

TURKEY: Shadow Report Summary for the 64th Pre-Sessional Working Group of the Committee on the Elimination of All Forms of Discrimination against Women

**submitted by the Executive Committee for NGO Forum on CEDAW -
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Introduction

This Shadow Report Summary² aims to draw attention to the forms of discrimination faced by women in Turkey. The forms of discrimination that women have experienced is analysed under seven headings: stereotypes and harmful practices, participation in political and public life and temporary special measures, employment, education, violence, and women in rural areas. The Shadow Report Summary suggests 11 questions to be put to the Government of Turkey regarding the most concerning violations of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

State commitment to the CEDAW process and its engagement with independent women's NGOs in this review has again been limited. Although the national machinery (General Directorate on the Status of Women, *KSGM*) organized a consultation meeting with NGO representatives on 16 December 2013, the NGOs' opinions were only minimally reflected in the final document. Dialogue between the Ministry of Family and Social Policies, the KSGM and women's NGOs remains limited and constrained. Although the women's NGOs asked for a meeting from the governmental bodies before and throughout the preparation process, they have yet to receive any response.

1. Stereotypes and Harmful Practices

¹ The Executive Committee is a coalition made up of 13 independent women's rights and LGBT organisations working regionally and nationally for the promotion and protection of women's and LGBT rights. However, the Committee has prepared this report in cooperation with many other women's rights organisations. The term women's NGOs is used throughout this document to refer to independent women's NGOs.

² The Executive Committee for NGO Forum on CEDAW thanks **ILGA – the International Lesbian, Gay, Bisexual, Trans and Intersex Association** for its technical support.

“You cannot put women and men on an equal footing. It is against nature.” Recep Tayyip Erdoğan, the President of Turkey, 2014³

Despite the concerns expressed by the CEDAW Committee in its 2010 Concluding Observations on Turkey regarding “the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women’s roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society”,⁴ traditional roles of women in the family and society have been reinforced.

Increasingly conservative policies and modes of behaviour on the part of political authorities and in social discourse increasingly threaten women’s enjoyment of their rights and freedoms. The regulation of and interference with women’s autonomy over their bodies and sexual and reproductive health rights, an emphasis on “general morality”⁵, the political attempt to ban abortion and limit Caesarean sections by Turkey’s former Prime Minister and current President, Recep Tayyip Erdoğan in 2012, and the categorisation of homosexuality and trans identities as “illnesses” and “abnormalities”⁶ are some examples of the impact on women’s rights of the conservative policies of the current Government.

As a result, women are defined not as individuals in their own right, but through family values. For example, the “Ministry for Women and Family” was replaced by the “Ministry of Family and Social Policies,” and the new focus of the ministry became issues of concern relating to the family, rather than women’s rights. Interference by the state in women’s bodies and women’s decisions on their bodies at both discursive and political levels has to do with identifying women primarily as agents of reproduction in the family unit. Within this setting women’s rights are being discussed as one of the main pillars of conservative and heterosexist values rather than as essential rights.

The non-discrimination article of the Council of Europe Convention on preventing and combating violence against women and domestic violence, which was ratified by Turkey in November 2011, includes the terms “gender equality”, “sexual orientation” and “gender identity”. Article 90 of the Constitution of the Republic of Turkey stipulates that international agreements duly put into effect have the force of law, yet the terms above are not reflected in the Turkish Constitution or in legislation. In the most basic sense, the absence of the terms ‘gender’,

³ BBC News, “Turkey president Erdogan: Women are not equal to men”, 24 November 2014, available at: <http://www.bbc.com/news/world-europe-30183711>.

⁴ CEDAW/C/TUR/CO/6, para 20.

⁵ Speaking during an Eid el-Fitr meeting in 2014, Deputy Prime Minister Bülent Arınç said that “...[The woman] will know what is haram and not haram. She will not laugh in public. She will not be inviting in her attitudes and will protect her chasteness.” (Hürriyet Daily News, “Women should not laugh in public, Turkish deputy PM says”, 29 July 2014, available at: <http://www.hurriyetdailynews.com/women-should-not-laugh-in-public-turkish-deputy-pm-says-.aspx?pageID=238&nID=69732&NewsCatID=338>).

⁶ In a 2011 speech on terrorism, former Minister of the Interior Idris Naim Sahin spoke disparagingly of “an environment in which there are all sorts of immorality, indecency and inhuman situations – from pork meat to ... homosexuality”. (Kaos GL, “LGBT Organizations Demand the Resignation of Interior Minister”, 30 December 2011, available at: <http://kaosgl.org/page.php?id=10241>)

‘sexual orientation’ and ‘gender identity’ bears witness to the limited approach of state policies to equality.

List of Issues

The Committee may wish to ask the Government:

1. Whether it will fulfil its international obligations to bring its domestic laws in line with international conventions to ensure the protection of women’s rights – including lesbian, trans and bisexual women’s rights – in particular by developing and adopting comprehensive anti-discrimination legislation in line with UN and Council of Europe norms and standards.
2. What steps it has taken to implement the Concluding Observations of CEDAW on stereotypes – whether it is considering any further measures to combat the reinforcement of traditional role segregation and patriarchal norms and values at societal, policy-making and discursive levels.

2. Participation in political and public life and temporary special measures

The Committee stated in its 2010 Concluding Observations “the Committee recommends that the State party apply temporary special measures in areas where women are underrepresented or disadvantaged and allocate additional resources where needed to accelerate the advancement of women.”⁷ The Committee also invited Turkey to make use of temporary special measures on the basis of the Constitutional amendment of 2010. Despite these recommendations, little progress has been made.

The participation and representation of women in decision-making mechanisms is consistently low (the highest rate of participation by women in Parliament to date is 17.08%, while at the level of Mayor it is 3.7%). In addition to that, women’s participation in decision-making mechanisms from bureaucracy to judiciary, business life and academia, is very limited. By February 2015, on the one hand, the percentage of women currently serving as governor was 2.4% and as minister was 3.8%. The rate of women’s representation in Turkey’s Higher Judicial Bodies is 14.2%. Furthermore, there are only 14 universities with women rectors.⁸ The most prominent causes of this situation are that temporary measures and policies are not explicitly mentioned in the Constitution, and no provisions are set forth in the Law on Political Parties and the Law on Parliamentary Elections. Thus all measures are left to the discretion of individual parties and Governments, which have taken few or no steps to increase women’s participation.

List of Issues

The Committee may wish to ask the Government:

1. What measures it is taking to ensure the equal and democratic participation of women in politics (both decision-making mechanisms and political representation), including equal

⁷ CEDAW/C/TUR/CO/6, paras 18-19.

⁸ Kadın Adayları Destekleme Derneği (Ka.Der), “Turkey 2014 statistics”, available at <http://www.ka-der.org.tr/en-US/Page/Show/640/statistic.html>

gender representation among electoral candidates. In particular, what steps it has taken to comply with CEDAW's recommendations regarding the need to apply temporary special measures.

3. Employment

The Committee stated its concern in its 2010 Concluding Observations “about the discrimination faced by women in employment, as reflected in the hiring process, the persistence of a wide gender pay gap and of occupational segregation, as well as women’s concentration in agriculture in rural areas as unpaid family workers with no entitlements within the social security system.”⁹ Yet, according to the formal data provided by the Turkish Statistical Institute in 2014 (Türkiye İstatistik Kurumu, *TÜİK*- 2014 Labour force statistics), the rate of women’s participation in the labour force is 30.3%.¹⁰ This is one of the lowest rates in the world. According to the same data, the employment rate is 26.7 percent.

When we exclude unpaid female agricultural workers in rural areas, women who receive allowances for home care (who, incidentally, lack social security rights) and women who work part-time or under flexible conditions, the actual rate of employed women is even lower. Furthermore, while the female unemployment rate is 11.9 percent, this rate is much higher among young women aged 15 to 24 (20.4 %).

The state has no regular national action plan to bring about improvements in this area. On the contrary, conservative policies (such as the Family and Dynamic Population Structure Conservation Program launched in 2015¹¹) are being implemented with the aim of promoting traditional gender roles, regulating women’s reproductive capacity¹² and forcing women to participate in short-term, flexible arrangements by holding them naturally responsible for care services.

List of Issues

The Committee may wish to ask the Government:

1. Which concrete measures, in accordance with the recommendations of CEDAW and based on the promotion of gender equality in employment, have been taken towards removing obstacles hindering women’s employment. In particular, whether it considers revising the “Family and Dynamic Population Structure Conservation Program” and

⁹ CEDAW/C/TUR/CO/6, para 32.

¹⁰ Women who receive home care allowances are also included in the employment figures.

¹¹ Keig, “Paketten ‘annelik kariyerine’ teşvik çıktı!” January 9, 2015, available at:

<http://www.keig.org/gundemimiz.aspx?id=24>

¹² President Recep Tayyip Erdoğan keeps repeating his call to Turkish families for having at least three children. Speaking at the International Family and Social Policies Summit in 2013, the President said that “the strength of a nation lies in its families and the strength of families lies in the number of their children.” (Hürriyet Daily News, “Turkish PM Erdoğan reiterates his call for three children”, January 3, 2013, available at:

<http://www.hurriyetdailynews.com/turkish-pm-erdogan-reiterates-his-call-for-three-children.aspx?pageID=238&nid=38235>)

“National Employment Strategy” – in consultation with women’s organisations, unions and trade organisations – in order to ensure that the instruments comply with gender equality. Furthermore, what measures are in place to monitor the implementation of those instruments?

4. Education

In 2010, CEDAW urged Turkey to “address regional disparities in the quality of education and to implement further targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to diverse ethnic groups, particularly Kurdish girls and women, and those whose mother tongue is not Turkish.” The Committee specifically requested information and data on the situation of those groups in the next periodic report.¹³ However, so far, there has been no action plan in line with the Committee’s recommendations.

More broadly, the frequent changes to the education system by the government – in other words, the lack of a state education policy – adversely affects girl children. In 2012, 8 years compulsory uninterrupted primary education was replaced by the so-called “4+4+4 (years)” Compulsory Education System. Because of the new system in education, the schooling rates of girl children have dropped after the first 4 years. According to the “Gender Inequality in Education” report prepared by the Central Women’s Secretariat of a major labour union on education (*Eğitim-Sen*), 36.401 girl children were not registered in high school after graduating from middle school. In this respect, there is grave concern regarding the future direction of the education system, and the risk of a dramatic increase in child labour and child marriages.

In addition, school textbooks and in-class training materials prepared by the authority of the Ministry of Education have sexist discriminatory elements that deepen the gender-based discrimination. According to a EU funded study conducted between 2013-2014, “...the textbooks continued to be dominated by the mentality that attributes to women only the role of motherhood, defines men with roles outside the home and women with roles in the home, and that even supports the idea that changes in gender roles could lead both to individual unhappiness and social disorder”.¹⁴

List of Issues

The Committee may wish to ask the Government:

1. Whether fulfilment of its commitments relating to education of women arising from the Beijing and Beijing+5 Programme of Action has been prioritized in its political agenda. In particular, what steps it is taking to overcome a decrease in the schooling rates of girl children as well as a significant rise in child labour and child marriages because of the 4+4+4 “so-called” Compulsory Education System.

¹³ CEDAW/C/TUR/CO/6, paras 30-31.

¹⁴ The study was conducted by the History Foundation in collaboration with the Centre for Sociology and Education Studies at Istanbul Bilgi University as part of the EU funded “Promoting Human Rights In Textbooks -III-“ project, 2014, available at: http://tarihvakfi.org.tr/media/documents/16_6_2015_17_20_35698e.pdf.

2. Whether it has considered implementing targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to diverse ethnic groups, particularly Kurdish girls and women, and those whose mother tongue is not Turkish.

5. Violence

A further major impediment to achieving gender equality and preventing discrimination against women in Turkey is the lack of political will to consider women as individuals in their own right.¹⁵ When the government took the initiative to legislate against domestic violence against women in 2012, women's rights organizations and the Ministry of Family and Social Policies worked together on a draft bill for several months. However, the draft was amended without being brought to the notice of women's rights organizations' after it was opened to approval at the Council of Ministers on January 31, 2012. The most important amendment was in the name of the law. It was amended from "Draft Law on the Protection of Women and Individual Family Members from Violence" (*Kadın ve Aile Bireylerinin Şiddetten Korunması Yasa Tasarısı*) to "Draft Law on the Protection of the Family and Prevention of Violence Against Women." After the amendments, the draft was forwarded to the Parliamentary Commission for the Equality of Opportunity between Women and Men and submitted to the Ministry of Justice as is. Finally, the Parliament enacted the law on March 8, 2012. Now, Turkey has a law to protect the "family" instead of the lives of women. The name of the Law is telling of the approach the government takes to women and domestic violence: locating women in the family as their primary sphere of existence. In this respect, it articulates a concern for stopping violence against women so long as they stay within the institution of the family.

Therefore, despite having ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2011, (almost) all legal regulations concerning gender – and the way in which they are applied – are developed in order to protect the family as an institution, rather than women. As a result of this approach, the problem of violence against women has been much more protracted and the number of women murdered has increased significantly since 2002 when the Justice and Development Party (*Adalet ve Kalkınma Partisi*, JDP) came to power. According to the official information¹⁶ provided by the Minister of Justice in 2009, murders of women increased by 1,400% during the period 2002-2009, and no data has been disclosed to the public containing statistics after that period. Despite the fact that there is a lack of official data on instances of violence against women throughout the last 5 years, the number of incidents is estimated to be far higher. According to the statistics collected between 2010-2014 by the Bianet, an independent communication network, 1134 women were

¹⁵ The dual commitment to the protection of the family unit and the one who is oppressed in the patriarchal institution of the family is a dilemma that needs to be resolved and critically analyzed. Gülsen Ülker, "Şiddet Yasası Kimin İçin?" (Law on Violence, for Whom?), March 15, 2012, available at <http://sosyalistfeministkolektif.org/mor-nokta/30-mart-nisan-2012/213-iddet-yasas-kimin-icin>.

¹⁶ Hürriyet Daily News, "Murder a fact of life for women in Turkey", 20 February 2011, available at <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=women-murder-victims-increase-snowballing-in-turkey-2011-02-20>

murdered, 735 women were raped, 986 women were sexually assaulted and 1395 women were wounded.¹⁷

Moreover, as also reflected in the media, there appears to be a high level of abuse/rape of women with disabilities, in particular women with mental disabilities, and physical/sexual violence against and/or murder of trans women. Yet there is no official effort to determine the actual numbers. As sexual orientation and gender identity are not recognised as categories protected under anti-hate crime legislation, there is a lack of official data on such crimes.

In respect of protection measures for victims of gender-based violence, both the number of women's shelters and the support services provided to women subjected to violence are extremely inadequate. This also contributes to the continuing cycle of violence.

List of Issues

The Committee may wish to ask the Government:

1. Whether, in compliance with its obligations under the Convention and the Council of Europe, it is considering any measures to combat all forms of violence against women, including by developing and adopting comprehensive “gender-based discrimination” or “gender-based violence” definitions in its laws. In particular, will it improve and standardize the existing mechanisms and facilities to provide and monitor the protective and preventive services for women, by providing, *inter alia*, mandatory trainings on the international standards of non-discrimination to government officials, police, military, prison/detention staff and to the judiciary with specific emphasis on violence against women.
2. Whether Turkey plans to refer to sexual orientation and gender identity-based violence in the Constitution or to introduce laws to combat such hate crimes.
3. Whether Turkey will apply gender-responsive budgeting and allocate more resources to address the issue of violence against women in general and the inadequacy of support services/facilities in particular.

6. Rural areas

Although the Committee urged Turkey in its 2010 Concluding Observations to collect reliable and comprehensive data to show the situation of rural women – particularly with respect to violence against them, access to justice, health care, education, and participation in local government and decision-making¹⁸ – the lack of data remains one of the greatest challenges in relation to women in rural areas.

Most of the women working in rural areas are employed as unpaid family workers in the agricultural sector. They lack social security and health care insurance. According to the formal data provided by the KSGM in 2012, the rate of women working in rural areas or employed as unpaid family workers without any social security was 80.5% in 2011. Yet, no regulations or

¹⁷ Bianet, “Erkek Şiddeti Çeteresi”, 2010-2014, available at <http://bianet.org/bianet/erkek-siddeti/161582-erkek-siddetinin-2014-grafigi>

¹⁸ CEDAW/C/TUR/CO/6, paras 36.

laws have been developed to cater to the situation of women in rural areas, who also have very limited access to education.

List of Issues

The Committee may wish to ask the Government:

1. What steps it has taken to improve the collection of official statistics so that it can effectively monitor the effect of any policies on women in the rural areas, including regarding violence against women, access to justice, health care, education, and participation in local government and decision-making.
2. What measures have been adopted to improve the conditions of rural women workers in the informal sector with a view to ensuring their access to social services and social security.