health care services**

The Constitution of Iraq states that the “state shall guarantee to the individual and the family – especially children and women – social and health security...”<sup>646</sup> This should provide for general health care for women but the legislation is not specific as to what this entitles citizens, particularly women to.

The maternal mortality ratio for Iraq has steadily decreased since 1990 with the maternal mortality ratio being 93 deaths per 100,000 live births to 75 deaths per every 100,000 live births<sup>647</sup>. The statistics detailing the proportion of births that are attended by trained health care professionals have not been very consistent. In 2000 the proportion was 72.1 per 100 births, with the proportion increasing in 2007 to 79.7 per 100 births<sup>648</sup>. Furthermore, the percentage of women that had antenatal care whilst pregnant was 83.8% in 2006<sup>649</sup>. Although statistics are intermittent, they demonstrate a commitment to women's health care in Iraq, both pre and post 2003, as antenatal care is often not provided to the majority of women, especially in developing countries.

Both Turkey and Iraq's Constitutions explicitly declare a responsibility toward women's health care. Women's health care statistics in Iraq were difficult to attain, both because of the protruded

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<sup>645</sup> Loc Cit.

<sup>646</sup> "Iraqi Constitution" Op Cit. p. 11.

<sup>647</sup> UNStats, Op Cit.

<sup>648</sup> Loc Cit.

<sup>649</sup> Loc Cit.

conflict and the lack of research. Nevertheless, the statistics accessed indicate that Turkey provides trained personnel and antenatal care to more women than Iraq, resulting in a lower rate of maternal mortality. The difference between the two states in 2008 was still only 10% regarding antenatal care and safe births<sup>650</sup>. This demonstrates a serious commitment in both states toward providing adequate health care services to women. This, in turn positively affects the maternal mortality rate of both countries. This comparison reveals a growing responsibility of each state vis-à-vis its health care for women. Particularly regarding Iraq, this may signify a growing respect and greater worth for women in Iraqi society, which can be attributed to social pressure but also to a slow movement away from inherent patriarchy.

### **Family planning**

Family planning in Iraq, as with most Islamic states, is a contested issue in Islam. Thus, Iraq has avoided any direct stipulations within its Constitution around the right to provide women with family planning services.

Statistics for the contraceptive prevalence rate in Iraq are only available for 2006, but they demonstrate the patriarchal and traditional nature surrounding family planning. In 2006, the percentage of married women (aged 15-49 years old) using any method of contraceptives was 49.8%, which was a slight increase from 43.5% in 2000<sup>651</sup>. The percentage of married Iraqi women utilizing modern methods of contraception<sup>652</sup> was 25.4% in 2000 and increased to 32.9% in 2006<sup>653</sup>. The percentage of married Iraqi women that were willing to use condoms was 0.7% in 2000, which increased to 1.1% in 2006<sup>654</sup>. Thus there is not a great difference between the pre and post 2003 periods, demonstrating the contested place this issue holds in Iraq. It can also be speculated that the sanctions in Iraq, which restricted a number of goods throughout the years of intermittent warfare could have restricted the availability of condoms.

The health care services provided to Iraqi women demonstrates the degree of worth that the Iraqi society place on women's lives. The modernisation of Iraqi women, seen by contraception use,

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<sup>650</sup> Loc Cit.

<sup>651</sup> UNStats, Op Cit.

<sup>652</sup> Modern methods of contraception include the contraceptive pill and injection.

<sup>653</sup> UNStats, Op Cit.

<sup>654</sup> Loc Cit.

demonstrates a strong pull towards modernisation, under an Islamic regime, which demonstrates a success for the rights and freedom of Islamic women, emphasised in Islamic feminism. The increase shows some movements but is not really significant, as it is still only 33%, and much more work is therefore needed here.

Statistics on Iraqi women fertility rates are difficult to obtain and it is therefore difficult to ascertain the effect that contraceptive usage is having on fertility rates in Iraq. A few statistics did show a steady decrease in Iraqi women's fertility rate from 2003-2010<sup>655</sup>. Declining from approximately, 4.52 children per women in 2003 to 3.76 children per women in 2010<sup>656</sup>. Despite this research, more study and research is required to attribute this to contraceptive usage, which cannot be acquired at this point.

The difference of contraceptive use in Turkey and Iraq is profound. The sensitivity surrounding this issue in Iraq is in direct contrast with the modernisation of Turkey. As such, Turkey's rate of contraception use is much higher than Iraq's, so too is their use of modern methods of contraception. This shows, to some degree, the influence that Islam has over the family structure in Iraq, as opposed to Turkey. The fact that men are equally taking responsibility for contraception in Turkey demonstrates the drastic differences between the two states. Nevertheless, given the Iraqi context with almost 50% of Iraqi women using contraception, which is still a positive trend, studies indicate that contraception use will increase and fertility rates decrease when there is an increase in women's education, as well as economic independence. Thus it is imperative for Iraq to ensure these education rights for Iraqi women to ensure progress in other areas, such as fertility.

### **Abortion**

According to Islam, abortion is haram (forbidden)<sup>657</sup>. This view was adopted from related issues within the Q'uran, titled 'sanctity of life'<sup>658</sup>. Verse 5:32 of the Q'uran states that "whosoever has spared the life of a soul, it is as though he has spared the life of all people. Whosoever has killed

<sup>655</sup> "Iraq total fertility rate" retrieved on [http://www.indexmundi.com/iraq/total\\_fertility\\_rate.html](http://www.indexmundi.com/iraq/total_fertility_rate.html), 2010.

<sup>656</sup> Loc Cit.

<sup>657</sup> BBC, "Islamic teachings on abortion" retrieved on [http://www.bbc.co.uk/religion/religions/islam/islamethics/abortion\\_1.shtml](http://www.bbc.co.uk/religion/religions/islam/islamethics/abortion_1.shtml), 7 September 2009, p. 1.

<sup>658</sup> Loc Cit.

a soul, it is as though he has murdered all of mankind”<sup>659</sup> Islam therefore only accepts abortion should the continuation of the pregnancy have the possibility to harm the mother’s life<sup>660</sup>. Abortion is therefore not supported and it is not even explicitly stated whether abortion is accepted due to rape.

Statistics and rates regarding the use of abortion clinics under the Baathist regime, and the current regime are not easily found. Research conducted has found that abortion was legal under the Baathist regime, as it remains under the current regime, with the existence of a number of abortion clinics<sup>661</sup>. The statistics on the frequency and need for abortion pre and post 2003 are, however, unobtainable. This has been attributed to the war in Iraq, and the subsequent lack of research in this regard, as well as the establishment of Shari’a law, which does not support abortion.

The fear of sexual violence in Iraq, especially after 2003 was rife and Iraqi women feared being raped and subsequently falling pregnant<sup>662</sup>. The number of unwanted pregnancies amongst Iraqi women has increased significantly, as abortion services have reportedly decreased<sup>663</sup>. Abortion services are available, but it is not encouraged and is primarily found in the urban areas, such as Baghdad<sup>664</sup>. The availability of abortion services within Iraq demonstrates another aspect of modernisation in Iraqi society, which is significant under the current Islamic rule.

Abortion in Turkey has been legal since 1983, resulting in the Turkish population being more liberalised and accepting of abortion<sup>665</sup>. Abortion does remain a sensitive issue in Iraq, hence the lack of statistics available. The rate of sexual violence in Iraq often makes abortion a necessity but the patriarchy and religious influence in Iraqi society continues to stifle it as a right. Turkish society seems to be more accepting of abortion, due to their modern outlook, but this is more so in urban areas. Nevertheless, the existence of abortion clinics in Iraq demonstrates significant

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<sup>659</sup> Loc Cit.

<sup>660</sup> Loc Cit.

<sup>661</sup> Farouk-Slugett, M., and Slugett, P., Op Cit. p. 19.

<sup>662</sup> Lasky, M. P., Op Cit. p. 15.

<sup>663</sup> Loc Cit.

<sup>664</sup> Taverinise, S., Op Cit. p. 1.

<sup>665</sup> Loc Cit.

progress for women's rights, despite societal disapproval, which is in stark contrast to the liberalised ways of Turkey.

### **Virginity Testing**

Virginity testing has been perceived by the West as common in Islamic societies. To Westerners it is the brutal control of women and girl's sexuality. In some Islamic countries, virginity testing is believed necessary to defend the family's honour<sup>666</sup>. In Iraq, there is very little research regarding virginity testing due to the prolonged conflict and the difficulty of researching such sensitive issues. What can be ascertained is that virginity testing does take place in Iraq; but there are no statistics on its prevalence.

The fact that virginity testing is known to occur in Iraq, especially in rural areas; shows that patriarchal values regarding women's sexual rights and autonomy are still rife. Turkey, in comparison, recognizes the issue of virginity testing as a violation of women's rights, and has created legislation that requires the consent of the woman to be tested. This demonstrates a significant difference between Turkey and Iraq regarding the degree of women's rights including sexual autonomy, which is another indication of the tenuous private status of Iraqi women. Secularist and Baathist rule made no impact in this area, nor has the Iraqi regime, demonstrating the depth of patriarchy in Iraqi society.

### **Violence Against Women**

Article 29 of the Iraqi Constitution states that "all forms of violence and abuse in the family, school, and society shall be prohibited"<sup>667</sup>. Iraq has a tragic history of violence against women<sup>668</sup>. Women have lived under brutal political rule blamed for provoking the very abuse they endure<sup>669</sup>. Moreover, it is now widely accepted that violence in the Iraqi public realm increases domestic violence. The history of conflict and war in Iraq has seen women suffer increasingly from violence, which is a product of a gendered violent society<sup>670</sup>.

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<sup>666</sup> *Ibid.* p. 2.

<sup>667</sup> "Iraqi Constitution" *Op Cit.* p. 11.

<sup>668</sup> Tavernise, S., *Op Cit.* p. 1.

<sup>669</sup> *Loc Cit.*

<sup>670</sup> "Gender Equality and Social Institutions in Iraq" *Op Cit.* p. 1.

Violence against women within marriages is accepted and is under-reported due to the patriarchal character of Iraqi society<sup>671</sup>. Rape is also prevalent resulting in pregnancy and often early marriages, or honour killings<sup>672</sup>. These women are punished for dishonoring their families, and if they are not killed, are forced to run away<sup>673</sup>. Spousal rape, is not included or recognized in Islamic law, which is especially problematic for preventing violence against women in Iraq<sup>674</sup>.

Shelters for abused and battered women are a new phenomenon for most Iraqis, as violence against women is not a topic that is discussed publicly in Iraq<sup>675</sup>, women's movements repeatedly criticise the Iraqi government, as the legal system in fact condones violence, by providing reduced sentences for honor killings<sup>676</sup>.

The Iraqi Women's League has worked very hard to reduce the cases of violence against women in Iraq. A campaign has therefore been created by the Iraqi Women's League, entitled "Stop violence against Iraqi women. Let us work together for justice, equality and the right to life" in order to gain public support against all forms of violence against women<sup>677</sup>. Iraqi Women's League especially focuses on instances of honour killings, which are rife in Iraq<sup>678</sup>. They also seek to stop violence within the home, particularly in marriages<sup>679</sup>. The biggest challenge in this regard is gaining governmental acknowledgement for the detrimental impacts that violence against women has on society as a whole<sup>680</sup>. Honour killings are widely believed to sanctioned in Islam<sup>681</sup>. Given the Islamic nature of the present day Iraq and its embrace of Islam in the political arena, Iraq needs to act decisively to outlaw this if it is to make inroads to stop domestic violence post 2011 and the US withdrawal of troops.

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<sup>671</sup> Loc Cit.

<sup>672</sup> Loc Cit.

<sup>673</sup> Tavernise, S., Op Cit. p. 1.

<sup>674</sup> "Gender Equality and Social Institutions in Iraq" Op Cit. p. 2.

<sup>675</sup> Tavernise, S., Op Cit. p. 2.

<sup>676</sup> Loc Cit.

<sup>677</sup> Iraqi Women's League, Op Cit. p. 1.

<sup>678</sup> Loc Cit.

<sup>679</sup> Loc Cit.

<sup>680</sup> Loc Cit.

<sup>681</sup> Loc Cit.

Violence against women provides an interesting insight into the private realm rights of women in a state. As has been discussed, violence against women in Iraq is rife, exacerbated by the wars and occupation. Violence against women in Turkey remains a problematic domestic issue. Both Iraq and Turkey have legislation that protects women against abuse, but it is the implementation of this legislation that remains the difficult aspect. In Iraq, violence against women has become increasingly sexual, with rape increasing on a daily basis. The outlook for Iraqi women in this area is bleak, as legislation is not implemented and the Penal Code does not explicitly protect women's rights. In contrast, Turkey has actively acted upon its domestic violence legislation. The action taken by these states is reflective of the societal worth ascribed to women as human beings, as it reveals the extent to which the government is willing to challenge and overrule patriarchy and other religious practices.

### **Sex role stereotyping and prejudice**

Iraqi women's civil liberties have been severely limited for the past 20 years, including under Saddam's regime. Their freedom of movement and dress has been further limited by years of intermittent war; a brutal regime that did not provide good living standards; the occupation; as well as the ignorance regarding the importance of women's rights in the new Islamic regime and post-conflict reconstruction of the state.<sup>682</sup>

### **Clothing**

Iraqi women's freedom of movement, as well as choice of clothing has been largely dictated by their husbands, during secular rule and the invasion and most importantly, determined under the current Islamic law<sup>683</sup>. Thus women now need to veil themselves or least wear a headscarf in an attempt to make themselves less desirable to other men<sup>684</sup>.

Women are often directed by their husbands to wear the hijab, or veil, with purdah (seclusion from public observance) practiced within varying degrees<sup>685</sup>. This has not always been the case, as the Baathist regime did not impose strict clothing restrictions on women, because of its

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<sup>682</sup> "Gender Equality and Social Institutions in Iraq" Op Cit. p. 3.

<sup>683</sup> Loc Cit.

<sup>684</sup> Loc Cit.

<sup>685</sup> Loc Cit.

secularist agenda. The occupation of the USA not only brought with it increased sexual violence against Iraqi women, but also the imposition of Islamic law in the 2005 Constitution that has resulted in increased societal pressure for wearing the hijab and practicing purdah.

Numerous Iraqi women claim that they have been harassed or assaulted for not adequately covering themselves in public, and therefore wear the hijab<sup>686</sup>. However, most Iraqi women still choose to wear the veil out of their personal Islamic observance, rather than forced by their families or husbands<sup>687</sup>. It has been speculated that Iraqi women are especially committed to wearing a headscarf, veil or the full hijab as a response to the growing power of Islam and as a symbol of their commitment to their 'culture/nationality' which has been challenged by the years of inter-state conflict and occupation<sup>688</sup>.

Turkey has banned the headscarf but has recently loosened this legislation due to severe Islamic opposition. Iraq has no legislation dictating the need for the hijab, but the pressure from segments of society and expectations for religious tradition under Islamic law govern women in this regard. It can be argued that Turkey is impeding on Islamic women's rights because of the legislative ban of Islamic wear in public. This ban infringes on women's rights to subscribe this tenet of Islam. Iraq has maintained secularist principles, despite the institution of Islamic law regarding clothing. The new move to Islamic rule in Iraq has resulted in women conforming to veiling themselves in order to avoid harassment.

### **Honour killings**

The Iraqi Constitution states that Islam is the law and the practice of Islam supreme but crimes that harm others are illegal<sup>689</sup>. This should make honour killings illegal in theory<sup>690</sup>. Nevertheless, honour killings happen in Iraq on a daily basis with ferocious intensity. Iraqi women accused of besmirching the family honour and are often killed to rectify this situation<sup>691</sup>.

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<sup>686</sup> Lasky, M. P., Op Cit. p. 15.

<sup>687</sup> "Gender Equality and Social Institutions in Iraq" Op Cit. p. 3.

<sup>688</sup> Loc Cit.

<sup>689</sup> Bruce, C., Op Cit. p. 2.

<sup>690</sup> Loc Cit.

<sup>691</sup> Tavernise, S., Op Cit. p. 2.

As with violence against women, honour killings stretch across educational and class lines<sup>692</sup>. An Iraqi woman can be killed for dishonouring a family for as little as \$100<sup>693</sup>. Shelters in Iraq are often there to shelter such ‘hunted’ women and protect them from the abuse, however, they most often are killed<sup>694</sup>.

Sadly, a large increase in honour killings was noted from 2007-2008, with an increase of over 70% in religious murders of Iraqi women<sup>695</sup>. The legal system of Iraq and the Constitution which declares Islam the law of the land has resulted in a poor conviction rate for these murders<sup>696</sup>. It has been estimated that out of 81 honour killings in Iraq, only 5 perpetrators are convicted, usually with reduced sentences<sup>697</sup>.

Honour killings occur frequently in both Iraq and Turkey. The difference is that Turkey has legislation which explicitly protects women from honour killings and will prosecute the perpetrators. Iraq on the other hand, has no direct legislative protection for women vis-a-vis honour killings and it is therefore difficult to punish the perpetrators. This difference is significant when assessing the societal and state commitment to protecting women. The frequency of occurrence and lack of women’s rights regarding honour killings in Iraq also points to the strong influence that Islamic traditions and religious patriarchy have on Iraqi society, as well as Islamic influence in Turkey.

### **Role of Civil Society and NGOs in Iraq**

Women’s movements were very active in Iraq in the twentieth century, and achieved a number of feats for Iraqi women within the confines of Islam<sup>698</sup>. Interestingly, the rise and awakening of women’s movements was due in part to Islamic intellectuals, which were mainly men<sup>699</sup>. Women’s movements have remained an important force in Iraqi society from the 1950s, which

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<sup>692</sup> Loc Cit.

<sup>693</sup> Ibid. p. 2.

<sup>694</sup> Loc Cit.

<sup>695</sup> “Hitmen charge \$100 a victim as Basra honour killings rise” retrieved on <http://www.guardian.co.uk/world/2008/nov/30/iraq-honor-killings-women>, 2008, p. 1.

<sup>696</sup> Loc Cit.

<sup>697</sup> Loc Cit.

<sup>698</sup> Efrati, N., Op Cit. p. 153.

<sup>699</sup> Ibid. p. 155.

has been attributed to the strength of women's movements in neighbouring Iran<sup>700</sup>. After the fall of Saddam and the 2004 elections, women who formed part of the Parliament proved instrumental in passing a law that allows NGOs to incorporate support without the support of a political party<sup>701</sup>. This marked a significant shift away from the politicisation of Civil Society<sup>702</sup>.

There are currently, over 150 women's organizations that are fighting to conserve women's rights within the new Islamic ruled Iraq<sup>703</sup>. One of the most important successes the Iraqi women's movements have achieved was the inclusion of women's political rights in the constitution, under the newly established government in 2004<sup>704</sup>. The guarantee of providing 25% of the Parliamentary seats to Iraqi women was as of a result of intense lobbying and advocacy work by numerous Iraqi women's movements due to the fear of being left out of the new political regime<sup>705</sup>. Iraqi women's movements, such as the Iraqi Women's League, have also begun concentrating on violence against women; but this has proved a difficult area to make progress in. Minor success has occurred due to advocacy and lobby work in Iraq, but the political climate makes this work difficult due to Islamic opposition.

NGOs are also focused on the economic empowerment of Iraqi women, as well as education as the only means to lift Iraq out of its current state<sup>706</sup>. Projects in Iraq need to start concentrating on not merely uplifting educated Iraqi women, but all of the poverty stricken and uneducated women of Iraq<sup>707</sup>.

In both Turkey and Iraq, CSOs, NGOs and women's movements have played an important role at gaining rights for women; however, many challenges lay ahead. The obstacles in Turkey and Iraq differ significantly, as Iraqi organizations and movements still have to contend with lasting societal patriarchy justified and embedded in Islam; as well as mandated Islamic law. Turkish organizations, on the other hand, face very different issues for women and have played a very

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<sup>700</sup> Loc Cit.

<sup>701</sup> Gaestal, A., Op Cit. p. 1.

<sup>702</sup> Loc Cit.

<sup>703</sup> Massey, E., Op Cit. p. 1.

<sup>704</sup> Loc Cit.

<sup>705</sup> Coleman, I., Op Cit. p. 4.

<sup>706</sup> Bajraktari, Y., Op Cit. p. 3.

<sup>707</sup> Loc Cit.

important role in gaining legislative rights for Turkish women. The difference in power that these organisations have with their respective governments does make a significant difference in the impact that they have on women's rights. Iraq's movements are not as effective as Turkish NGOs and CSOs, but this is largely due to the political will present in Turkish society and government, yet to emerge in Iraq.

### **Iraq and Islamic women's rights**

Iraq has had an interesting history regarding women's rights, due to the secularist system under Saddam from 1979-2003 and institution of Islamic law in the 2005 Constitution. Despite the institution of Islamic Law, Iraq seeks global recognition to secure the resources required to repair its divided and economically fragile state. This section seeks to consider the factors that have been identified as influential in the attainment of Iraqi women's rights. These will then be compared and contrasted with those identified in Turkey.

### **Political Will**

Political will is perhaps, the most difficult aspect to assess when considering women's rights in Iraq. It has been argued that the rights accorded to women during the Baathist regime, were due to Saddam's political will to achieve his secular agenda<sup>708</sup>. This political will was, however, not directed to expressly achieving universal and modernised rights for women, but rather to achieve a secular state that would serve and secure the power of the minority government<sup>709</sup>. Despite this, the Saddam regime did result in numerous gains for women. Women were accorded with the right to vote and represent in government, as well as rights in education and employment in the 1980s. The Personal-Status Law protected women in marriage, which is an integral social right for all women, regardless of religion.

The current government has dedicated itself to establishing an Islamic state. As such they seem less committed to promoting women's rights, especially those deemed to be modernised and progressive, seen in secular states. There has, however, been some degree of political will in the current government. The quotas for women representatives in Parliament have been important,

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<sup>708</sup> Farouk-Slugett, M., and Slugett, P., Op Cit. p. 19

<sup>709</sup> Loc Cit.

but contradictory legislation on the Personal-Status Law has been marked as both progressive and stifling for Iraqi women's rights.

In comparison, Turkey's political will to achieve women's rights stem from Ataturk and the charismatic and inspiring leadership that he proved to be in Turkey. Saddam Hussein, despite his ruthless regime, began Iraq's journey for women's rights with to his secularist agenda. Saddam was not the same sort of leader as Ataturk; he did not fully believe in the need for women's rights, but used it as a way to secure his regime against Islamic threats. The Iraqi political will did therefore not stem from a great leader, as is seen in Turkey; rather it has been driven by politicians and women's movements. Consequently, Iraq's political will to achieve women's rights is not nearly as powerful and effective as seen in Turkey, but this does not mean that this cannot be achieved in Iraq.

### **Islamic feminism**

Islamic feminism holds a significant place in Iraq, but the future of Islamic feminism depends on politicians, particularly female politicians<sup>710</sup>. The strength and political will of the politicians in the government will be a significant determinant of the future success of Islamic feminism and Iraqi women's movements. With the institution of Islamic law in Iraq, Islamic feminism now has a greater role to play in expanding women's rights within this environment. Unfortunately, the new regime could also have severe consequences for women's rights in Iraq. The realisation of this greater role is slowly emerging, with the growth of women's movements invoking Islamic feminism<sup>711</sup>. At this juncture Islamic feminism would be more acceptable in the current environment than pushing for a secular based gender regime. However, some have argued that both strong Islamic feminist movements and a move toward a more secular agenda would result in fundamental progress been made.

Islamic feminists therefore have a greater role to play in the current Islamic regime in Iraq. They have the ability to demonstrate to numerous Iraqi women and Iraqi society that Islamic law, and the current legislation does not need to be oppressive toward women – and legislation can in fact

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<sup>710</sup> Coleman, I., Op Cit. p. 4.

<sup>711</sup> Massey, E., Op Cit. p. 1.

serve the best interests of Iraqi women within the context of Islam. The future of Islamic women's rights in Iraq will also depend largely on the strength of the judicial system<sup>712</sup>. This is due to the fact that a strong judicial system is needed to project and enforce the legislative rights of Iraqi women.

Potentially Islamic feminists have an important role to play in Iraq, in comparison to Turkey currently. Islamic feminism was very important in Turkey from around the 1960s, as Islamic movements helped shape the manner at which Islamic women's rights in Turkey would be tackled, whilst not disregarding Islam<sup>713</sup>. Currently, Islamic feminists have tackled the issue of the headscarf in Turkey, but need for their advocacy has decreased, with the subsequent increase in legislation for women. The Islamic Republic of Iraq can learn from Islamic feminists in Turkey, as Islamic feminists now seek the best manner at which to gain women's rights in accordance with Islam. The need for strong vocal Islamic feminism is more pronounced than ever before. Iraq, may reach Turkey's juncture when Islamic feminist movements do not disappear but become less 'needed'. Despite the fact that they have different political regimes, the need and growing influence of Islamic feminism remains a common need in both states.

### **Role of CSOs, NGOs and women's movements**

The role of CSOs, NGOs and women's movements regarding women's rights in Iraq is difficult to fully ascertain due to the lack of research. What can be noted is that Iraqi women's movements were miniscule and unable to enact real change before and after 2003<sup>714</sup>. This resulted in very few initial rights been gained for Iraqi women during the establishment of the new government, other than the legislation on parliamentary seats.

Turkish organizations, unlike Iraq, have had great success in achieving legislative changes to ensure Turkish women's rights. Turkish organizations equally have had more freedom to enact their campaigns and lobbying for women's rights, which was not seen during the initial legislative period in Iraq, due to a number of factors.

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<sup>712</sup> Coleman, I., Op Cit. p. 4.

<sup>713</sup> Ozvaris, S. B., et al., Op Cit. p. 121.

<sup>714</sup> Al-Ali, N. S., and Pratt, N. C., Op Cit. p. 89.

## Role of the West

The USA has close ties with both Turkey and Iraq. The USA can therefore have significant influence on the rights of Iraqi women. The USA has slightly influenced the advancement of Iraqi women's rights, particularly seen by the Parliamentary quota of 25%. The close political relations that have been fostered between Iraq and the USA since 2003, and the USA's advisory role in drafting the 2005 Constitution have played a role, however, miniscule. The USA has through USAID played a part in promoting education for Iraqi women and girls<sup>715</sup>. Close relations with the USA also has also assisted Iraqi businesswoman, through conditions in trade and diplomatic relations<sup>716</sup>. Despite these minor gains for Iraqi women, the 'reported' aims of the USA to empower and liberate Iraqi women have not been achieved, but have rather resulted in the creation of an environment that threatens and hinders women's rights. The West may also have a role further democratizing Iraq, as numerous studies have demonstrated that good economic performance is a prerequisite for a successful democratic regime and good human rights record, which can translate into progress for women's rights<sup>717</sup>. Aid is henceforth important, but such aid can only be effective for women's rights in a supportive political framework, which is not as yet present in Iraq.

Turkey has also had the influence and role of the EU regarding women's rights. Iraq is, however, in a different place, as the role of the USA, despite being quite substantial since 2004<sup>718</sup>, has not directed its energy toward women's rights, as was seen with the EU and Turkey. Through Turkey's application for EU membership, significant EU influence regarding its state and women's rights has been seen. Until the final withdrawal of all US troops in Iraq due in 2011, the USA will continue to play a vital role in attempting to guide Iraq in becoming a stable, sovereign and self-reliant state<sup>719</sup>. Whether this will translate to pushing for further women's rights is unknown. Furthermore, as seen from numerous other states, establishing good relations with the USA is prudent to achieving international recognition. Good relations and investment with the USA has the potential to lead to relations and possibly investment with other states, thereby

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<sup>715</sup> Coleman, I., Op Cit. p. 5.

<sup>716</sup> Loc Cit.

<sup>717</sup> Dawisha, A., "The Prospects for Democracy in Iraq: Challenges and Opportunities" in *Third World Quarterly*, Vol. 26, No. 4/5, 2005, p. 729.

<sup>718</sup> US Department of State, "Background Note: Iraq" Op Cit. p. 7.

<sup>719</sup> Loc Cit.

resulting in further stakeholders in the rights of Iraq women. The role of the West in leading to further international relations for Iraq is therefore a similar aspect to Turkey and the EU, and the role that both these powers play could prove as significant as the EU's role in Turkey. However, the minor influence that the USA has in Iraq regarding women's rights, has equally been the case in Afghanistan, as the USA has not directly concerned itself with the needs of Iraqi women, as previously discussed.

### **Conclusion**

This chapter has considered the public realm rights available to Islamic women in Iraq. It has provided a full analysis of the research available on Iraqi women regarding their political, economic and social rights. A comparison and contrast has equally been examined in this chapter, in order to understand the differences of rights between Turkish and Iraqi women. The factors that can be attributed to the degree of public realm rights enjoyed by Iraqi women was also considered, as this research seeks to understand whether there are similar factors in both states with women's rights where parallels can be drawn.

## Chapter 6

### Conclusion

In an effort to examine Turkey's balance between secularism and Islamic women's rights, this research has equally sought to consider whether aspects responsible for this balance could be seen in the present day Islamic state of Iraq. Iraq, a secular state for over two decades, has recently become an Islamic state, but due to years of intermittent war and occupation, seeks worldwide recognition. Iraqi women's rights are hence vital in achieving this goal. This research will now conclude by analyzing the factors seen in Turkey, and whether these factors can equally be seen in Iraq.

#### Summary

The introductory chapter painted the structure that the research would demonstrate why this topic is important. It illustrated the indicators and data that would be used to demonstrate the causal process. The theoretical framework then provided the platform on which to understand the challenges that developing world, or oriental women face through the discussion of postcolonial feminism. The issue of secularism was then examined as the solution for these oriental women's qualms. Due to the fact that this research does consider Islamic women's rights, Islamic feminism was then examined in order to understand how Islamic women's rights developed and evolved within the confines of Islam.

Due to the successful balance that Turkey has achieved between secularism and Islamic women's rights, a detailed historical narrative was provided from a gendered perspective. Numerous factors were found in the historical narrative as poignant regarding the successful balance achieved in Turkey.

The rights of Turkish women were then considered in detail. The public realm and legal rights of Turkish women in the political, economic and social spheres were examined. Statistics and research was provided to determine the implementation of these public realm and legislative rights. The factors that have been directly linked to the achievement of women's rights, were then emphasized, in an effort to understand how Turkey achieved this successful balance.

Iraq, the second case study was then considered. A brief background of Iraq, from the beginning of its secular regime in 1979 until the present was then examined, in an effort to understand Iraq's turbulent and conflict filled secular era until the US occupation. The legislative and public realm rights of Iraqi women in the political, economic and social spheres were therefore also examined. The factors equally present in the achievement of women's rights in Iraq were equally highlighted. A comparison between Turkish and Iraqi women's rights is considered throughout the chapter, in an effort to determine how each state fares in comparison to one another, as well as whether the successful aspects seen in Turkey are equally present in Iraq, despite its change in political regime.

### **Analysis**

Iraq has now adopted an Islamic regime, moving away from its secular past. Due to numerous years of war, Iraq remains in economic and social disrepair. It therefore seeks global recognition. Its newly established and democratically elected government needs to secure stable international relations in order to repair its broken economy. Women's rights should hence play an important role in this regard. As postcolonial feminism has demonstrated, the West does not favour Islam and particularly Islamic women's rights, due to the Western perception of 'oriental' and Islamic women, and in order for Iraq to gain Western recognition – this has to change.

Numerous aspects were highlighted as responsible for the attainment of women's rights in Turkey can be seen, if only slightly, in the present day Islamic Iraq. These include the role of and presence of Islamic feminism, the role of NGOs, CSOs and women's movements, and the role of outside powers.

### **Differing aspects**

Before considering the factors that can be seen in Iraq, stemming from secularism regarding women's rights; there are a number of differences. Iraq and Turkey are vastly different regarding political will and history, and no similarities can hence be drawn here.

**Political will**

The political will present in Turkey, stemming from Ataturk, as has been discussed, was powerful and has lasted in Turkish society and politics since 1923. In Iraq, on the other hand, the leadership and political will of Saddam Hussein cannot be considered within the same spectrum as Ataturk. Saddam did not enact women's rights out of passion and belief, but rather to achieve his political ends and political will. Thus this will has therefore not remained enshrined in Iraqi society, as has been seen in Turkish society. This has resulted in women's rights not transcending through to the Iraqi society from one regime to the other.

**History**

The history of the two states is characterized by differences, as Iraq's past has been filled with brutal rule, numerous wars and occupation, whereas Turkey's past has been one of stable secularist rule, albeit with eras of Islamic opposition. Iraq's history has therefore not fostered the environment for women's rights, unlike Turkey, due to more pressing areas of concern, such as security, a failing economy and little international relations or recognition. Turkey's current context is one of democracy with few feuds over women's rights. Iraq faces complexities related to recent occupation, a newly elected government, economic decline, social tensions between Islamic sects, and governance issues, where women's rights remain under-considered. Iraq's need for post-conflict reconstruction and global recognition does, however, set the need for women's rights fairly high.

**Similar aspects****Islamic feminism**

As seen in Turkey, the ability for Islamic feminists to voice their concerns and provide Islamic women with alternatives is largely a secular trend. Islamic feminism, as previously discussed, is beginning to play an increasingly significant role in the present day Iraq, as was seen in Turkey. This similarity serves as a marker of remaining secularism in Iraq, and a rising importance of Islamic women's rights. Despite the different context in which Islamic feminism worked in Turkey, the force and might of the movement in Iraq is a common thread with Turkey. Islamic feminism movements may also increase in effect due to the institution of an Islamic state, and

may well prove to be a stronger force in Iraq than was seen in Turkey, therefore indicating that this similarity can play out very differently in Iraq.

### **Role of CSOs, NGOs and women's movements**

In Turkey, CSOs, NGOs and women's movements played significant roles in achieving Islamic women's rights. The rise of these organizations and movements in Turkey took place within a larger human rights based framework, as well as within the confines of Islamic feminism. Iraq's new Constitution of 2005 provides for the right of all organisations and movements to take part in political matters, therefore demonstrating a remaining thread of secularism, despite being an Islamic state. This similarity may provide for significant rights for Iraqi women, as has been the case in Turkey.

### **The role of outside powers**

The overarching role of outside powers in Turkey has been highly significant for women's rights. The EU has played a major role in fostering and encouraging the development of Islamic women's rights in Turkey, which is slightly paralleled in Iraq. The fact that Iraq, now an Islamic state, continues to allow the USA to foster and guide them through issues relating to women, seen by the inclusion of women's political rights in the 2005 Constitution; is significant, but not nearly as impactful as the EU in Turkey. It has also been emphasized as stemming secularism, due to Islamic states, such as Afghanistan, not usually allowing for outside influence regarding policy. The USA has therefore inspired a less positive theory of change and goal-driven policy regarding women's rights, which has been less incentive than the EU. However, this similarity has the potential to be as impactful as the EU was in Turkey, but this is dependent on the US policy in Iraq and the Iraqi government's willingness to be influenced positively.

### **Conclusion and further research**

In light of this research, I am thus able to conclude that Turkey has a good balance between women's rights and the practice of Islam, which has been attained through secularism. Iraq, however, remains a conflicted state with its contradictory constitution, remaining secularism within a seemingly determined Islamic regime. As has been seen with Afghanistan, the role of the USA has not played an important role regarding women's rights, along with the lack of

movements that women's organisations/Islamic feminists have to maneuver within the Iraqi public realm. The political representation of Iraqi women, equally seen in Afghanistan does not translate to women's rights, demonstrating the lack of political commitment to the cause. The chaotic environment in which Iraq sits is in strong contrast to the Turkish case.

Despite the contrast, similarities are henceforth seen between Iraq and Turkish, as have been identified in this research, but further research would have to be conducted in order to establish whether the factors, such as Islamic feminism movements and the role of the West will translate into progress of women's rights, along with the practice of Islam in a number of years. Further research would also be able to determine the degree of international recognition that Iraq has gained relative to women's rights and Islam.

In conclusion, this research has demonstrated the successful balance between women's rights and Islam and Turkey, whilst equally considering the complex case of Iraq. Iraq does, however, lie in a hallmark era in which the future of Iraqi women will be determined by factors identified in both Turkey and Iraq. The gaining of better women's rights transcends all national boundaries and for both Turkey and Iraq, this is a battle that will be continued in different degrees. As "all countries have women and young generations that want something better – all of this unites us in spite of just how different our conditions of day-to-day life are"<sup>720</sup>.

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<sup>720</sup> Joya, M., "Raising my Voice" Random House UK Ltd, United Kingdom, 2009, p. 191.

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