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**Committee on the Elimination of Discrimination
against Women**
Pre-session working group
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**Responses to the list of issues and questions for
consideration of the combined fourth and fifth
periodic reports**

Turkey

Questions and answers concerning the periodic reports of Turkey

General matters, legislation and national mechanism

1. The report mentions (p. 3) the recent economic crisis in Turkey. What measures have been taken by the Government to ensure attention to gender perspectives in the country's structural adjustment programmes and macroeconomic policies? In particular, provide current data, desegregated by sex, on the percentage of the Turkish population living in poverty and the number of households living in poverty that are headed by women.

Government programmes and annual programmes prepared within the framework of the eighth Five-Year Development Plan which is in force in Turkey today state that necessary measures will be taken in order to ensure equal and complete access of women and girls to health and social security services, particularly to education services; to increase more effective and active participation of women to workforce and employment and to prevent violence and abuse against women. Besides, Turkey, being a candidate for EU membership in the European Union, made commitments to realize an equal treatment principle between men and women in the Social Politics and Employment Section and Political Criteria Section of its National Programme to Adopt European Union Legislation, which entered into force in 24 July 2003.

Within this concept, Article 10 of the Turkish Constitution has been amended to read: "Women and men have equal rights. The State is responsible to establish de facto gender equality". Provisions in the New Labour Code, which entered into force in 2003, aim to ensure the equality principle between men and women workers at the workplace. The new Turkish Civil Code, which entered into force in January 2002, and the new Criminal Code, which will enter into force in April 2005, have a perspective on equality between men and women.

Education programmes and promotion campaigns have been organized by the Ministry of Justice, the Ministry of Interior Affairs, the General Directorate of Women's Status and Problems, professional associations and civil society organizations, and projects are being prepared by national and international financial and technical assistance in order to ensure the recognition and implementation of the rights contained in this new legislation.

The 2002 Household Budget Survey results show that the poverty rate in Turkey, in general, is 27 per cent; 51.8 per cent of poor people are women; and 27 per cent of women live below the poverty line, while the poverty rate for men is 26.7 per cent.

Female-headed households comprise 10 per cent of all households. The poverty rate for these households is 25.8 per cent, while the poverty rate for male-headed households is 22.1 per cent. When we consider household members, for those who live in female-headed households, the poverty rate is 32 per cent, while

the same ratio for people living under male-headed households is 26.6 per cent. The poverty term used here consists of both food¹ and non-food poverty line.²

2. The report describes a number of legal reforms that have occurred in recent years, including amendments to the Constitution, the adoption of a new Civil Code in 2001, and the enactment of the Law on Protection of the Family in 1998. Please provide information on the implementation of these new laws, in particular challenges encountered, and how these new laws contribute to the practical realization of equality for women.

The new Civil Code, which entered into force in 2002, has taken the equality principle as a basis regarding the provisions concerning the legal marriage age, maintenance allowance, rights and responsibilities, the determination of the conjugal home, participation in expenses, the administration, representation and protection of the conjugal union, jobs and professions of the spouses, legal procedures, parental authority over children and matrimonial property regime.

These legal provisions have a positive impact on the participation of women in society. In particular the adoption of the age of 17 as the legal marriage age for both men and women, without any gender discrimination, aims to eliminate the negative biological and physiological impacts of early marriages and has positive results in line with this objective.

Although the provisions of the Constitution, the new Civil Code and the law on the Protection of the Family eliminate fundamental discriminatory practices on a legal basis and aim to ensure gender equality in all areas of society, women who lack economic independence, have a low level of education and strong connection with traditional values, do not benefit adequately from the rights given to them under the laws. For example, a woman who faces violence within the family does not stand to benefit from the provisions of the law on the Protection of the Family, as she does not know her legal rights within this concept nor does she have economic independence under the force of traditional values. Even if she claims to be protected, during the implementation of the protection orders, she may be forced to step back, due to insufficient institutional and structural mechanisms. The Government's policies on economic, social and educational fields that aim to raise the education level of women and girls and to empower the economically dependent is expected to eliminate those difficulties and challenges in the future.

3. The report notes (p. 7) that further reforms are needed to amend remaining discriminatory provisions in the Constitution, the Penal Code, the

¹ Food poverty line: in the study, in determining the food basket constituting the base of food poverty, the data from the 2002 Household Budget survey used the 80 items having the largest share in the food consumption of the households. The amount ensuring an individual to receive 2,100 calories per day was formed with these 80 items. The cost of the basket was deemed to be the food poverty line.

² Non-food poverty line: the individuals have some needs in addition to food. In order to consider these needs, it is necessary to add the share of non-food goods and services to the food poverty line. The poverty line was based upon the non-food expenditure share of the households (57 per cent) whose total consumption was just above the food poverty line in the total expenditure. According to this, the poverty line covering food and non-food goods and services was determined. The food and non-food poverty rates were calculated from the consumption expenditures per equivalent individual and the ratio of the population formed by the households below the food and non-food poverty line to the total population.

Citizenship Act, the Civil Servants Code, the Labour Code and the Social Security Code. Please provide an update on recent amendments to the Constitution and on other measures taken to review, amend or repeal existing discriminatory laws.

The amendment of Article 10 of the Turkish Constitution is explained in answer 1 above. The provisions of the new Labour Code are as follows:

- No discrimination based on language, race, sex, political thought, philosophical belief, religion and similar grounds can be made in business relations.
- The employer cannot give different treatment to part-time workers versus full-time workers or definite-term workers against indefinite-term workers, unless there are well-founded reasons.
- The employer cannot treat a worker differently in concluding the labour contract, establishing the conditions thereof, implementation and termination thereof due to sex or pregnancy, unless biological reasons or those pertaining to the work qualifications so oblige.
- A lower wage cannot be decided for an equal or equivalent job on the grounds of sex.
- Implementation of special protective provisions due to the sex of the worker does not justify the application of a lower wage.
- In case of contradiction to the provisions of the above paragraph in business relations or termination, the worker can demand the rights that he or she has been deprived of besides an appropriate indemnity equivalent up to four months' wage. The provisions of article 31³ of Law 2821 on Labour Unions are reserved.
- Without prejudice to the provisions of article 20,⁴ the worker is obliged to prove that the employer has contradicted the provisions of the above

³ Trade Unions Act

The guarantee for being a member or not a member of a trade union

Article 31 — The recruitment of employees shall not be made subject to any condition as to their membership of a trade union, or obliging them to join or refrain from joining a given trade union or to remain a member or resign from a given trade union.

No contrary clause can be put into collective labour agreements and work contracts.

Employees, regardless of their being a member of a trade union or not, or a member of another trade union, are equal and not to be discriminated against with respect to recruitment, arrangement and distribution of work, promotion, wages, bonuses, premiums, social and fringe benefits, discipline rules or provisions respecting other questions, including termination of employment.

Clauses in collective agreements relevant to wages, bonus, premium and other monetary social benefits are reserved.

Employees cannot be dismissed and subject to discrimination (...) on account of his or her participation in the activities of a trade union or confederation.

If the employer acts contrary to the provisions of third and fifth paragraphs above, a compensation at least equal to the total annual salary of an employee dismissed on such grounds will be paid.

⁴ Labour Law

Objection against notice of termination and its procedure

Article 20 — Any worker whose labour contract is terminated can institute a lawsuit at the

paragraph. However, when the worker puts forward a situation strongly suggesting the probability of the existence of an infringement, the employer becomes obliged to prove that no such infringement exists.

Besides in the new Criminal Code, which was adopted on 26 September 2004, the important regulations concerning women include the following:

- Crimes against sexual integrity are defined as crimes against the individual, rather than crimes against public decency;
- If a sexual crime is committed against the spouse, criminal punishment is enforced but the prosecutor can file a case only upon receiving the complaint of the victim;
- The distinction in criminal sanctions for sexual crimes between married and unmarried women victims is lifted;
- “Sexual harassment at the work place” is defined as a crime and criminal punishment is enforced not only for high-level managers, but also among workers;
- Crimes committed for the sake of honour are regarded as qualified crimes with heavy life-term imprisonment as the sanction to be imposed.

4. In its last concluding comments, the Committee expressed concern that the Directorate General for the Status and Problems of Women had no corresponding bodies at the regional and local levels (A/52/38/Rev.I, para. 175). The report notes that the Directorate General for the Status and Problems of Women continues to function without an organizational law (p. 3) and that it is funded to a large extent by external sources (p. 13). Please describe the structure, human resources, place and rank of the Directorate General within the administration, as well as the means at its disposal to support the integration of a gender perspective in all public policies. Further, please indicate the obstacles that continue to hinder the strengthening of the Directorate, and whether the Government has considered allocating additional resources to the General Directorate to enable it to discharge its mandate.

The Directorate General for Women’s Status and Problems is a policy formation and coordination organization under the Office of the Prime Ministry. To enable the national mechanism to work efficiently in mainstreaming a gender perspective into all public policies as stated in the Beijing Platform for Action, the hierarchical status of the directorate working under the Office of the Prime Ministry is effective and appropriate. Although the General Directorate has no similar regional or local-level organizations, being connected to the Office of the Prime

business court within one month from the serving of the notice of termination with the claim that no ground is asserted in the notice of termination or the asserted ground is not valid. In case a provision is made in the collective labour contract or the parties mutually agree, the dispute is referred to a special arbitrator within the same period. The employer is obliged to prove that the termination is based on a valid reason. If he or she alleges that the termination is based on another reason, the worker is obliged to prove such allegation. The case is finalized within two months based on serial judgement procedure. In case of appeal of the decision taken by the court, the Court of Appeals gives the final verdict within one month. The formation and working rules and procedures of the special arbitrator are established through a regulation to be issued.

Ministry, due to its hierarchical status, it can cooperate with all regional and local-level public organizations.

The Organizational Law of the General Directorate was approved by the Turkish Grand National Assembly on 27 September 2004. With the approval of the Law, the General Directorate will be able to increase its human resources and, as a result, will work more actively and effectively. Apart from that, an Advisory Board for the Status of Women is being set up in the organization Law of the General Directorate and will consist of high-level representatives from various state organizations. This body, which will start working in the near future, will be an effective instrument in mainstreaming a gender perspective into all public policies.

Being a public organization, the Directorate General for Women's Status and Problems is financed from the national budget. It does not have a separate budget. In addition, the Directorate General, in cooperation with international organizations, receives technical assistance and international funds in implementing international projects.

5. Please indicate whether the Government elaborates and adopts plans, at periodical intervals, to implement the Beijing Platform of Action.

Turkey, which participated in the Fourth World Conference on Women with a delegation composed solely of women, approved the Beijing Platform for Action without any reservations. After the Conference, in 1996, under the coordination of the Directorate General for Women's Status and Problems, the Turkey National Action Plan was prepared with the participation of government organizations, universities, civil society organizations, trade unions, political parties and media representatives. This Action Plan indicates the activities to be realized by the Government, civil society organizations and other social parties in order to achieve the objectives set forth in line with our commitments. This Action Plan will be reviewed and updated within the framework of the ten-year review of the Beijing Platform for Action.

Violence against women

6. The report refers to the 1998 law on the Protection of the Family, which was adopted to curtail domestic violence. It also refers to proposed amendments which the General Directorate has submitted to the Office of the Prime Minister for consideration (pp. 6-7 of the report). Kindly provide an assessment of the results, and impact of the law, and describe the content and status of the proposed amendments to it.

The Law on Protection of the Family, which entered into force in 1998, aims to prevent violence committed within the family by putting some protection orders in place and by forcing the offenders to abandon the place where family members live.

Since the enactment of the Law (from the beginning of 1998 until the end of 2003), a total of 18,707 domestic violence cases reached the courts and a total of 18,810 cases have been finalized. Since some court cases opened before 1998 are ruled to be considered within the concept of this law, the total number of cases that have been finalized is more than the total number of cases that have reached the courts. There is a significant increase in the number of cases reported each year. For

example, the number of cases reported in 2003 is one third of all the cases reported to date.

The Law defines the perpetrator of violence as “spouse”. But other family members who live in the same dwelling, as well as former family members living in different homes, due to divorce or separation, may also be victims of domestic violence. The draft Amending Law, by replacing the term “spouse” in the existing Law by the term “perpetrator of violence”, aims to increase the scope of the Law.

On the initiative of the Directorate General for Women’s Status and Problems, the Ministry of Interior published brochures in order to provide effective implementation of the existing Law. The Directorate General, media, civil society organizations and bars organized seminars and meetings on the issue and promotional brochures have been disseminated nationwide. In the meantime, the Directorate General is preparing a book to explain how to file a case, examples of implementation and main challenges faced.

7. What kinds of data are being collected on the incidence of violence against women, including domestic violence, sexual violence, and crimes committed in the name of honour, in Turkey, and what do they reveal in terms of trends?

In Turkey, statistics on violence against women are classified into two groups: sexual violence and domestic violence (violence within the family). There is no statistical data on honour crimes. The statistics show that, between 2001 and August 2004, 28.1 per cent of the victims of general violence acts are women and that yearly, there is an increase in crimes.

Data on domestic violence show that 86.1 per cent of the victims of domestic violence incidents are women.

When sexual violence crimes are considered, we see that, in sexual violence crimes against women, only 54.3 per cent of all the victims are women. Even in rape crimes, where women are directly victimized, this ratio is 69 per cent. Since, in the previous Criminal Code, these acts of violence were considered to be crimes against public decency, a woman’s relatives, such as her father, brother, etc., were also considered as victims if they filed a complaint.

But the new Criminal Code, which was adopted on 26 September 2004 and will enter into force in April 2005, defined sexual crimes as crimes against the individual and not public decency. Accordingly, the statistics from then on will reflect the new understanding and show the real victims.

8. The report describes the services and programmes available to provide support and assistance to victims of domestic violence (p. 14). Kindly indicate whether counselling and rehabilitation programmes for male perpetrators of violence, including men who are serving or have served sentences for violent offences against women, are available.

There are no widespread rehabilitation and counselling programmes for male perpetrators of violence. Psychological and social service personnel in prisons provide counselling and rehabilitation programmes for male prisoners convicted or accused of committing violence against women.

9. The report states that shelters for women victims of violence are limited (p. 14). What measures is the Government taking to support and encourage

local authorities to ensure that such shelters are established in sufficient numbers and good duality of service in all parts of the country?

Shelters for the victims of violence is insufficient in Turkey. But the Draft Law on Local Administrations, which is on the agenda of the Turkish Grand National Assembly, states that municipalities with more than 50,000 inhabitants has to open shelters for women and children.

10. The report states (p. 15) that the training of security forces, health-care personnel and other public servants who deal with women victims of violence, and educating women and girls of their legal rights is a high priority goal in the fight against violence against women. The report describes a number of measures that have been taken in this regard. Describe any measures taken by the Government aimed at the larger society to prevent violence and to change attitudes, customs and practices that perpetuate violence against women, and also describe the impact of any such measures.

Due to social disturbances emerging from the day-to-day increase in violence incidents and insufficient protection of children from acts of violence scenes and publications in the media, the “Platform to prevent violence” was formed in July 2004 with the participation of the members of the Turkish Parliament, high-level managers of public organizations, academicians and civil society organizations under the leadership of the State Ministry responsible for women, family and children. The Platform started to work under four subcommittees and aims to prepare an action plan to prevent violence. The most important part of the ongoing studies of the platform is to prevent violence against women.

Among the projects proposed to European Union General Secretariat for the 2005 Financial Programme, violence against women has the most significant place. If the project is approved, it will be possible to collect sufficient and appropriate data on violence incidents against women and to coordinate the works of various public servants in different public organizations on this issue and to launch a campaign to change the attitudes, traditions and practices that cause violence to continue.

11. In its last concluding comments, the Committee stated that the practice of so-called honour killings, based on customs and traditions, was a violation of the right to life and security of persons and therefore had to be appropriately addressed under the law (A/52/38/Rev.1, para. 195). The report notes (p. 15) that an extensive effort had been made by the Government and by non-governmental organizations to open the public debate on honour crimes. What has been the impact and effectiveness of these, and any other measures taken?

During the process of legalization of the new Criminal Code, various sections of society and civil society organizations submitted their views on this matter. Besides, the commission established under the leadership of the State Ministry responsible from the affairs of the Directorate General for Women’s Status and Problems has submitted its comments on the Draft Law. Those views and comments are considered by the Turkish Grand National Assembly and accordingly important amendments have been made in the Draft Code. Crimes committed for the sake of honour are regarded as qualified crimes with heavy life-term imprisonment as the sanction to be imposed.

12. Please provide data on the incidence of violence, including sexual violence, committed against women in custody or in detention. What measures are being taken to protect women under police custody and to women prisoners?

There are two regulations that relate to people held in custody:

1. A bylaw regulating the institutions responsible to execute criminal punishments and prisons and execution of criminal punishments.
2. A regulation that regulates the processes of arresting, holding in custody and taking official statements of accused people.

In order to implement these regulations effectively and completely, a total of 172,960 police officers are taken into in-job training sessions and informed about them. Criminal acts that constitute violations of these regulations are punished according to Turkish Criminal Law and offenders in police units are dismissed.

With regard to women held in custody, the regulations state that:

- The search of women (their clothes and belongings) held in custody should be performed by women police officers. All police units that apply custody procedures should employ women officers on a 24-hour basis. Such police officers undergo in-job training on how to treat women in custody and women victims of crimes;
- Women held in custody are placed in women’s prisons designed separately from male prisoners;
- Women guards are employed in women’s prisoners and domestic security services are carried out by these personnel;
- Children whose mothers are in prison and who do not have any relatives to look after them or who cannot be placed in child protection and care centres, are allowed to stay with their mothers until they can be placed in such a centre or near a relative. All their needs are provided for by the prison administration.

Trafficking and prostitution

13. The report (p. 17) states that brothel owners are responsible for taking the necessary measures to prevent sexually transmitted diseases in accordance with the Public Health Law. Has the Government taken measures to monitor women’s health in these brothels? What measures have been taken to prevent sexually transmitted diseases and HIV/AIDS among prostitutes engaged in clandestine prostitution?

Women working in brothels are examined by specialized doctors twice a week and their health condition constantly monitored. During these periodic examinations, women who are identified to have sexually transmitted diseases (other than AIDS) that can be treated are not permitted to work until their treatment ends. Brothels that continue to employ women that carry sexually transmitted diseases contrary to law, are closed. Women working in brothels are covered by the social security system. Brothel owners have to pay social security premiums for the women workers they employ. Consequently, hospitals operated by Social Security Organization take care of their treatment and all health services.

Women who have AIDS are not allowed to work at all and their health care is also provided by the same organization free of charge. Women working in brothels are checked for HIV and hepatitis once every three months and for gonorrhoea weekly.

Women who work illegally as prostitutes are difficult to control and examine. In order to find a solution to this problem, the National AIDS Commission applied, in April 2004, to the Fourth Round of the “Global Fund for HIV/AIDS, Tuberculosis and Malaria” which was founded by the United Nations in January 2002. If this application is approved, the money provided from the Global Fund will be used for the activities aimed at these women and at commercial sex workers, drug users, homosexual men and people with HIV/AIDS, with the participation of civil society organizations. The activities are planned to start in 2005.

On the other hand, in order to prevent AIDS nationwide, the General Directorate of Security, the Ministry of Health, the Ministry of Labour and Social Security, the Ministry of National Education, the Ministry of Justice, the Department of Religious Affairs, the Directorate General of Social Services and Child Protection Institute, the Gülhane Martial Medicine Academy, the Ankara University Faculty of Medicine, the Association to Combat AIDS, the Hacettepe University AIDS Research Centre and the Turkey Family Planning Association are working in coordination with each other.

The National AIDS Commission has established a permanent representative group and meets regularly to study this subject. The Commission has prepared a National Action Plan on HIV/AIDS. The main strategies in that Plan include: protection from HIV/AIDS; to increase the access to treatment services; to enhance voluntary consulting services, improvement of legislation; to improve social assistance; to improve preventative measures, monitoring and assessment. In addition the “Project to empower Sexually Transmitted Infections/HIV/AIDS Surveillance” is being planned within the concept of the Ministry of Health-European Union Productive Health Programme and is expected to contribute significantly to efforts on that matter.

14. Please provide data on the number of women and girls who are trafficked for purposes of prostitution to, from, and through Turkey. The report states that 23,422 foreigners have been expelled between 1996 and 2002 because they were prostitutes (p. 18). How many of these expelled persons were women? Has the Government taken measures to ensure the safety of these individuals upon their return to their country?

As a result of operations to combat trafficking in human beings, in 2003, a total of 1,877 women foreign nationals were indicated as performing illegal prostitution. Among these, 102 women were identified as having been forced into prostitution by methods of violence, threats etc. They are considered to be victims and therefore were not deported and were allowed to stay in the country. Consequently, a total of 1,775 women engaged in prostitution have been deported from the country.

Within the first eight months of 2004, of 1,358 women foreign nationals that have engaged in prostitution, 158 are considered to be victims and are allowed to dwell in the country; 1,200 women have been deported from Turkey.

The victims are, in general, women and between 20 and 35 years old. In Turkey, during the police operations, no adult men or boys were identified to be victims of international trafficking in human beings for the purposes of sexual exploitation. Rarely, girls under the age of 18 may be victims of the incidents of human trafficking for the purposes of prostitution.

Without any doubt, international cooperation is crucial to combat and stop crime organizations that engage in human trafficking. Turkey is very sensitive to this issue, in order to uncover crime organizations' connections outside the country, the police are working in coordination with INTERPOL, the South-east European Cooperative Initiative and the International Organization for Migration. In this connection, when the deporting process is applied, the INTERPOL in the relevant country is informed and asked to provide the necessary security for the women being deported. The Foundation to Develop Human Resources, an organization working in this field, also informs civil society organizations in the relevant country so that they can take the necessary measures to protect women who are sent back securely to their country.

15. Please provide information on the rehabilitation and protective measures in place for women victims of trafficking for purposes of prostitution and other forms of sexual exploitation, including a description of the effectiveness of these measures.

The main challenge and difficulty is the treatment, rehabilitation and provision of housing for the victims of human trafficking arrested during police operations and allowed to stay in the country. To bring a solution to this problem, a protocol is signed between the Ministry of Interior Affairs General Directorate of Security and the Foundation to Develop Human Resources. The two parties agreed to undertake joint activities. Within this concept, the Foundation opened a women's shelter in İstanbul, where human trafficking crimes are higher in number than in any other city in Turkey.

16. What measures have been taken to provide specialized training on trafficking to members of the police and the judiciary?

A special unit, which is called "The Police Authority to Combat Human Trafficking and Sexual Crimes" has been established within the General Directorate of Security to deal with such crimes.

From 2001 to date, certified training seminars have been given to a total of 282 managers in the General Directorate of Security, to the personnel that deal with human trafficking incidents and especially to personnel at border gates, with the cooperation of the British Council and the Foundation to Develop Human Resources, on the situation in our country, the projects and coordination with civil society organizations. Until the end of 2004, some 75 more personnel from the General Directorate of Security will be trained by the same Foundation. The Ministry of Interior Affairs Coastal Security Headquarters also organized seminars for coastal security personnel.

With regard to judicial personnel, in the context of the 2004 Education Programme prepared by the Ministry of Justice, "Combating human trafficking" seminars are held in order to give special training to judges and prosecutors on the subject of human trafficking. The seminar on "Introduction to immigrant law", given to 40 judges and prosecutors, also contained issues on combating human

trafficking. Besides that, with the cooperation of the Ministry of Justice and TATEX (European Union), and with the participation of 50 judges and prosecutors, a seminar entitled “Combating human trafficking” will be organized and, in 2005, such education programmes are planned to continue.

Apart from the above, the Directorate General for Women’s Status and Problems, which works in the field of preventing human trafficking and a party to the “National Duty Force to Combat Human Trafficking” established by the Ministry of Foreign Affairs, held two panels, in cooperation with the United Nations Population Fund, on “Combating human trafficking”, in December 2002 and December 2003, respectively, with the participation of all related parties. Representatives from various public organizations, academicians and civil society organizations, as well as security directors of our border provinces and media, participated in these panels.

Minority women

17. In its last concluding comments (see A/52/38/Rev.1, para. 198), the Committee stated that the situation of minority women needed to be monitored urgently and that a systematic effort was necessary to ensure for them their full legal rights guaranteed by the Convention. Please provide data on the economic, employment, health and educational situation of minority women, including Kurdish women and women of foreign origin, and on their participation in decision-making at all levels, as well as information on the effectiveness of measures taken to improve their situation.

In Turkey, the relationship between the State and the citizens is in no way based on ethnic origin. All the residents in the country are bonded to the State with citizenship ties. There is no discrimination based on ethnic origin in Turkey, neither for men nor for women. In Turkey, all the services provided to women and the rights accorded to women are because of their citizenship on an individual level.

On the other hand, in Turkey, data is not collected based on ethnic origin. Collecting data and making statistics based on ethnic origin is considered as discrimination. In this context, the term “minority women” cannot be accepted by us. We will accept the term “minority women” used in the title and the related paragraph as “situation of women in underdeveloped regions of Turkey”.

Women in political and public life

18. The report states that women continue to be underrepresented in executive and elected bodies at the local and national levels, as well as in political parties and in diplomatic service. What measures, including temporary special measures, have been taken by the Government to improve women’s participation at all levels and in all sectors of the Government, in particular in the political sphere and the public sector? What is the impact of such measures?

Following media coverage to the effect that some institutions prefer to recruit males because of the characteristic of the work, although gender discrimination does not exist in laws, the Convention on the Directorate General for Women’s Status and

Problems and the Ministry of State that it works under have warned the establishments applying such discrimination, referring to the constitution and to the Convention on the Elimination of Discrimination against Women. A circular issued by the Prime Minister's Office on 22 January 2004 entitled "Acting in Compliance with the Principle of Equality in Recruiting Staff" is about not making any gender discrimination in public enterprises while recruiting new staff, with which all public offices and establishments have to comply.

In Turkey, women exercise their right to vote in the political area to a great extent. However, because they cannot use their right to be elected due to economic and social reasons, in spite of the equality in laws, they are not sufficiently represented in political organs both at the national and local administration levels. There are no special measures in legal arrangements to increase the participation of women in the area of politics and decision-making mechanisms. In addition, some political parties have practices, such as quotas and charging women candidates less for candidacy fees in order to support women.

In the foreign service, as of October 2004, a total of 131 women diplomats are working in foreign countries, of which 13 are ambassadors, 3 are consuls general, 25 are counsellors, 4 are deputy consul general, 34 are first secretaries and consuls, 12 are second secretaries and 40 are third secretaries and attachés.

Employment and poverty

19. The report notes (p. 30) that the participation of women in the labour force had shown a downward trend, dropping from 30.5 per cent in 1995 to 25.9 per cent in 2000. What is the trend to date? Please provide current data on the participation of women in the labour force, desegregated by sector, as well as information on the measures taken by the Government to counteract the decline.

The rate of participation of women in the workforce continues to have a tendency to decrease. Table 1 shows the trends of participation in the workforce and unemployment rates, and table 2 shows the distribution of employment of women in the different sectors in Turkey.

Table 1

Labour force participation and unemployment rates (percentage)

(15 years old and above)

	<i>Female</i>			<i>Male</i>		
	<i>Urban</i>	<i>Rural</i>	<i>Turkey</i>	<i>Urban</i>	<i>Rural</i>	<i>Turkey</i>
	Labour force participation (percentage)					
2000	16.9	39.7	25.7	70.2	77.2	72.9
2001	16.8	40.8	25.9	69.6	75.3	71.7
2002	18.7	40.9	26.9	68.7	73.7	70.5
2003	18.5	39.0	26.6	12.6	72.9	70.4
2004*	17.1	30.9	22.5	14.6	71.2	69.8

	<i>Female</i>			<i>Male</i>		
	<i>Urban</i>	<i>Rural</i>	<i>Turkey</i>	<i>Urban</i>	<i>Rural</i>	<i>Turkey</i>
Unemployment rates (percentage)						
2000	13.0	1.8	6.5	7.8	4.9	6.6
2001	16.8	2.1	7.9	10.3	6.5	8.8
2002	18.8	3.0	9.9	13.1	7.3	10.9
2003	18.3	4.2	10.1	12.6	7.9	10.7
2004* ^a	19.4	4.0	11.2	14.6	10.1	12.8

Source: SIS, Household Labour Force Statistics.

^a *2004, quarter I.

Table 2
Employment by economic activity, 2000-2004*
 (15 years old and over)

	2000		2001		2002		2003		2004*	
	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>
Total	5 801	15 780	5 969	15 555	6 122	15 232	5 891	15 256	4 972	14 930
Agriculture	3 508	4 261	3 780	4 309	3 674	3 784	3 447	3 718	2 639	3 772
Industry	730	3 080	703	3 071	817	3 137	762	3 084	767	3 078
Construction	33	1 331	21	1 089	23	935	29	936	25	698
Services	1 529	7 108	1 465	7 086	1 608	7 377	1 653	7 517	1 541	7 383
Total (percentage)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Agriculture	60.5	27.0	63.3	27.7	60.0	24.8	58.5	24.4	53.1	25.3
Industry	12.6	19.5	11.8	19.7	13.3	20.6	12.9	20.2	15.4	20.6
Construction	0.6	8.4	0.4	7.0	0.4	6.1	0.5	6.1	0.5	4.7
Services	26.4	45.0	24.5	45.6	26.3	48.4	28.1	49.3	31.0	49.5

Source: SIS, Household Labour Force Statistics

^a *2004, quarter I.

“Measures for introduction of women to workforce and increase of women’s employment should implemented” is one of a series of suggestions stated during the meeting of Ministry of Labour and Social Security Turkish Labour Organization General Assembly which was established to help formation of employment policy and to designate appropriate targets to these policies in the country. These

suggestions were submitted to the Ministry of Labour and Security to be put in the agenda of Economic and Social Council.

The Turkish Labour Organization is implementing an “Active Workpower Programmes Project” in cooperation with the European Community. The project is financed by the European Community fund and the Turkish Government’s contribution. Projects to increase women’s entrepreneurship and employment can also benefit from the programme.

In addition, the aim of the Strengthening Vocational Education and Training Project (MEGEP), which is among the projects carried out by the Ministry of Education and that started in 2002 is aimed at supporting the formation of a National Vocational Education System that will increase the activities of Vocational Education and Training in Turkey and increase its quality in line with the demand and participation of private sector, and is suitable for progress and participation at all levels based on accepted professional standards.

The aim of Modernization of Vocational and Technical Institutional Project (MTEM), which is another project started in 2003, is to contribute to vocational education and training reform, to strengthen the capacity of the Ministry of Education in organizing a modern and technical in service teacher training system and to increase the research and development capacity of institutions.

At the schools under the Ministry of Education General Directorate of Girls Technical Education, training directed at employment and near professional areas (textile, ready-to-wear, travel agency, skin care and hair dressing, etc.) is emphasized, noting the demands of the manpower market. Arrangements are being made for increasing the quality of training and increase of productivity by making use of local possibilities and resources.

With the “Decrease of Social Risk Project (SRAP)” that is signed between the Turkish Government and the World Bank, contribution to the decrease of poverty in Turkey in the long and short term is targeted. The components of the project are institutional development, conditional cash transfer, local initiatives (income-generating projects, skill gaining training directed towards employment, temporary employment, social services) and fast aid.

A mutual understanding has been reached between the Turkish Government and the European Union Commission to start a project aimed at achieving gender equality at the national level within the framework of the 2005 fiscal year programming of the European Union. This project will have components such as education, decrease of violence against women and increase in women’s employment.

20. The report (p. 34) describes the “discrepancies in the quality of coverage” under the three main social security schemes in Turkey, and notes that the standardization of the social security schemes is included in the programme of the fifty-eighth Government. The report also indicates that the concept of “household head”, although removed from the Civil Code in 2001, continues to be a requirement in accessing social security programmes for independent agricultural workers, which disadvantages women (p. 34). Similarly, the report indicates (on p. 39) a similarly disadvantageous provision in article 203 of the Civil Servants Law (657). Please provide information on the progress made, highlighting in particular, changes (if any) to the legal framework of the social

security system and its impact on women. Kindly provide an update on the status of the revision of the Civil Servants Law and on the discontinuance of the “household head” concept in the access to social security programmes.

Reform studies regarding social security are being carried out within the framework of the Government programme and Urgent Action Plan but are not yet concluded.

In accordance with the change made in the “Law of Social Security for the Self Employed in Agriculture” in 2003, parallel to the change in the Civil Code, the condition of being “family head” is not valid to be included in the law. It is said that the abrogation of this provision has put women in difficulty in making their premium payments. Studies for a new regulation has started in the related social security organizations regarding who will be under compulsory insurance in line with this aim.

Implementation of article 203 of Law No. 657 regarding government employees continues as before.

21. The report states (p. 30) that women hold nearly 55 per cent of jobs in the informal sector and that women’s labour force participation continues to be highest in the agricultural sector, where they are predominantly unpaid family workers (p. 31). In the light of the Committee’s last concluding comments (A/52/38/Rev.1, para. 204), what specific measures have been taken to ensure that women working in the informal sector, including rural women working in family enterprises, have direct access to social security benefits?

The Government has declared 2004 as the “Year of Struggle with Unregistered Employment” and has intensified its studies related to the area. In this context, studies for transforming the report prepared by the Ministry of Labour and Social Security to an action plan are being carried out.

The purpose of the “Law of Social Security for Self Employed in Agriculture” is to provide social insurance aid to the self employed in agriculture, in accordance with the provisions of this law, in case of disability, old age, illness and death.

It is stated that those who do not belong to any social security organization established with the same law or with the authority based on law and working in agriculture without any work agreement with an employer are considered as insured under this law. After the adoption of the change on 24.7.2003, article 48 of the Law No. 4956 abolished the discrimination between men and women to become insured and accepted that all who are 18 years of age and work in the agricultural sector as self-employed are entitled to have compulsory insurance by the beginning of the year following their eighteenth birthday.

22. The report states (p. 33) that women in the private sector who are married, pregnant or have children may be denied employment and face discrimination in promotion or access to in-service training. The report notes that no effective regulatory mechanisms exist other than that of an investigation upon a complaint. Please provide information on what measures are contemplated or have been taken to address these problems.

The arrangements in the new Labour Law adopted in 2003 are stated within the answer to question 3.

23. What measures have been taken or implemented to combat sexual harassment at work?

According to the new Labour Law, if:

- The employer talks to or shows attitudes towards the employee or his/her family hurting his/her honour;
- The employer sexually harasses the employee;
- The employee is sexually harassed by another employee or a third person in the workplace;
- The employer does not take necessary measures in spite of the employee's complaint to the employer, the employee can cancel the work contract before the termination date. Under the above circumstances the employer has to pay the employee seniority compensation.

The concept of sexual harassment at the workplace is placed in the new Turkish Penal Code and there are sanctions, not only for the executives, but also for sexual harassment among the employees.

Education

24. On page 22 of the report, it is stated that persisting patriarchal values and unfavourable economic conditions adversely affect the educational status of girls. The report notes (p. 21) that women and girls continue to lag behind men and boys at all levels of education and that significant discrepancies exist in the literacy levels of women and men, particularly when rural-urban, regional and age differences are considered. What targeted measures, including temporary special measures, have been taken by the Government to overcome these problems, particularly in rural areas, and what has been the impact of such measures?

In Turkey there is equality for men and women in education and training. Without any discrimination, education is compulsory by the National Education Basic Law and legal arrangements are made to hinder adverse attitudes. According to the arrangements, each student's parent or guardian or the family head is responsible for the child's attendance at school regularly and has to report to the school administration in three days when the child cannot attend.

Local administrators, primary education inspectors, parent or guardian or family head, must have responsibility to fulfil this obligation.

In the aim and principles that are basic to the organization of Turkish National Education, the general structure of education and with the State's duty and responsibility in education and training; it is clearly stated in the National Education Basic Law which covers related basic opinions that gender cannot be a reason for discrimination.

In addition to the initiatives that will be taken within the work of legal arrangements and measures that will be taken, it is also stated in the law that the parent, guardian or family head that will not send the child to school will be punished by a fine and if he still does not send the child to school, he will be punished by imprisonment and children who are at the age of primary education and

who do not attend a compulsory primary education institution cannot be employed in any public or private workplace or any other place, regardless of whether the conditions necessitate working either paid or unpaid, and those who act against this rule will be punished by fines and imprisonment.

In spite of these legal arrangements measures are being taken to overcome the difficulties of providing schooling for those who live in areas where the population is scattered. For example, in such areas, villages are grouped around area schools, or regional boarding schools are established. In this context, where total in 170 schools (142 primary education regional boarding schools (YIBO) and 28 primary education schools (PIO)) there were 74,741 students before 1977 when the law regarding eight-year compulsory education was adopted, the number of students in 572 schools (297 YIBO and 275 PIO) became total of 170,025 (1 Z 6,700 boys and 53,325 girls) by 19.08.2004.

In the South-east and East Anatolia regions, where girls mostly do not attend school, to ensure the attendance of girls and considering the cultural structure of the region, 9 girls primary education regional boarding schools (girls YIBO) and 14 girls primary education school with pension (girls PIO) to which only girls were accepted were opened and in these schools, a total of 5,792 girls are being educated. In 2004, 15 pensions were put into service where girls attending middle school can stay as boarders.

In addition to these measures, because women and girls lag behind men at all levels of education, two projects are being carried out to remove this inequality that becomes apparent, especially when considering urban-rural, regional and age differences.

One of these projects is “Support to Girls Attending School”. This project was started by the cooperation between the Ministry of Education, UNICEF, NGOs and private sector, and aims for a world where no child will face discrimination. The project started by acceptance of the principle that all children have the right to education and all Governments are responsible for realizing that right.

This project, which aims to achieve equality between girls and boys until 2005, will be carried out in 53 cities which have the lowest rate of attendance of girls. The project started in June 2003 in 10 cities in the South-east and East Anatolia region, with a very low rate of school attendance of girls. With the project, school attendance of 40,000 girls was achieved in 2003-2004. The target for the end of 2005 is to increase the school attendance of girls to 3,000,000. Positive discrimination is exercised with the girls in the project. Through the “Decreasing the Social Risk Project” aiming to establish a social aid system targeting the poorest group of Turkey’s population to improve basic health and education services, financial aid is given to the girls who go to school within the “Support to Girls Attending School Project”. Financial education aid is rearranged to increase the girls attendance in school and became about 25 per cent more than the education aid given to boys. This aid given on condition of regular attendance in the school and is deposited in a bank account in the mother’s name.

Another education project is the “Support to Basic Education Project”, which is financed by the European Commission and is planned to support the Basic Education Reform Programme of the Ministry of Education. The two aims of this project are to increase the access to education and to increase the quality of

education. Gender equality is one of the subjects to which the project gives special importance. Although support to basic education concerns both girls and boys, girls are more disadvantaged in comparison to boys in access to basic education. For this reason, in the beginning phase of the project, with the aim of showing the way to future planning, a statistical evaluation regarding the present situation is made. After the start of the implementation of the project besides the existing strategies, new project strategies are rapidly integrated to the project to abolish gender inequality.

Besides the projects, studies are carried out in cooperation with NGOs to place students from the Girls Boarding or Pension Schools, who are selected through examinations, in good private schools.

All these efforts have given relatively good results and gross attendance rate in primary education that was 92.2 per cent in 2001-2002 became 95.7 per cent in 2003-2004.

In addition to the above, activities concerning informal education and public education institutions are continuing. In public education centres in 922 cities and towns 510,128 persons participated vocational and technical courses, 312,527 persons participated in social and cultural courses and 166,983 persons participated in the literacy courses. The number of women participants in vocational and technical courses was 311,473, social and cultural courses was 171,399 and literacy courses was 98,670. Women's participation to all courses was 60 per cent.

25. On page 24 of the report, it is noted that students are directed to single-sex vocational and technical high schools providing traditional male and female occupational training. Please describe the efforts of the Government to address the problem of sex segregation in education and to encourage women to pursue non-traditional studies, and careers.

In our education system there are no separate classes for boys and girls and on the contrary our schools mixed education is a basic with boys and girls together. However depending on the type of education, facilities and difficulties some schools are for only boys or only for girls.

In the existing structure, our education system has established Girls Technical and Boys Technical General Directorates. Today both of the General Directorates are organizing education services in their regions in line with the necessities of the area and are providing opportunities for both boys and girls to take full advantage of these services without any gender discrimination.

Handicapped female students attend vocational and technical schools without any discrimination and are given the same chances as male students.

Restructuring of vocational and technical education within the Middle Education System is continuing.

26. What measures has the Government taken to ensure that restrictions regarding the ban on the wearing of headscarves in educational institutions do not affect the equal right to educational opportunities of women?

In Turkey there are no legal obstacles for girls to go to school; on the contrary, there are efforts to increase the number of girls that go to school. In this context, as seen in our main report and our answer to additional question 31, to increase the

number of girls that go to school, there are various programmes, projects and campaigns carried out, as well as special measures taken.

In Turkey all regulations regarding dressing in public institutions, including educational institutions are arranged within the provisions of the Constitution and are mandatory.

Legal arrangements regarding the issue are as such.

In the Regulation dated 7.12.1982 and No. 17537 regarding the clothing and outfit of employees in the schools of the Ministry of Education and other Ministries and Students, it is stated for the female students in basic education high school and equivalent schools "... in school female students' heads will be uncovered, with clean hair combed neatly and if hair is long it will be braided or tied at the back", and for the male students "... male students' heads will be uncovered, hair short and clean, the neck back visible and sideburns, beard and moustache are not allowed". Also according to the same regulation, male and female students must wear laboratory coats and work clothes in the laboratory and workplace, and the outfit that the school administration finds suitable in sports classes and sports activities.

In higher education schools; the Regulation dated 25.10.1982 and No.17849 Regarding the Clothing and Outfit of Employees in Public Offices and Institutions is applied. In that regulation it is stated that for women "... at work, the head will always be uncovered, hair neatly combed and tied up" and for men "... at work, the head is always uncovered, sideburns not lower than mid ears, hair may be long but not to cover the ears and fall over the collar, clean, neat and combed and no beard is allowed ...".

As it is seen in the above, there is no discrimination between men and women in the regulations regarding outfits. The rules to be followed by both men and women are clearly stated.

Stereotypes

27. The report seems to indicate that discriminatory gender stereotypes and attitudes remain pervasive in Turkey, continuing to perpetuate violence against women and to negatively impact women in many areas, including education, employment and health. What measures are contemplated or have been taken by the Government to systematically address and combat discriminatory stereotypes and attitudes in all public policies?

Recent changes in the basic laws, such as the Turkish Civil Code, the Turkish Penal Code and the Labour Law, that consider gender equality in Turkey provide arrangements that will effect, organize and dissuade gender discrimination in the attitude of the society in coming years.

Abrogation of the concept of family head, adoption of equal share regime as legal property regime and other arrangements in the Turkish Civil Code will change the understanding and attitude related to family concept. Arrangements such as acceptance of domestic rape as a crime, of sexual harassment as crime and attracting heavy punishments for custom killings in the Turkish Civil Code are arrangements that protect women against violence and effect and dissuade stereotype prejudices in the social life. However, because stereotype prejudices are based on long-standing

customs and traditions, elimination of these customs and traditions completely or changing them is a time-consuming process. Turkey has gone over almost all legal arrangements that include discrimination and made the necessary changes. From now on, Turkey will use its power for adoption, use and implementation of the laws to speed up this process. This will be achieved by projects and campaigns that aim to eliminate implementation deficiencies, and activities that will increase the society's consciousness in the areas of education, health, human rights, gender equality and violence that will be realized by NGOs and government bodies. In our report, projects, campaigns and activities of raising consciousness of the society are given under various titles.

28. On page 13 of the report, it is stated that the media continues to produce and perpetuate sex role stereotyping that is discriminatory towards women. Are there specific programmes for sensitizing media professionals and managers, and has the Government encouraged the media to adopt a code of self-regulation in regard to sex role stereotyping?

At present, in the Law About Radio and Television Establishment and Broadcasting, with the change made in 2002, "Not to encourage violence and discrimination against women, the weak and minors" is stated among broadcasting principles that will be conformed to during the radio, television and data broadcasts. In the Regulation on Principles and Procedures of Radio and Television Broadcasts prepared by Radio and Television High Board and in force at present, it is stated that "Any kind of discrimination and physical and psychological violence against women, the weak and minors should not be encouraged. Broadcasts should not be made that are legitimizing, extenuating, provoking domestic violence, battering, sexual harassment and rape, approving inequality between individuals in the family and denying women's consent, approval and representation rights and wishes".

Also, theoretical infrastructure studies of the "Symbol System", which is informative and warns the parents and those who are responsible for the education of children and requires a structure towards self control in the broadcasting system, which is used in many countries as a contemporary measure, are completed. Following the completion of the studies in March 2004, the last phase of the work that has started within the framework of the MATRA joint project with Holland regarding the implementation is still continuing and the implementation is planned to start in 2005.

In the Symbol System Coding format, besides the articles such as actions of violence and sexual exploitation, "Presenting provocative ideas and images that may lead to a negative view and/or attitude against a gender, minority, disabled", "Provoking hostility towards foreigners, discrimination of language, race, colour, gender, political thoughts, philosophical belief, religion and sect and/or degrading attitude and words based on these" and media messages including gender discrimination, are included in the coding system.

Although the provisions are clear, except for acts of open violence and open sexual exploitation, messages that strengthen social gender roles and prejudices on this are mostly covered messages and it is difficult to determine and prevent by law. To improve an integralist approach in these areas, strategy and policies that will cover the whole society are needed. In relation to these, the Radio and Television Executive Board have decided in the context of its studies of "Preventing Violence Platform" to support "Supporting necessary social projects for strengthening the

society and individuals against media, in addition to the control of media”, “Benefit of educational programmes to strengthen the sensitivity of media workers about violence etc. and cooperation on this”, “Carrying out studies to develop ‘awareness’ of public against media and to create conscious viewers, and studies about media literacy”.

In addition to the above, a Defensive Subprogramme is carried out by DGWSP within the Turkish Government-UNFPA Third Country Programme and seminars are given to local media workers to train them in gender equality/justice, reproduction health, population and development. These took place in the local visual and printed media. Also, seminars and competitions were organized to the students of communication faculties as the future communication professionals.

“Media Counseling Board” consisting media professionals is established within the project for more effective coverage of these subjects in the media.

Health

29. On page 38 of the report it is indicated that male participation in reproductive health programmes is at insignificant levels. What measures are contemplated or have been undertaken by the Government to encourage and enhance the participation of men in such programmes?

Turkey has taken many initiatives in recent years for male participation in reproductive health programmes. Most important of the initiatives is the start of a continuous education programme for the members of Turkish Armed Forces about reproductive health with the cooperation of Ministry of Health, the Turkish Armed Forces Commandership of Health and an international body.

The purpose of this programme is to give information about reproductive health every year to about 450,000 young men who are in military service.

Before this programme, pilot studies were carried out with some volunteer organizations and approximately 50,000 soldiers were given education especially about family planning.

In the reproductive health programme and projects during the recent years, male participation became one of the important areas. A comprehensive communication strategy is developed within the “Turkey Reproductive Health Programme” carried out by the Ministry of Health with the support of EC funds and men took their place as a priority target group of this strategy.

30. On page 38 of the report, it is stated that as a result of unmet need in family planning, 35 per cent of couples in Turkey either do not use effective or any family planning method at all. In accordance with the Committee’s last concluding comments (A/52/38/Rev.1, para. 205), please provide current data and statistics on the types of family planning methods available and the use of such methods in both rural and urban areas, disaggregated by age and sex. What measures are contemplated or have been taken to increase the availability and accessibility of contraception?

As stated in the report, according to the “Turkey Population and Health Research” report done every five years, the last one done in 2003, the number of couples that do not use any or effective family planning method have decreased

from 35 to 29 per cent (see annex I, table 1). To expand and increase the use of family planning methods, family planning method distribution and provision of service is done free of charge by public health institutions. While services are continuously given with special efforts to increase the variety of methods, the basic aim is to increase the use of modern methods among those that use a method.

31. In its last concluding comments (A/52/38/Rev.1, para. 196), the Committee requested that the Government review the requirement of spousal consent for abortion. Has such a review taken place? If so, please provide further information on the outcome.

While a single woman can decide to end her pregnancy by herself, a married woman decides with her husband together to make a mutual decision in the family. As a rule, under the condition that the pregnancy is not more than 10 weeks, abortion can be done with the permission of women, but if the woman is married, the husband's permission is necessary. In practice, the husband does not have to personally give his permission and a written statement is sufficient.

With the arrangement brought to law, in case of medical necessity, the husband's permission for abortion is not necessary.

On the other hand, with the arrangement in the Penal Code draft, it is accepted that if the pregnancy does not exceed 10 weeks, abortion with the woman's permission is not viewed as a crime and there is no provision for her husband's permission. There is no study to review the law which requires a husband's permission for abortion.
