

# **Shadow NGO Report**

## **on Turkey's Sixth Periodic Report**

### **to the Committee on the Elimination of**

### **Discrimination against Women**

*for submission to the 46<sup>th</sup> Session of CEDAW*

*July 2010*

**prepared by:**

**The Executive Committee for NGO Forum on CEDAW - Turkey**  
**Women's Platform on the Turkish Penal Code**

**endorsed by:**

- European Women's Lobby – Turkish National Coordination
- Executive Committee for NGO Forum on CEDAW Preliminary Working Group
- The Initiative for Women's Labor and Employment – Turkey (KEIG)
- Women's Media Watch Group – MEDİZ
- Women's Coalition – Turkey
- Women's Platform for a New Constitution

This shadow report was drafted by a nationwide CEDAW NGO working group composed of the Executive Committee for NGO Forum on CEDAW - Turkey and the Women's Platform on the Turkish Penal Code member organizations:

- AMARGI
- Amnesty International Turkey Branch
- The Foundation for Women's Solidarity (FWS)
- Capital City Women's Platform
- Çanakkale Association to Promote Women's Labor
- Diyarbakir Bar Women's Commission
- Filmmor Women's Cooperative
- IRIS Equality Watch
- KADER - Association for the Support and Training of Women Candidates
- KAHDEM – Center for Legal Support to Women Association
- KAOS GL
- KAZETE
- LAMBDA
- Purple Roof Women's Shelter Foundation
- Republican Women's Association
- The Association of Turkish Women's Union
- Women's Solidarity Foundation (KADAV)
- Women for Women's Human Rights – New Ways
- Working Group for Women in Home Based Work
- Van Women's Association

*The shadow reporting process was coordinated and facilitated by Women for Women's Human Rights (WWHR) – New Ways and the Executive Committee for NGO Forum on CEDAW- Turkey.*

*The shadow report was complied and edited by Women for Women's Human Rights (WWHR) - New Ways and the Executive Committee for NGO Forum on CEDAW- Turkey.*

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# **Shadow NGO Report on Turkey's Sixth Report to the Committee on the Elimination of Discrimination against Women**

*For submission to the 46<sup>th</sup> Session of CEDAW, July 2010*

## **I. Introduction**

This Shadow Report aims to draw attention to the discrimination women in Turkey face, within the framework of 6<sup>th</sup> Periodic Review for Turkey under CEDAW. Prepared by the Women's Platform on the Turkish Penal Code and the Executive Committee for NGO Forum on CEDAW - Turkey, the report has been endorsed by six women's NGO platforms.

Since Turkey's previous periodic review by CEDAW in 2005, little progress has been made toward eliminating the discrimination against women in Turkey, and the political will displayed by the state to establish comprehensive gender equality has been inadequate. While some positive steps have been taken—largely as a result of concerted advocacy efforts by the women's movement—these developments have not been reflected in implementation. Progress achieved includes the establishment of a parliamentary commission on gender equal opportunity; addition of temporary special measures in the Constitution Amendment Package; and social security premium reductions to promote women's employment. While women's NGOs commend these developments, most of the issues and demands raised during the previous review must still be reiterated here given the scant concrete progress in terms of continued comprehensive legal reform, effective implementation, allocation of sufficient resources and holistic policy change; these will be elaborated in the following sections.

Overall, as observed in the sometimes reluctant, sometimes hesitant, and sometimes contradictory official discourse, state commitment to substantive gender equality before the law has been inadequate. As a result, incomplete or controversial issues still remain in the reforms that have been passed, and in implementation, tangible progress is almost non-existent. In particular, an unwillingness to improve resource allocation hinders the achievement of full legal and actual gender equality as foreseen by CEDAW. Dialogue between the State Ministry of Women's and Family Affairs, the national machinery (General Directorate on the Status of Women-KSGM) and women's NGOs remains limited and constrained. Consequently, concrete gender indicators have mostly not improved. A great many women in Turkey do not know their legal rights; efforts to create law enforcement awareness remain insufficient; and many law enforcement officials lack gender equality awareness. The combined impact of these matters is that women face serious obstacles in accessing justice and services provisioned by law.

The increasing conservatism in Turkey during the reporting period poses a threat to women's ability to enjoy their rights and freedoms. The already acquired legal rights of women are subject to backlash and efforts that aim to eradicate existing discrimination are usually met with resistance. Even positive actions by the government have conservative undertones, and include loopholes that may infringe on existing rights and freedoms. Constitutional amendments on positive discrimination measures for gender equality, for instance, classify women with "groups in need of protection" as if they were a minority or a vulnerable group. Furthermore, the Social Security and General Health Insurance Law, adopted in 2008, stripped women of their existing social security rights and fell behind the progressive Civil Code. In reference to Question 10 on the List of Issues and Questions raised by the Committee, there is increasing emphasis on the normative family structure of the nuclear and the extended family, with a neatly separated, gender-based division of labor, and women as

the caretakers of these structures. Political and social discourses have also echoed this rising conservatism on occasion, as evidenced in the Prime Minister's statement that "each family should have at least three children;" comments by the State Minister of Women's and Family Affairs, who claimed "homosexuality is an illness;" and social research conducted with a representative national sample, indicating the presence and rise of both a non-tolerance of differences, and community pressure.<sup>1</sup>

State commitment to the CEDAW process and its engagement with women's NGOs in this period has also been limited: following Turkey's Fourth and Fifth Combined Periodic Review, the national Machinery failed to translate and disseminate the Concluding Comments of 2005 in a timely and adequate manner. Persistent inquiries and petitions by NGOs about the translation and dissemination of the comments went unanswered for two years. NGOs gained access to the translated Concluding Comments only in April 2007, during the preparatory meeting for the Sixth Periodic Country Report. According to officials of the national machinery the Concluding Comments were only disseminated to the female MPs at parliament, and related ministries and institutions.

Although two meetings were held with NGO representatives during the preparation process of the Country Report, their opinions were only minimally depicted in the final document. Participating NGOs were able to access the final report only after it was sent to the CEDAW Secretariat, when it was published on the KSGM website.

The Country Report does not adequately cover developments after the Fourth and Fifth Combined Review, and previous data and comments are repeated in places.<sup>2</sup> Many of the state's answers to the List of Issues and Questions raised by the Committee fall short of providing concrete responses to questions on future plans and efforts to eradicate discrimination against women, and instead reiterate many short term projects already underway.

In order to ensure that the CEDAW process—a vital mechanism for the achievement of gender equality—operates seamlessly, Turkey must withdraw its reservation on Article 29 of the Convention.

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<sup>1</sup> B. Toprak *et al.* 2008. "Türkiye'de Farklı Olmak: Din ve Muhibazakârlık Ekseninde Ötekileştirilenler" [Being Different in Turkey: Alienation on the Axis of Religion and Conservatism], Boğaziçi University. [http://www.idealduisce.com/turkiyede\\_farkli\\_olmak\[1\].pdf](http://www.idealduisce.com/turkiyede_farkli_olmak[1].pdf), and Y. Esmer, 2009. "Radikalizm ve aşırıcılık araştırması" [A study of radicalism and extremism], Bahçeşehir University.

<sup>2</sup> In Paragraph 41 of the Concluding Comments of 2005, the Committee demanded that "the State party to provide in its next report information, sex-disaggregated statistics and data relating to women in the judiciary, trafficked women and girls, as well as Kurdish women and other groups of women subject to multiple forms of discrimination and their access to health, employment and education, as well as various forms of violence committed against them." However, the Country Report lacks up-to-date information regarding these issues.

## **II. The Principle of Equality before the Law**

### **Related articles: 1, 2, 4, 9, 13, 15, 16**

In the period from 2004 to 2009, Turkey did not formulate or enforce the legal amendments necessary toward eliminating discrimination, and thus failed to meet the commitments set forth by the Committee. Many demands by women's groups for the recognition of women's legal rights and the prevention of gender discrimination encountered resistance from the political authorities.

- At the time this report was being drafted (May 2010), parliament passed a comprehensive constitutional amendment package. Initial efforts in drawing up a new constitution were undertaken in 2007, by the political party currently in the Government. Women, wanting to add their voice and rights to the package, formed the Women's Platform for a New Constitution. They demanded that “the Justice and Development Party (AKP) and the government listen to relevant groups in society and consider their demands before rushing a draft to the public ..... and open it to public debate” and specifically, for Article 10 or the “equality” clause of the Constitution to be amended in line with Article 4.1 of the CEDAW Convention.<sup>3</sup> The 2007 draft was a step back from the Article 10 in effect at the time; removing the phrase “The state is responsible for ensuring this [gender] equality in practice” from the article suggested a backlash sparked by women's relevant gains. In its place, the phrase “women, children, elderly and disabled are protected” was proposed in attempts to create a constitutional category for “those in need of protection.” The new constitution process was halted in 2007, after much debate.

In April 2010, a partial constitutional amendment package was brought to parliament. Public debate on the package and dissatisfaction with the process continues. As of the writing of this report, Article 10 was amended; it includes some of women's demands—but not satisfactorily so—and carries the same conservative undertone. The article voted on and approved by parliament was:

“Women and men have equal rights. The State is responsible for the realization of this equality. The measures taken to this end cannot be interpreted as contradictory to the equality principle. Measures taken for children, the elderly, the disabled, widows and orphans of fallen soldiers, and war veterans cannot be considered as contradictory to the equality principle.”<sup>4</sup>

The constitutional amendment processes of both 2007 and 2010 were run by the government, and were non-inclusive and non-transparent in nature. Civil society played only a very limited role in the preparation of and discussions on the draft law, since the timing and the scope of the process was never openly shared with the public in advance, and the concerned parties were not given sufficient time to discuss the proposed amendments.

The state's response to Question 9 raised by the Committee reflects the abruptness of the process; for it is not even mentioned as an effort toward establishing special temporary measures in line with Article 4.1 of the Convention. Further, in response to

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<sup>3</sup> Women for Women's Human Rights – New Ways website. “Turkish Women's Platform for a New Constitution Releases Press Statement on October 2, 2007” <http://www.wwhr.org/news.php?detay=15>.

<sup>4</sup> Taken from the draft Constitution that was accepted by parliament. Translation by report writers.

Question 3, the state makes no mention of including a definition of discrimination against women in the Constitution. In this comprehensive constitutional amendment package, not only is a definition for “discrimination against women” lacking—although required by CEDAW Article 1—but the temporary special measures for achieving gender equality have been combined with the temporary special measures for vulnerable groups, thus creating a loophole for one to undermine the other or for their treatment as similar or interchangeable. This clearly illustrates just how inadequate the state’s political will is to achieve gender equality.

The final outcome of the constitutional amendment package remains unclear, as it will likely be contested at the Constitutional Court by the opposition, and also taken to referendum. However as it stands, this revision seems to provide a legal basis for the necessary steps mentioned by the CEDAW Committee in Question 9; the question of how it will be utilized to empower women and achieve gender equality remains. There is also still the risk that the “special temporary measures” will serve to reinforce women’s traditional role in the family and society, and bolster current inequalities.

Further, while women’s and LGBTTI groups demanded adding “ethnic origin, sexual orientation, gender identity, marital status, age, disability” to the equality article, banning discrimination on the basis of these qualities was rejected.<sup>5</sup>

Article 41 of the Constitution is on the family, and concerning children’s rights, the amendment embraces a conservative child protectionism perspective rather than a child liberationism approach. The notion that “the State is responsible for protecting children against sexuality” in the first draft of the amendment package, was later removed due to serious and vocal objections from women’s groups. This further highlighted the risks involved in amending the constitution without building concrete mechanisms that include relevant stakeholders and society, and without allocating enough time to discuss the amendments.

The “Right to Constitutional Petition,” one of the positive developments in the package (and a demand of the Women’s Platform for a New Constitution) is also problematically constructed. As it stands, it has been limited to rights delineated in the European Human Rights Convention and cases where a “public power” infringes on these rights. Because it has become so severely restricted, women’s right to exercise their right to constitutional petition in the case of, for instance, CEDAW or the UN Convention on the Rights of the Child—considered norms of national law according to the Article 9 of the Constitution—have been forestalled.

- Amendments made to certain laws with the intent of achieving gender equality lose all function when necessary changes are not made to any parallel laws and regulations. As Article 10 of the current Turkish Civil Code Enactment Law that regulates the matrimonial property regime does not apply retroactively, millions of women who were married before 2002 and unable to apply to the authorities within the following year to change their matrimonial property regime, cannot enjoy the equal division of property acquired during marriage. Although the Government Delegation pledged to amend the provision during the Review of 2005, no corrective measures have been taken. Moreover, the appeal filed at the Constitutional Court regarding the above mentioned article of the Civil Code was rejected in 2009.

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<sup>5</sup> The LGBTTI Rights Platform, which also has members in this Platform, also submitted a thematic shadow report for Turkey’s Sixth Review under CEDAW.

- Despite all our efforts and strong public support during the construction of the new Turkish Penal Code (in effect as of June 1, 2005), it proved impossible to pass a clause deterrent enough to prevent honor killings, a direct violation of women's right to life.<sup>6</sup> The term used in the Turkish Penal Code for honor killings is "killings in the name of custom." Custom killings provide a legal loophole that limits the scope of the article to only a certain type of honor killing, such as family assembly verdicts, or as if it only exists in certain regions where certain customs prevail. In response to Question 4 on the List of Issues and Questions by the Committee, the state argued that the terminology used in the Turkish Penal Code, i.e. "killings in the name of custom," applies to all honor killings in Turkey and thus provides a legal basis to resolve this problem. Moreover, in a ruling issued in 2008, the Supreme Court of Appeals sought the existence of a "family assembly verdict," a rather abstract notion which is almost impossible to prove, in order to sentence the accused with aggravated homicide.<sup>7</sup> This ruling nullifies Article 82/J of the Penal Code, which foresees "aggravated punishment for the perpetrators of killings in the name of custom." Furthermore, women's organizations' demands to be granted intervenor status in such cases are constantly rejected, leaving the chair of the intervenor—who is supposed to protect the rights of the victim against the defendant—unattended.
- Articles in the Penal Code that imply discrimination against women and girls were enumerated in Shadow Reports prepared for the previous review. Despite the fact that Paragraphs 25 and 26 of the 2005 Concluding Comments demand the amendment of these discriminatory articles, no changes have been made to correct them. The same demands that were listed in the previous Shadow Report are therefore reiterated in the Call for Action section of this chapter.<sup>8</sup>
- Despite the above-mentioned shortcomings, the legal reform processes of the Civil and Penal Codes brought about rather progressive changes that may be seen as steps in the right direction to achieve gender equality before the law. To a large extent, it was the persistent and vocal lobbying efforts by women's organizations, and the receptivity to these demands by the parliament and government that made this outcome possible.
- To ensure the implementation of the amendments, the state should conduct awareness-raising programs for both public authorities and the general public, and monitor implementation closely.

## Call for Action

### *The Constitution, Equality Framework Law, Commission on Gender Equality*

1. A "Law on Gender Equality" should be drafted urgently and the Constitutional article on equality should be harmonized with Article 1 of CEDAW.
2. As stated in Paragraph 32 of the 2005 Concluding Comments, the "temporary special measures" designated in CEDAW Article 4/1 should be included in Article 10 of the Constitution to eradicate discrimination and ensure women's equal participation in all

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<sup>6</sup> Instead of using the internationally recognized term "honor killings" the law introduces a newly coined concept called "killings in the name of custom" which limits the scope of the crime and makes it more difficult to prove.

<sup>7</sup> Kazete. 2008. "Töre cinayetlerine 'aile meclisi kararı' şartı" [Court calls for "family assembly verdict" in custom killing] <http://arsiv.kazete.com.tr/sayilar/2008/76/?bolum=haberler&sayfa=politika06>.

<sup>8</sup> The Sixth Periodic Country Report for Turkey, Article 2(f) c, pp. 5-6 lists the amendments made in the Turkish Penal Code in 2004 but mentions neither the demands made by women's organizations, nor that no measures have been taken to meet those demands.

spheres of life. These measures should be developed so as to fulfill specific requirements toward gender equality, and be protected by law.

3. The emphasis on “equal opportunities” in the title of the “Parliamentary Commission on Equal Opportunities for Women and Men” which was founded in 2009 is in direct violation of the “actual realization of equality” principle of Article 2 of CEDAW.<sup>9</sup> It should be changed into “Parliamentary Commission on Gender Equality” in order to broaden its scope.
4. Gender equality education should be integrated into the occupational training of public officials such as law enforcement personnel, health professionals, social workers, teachers et cetera to ensure the new laws are executed. Widespread and comprehensive on-the-job trainings for the current public authorities should be implemented.
5. Lesbian, bisexual, and transsexual women who are physically or verbally harassed, or suffer other forms of violence have no chance of redress through the courts, since discrimination on the basis of sexual orientation and gender identity is not defined as a crime in the Penal Code, and neither the Article 10 of the Constitution nor the “equality” clause acknowledges “sexual orientation and gender identity” as a form of discrimination. Article 10 should be amended to include “sexual orientation and gender identity.”
6. Women’s organizations should be recognized as natural stakeholders in legislation processes to ensure gender equality in all spheres of life.

#### *The Turkish Civil Code*

1. The Enactment Law of the Turkish Civil Code (Article 10) should be amended to apply retroactively to the Equal Division of Acquired Property Regime, as is the case in the Swiss Civil Code on which it is based.
2. The Turkish Civil Code does not allow married women to use their birth last names exclusively; they may do so only together with their husband’s last name. Moreover, women’s birth registries are transferred to their husbands’ after marriage. The current amended draft law is not in line with international treaties. A new draft law that adheres to international treaties and agreements should be drawn up and passed by parliament.
3. The Civil Code imposes a 300-day marriage ban on divorced women after the divorce is finalized, which is lifted only upon presenting a report to the judge that proves they are not pregnant. This is a discriminatory regulation and should be abolished.
4. Women have no say on their children’s last name. Children may only take their father’s last name. The legal regulation that enabled single women to pass on their last name to their children was annulled by the Constitutional Court. There is a need for a new law that gives mothers and father equal rights in passing on their last name to their children.

#### *The Turkish Penal Code*

1. Article 82 of the Turkish Penal Code regulates Aggravated Homicide, and states that “killings in the name of custom” instead of “honor killings” meets the conditions for aggravated homicide. The justification of the article provides the grounds for sentence reductions based on “unjust provocation.” This hinders effective punishment of the

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<sup>9</sup> Kadriye Bakırçı. 2008. “Which gender equality at the National Assembly?” 10 December Movement website <http://www.10aralik.org/>

perpetrators of “honor killings.” Honor killings should be classified as aggravated homicide in Article 82, and all references to “unjust provocation” should be removed from its justification.

2. Article 287 of the Penal Code should be rephrased to include the expression “conducting virginity testing is forbidden;” if in a given case a judge or prosecutor authorizes the exam, the consent of the woman should be a mandatory prerequisite.
3. Article 104 foresees punishment for consensual sexual relations between young people between 15 and 18 years of age upon complaint by a third party. Article 104/1 should be abolished.<sup>10</sup>
4. Article 122 regulates discrimination and should include discrimination based on sexual orientation, gender identity and medical diagnoses.
5. Article 226/2 under the section entitled “Offences against Public Morality” refers to “obscenity” and is used against LGBTTI individuals and organizations; it should be annulled.

### **III. Women’s Participation in Politics and Decision Making Mechanisms**

#### **Related articles: 4, 7**

Women’s participation in decision making processes and representation rates in decision making bodies have always been drastically low compared to men in Turkey, and existing regulations and their implementation remains insufficient.

- Although there was a relative increase in the rate of women’s representation in parliament (9.1%) after the 2007 general election, this is not only far from the desired equal representation but also much below the global average (18.9%) calculated by the Inter Parliamentary Union.<sup>11</sup> Women’s representation in parliament is still determined by the arbitrary practices of higher administrative bodies or political party leaders. Only 2 out of 25 members (8%) of the cabinet are women. The government’s response to women’s organizations’ demands on the issue is merely symbolic. The current Constitutional reform process perfectly epitomizes the situation.
- Opposition parties suggested amending Article 10 of the Constitution and adding a temporary, three-term, 25 percent quota for women in local and national elections; this was rejected and excluded from the ongoing constitutional reform process as of May 2010.
- According to the results of the 29 March 2009 local elections, , 0.92 percent of the mayors are women, and the proportion of all women elected to local administration, including provincial, municipal and district councils is 1.23 percent.<sup>12</sup>
- Women are underrepresented in local and national politics not because they are unwilling.<sup>13</sup> The problem stems from a male dominated political culture and the

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<sup>10</sup> This was presented as a positive development in the Sixth Periodic Country Report for Turkey, Article 2(f), p. 7.

<sup>11</sup> Inter Parliamentary Union website. 2010. “Women in National Parliaments: World Average – situation as of 28 February 2010”. <http://www.ipu.org/wmn-e/world.htm>.

<sup>12</sup> Ministry of Interior Affairs, General Directorate for Local Authorities website. 2009. [http://www.mahalli-idareler.gov.tr/Home/Dokumanlar/cinsiyetlerine\\_gore\\_secilmis\\_sayilari.doc](http://www.mahalli-idareler.gov.tr/Home/Dokumanlar/cinsiyetlerine_gore_secilmis_sayilari.doc).

patriarchal structure of political parties. The bylaws of most political parties do not stipulate any special measures to encourage and improve women's participation. This is because temporary special measures are neither endorsed directly by the Constitution, nor featured in the Political Parties and Election Law, but rather left to arbitrary practices. The rate of women participating in decision making bodies of political parties and represented in parliament illustrates the gravity of the situation: DTP 39.5 percent, CHP 20.6 percent, AKP 17 percent, and MHP 4 percent.<sup>14</sup>

- In addition, women's labor force participation in Turkey is very low (discussed in the next section) and acts as a supply-side bottleneck in providing potential candidates for political office. It also means that an overwhelming majority of women are deprived of the opportunity to accumulate the work experience, social and professional networks, and capital that would be highly worthwhile in any future political aspirations.
- As of May 2008, there are 155 governors in Turkey—and none are women. There are only five female deputy governors and 16 female district governors.<sup>15</sup>
- Although especially emphasized in Paragraphs 31 and 32 of the Concluding Comments of 2005, women are still underrepresented at top-level positions at the Ministry of Foreign Affairs. Turkey has 177 ambassadors; only 18 (10.2%) are women.<sup>16</sup>

## Call for Action

Because of the negligent attitude of the current political structure towards women's participation in politics, we repeat the same demands listed for the 2005 Review:

1. The Political Parties and Election Law should be amended to ensure the equal and democratic participation of men and women in politics, including equal gender representation and placing women in electable ranks on ballots.
2. Both the Constitution, and the Political Parties and Election Law should adopt a 50 percent equality condition (parity) for both national and local elections.
3. The duties and authorities of the women's branches of political parties should be designated in statutes and bylaws so as to reinforce women's participation. At least 30 percent of state aid to political parties should be allocated to women's branches for research and policy making for women until full equality is achieved. State aid should be determined by taking the number of female members into account.
4. Temporary special measures should be adopted to increase the number of female personnel at top-level positions at the Ministry of Foreign Affairs and in public administration in general.
5. As women are underrepresented in decision making bodies, they often have no say in the allocation of public funding. In order to actually achieve equality, gender-sensitive

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<sup>13</sup> Most of the measures said to be taken to improve women's participation in politics in the Sixth Periodic Country Report for Turkey, Article 7(b), p. 27 are NGO initiatives. The state has done nothing to enact temporary special measures in legislation.

<sup>14</sup> Association to Support and Train Women Candidates (KADER) website. Statistics. <http://www.kader.org.tr/?p=istatistik>.

<sup>15</sup> MP Nevin Gaye Erbatur, TGNA 23/2<sup>nd</sup> term. Parliamentary Question No: 7/2698. [http://www.tbmm.gov.tr/develop/owa/yazili\\_soru\\_sd.onerge\\_bilgileri?kanunlar\\_sira\\_no=63349](http://www.tbmm.gov.tr/develop/owa/yazili_soru_sd.onerge_bilgileri?kanunlar_sira_no=63349). The situation is indicated only as numerical data in the Sixth Periodic Country Report for Turkey, Article 7(b), p. 28. There is no further information given or comments made regarding how to change the situation.

<sup>16</sup> Association to Support and Train Women Candidates (KADER) website. Statistics. <http://www.kader.org.tr/?p=istatistik>.

budgeting is required. The allocation and use of public funding should be planned to accelerate the achievement of actual gender equality. Regular monitoring should be employed to see if the funding is effectively used as planned.

## IV. Education

### Related articles: 4, 10

- According to 2006 figures, 19.6 percent of women in Turkey are illiterate. Despite the various campaigns and programs carried out by the state and NGOs to encourage the education of girls, the increase achieved from 2000 to 2006 was a mere 0.2 percent.<sup>17</sup> Although Turkey pledged to achieve universal literacy for women by 2000 within the framework of the 1996 Beijing Declaration, data provided by UNESCO suggests that Turkey is one of the countries at risk of failing to realize gender equality in primary and secondary education until 2015.<sup>18</sup>
- Official data shows an increase in girls' schooling rates at all levels.<sup>19</sup> Schooling rates increased from 88.54 percent to 97.37 percent from 2000 to 2008; however, the rate of girls in compulsory primary education only climbed from 45 percent to 47.6 percent since 1998, when the compulsory education law was enacted.<sup>20</sup>
- Although there is an increase in schooling levels in secondary education, there is no significant increase in favor of girls (45.2% in 2000, 46.0% in 2007).<sup>21</sup> Moreover, there is a decrease in the number of girls who attend secondary school (including vocational school), which is not compulsory.
- While the rate of girls in higher education is increasing compared to boys (43.2% in 2000, 44.6% in 2007), the number of girls who attend technical sciences remained constant.
- Education statistics featured in the Sixth Periodic Country Report for Turkey show an upward trend, but this increase is only parallel to population growth.<sup>22</sup> Women's education is concentrated in traditionally "female-specific" fields, and discriminating stereotypes continue to obstruct the education of women and girls.
- There is no education in native languages other than Turkish. For example, Kurdish girls who cannot speak Turkish face many problems because of the lack of education in Kurdish. They encounter Turkish for the first time in their lives at school, which constitutes a major disadvantage throughout their primary school education.
- In Paragraphs 30 and 42 of the Concluding Comments of 2005, the CEDAW Committee underlines the importance of awareness-raising education campaigns for women on gender roles and laws and regulations. The most enduring and sustainable state initiative to this end is a legal literacy and human rights training program for women, implemented in collaboration with an NGO since 1998, at community centers attached to the General Directorate of Social Services. The program aims to raise legal literacy among women, thereby improving their ability and capacity to enjoy their basic rights in both the private and public spheres.<sup>23</sup> State resources allocated to program implementation in the field

<sup>17</sup> The Sixth Periodic Country Report for Turkey, Article 10(e), pp. 40-42.

<sup>18</sup> UNESCO. 2006. Global Monitoring Report. [http://portal.unesco.org/education/en/ev.php-URL\\_ID=43283&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=43283&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>19</sup> The Sixth Periodic Country Report for Turkey, Article 10(a), pp. 34-35.

<sup>20</sup> The Sixth Periodic Country Report for Turkey, Article 10(a), p. 34.

<sup>21</sup> *ibid.*

<sup>22</sup> *ibid.*

<sup>23</sup> This field education program uses the CEDAW Convention as a tool to underline the international nature of the existing consensus on women's human rights.

helped sustain the program for over a decade, which has now spread throughout the country.<sup>24</sup> Similar informal education programs are an effective method in preventing discrimination against women, and are successfully implemented throughout Turkey by various NGOs. Such programs are important opportunities for state-NGO collaboration; they should be supported by the state and enhanced both financially and logistically in a wider framework.

- In addition to the legal literacy and human rights training for women, various other programs are implemented at Community Centers, including those geared to creating awareness among women. Although Community Centers are easily accessible by women and provide the most accurate information about women's rights, their numbers and geographical coverage have unfortunately stayed the same, with limited human and material resources. They remain understaffed, despite the pressing demand especially for social workers qualified to meet increasing and changing needs. Community Centers are attached to the General Directorate of Social Services, which recently initiated structural reforms in plans to streamline community social services. This may imply closing down Community Centers, and transferring responsibility to centrally located "social centers." These efforts at restructuring would constitute a great threat to the invaluable services social workers offer and provide to local women.

## Call for Action

1. The state should fulfill its commitments arising from the Beijing and Beijing+5 PoA. An education policy coherent with social structure and dynamics should be developed in order to achieve full gender equality in education and universal literacy.
2. Compulsory education should be 12 years.
3. The state should ensure that girls are registered at the state population register and develop efficient mechanisms to monitor their regular school attendance and prevent invisible dropouts (i.e. parents send their daughters to work the fields or relocate in another city after enrolling them in school).<sup>25</sup>
4. Widespread preschool education is needed in order to reduce the housework and care responsibilities of women and older sisters.
5. Equality in access to means and resources such as scholarships, accommodation and equipment should be targeted; this should be monitored through statistical data and temporary special measures should be employed in favor of girls.<sup>26</sup>
6. The project undertaken by the Ministry of Education to remove discriminatory elements from school textbooks should be accelerated and should be repeated periodically, and women's NGOs should contribute to this process.<sup>27</sup>
7. As stated in Paragraph 34 of the Concluding Comments of 2005, the state should collect data about multiple instances of discrimination that women and girls whose native language is not Turkish face in accessing education and achieving school success, and develop relevant policies to resolve their problems. Education programs in native languages should be developed.
8. Parent education and on-the-job training for education personnel should be given particular importance.<sup>28</sup>

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<sup>24</sup> The Sixth Periodic Country Report for Turkey, Article 10(f), p. 43.

<sup>25</sup> The Sixth Periodic Country Report for Turkey, Article 10(f), pp. 42-43.

<sup>26</sup> The Sixth Periodic Country Report for Turkey, Article 10(d), pp. 38-40.

<sup>27</sup> The Sixth Periodic Country Report for Turkey, Article 10(c), pp. 37-38.

<sup>28</sup> The Sixth Periodic Country Report for Turkey, Article 5(b), pp. 20-21.

9. Special programs should be developed for the education and integration of physically or mentally disabled girls of schooling age.
10. Special programs should be implemented for the education and integration of women prisoners.
11. The state should support informal education programs developed by NGOs on issues such as women's human rights, citizenship rights and legal literacy through improved allocation of resources and explicit acknowledgement of political commitment for such programs to continue and expand. In doing so, the state should openly acknowledge women's NGOs as collaborating partners to ensure effective design and implementation. Community Centers should be supported in order to accommodate and expand such programs.
12. The Public Administration Reform Act should include a regulation requiring local administrations to employ qualified and experienced staff for Community Centers and demand their close cooperation with NGOs.
13. Women's education should be channeled out of traditionally "female-specific" fields.

## V. Women's Participation in the Labor Force<sup>29</sup>

### Related articles: 11

As this report was being finalized, a Prime Ministerial Circular (No. 2010/14) was issued in late May 2010 on "Increasing Women's Employment and Achieving Equal Opportunity." This is potentially an important step forward to increase women's participation in the labor force. It outlines several measures to identify and eliminate obstacles before women's employment. The Circular is also important as it reflects many of the demands voiced by women's groups, and is a product of collaborative efforts between the government and women's platforms. However, as delineated below, further comprehensive legal reform and policy change on the issue remains crucial. Women's groups will monitor the implementation of the circular, and continue to lobby for legislative amendments to ensure the equal participation of women in the labor force.

- The rate of women's participation in the labor force in Turkey is one of the lowest in the world (24.6%) and has been following a downward trend nationwide since 2005.<sup>30</sup> Leaving out unpaid female agricultural workers, urban participation rates are even lower: only 20 of every 100 adult women in urban areas participate in the labor force,<sup>31</sup> and 62 percent of women who do not work in a paid job indicate being a full time homemaker as the reason. According to data collected in December 2008, the urban female unemployment rate is 18.5 percent, while the employment rate is 17.6 percent.<sup>32</sup>

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<sup>29</sup> This section was drafted with the contributions of The Initiative for Women's Labor and Employment – KEIG  
<sup>30</sup> "While the employment rate of the female population was 31 percent in the mid-1990s, it gradually dropped to 22.3 percent in 2006." The Sixth Periodic Country Report for Turkey, Article 11(1), p. 45.

<sup>31</sup> Turkish Statistical Institute (TUIK), Household Labor Force Survey Results (2006).  
[http://tuikrapor.tuik.gov.tr/reports/rwervlet?isgucu&report=isg\\_durum\\_web\\_2000.RDF&desformat=html&p\\_tu\\_r=1&p\\_kod=2&p\\_ngr1=1&p\\_c1=2&p\\_yas=15&p\\_yas1=999&p\\_x=kod\\_yasgr&p\\_x1=1&p\\_x2=2&p\\_x3=3&p\\_x4=4&p\\_x5=5&p\\_x6=6&p\\_x7=7&p\\_x8=8&p\\_x9=9&p\\_x10=10&p\\_x11=11&p\\_x12=12&p\\_x13=13&p\\_x14=14&p\\_YIL1E=2006&ENVID=isgucuEnv](http://tuikrapor.tuik.gov.tr/reports/rwervlet?isgucu&report=isg_durum_web_2000.RDF&desformat=html&p_tu_r=1&p_kod=2&p_ngr1=1&p_c1=2&p_yas=15&p_yas1=999&p_x=kod_yasgr&p_x1=1&p_x2=2&p_x3=3&p_x4=4&p_x5=5&p_x6=6&p_x7=7&p_x8=8&p_x9=9&p_x10=10&p_x11=11&p_x12=12&p_x13=13&p_x14=14&p_YIL1E=2006&ENVID=isgucuEnv)

<sup>32</sup> TUIK. 2009. Household Labor Force Survey Results for December 2008. TUIK website:  
[http://www.tuik.gov.tr/PreTabelo.do?tb\\_id=25&ust\\_id=8](http://www.tuik.gov.tr/PreTabelo.do?tb_id=25&ust_id=8)

- While the vast gender gap (as much as 50 percent) in employment and labor force participation is one of the worst gender indicators in Turkey, the state lacks a coordinated national action plan on this matter, and despite concerted efforts by women's NGOs, there has been little progress since 2005, if any. Government actions mentioned in the official report are of an ad hoc, once-off, "project" basis, primarily emphasizing entrepreneurship and microcredit support programs.
- The emphasis on entrepreneurship and microcredit as the main channels for women's entry into the labor market falls short of challenging formal paid wage and salary employment as a male domain.<sup>33</sup> Two important prerequisites for successful entrepreneurship—having prior business experience and contacts, and start-up capital—, are possible if the person is already employed in a paid job. Women are unable to access loans since they own very few personal assets. Entrepreneurship also involves high risks and carries the threat of being excluded from the social security system.
- None of the government actions explained in the report entail a comprehensive reform initiative towards the creation of legal and institutional mechanisms enabling women's entry to the labor market. There has been no progress, for instance, in the provision of publicly sponsored childcare and preschool education services. The preschool enrollment rate for children between 0 and 3 years of age is less than 1 percent in Turkey; there is in fact no official data on enrollment rates for this age group. For children in the 4 to 5 age group, preschool enrollment rates have barely reached 10 percent. This means that from birth until the age of 5, children are presumed to be in full-time care of their mothers.
- The only legal obligation for providing childcare services to employed parents is an item in the Labor Law which states that "workplaces with more than 150 women are obliged to provide free-of-charge crèches for their female employees." This item is discriminatory on multiple levels; only women employed by large enough businesses in the formal sector—a minority within a minority—may benefit from this right. Moreover, the legal obligation is based only on the number of female employees; this is problematic in itself, reflecting the discriminatory approach that child-rearing is the responsibility of women only. Finally, this provision is hardly ever enforced, and there is no official Ministry of Labor or Ministry of Education data on the number of private business that actually offer this service.
- Sixteen weeks of maternity leave is the only publicly sponsored mechanism for work-family life reconciliation in Turkey. Only a limited number of women who are in formal employment have access to this legal right. There is no parental or paternity leave act for fathers. The draft law for parental leave has been pending in parliament for the past decade. Moreover, the draft law in its current form entails a parental leave right (in addition to maternity leave) to either the mother or the father on an unpaid basis. Experiences from other countries show that unless parental leave is on a paid basis or have a non-transferable component, fathers taking care leave remains a right on paper.
- As a result, a general characteristic of female labor force participation in Turkey has been that women participate at younger ages while single, and quit their jobs upon pregnancy and childbirth. When and if at all, they return to the labor market when the children have grown up; this is usually of a transitory nature motivated by economic hardships.

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<sup>33</sup> The Sixth Periodic Country Report for Turkey, Article 11(1) c, pp. 46-50.

- While minimizing the responsibilities of employers as an alleged measure to boost their global competitiveness, the government simultaneously uses budget insufficiencies and non-interest surplus targets set by the IMF as an excuse to sustain the narrow scope of social services. Thus the volume and intensity of care services needed at home increase, and the burden is left entirely on women's shoulders, reinforcing their traditional role as "housewives" and hampering their ability to work in a paid job.
- In this context, the Prime Minister of Turkey recently made several public statements, calling on women in Turkey to give birth to a minimum of three children; this has been a shocking expression of conservatism at the highest level of administration. Following the Prime Minister's call, several reports in the media have highlighted provincial mayors who announced material incentives to families upon birth of a third child. Despite protests from NGOs, the Prime Minister has made no retreat and sustained his position.
- The Turkish Employment Agency (ISKUR), the main employment agency in Turkey, acts solely as an operational institution, as opposed to an agency that develops policy and strategy. It has refrained from developing any temporary special measures to support women's employment, despite the fact that the low level of women's employment is one of the most pressing obstacles before Turkey's development. The only initiatives have been the dissemination of earmarked EU funds through the Agency for women's employment "projects" with no comprehensive evaluation.
- With the new Social Security and General Health Insurance Law (2008), the conditions for accessing health insurance and retirement eligibility have been made substantially harder (e.g. an increase in required days of premium payment; divorced women losing the social security they had through their husbands; the lack of social security rights for home injuries for women working in the house). The new regulations further exclude women from the system and make women more dependent on their fathers/husbands in order to be included in the social security network.<sup>34</sup>
- The number of women working in the public sector is also very disappointing. According to data collected by a woman's NGO in 2006, the rate of women employed in public institutions, where future cadres for decision making bodies are also trained is 22.6 percent; even lower than the rate of women working in the private sector.<sup>35</sup> The rate of women employed in public economic enterprises is only 8.3 percent.<sup>36</sup> There is also a decrease in women's employment in directorial positions, according to the 2006 data. The situation is better in the private sector.<sup>37</sup> Vertical discrimination in public employment reflects especially negatively on women's status and level of welfare.
- The state response to Question 8 raised by the Committee offers examples of several training seminars and projects to train government personnel on gender budgeting; however, makes no mention of any efforts by the state, on a national level, to make gender budgeting a consistent priority while constructing the national budget each year.

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<sup>34</sup> The Sixth Periodic Country Report for Turkey, Article 14(2) c, pp. 70-71.

<sup>35</sup> IRIS Equality Watch Group. 2006. "Research on Women Executives in the Public Sector." Ankara.

<sup>36</sup> *Ibid.*

<sup>37</sup> IRIS Equality Watch Group. 2009. "Research on Women in Directorial Positions in the Private Sector." Ankara.

## **Call for Action**

1. The Prime Ministerial Circular No. 2010/14 should be fully implemented to achieve complete gender equality in employment. Necessary legal amendments, outlined below, should be made to support the circular. Women's organizations, unions, and trade organizations should be considered integral partners in the process.
2. Public institutions should report activities they have undertaken towards achieving gender equality in public employment to the "Women's Employment Monitoring and Coordination Commission," the pending establishment of which was outlined in Circular No. 2010/14.
3. Ensuring gender equality in the economic sphere—primarily women's equal access to employment—should be adopted as the fundamental principle of Development Plans, and linked to quantitative and qualitative targets within sectoral priorities. Authorities should act with the target of ensuring gender equality in both financial and monetary policies; all financial plans should be redesigned to this effect.
4. Creating legal and institutional mechanisms to reconcile work and family life needs to become a fundamental aspect of any national policy to promote women's employment. The parental leave act should be enacted immediately to complement the existing maternity leave act, and allow fathers to fulfill their equal responsibility in childcare. To ensure effective implementation of the parental leave act for fathers, it should entail a minimum of three months of leave non-transferable from the father to the mother, and be on a paid basis as is maternity leave.
5. The government must immediately take necessary measures to establish, operate, and allocate funds for preschool education and childcare services for children in the 0 to 5 age group. The state's responsibility to provide universal preschool education needs to be acknowledged.
6. Regulation No. 25522 on the Work Conditions of Pregnant or Nursing Women and Nurseries and Childcare Centers should be amended; it should be based on the "total number of female and male workers" and the required number of workers should be reduced. Central and local administrations, organized industrial zones, as well as small business owners should be obliged to provide childcare services.
7. The implementation of the above mentioned regulation should be strictly audited and documented by the Ministry of Labor and Social Services. Determined fines for violating such obligations should be deterrent.
8. School hours should be extended to fit with the working hours of parents through after-school study halls.
9. Employers should provide on-the-job training sessions to help women returning from maternity leave, and women should have the guarantee to return to the same or equivalent position at work. The Labor Law should be amended accordingly.<sup>38</sup>
10. Regulations on caring for the elderly and the disabled should be amended to reduce the dependency on women's unpaid labor within the household for care-giving.
11. Arbitrary extension of working hours above the legal maximum should be prevented.
12. Public labor and employment authorities, primarily the Ministry for Labor and the Turkish Employment Agency (ISKUR), should create institutional mechanisms in coordination with the Ministry for Women's and Family Affairs to design, monitor and evaluate all their programs, policies, legal reforms and resource allocation from a gender perspective. They should develop national policies and implementation mechanisms specific to women's employment.

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<sup>38</sup> The Sixth Periodic Country Report for Turkey, Article 11(3), pp. 61-62.

13. In order to prevent gender discrimination in recruitment processes, the definition of the employment relationship in the Labor Law and Public Personnel Law should include the “engagement/recruitment process.” The scope of the Labor Law should be expanded to also prevent discrimination based on sexual orientation.<sup>39</sup>
14. Public institutions should implement a gender quota in employing and appointing women to directorial positions, to eliminate vertical and horizontal discrimination. The private sector should be supported with incentives to increase women’s employment.<sup>40</sup> The temporary special measures stipulated in the employment package of 2008, such as tax reductions as an incentive to employ women, should be diversified.
15. Reinforcing the vocational and entrepreneurship training seminars geared to women with empowerment training on gender roles, violence against women, legal literacy and human rights should be mandatory. The Turkish Employment Agency (ISKUR) and Social Services (SHCEK) should collaborate with women’s organizations on such training sessions and develop effective evaluation and monitoring mechanisms.<sup>41</sup>
16. Public institutions and enterprises should issue internal bylaws against sexual harassment at the workplace and implement effective preventive mechanisms. Private businesses should also employ similar measures.
17. In Turkey, women earn approximately 46 percent of the income that men earn.<sup>42</sup> In order to eliminate vertical discrimination, the Public Personnel Law should be amended to include temporary special measures and an appointment system based on merit; to eliminate horizontal discrimination, an objective job classification system for public employees must be developed and salaries must be determined based on this system.<sup>43</sup> Practices such as paying family allocations to men, as mentioned in the Sixth Periodic Country Report for Turkey, should be abolished.<sup>44</sup>
18. Unpaid, temporary agricultural workers and wage worker women should be included in the social security system until the informal/unregistered economy problem is eliminated.<sup>45</sup> Home based work is growing and diversifying as an employment sector. Women comprise 85 to 90 percent of all home based workers. This form of employment offers no security in terms of stability, wage, payment, and social security. A social service approach should be developed for this kind of employment and a minimum wage should be set.<sup>46</sup>
19. Special policies, including a quota system and vocational and empowerment training sessions are needed for women in shelters to integrate them to the labor force. They should also be included in the social security system without having to pay premiums.
20. The state should integrate gender budgeting into its annual national budget planning.
21. Representatives of women’s organizations should be included in national bodies such as the Economic and Social Council, and the EU-Turkey Joint Consultative Committee (JCC) that coordinate and make recommendations on economic and employment policies.

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<sup>39</sup> The Sixth Periodic Country Report for Turkey, Article 11(1) b, pp. 51-52.

<sup>40</sup> *ibid.*

<sup>41</sup> To this end, in early 2010, ILO, ISKUR, Social Services and a woman’s NGO collaborated on a pilot implementation to integrate the Human Rights Education Program for Women with vocational training for women in three provinces; outcomes have been positive and encouraging.

<sup>42</sup> The Sixth Periodic Country Report for Turkey, Article 11(1) d, pp. 56-57.

<sup>43</sup> The Sixth Periodic Country Report for Turkey, Article 11(1) a, p. 51.

<sup>44</sup> The Sixth Periodic Country Report for Turkey, Article 13(a), p. 67.

<sup>45</sup> The Sixth Periodic Country Report for Turkey, Article 14(2) c, pp. 70-71.

<sup>46</sup> The Sixth Periodic Country Report for Turkey, Article 7(c), pp. 29-30.

## **VI. Health<sup>47</sup>**

### **Related articles: 12**

The dominant approach to women's health services across Turkey may be termed "traditional" rather than "holistic," focusing as it does on reproductive age. Consequently, adolescents, menopausal and post-menopausal women are the most neglected groups. Women face an intricate web of problems beginning with boy preference at birth, followed by problems in adolescence—early marriage, and early and risky pregnancy especially in rural areas—and being almost "disregarded" once menopause occurs and afterwards.

- Awareness-raising training programs on family planning and clinical services do not target men. According to data from the Turkey Demographic and Health Survey (2003), the service gap in family planning is 38 percent. Furthermore, due to limited awareness, 28 percent of women who use birth control employ inefficient methods.<sup>48</sup> There is significant service gaps based on regional discrepancy in the use of family planning methods and modern contraceptives.<sup>49</sup>
- Turkey's Population Planning Law, dated 1983, includes a provision that requires spousal consent for married women to have an abortion; this violates patients' rights, women's bodily autonomy, and reproductive health and rights. It furthermore discriminates among women based on marital status. According to the Turkish Penal Code (Article 99) adopted in 2005—which supersedes the aforementioned provision—abortions performed within the first 10 weeks of pregnancy are legal, and the consent of women alone is to be sought in performing an abortion. The violation of a woman's right to safe abortion is a crime punishable by 2 to 4 years of imprisonment.
- According to the National Maternal Mortality Study conducted in 2005, maternal mortality rate is rather high, at 28.5 per 100,000 live births, and there is a significant difference in rates between rural-urban and eastern-western regions.<sup>50</sup> This indicates that Turkey is in breach of Article 12, Paragraph 2 of the Convention.
- The Social Security Law which went into effect in October 1, 2008 has rendered women more dependent on fathers and husbands for access to cost-free health care.<sup>51</sup>
- The Legal Consultancy Department of the Ministry for Health issued a position paper that calls for the legal authorities to be notified in cases of out-of-wedlock pregnancies of girls under the age 18. This position could also lead to the restriction of access to reproductive and sexual health services for young girls under 18 (and above 15), as the pregnancy can be interpreted as a sign of "sexual attack" to be reported to legal authorities under Article 104 of the Penal Code, which is still contested by women's organizations as it leaves room for penalizing the consensual sexual relations of young people.<sup>52</sup>

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<sup>47</sup> This section was drafted with the contributions of Prof. Şevkat Bahar Özvarış, deputy head of Hacettepe University Women's Research and Implementation Center, and the Human Resource Development Foundation.

<sup>48</sup> Hacettepe University, Population Studies Institute. 2003. Turkey Demographic and Health Survey (TNSA). Ankara: Hacettepe University.

<sup>49</sup> Hacettepe University, Population Studies Institute. 2008. Turkey Demographic and Health Survey (TNSA). Ankara: Hacettepe University.

<sup>50</sup> Hacettepe University, Population Studies Institute, ICON-Institute Public Sector GmbH and BNB Consulting (2006). National Maternal Mortality Study, 2005, General Directorate of Mother-Child Health and Family Planning and the Delegation of the European Commission to Turkey, Ankara.

<sup>51</sup> Bianet. 15 May 2009. "Kadınlar Ücretsiz Doğum Hakkını Savunmalı" [Women Should Defend the Right to Free Child Delivery]. <http://bianet.org/bianet/emek/114583-kadinlar-ucresiz-dogum-hakkini-savunmali>.

<sup>52</sup> Please see page 6 of this Shadow Report.

- The new family practitioner system in Turkey is progressing toward a non-comprehensive approach that focuses on treatment as opposed to prevention, and the privatization of health. Moreover, indicators from cities where the family medicine system has gone into effect are not being publicly shared in a constructive and transparent manner. The responsibilities of Community Centers and Family Health Units are not explicitly defined. While the “Health Transformation and Family Practitioners” program will clearly affect disadvantaged women even more negatively, its expansion as is will potentially lead to more unfavorable outcomes.<sup>53</sup> Further, the practice of family practitioners is causing restriction both in the scope of and access to the basic health services targeting women and girl children.
- HIV positive women are widely discriminated against in Turkey. Both the risk of being HIV positive, and encountering problems in access to medical treatment and justice are greater for women. Women diagnosed as HIV positive can lose their jobs, thereby their public health insurance. Discrimination against HIV positive individuals is the most prevalent form of discrimination in health institutions. While a diagnosis of HIV positive status has to remain private, this information is used openly by the media, in a way that exposes women.

### **Call for Action:**

1. As proposed in the 1994 International Population and Development Conference (ICPD), a “holistic” approach to women’s health and the “integration of reproductive health services to basic health services” is necessary.
2. Everyone should have access to free, integrated, available, quality health services. Women who only speak Kurdish, Arabic, Farsi, et cetera, as opposed to the official state language, should also have access to health services with “a special service approach” that takes language and cultural differences into consideration.
3. Family planning services should be expanded to address unmet needs.
4. Article 6, Paragraph 2 of the Population Planning Law that requires spousal consent before married women can have an abortion should be abolished as it is a direct violation of women’s reproductive rights. This provision, adopted in 1983, also contradicts the regulations of the Turkish Penal Code (Article 99) adopted in 2005.
5. Special measures should be adopted to protect women and girls diagnosed with HIV/AIDS and ensure their access to healthcare. The principles in CEDAW General Recommendation No. 15 should be put into practice, including awareness-raising activities on HIV/AIDS and campaigns developed from a gender perspective in combating HIV/AIDS.
6. Maternal mortality should be prevented immediately. Prenatal and obstetric care services should be improved to this end, and obstacles in accessing these services should be eliminated. Awareness-raising programs should be available for expectant mothers and families to learn of the relevant risks and protection mechanisms.
7. Unmarried women, adolescents/youth, menopausal and post menopausal women should have access to reproductive and sexual health services, and comprehensive programs targeting these neglected groups should be implemented.
8. All health professionals, including pharmacists, should receive training on gender equality and violence against women. To this end, the issues of gender equality and violence against women should be included in the curricula of secondary and tertiary level vocational education.

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<sup>53</sup> İstanbul Chamber of Medicine. 2009. Türkiye’de Sağlık Politikaları Üzerine Yazılar-II, Sağlıkta Dönüşüm [Essays on Health Policies in Turkey-II, Health Transformation]. İstanbul.

## VII. Media<sup>54</sup>

### Related articles: 5, 11

- A comprehensive study on the status of women in the media has yet to be conducted. A research study by the Turkish Statistical Institute (TUIK) only on women working in the print media found women's employment rates to be around 35 percent.<sup>55</sup> Only 15 percent of editors-in-chief and general managers in the media were women.<sup>56</sup>
- According to the "Study on Women's Representation in the Media," the rate of women in decision making mechanisms of the media is 21 percent, while their representation among columnists is 12 percent.<sup>57</sup> Women in primetime news broadcast teams constitute 16 percent. Women in decision making positions in the media have not yet reached the critical threshold, at 33 percent.<sup>58</sup> A woman has never been appointed the general director of the public television channel, TRT—the only general director post filled by appointment.
- Women are still portrayed in their traditional gender roles and their rights are violated through the commodification of the female body, reinstatement of gender stereotypes and pornography in the media. The national mechanism or KSGM is charged with conducting research on women's portrayal in media, and implementing and supporting projects to strengthen women's positions in media through its new Institutional Legislation Law, No. 5251; it has yet to take adequate, concrete steps to this end.
- According to KSGM's 2008-2013 Strategic Plan, the Radio and Television Supreme Council (RTUK), Turkish Radio and Television (TRT), the General Directorate of Press and Information (BYEGM) and Anatolian Agency (AA) are charged with the task of "enhancing women's participation in decision making mechanisms of the media." However, the necessary regulations have not yet been adopted. Nonetheless, KSGM has stated that "Due to the significant role the media plays in the advancement of women and modification of socio-cultural behavior patterns, various regulations have been introduced to designate the principles and procedures to be followed in radio and television broadcasts, with the aim of preventing the presentation of discriminatory gender role patterns," and cited the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts as an example.<sup>59</sup> However, this law only entails very vague provisions, such as the article that states, "discrimination and violence against women, vulnerable people and children shall not be encouraged" and the principle "no one should be stigmatized and denigrated due to her/his language, race, color, gender, political ideology, philosophical believes, religion, sect or the like" and these are provisions are not reflected in the implementation of the law. In the same law, it is stated that "the broadcasts should not be against the societies national and moral values and the structure of the Turkish family," thus reinforcing the traditional family-bound roles of women. The perspective

<sup>54</sup> This section was drafted with the contributions of Women's Media Watch Group – MEDIZ and IRIS Equality Watch.

<sup>55</sup> Turkish Statistical Institute. 2005. "Yazılı Medyada Kadın" [Women in the Print Media]. Ankara.

<sup>56</sup> This is mentioned in the Sixth Periodic Country Report for Turkey, Article 7(c) p. 29; however there is no comment on the low representation rate.

<sup>57</sup> MEDİZ. 2008. "Medyada Kadınların Temsil Biçimleri Araştırması" [Study on Women's Representation in the Media]. Istanbul. <http://www.mediz.org/Yazi/74/1/17/Medyada-Kad%C4%B1nlar%C4%B1n-Temsil-Bi%C3%A7imleri-Ara%C5%9F%C4%B1rmas%C4%B1.aspx>.

<sup>58</sup> *ibid.*

<sup>59</sup> The Sixth Periodic Country Report for Turkey, Article 5(a), pp. 19-20.

of neither the Law, nor the Circulars is geared to increasing the representation of women in decision making mechanisms.

- In its 2008-2013 Strategic Plan, KSGM stated it would support the establishment and work of civil society media watch groups, but concrete steps have yet to be taken. Moreover, KSGM has failed to establish continued collaboration with existing media watch groups, and thus is unable to benefit from their expertise.<sup>60</sup>
- Above all, public institutions have been resistant about establishing gender equality in and through the media. Article 17 of the report on the Consultative Meeting with Civil Society Organizations on Family Services, which took place in 2008, is a recent example of this phenomenon; it reads, “feminist language in the media used in reference to custom killings should be changed.”<sup>61</sup>

### **Call for Action:**

- 1) KSGM should prepare a “Media Transformation Plan” with implementation guidelines for five-years, and make sure that the plan has measurable outcomes.
- 2) Appropriate amendments should be made to the regulations on the appointment principles of RTUK members and the recruitment of RTUK specialists towards achieving the equal representation of women and men in the Council. Article 15 of the RTUK Institutional Legislation should be amended to enable the establishment of a “Department of Gender Equality” within the institution.
- 3) A “Women in Media Monitoring Sub-Commission” should be established within TRT and RTUK, with the participation of experts from women’s organizations and universities’ women’s studies departments.
- 4) The TRT, RTUK and Press Laws should be amended. The principles of CEDAW should become the natural underlying principle of these laws. The clause “gender expertise” should be added to the qualifications in Article 6 of the RTUK Law outlining council members’ election and tenure, as well as the law on the selection of the TRT board members.
- 5) The Media Literacy Project, initiated with the cooperation of RTUK and the Ministry of Education should be reorganized from a gender perspective.<sup>62</sup>
- 6) The short films outlined in the Circular on Measures to Prevent Custom and Honor Killings and Violence against Women and Children should be prepared in several languages (Turkish, Kurdish, Arabic, etc.) with cooperation from women’s organizations, and widely screened. Although in its 11<sup>th</sup> report RTUK states that this is being done, there are problems in practice.
- 7) Necessary legislative changes should be made and monitored for the equal representation of women employed in the media, including in decision making mechanisms, and an appropriate quota system should be devised in institutional legislations.
- 8) When granting or recertifying institutional or press licenses to the media and advertisement companies, training in gender awareness should be mandatory.

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<sup>60</sup> The Sixth Periodic Country Report for Turkey, Article 2(f), p. 12.

<sup>61</sup> Meeting Report. 2008. Consultative Meeting with Civil Society Organization on Family Services.” Ankara. [www.aile.gov.tr/dosya/?Id=184](http://www.aile.gov.tr/dosya/?Id=184). See also, Gülden Gürsoy, *Radikal* Newspaper. “Medyada feminist dilin gerekliliği” [The need for feminist language in the Media]. <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalEklerDetay&ArticleID=932015&Date=21.04.2009&CategoryID=42>.

<sup>62</sup> The Sixth Periodic Country Report for Turkey, Article 5(a), pp. 19-20.

- 9) The inputs of institutions and women's organizations working on the media should be integrated into projects such as KSGM's National Action Plan, the Media Literacy Project, and in the reform processes of the Constitution, the Turkish Penal Code, and laws that govern TRT, RTUK and the General Directorate of Press and Information.

## VIII. Violence against Women

**Related articles: CEDAW Committee General Recommendation No. 19 and Articles 2(e, f), 3, 4 (2), 5, 10 (c, h), 11/2 (a, d), 12/1, 14/2 (b, c, h), 16/1**

The first official nationwide research study on domestic violence with a representative sample was published in 2009. The study, similar to earlier, smaller-scale studies, revealed that domestic violence continues to be alarmingly prevalent at 39 percent.<sup>63</sup> Despite this fact, currently there are only 52 regular and only one interim station-type shelters for women survivors of domestic violence in Turkey. Furthermore, although the Prime Ministerial Circular No. 2006/17 outlined the necessary measures and responsible institutions to combat violence against women (VAW), since the state lacks an integrated, comprehensive policy on this issue, budgets of the institutions charged with combating VAW have not been allocated accordingly. The Country Report will also reveal that efforts spent on this issue are based on time-specific activities in the form of projects, instead of long-lived and sustainable programs. Meanwhile, another circular issued by the Ministry of Domestic Affairs (No: 2007/8) on the coordination of measures to combat VAW, charges governor's offices with the task of establishing Provincial Coordination Committees to manage the coordination and cooperation among relevant institutions. However, only 22 out of 81 governor's offices have established these committees so far, only a few of the 22 work actively.

Consequently, women's NGOs in Turkey have no choice but to repeat most of the demands presented in the 2005 Shadow Report on the issue of VAW:

- Efforts to eliminate VAW have been inadequate, and with the exception of the budget allocated to women's guest houses attached to the Social Services and Child Protection Agency (SHCEK), no other public institution has a budget to combat VAW. This illustrates the lack of political will to eradicate VAW.
- The Municipality Law (No. 5393), enacted in July 2005, requires each metropolitan municipality and any municipality with a population over 50,000 to open a women's shelter. Furthermore, the Prime Ministerial Circular issued in July 2006 on "Measures to Prevent Custom and Honor Killings and Violence against Women and Children" also encourages municipalities to open shelters. However, since there are no tangible penalties for municipalities that do not, there were 52 shelters across Turkey as of August 2008, with a total capacity of 1,115 women and children.<sup>64</sup>
- Very few of the municipal women's shelters employ qualified staff with a background in social work, psychology, law and health, and capable of responding effectively to the legal, social, educational and health needs of women and children. Shelters are often operated by staff without a gender perspective, and there is no monitoring mechanism established to ensure they are run efficiently.

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<sup>63</sup> KSGM. 2009. "Turkiye'de Kadına Yönelik Aile İçi Şiddet Araştırması" [Research Study on Domestic Violence against Women in Turkey]. KSGM Yayınları. Ankara.

<sup>64</sup> MP Nevin Gaye Erbatur. 31 March, 2009. Parliamentary question on women's shelters. [http://www.tbmm.gov.tr/develop/owa/yazili\\_soru\\_sd.onerge\\_bilgileri?kanunlar\\_sira\\_no=72907](http://www.tbmm.gov.tr/develop/owa/yazili_soru_sd.onerge_bilgileri?kanunlar_sira_no=72907).

- Women's counseling centers are insufficient in number and inadequate in service quality. There are no state-run or municipal counseling centers specialized in VAW.
- The above mentioned circular also includes the provision that "local governments and provincial authorities shall provide multi-faceted support, including financial support, to efforts to open and operate autonomous women's shelters and counseling centers that are established and run by NGOs." However, not only is this provision not enforced, but currently even existing partnerships with NGOs are being jeopardized. For example, the Purple Roof Foundation—one of the oldest women's NGOs working on violence that operates an independent women's shelter in Turkey—was forced out of the shelter it was running in collaboration with the Beyoğlu District Governorship on 31 December 2008, on the pretext of budgetary constraints.<sup>65</sup>
- Law No. 4320 on protection orders against domestic violence has still not been amended in accordance with international standards.<sup>66</sup> Although the law has been in effect for a decade now, it is still not common practice and involves bureaucratic procedures that forestall efficient implementation. The absence of preventive and protective state policies and action plans, and a lacking support mechanism in the form of shelters, also diminish the deterrent force of the law.
- A nationwide research conducted in 2007 revealed that 42 percent of married women in Turkey are not even aware that a protection order law exists.<sup>67</sup> The state has failed to assume responsibility for legal literacy, and left the entire burden to civil society.
- Institutions already combating VAW, such as the Gazi University Medical School Hospital Group for Prevention of Violence against Women and Women's Legal Support Centers of Bar Associations are being closed down or made ineffectual.
- Family courts, which also address cases of violence against women, have been founded hastily, without the necessary expertise and on-the-job training.<sup>68</sup>
- There is a greater probability that VAW will occur at nights and on weekends, just when Family Courts, which decide on protection orders, are closed. This not only encourages perpetrators to use violence at those times, but results in women accepting that they have no recourse outside of work hours. When women apply to the Family Court during work hours, their files are kept in distribution offices for a day and delivered to the court the next day. This violates the principle of immediate protection.
- In reference to Question 12 on the List of Issues and Questions; women's NGOs are still not allowed to act as interlocutors in cases of VAW, which is a significant factor that figures in sentence reductions, or acts of violence going unpunished due to prevailing discriminatory judiciary practices.
- Despite the legislative reforms in favor of women's rights, courts continue to issue verdicts against women, such as the "family assembly verdict" mentioned in the "Legal Framework" section of this report.<sup>69</sup> Most judges and prosecutors need training in issues related to VAW.
- There is a backlash regarding the sentences for sexual crimes, despite the advances achieved with the penal code reform. The issue of consent is being raised in the rape of a 14 year old girl child, and there have been instances of proposals to marry the rape victim to the rapist in order to cancel his sentence.

<sup>65</sup> Purple Roof Women's Shelter Foundation website. 2009. "Barınak değil, sığınak istiyoruz!" [We want a shelter, not a pound!] [www.morcati.org](http://www.morcati.org)

<sup>66</sup> The Sixth Periodic Country Report for Turkey, Article 2(f), pp. 7-8.

<sup>67</sup> Arat & Altınay. 2007. Türkiye'de kadına yönelik şiddet [Violence against women in Turkey]. Metis Publishing. İstanbul.

<sup>68</sup> The Sixth Periodic Country Report of Turkey, Article 2(f), p. 5.

<sup>69</sup> See page 3.

- Members of the Forensic Medicine Institute are appointed by the government and thus not autonomous. The Institute works from a male dominant perspective. In the case of a 14-year-old girl abused by a 60-year-old man, the Institute concluded that the girl “suffered no psychological and physical harm,” leading to the acquittal of the perpetrator.<sup>70</sup>
- Forced and early marriages are still prevalent in especially Eastern and Southeastern Turkey. This is also in violation of CEDAW Article 16. As the legal age for marriage is 17, these girls are married only with a religious ceremony when they are between 13 and 15 years of age, and cannot benefit from the rights conferred by civil marriage.
- In an interview given to a national newspaper on 7 March 2010, the State Minister for Women’s and Family Affairs stated, “I believe that homosexuality is a disorder, an illness. It should be treated.”<sup>71</sup> Coming from a Minister, this statement—which is neither medically accurate, nor democratically legitimate—positions LGBTTI individuals as direct targets of social discrimination and hate crimes. The Minister had not apologized to LGBTTI individuals or retracted her statement at the time this report was prepared.
- Transsexual women are subject to hate crimes, killings, lynching attempts and mass assaults. Despite the fact that such assaults are on the increase, as “hate crimes” are not regulated by law, they continue to go unpunished.
- Although nearly all identified victims of trafficking in Turkey are women, policies that address human trafficking lack a gender perspective, and fail to analyze of the impact of gender inequality. Trafficking is not considered in the framework of discrimination against women. Moreover, the developed policies differentiate between international and domestic trafficking, which leads to further discrimination of trafficked women of Turkish citizenship who are unable to access existing mechanisms.
- Concerning NGOs inclusion in Turkey’s efforts to counter human trafficking, two NGOs have been involved in the process since 2004. Each runs a shelter for the identified victims of trafficking located in Istanbul and Ankara. Although an interim station-type shelter for the victims was also established in Antalya in 2009 by a local NGO, NGO shelters are far from being sustainable. This is primarily because NGOs’ shelter-related activities are not financially supported by the state, but rather covered by project-based resources granted by international institutions. The shelter in Ankara is currently closed, due to a lack of funds. With its limited capacity and resources, the shelter in Istanbul is the only one serving all the identified victims of trafficking across Turkey.
- Refugees in Turkey are required to pay a residence fee to access health services, and since they cannot afford it most of the time, they are unable to access any health services other than emergencies. In addition, there are no shelters for refugee women who are subjected to domestic violence, and the existing shelters cannot be facilitated for their stay due to the lack of relevant regulations.

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<sup>70</sup> Ismet Acar. 29 October 2008. “Adli Tip’tan gelen raporla tahliye oldu” [Report from the Institute of Forensic Medicine delivers acquittal]. *Sabah* Newspaper: Istanbul. <http://arsiv.sabah.com.tr/2008/10/29/haber,21EC694BFCEE42C6B04740E6B3F5627C.html>.

<sup>71</sup> *Hürriyet* Newspaper. 7 March 2010. “Eşcinsellik hastalık, tedavi edilmeli” [Homosexuality is a disease, should be treated]. <http://www.hurriyet.com.tr/pazar/14031207.asp>.

## **Call for Action**

1. To combat violence against women, earmarked budget items should be allocated to relevant institutions with a holistic approach. Budgetary allocations should be made to the Ministries of Health, Justice, and Interior Affairs, the General Directorate of Social Services, and state ministries responsible for combating VAW.
2. Organizations working on VAW and efforts undertaken by state-NGO collaboration should be supported and strengthened.
3. The Forensic Medicine Institute should be autonomous and able to investigate cases of violence without limited resources, time and experts. Members of the Institute should be selected from experts with a gender perspective, and trained together with judges and prosecutors on VAW.
4. Legal aid should be available in women's counseling centers. Women's right to seek legal remedy should not be limited with the closing of Women's Rights Centers of Bar Associations. Special measures facilitating women's easy access to justice must be developed and efficient mechanisms established.
5. Multilingual emergency intervention units should be established for survivors of VAW, open 24/7 and operated by staff with relevant background in social work, psychology or law.
6. A separate free-of-charge, multilingual emergency helpline for women subjected to violence should be opened.
7. Municipalities with populations over 50,000 should meet their obligation to open shelters. Shelters should employ qualified staff with a gender perspective to meet the psychological, legal, health, social and educational needs of women and children.
8. Municipalities and SHÇEK should be able to offer women staying at the shelters services such as child care, employment, and post-shelter accommodation to enable them to rebuild their lives. The necessary support and monitoring to ensure that women do not return to the cycle of violence should be provided.
9. The scope of Law No. 4320 or the protection order must be expanded and made available to all women, regardless of marital status. All instances of differential treatment of women based on marital status should be abolished.
10. Family Courts should be institutionalized to meet the public need, mechanisms that allow prosecutors on call to grant protection orders should be developed to enable courts to try cases after work hours, and hearings should be confidential when necessary.
11. The protection order law must be made more publicly known, its bureaucratic procedures simplified and the necessary amendments made to ensure the speedy processing of protection order applications.
12. Although not required by law, protection orders are usually granted based on reports of physical injury. This practice must be stopped.
13. Although a regulation was issued in 2008 to ensure the protection order law is effectively enforced, no progress has been made in its implementation. This regulation and the legal provisions it entails—in particular, the obligation of security forces to follow-up whether the conditions of the protection order are adhered to or not—must be put into practice immediately.
14. Women should be able to access information on their rights, including the protection order law, in a number of languages (Turkish, Kurdish, Arabic, Farsi etc.) and at a number of institutions such as district offices, police stations, health institutions et

cetera, as these are often the first places survivors of violence go to.<sup>72</sup> Staff members at these institutions should receive on-the-job training on VAW. In addition, effort must be spent to ensure women who directly apply to the relevant offices are aware of their right to free-of-charge legal counsel.

15. Sexual abuse and rape crisis centers should be established throughout the country.
16. Women survivors of domestic violence should have access to all health services free-of-charge.
17. Sentencing in cases of VAW and sexual violence has at times caused a backlash; this should be prevented and sentences be made even more deterrent.
18. Women's NGOs should be allowed to act as intervenors in all VAW cases.
19. Hate crimes should explicitly be defined by law, and the necessary measures taken to eliminate them.
20. A mechanism must be established to provide information, psychological support and legal assistance to women refugees who are subjected to domestic violence.
21. A gender perspective must be integrated in activities combating human trafficking, and efforts in this field should be attuned to policies and efforts to eliminate VAW.
22. National and local governments should earmark a portion of their financial budgets for shelters specifically for trafficked women.
23. Refugee women should be allowed to access all health services free-of-charge.
24. Trafficked women should be automatically issued a 6 month humanitarian visa while at the shelter and support mechanisms such as language courses, vocational training, and post-shelter accommodation should be established for them.
25. Citizens of Turkey who are trafficked should be integrated into the existing support system.
26. The state should collaborate with women's NGOs at all stages of programs, policies and efforts toward eliminating VAW and support civil society initiatives to this end.

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<sup>72</sup> According to a study by the Purple Roof Women's Shelter Foundation on women who applied to Purple Roof between 2006 and 2008, police officers offered information on legal processes to 46 percent of the women, while information on shelters, legal aid, compensation et cetera was provided to only 15 percent. See Banu Kavaklı Birdal. 2008. "Polislerin Yaklaşımına Dair Anket Çalışması Değerlendirme Raporu" [Evaluation Report of the Survey on Police Attitudes]. The Purple Roof Foundation. Istanbul.