

### I. Introduction

- **Purpose of background paper**

This background paper has been prepared as a starting point for the discussions of the Gender and Migration Working Group of the Refugee Council of Turkey. The Gender and Migration Working group is comprised of 15 host community and refugee-led civil society organizations<sup>1</sup> and is in the process of developing policy positions and recommendations on issues relating to migrant women.

The background paper is prepared by the RCT Secretariat with an aim to support the Working Group in starting and detailing its discussions. It gives a general overview of the situation of refugee women in Turkey, with a specific focus on gender-specific challenges encountered in the labor market (**Section II**) and the heightened vulnerability to gender-based violence (**Section III**).

- **Importance of “gender and migration”**

While all refugees face numerous challenges, women and girls face additional risks and challenges due to multiple factors. The persistent gender inequalities and discrimination creates economic, social and political vulnerabilities that affect women everywhere. Women refugees bring with them the legacy of vulnerabilities that preceded their displacement. The issues they face throughout the different phases of displacement further exacerbates / deepen these pre-existing inequalities, and heighten their vulnerability to social exclusion, unemployment and violence. , The additional barriers they face in accessing legal, economic and social services requires a prompt, effective, integrated and well targeted response . Gender, therefore, needs to be at the center of policies, programs and actions relating to forced migration. . Factoring gender considerations into those policies and programs, and deliberate effort to incorporate the specific needs, priorities and interests of refugee women as well as considering gender specific policies and programs is a must. In addition to meeting women and girl’s specific needs and aspirations, gender responsive migration policies and programs will increase efficiency and sustainability.

- **Contextual analysis of refugee women’s access to the labor market**

The World Migration Report published in 2020 indicates that Turkey is the 12<sup>th</sup> top destination country for resident migrants<sup>2</sup>, with over 800,000 people holding residency, making Turkey a new and major immigration country. In addition, there are close to 3,6 million Syrian, and 330. 000 other nationalities under protection. Of all these, around half are women. However, the situation of the Syrian women is relatively better documented than other refugee populations/ migrant women. For example, , around one-third of Syrian refugee households in Turkey are female headed.<sup>3</sup> Yet, 85% of Syrian women are unemployed in Turkey, with only 10% working in an income-generating activity and 5% having irregular

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<sup>1</sup> 1. ARSA 2. Biz Buradayız Derneği 3. İzmir’deki Mülteciler Derneği 4. KEDV 5. Mülteci Haklarını Geliştirme Derneği 6. ŞevkatDer 7. İKGV 8. Women Now for Development 9. Orange 10. Syrian Women Network 11. Women Support Association 12. KADAV 13. Sevgi ve Kardeşlik Vakfı 14. Uluslararası Göçmen Kadınlar Dayanışma Derneği - UGDD 15. Birlikte Güçlü Kadın Girişim Üretim Ve İşletme Kooperatifi.

<sup>2</sup> [https://publications.iom.int/systems/files/pdf/wmr\\_2020.pdf](https://publications.iom.int/systems/files/pdf/wmr_2020.pdf)

<sup>3</sup> International Labor Organization (ILO), “Lessons Learned from the ILO’s Refugee Response Programme in Turkey – Supporting Refugees and Host Communities,” June 19, 2019, [https://www.ilo.org/ankara/publications/WCMS\\_710833/lang--en/index.htm](https://www.ilo.org/ankara/publications/WCMS_710833/lang--en/index.htm).

or seasonal work.<sup>4</sup> The employment situation of women refugees from other nationalities need further study and scrutiny, as well as working conditions of migrant women. Although there is no publicly available number of work permits issued to refugee women in Turkey, it is estimated to represent only a tiny percentage, and presumably Syrian and other refugee women are mostly employed in informal, precarious and low -paid jobs. For example, figures made available by the Presidency Communication Centre (Cumhurbaşkanlığı İletişim Merkezi, CİMER) indicate that between 1 January 2016 to 30 September 2018 27,930 work permits were granted to Syrian refugees. . Of those, 25,457 permits were issued to men and 2,473 to women (or 10% of them)<sup>5</sup> .

Refugee women in Turkey encounter **substantial barriers** in obtaining effective access to the labor market. There are some factors that affect the ability of both refugee women and men to access formal employment, including the complicated and bureaucratic nature of the process, high cost and lengthy waiting times that most employers are not willing to accept, limitation of formal employment only to the provinces in which refugees were originally registered, and stiff competition in the labor market given the high unemployment rate in Turkey, especially among the young.. Nevertheless, in addition to these, refugee women in Turkey face some specific challenges such as:

**Lack of childcare and responsibility for housework:** Refugee women, similar to women in host community, bear the main responsibility for childcare , elderly and sick care as well as housework. These natural life-cycle events, and emerging care needs are among the major barriers hindering entry of refugee women into labor market, mostly because the social infrastructure to support shift of these responsibilities to public institutions is extremely insufficient. Lack of facilities/ infrastructure to shift care responsibility prevents women from seeking full-time and regular employment. The impact of care responsibility on employment of refugee women is very similar to its impact on women in host communities. However, if and when families are divided and dispersed into several countries in the displacement process, then the lack of care services have a more severe impact on employment options and economic wellbeing of refugee women. Some circumstances further push women into home-based work, and/or to odd jobs in the informal market.

**Gender norms and resistance to women's employment:** Harmful social norms and practices are among barriers to women's participation and success in labor market. Ranging from stigma attached to women working to judgement of what women can or can not do, restrictions on women's social interactions and freedom of movement, acceptance of men as breadwinner, and preconceived ideas about who is responsible from child care and household chores restrict women's, including refugee women's access to labor market , as well as their advancement and success. For example, it is observed that some groups of refugee women are not able to leave the house for extended hours due to the fact that either husbands or fathers do not permit it. In some cases, women's employment is regarded with disrespect by the community due to the perception that they have to be home to take care of children. Many refugee women still needs permission of the husband to seek employment. Addressing these harmful social norms, as well as developing social infrastructure to ease the care responsibilities of women will be important for promotion of women's entry into labor market, and their actual employment. Among

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<sup>4</sup> UN Women & SGDD-ASAM, 2018. Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey.

<sup>5</sup> <https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/>

others, addressing harmful social norms may require working with men, and including men as champions of women's rights.

**Gender-stereotyped work and training opportunities:** Just before the start of the crisis in 2010, only 22 percent of Syrian women participated in the labor force and around 17% were actually employed.<sup>6</sup> such a low level of labor force participation prior to their arrival in Turkey makes it harder for the Syrian women to integrate into the labor market in Turkey, and to compete in this market. Most women are skilled or would like to be skilled in vocations that are traditionally perceived fit for women, such as sewing, embroidery, cooking, hairdressing etc.<sup>7</sup> Unfortunately the income generation activities and vocational trainings provided to Syrian women are mostly reinforcing such gender-stereotyped approach to women's employment, and fall short of the ambition to re-skill women in line with the labor market demands and the fast changing job market. For example, more than half of the Syrian refugee women who participated in vocational trainings received training in hairdressing and needlework, in which opportunities for formal work are very limited.<sup>8</sup> Most refugee women work in informal, unprotected jobs. Factors such as the shortage of formal employment opportunities, the fear of losing cash assistance under the Emergency Social Safety Net (ESSN), the wish to evade bureaucratic procedures required in formal employment, lack of information about work-permits<sup>9</sup>, the negative perception that refugees are cheap labor and their acceptance of wages equaling a third of the minimum wage further perpetuate refugee women's employment in poorly paid jobs with long working hours.<sup>10</sup>

While Syrian men working in the informal sector are paid below the minimum wage, Syrian women are paid even less, facing a double burden linked to their refugee status and gender. Also, refugee women are more vulnerable to exploitation by employers. Syrian women working in the informal sector report having to do additional tasks or work overtime without being paid.<sup>11</sup>

**Language barriers and legal procedures:** Language barrier is a major obstacle that stands in the way of Syrians to access rights and services. Syrians in Turkey may enroll in free state supported Turkish language courses, but the study found that 70% of Syrian women do not speak any Turkish.<sup>12</sup> There are various reasons for women's lack of acquisition of Turkish language. The main ones are their childcare

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<sup>6</sup> Women, Work & War: Syrian women and the struggle to survive five years of conflict-Research Study, Care, Beatrix Buecher and James Rwampigi Aniyamuzaala, March 2016.

<sup>7</sup> Access to Livelihood Opportunities for Refugee Survivors of Gender-Based Violence in South-East Turkey, September 2020, DRC internal research report.

<sup>8</sup> UN Women & SGDD-ASAM, 2018. Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey.

<sup>9</sup> According to UN Women & SGDD-ASAM, 2018 study of Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey 91.7 % of Syrian women in Turkey are not informed about work permits.

<sup>10</sup> UN Women & SGDD-ASAM, 2018. Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey.

<sup>11</sup> DRC interviews with women beneficiaries working in the informal sector.

<sup>12</sup> UN Women & SGDD-ASAM, 2018. Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey.

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responsibilities, lack of information about free language courses and the lack of time.<sup>13</sup> One can assume that most refugee women do not work and stay at home, meaning that they do not interact with Turkish communities with whom they could improve their language skills. . This in turn makes it even more difficult for women to access the labor market.

- **Potential areas for policy development**

Based on the challenges and opportunities identified above, the Gender and Migration Working Group could consider following questions for further study and development of policy options and recommendations:

Obtain and publish gender disaggregated up-to-date on work permits issued for all refugees in Turkey ;

- Develop policy recommendations/ option that could help refugee women's access to vocational training in areas where there are opportunities for regular employment based on market needs;
- Develop ideas/ recommendations for overcoming harmful cultural practices to the employment of women outside the home such as creative/ innovative ways of raising awareness on the participation of women in the labor market.
- Develop ideas / mechanisms that might help expanded access of refugee women to Expand specialized trainings and Turkish language courses, Develop policy recommendations that can help access of refugee women to gainful employment; develop ideas for increasing employability of women.
- Development of advocacy agenda to help improve working conditions for Syrian women to address both the gender pay gap and the exploitative nature of their work.

- **Questions for the Working Group to Consider:**

Given the context and overall situation on access to the labor market summarized above, below are some questions that the Working Group may consider when determining the focus of their policy paper:

- What additional policies might be needed to increase and accelerate access to the labor market by refugee women?
- What other mechanisms can we think of in order to support refugee women willing to participate into the labor market?
- What are the ways to increase access of refugee women to formal income-generating jobs? What are the good examples so far that supported access to such jobs?
- What are the ways to address gender stereotypes and traditional roles that keep refugee women home and preclude their participation into the labor market?
- What are the mechanisms that would support refugee women to acquire skills which would better meet the demands of the labor market?

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<sup>13</sup> UN Women & SGDD-ASAM, 2018. Needs Assessment of Syrian Women and Girls Under Temporary Protection Status in Turkey.

- What policies and advocacy initiatives might be needed to improve refugee women’s working conditions, protect them from exploitation, and address pay gaps?

## II. Refugee women and their vulnerability to gender-based violence

- **Legal Framework on Gender-Based Violence (GBV)**

The legislative framework related to GBV in Turkey has expanded over the past 20 years and has largely been brought in line with international standards. These include a strengthened legal basis for equality between men and women, increased protections available to survivors of violence, and amended legal ages for marriage.<sup>14</sup>

Turkey ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985. Following the signing of CEDAW, the Ministry of Labor and Social Security established the General Directorate on the Status of Women in 1990 to help ensure implementation and compliance with international standards.

The European Union accession process also catalyzed further developments in building the legislative framework to protect and promote gender equality. The build-up to and the adoption of the Accession Partnership in 2003, also known as the Copenhagen Criteria, resulted in Turkey updating major laws including constitutional amendments, the adoption of a new Civil Code in 2001 and a new Penal Code in 2005, and the adoption of the Law for the Equal Opportunities Commission for Women and Men (Law No. 5840) in 2009. The revision of the Turkish Penal Code (TPC) in alignment with the Copenhagen Criteria was one of the major steps for the elimination of gender-based violence in Turkey. The new TPC included more than thirty amendments towards gender equality and the protection of sexual and bodily rights of women. The TPC brings progressive definitions and higher sentences for sexual crimes; criminalizes marital rape; eliminates all references to patriarchal concepts such as chastity, honor, morality, shame or indecent behavior; abolishes previously existing discriminations against non-virgin unmarried women; eliminates provisions granting sentence reductions in rape and abduction cases; criminalizes sexual harassment at the workplace and considers sexual assaults by security forces as aggravated offences.

Turkey also ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in 2012, known as the “Istanbul Convention”. This is widely recognized as one the most comprehensive international instruments related to preventing and combating GBV. In addition, Turkey has expressed its commitment to eliminating child, early, and forced marriage by 2030, in line with standards espoused in the Sustainable Development Goals. Turkey ratified the Convention on the Rights of the Child in 1995, which mandates that the minimum age of marriage is 18 years. At the national level, policy and programs are guided by the National Action Plan and Strategy on Combating Early and Forced Marriages. The Law No. 6284 to Protect Family and Prevent Violence Against Women is the main domestic legal instrument that provides for and extends legal protections for survivors of violence, enacted in March 2012 in line with the National Action Plan to Combat Violence Against Women. The legislation allows courts to issue protective orders including orders for alleged perpetrators to leave the family home and to restrain from contact with the survivor and family members. It also contains

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<sup>14</sup> Elif Gözdasoglu Küçükalioglu. (2018). Framing gender-based violence in Turkey. *Les Cahiers du CEDEF*, 22, 128-157. Available at: <https://journals.openedition.org/cedef/1138>

enabling clauses to allow authorities to provide psychological, financial, and shelter support to survivors of violence.

- **Contextual analysis of the vulnerability of refugee women to GBV**

One of the most common human rights violations experienced by refugee women is GBV. However, **data on the full extent of gender-based violence (GBV) against refugees in Turkey is lacking.** It is well acknowledged that refugee women do not want to disclose their experiences because of several reasons, including fear, shame, reluctance to seek legal remedies or lack of information on how to report incidents safely and remedies available to them

**Lack of education:** Very often families will prefer to invest in the education of boys over that of girls. Many families do not see the added value of women receiving an education and being employed. Many women are pulled out of education by family members or are forced to drop out in order to attend to domestic commitments or to marry early. Without education, girls and women lose the opportunity to take authority over all aspects of their personal lives, becoming dependent on their male relatives and/or spouses. The lack of education, and its impact on women's ability to decide on their lives can also further increase the risk of violence.<sup>15</sup>

**Poor housing conditions:** Single refugee women are prone to having a feeling of estrangement towards the host community, and for this reason, they tend to prefer living in neighborhoods where refugees are densely populated. They are often in a house with another family or hosted by relatives. The main concerns for refugee women in crowded living conditions are lack of privacy and abuse. The poor quality of housing exacerbates their vulnerability: living in overcrowded conditions puts additional care burdens on women and generally increases the risk of GBV. Unfortunately, the risks for gender-based violence, sexual abuse of girls and child marriage in crowded arrangements are high and hard to address.

**Commercial Sex:** : There are concerns about the significant increase of negative coping mechanisms in areas with high concentrations of Syrian refugees, particularly among girls and young women between 15 and 20 years of age. It is observed that many refugee women resort to commercial sex as a negative coping mechanism to address basic needs, such as access to food and other essential goods for themselves and their children.<sup>16</sup>

**Early/forced marriage:** Forced marriages of refugee women and girls to Syrian and Turkish men, often in polygamous marriages, for socioeconomic reasons or protection purposes is another issue of concern. The numbers of early and forced marriages, and multiple marriages, which are the means of the most common gender-based violence targeting refugee women have increased due to the displacement, poverty, and ambiguity as an inevitable result of the war. Moreover, these practices are mostly legitimized as cultural patterns and customs. According to AFAD's report, 15% of the Syrian refugee women aged 15-18 are married.<sup>17</sup> The legal age of marriage in Turkey is 18 and children can marry at the age of 17 with the consent of their parents or legal guardians. Children at the age of 16 can also marry, with special permission from the courts 'under exceptional circumstances and on vital grounds. Accounts of a growing

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<sup>15</sup> Access to Livelihood Opportunities for Refugee Survivors of Gender-Based Violence in South-East Turkey, September 2020, DRC internal research report.

<sup>16</sup> Concluding observations on the seventh periodic report of Turkey, CEDAW, 2016.

<sup>17</sup> [https://www.afad.gov.tr/upload/Node/3932/xfiles/turkiye\\_deki-suriyeli-kadinlar\\_-2014.pdf](https://www.afad.gov.tr/upload/Node/3932/xfiles/turkiye_deki-suriyeli-kadinlar_-2014.pdf)

number of Syrian girls younger than 15 entering marriages are, of course, more alarming.<sup>18</sup> Being deprived of any access to protection measures, these women and girls are guided to the religious marriages in return of money. According to Turkish criminal law, sexual relations with a child under the age of 15 are account for child abuse.

**GBV in the workplace:** Syrian women in Turkey also reported instances of physical abuse by employers, as well as wage theft, verbal harassment, and discrimination in the workplace.<sup>19</sup> Refugee women working in the informal labor market are at particular risk of sexual harassment and exploitation. The lack of effective labor policies and enforcement of such policies leaves refugee women unprotected and without recourse when subjected to workplace violence. GBV therefore diminishes women's participation and advancement in the workplace. **Ineffective protection:** Refugee women do not report violence due to the disbelief in usefulness of law enforcement measures. However, when they do utilize legal protection, measures issued by law enforcement authorities are often prove to be ineffective, either because they are slow to come by or because refugees often change their address of residence without notifying officials.

**Lack of information and language barrier:** The protective and preventive measures defined by the Law No. 6284 should also be enforced to the women refugees. However, most of the time, refugee women are not informed about their rights and the mechanisms that are enforceable to their situation in case of being subjected to violence due to the language barrier, shortage of information produced in their language, other supportive mechanism to ease their access to legal protection and the lack of information about the Turkish legal system. Furthermore, the lack of survivor-centered and gender-sensitive approach of professionals dealing with GBV survivors and working in the judiciary, law enforcement and health care makes it difficult for refugee women to access support services.

**Access to shelters:** In principle, refugee women have access to shelters on an equal footing with Turkish nationals, except for unregistered Syrian women who have to approach the Directorate General of Migration Management (DGMM) first. However, due to the language barrier and the lack of information about the Turkish legal system, most refugee women are unaware of their right to seek support, and when they do they may encounter problems in accessing Victim Protection Monitoring Centers (*Şönims*) and are sometimes sent to AFAD temporary centers instead of shelters. Nevertheless, refugee women might be refused access to shelters for survivors of violence because of a fear that they are merely seeking accommodation and are not in fact survivors. Such a refusal may mean that a woman is forced to return home where she may be at further risk of domestic and sexual violence. In addition, state-run shelters for women survivors of domestic violence could not always cater for the special needs of refugee women and their children. For example, there do not seem adequate interpretation services.<sup>20</sup>

**Difficulty in changing the province of residence:** Syrian refugees who are under the Temporary Protection are expected to reside in the city they were originally registered in. Women who are subjected to violence are not able to leave the city, unless they make a specific request to DGMM. The difficulty of easily changing provinces of residence for refugee women survivors of GBV is especially dangerous for those

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<sup>18</sup> Report of the fact finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, 30 May – 4 June 2016, Council of Europe.

<sup>19</sup> Gendered-Approach Inputs to UNHCR for the Global Compact on Refugees (2018): Lessons from Abuses faced by Syrian Female Refugees in Lebanon, Turkey, and Jordan, Leitner Center for International Law and Justice.

<sup>20</sup> Baseline evaluation report on Turkey, GREVIO, Council of Europe, 15 October 2018.

who suffered domestic violence and decide to separate from their perpetrator. In such instances, women risk facing rejection from their families and their community and, in extreme cases, risk being ostracized by their peers, further exacerbating their immediate risk of harm.

**Inadequate livelihood programs:** GBV survivors that might want to establish or expand market-based businesses run the risk of being excluded from the livelihood programs that prioritizes people with existing work experience and set of skills if and when they have limited or no work experience or marketable skills. The inability to achieve financial independence are among factors that force them to go back to abusive situations.<sup>21</sup>

- **Potential areas for policy development**

Based on the challenges and opportunities identified above, the following general areas could be considered by the Gender and Migration Working Group for further study and development of policy positions and recommendations:

- Develop a mechanism to regularly assess the specific needs of refugee women and girls, including through the collection of gender-disaggregated data on all forms of gender-based violence in Turkey;
- Develop recommendations / program suggestions that help to counter discriminatory stereotypes, empowering women and girls, and help in upholding their right to live a life free of violence;
- Recommend ways that can encourage the law-enforcement agencies to further make proactive use of their prerogatives under Law No. 6284 to issue protection orders;
- Suggestions/ action recommendations for increasing refugees' and host communities' awareness on various forms of GBV, including early marriage, in order to improve their ability to identify, report or refer GBV incidents;
- Develop policy option that could support refugee women's access to safe housing;
- Develop outreach interventions to reach young refugee girls who are not in school to help them re-integrate the formal education system, to enter Turkish language courses and/or vocational training;
- Further develop awareness-raising campaigns in Turkish and Arabic on platforms used by women on different manifestations of GBV and support services available to refugee women.
- Engage in advocacy to help address various forms of GBV faced by refugee women at the workplace, such as sexual harassment.

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<sup>21</sup> Access to Livelihood Opportunities for Refugee Survivors of Gender-Based Violence in South-East Turkey, September 2020, DRC internal research report.



- **Questions for the Working Group to Consider:**

Given the context, and overall situation of refugee women subjected to GBV, what would the group like to focus on in the policy paper and what would they like to develop?

Below are some questions that might be considered:

- What additional policies might be needed to better prevent GBV and protect refugee women? ?
- What other mechanisms can we think of in order to protect refugee women from GBV?
- What could be done to overcome gender-stereotypes to reduce prevalence of GBV among refugee women?
- What are the ways to increase access of refugee women to specialized support services?
- What are the ways to address the underreporting of GBV by refugee women?