

**BİRLEŞMİŞ MİLLETLER NEZDİNDE
TÜRKİYE DAIMİ TEMSİLCİLİĞİ****PERMANENT MISSION OF TURKEY
TO THE UNITED NATIONS**

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The Permanent Mission of Turkey to the United Nations presents its compliments to the Secretary General of the United Nations and with reference to the Latter's Note Verbale dated 31 March 2005, Ref: DAW/2005/002, has the honour to enclose herewith the updated information regarding the response of the Government of the Republic of Turkey to the questionnaire on implementation of the Beijing Platform for Action.

The Permanent Mission of Turkey to the United Nations avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

New York, 29 April 2005



H.E. Mr. Kofi Annan
Secretary General of the United Nations
New York

TURKEY

**UPDATED PARTS OF OUR RESPONSE TO THE QUESTIONNAIRE SUBMITTED
TO THE UN ADVANCEMENT OF WOMEN SECTION ON THE
IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION**

- 1. Data under the heading "Commitment to Decrease Mother-Child Deaths" in Section 1 Page 3 belongs to 1998 Population and Health Survey. This data is updated according to the results of 2003 Population and Health Survey as follows:**

"According to the results of 2003 Population and Health Research, total fertility rate tends to drop whereas the usage of family planning methods tend to increase. Fertility rate dropped from 2.6 between 1995-1998 to 2.23 in 2003. Infant mortality rate dropped from 46.5 Per thousand live births between 1993-1998 to 28.7 Per thousand between 1998-2003."

- 2. In Section 1, the references made to the new Turkish Criminal Code has to be changed as follows:**

"The new Turkish Criminal Code which was adopted by the Turkish Parliament on 26 September 2004 and will enter into force on June 1, 2005, has very important reform-like regulations concerning women. The most important regulation is the abolishment of the distinction between women and girls in the law. While the existing law protects the societal norms and evaluate many crimes that victimise women as crimes against society, the new law abolishes that approach and gives priority to the protection of individual rights and freedoms. In this way, sexual crimes are defined as crimes against the individual rather than crimes against public decency. Marital rape and sexual harassment at work place are defined as crimes, for the first time, in the new law. Another important development is, crimes committed with the sake of honour are regarded as qualified crimes with heavy life term imprisonment as the sanction to be imposed and no reduction is possible.

- 3. The term "Draft" has to be omitted from the part that tells the process of the enactment of the Turkish Criminal Code on page 6.**
- 4. In Section 2 Page 5, within the section that tells the legal developments, only the amendments of the Article 41 and 66 of the Turkish Constitution is given. The following amendments concerning the status of women should also be added to this section:**

The amendments in the Constitution constitute the most important part of the reforms directed towards women. Although Turkey had placed explicitly the equality principle between men and women in her constitution formerly, by the addition of a provision to Article 10 of the Constitution on 17 May 2004, State has the obligation not only to non-discriminate between men and women, but also has the responsibility to make arrangements and take necessary measures to provide women equal rights and opportunities with men in every field. By the adoption of this revolutionary amendment Turkey became one of the very few countries that has a similar provision in their basic legal system.

Another amendment in the Article 90 of the Constitution on 17 May 2004, that gives priority to international documents concerning basic rights and freedoms, including CEDAW, over all acts, is another notable development.

5. In Section 2 Page 10, the number of women shelters are stated as being 8. This has to be updated as follows:

The number of shelters that are operated by the Directorate General of Social Services and Child Protection Institute increased to 12. These are established in the following provinces: Ankara, İstanbul, İzmir, Bursa, Antalya, Eskişehir, Samsun, Adana, Diyarbakır, Kocaeli, Kütahya and Denizli. Work is under way to open second shelters in İstanbul, Bursa and Adana provinces and to open new shelters in Mersin and Konya provinces. Besides these, there are shelters operated by İstanbul Küçükçekmece, İzmir-Aliğa and Aydın municipalities.

In addition, there is a Women's Department within First Step and Rehabilitation Centre operated by Kocaeli Province and one station in Malatya province.

The Municipalities Law no: 5272 Article 14/a states that municipalities with a population more than 50 000 and bigger-city municipalities have to provide shelters for women and children.

6. In Section 2 Page 10-11, "Women and Economy" should be updated as follows:

The participation of women in the workforce which was 34.1 % in 1990, became 26,9 % in 2002 and 25.4 % in 2004.

According to 2004 data, rural women have a higher participation rate (% 36.7) than urban women (%18.3). Out of 100 women in rural areas, 89 work in agriculture sector and % 81.9 of these work as unpaid family workers.

In general in Turkey, % 58.5 of women work in agriculture sector, % 12.9 in industry sector, and % 28.6 in services sector.

Looking at the situation as to the condition of work, out of 100 woman only 13 work in their own business as employer, 38 work as an employee in return of daily or monthly pay, and 49 work as family workers without any salary.

Besides, in Turkey where there is an intense migration from rural to urban areas, women who are in the workforce in their village can not find a job when they move to the city due to their lack of education and professional skills and generally become housewives. Out of 100 women who are not in the workforce, 70.1 claim that the reason they are not in the workforce is because they are "housewives". This situation decreases the participation of women in the workforce both in rural and urban areas. Women who have to work because of the low income of the family goes into the informal sector without social security and have to work in low status-income jobs.

Second sector that employs women most is the services sector. Some of the areas in this sector are socially accepted as "areas appropriate for women".

The third sector for women workforce is the industry sector where especially in manufacturing still women employment is restricted. Whereas in the same sector women are still preferred in labor-dense industry branches such as textile, food, ready made clothing. In

both sectors especially in unregistered businesses women and children are employed mostly without any social right and social security.

Out of 100 women in workforce, 71 works without registered to any Social Security Organization. % 68 of these are unpaid family workers. %18 of monthly paid women workers, % 95.6 of daily paid women workers, %24 of women employers and % 91 of self-employed women workers work without registered to any Social Security Organization.

Women workers that are within a social security scheme, % 60.5 is registered to SSK (Private Sector Social Security System), % 33.4 to Emekli Sandığı (Public Social Security System) and % 5.7 Bağ-Kur (Social Security System for self-employed).

%15 of all workers in informal sector (defined by the State Statistics Institute as: all non-agricultural non-corporate economic units, both self employed and employers, that employs 1-9 workers, do not either pay any tax or taxed by Simple Method and are women and % 95 of these women have no social security.

Unemployment rate in Turkey is 9.7 % with 17.9 % in urban and 3.2 % in rural areas specifically. The rate of unemployed women in urban areas who are at least high school graduate is 18.6 % where the rate for men in the same circumstances is 10.4 %. The fact that the rate of unemployment for the educated women is high is an important indicator of the problems regarding the employment of women.

Today in Turkey the rate of women among university teachers is 36 % and the rate of women professors in the total have reached 25 %. 31 % of the architects, 29 % of the doctors and 26 % of the lawyers are women.

The Developments Placed Under the Title of Important Developments experienced in Turkey Following the World Women Conference(page 12) should be changed as,

- In 2003 the new Labor Law came into force. It is stated in the law that the employee can immediately annul the contract in case of sexual harassment by the employer or if the employer does not take the necessary measures although he knows that the employee is subject to sexual harassment by other employees.
- “Draft Law for the changes in Labor Law and the Law for Government employees” that is in the agenda of the Parliament is prepared in line with the social facts of the country and the Directives of EC. The Draft equals the paid leaves of pre and after birth as 8 weeks for each for women workers and government employees, makes it possible that unpaid birth leaves of twelve months to be used by either parent and ensures that the unpaid after birth leave can be used in case of adoption of a child.
- “Regulation on the Working Conditions of Pregnant or Nursing Women and Nursing Rooms and Infant Care Institutions” is in force as of July 14, 2004.
- “Regulation on Working Conditions of Women in the Night Shifts” is in force since it is published in the Official Gazette on August 9, 2004.
- The Circular no. 2004/7 of Prime Ministry on gender equality during recruitment of new staff titled “Acting According to the Principle of Equality while Recruitment” is in force since it is published in the Official Gazette no. 25347 on January 15, 2004.
- “Active Workforce Programs Project” is carried with the cooperation of Turkish Labor Institution and EC Commission to develop employment of women in Turkey. One of the target groups of the project is women. 30 Women project that is accepted in this

framework will be supported and thus will contribute to the development of the employment of women.

- Besides, with the aim to increase the participation of women in the workforce, various studies and projects are carried by Turkish Confederation of Artisan and Craftsmen (TESK), Small and Medium Scale Industry Development Administration (KOSGEB) and women civil society organizations.

7. For the data under the title of "Women in Local Administrations" in Section 2 page 13, it is stated that the information on 2004 local election are not finalized yet. This sentence in the last line should be deleted and the below statement should be added;

"According to results of the local elections of March 2004, out of total of 3225 elected mayors only 18 women could be elected which is .56 % . Only 834 women was elected as municipality council member out of 34477 which corresponds to 2.42 % . 58 Women were elected as a member of City Council which is 1.81 % of the total of 3208 members."

8. It is stated on section 2 page 13 under the title of reorganizing of "Maternal Leave" that work on draft proposal is continuing. The developments realized are as follows and the related section should be updated;

"The Draft Law on maternal leave, nursing leave and unpaid leave after birth prepared by the General Directorate of Women's Status and Problems is accepted by the Health, Family, Labor and Social Affairs, Plan and Budget Commissions of the Parliament and will be discussed in the General Assembly.

With the Draft Law the leaves to be taken due to birth in the laws of Government Employees Law (no. 657) and Labor Law (no.4857) are equaled, in case of adoption of a child younger than 3 years of age parents can benefit from unpaid leave rights, and after birth unpaid leave can be used by either parent alternatively (parental leave) which provides harmony with the EC Directives."

9.The statement after the first paragraph in section 2 page 14 with the title of "Honor Killings" should be updated as follows;

" In the Article 82 paragraph (j) of the new Turkish Criminal Code where for the crime of intentional murder is punished by aggravated life sentence, the phrase "with the motive of tradition" is added to be punished with a major punishment.

Unfair provocation is arranged in Article 29 of the Turkish Criminal Code. According to this article unfair provocation can only be applied if it is as a result of an unfair act and family members and relatives who kill a women subject to sexual attack for honor can not benefit from provocation reduction and every unfair act will not be an unfair provocation are explained in the justification of the article."