



Bio: Yakin Ertürk was the former United Nations (UN) Special Rapporteur on violence against women and retired professor of sociology who has held a number of international positions and human rights mandates.

Ertürk holds a PhD in Development Sociology from Cornell University. Aside from her academic career she served as the director of two UN entities: the Division for the Advancement of Women (DAW), Department of Economic and Social Affairs, 1999-2001; and International Research and Training Institute for the Advancement of Women (INSTRAW), 1997-1999.

Ertürk supervised a multi-country research on feminist advocacy for family law reform (part of an IDRC-funded project carried out by Women's Learning Partnership) and compiled the case studies -along with M. Afkhami & A. Mayer- in a book: *Feminist Advocacy, Family Law and Violence against Women: International Perspectives*, which was published in 2019, by Routledge. Her book, *Violence without Borders: Paradigm, Policy and Praxis Concerning Violence against Women*, published in 2016, was translated from the original 2015 Turkish version.

An Interview with Yakin Ertürk

Conducted by IWL Leadership Scholars Falak Shahid and William Baumle, Class of 2019

Edited by Tara Gildea

William Baumle: How did human rights become your calling? Did you always intend to work in academia, or did you consider other paths?

Yakin Ertürk: Well, academia was always the path that was made available to me. I come from a family of academics and teachers, who were raised in the idealism of the newly established Turkish Republic. They valued education for the future of their society as well as for their children, particularly girls. In a newly emerging nation, for middle class families girls, education is a primary source of transmitting social status. As a women if you are educated, your options broaden beyond the conventional housewife / mother model. This was probably true for all societies during that period. So, when I was growing up, there was no question as to whether I

would go to school and continue on to higher education. My father was an academician and my mother a high school teacher; within such an environment academia was an attractive option me.

When I started graduate school at Cornell University in 1971, I majored in development sociology. While my choices in life were guided by a strong sense of social justice, I had not formulated this within a human rights context. With the ending of the cold war and changing global dynamics, the human rights paradigm emerged as a major academic field and a powerful motivating force for transnational social movements, particularly in the 1990s. I came to the US to do a Masters in urban sociology, which was a popular field those days. I was accepted to SUNY, department of sociology, but, when I was exposed to the rural development program at Cornell, I realized that my interest was not urban sociology as such, but a broader understanding of development. So, I went to Cornell instead.

When I finished my PhD, there were not many work options in the area of development outside of academia. I did submit a CV to UN Food Agriculture Organization but never got any feedback. Circumstances took me to Saudi Arabia and after teaching for three years at Riyadh University (now King Saud University), Center for Girls for three years, I returned to Turkey in 1983 and joined the academia. In 1994, at Middle East Technical University, we established the Gender and Women's Studies graduate program, where I offered a course on Women in Development. 15 year after my doctorate I was able to focus on development in the context of my work. I also started working as a consultant on international development projects for FAO, IFAD and other entities, in Egypt, India and Turkey. Having 'one foot in academia and one foot in the field' broadened my academic perspective and deepened my understanding of issues concerning inequality, gender, development, international relations etc. During this period, my feminist and human rights activism pretty much concentrated on rights and empowerment of rural women.

In 1997, I took a sabbatical from the university and joined the UN; first as director of UN INSTRAW, in the Dominican Republic, then in 1999 I moved to UN headquarters as Director of DAW. These were both learning experiences for me as I was exposed to a world quite different from what I was accustomed to. DAW was the secretariat for the Beijing + 5 process, as its director I found myself having to cope with a complex and difficult process of global significance. While the UN bureaucracy did not necessarily agree with me, the Organization's incredible mandate provided me with an invaluable experience, significantly altering my professional priorities and overall outlook to life.

In 2001, I was happy to go back home, to the academia and put UN behind me. However, this didn't happen. In 2003 civil society actors approached me to apply for the post of rapporteur on violence against women (SRVAW), which I did half-heartedly. I was chosen for the mandate and in retrospect, I must say that this was a turning point in my life. My passion for justice and

equality found expression in the human rights paradigm, which came to occupy my entire existence and determined my future directions. In the years that followed, I held other international human rights mandates, such as: member of the Council of Europe Committee on the Prevention of Torture (2009-2013); member of the UN Human Rights Council, Commission of Inquiry on Syria (Sept 2011-March 2012); member of an independent Commission of Inquiry on Events in Kyrgyzstan (Oct 2010-April 2011). These exposed me to diverse aspects of human rights work, revealing how initiatives for human rights become embroiled in politics and power dynamics. It also enabled me to see more clearly why and how women's rights issues as opposed to the more mainstream human rights concerns, such as prevention of torture, pose a greater challenge. So, this has been sort of my human rights journey, and, once you take a step into it you become absorbed, it becomes you.

Falak Shahid: How was your work as the UN Special Rapporteur on Victims of Sexual Violence more—as you said—conscious and systematic?

YE: The exact title of the mandate is Special Rapporteur on violence against women, its causes and consequences. Unlike many other human rights mandates, which are victim oriented, the VAW mandate moves beyond harm done and the protection of the victim, it focuses on the underlying causes as well as the consequences for the individual and society at large. Violence against women is a structural problem, rooted in historically unequal patriarchal power relations between women and men. Therefore, combating VAW requires not only protecting the victim and punishing the perpetrator but also taking measures to prevent violence from occurring in the first place. Its structural nature and embeddedness in power relations is what makes the women's human rights agenda so challenging and difficult.

Mainstream human rights work tended to be shaped by a law and order framework and the main focus was on the protection of the individual from harm inflicted by public actors in public space, which naturally demarcated public / private spheres of life, excluding the latter from the sphere of law and review. With the engagement of the global women's movement with the human rights system, the public/private divide, state/non-state dichotomy and the purely legal discourse that gave meaning to human rights standards, such as *due diligence*, etc., became critically reassessed. These issues had been on the agenda of feminist scholarship and activism for years, which paved the way for the recognition of VAW as a human rights issue at the Vienna Conference in 1993 and the adoption of SRVAW mandate in 1994. When I took on the mandate, as a sociologist, I was rather overwhelmed by the legalistic language in mainstream human rights documents as well as gender oriented ones, such as CEDAW, Declaration for the Elimination of VAW etc. One of the common themes in these documents was the call on states

to exercise due diligence. Instead of taking the concept as a given, I asked what it actually means for a state to act with diligence and dedicated my 2006 annual report to the subject.

My questioning of such an obvious concept was first taken with a degree of suspicion. However, interrogating the due diligence standard soon revealed how taken for granted and narrow was its application. The due diligence standard entails four obligations: prevent, protect, prosecute and provide compensation. I found that states were taking some measures in the area of protection and prosecution, but less so in prevention and compensation, which are both critical for women's rights. States often interpreted prevention merely as legal reform. Whereas, VAW requires supporting women's empowerment and taking measures to change the social, cultural, economic factors that underlie and sustain women's subordination. Such a renewed interpretation of the obligation to 'prevent' addresses the broader dimensions of gender equality and links the VAW mandate with the Beijing framework. My probing into the due diligence standard, with rather an amateur spirit, gave way to a rich debate and today there is a due diligence movement, which has gone far beyond my initial intervention.

NGOs have also found the approach useful in their work; not only in designing their programs but also in terms of holding government's accountable. The work of the SRVAW (four incumbents held the mandate since 1996), in collaboration with women's organizations and scholars, has contributed to broadening the understanding of the problem beyond law and order and beyond harm done. The struggle to end VAW has become more interconnected to the wider goals of advancement of women and women's human rights. Although violence continues to be universal and wide spread, the mandate has succeeded in putting it on the agenda of all member states. The very success in the area of women's rights has brought with it new challenges and obstacles, which means that the need for the SRVAW continues.

My engagement with the due diligence report, also highlighted two major areas that stand as universal obstacles to women's advancement: 'cultural essentialism' and 'neoliberal economic restructuring'. In my subsequent reports, I addressed these two issues: in 2007 'the intersection of culture and violence against women' and in 2009 'political economy of women's rights'.

In all of my country visits (I visited total of 17 countries), authorities generally blamed culture for VAW and women's status in general. The conversation would always start by referring to "our culture!" I found this to be curious since cultures were supposed to differ according to society, so how could violence be the culture of societies as diverse as El Salvador, Iran, Sweden, DRC, among others? I challenged the culture based justifications of VAW by differentiating patriarchal culture -which indeed has universal dimensions- from the diversity of values a given culture comprises.

In the ‘political economy of women’s rights’ report, I aimed at demonstrating the interconnectedness of different domains and local/global forces that generate violence and argued that power operates not only through crude physical force but also through the distribution of resources, benefits, privileges and authority within the home, society and global arena at large. In most human rights work civil political rights are prized over social, economic, and cultural rights, the latter perceived as aspirational rather than essential. The hierarchal treatment of rights is reflected in the way the Twin Covenants have been interpreted and applied. This is particularly problematic when it comes to women’s rights. Without economic independence, women can’t make use of the civil, political rights and escape abusive environments. So, this report focused on the material basis of gender inequality and argued that the struggle to eliminate VAW is linked to broader struggles for economic and social equality. I think there has been much progress, in the past twenty years, in the recognition of the interconnections between economic and political rights, this is also reflected in the SDGs.

WB: Given all the titles you’ve held, do you identify with a specific role or a combination of roles?

YE: Jack of all trades! Of course, human rights are interconnected. It’s difficult to work within an isolated and narrow sphere, particularly after holding different mandates that made the interconnections so clearly. Although women’s rights have always been my starting point, I try to follow a holistic view, trying to link and connect the different areas and levels of reality. Whether I am doing sociology or human rights work, my motto has been to link the three Ps: paradigm, praxis, and policy. These three areas are born from one another and they shape one another.

Although scholarship, policy making and operational / action oriented work often involves different professional actors and norms, the three spheres are not independent of one another and unless we can make the connections our observations will remain fragmented and incomplete. This is particularly true in understanding the women’s rights movement. My work on VAW has revealed these interconnections and reinforced my conviction that we need to have a holistic approach. The international policy / normative developments in the area of women’s rights is strongly rooted in feminist scholarship and activism, in a way it reflects the history of the global women’s movement, which in turn has been effected by the developments in policy and law.

In a nutshell, I would say that I’m a human rights expert, with a particular focus on women’s rights, perceived through a gender and political economy lens, linking theory, policy and praxis.

WB: What do you do on a day-to-day basis? How is policy made within your field or organization?

YE: Well, I don't have an organizational / institutional affiliations any longer, I am pretty much freelance, with ad hoc organizational engagements. Before joining CWGL as visiting global associate, I was supervising a multi-country research project, which is part of a family law reform campaign the Women's Learning Partnership (WLP) plans to launch. WLP is made up of twenty national women's rights organizations and the secretariat is based in Bethesda, Maryland. It's a peer-to-peer organization and each of the national partners carry out different activities related to human rights, development, and peace. The research component of the WLP project is completed and the country-based findings are compiled in a book, published in 2019 by Routledge.

The multi-country research focused on feminist advocacy in changing discriminatory laws in the countries examined; as such, it focuses on legislation but is not a legal analysis, it is multi-disciplinary. The case studies represent diverse geographies, histories, religious, cultural and legal traditions. Making sense of such a complexity was a challenge for me, both while supervising the research and in drafting a comparative analysis of the cases.

The diversity of laws, their interpretation, and reform initiatives observed in the case studies provides a ground for revisiting some of the heated debates concerning women and law, such as, secular versus religious; unified versus plural legal systems; top down versus bottom up approaches to legal reform, and modern versus traditional. They also show that feminist struggle for changing discriminatory laws have had their moments of victory as well as backlash; it's an ongoing struggle. While each country has its own context specific challenges and opportunities for family law reform, it is clear that in all societies law is a contested site within the complex web of patriarchy, state and community relations. When religion is added to the patriarchal foundations of laws, the struggle becomes all the more difficult.

For instance, the issue of inheritance customs that favors only male children has a long history globally, but in many parts of the world this changed with the adoption of gender equal provisions over time. However, where inheritance is part of religious jurisprudence, as in Shari'a Family Law, efforts to modify the law becomes highly controversial and resisted by conservative and religious groups. In Tunisia, where equal inheritance has been on the agenda of women for

many years, the cabinet finally approved a bill on November 25, 2018, granting equal inheritance shares to male and female children. Although, the previous bill remains in force for those who choose to abide by it, the new bill became contested in and out of the country. Inheritance, unlike other rights, is at the heart of patriarchy.

In Turkey, a Muslim majority country, women were granted equal inheritance with the adoption of the secular civil code in 1926. It took years for the law to become functional for all women; today, by and large, women of all classes enjoy this right. For two decades a religiously based government is in office and there are signs of reversal of some of the gender equality provisions in the laws. These are worrying trends, how far will it go, can the secular foundation of the country be fully reversed? These are to be seen. However, it is also a fact that, women may not be so willing to let go of their gains that easily. Even women in the ranks and file of the ruling party and those who align with it because they feel that they have been discriminated against under the secular Turkish system due to their adherence to the head scarf, may join their uncovered sisters in the fight against patriarchy, if there is a serious move towards areas such as polygamy and Islamic property regime. Because, I think almost 100 years of secularism (with all its shortcomings), has empowered women of all walks of life and rights such as inheritance, marriage and divorce and child custody have come to be highly cherished.

Of course, we need to be mindful of the international context; right wing populist politics is eroding human rights commitment of states, particularly concerning women's rights. The national security agenda has been on the rise since 9/11 and many governments are all too inclined to violate or suppress human rights in their fight against terrorism. In this country, there have been several security failures since I came here - the Texas shooting, New York, and Las Vegas. These incidents function to justify the adoption of harsh measures in the name of public safety.

FS: There was also California yesterday.

YE: Right! So, these are serious concerns. I don't rule out the importance of security. We want to be secure. But how do you deal with security measures while maintaining civil liberties and human rights standards? I first came to the United States in the fifties as a child; it was a very different country at that time. Americans lived an insulated life from the rest of the world and cherished their liberal environment. For instance, it was quite out of the ordinary for an individual to be stopped for identity check on the street. But things started to change after Vietnam War and particularly after the Iranian hostage crisis; as someone coming to the US

intermittently I was able to recognize the shift in the liberal practices governing everyday life. Most Americans may not have felt the change as liberties are curtailed step by step and are often accompanied by justifying circumstances. I'm sure you're too young to relate what I am trying to describe. Today, traveling through airports is a nightmare but it has become normalized for younger generations, perhaps you cannot even imagine a world where you don't have to take your shoes off when going through security check. The UN, for example, has become sealed off from public after 9/11. The landscape has certainly changed drastically in the past decades as everyday life is shaped by security concerns, whether these are genuine or politically fabricated????

While we conform to these inconveniences we rarely ask why there is so much violence and security risk in the world and question if the growing inequality among and within nations is at all linked to the normalizing of violence worldwide. While we cannot defend terrorism and extremism in any way, we also cannot defend poverty and injustice in a world of plenty. So, I think we need to do a lot of sober thinking and soul searching if we believe in a just world.

FS: I am a Pakistani-American Muslim woman, who intends to practice human rights law in the future. Do you have any advice for me on the effects of my identity in the work that I will do?

YE: Well, I don't dare give advice to anyone. Because, I think, you can only learn through your own experience. But, of course, experience of others can offer lessons learned, so it's always good to share experiences. I am Muslim as well and one's religious background can be an asset or a hindrance in human rights work depending on how you carry that identity. In my case, I have never presented myself in my religious or national identity; I am a feminist and a human rights expert. However, I found that my Muslim background empowered me in my rapporteur work, particularly in my visits and dialogue in Muslim contexts. I was able to confront those who used Islam to justify discriminatory gender practices. I would not have been able to do that had I not been a Muslim, because then I would be accused of being racist. Islamists use Islamophobia, which is a reality in today's world, as guard to protect their terrain and claim the right to speak on behalf of Islam. I was not ready to submit to such intimidation. Being Muslim helped me to bypass the rhetoric and get to the root of the matter. As a result, I engaged in some very interesting conversations with hard liners.

The point I am trying to make is that when doing human rights work, your reference point is human rights standards inherent in international treaties and documents, not your religious or

national background. When I was on the Syria inquiry commission a journalist asked me if my being Turkish posed a problem given the relations between the Turkish Government and Syria. My response was that I am on the commission because of my record as a human rights expert not because of my nationality. That said, as individuals we do have many attributes and project symbols in the way we dress or speak, etc., which will be perceived and interpreted independent of our intentions. These attributes can serve our purpose in whatever work we are doing if we are conscious of them, of who we are, what we are, and how we are perceived. It is possible to strategize and work around stereotypes and prejudices if we are critically aware of them, rather than to become entrapped in them.

So, as a Muslim woman who wishes to practice human rights, you need to navigate the effects of what you symbolize and represent and deal with them in a constructive way. You learn to manipulate—I don't use the word manipulate in a negative sense—you learn to manipulate the symbolism you carry with yourself in a way so that it empowers rather than disempowers you. This may not always be easy, but that is the challenge.