

**NGO COUNTRY REPORT  
ON IMPLEMENTATION OF  
THE CONVENTION ON THE  
ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN  
(CEDAW)  
IN TURKEY**

**Prepared for Submission to the United Nations Committee  
for the Elimination of Discrimination Against Women at its  
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## *Summary*

- The Government of Turkey ratified the CEDAW in 1985 with reservations on Articles 9, 15, 16 and 29. The option of ratification of the Convention with reservations is meant to serve as a temporary measure until the necessary steps are taken towards its implementation. In the 11 years since the ratification of the CEDAW by Turkey, the Government has not undertaken the necessary legal reforms to enable the lifting of these reservations, which means that they have acquired a permanent nature. This is in violation of Article 28, Paragraph 2 of the Convention, which clearly states that “A reservation incompatible with the object and purpose of the present Convention shall not be permitted.” The Government of Turkey needs to take **immediate** action for legal reforms, and lift the reservations. In particular, those articles of the Turkish Civil Code relating to the rights and responsibilities of men and women in the family, where the husband is deemed “the chief of the family union” need to be reformed towards greater gender equality in the spirit of Articles 15 and 16 of the Convention. (see pages 2-3 of the NGO Country Report)

- An overwhelming majority of women in Turkey have little or no awareness of the fact that they are entitled to certain rights in family life, education, the work place and public life on equal grounds with men. Moreover, they have no access to the means for the enforcement of their rights. Hence, legal reforms represent necessary but insufficient measures towards a meaningful implementation of the CEDAW. The Government of Turkey should take concrete steps for the raising such an awareness and providing women with the means for the enforcement of their rights. Public resources need to be allocated towards the establishment and maintenance of widespread legal aid services, outreach and awareness-raising programs for women in all parts of the country. (see pages 1, 4 -5 of the NGO Country Report)

- Currently, there are only two private- and seven government-run shelters servicing women subject to domestic violence in Turkey, all of them located in urban centers of the economically developed western regions. In light of the fact that the female population in Turkey is approximately 30,000,000, nine shelters alone can hardly meet the need in the area of domestic violence against women. The Government of Turkey needs to make a serious commitment to the establishment of more shelters in all parts of the country. (see pages 4-5 of the NGO Country Report)

- “Honor Killings” is an on-going violation of women’s human rights in Turkey. Minor male members of the “disobedient, disgraceful” women’s family are delegated the task of murder since they can benefit from the mitigation circumstance of young age. There have also been instances where legal authorities reverted to “cultural attitudes and values” as basis for reduced punishment. The Turkish Criminal Procedure Law should be amended to allow for effective prosecution of these cases. Ideas for amendment have included that concerned women’s organizations and individual women be allowed to participate in the case as parties, that investigation

and prosecution of other members of the family should be a priority, and that neither the murderer's age, nor "cultural attitudes" serve as grounds for reduced punishment. (see page 5 and the Appendix of the NGO Country Report)

- Gender training of judges, public prosecutors, lawyers and members of the police force is a crucial element in improving the effectiveness of the legal mechanisms for the enforcement of women's rights. The Government of Turkey needs to make a commitment towards gender-sensitization of the legal authorities and law enforcement agencies. (see page 5 of the NGO Country Report)

- Women's Labor Force Participation in Turkey has been on a steady decline from a high of 70% in the 1950's to a low of 30% in the 1990's. A primary source of this decline lies in the phenomenal levels of rural-to-urban migration, and the lack of comprehensive mechanisms for the integration of migrant women into the formal labor markets. While there are some efforts to increase women's labor force participation, these consist mainly of ad hoc projects initiated for most part by international organizations, and limited in scope. The Government of Turkey should enact an effective and comprehensive mechanism for women's, and in particular migrant women's integration into the formal labor force. (see pages 5-6 of the NGO Country Report)

- Currently, there are only a handful Women's NGO's working in Turkey, in particular those working at the grassroots level. These few NGO's have been crucial in the promotion of women's human rights with the little resources that they have. The Government of Turkey needs to clearly acknowledge Women's NGO's as natural partners in the promotion of women's human rights and cooperate in the implementation of CEDAW in Turkey, while respecting their independence from government policies. More resources need to be allocated and the conditions for NGO action such as organizing demonstrations, forming non-profit entities, receiving and disseminating information should be improved. For instance, NGO's in Turkey face a myriad of direct and indirect obstacles in the organization of demonstrations independent of the content. A recent (1996) initiative by the women's NGO's in Istanbul, to organize a women's vigil on November 25<sup>th</sup>, the International Day to Combat Violence Against Women, was canceled due to the lack of support and discouragement of the municipal authorities. (see page 4 of the NGO Country Report)

## NGO REPORT ON THE IMPLEMENTATION OF CEDAW IN TURKEY

*- prepared by Women for Women's Human Rights -  
January 1997*

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been ratified by The Turkish Government on 14 October 1985, and became effective upon its publication in the Official Gazette No. 18898 dated January 19, 1986.

Until today the few measures taken towards the fulfillment of the requirements of the Convention in Turkey have revolved, for most part, around constitutional and legal reforms. While the Turkish legal system does require some reforms for greater gender equality, the **main obstacle** in the way of women's human rights is the **lack of women's awareness of what their rights are and the absence of effective means for their enforcement**. A meaningful implementation of CEDAW in Turkey requires **wide-spread, concrete action-programs** to support and empower women in dealing with the discrimination that they face in their everyday lives. Article 2 of the Convention calls for such **concrete** measures towards the elimination of discrimination against women in all spheres of family and public life. The success of implementation of CEDAW in Turkey needs to be evaluated foremost with respect to the extent and the seriousness with which such concrete measures have been put in effect.

Among the most important goals of Women for Women's Human Rights (WWHR), one of the few women's NGO's active in Turkey, is to raise women's awareness of their rights as human beings and as equal citizens and to support women in developing effective strategies for the implementation of these rights. In working towards this goal, WWHR is also interested in exploring the potential of the Convention as a lobbying tool in women's human rights. To this effect, WWHR has collaborated closely with IWRAW in the preparation of the shadow country report for Turkey. The current report is meant to build on the IWRAW report and highlight a few important issues on which we believe the Government needs to take action. Attached is also a complimentary appendix prepared by two other women's groups in Turkey, namely the Equality-Watch Committee (ES-IZ) and the Purple Roof Women's Shelter Foundation.

### **Legal Reforms:**

The Turkish Government's ratification of CEDAW in 1985 took place with the declaration of reservations on four articles. These reservations, however, were not published in the official gazette which, from a legal point of view, means that they are not valid. The articles on which reservations were placed and the basis for the reservations are as follows:

♦ **Article 9 Paragraph 1** of the Convention, which provides equal rights to women and men in the acquisition, changing or preservation of citizenship. The reservation on this article is based on its incompatibility with Articles 15 and 17 of the Turkish Citizenship Law, whereby a Turkish woman loses Turkish citizenship upon marriage to a foreigner, if she wants to obtain the citizenship of her husband. Under these articles of Turkish Citizenship Law, Turkish women married to foreigners are treated unequally with their male counterparts.

♦ **Article 15 Paragraphs 2 & 4** of the Convention, which provides women and men with equal legal capacity and the same opportunities to exercise that capacity, with respect to the conclusion of contracts, administration of property, movement of persons and the freedom to choose their residence and domicile.

♦ *Article 16 Paragraphs (c), (d), (f) and (g)* of the Convention which calls on States Parties to grant the same rights and responsibilities to women during marriage and at its dissolution, in matters relating to their children with regard to guardianship, wardship, trusteeship and adoption of children, in the choice of a family name, a profession and an occupation.

The reservations on these articles are based on the following clauses of the Turkish Civil Code:

*Article 152* of the Turkish Civil Code: The husband is the chief of the family. The selection of the home for the family and the nutrition and other requirements of the spouse and the children are under his responsibility. (violation of Article 16, Paragraphs c, d and f)

*Article 21* of the Turkish Civil Code: The husband's residence is deemed to be that of his wife and the residence of the parents is to be that of the children under their guardianship. The place where the court is located is considered to be the residence of the persons under legal responsibility. (violation of Article 15, Paragraph 4)

*Article 153* of the Turkish Civil Code: The wife takes the husband's family name... The wife shall assist and advise the husband to the extent she can in order to ascertain happiness for both... The home is taken care of by the wife. (violation of Article 16, Paragraphs g and c respectively)

*Article 154* of the Turkish Civil Code: The family union is represented by the husband. Irrespective of the property division principles accepted by both partners, the husband is personally responsible for the taken actions. (violation of Article 16, Paragraph c)

*Article 155* of the Turkish Civil Code: For the ongoing requirements of the home, the wife is equally entitled to represent the family along with the husband. The husband, on the other hand, shall be responsible for all her actions as long as she does not go beyond her authorities (that would be known by the third parties). (violation of Article 16, Paragraph c)

The above-stated articles 154 and 155 of the Turkish Civil Code combined, place married women in a subordinate position with respect to their entitlement to equal rights and responsibilities within the family union, and as such they are in violation of Articles 15 and 16 of the Convention.

♦ *Article 29 Paragraph 1* of the Convention, which obliges States Parties to settlement of any disputes between States Parties on the interpretation or the application of the Convention at the International Court of Justice. The reservation on this article needs to be lifted in order to enforce the undertaking of the necessary measures towards a full implementation of CEDAW by the Government of Turkey.

As this brief review of the implementation of CEDAW in the legal domain shows, a series of reforms of the Turkish Civil Code is necessary in order to eliminate the gender inequality inherent in its above-stated clauses. The most striking of these clauses is *Article 152* where "the chief of the family" is deemed the "husband." The rest of the clauses which allow for gender inequality in the marriage contract, follow from granting of such a dominant decision-making position to the husband. While such a position obliges the husband to greater responsibilities than the wife (such as "the nutrition and other requirements of the spouse and the children"), the other side of the coin reflects the placement of the wife in a subordinate position through her entry into the marriage contract.

The first effort to reform the Turkish Civil Code (accepted in 1926) to the effect of greater gender equality took place in 1951. Over the 45 years since then, numerous commissions formed by the Ministry of Justice have prepared several proposals, none of which have even become a draft law. Despite a widespread campaign undertaken during the Fall of 1994, where over 100,000 signatures calling for reform of the Turkish Civil Code were presented to the National Assembly, the legal process has fallen short of any actions towards the fulfillment of the conditions set by the Convention. Since the ratification of the Convention by the Turkish Government in 1985, only two legal reforms took place towards greater gender equality: Article 159 of the Civil Code, which required the permission of the husband for married women to work outside the home, was annulled by the Constitutional Court in 1990, and Article 438 of the Criminal Code which foresees only up to two thirds of punishment of the rapist if the victim was a professional sex worker, was annulled by the Turkish Grand Assembly in 1990. Recently in 1996, Articles 440 and 441 of the Turkish Criminal Code concerning adultery by women and men respectively have been under consideration as they place unequal measures for the sexes. Article 440 defines adultery by women as sexual relations between a married woman and a man other than her husband. Under Article 441, on the other hand, adultery by men requires additional proof that a married man is openly living with another woman. Article 441 has been annulled by the Constitutional Court in October 1996, and the legislature has one year to either replace the annulled article with a new one, or to annul article 440 regarding adultery by women. In the latter case, which is the option supported by most women's groups, adultery would no longer be considered a criminal offense; it would only remain as one of the valid legal grounds for divorce as foreseen by the Civil Code.

In general, the option of ratification of the Convention with reservations aims to provide the States Parties with the time necessary to make the changes in their legal and administrative systems in line with the object and purpose of CEDAW. As such they are meant to serve as temporary rather than permanent measures. In light of the fact that the Government of Turkey has ratified the Convention 11 years ago, it can be said that there was more than ample time to make the necessary changes for the lifting of these reservations. The Government needs to take notice of Article 28, Paragraph 2 of the Convention, which clearly states that "A reservation incompatible with the object and purpose of the present Convention shall not be permitted", and take **immediate** action in the legal domain towards the reform of the above-stated clauses of the Turkish Civil Code in the spirit of Articles 15 and 16 of the Convention.

### **Administrative Measures:**

In the administrative domain, the Directorate General on the Status and Problems of Women was established in 1990. While this is a much welcome step in the implementation of the Convention, the Directorate is limited by a very small budget and its positioning under a State Ministry provides it with little administrative and decision-making power to influence Government policies in a direct manner. The Second Country Report of Turkey (CEDAW/C/TUR/2) lists several pages of important and extensive tasks to be carried out by the Directorate towards the implementation of CEDAW. Considering the strict limits on resources of this office, however, any expectation that all these tasks will be implemented in an effective manner, is unrealistic to say the least. If the Directorate is to act as a major actor in facilitating the implementation of CEDAW, it needs to have access to much greater resources than at present. The establishment of Women's Studies Departments within the framework of five universities in Istanbul, Ankara and Adana, and also the Women's Statistics Department at the State Statistics Institute are other welcome administrative measures towards the implementation of the Convention. A much overlooked part of the mechanism in promoting women's human rights in Turkey, however, are Women's NGO's, in particular those operating at the grassroots level. Currently, there are only a handful of such

women's groups in Turkey. The Government needs to support the work of the existing Women's NGO's, encourage the formation of new ones, and acknowledge them as natural and indispensable partners in the promotion of women's rights, while respecting their independence.

### **Action Programs for Implementation:**

Beyond the above-mentioned legal reforms and administrative measures, a meaningful and effective implementation of the Convention in Turkey requires wide-spread action-programs whereby women learn about their human rights, and are provided with the means for actually enforcing them. Among the most needed measures to this end, are **legal aid services** for women, **shelters and SOS lines** for women victims of domestic violence and rape, **gender training** of judges, public prosecutors, lawyers and the police, training and support programs for **women's entry into the labor market**, and consciousness-raising, educational programs for the general public towards **reform of gender discriminatory attitudes** in education, work-place, public and family life.

The number and resources of government- and privately-run services in the area of legal aid and shelters for women are far from adequate (this is also noted in the draft of the Third Country Report to CEDAW). The few existing services and women's shelters are concentrated in the big cities located in the economically more developed regions of Western Turkey, and even in these areas, they fall short of meeting the demand.\* Legal aid services and shelters need to be provided also in the economically less-developed regions of the country including the rural areas, namely the Northern Black Sea Region, Central, East and South-east Anatolia, and the inner Aegean Region. The scope of legal aid services should not be limited to responding to the specific needs of those women who know to apply for such services, but should encompass wide-spread awareness-raising programs on women's human rights.

As far as SOS lines for women violence and rape victims are concerned, at present there is none in Turkey. The function of SOS lines differ from shelters in that they provide easy and quick access to support for women under immediate threat of violence, and they also serve as an alternative for women who want to seek some guidance and help without necessarily identifying themselves. They require much less resources for establishment and maintenance than shelters. Moreover, they serve as maybe the only effective and reliable means of gathering data on the extent and forms of violence against women, and hence prepare the basis upon which effective policies and strategies can be formulated.

Another important on-going violation of women's human rights in Turkey are the so-called "honor killings." While these acts of murder take place for most part in East and South-eastern Turkey, where feudal relationships and rules still rule social life, their occurrence is not limited to these regions only. In a strategic manner, minor male members of the "disobedient, disgraceful woman's" family are delegated the task of murder since they can benefit from the mitigation circumstance of young age. The authorities involved in ruling over the case, also revert to "cultural attitudes and values in the region" as basis for reduced punishments of the criminals. Recent examples of such "honor killings" are explained in the attached appendix submitted by the Equality Watch Committee and the Purple Roof

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\* A measure on the number of shelters needed with respect to the female population is provided, for instance, by the European Parliament, which calls on its member governments to provide a shelter for every 10,000 women and girls (European Parliament Working Documents, 1986). Taking into consideration the 1990 female population in Turkey which is 27,866,000 (DIE, 1994), there needs to be 2,786 shelters where women can take refuge when under threat of violence. Currently, there are 2 private- and 7 government-run shelters in the country.

Foundation in Turkey. Despite wide media coverage of honor killings, and signature campaigns by women's organizations calling for action, the Government has not taken any stand on the issue, leave alone any measures for its eradication. An immediate step to address the problem would be an amendment of the Criminal Procedure Law such that concerned women's organizations and individual women would be allowed to participate in the case as parties, and the murderer's age does not serve as grounds for reduced punishment.

Among other concrete measures needed in addressing violence against women are gender training of judges, public prosecutors, lawyers and police forces, as well as consciousness-raising of the general public. Gender training of the legal authorities is crucial in eliminating violations of women's human rights and ensuring fair treatment of women violence victims. So far, no such gender training of authorities has taken place in Turkey. Educational programs for the gender sensitization of the general public are also needed to create a positive and enabling environment for women to be able to stand up for the enforcement of their rights.

The economic independence of women is also crucial for their ability to stand up against the violation of their rights and follow their free will. Unfortunately, women's labor force participation in Turkey has been on a steady decline from about 70% in the 1950's down to about 30% in 1996. Most of this decline is due to phenomenal levels of rural-to-urban migration. Rural women actively working in agriculture prior to migration, assume a full-time role as "homemakers" once they migrate to the urban areas. The ones who do work for income, do so in the informal sector, where they are poorly-paid, and with no social security. There is an important need for economic support programs, in particular for the integration of women migrants into the labor market upon arrival in the urban areas. Such support and training programs need to be formulated in such a way that women's integration into the formal economy takes place without the common phenomenon of occupational segregation and the gender wage gap. According to a World Bank Report in 1993, up to 80% of women work in the labor-intensive textile and food industries, 80% are in lower ranks of production, and on average they earn up to 30% less than men.



To summarize, among the immediate measures that the Government of Turkey needs to take towards the implementation of CEDAW are the following:

- **REFORM OF THE TURKISH CIVIL CODE TO ALLOW FOR LIFTING OF ALL RESERVATIONS ON CEDAW**
- **AMENDMENT OF CRIMINAL LAW PROCEDURE TO ADDRESS CASES OF “HONOR KILLINGS” OF WOMEN**
- **WIDE-SPREAD LEGAL AID SERVICES AND AWARENESS-RAISING PROGRAMS ON WOMEN’S HUMAN RIGHTS**
- **WOMEN’S SHELTERS AND SOS LINES FOR WOMEN VICTIMS OF VIOLENCE AND RAPE IN ALL REGIONS OF THE COUNTRY**
- **GENDER TRAINING OF JUDGES, PUBLIC PROSECUTORS, LAWYERS, AND THE POLICE**
- **EDUCATIONAL AND CONSCIOUSNESS-RAISING PROGRAMS FOR GENDER SENSITIZATION OF THE GENERAL PUBLIC**
- **SPECIAL TRAINING AND SUPPORT PROGRAMS FOR WOMEN’S ENTRY INTO THE LABOR MARKET**
- **EXPANDED RESOURCES OF THE GENERAL DIRECTORATE ON THE STATUS OF WOMEN**
- **SUPPORT TO ACTIVE OPERATION OF WOMEN’S NGO’S**

**- APPENDIX -**  
**HONOR KILLINGS: A MAJOR VIOLATION OF WOMEN'S HUMAN RIGHTS**

A major violation of women's human rights in Turkey is "honour killings" which obviously bases on inequality between women and men and violates the preamble and art. 1/f and art 5/a and art. 14 of the Convention.

While young girls and women are killed violently in the name of "honour", there is no specific clause of the Turkish Criminal Code to address this category of crime. "Honor killings", which are based on feudal rules and relationships, are most common in Urfa, a city based in Southeastern Turkey. However, there has also been occurrences in big cities such as Istanbul and Ýzmir in Western Turkey, and in Gaziantep in Southeastern Turkey among the migrant communities from East and Southeast Turkey.

Hacer and Rabia (25), Sevda (16 or 17) and H.A. (12): These are the names of young girls and women who were killed violently in the name of "honour" in the recent years. It was the male members of the family who decided on their murder and delegated the task to an underage boy in the family who would be able to benefit from mitigation circumstances of young age. Two of them were killed in the center of the town of Urfa before the eyes of tens of people. One of them was pushed under a tractor and the other one was shot in the head. Their crime was to be disobedient to the family; their acts, interpreted as disobedience, was simply to go downtown to look into windows or to go to a movie. And the first one's crime was incredibly odd: Her friend requested a song from the disc jockey of a local radio station and dedicated the song to her. Announcement of her name from the radio was considered a great disgrace for the family because the song was a love song which implied that she had a love affair in the eyes of the local people. All these innocent acts by these women's were interpreted as having "damaged the family honour", belittled their status in their communities and male members of the families were under an obligation to kill the "disgraceful" women in order to eradicate the damage to the family honour.

**How the system works?**

When a girl's or a woman's name becomes associated with "shameful" behavior, the men in the community begin to put pressure on male members of her family. Wherever her male kinsmen go, other men keep teasing or asking them whether they cleaned "their honour or not"! Eventually, the members of the concerned family including father, brothers, uncles and cousins come together and decide to kill her. The task is given to an underage boy preferably between 14 to 16 so that he can benefit from mitigation circumstances. Killing takes place in public, in order to also convey a message and teach a lesson to the other young girls and women in the community.

Often the true story is confessed during preliminary interrogation. When it comes before the court, however, no one but the accused testifies. All other witnesses testify that they have not seen anything, all they saw was the dead body of the victim, but they have no idea how it happened?!

It is often the case that the prosecutor demands aggravated punishment (sometimes a male from the family most of cases the father participates in the case at the same side with the prosecutor just to show off for the first hearing and disappears for the rest of hearings) and in the end this under age child murderer benefits the "age mitigating circumstance" and gets the

least punishment and released on probation after having served 2/3 of his punishment and comes out of prison as a hero within two years and some months!

In most of the cases when a potential victim tries to take refuge with the police, the security officials, instead of sending her to a women's shelter like MOR ÇATI (the only autonomous women's shelter in Turkey), or taking some kind of protective measures, they submit or deliver her (like a parcel) to the family knowing perfectly well that she will be murdered. These officials ask the family (it means male members in this context) to promise not to harm her and go back to their job in full content of people who have done their job perfectly!

While there are many sociological explanations as to the "why" and "how" of the existence and practice of these brutal feudal rules, none of them can or should be taken as a justification for the crime of "honor killings".

### **Proposals from Women's Groups**

Criminal Procedure Law can be amended in a way that concerned women's organizations and individual women should be allowed to participate in the case. Prosecutors do not or can not carry on with further investigation once the case files are closed as incomplete. If concerned women's organizations are accepted to the case as parties, investigations would not be closed as easily.

The murderer's young age should not serve as a basis of mitigating circumstances in the case of honor killings. Such an amendment of the Criminal Code would discourage families from delegating the task of murder to underage boys, and adult male members would think twice before they commit killings.

These proposed legal amendments would be exceptions to the international criminal procedures.

In addition, autonomous women's shelters should be supported, protected and opened in all regions of the country.

Internationally, there has been occurrences of honor killings also in European countries such as Germany and France, where there are communities of immigrants from Eastern and Southeastern Turkey. In these countries, foreign judges should not be allowed to show any kind of tolerance in the name of diversity and showing respect to different cultures when dealing with cases related to immigrants.