**Parallel report to CEDAW on the review of Turkey**

Maat presents this report, in which it focuses on the fundamental rights covered in the Convention on the Elimination of All Forms of Discrimination Against Women, which Turkey did not address, guided by the concluding observations and list of issues of the Committee. Therefore, these concerns and rights, to which Turkey did not give enough attention and space in its eighth report submitted to the committee. Such concerns and rights are: the prohibition of discrimination and inadequacy in addressing the prevailing social norms in Turkey and the resulting widespread violence against women, in addition to the growth of human trafficking and, the widening gap in girls' education in Kurdish-majority areas, and finally the forced marriage of girls under the age of eighteen.

**Articles (2.3.4.5): Prohibition of Discrimination, Ensuring Equality and Modifying Prevailing Social Norms:**

Although the Turkish Constitution prohibits gender-based discrimination and Article 10 of the Constitution states that all individuals are equal before the law without discrimination, regardless of language, race, color, sex, political opinion, philosophical belief, Religion, caste, or similar considerations. Women have equal rights, too and the state is obligated to ensure that this equality is achieved in accordance with the same article[[1]](#footnote-2). The eighth periodic report submitted by Turkey to the CEDAW against Women referred to the approval of the Grand National Assembly (Turkish Parliament) on the eleventh development plan (2019- 2023) as a roadmap that reflects equality and combating discrimination on the basis of gender or any other similar basis[[2]](#footnote-3).

Nevertheless, Kurdish women are subjected to disproportionate discrimination in a wide range of fundamental human rights ensured by international conventions. Women who refuse to support the Turkish government have become legitimate targets for violations by the Turkish security forces, and this often results in the practice of extrajudicial detention and what is known strip search in prison. This was expressly recognized by the Turkish Prisons Directorate in December 2020. These violations are only carried out against women, either because they are Kurds or they oppose the Turkish government[[3]](#footnote-4). Statistics indicate that about 17,000 women are in Turkish prisons until the end of 2020, the majority of them are Kurdish women and oppositions of the ruling Justice and Development Party. These women are abused under the allegations of their connection to the Kurdistan Workers’ Party or The service movement of Fethullah Gülen. Meanwhile, arrests are made for other reasons related to the opposition of the Turkish government in any of the issues related to civil liberties and rights of women and minorities[[4]](#footnote-5).

In addition to the above, prejudice and discrimination against Kurdish women does not depend on arbitrary detention and strip searches in prisons because these women are opposed to the Turkish government. This means that it is a discrimination on the basis of political opinion, but it amounts to discrimination in the labor market, forcing Kurdish women to work for lower wages and in unstable working conditions as well as working in low-paid jobs such as housekeepers, seasonal agricultural laborers or textile workers. Meanwhile, they do not often get accepted in public or administrative jobs, or even in jobs related to the private sector, supervised by supporters of the Turkish government[[5]](#footnote-6).

In a related context, discrimination and inequality in Turkey do not stop at this point, but there is discrimination of another kind, which is gender-based discrimination with regard to job opportunities. Turkish women face discrimination in the labor market compared to their male counterparts. Women who studies at universities get paid 20% less than men with the same level of education, and women with a secondary education get 30% less than men of the same level of education as well.

Taking into account the official statistics from the “Turkish Statistical Institute”, the female labor force participation was 34.3% in 2019 comparted to the 71.1% rate of male labor force participation. This decline is due to the fact that the majority of women do household chores imposed on them by the prevailing customs in Turkey. Statistics also show that 38.4% of public sector employees are women compared to 61.9% of men. In the academic year 2018- 2019, the percentage of female deans in public universities did not exceed about 4.7%. Moreover, the percentage of female directors working in a private university is 20%[[6]](#footnote-7). Consequently, although the prohibition of discrimination against women in Turkey is legally stipulated in the Turkish domestic legislation, discrimination is remarkably evident in three main issues: The widespread discrimination on the basis of political opinion, identity-based discrimination and gender-based discrimination in the labor market.

In a related context, Turkey has not succeeded in confronting patriarchal stereotypes, prejudices and customary habits that make men believe that they are entitled to exercise a higher role towards women. Such stereotypes are prohibited by the Convention in Article 5. As a result, domestic violence crimes in Turkey are on the rise, as about 300 women were killed by their partners at home in 2020 only. Meanwhile, 171 women were killed in mysterious circumstances in Turkey during the same year according to Turkish women’s organizations. Meanwhile, in February 2021, at least 28 women died at the hands of their husbands.[[7]](#footnote-8)

Among the facts verified by the Maat Association indicating the growing domestic violence against Turkish women, is the killing of S.S by her husband in June 2020. She was a 32-year-old Turkish citizen who lived in Ankara. Remarkably, more than 60 complaints related to domestic violence were submitted to the police by her and these complaints were not taken care of, until she was killed by her husband. In October 2020, a girl named Gul Gollum, a Turkish citizen living in Istanbul, was killed after she dropped dead following the abuse of her husband. The killing rates against women in what is known as honor killings have also increased. In February 2020, Ankara witnessed a crime on this basis when secondary school student S.Y. was killed by her father, who shot her because of a romantic relationship with her friend[[8]](#footnote-9). In any case, this widespread phenomenon in Turkey confirms the weakness of the Turkish government's response to gender-based killings, and its stimulation to such crimes through the light sentences issued by the Turkish courts against the murders, claiming that the murderer carries out his crime under the pretext of “murder out of anger” or “outburst of emotion resulting from the victim’s misbehavior”. The possibility of Turkish women facing different types of abuse is increased because of Turkey’s withdrawal from the Istanbul Convention on Combating Violence Against Women by a presidential decree to withdrawal in March 2021.[[9]](#footnote-10)

**Recommendations:**

* **Eliminating gender-based discrimination in the Turkish labor market, whether at the level of law or in actual practice.**
* **Preventing the ongoing violations against Kurdish women and those opposing the Turkish government's policies, and ensuring that there is no impunity for law enforcement officials as well as the accountability for their crimes against these women.**
* **Ensuring the adoption of gender equality as a basic principle in the Turkey’s development plans, in conformity with the achievement of Goal No. 5 of the Sustainable Development Goals (SDGs).**
* **Issuing deterrent sentences against violent crimes that lead to murder against women and not invoking what is known as “murder out of anger” or murder for the victim’s misbehavior, as a justification for issuing light sentences.**

**Article No. 6 Trafficking in Women:**

Article 80 of the Turkish Penal Code No. 5237, which entered into force on June 1, 2005, regulates the crime of human trafficking, and imposes penalties on those who practice this crime with imprisonment from eight to twelve years with a fine of about 10,000 Turkish liras.[[10]](#footnote-11) However, actual practices confirm the spread of this crime on a large scale in Turkey thanks to the human trafficking networks that were formed informally, and took advantage of the suffering of refugees, especially women coming from Syria and other regions in the Middle East and Eastern Europe, especially since Turkey is one of the countries of destination and transit for these migrants, which makes them a target for such criminal groups. Therefore, Turkey, according to estimates, is ranked first among European crimes and 15th among the countries of the world in human trafficking, according to the Human Trafficking Report of the US State Department.[[11]](#footnote-12)

Statistics reveal that 50% of Syrian women in Turkey are married at the age of 18, and according to human rights organizations, in some cases, Syrian families were forced to sell their girls in marriages in which they were subjected to domestic servitude and sexual exploitation in order to obtain money to meet the economic conditions caused by the emerging COVID-19 pandemic. Some facts show that Syrian families sell their daughters to marry unofficially to men of Turkish nationality, and she may be a second or third wife, to alleviate their economic burdens. In other cases, Syrian girls were sold to men of Turkish nationality, due to the Syrian families’ delay in paying the rent of the housing in which they live.[[12]](#footnote-13)

In January 2020, human rights reports revealed a case of exploitation of Moroccan girls who came to work in Turkey in a hotel. Once these girls arrived to Turkey, they were forced by human trafficking gangs to give up all their official papers in addition to giving up their mobile phones, and then they were forced to working in the profession of prostitution. (N), a thirty-year-old Moroccan girl who is one of the victims of the human trafficking process, explains that she immigrated to Turkey in order to work, but the intermediary - a Moroccan national residing in Turkey - convinced her that she would take care of all the travel procedures and provide her with work and her residence place is in Istanbul, in exchange for a payment of 10,000 Moroccan dirhams. However, as soon as she arrived in Turkey, she was stripped of her own documents and forced to work in prostitution. As soon as she arrived at the airport, she found a young man with a woman waiting for her, and them they took her to brothel. (N) says that she was not alone in this house, there were other Arabian women working in the same profession. She said "They were forcing us to have sex, while they get the money paid by the customers, they were reprimanding us and treating us like slaves." These practices are not decisively confronted by the Turkish government.[[13]](#footnote-14)

Under Turkish law, government-supervised brothels are legal, but otherwise, prostitution is not. The Turkish penal code assumes prostitutes are exclusively female, and that if they agree to work in a brothel, then they are legitimate. So the brothels are registered in a location the municipality approves, pay taxes and agree to the city’s health code for sex workers.[[14]](#footnote-15) But neither the municipality nor the police care about the cases of deception that some women are subjected to in order to work in prostitution, as (N)’s case. The Turkish government is reportedly turning a blind eye to such human trafficking practices, which often result in sexual diseases, as this booming industry contribute with about 4 billion dollars annually to the already depleted Turkish economy, in light of the decline of the Turkish lira. Turkey, however, is required to monitor this industry, especially since the commodification of individuals for commercial gain makes these practices crimes and a violation of basic human rights, especially the right to freedom, human dignity and the free will of every person.[[15]](#footnote-16)

**Recommendations**:

* **The need to take all adequate measures to combat trafficking in women and eliminate this phenomenon completely, in accordance with Article No. 6 of the Convention on the Elimination of All Forms of Discrimination against Women.**
* **Providing sufficient services to victims of human trafficking by increasing the number of shelters designated for this purpose, and providing adequate financial resources for the rehabilitation of victims.**
* **Decisive control over the legal brothels in Turkey to expose the deceptions that some girls are exposed to, as these cases constitute a crime under Turkish law and are considered human trafficking.**

**Article 10: The Right to Education:**

Under Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Turkey is obligated to “take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women.”[[16]](#footnote-17) Although the Turkish government has attempted to implement some administrative reforms to increase educational opportunities for women and girls, access to education remains a problem in Turkey, especially with regard to the education of girls in rural areas and the education of girls belonging to linguistic and ethnic minorities, such as Kurdish girls. Statistics show that about 45 percent of girls are out of education in the southeastern regions of Turkey, which are Kurdish-majority areas. Access to education is still one of the obstacles facing girls in these areas, and the illiteracy rate for girls in some provinces in southeastern Turkey, for example, reaches about 80% of girls outside the educational process. In the same context, girls from the Kurdish minority who complete their education receive lower quality of education compared to the regions of western and central Turkey. For example, in the classrooms in schools in Kurdish-majority areas, the number of students is about 38 girls per class, compared to about 32 students, which is the average density of students in western and central Turkey.[[17]](#footnote-18)

 This increases the restrictions imposed on the education of girls from the Kurdish minority, in addition to other factors including the unstable economic and social conditions, in addition to the violations that the heads of these girls’ families are exposed to on the pretext of joining terrorist groups such as the Kurdistan Workers’ Party. All this is even compounded by the prohibition of education in the mother tongue, “Kurdish”, in Turkish public schools. All these factors make girls from the Kurdish minority reluctant to go to school. The Turkish government is aware of all these difficulties; however, it didn’t intervene to improve the conditions of education in Kurdish-populated areas and other poor areas, in a clear repudiation of its obligations under the Convention on the Elimination of All forms of discrimination against women and other relevant conventions.[[18]](#footnote-19)

**Recommendations:**

* **Guaranteeing the principle of equality in education, especially in areas inhabited by ethnic minorities, and in the same manner adopted by the Committee on the Elimination of All Forms of Discrimination against Women.**
* **Ensuring that Kurdish girls are taught in their mother tongue "Kurdish language" in Turkish public schools in accordance with Articles No. 29.30 of the United Nations Convention on the Rights of the Child, which Turkey has ratified.**

**Article 16: Marriage (forced & early marriage of girls):**

Under the Turkish Civil Code, the legal age for marriage is 18 years, but nevertheless, Article 124 of the same law allows a 17-year-old child to marry with parental consent. According to Articles 126 and 128, a 16-year-old boy may marry with the permission of a judge and legal guardian in what are known as “extreme cases” or by a ruling from what is known as the family court.[[19]](#footnote-20) However, there is no direct punishment for the marriage of girls under the legal age, and those who marry a minor girl in Turkey are not punished under the name of “sexual assault of a minor”, which sentence is imprisonment from 8 to 15 years according to Articles 103, 104 and 105 of the Turkish Penal Code.[[20]](#footnote-21)

But in many cases, the law is circumvented, especially by refugees residing in Turkey, and on the pretext of not knowing Turkish laws, many marriages take place. This confirms the ruling issued by the Criminal Court in Turkey in March 2021 acquitting a Syrian young man, named “M.D.” who married a 15-year- old girl, named “B”, in early 2018, on the pretext of not knowing the marriage laws in Turkey.[[21]](#footnote-22)

Official statistics from the Istanbul municipality reveal the marriage of 13,000 children under the age of 18 in Turkey in 2020, 95% of them are girls under the age of 18. However, Maat suggests that the real numbers are much higher, especially in light of the spread of what is known as unofficial religious marriages, which are different from the civil marriage that is widely accepted, especially in rural areas and among refugees residing in Turkey. These marriages are not reported so that the husband does not fall for legal accountability.[[22]](#footnote-23) A Syrian national named (A), who married his 15-year-old female relative, says that he goes to private hospitals if his wife got sick in order not to be subjected to legal accountability, as he may be held accountable if he goes to a government hospital. Another case, revealed by a girl named (S), which is a pseudonym for a Syrian girl, says that she has been married at the age of 14, and gave birth to her first child at the age of 15 in a private hospital in Istanbul. She did not go to a government hospital for fear of being interrogated.[[23]](#footnote-24) The cases of (A) and (S), although it was done unofficially, reveal that there is no government mechanism in Turkey to monitor this kind of informal marriages, in addition it reveal the lack of governmental control over private hospitals, which allows this type of marriage to spread.[[24]](#footnote-25)

The exceptions provided by Turkish law regarding underage marriage contradict Turkey’s obligations under the Convention on the Rights of the Child, which entered into force in Turkish legislation after its ratification on May 4, 1995. Forced or early marriage in Turkey reflects a pattern of gender inequality, and affects the health of the girl and the fetus at the same time. According to the United Nations Population Fund, early marriage limits girls' education, harms their health, and exposes them to violence and poverty, especially in rural and remote areas. Pregnancy at an early age increases the possibility of bony deformities in the pelvis and spine of the girl, and can affect the health of the fetus and cause his suffocation in the mother’s womb as a result of the severe deficiency in the blood circulation that nourishes it. In addition, premature birth may result in a failure in the fetus’s respiratory system, due to incomplete development of the lungs, the occurrence of malfunctions in the digestive system, delays in the physical and mental development of the newborn, and an increase in the incidence of cerebral palsy and hearing disabilities.[[25]](#footnote-26) Child marriage has severe consequences for the human rights of girls and affects aspects of their lives. They are denied the right to security, education, and health as well as the right to choose whether and when to marry. In many cases, they are subjected to intense pressure from their families to have children very soon after the wedding, and thus they are exposed to the risk of serious early pregnancies and the aforementioned harms. This exposes them to serious psychological and physical risks, including death.

**Recommendations**:

* **Amending exceptions to the articles on marriage in the Turkish Civil Code so that the marriage can only take place upon reaching the legal age specified in the international conventions, which is 18 years in accordance with the Convention on the Rights of the Child.**
* **Establish a mechanism to monitor informal marriages, especially among refugees residing in Turkey and in rural and remote areas, in addition to monitoring and criminalizing informal religious marriages.**
* **Adding a clear text in local legislation criminalizing forced marriage of children in Turkey and treating under-age marriage as a crime of sexual abuse of a minor.**
1. Constitution of Turkey 1982 ( the 2017 amended constitution, Comparative Constitutions Draft, translated by the International Institute for Democracy and Electoral Assistance (IDEA), link: <https://bit.ly/3tnBEC2> [↑](#footnote-ref-2)
2. The report is available as a word document on the website of Office of the United Nations High Commissioner for Human Rights (OHCHR) [↑](#footnote-ref-3)
3. After much controversy.. the Turkish Prisons’ Directorate explains the procedures of “ a strip search to women”, Russia Today (RT), 21 Dec 2020, link: <https://bit.ly/3hkcGkN> [↑](#footnote-ref-4)
4. International Women’s Day: 17,000 women detained in Turkey, ZAMAN, 8 Mar 2021, link: <https://bit.ly/3exHnkx> [↑](#footnote-ref-5)
5. Available at the following link: <https://www.awid.org/news-and-analysis/kurt-kadinlari-cifte-ayrimcilik-karsisinda-direnis> [↑](#footnote-ref-6)
6. Page 11.12.13, Available at the following link: <https://bit.ly/3eCaaVj> [↑](#footnote-ref-7)
7. Turkey withdraws from Istanbul Convention, citing ‘normalization of homosexuality’, Global Voices, 26 March 2021, Available at the following link: <https://bit.ly/3nTr0St> [↑](#footnote-ref-8)
8. “An Honor Killing in Turkey”.. A Turkish man kills his daughter because of romantic relationship with her colleague in Ankara, Turkey Now, 7 Feb 2020, link: : <https://bit.ly/2SDQgAB> [↑](#footnote-ref-9)
9. 2020 Country Reports on Human Rights Practices: Turkey, Page 63.64, Available at the following link: <https://bit.ly/33rPEjt> [↑](#footnote-ref-10)
10. أنظر، قانون العقوبات التركي رقم 5237، المادة 80، على الرابط التالي: <https://bit.ly/3f3iQD3> [↑](#footnote-ref-11)
11. تركيا أرض الإتجار بالبشر، أحوال تركية، 17 يونيو 2019، على الرابط التالي: <https://bit.ly/3tA78F7> [↑](#footnote-ref-12)
12. فتاة مقابل إيجار منزل".. معاناة القاصرات السوريات في تركيا مع الاستغلال الجنسي، الحرة، 8 يوليو 2020، على الرابط التالي: <https://arbne.ws/2Q4oGLZ> [↑](#footnote-ref-13)
13. الحلم التركي ينقلب كابوسا… مغربيات ضحايا الاتجار بالبشر، إندبندنت عربية، 22 يناير 2020، على الرابط التالي: <https://bit.ly/3o3fzHV> [↑](#footnote-ref-14)
14. Barely illegal: The changing face of Turkey's pleasure industry, Al-monitor,28 September2016, <https://bit.ly/3tyODB0> [↑](#footnote-ref-15)
15. COMBATING HUMAN TRAFFICKING IN TURKEY, Turkish Policy Quarterly, 3 June 2020, <https://bit.ly/3hauRct> [↑](#footnote-ref-16)
16. اتفاقية القضاء على جميع أشكال التمييز ضد المرأة، المادة 10، على الرابط التالي: <https://bit.ly/33x83M1> [↑](#footnote-ref-17)
17. London Legal Group Alternative report to the Committee on the Elimination of Discrimination against Women – Turkey, Page 8.9, Available at the following link: <https://bit.ly/3exibdM> [↑](#footnote-ref-18)
18. القانون المدني التركي، المادة 124، على الرابط التالي: <https://bit.ly/3heyYnW> [↑](#footnote-ref-19)
19. أمّهات قبل الأوان”: دعاوى وتحقيقات تلاحق زيجات القاصرات السوريّات في تركيا، دراج، 2 مايو 2019، على الرابط التالي: <https://bit.ly/3ez1aA2> يعٌرف قانون حماية الطفل في تركيا، رقم 5395، القاصر بأنه كل شخص دون الثامنة عشرة [↑](#footnote-ref-20)
20. تركيا.. القضاء يبرّئ سوريّاً تزوج فتاة بعمر الـ 14 عاماً بإسطنبول، تلفزيون سوريا، 22 مارس 2021، على الرابط التالي: <https://bit.ly/3uzeFFy> [↑](#footnote-ref-21)
21. More than 13,000 children married off in Turkey in 2020, Duvar English, 23 April 2021, Available at the following link: <https://bit.ly/2Q3UoJ7> [↑](#footnote-ref-22)
22. مصدر سبق ذكره، على الرابط التالي: <https://bit.ly/3ez1aA2> [↑](#footnote-ref-23)
23. ما العقوبات التي يفرضها القانون التركي بخصوص الزواج من قاصر؟، أورينت.نت، 4 مارس 2019، علي الرابط التالي: <https://bit.ly/3o9S8Ne> [↑](#footnote-ref-24)
24. مصدر سبق ذكره، على الرابط التالي: <https://daraj.com/17149/> [↑](#footnote-ref-25)
25. [↑](#footnote-ref-26)