

Turkey, CEDAW, A/60/38 part I (2005)

339. The Committee considered the combined fourth and fifth periodic report of Turkey (CEDAW/C/TUR/4-5 and Corr.1) at its 677th and 678th meetings, on 20 January 2005 (see CEDAW/C/SR.677 and 678).

Introduction by the State party

340. In introducing the report, the representative of Turkey referred to the State party's withdrawal, in 1999, of all the substantive reservations to the Convention on the Elimination of All Forms of Discrimination against Women as an expression of the Government's political will to adhere to its international obligations to achieve women's rights. Work was under way towards withdrawal of its declaration to article 9, paragraph 1. Ratification of the Optional Protocol, in 2002, was also highlighted.

341. Drawing attention to the process of rapid transformation in the State party, the representative highlighted recent developments in the legal field. Among the most important was the amendment of article 10 of the Constitution in May 2004, making the State responsible not only for ensuring non-discrimination between women and men, but also for taking the necessary measures to provide equal rights and opportunities in practice for women in every field. The amendment of article 90 ensured the supremacy of international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, over all national laws.

342. The new Civil Code of 2001 ensured women's rights and equality between women and men in marriage and family relations. Non-governmental organizations had played an important role in its enactment. The new Law on the Protection of the Family of 1998 addressed for the first time the question of domestic violence, and judges and prosecutors had been trained about its provisions. The Law on Municipalities required municipalities with a population of over 50,000 to provide services for victims of violence, including shelters for women and children.

343. The new Penal Code, scheduled to enter into force in April 2005, defined sexual crimes as crimes committed against the individual rather than against public decency. For the first time, the Code covered marital rape and sexual harassment in the workplace, as well as trafficking in persons. In addition to the annulment, in 2000, of a provision allowing for leniency for perpetrators of honour crimes, the new Code now imposed life sentences for perpetrators, thus reinforcing the Government's determination to prevent such crimes. The Labour Code had been amended in 2003, prohibiting discrimination also on the basis of gender and eliminating discriminatory practices against women, including owing to marital status or family responsibilities.

344. While important legislative progress had been achieved, traditional values and customs continued to have an impact on the practical implementation of the new laws. A Mentality Transformation Project aimed at supporting their implementation was a priority

objective of the Government. Efforts to tackle violence against women included the establishment of the Platform to Prevent Violence and of a one-year campaign to end violence against women. Efforts to eliminate honour killings had intensified and were also reflected in the country's main sponsorship in the General Assembly of a draft resolution on that issue.

345. The national machinery for the advancement of women had been strengthened with the entry into force, in November 2004, of the Organizational Law on the Directorate General for the Status and Problems of Women, and the establishment of a Consultative Council for the Status of Women, to ensure more effective policy formulation and coordination.

346. The Compulsory Basic Education Law of 1997 had made an important contribution to girls' education by raising the number of female students, especially from rural areas, as had the national campaign Support to Schooling of Girls. Literacy courses and informal education programmes, and the review of education materials to eliminate gender discriminatory elements also contributed to those efforts. As women were lagging far behind men in employment and their labour force participation was decreasing, policies were being developed and various projects and training programmes implemented to increase women's employment. Important progress had also been achieved in regard to women's health, as reflected in a number of indicators. In order to enhance the role of the media in achieving gender equality, various projects had been initiated.

347. Women's participation in decision-making, particularly in politics, was not yet at a satisfactory level. While there was a high proportion of women in the professions and in academia, 4.4 per cent of seats in Parliament were held by women and there was one woman minister in the Cabinet. Women's representation in local government was also very low. However, women had recently started to show a significant interest in participating in politics. It was hoped that a leap forward would take place in the near future.

348. The representative noted that despite progress, regional disparities persisted, and they were taken into account in the planning and provision of services.

349. In conclusion, the representative reaffirmed the Government's determination to achieve equality between women and men, and expressed confidence in the support and cooperation of the country's academic and civil society institutions, as well as that of the Committee, in that endeavour.

Concluding comments of the Committee

Introduction

350. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report, which complied with the Committee's guidelines for the preparation of periodic reports and was frank and informative.

351. The Committee commends the State party on its high-level delegation, headed by the Minister of State in charge of women and made up of representatives of different ministries with responsibility for the implementation of the Convention and academics. It expresses appreciation to the State party for the oral presentation, which elaborated on the most recent developments in the implementation of the Convention, for the written replies to the list of issues and questions raised by the Committee's pre-session working group and for further clarification to the questions orally posed by the Committee.

352. The Committee commends the State party for the withdrawal of the reservation to article 15, paragraphs 2 and 4, and article 16, paragraph 1 (c), (d), (f) and (g) of the Convention.

353. The Committee notes that the State party has begun to work on the withdrawal of its declaration on article 9, paragraph 1, of the Convention following the removal of the provisions in the Citizenship Act that formed the basis for the declaration.

354. The Committee appreciates the State party's collaboration with women's non-governmental organizations, interested public institutions and academics in the preparation of the report. It welcomes the State party's recognition of the strong support given by civil society and academics to progress in achieving gender equality.

Positive aspects

355. The Committee commends the State party for amending article 10 of its Constitution, which now explicitly sets out the State's responsibility to ensure women's enjoyment of equality and establishes a firm basis for adopting temporary special measures aimed at accelerating de facto equality between men and women. The Committee also commends the State party on its amendment of article 90 of the Constitution, ensuring the primacy of international treaties regarding basic rights and freedoms, including the Convention, over domestic law.

356. The Committee notes with appreciation that the State party has undertaken significant law reform since the consideration of its combined second and third periodic report (CEDAW/C/TUR/2-3) in 1997, aimed at the promotion of gender equality and elimination of discrimination against women, and at achieving compliance with its obligations under the Convention, including in regard to combating domestic violence (the Law on the Protection of the Family 1998), women's legal status in marriage (the Civil Code of 2001) and the criminalization of marital rape and sexual harassment in the workplace (the Penal Code of 2004).

357. The Committee commends the State party for its sponsorship of General Assembly resolution 59/165 of 20 December 2004, entitled "Working towards the elimination of crimes against women and girls committed in the name of honour".

358. The Committee notes with appreciation that the State party has increased compulsory basic education from five to eight years with a focus on increasing the enrolment rate of girls.

359. The Committee notes with appreciation that the State party ratified the Optional Protocol to the Convention in October 2002 and accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time in December 1999.

Principal areas of concern and recommendations

360. The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls on the State party to focus on these areas in its implementation activities and to report on actions taken and results achieved, in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

361. While noting the constitutional and legislative provisions on equality between women and men, the Committee is concerned that the State party's legislation does not contain a definition of discrimination against women in accordance with article 1 of the Convention.

362. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the Constitution or in appropriate laws. It also recommends the implementation of campaigns to raise awareness about the Convention and the meaning and scope of discrimination against women aimed at the general public and especially at parliamentarians, the judiciary and the legal profession.

363. The Committee is concerned that some provisions of the Penal and Civil Codes continue to discriminate against women and girls. In particular, the Committee is concerned that genital examinations of women, or virginity tests, may still be carried out under certain circumstances without the consent of the woman; and that the use of the term "custom killing" instead of "honour killing" in the Penal Code may result in less vigorous prosecution of, and less severe sentences for, the perpetrators of such crimes against women. It is also concerned that the penalization of consensual sexual relations among young people between 15 and 18 years of age may have a more severe impact on young women, especially in the light of the persistence of patriarchal attitudes. The Committee is further concerned that the amendment to the Civil Code regarding joint ownership of acquired property as the default legal property arrangement does not apply retroactively.

364. The Committee calls upon the State party to give priority to amending remaining discriminatory legal provisions without delay so as to bring its legislation into line with article 2 of the Convention. In particular, it urges the State party to ensure that the consent of the woman be made a prerequisite for genital

examinations under all circumstances; that any crime committed in the name of custom or honour be classified as aggravated homicide and the severest penalties provided for it by the law; and that the penalization of consensual sexual relations among young people between 15 and 18 years of age be reconsidered. It also recommends that the State party consider the impact on women of the lack of retroactive applicability of the amendment to the Civil Code regarding joint ownership of acquired property, with a view to remedying the law's disadvantageous consequences for women who were married prior to its entry into force.

365. The Committee is concerned about the persistence of violence against women, including domestic violence. It is concerned that women victims of violence are unaware of their rights and the protection mechanisms available to them under the law. The Committee is furthermore concerned that support services for women victims of violence, including shelters, are inadequate in number. It is also concerned that, under the recently enacted Law on Municipalities, the responsibility for establishing shelters has been delegated to municipalities without adequate mechanisms to monitor implementation and ensure financing.

366. The Committee calls upon the State party to intensify its efforts to prevent and combat violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights. The Committee underlines the need to fully implement and carefully monitor the effectiveness of the Law on the Protection of the Family and of related policies in order to prevent violence against women, provide protection and support services to the victims, and punish and rehabilitate offenders. In this regard, the Committee draws attention to its general recommendation 19. The Committee further calls upon the State party to monitor implementation of the Law on Municipalities with a view to ensuring the availability of a sufficient number of shelters throughout the territory of the State party and their adequate financing, taking into account in this monitoring effort research results and practical experiences of non-governmental organizations in this field. The Committee recommends continuous training for public officials, especially law enforcement officials, the judiciary and health-care providers, so that they are fully sensitized to all forms of violence against women and can adequately respond to it. The Committee also invites the State party to undertake sustained awareness-raising measures through the media and public education programmes to reinforce the notion that such violence is socially and morally unacceptable, and constitutes discrimination against women.

367. The Committee is strongly concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in society, which continue to cast women in a position of inferiority. It expresses its concern that these attitudes contribute to the perpetuation of violence against women, including in the form of "honour killings", and negatively affect women's enjoyment of their rights in many areas; they also impede the full implementation of the Convention,

including in regard to education, employment, health and participation in decision-making. It is also concerned about the persistence of certain traditional and cultural practices that are discriminatory to women, such as early marriage, forced marriage and polygamy, notwithstanding the relevant provisions in the Civil Code.

368. The Committee calls upon the State party to accelerate its efforts to eliminate stereotypical attitudes about the roles and responsibilities of women and men, in conformity with articles 2 (f) and 5 (a) of the Convention, including through awareness-raising and educational campaigns directed at both women and men, to foster a better understanding of and support for equality between women and men at all levels of society. The Committee calls on the State party to monitor carefully the impact of such measures. It recommends that the media be further encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee also calls upon the State party to introduce without delay additional measures, in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media, to eliminate traditional and cultural practices that discriminate against women in marriage and family relations, taking into account the Committee's general recommendation 21, on equality in marriage and family relations.

369. The Committee is concerned that women are significantly underrepresented in all areas of political and public life and that progress towards achieving equality, particularly at decision-making levels, both national and local, has been regrettably slow. The Committee is also concerned about the underrepresentation of women in the higher echelons of the foreign service.

370. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies in all areas of public life. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in Parliament, in municipal bodies and at higher levels in the foreign service. It also recommends that the State party carry out awareness-raising campaigns on the importance of women's participation in political and public life and access to decision-making positions, and evaluate the impact of such measures.

371. The Committee is concerned at the high rate of female illiteracy and the lower enrolment and completion rates of girls and women at all levels of education, and that these discrepancies are further aggravated by urban-rural, regional and ethnic differences. The Committee is further concerned that girls and women continue to predominate in traditionally female areas of education and are particularly underrepresented in technical and vocational schools. The Committee is concerned about the disadvantages that result from these educational choices for women's professional and employment opportunities. It is also concerned that women and girls whose mother

tongue is not Turkish may face multiple forms of discrimination in access to and achievement in education. The Committee is also concerned about the impact on girls and women of the ban on wearing headscarves in schools and universities. The Committee is further concerned that stereotypical attitudes continue to create disadvantages for girls in education.

372. The Committee recommends that the State party take proactive measures to decrease the high rate of female illiteracy and to strengthen girls' and women's access to all levels of education and teaching and to actively encourage diversification of educational and professional choices for women and men. The Committee recommends that such measures include the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee calls on the State party to implement further targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to diverse ethnic groups and those whose mother tongue is not Turkish, particularly in rural areas, as well as to address regional disparities. The Committee requests the State party to monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban. It also calls on the State party to undertake further awareness-raising on the importance of education for women's equality and economic opportunities, and to overcome stereotypical attitudes.

373. The Committee is concerned about direct and indirect discrimination against women in the labour market, where women earn significantly less than men in both the public and private sectors. The Committee is concerned about women's high level of unemployment, very low participation in the labour force, particularly in urban areas, and their concentration in agriculture as unpaid family workers and in unregistered work with low or no income or wages and lack of social security benefits. The Committee is further concerned that a barrier to women's participation in the labour market is that too few childcare facilities exist.

374. The Committee calls on the State party to take measures to ensure full implementation of article 11 of the Convention. It recommends that the State party take measures to eliminate occupational segregation, in particular through education and training. It urges the State party to improve the availability of affordable childcare facilities for pre-school-age children to facilitate women's entry and re-entry into the labour market.

375. The Committee notes with concern the persistence of high maternal and infant mortality rates in the State party.

376. The Committee recommends that the State party allocate adequate resources to improve the status of women's health, in particular with regard to maternal and infant mortality, and make every effort to increase access to health-care facilities and medical assistance from trained personnel, particularly in rural areas and particularly for post-natal care.

377. The Committee notes the lack of information in the report on the situation of women asylum-seekers in the State party.

378. The Committee calls upon the State party to provide, in its next periodic report, a comprehensive picture of the situation of women asylum-seekers in Turkey.

379. The Committee notes the lack of information on the integration of a gender perspective in the State party's economic planning.

380. The Committee requests the State party to provide information in its next periodic report on the integration of a gender perspective in its economic planning.

381. The Committee requests the State party to provide in its next report information, sex-disaggregated statistics and data relating to women in the judiciary, trafficked women and girls, as well as Kurdish women and other groups of women subject to multiple forms of discrimination and their access to health, employment and education, as well as various forms of violence committed against them.

382. The Committee requests the State party to provide, in the next report, information on the actions taken to ensure the implementation of the constitutional amendment and new laws mentioned in paragraphs 353 and 354 above, as well as an assessment of their impact in enhancing the implementation of the provisions of the Convention and ensuring women's access to justice and redress in cases of violations. It recommends that the State party strengthen education and training programmes, in particular for judges, lawyers and law enforcement personnel, on the legislative reforms aimed at eliminating discrimination against women. The Committee also recommends that awareness-raising campaigns targeted at women be undertaken so that they can avail themselves of redress mechanisms.

383. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, due in 2007.

384. The Committee encourages the State party to ensure the wide participation of all ministries, public bodies and entities in the preparation of the next report. It further encourages the State party to involve the Parliament in a discussion of the report before its submission to the Committee.

385. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next

periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.

386. The Committee notes that States' adherence to the seven major international human rights instruments, i.e., the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee commends the State party for having ratified the seven major international human rights instruments.

387. The Committee requests the wide dissemination in Turkey of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".