

Turkey's Temporary Protection Regulation and the Syrian Refugee Crisis: A Feminist Policy Analysis

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Abstract

As Syria's deadly civil war rages on, more and more Syrians are fleeing to Turkey as refugees, testing the policies Turkey has put into place to manage irregular migrant flows. The authors of this paper sought to analyze the most prominent of those policies, the Temporary Protection Regulation (TPR), specifically to understand the impact it has had on female refugees flowing into the country. Unfortunately, because Turkey did not adequately consider the needs particular to refugee women in crafting the TPR, Syrian women in the country are unduly vulnerable to gender based violence, lapses in appropriate healthcare, and sexual abuse. By recycling old domestic legislation and not effectively delimiting refugee policies, Turkey has many gaping holes in the protections they afford refugees. Building on past feminist policy analyses, this dissection of the TPR highlights the danger of ignoring gender in policy construction and shows the very real world consequences of "gender-neutral" policy.

This paper seeks to analyze the Temporary Protection Regulation (TPR) instituted in Turkey on the basis of Article 91 of the Law on Foreigners and International Protection, a defining piece of the most comprehensive Turkish policy on immigration and asylum today. This legislation is likely transnational given its efforts to regulate migrant protection. Given the severity of the conflict in Syria, these protections are of the utmost importance. During waves of irregular migration, women are especially vulnerable to sexual assault, trafficking, sexual violence, physical abuse, lapses in appropriate healthcare, and restricted access to family planning. Although all policy is women's policy given the central role gender plays in identity, refugee policy is especially prone to differential outcomes by gender because of these particular vulnerabilities that confront female refugees.¹ The authors examined the Temporary Protection Regulation, Law No. 6458, which entered into force of law as an addition to the LFIP (04/2013) in October 2014 using a transnational feminist policy framework, in order to understand the effects the TPR has had on women in Turkey.²

The refugee crisis in Syria began following the onset of civil war in the country in 2012 when anti-government protests demanding President Bashar al-Assad's resignation escalated. Since the war's start, more than eleven million Syrians have been displaced, both internally and externally.³ There have been numerous accusations of using civilian suffering such as blocking access to necessities like food, water, and health care as a method of war. In addition, a UN commission of inquiry has evidence that all

¹ Beverly McPhail, "A Feminist Policy Analysis Framework," *The Social Policy Journal* 2, no. 2/3 (2003): 47.

² Republic of Turkey Ministry of Interior, Law No.: 6458 Temporary Protection Regulation, 4 April 2013. http://www.goc.gov.tr/files/_dokuman28.pdf.

³ Lucy Rodgers et al., "Syria: The story of the conflict," in *BBC* March 11, 2016.

parties in the conflict have committed war crimes.⁴ Continued attacks and bombings in the country have forced millions to flee the country and seek asylum around the world. The overwhelming majority of refugees have been registered in Turkey, Lebanon, Jordan, and Iraq. As of September 26, 2016, the United Nations High Commissioner for Refugees (UNHCR) reports 4,806,762 registered Syrian refugees, 2,733,655 of whom are registered in Turkey. This number continues to climb as the conflict in Syria continues to escalate. 46.8 percent of the refugees registered in Turkey are women.⁵

Turkey's 2014 TPR was implemented to overhaul and streamline Turkey's refugee and migrant policy, partially in an effort referred to as "EU-ization." Previously, the primary refugee policy in Turkey was the 1994 Regulation on Asylum,⁶ though the Turkish system for immigration and asylum has long been disjointed. The 1994 policy included a geographic limitation, such that most non-European asylum seekers could not stay in Turkey despite gaining recognized refugee status through UNHCR procedures.⁷ Although the 2014 TPR maintained the geographic limitation that so many consider problematic, it overhauled Turkish asylum policy in many ways. It created the office of the General Directorate for Migration Management (GDMM), a new governing body in Turkey to coordinate implementation of the law; it broadened the categories of those who qualify for public services during asylum-seeking periods, and it strengthened human rights protections for refugees in Turkey.⁸ With the LFIP and TPR, Turkey has finally attempted to compile a comprehensive policy to handle the massive refugee crisis in the region.

However, despite the many positive changes brought about by the TPR, female refugees in particular continue to face massive challenges throughout the migration process. Female refugees face considerably higher rates of physical and sexual abuse, particularly in refugee/migrant settings;⁹ demands for healthcare for women, particularly the estimated thirty-thousand female Syrian refugees who are pregnant, are urgent;¹⁰ and antiquated geographic limitations often force women to work under

⁴ UNHCR, Government of Turkey, "Syria Regional Refugee Response," *Inter-agency Information Sharing Portal*, last modified November 7, 2016, <http://data.unhcr.org/syrianrefugees/regional.php>.

⁵ "Syria Crisis Situation Report- August 2016," UNICEF, last modified September 7, 2016, file:///C:/Users/Shelby/Downloads/UNICEFSyriaCrisisSituationReport-August2016.pdf.

⁶ Republic of Turkey, Regulation No. 1994/6169, Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum from Another Country (last amended 2006), January 19, 1994. <http://www.refworld.org/docid/49746cc62.html>.

⁷ Ahmet İçduygu, "Syrian Refugees in Turkey: the Long Road Ahead," *Migration Policy Institute*, April 2015. <http://www.migrationpolicy.org/research/syrian-refugees-turkey-long-road-ahead>.

⁸ Rebecca Kilberg, "Turkey's Evolving Migration Identity," *Migration Policy Institute*, July 24, 2014. <http://www.migrationpolicy.org/article/turkeys-evolving-migration-identity>.

⁹ UNHCR, "Sexual and Gender-Based Violence Against Refugees, Returnees, and Internally Displaced Persons," May 2003. <http://www.unhcr.org/protection/women/3f696bcc4/sexual-gender-based-violence-against-refugees-returnees-internally-displaced.html>.

¹⁰ Athina Gkouti, "Women at Risk: Syrian Refugees and Healthcare in Turkey," *Centre for Policy and Research on Turkey*. November 16, 2015, <http://researchturkey.org/women-at-risk-syrian-refugees-and-healthcare-in-turkey/>.

exploitative conditions.¹¹ Therefore, although the TPR has many merits, it has contributed to the gendered disparity of outcomes among refugees and should be improved moving forward in order to protect the lives of all refugees, particularly women and girls, in Syria.

History and Politics of the Law

Social and cultural factors

Turkey has long been considered a “transit country,” a place of emigration more than immigration. Groundbreaking labor migration agreements in the 1960’s with Germany and other western European countries set a precedent especially for this phenomenon, and led to historic outflows of Turks. The Turkish Ministry of Foreign Affairs estimates that today, more than five million Turks live abroad.¹² However, in more recent times Turkey has dealt with huge influxes of people, namely refugees and asylum-seekers from northern Africa and the Middle East, though never with such immense numbers as the current Syrian Refugee crisis. Furthermore, the past twenty years have seen tremendous changes economically in Turkey, principally a massive economic revival despite a global downturn at the same time. Because of this, from 2007 to 2011 as many as two-hundred thousand Germans of Turkish heritage returned to Turkey to enjoy the booming economy, along with thousands of other immigrants from around Europe, the Middle East, and Northern Africa. Most of these returnees are not actually returning at all. Many were born, raised, and educated abroad, but Turkish policies allow those who have retained their citizenship abroad to bypass visa and work permit applications as a testament to the Turkish commitment to maintaining an ethnically homogeneous population. Turkish officials hold that limiting full immigration to those who have cultural and familial ties to Turkey will promote national unity. However, traditional immigration flows to Turkey have diversified recently, stemming from countries like Romania, Macedonia, Greece, and Bulgaria.¹³ This shift in the paradigm of Turkey from principally emigration to more immigration now has had profound effects on the social structure and government policy in the country, affecting the treatment of refugees in the country today.

This influx in diverse immigration, even before the Syrian refugee crisis, has raised integration concerns within Turkey. Beginning in the 1920s immigration of foreign nationals of Turkish descent or culture was encouraged and prioritized over other forms of immigration in order to facilitate easy and more complete assimilation, since many already spoke Turkish and practiced the same religion.¹⁴ The diversification of immigrant flows into Turkey in the first decade of the twenty-first century has created a more heterogeneous population, causing concern among leaders in Turkey of internal conflict and upheaval.¹⁵

¹¹ Uzay Bulut, “Turkey: The Business of Refugee Smuggling, Sex Trafficking,” *Gatestone Institute*, April 3, 2016, <https://www.gatestoneinstitute.org/7756/turkey-refugees-sex-trafficking>.

¹² Kilberg, “Turkey’s Evolving Migration Policy.”

¹³ *Ibid.*, 3.

¹⁴ *Ibid.*

¹⁵ Ahmet İçduygu, “EU-ization Matters: Changes in Immigration and Asylum Practices in Turkey,” in *The Europeanization of National Policies and Politics of Immigration* 2007, ed. Thomas Faist (Palgrave Macmillan UK, 2007) 201.

Immigration and irregular migration laws and policies in place today

The overarching refugee and irregular migrant policy in Turkey today is the Law on Foreigners and International Protection (LFIP) including the TPR, the subject of this policy analysis. Originally passed in 2013, LFIP entered into force of law in April 2014 with a subsequent addition of the TPR October 24, 2014. The policy allows a legal underpinning for the de facto practices of Turkey since the start of the refugee crisis in 2011 and 2012. The TPR then is technically considered secondary legislation, though it is the defining piece of the LFIP.

In order to combat the threat of civil unrest caused by increasing heterogeneity, Turkish officials have instituted a number of policies in recent years to encourage integration of new Turkish citizens and to discourage full citizenship for certain populations. These changes in immigration flows and immigration policy in the past twenty years in Turkey have been referred to as “one of the most significant features of [the country’s] recent history.”¹⁶ Many of these policies now shape the landscape for Syrian refugees in Turkey. One of the most controversial immigration policies in the country is the geographical limitation for refugees and irregular migrants. In an effort to maintain a relatively homogeneous Turkish citizenry, the geographic limitation only grants refugee status to individuals from Europe; all others receive only temporary protection status. This policy, first established in the 1934 Law on Settlement, bars many Syrian migrants from the protections of full citizenship, restricting them from staying in Turkey legally and indefinitely even as UNHCR registered refugees.¹⁷ This leaves the long-term future of irregular migrants in Turkey up in the air. Although the temporary protection status does grant refugees the right to access health, education, other social services, and the labor market, it does not give them any access to full Turkish citizenship. No clear limit was placed on the duration of this temporary protection status, though, and in practice it has been very challenging to maintain this limitation as refugees pour in and continue to stay in the country.¹⁸

On the other hand, Turkish officials have passed legislation to integrate and assimilate diverse immigrants and “guests” in the country. The TPR mentions the development of courses to increase knowledge of Turkey’s political system, language, history, culture, and economic system, as well as the obligations and rights of people residing in Turkey.¹⁹ Furthermore, the country has passed new labor laws to allow highly educated foreigners greater access to labor markets, although there has been difficulty equating and certifying foreign degrees in a timely manner.²⁰ Many persist that these efforts are not sufficient for providing for foreigners in Turkey or for uniting the Turkish citizenry.

To further complicate Turkish attitudes and policies on immigration and refugees, the European Union (EU) has been pressuring the country to accept more refugees and change many of their policies. Following the 1999 Helsinki European Council, Turkey is a candidate for accession to the EU.²¹ Accession negotiations have led

¹⁶ Ibid.

¹⁷ Kilberg, “Turkey’s Evolving Migration Identity.”

¹⁸ İçduygu, “Syrian Refugees in Turkey,” 5.

¹⁹ Republic of Turkey Ministry of Interior, Law No.: 6458: 97.

²⁰ Anadolu Agency, “Turkish Parliament Passes New Labor Law on Foreigners,” *Hürriyet Daily News*, July 29, 2016. <http://www.hurriyetdailynews.com/turkish-parliament-passes-new-labor-law-on-foreigners-.aspx?PageID=238&NID=102241&NewsCatID=341>.

²¹ “EU-Turkey Relations,” *European Commission-Enlargement*, accessed September 30, 2016. http://ec.europa.eu/enlargement/candidate/countries/turkey/eu_turkey_relations_en.htm.

to great change in Turkey, particularly with regards to immigration and refugees. Europe has long admonished Turkey's restrictive immigration and migration standards, particularly their use of a geographical limitation. Although Turkey has not bowed to the will of the EU on all issues, their intentions of joining the EU have certainly shaped immigration and refugee policy in the past twenty years.

In March 2016, the EU and Turkey entered into a controversial deal to address the huge numbers of Syrian refugees entering Greece. Under the deal, which has been called a "one in one out" policy, all new "irregular migrants" arriving in Greece after March 20, 2016, will be sent immediately to Turkey. For each irregular migrant sent to Turkey, EU member states will accept and resettle a refugee residing in Turkey. Many question the legality of such a deal under the 1951 refugee convention, as it subjects all refugees to a blanket policy and may increase their chances of being subjected to human rights infractions.²²

Historical immigration and refugee policies in turkey

Until the 2014 LFIC, Turkish policy on asylum could be viewed as an ad hoc policy construction, largely based on laws and policies passed as conflict mounted or influxes peaked. From 1934 to 2006, the closest thing Turkey had to comprehensive mass migration policy was the Law on Settlement. The Law on Settlement can be considered the first enumeration of Turkey's geographic limitation, restricting asylum and immigration to those of "Turkish descent and culture," setting a precedent for all subsequent refugee policy in the country.²³ The next iteration of asylum and mass migration policy was not adopted in Turkey until the 1950s when Turkey became party to the UN Convention Relating to the Status of Refugees, also known as the 1951 Geneva Convention. Nonetheless, the geographical limitation was kept in place.

The first major challenge to the geographical limitation came in the early 1990s, in the face of mass migration from northern Iraq. It was then that Turkey introduced the Regulation on Asylum, creating a regulation system wherein all asylum seekers had to apply not only to the UNHCR as is standard, but also to the Turkish authorities. If the Turkish government deemed the refugee's claims to be genuine, they were granted temporary protection until the UNHCR could manage their case properly. Yet, the geographic limitation stayed in place as the policy was two-tiered: the first tier being European asylum-seekers who did not need to register twice, and the second, non-European asylum-seekers to whom the double-filing rule applied.

Following the 1999 turning point in the Turkish attempt for accession to the European Union described above, new laws and policies were introduced. Before accession negotiations began in 2005, Turkish officials prepared a National Action Plan for Adoption of Acquis on Asylum and Migration (NAPAA), to guide the modernization of Turkish migration policy. It was under this guidance that LFIP was born in April 2013. LFIP represents the first comprehensive and updated act about migration-related issues in Turkey, including policy governing visa policy, residence permits, asylum status, deportation, detention, and integration. In accordance with this policy, most notably its Temporary Protection Regulation added in October 2014, Syrian refugees were granted temporary protection status, granting all registered Syrian nationals and stateless persons

²² Elizabeth Collett, "The Paradox of the EU-Turkey Refugee Deal," *Migration Policy Institute*, March 2016. <http://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>.

²³ N. Asli Sirin Oner and Deniz Genc, "Continuity or Change in Turkey's Mass Migration Policy: from 1989 emigres to Syrian 'guests'," in *Turkish Migration Conference 2015 Selected Proceedings* (Transnational Press London 2015).

from Syria access to health, education, the labor market, and social assistance programs.²⁴

The Feminist Policy Analysis Framework and Transnational Feminism

The authors selected feminist social work academic Beverly McPhail's 2003 *Feminist Policy Analysis* to analyze Turkey's Temporary Protection Regulation in an attempt to understand the ways the TPR affects female asylum seekers in the country today. The framework offers a series of questions for policy analysts to systematically examine a given policy from a transnational feminist standpoint.

Transnational feminism undergirds the chosen policy analysis framework as a way of evaluating the needs of women with regards to policy and the effects these policies can have on women. Transnational feminism is focused on the intersection of global and local inequalities, while considering the intersection of inequality, culture, power, and knowledge.²⁵ However, transnational feminism moves away from the idea of a global feminism. It is not meant to speak for everyone and is cautious to avoid a "rescue agenda."²⁶ Traditional policy frameworks, in remaining gender neutral or overlooking the specific effects of policy on women, do not fully analyze the intricacies of policy and the role they play in society. From the standpoint of transnational feminists, oppressive conditions for women result in the diminished status of women. Around the world, women face poverty, limited access to education or economic opportunity, and restrictive gender roles. Transnational feminists seek equality for women by addressing these structural inequities; encouraging the development of resources that allow women to extricate themselves from oppression and poverty. The focus of transnational feminism is on the social structural factors that give rise to the oppressive conditions women face. While global feminism, which is closely aligned with post-colonial theory, is most concerned with advancing women's rights unilaterally around the world, transnational feminism recognizes the multiple realities of women around the world.²⁷

Syrian refugee women in Turkey face innumerable oppressive social structures under Turkey's TPR which create an inequitable and dangerous environment for them in refugee camps and urban resettlements. Female refugees face an increased risk of sexual and physical assault, trouble accessing the labor market and other vital economic opportunities, and difficulty accessing sufficient healthcare.²⁸ The assumed gender neutrality of refugee issues under TPR has created a dangerous environment for female refugees in Turkey. While many have evaluated refugee policy in Turkey as well as around the Middle East and Europe in response to the Syrian refugee crisis, little attention has been paid to the transnational feminist perspective on these policies or to the affect these policies have on women in particular. By failing to consider gender in policy

²⁴ Ibid.,8.

²⁵ Vrinda Narain, "Rethinking Transnational Feminism," *Canadian Journal of Women and the Law* 27 (2015):355.

²⁶ Leela Fernandes, *Transnational Feminism in the United States: Knowledge, Ethics, and Power* (New York: New York University Press, 2013).

²⁷ Tamara Hunt and Michelline Lessard, *Women and the Colonial Gaze* (Palgrave Macmillan UK, 2002).

²⁸ Goleen Samari, "The Response to Syrian Refugee Women's Health Needs in Lebanon, Turkey and Jordan and Recommendations for Improved Practice," *Humanity in Action*, 2015. <http://www.humanityinaction.org/knowledgebase/583-the-response-to-syrian-refugee-women-s-health-needs-in-lebanon-turkey-and-jordan-and-recommendations-for-improved-practice>.

analysis, policy analysts have overlooked a critical piece of evidence in the systematic evaluation of Turkey's refugee policy.

The specific goals of feminist policy analysis vary from analyst to analyst, but most often center on making women visible in policy. As the framework author Beverly McPhail puts it, "making women visible has many facets, including how men and women are treated differently or the same; the underlying assumptions and stereotypes of women embedded in policy; and how women's lives and roles are regulated and constrained by policy."²⁹ The authors, in analyzing Turkey's TPR, were guided in particular by three overarching themes of McPhail's feminist policy analysis framework: (1) Equality: Does the policy achieve gender equality? Is there equality of results or disparate impacts? Does the policy treat people differently in order to treat them equally well? Does the policy consider gender differences in order to create more equality? (2) Gender Neutrality: Does presumed gender neutrality hide the reality of the gendered nature of the problem or solution? and (3) Equality/Rights and Care/Responsibility: Is there a balance of rights and responsibilities for women and men in this policy? Are women penalized either for their roles as wives, mothers, or caregivers or their refusal to adopt these roles?³⁰ The authors prioritized these themes because they examine the gendered nature of refugee issues despite the common perception that refugee policy is gender neutral. In evaluating these themes, the authors hoped to examine the effects of purported gender neutrality in transnational refugee policies.

Application of the Three Policy Analytic Themes

Gender neutrality

Nowhere in the Temporary Protection Regulation are policies and protections specifically targeted at women ever enumerated except in the case of medical care for pregnant women. While at first it may seem that the equal treatment of men and women throughout the policy is a merit of the legislation, in fact this erasure of gender differences endangers refugee women by failing to protect them from the specific challenges they face during irregular migratory periods. Dr. Margaret Conway, Dr. David Ahern, and Dr. Gertrude Steuernagel, academics focused on the topic of women and public policy, assert that gender neutrality can harm women in two ways: eliminating policies that specifically advantage women such as alimony following a divorce, and diverting attention away from women who cannot or will not adopt the lifestyle ascribed to the middle-class, white, heterosexual man.³¹ In the case of refugee women, it is critical that successful refugee policy ensures their security and access to services in the face of dangers that disproportionately affect women. Unfortunately, by not addressing the disproportionate effects of these dangers or the role of gender in the lives of refugees, the TPR fails to provide gender equality to refugees, leaving women vulnerable to sexual and gender based violence and lapses in healthcare.

The erasure of gender can be seen in even the foundations of the TPR with the repeated use of "foreigner" to refer to all refugees as a means to glaze over the specific challenges female refugees face that are different from men. The only references to women are all paired with their masculine counterpart: "single mother or father," "his/her," and "he/she." By discussing issues that disproportionately affect women without using gendered language and by never stating that there are, in fact, refugee issues which plague women excessively, the TPR ignores the gendered nature of the issues. Within the TPR, gender-neutral language and gender-neutral approaches to all

²⁹ McPhail, "Feminist Policy Analysis Framework," 44.

³⁰ Ibid.

³¹ M. Conway, D.W. Ahern, and G.A. Steuernagel, *Women in Public Policy: A Revolution in Progress* (Washington D.C.: CQ Press, 1995).

refugee issues serve to solidify the erasure of women's issues within the policy, a problem that permeates the whole policy and is apparent in the outcomes today of the policy in Turkey.

Equality

Women are erased from the policy even more concretely in that there are no enumerated policies to assist women in particular besides expedited medical service for pregnant women. Though it has been shown statistically and qualitatively that refugee women face pervasive sexual and gender based violence (SGBV), Turkey's TPR does little of substance to establish any system for prevention, punishment, or support for victims of SGBV.³² The only verbiage TPR offers with regards to the gender-based violence women face in refugee camps is vague and does not offer genuine protections outside of the laws previously in place to protect traditional Turkish citizens living in permanent housing: "preventative and protective measures shall immediately be taken for foreigners who are identified to be victims of violence pursuant to Law No. 6284 on Protection of the Family and Prevention of Violence Against Women."³³ While extending the existing protections written for Turks living in permanent settings does offer an avenue for protection for some women, it is not sufficient to protect Syrian refugee women. Refugee women often face numerous additional or different obstacles in preventing and punishing SGBV as compared to permanent residents: rapists and perpetrators in positions of authority, even perpetrators who hold official and/or military positions; different cultural backgrounds and norms with regards to reporting incidents of SGBV; and language barriers or other logistical obstacles that must be taken into account by successful policies.³⁴

Refugee women face incredibly high rates of SGBV: rape, early or coerced marriage, forced prostitution, and physical abuse. These gender-based forms of violence may be exacerbated especially by the dissolution of social order as well as physical and economic security during displacement. The perpetrators of these attacks can be other refugees, family members, spouses, camp guards, government officials, or NGO workers, among others.³⁵ A study of refugees and internally displaced peoples across fourteen countries in 2013 found that twenty-one percent of refugee women interviewed admitted experiencing some form of sexual violence during their displacement.³⁶ In 2012, eighteen percent of all marriages of Syrians registered in Jordan were "early marriages."³⁷ While men also face rape, domestic violence, physical abuse, and early marriage, these issues overwhelming plague female refugees.^{38, 39} How then, can Turkey's omission of gender-based and gender-sensitive protections specifically for female refugees in the TPR be defensible?

³¹ Alexander Vu, et al. "The Prevalence of Sexual Violence among Female Refugees in Complex Humanitarian Emergencies: a Systematic Review and Meta-analysis," *PLoS Currents* 8, March 18, 2014.

³² Republic of Turkey, Law No. 6284, 48, 3, Protection of the Family and Prevention of Violence against Women, March 8, 2012.

³³ *Ibid.*

³⁴ UNHCR, "Sexual and gender-based violence against refugees," 20.

³⁵ Alexander Vu, "The Prevalence of Sexual Violence among Female Refugees."

³⁶ Ana Belen Anguita Arjona, "Sexual and Gender-Based Violence: Syrian Refugees in Jordan," *Sexual and Gender-Based Violence Sub-Working Group*, March 2014. file:///C:/Users/Shelby/Downloads/SGBVBriefingNote_finalMarch.pdf.

³⁷ Alexander Vu, "The Prevalence of Sexual Violence among Female Refugees."

³⁸ UNHCR, "Sexual and gender-based violence against refugees," 12.

Though concrete statistics on rates of SGBV in Turkey among Syrian refugees are hard to come by, due in part to the strict control Turkey maintains over data collection and information with regards to the refugee crisis there, many interviews by NGOs and international organizations point to the consequences of the shortcomings of the TPR. One woman working at the International Rescue Committee, an NGO in Turkey, reported that seventy percent of women visiting the center have disclosed violence by an intimate partner, noting additionally that the longer the conflict continues the higher these rates are likely to climb. Furthermore, many note that non-reporting of incidents of SGBV is a huge problem among refugees who cite pressure from family members and the risk of separation from family members as reasons driving them to protect their aggressors.⁴⁰ In this sense, it is apparent that extending the same legislation to Syrian refugees as to Turkish nationals pre-refugee crisis is not effective because of the numerous cultural factors and lifestyle differences at play. Even if those policies are effective at helping Turkish women, the TPR will not be able to effectively serve Syrian refugee women until their specific needs are considered in policy construction; for instance, by creating specific anonymous SGBV reporting systems sensitive to the various cultural norms of different Syrian refugee groups in Turkey or by adequately regulating marriages of young refugees.

On the issue of youth marriages and other coerced marriages and prostitution agreements, refugee women divulged details of numerous dubious matchmakers at work within the refugee camps to journalists in 2014, pimps working in the camps to arrange marriages or prostitution of vulnerable Syrian women to older Turkish men in exchange for citizenship or money.⁴¹ Because the TPR only includes protections for women from previously established laws targeted at non-refugee populations the regulations do not effectively protect against situations like this. Therefore, even though the TPR makes efforts to support those who fall victim to SGBV, by not considering the specific needs of refugee women the policy fails to protect women from the atrocities of rape, physical and sexual abuse.

Health services afforded to refugee women in Turkey, while also subject to numerous flaws, are slightly better devised to protect refugee women today than the aforementioned SGBV protections. Refugees in all settings, all around the world face challenges in accessing healthcare services, including emergency services, care for chronic conditions, reproductive healthcare, and other primary care services. The most common obstacles restricting access to appropriate healthcare include language barriers, varying cultural attitudes towards health and healing, cost, and mental health problems.⁴² The case of Syrian refugees is unique because before the Syrian civil war, Syria had one of the best healthcare systems in the region, meaning many Syrian refugees are plagued more by lapses in care for chronic conditions than by infectious diseases as is often expected of refugee populations.⁴³ In order to meet the anticipated healthcare needs of incoming refugees, Turkey included numerous protections and services in the TPR

³⁹ Stephanie Parker, "Hidden Crisis: violence against Syrian female refugees," *The Lancet*, June 13, 2015. [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(15\)61091-1/fulltext?rss%3Dyes](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)61091-1/fulltext?rss%3Dyes).

⁴⁰ Dominique Soguel, "In Turkey, Syrian Women and Girls Increasingly Vulnerable to Exploitation," *Christian Science Monitor*, October 26, 2014. <http://www.csmonitor.com/World/Middle-East/2014/1026/In-Turkey-Syrian-women-and-girls-increasingly-vulnerable-to-exploitation>.

⁴¹ R. Asgary, "Barriers to Healthcare Access among Refugees," *Project Muse* 22, no. 2 (2011).

⁴² Caroline Abu Sa'Da and Micaela Serafini, "Humanitarian and medical challenges of assisting new refugees in Lebanon and Iraq," *Forced Migration Review* 44 (2013). <http://www.fmreview.org/detention/abusada-serafini.html>

including provisions for immediate emergency health services, family planning resources, examinations for incoming refugees to prevent public health crises, and vaccination services among other benefits. The primary problem with the protections afforded under the TPR is that they are not geared towards the needs of the numerous urban refugees in Turkey who are far less centralized and connected to resources than refugees living in camps, nor are they entirely culturally competent.⁴⁴ The resulting lapses in healthcare can have extremely serious consequences for women: complications during pregnancy, unplanned pregnancies, and insufficient control of chronic and life-threatening conditions.

An estimated five-hundred thousand refugees in Turkey are women of reproductive age. It is further estimated that thirty thousand are pregnant.⁴⁵ This influx of women and especially pregnant women is a huge challenge for Turkish health systems and refugee services in place in Turkey. From a transnational feminist perspective, reproductive healthcare is of paramount importance to refugee women. Protections which allow women to have bodily autonomy and good health are foundational to all other protections which can be afforded to women. In general, women have traditionally borne the numerous burdens associated with reproduction: those which are obvious like pregnancy and childbirth, and those which are often undervalued and forgotten like childcare and maintaining the domestic sphere.⁴⁶ This uneven burden is reflected in healthcare settings, wherein women face additional challenges, particularly as refugees, in obtaining the appropriate healthcare including reproductive care from family planning to post-natal care and everything in between. Lapses in healthcare can be viewed as an important feminist issue because they make women in particular vulnerable to loss of bodily autonomy and good health by compromising access to gynecological and family-planning services in addition to key primary care needs.

Within the TPR, Turkey classifies pregnancy as an emergency condition, meaning pregnant refugees are allowed immediate treatment. Furthermore, the TPR does include provisions specifically for reproductive healthcare, albeit brief and not well delimited, stating simply, “competent personnel shall provide information and conduct support activities about reproductive health.”⁴⁷ In spite of these protections in the TPR, urban refugees (a status more than one million Syrian refugees in Turkey have adopted) cite extremely limited access to healthcare. A 2014 Disaster and Emergency Management Authority (AFAD) report found that forty percent of Syrian living outside camps had limited or no access to healthcare.^{48, 49} While ninety percent of refugees in camps have used health services in Turkey, only sixty percent living outside camps have.⁵⁰ While protections for women still in traditional refugee camps are better because of the more centralized nature of camps, it is apparent many female refugees are not receiving the care they need. Therefore, it is critical that Turkey further develop and delimit protections for healthcare within the TPR to accommodate the increasingly urban nature of this refugee crisis.

⁴³ Sevil Erkus, “Turkey Failed on Urban Refugee Policies: Expert,” *Hurriyet Daily News*, August 9, 2014. <http://www.hurriyetdailynews.com/turkey-failed-on-urban-refugee-policies-expert.aspx?pageID=238&nID=70178&NewsCatID=339>.

⁴⁴ Athina Gkouti, “Women at Risk.”

⁴⁵ K.J. Swift, *Manufacturing ‘bad mothers’: A critical perspective on child neglect* (Toronto: Toronto University Press, 1995).

⁴⁶ Republic of Turkey Ministry of Interior, Law No.: 6458, 27f.

⁴⁷ Republic of Turkey Ministry of Interior, Law No.: 6458: Article 27.

⁴⁸ Prime Ministry Disaster and Emergency Management Authority, “Syrian Women in Turkey,” *AFAD*, 2014.

⁴⁹ Samari, “The Response to Syrian Women’s Health Needs in Lebanon.”

Mental healthcare is another key issue for refugees in Turkey. More than half of surveyed refugees in Turkey reported that they or their families required psychosocial support in a 2014 AFAD report.⁵¹ Traumatic experiences in combat zones, stress from disruptions in family structure, sexual violence, physical violence, and stress from displacement and relocation can all contribute to the development or worsening of mental conditions such as anxiety, depression, and post-traumatic stress disorder. Furthermore, disrupted access to healthcare can have dire consequences for women already treating their mental illness. While the TPR does provide for psychosocial services for refugees including strict cost maximums for services and prescriptions, it is especially difficult for urban refugees to access these services as needed.⁵² Women are faced with specific vulnerabilities. The UNHCR reports that a quarter of Syrian refugee households are now headed by women: “Life in exile for these women has meant becoming the main breadwinner and caregiver, fending for themselves and their families, away from their communities and traditional sources of support. For most, the burden is overwhelming.”⁵³ Providing care to urban refugees is further complicated by the fact that more than one-third of urban refugees are not registered like they would be in a camp setting.⁵⁴ Furthermore, within mental healthcare, the language barrier is especially apparent and must be bridged by providing translators and allowing Syrian doctors to practice more freely within Turkey.⁵⁵ It is critical that Turkish policies be tailored to meet the needs of the large populations of urban refugees: improving refugee registration efforts, starting more clinics in urban locations, improving communication of benefits to refugees, and ensuring appropriate cultural and gender sensitivity among care providers and healthcare settings.

By ignoring the specific needs of Syrian-refugee women in constructing the TPR, policymakers have fueled gender-based inequality among refugees, leaving women especially vulnerable to the threats associated with refugee status like SGBV, lapses in necessary healthcare, and restricted access to family planning resources. Although the policy does make critical resources available, by not delimiting the policy appropriately, not considering the urban nature of the Syrian-refugee crisis in Turkey, and recycling policies written for permanent Turkish citizens the TPR cannot effectively ensure the safety of refugees, especially women. Because men and women face different challenges during the refugee and irregular migration process, it is critical that effective policy treat people differently in order to treat them equally well.⁵⁶

Equality/rights and care/responsibility

Access to the labor market is critical because it is a key part of integration into Turkish society, a necessary next step for refugees to avoid becoming alienated from the rest of society. As the conflict in Syria rages on, many in Turkey are turning away from their initial generosity towards increased xenophobia.⁵⁷ Increased integration among refugees will calm this xenophobia and hatred by reducing the financial burden of refugees on the government. Within the TPR, Turkey establishes that anyone with a Temporary Protection Identification document will be granted entry to the labor market.

⁵⁰ Gkouti, “Women at Risk.”

⁵¹ Samari, “The Response to Syrian Women’s Health Needs in Lebanon.”

⁵² Omer Karasapan, “Syria’s Mental Health Crisis,” *Brookings*, April 25, 2016.

<https://www.brookings.edu/blog/future-development/2016/04/25/syrias-mental-health-crisis/>.

⁵³ “Syrian Refugees in Turkey 2013” in *Field Survey Results*, 21” AFAD.

⁵⁴ Karasapan, “Syria’s Mental Health Crisis.”

⁵⁵ Ibid.

⁵⁶ McPhail, “Feminist Policy Analysis Framework,” 48.

In this sense, the regulation does challenge the dichotomization of men as public actors and women as private actors because it grants both genders equal access to economic opportunity and equal rights in the economic sector under the law. This is an important factor in minimizing structural inequality between men and women by allowing women the power to work and maintain independence from men.

However, due to the large proportion of unregistered urban refugees in Turkey, the protections afforded by the TPR are often not realized, leaving refugees vulnerable in the labor market, even starving or homeless alone in the city. Unregistered refugees are left to work almost exclusively in the informal labor market, begging and working as street vendors earning extremely low wages.⁵⁷ Unregistered women in financial distress may turn to prostitution or even be lured into selling their children into human trafficking or forced marriages as a means of survival. Interviews with lawyers at human rights organizations in Turkey reveal that many women even accept payment in food and other daily necessities because conditions are so dire at times.⁵⁸ If Turkey is to protect refugees from the dangers of the informal labor market, it is critical that they improve the system of registration for urban refugees. Doing so would lessen the risk of child labor, child marriage, and forced sex work by allowing all refugees to access the protections put in place by the TPR in Turkey. While the protections afforded are functional and equitable, they cannot be considered successful until all of the most vulnerable populations can access them. Until then, women will unjustly be left vulnerable in Turkey.

Furthermore, recent reports estimate that less than one-third of school age children in Turkey have access to schooling, meaning long-term integration through participation in the labor market may be slowed by poorly qualified applicants. Even more worrisome, children out of school are prime recruits for crime and terrorism networks who lure some in with radical Islamist education. Education is one of the biggest structural stumbling blocks to gender equality because without equitable access to education, women cannot hope to attain equality economically or politically later in life. Therefore, limiting refugees' access to education will seriously hinder their integration and opportunity in Turkey and back in Syria if they choose to return.⁶⁰ While the TPR does state that refugees will be granted access to education services, with particular age groups receiving priority status, the execution of the policy in the light of the current reality of the refugee situation in the country is clearly flawed. It is imperative that once again Turkey doubles down on their efforts to register all refugees in the country, particularly those in urban settings who have slipped through the cracks, so that everyone in need will be able to access necessary services. Additionally, officials should collect data from urban refugees and adjust their systems accordingly so that logistical barriers do not block children from educational services.

The TPR fails to recognize the challenges of single mothers and is by not being responsive to the needs of the many single mothers in need of assistance in Turkey, Turkey is inadvertently punishing women for their role as mothers, a problem that has persisted for women around the world for centuries. Single mothers, particularly those living alone outside of camps, must provide for their family, a task made more challenging in light of difficulties obtaining sufficient childcare services in particular. Even though the TPR does provide some support to those who are registered, it is often

⁵⁷ İçduygu, "Syrian Refugees in Turkey," 11.

⁵⁸ Bulut, "Turkey: The Business of Refugee Smuggling."

⁵⁹ UNICEF, "Girls' education and gender equality," last updated July 23, 2015. https://www.unicef.org/education/bege_70640.html.

not enough, and those who are not registered cannot access any benefits.⁶¹ While the TPR does provide education services, as many as two-thirds of school-aged children in Turkey do not attend school. Plus, childcare for younger children is not available under the TPR.⁶² Earning a living then, is nearly impossible for single mothers, who cannot leave the home to work a traditional job even if they are qualified due to their childcare responsibilities. Alternatively, some single mothers may respond to the financial hardships of being a refugee and single parent by selling their child into forced marriages or human trafficking networks to survive.⁶³ By not including protections for single mothers, the TPR is once again gender neutral to a fault, ignoring the gendered reality of refugee issues to the detriment of many Syrian women and children in Turkey today.

Recommendations for the Future

In order to better protect refugee women in Turkey, policymakers should refine policies like the TPR with greater sensitivity for the ways in which gender and culture shape the refugee experience. This can be done principally by replacing recycled policies within the TPR with policies written based on research and statistics from current refugee populations in Turkey. This means Turkey must first loosen their restrictions on freedom of press in the country to allow for collection of more data from refugees in the country. The Committee to Protect Journalists (CPJ) has stated that freedom of the press in Turkey is under siege, “with increasing numbers of journalists in jail, violence against journalists on the rise, and critical news outlets officially harassed or obstructed.”⁶⁴ If Turkey is to understand the shortcomings of their current policy and improve it effectively moving forward, they must first understand the needs of refugees through reporting and data collection by journalists and researchers that is not fully possible today with such an authoritarian approach to press freedom. Deporting foreigners reporting on the refugee crisis and political situation in Turkey is not acceptable if Turkey is truly interested in protecting refugees in their nation.⁶⁵ Understanding the needs of refugees is critical to constructing effective policy but cannot be accomplished without input and data from the populations in question. While some data has been gathered and is included in this analysis, more data would improve the efficiency of future refugee policy in Turkey. Based on this data, Turkey can adjust their existing policies to accommodate the needs of urban refugees, of female refugees, of single mothers, of victims of SGBV, etc. The current policy erases gender-based issues among refugee populations, but it is critical that refugee policy in Turkey moving forward be especially attentive to the unique vulnerabilities of women in refugee settings as detailed earlier.

Beyond increasing cultural and gender sensitivity throughout the policy, it is of the utmost importance that the refugee-registration system be expanded to prevent refugees, particularly urban refugees, from falling through the cracks. Given the

⁶⁰ Renate van der Zee, “Syrian refugees: Single mothers’ daily fight for survival,” Aljazeera <http://interactive.aljazeera.com/aje/2016/syrian-refugees-single-women-fight-survival/#top>.

⁶¹ UNICEF “Girls’ education and gender equality.”

⁶² “Syrian Refugee Crisis FAQ: What you need to know,” *World Vision*, last updated November 15, 2016. <https://www.worldvision.org/refugees-news-stories/syria-refugee-crisis-faq-war-affecting-children>.

⁶³ Roy Greenslade, “Press freedom group in Turkey is under siege,” *The Guardian*, March 8, 2016. <https://www.theguardian.com/media/greenslade/2016/mar/08/press-freedom-group-in-turkey-is-under-siege-says-cpj>.

⁶⁴ “Turkey: Events of 2015,” *Human Rights Watch*, accessed October 5, 2016. <https://www.hrw.org/world-report/2016/country-chapters/turkey>.

increasingly urban nature of this crisis, it is critical, first and foremost, that urban refugees be registered so that they qualify for all necessary services and have a means of accessing them. Protections provided within the TPR cannot be considered successful if the neediest cannot access them. More than one million Syrian refugees live in urban settings following overfull camps and promises of more opportunity in urban settings.⁶⁶ More than one-third of these refugees are unregistered. Because the TPR only provides entry to the labor market for registered refugees with a formal identification card, many urban refugees are left to fend for themselves in the informal labor market, causing many women to turn to sex work or trafficking in the face of pressure to provide for their family financially. To limit activity in this informal labor market and ensure economic opportunity for Syrian refugees, ensuring all refugees, regardless of setting within Turkey, have proper registration and identification documents is extremely important.

The urban nature of the Syrian refugee crisis also makes the logistics of delivering benefits to those who are registered more difficult. The TPR largely overlooks the needs of these urban refugees. Living outside a camp makes it easier to slip through the cracks: urban refugees are further from centralized government services, making it more difficult to know about and effectively utilize benefits and protections available to them, leaving them vulnerable to economic distress, health crises, violence, and lapses in education. For this reason, policymakers must tailor the TPR to the needs of this urban population as well as the traditional refugees for which the current TPR seems to have been written.

Furthermore, it is imperative that policymakers further delimit the TPR in order to better guide effective implementation of benefits and protections for refugees. Such delimitation should be focused on tailoring the policy to the current and predicted needs of refugees in Turkey based on data collected, and will go hand in hand with the above recommendation of increasing the specificity and sensitivity of the policy to the current situation. It is not enough to say, for instance, that “competent personnel shall provide information and conduct support activities about reproductive health” without supportive public health campaigns or policy on the details of the availability and logistics of this support.⁶⁷ This is especially important for urban refugees who do not necessarily have consistent contact with other refugees or Turkish officials from which to learn about such services. Elaborating on services and protections available for refugees, whether within policies like the TPR or through better developed public health campaigns, is critical for improving access to key refugee services.

On the issue of health services in particular, it is important, once again, that Turkish refugee policy is responsive to the specific needs of Syrian women. Though every woman is different, the majority of Syrian refugee women surveyed noted a preference for same sex healthcare providers.⁶⁸ It is important to accommodate such cultural differences as much as possible because ignorance of them will drive Syrians to neglect available services, leaving them vulnerable. As stated above, the best way to be aware of these cultural preferences is to collect more data from incoming refugees. Additionally, the TPR could improve its treatment of healthcare issues by improving access to emergency contraception and counseling services for victims of sexual violence. While there are a number of complicating social and cultural factors, providing anonymity and security as well as publicizing availability of services well will be critical to improving mental health and reproductive health for refugees.

⁶⁵ Republic of Turkey Ministry of Interior, Law No.: 6458, 27.

⁶⁶ İçduygu, "Syrian Refugees in Turkey" 8.

⁶⁷ Samari, "The Response to Syrian Refugee Womens' Health Needs."

Limited access to education also contributes to economic hardships among refugees, especially as their stay in Turkey continues on while conflict continues to rage in Syria. The economic burden of providing schooling for all incoming refugees is enormous, but with the cooperation of NGOs and international organizations, Turkish policymakers must improve access to education and expand services in this sector to improve integration of Syrian refugees. Policymakers must take care that access to education is equitable across the genders and is in fact accessible to all refugees, regardless of urban or camp location. Doing so will require data-analysis and collection during the policy development process. Providing education, though, will be necessary for the effective integration of refugees.

Despite all these flaws, Turkey's sacrifices financially and politically to take in refugees deserve recognition and appreciation. While the policies can and should be improved in order to protect refugees as much as possible, Turkey's initial response of generosity and solidarity should not be overlooked. Improving their policies to better meet the needs of vulnerable women now will be another way for Turkey to show their solidarity and support for populations in need.

Conclusion

Although Turkey's Temporary Protection is certainly a step in the right direction towards protecting female Syrian refugees from the deluge of problems that irregular migration and displacement cause, it does not do enough to consider the specific circumstances many women face, leaving many Syrian refugees unduly vulnerable to violence, poor health, and extreme economic woes. Syrian refugee women and girls face elevated rates of SGBV, restricted or difficult access to healthcare services, limited access to economic opportunity, and poor access to available social services in general. Some of the barriers to access are logistical: many of the regulations and services implemented under the TPR were developed with traditional refugee camp settings in mind. While a portion of Syrian refugees do live in camps, the majority live in urban settings. This makes it much more difficult to disseminate information and resources about support services for refugees, while also making the physical task of reaching government buildings and healthcare centers more difficult in some cases.

Furthermore, many of the policies implemented under the TPR are recycled policies, originally written for permanent residents and Turkish citizens then applied to refugees. This is problematic and impedes successful care for refugees by ignoring the cultural differences and situational differences associated with being displaced, foreign, and transient. While there are provisions to provide Syrians with translators as needed in official and healthcare settings, other barriers may be harder to see and harder to overcome. Many Syrian women prefer to see healthcare providers of the same gender, while Turkish women often do not hold this same preference.⁶⁷ Also, Syrians may hold different attitudes towards seeking government or official assistance. Lastly, Syrian women often

Limitations on female refugees' access to labor markets and economic opportunity further endanger women in Turkey. The large number of unregistered refugees in urban settings in Turkey makes it difficult for many in need to access the services and protections granted under the TPR in the labor market, forcing them to turn to exploitative and low paying jobs within the informal labor market, including, in some cases, sex work or human trafficking. In order to better protect refugees, Turkish officials must improve the reach of the registration process in order to be able to extend the protections of the TPR to all who need them. By registering more refugees, fewer people will need to turn to the informal labor market.

⁶⁷ Samari, "The Response to Syrian Refugee Women's Health Needs."

There are no signs of the Syrian refugee crisis slowing any time soon. Especially given the new Refugee deal between Turkey and the European Union, Turkey is likely to continue receiving new refugees, many still exceptionally vulnerable to exploitation and violence. It is critical that Turkish policymakers take steps to better protect refugee women in their country. The consequences of inaction are grave: coerced marriage, forced prostitution, inadequate healthcare, inability to access even basic education services, domestic violence, and sexual assault. While the TPR does take steps to protect refugees, it is not doing enough because it was not designed with the specific needs of Syrian refugees in mind, particularly the masses of people living in urban refugee settings. Applying existing policies written with permanent Turkish citizens in mind while maintaining a mindset of refugees as “guests” is dangerous and ineffective as evidenced by the elevated rates of violence, hunger, and poverty cited among refugees in Turkey. Effective transnational feminist policy for refugees must consider the specific needs of women, although they are certainly diverse, in crafting legislation, rather than assuming complete homogeneity within refugee populations. The TPR falls short because it does not delve into the differences between the experiences of refugee men and refugee women, and the needs of urban Syrian refugee women in particular.

Implications

In order to improve the TPR and better care for Syrian refugee women, Turkey must reconsider their application of pre-existing policies to the current situation. Instead, they must adjust policy to fit the cultural norms of Syrian women. This will be difficult to do, admittedly. It will require research and communication with women and refugees, but it is imperative that the specific needs of refugee women not be overlooked or ignored if the policy is to be successful. Undoubtedly, refugees must be protected. Refugee crises are, without exception, dangerous and taxing times, but each is unique and policymakers must recognize this to do their job of protecting refugees and permanent citizens effectively. An effective policy within one culture may not be an apt solution for all cultures; a policy for permanent citizens may not adequately protect irregular migrants. The only way policymakers can know how best to protect refugees is to understand their needs through data collection and genuine communication.

In order to protect women from the atrocities they face as refugees and to dismantle systematic gender inequality, policymakers must not overlook gender in policy construction. Gender is central to identity, and, as such, it must be central to successful policy as well. Gender equality is absolutely essential in the management of a refugee crisis, and oftentimes achieving it requires treating the genders differently in order to achieve real equality. This is an especially pertinent reminder in the case of the TPR. Refugee women are disproportionately vulnerable to many atrocities during their time in Turkey such as sexual and gender based violence; restricted access to social services, healthcare, education, and labor markets; and forced marriages among other issues. However, Turkish officials can protect them if they are sensitive to these systematic inequalities and construct a policy with the reality of today’s refugee crisis in mind.

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