

Federation of Women Associations of Turkey

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CEDAW SHADOW REPORT OF TURKEY 46th SESSION

ABSTRACT

This report was prepared by Federation of Women Associations of Turkey founded in 1976 structuring 10 member association located in various parts of Turkey.

This report has been constituted with the contribution of aforementioned 10 member association via utilization of both related feedback reports and field studies. KASAİD (Association for Researching and Examining Women’s Social Life) conducted secretary and composition of this report.

In addition to that, our federation has been conducted CEDAW principles related training programs by means of “EU Grant Funds” in between 2008 and 2009 within 81 cities of Turkey.

In the framework of CEDAW Turkey report preparation procedures, our organization attended all two meetings arranged by the government in April 2007 and November and declared its reservations to the report.

Member Associations of Federation:

Association for Researching and Examining Women’s Social Life (KASAİD)

Turkish Women Council Association

Association of Turkish University Women

Association of Ankara Women’s Health

Association of Femin & Art Women Artists

Association of Ankara Bussiness and Professional Women

Association of Ankara Women Painters

Associaton of Protection of Women Rights

Association of Çamlıca Girl Schools

Association of Solidarity and Corporation with Village Teachers

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Law and Equality Under The Law

Related CEDAW articles:1,2,4,9,13,15,16

CURRENT SITUATION

In spite of the progress in terms of gender equality experienced in recent years, Turkey has a long way to go so as to overcome issues concerning gender equality.

According to the statistics, Turkey ranks and stands as the last nation regarding with the participation of women employment in between EU and OECD countries with the rate of %24.

Still there are some efforts to increase women's participation in employment. Parliament adopted the "Employment Package" amending the Labor Law in order to promote women's employment. The "Employment Package" aims to stipulate the employers' share of social security premiums for newly hired women employees are to be covered by the Unemployment Insurance Fund for a five-year period, starting with 100% in the first year and ending with 20% in the fifth.

In spite of NGOs efforts, political representation of women, at both national and regional levels, is still very low. In municipal elections 2009 only 27 women mayors were elected out of 2921.

As regards women's rights, the Prime Ministerial circular on combating honor killings and domestic violence against women has helped to improve cooperation between public institutions. Awareness-raising activities have been organized for members of the judiciary and law enforcement bodies. To date, 30 000 law enforcement officers have reportedly participated in training with a further 10 000 planned by the end of 2008. Gender sensitivity training programmes have also been conducted for health workers. The number of shelters for women victims of domestic violence has increased. However, the law on municipalities, article 14 on shelters, is not yet fully implemented and the number of shelters remains lower than provided for under that law. Courts have applied the amended Law on protection of the family.

Domestic violence, honor killings, and early and forced marriages are still a serious problem. Statistics show that early marriages still prevent mostly girls to continue their education. The Court of Cassation ruled that sentences for honor killings are given only if there is evidence showing that the murder was committed following a decision of the family assembly. This decision was criticized by our Federation claiming this decision would complicate efforts to eradicate these killings.

According to the Prime Ministry Human Rights Directorate, 220 honor killings were reported in the country in 2007, most of which happened in big cities. This is an increase compared with 2006 and illustrates the need to target efforts to raise awareness on women's rights among urban migrants.

Women are reportedly reluctant to have recourse to the police or the courts due to lack of confidence in provision of effective protection. Women's economic fragility further reinforces this attitude.

Although the law called "Protection of Family" ensures essential steps concerning with violence against women, core difficulties in terms of reaching legal institutions still stand as the biggest issue women do confront with.

In this context, Turkey was found guilty over the case called "OPUZ" by the European Court of Human Rights (ECHR) due to the both actions and violations against related regulations.

As opposed to aforementioned issues, government executives has signed a protocol between Ministry of Internal Affairs and Ministry of Woman and Family so as to be able to robust the level of struggle against violation as well as increasing the effectiveness of law enforcement officials and recording related statistics.

Article 10 of the Constitution needs to be amended by adding the insertion: “*The state takes all necessary measures to provide gender equality, including special temporary measures.*” An Equality Framework Law needs to be adopted. A Committee on Equality of Opportunity for Women and Men has established in order to monitor the implementation of legislation, policies and programs to eliminate discrimination against women in February 2009. However, naming of the Committee criticised by women NGOs, defending difference between equality of opportunity does not include totally equality between men and women. But due to the lack of Equality Framework Law and essential constitutional and legal revisions has yet to be completed in terms of taking necessary temporary special measures.

Participation Of Policy & Decision Making Mechanisms

Related Articles of CEDAW 4, 7

Although women in Turkey have the legal rights of both electing and be elected, the rate of participation in policy, representation and decision making mechanisms do remain in low figures over against men in Turkey.

In the wake of the results of general parliamentary elections conducted in 1999, the rate of women representation constituted as 4,2 % (22 Woman Parliamentarian out of 550 Parliamentary) while this rate managed to be increased only to 4,36% (24 Woman Parliamentarian out of 550 Parliamentary) afterwards the result of 2002 general parliamentary elections and ended up as 9,1% (50 Woman Parliamentarian out of 550) with the outcome of 2007 general parliamentary elections.

When it comes to cabinet members, Women are being represented as two (2) members as well as two (2) deputy vice chairman at the Grand National Assembly of Turkey.

Result of local elections reflects a much more desperate picture in terms of woman representation rate which detailed figures are given on below cited table with respect to 2009 elections. As a matter of fact, based on the report of UN called “Gender Empowerment Measure” Turkey stands as 79th.

Results Of Local Elections March 2009*			
	Man	Woman	Total
Number of mayors	2.921	27	2.948
Member of municipal council	30.450	1.340	31.790
Member of provincial council	3.269	110	3.379

Number of village headman	34.210	65	34.275
Member of village council	137.848	329	138.177
Number of district headman	18.178	429	18.607
Number of district council	71.174	1.409	72.583
Total	298.050	3.709	301.759

**Statistic taken from Ministry of Interior, General Directorate of Local Authorities*

In addition to above statistics, there is neither woman undersecretary nor governor on duty in public bureaucracy.

According to the statistics of Prime Ministry State Personnel Presidency; total civil servant of men stands as 1.148,000 in exchange of 592.923 total civil servant women. Out of 8.284 senior civil servants, distinguishes as 7.713 men and 571 women. While all twenty (20) undersecretaries constitute from men, only two (2) deputy undersecretaries out of seventy-nine (79) constitute from women. General Manager of all ministries also reflects an inequality which the related rate stands as 96 men versus 5 women. When we take a look at the number of governors, representation levels appear in favor of men which are 175 versus zero (0) while number of deputy governors' stand as 12 women against 450 men. Besides, number of head provincial districts reflects a huge gap by considering 989 men versus 19 women. Statistics of regional directors and head of departments occur as 820 men versus 139 women and 261 versus zero (0).

In general, numbers of teachers in the nation occur as %46, academical personnel as %40, and doctors as %31.

When it comes to judicial women employees specifically among with judges and prosecutors their rate stand as %24 levels.

Legal Regulations And Essential Deficiencies

Although the amendment implemented in 2004 statement of "Women and Men have the equal rights and the government is responsible of bringing this matter into action" has been added to the 10th Article of the Constitution, no regulation has yet to be conducted based upon CEDAW Article 4 associated with the "possibility in considering temporary and special measures" in terms of ensuring gender equality.

Additionally, there is no constitutional decree concerning with taken temporary special measures and not being contrary against non-discrimination principle as well as lack of legal framework in Turkey.

Although the government proposed an amendment over the constitution's article 10 by March 2010 in terms of possibility to take temporary special measurements, this amendment would not be effective due to the lack of sanction related content.

For the last, Political Party and Election Laws in Turkey do not regulate any gender equality adjudication by providing temporary special measures.

If ever, aforementioned revision is not being executed, gender related “quota application” cannot be having legal grounding. In fact, quota application is the core responsibility of Turkey exposed by the international commitment since it is obligatory. Hence, Turkey has to comply with its requirements arise from CEDAW Agreement.

Along with the constitutional amendment, “Law of Political Parties” and “Law of Election” have to become in accordance with quota related measurements since current laws do remain protective of patriarchal order based on the content of delegate positioning. In political parties, there are serious disadvantages in terms of taking place in decision making mechanism of political parties.

Women have to be supported by means of quota privileges in political parties since women do have essential restrictions in financial spending and time limitations when we consider their responsibilities confronting during both house and business lives.

However, there has still been no legal amendment on gender quota.

Economy, Working Life and Poverty

Related CEDAW Articles: 4, 11, 13, 14.

Current Situation:

According to the statistics, Turkey ranks and stands as the last nation regarding with the participation of women employment in between the EU and OECD countries with the rate of %24.

The number of working women in Turkey do employ in agriculture sector as 47,3%, 14,2% in industry and 38,5 in the field of service sector so as to make living. Only 13% of women compose of employer position while 49% of women depend on whether monthly or daily wages.

Several reasons lie under the reason of low women employment rate such as the existence of limited legal regulations which assist the women to be able to bring their working and domestic lives in accordance with each other, patriarchal dominance in terms of distribution of family member duties, lack of personal capital, uncertainty of working shifts, distance among the work place and the actual residential place of women.

The statistics over married men and women reinforces above mentioned observations on difference of men and women participation to employment. These rates do tend to increase in big cities. In these cities, women fall behind resulted from accountabilities of both house and child care related jobs. Harmonization of house and work place related lives do still stand as one of the most essential issues. According to Turkish Statistical Institution datas, cooking, ironing, cleaning type of works do execute by women in 80% levels. In addition to the above, yet the statistics of Turkish Statistical Institute, %60 of men and %64 of women consider that the core duty of women do not go beyond child care and house works.

Education and marital status are continuing to be a serious effect in front of women in getting employed. One other fact which increases the woman participation of the workforce is education. As it might be observed that, the more education women acquired the better participation to the workforce among women do stand as a core reality.

According to the statistics of 2007, the woman participation to the workforce among college and faculty graduated women appear as %70 levels, while high school or below education graduates same rate down to %22 levels.

The ratio of unlettered women in employment is 5%. However, educational level of men does not effect men as women to be employed compare with women.

As a collateral evidence based on Turkish Statistical Institute, while participation of married women employment rate seen as %20 participation of married men employment rate is %70. In addition to that, the participation of unmarried and divorced women employment rate appears as %30.

Still there are some efforts to increase women's participation in employment. Parliament adopted the "Employment Package" amending the Labor Law in order to promote women's employment. The "Employment Package" aims to stipulate, the employers' share of social security premiums for newly hired women employees are to be covered by the Unemployment Insurance Fund for a five-year period, starting with 100% in the first year and ending with 20% in the fifth.

By means of Prime Ministry's issued circular order dated 25.05.2010, "Woman Employment National Monitoring and Coordination Committee" has been targeted to constitute concerning to be able to provide the essence of gender equality, as well as the execution of legal accountability in establishing kindergarten and dispensary institutions over state and private owned work places based on Turkish Labor Law.

Although, the rights of working women have been covered via related legal regulations, the wage differences in between men and women stand as %17, 7 based upon Turkish Statistical Institute datas.

There is discrimination in terms of hiring since jobs are being divided as man and woman jobs. Jobs to be considered for men such as construction, mining, and petroleum engineering or jobs necessitated to be qualified as construction technician, women confront with discrimination either without hiring or forced to work at only in Office related Works. Even state authorities do implement discrimination by means of Public Personnel Selection Examination (KPS) by placing only men based on the result of this examination. For instance, during 2002-2004 "Turkish Prime Ministry State Personnel Presidency" issued job application booklets for "General Directorate of Mineral Research and Exploration" and "General Directorate of State Hydraulic Works" which one of the requirement is being eligible to get hired is being man. Theologian women only be eligible to work for either Office related Works or as woman preacher while not to be qualified for senior level duties at the institution. During job interviews in private sectors, one of the common question is related the applicant's intention in terms of being married in the short run or not. Besides, women forced to sign up letter of undertaking letters so as to be able to aware whether having any intention to give birth or not as well interfering planned pregnancy. In the event of non compliance of undertaking letters signed by employees, compensation utilize as a precautionary measurement against women.

Besides, unemployed women seek for work longer periods than men according to the statistics. Rising unemployment rates do also cause core gaps between men and women, and make remain far behind in terms of approaching employment women who do not reach equal educational opportunities.

In addition to the above, unregistered employment still stand as a serious problem in front of women.

Legal Regulations And Essential Deficiencies

There is not a national employment policy on women. A national employment policy must be constituted.

Legal arrangements on harmonization women's house and business life are not satisfied. In spite of Labour Code obliges workplaces which employ 100-150 women employees to establish kindergartens and nursing rooms, very limited places execute this responsibility. Employers mostly limit their women employees under legal requirements so as not to establish required facilities. Efforts should be taken to change perception of housework belong to women's responsibility. Women's not to reach educational opportunities prevent them to be employed in qualified jobs. Especially in reaching vocational high schools, women do remain extremely limited while this situation cause in confronting to find out either low-paid jobs or being jobless.

Women entrepreneurship must be supported. Positive discrimination must be implemented in crediting and loaning procedures.

Local governments necessitate to get strengthened so as to be able to become more efficient in terms of woman employment policies while bringing these policies into national.

Although local governments do eligible to offer wide range of vocational programs, taken theoretical information's are far from to convert into real economical input due to the lack of matching market needs. The percentage of the people attending mass education programs organized and supervised by means of governmental facilities are standing at the level of %54.2 for the women specifically in the field of vocational programs while the number of attendees in social and culture oriented programs stand as %53 levels for the women which demonstrates the importance of these type of programs especially within adult women population.

As a consequence, the infrastructure of educational and vocational-based programs carry out by governmental institutions and along with their facilities necessitate to be amended as well as ensuring to make them sustainable.

Without determining the needs of business markets and emphasizing the regional disparities, to commence unsustainable educational programs do have the opportunity in finding participants since they are free of charge basis the lack of educational levels of the educators and insufficient technical facilities expected productivity can not be ensured.

Since during aforementioned programs, only theoretical information does provide to the participants as well as conveying inadaptable presentations over current market conditions and not to give importance towards the personal developments, participants do not have the chance to find available jobs.

Municipalities have to work in gender oriented budgets and woman based employment programs while they necessitated being in accordance with academic facts. In this regard, UN's "Local Equality Action Plan" can be taken as a guiding principle during the conduct of related programs.

Woman labor needs to get evaluated by the local governments and the economical products of the women has to be marketed as well. Woman poverty and unemployment have to be clarified and listed while creating employment areas for the women.

Statistics need to be improved, woman workforce has to be visualized, public budgets necessitate to be inspected concerning to become gender-oriented so as to be able to come out the reality in acquiring inequal budgetary beneficials by the women.

Statistics must be improved. Baby nurseries, elderly citizens' fosterage houses, have to be subsidized by the government since they do important to make workplace and house lives in accordance with each others. Additionally, during budgetary applications social gender equality approach necessitate to be prioritized while ensuring to make the women beneficiary from the resources in general.

Women-Oriented national employment policy has to be carried out since there is no policy has yet to be conducted up to date. Legal regulations over bringing workplace and residential lives compatible remained insufficient and necessitate to be enhanced.

Although establishing breast feeding and dispensary divisions at work places which employ 100-150 women employee are obligatory, to be able to find out responsible employers comply with related law is being rare since most of the employers do prefer to hold the number of women employee under 100-150 just to be able to rule out their accountabilities against the law.

Due to the restrictions in reaching educational opportunities over women, this matter alters women to be able to get employed in qualification necessitated jobs. Attending vocational high schools seen as an important issue for the women since this matter ends up to get hired in low-paid jobs by employers or to lose the privilege in finding jobs in general.

Woman Entrepreneurship has to get robust and positive discrimination necessitate to be applied in terms of bank loans and lending matters over women.

To increase the efficiency in local government level woman employment efforts has to become a nationwide policy.

Career opportunities over women do not sufficiently to get strive for in general.

Although local governments do eligible to offer wide range of vocational programs, taken theoretical information's are far from to convert into real economical input due to the lack of matching market needs.

Municipalities have to work in gender oriented budgets and woman based employment programs while they necessitated being in accordance with academic facts. In this regard, UN's "Local Equality Act" can be taken as a guiding principle during the conduct of related programs.

Woman labor needs to get evaluated by the local governments and the economical products of the women has to be marketed as well. Woman poverty and unemployment have to be clarified and listed while creating employment areas for the women.

Statistics need to be improved, woman workforce has to be visualized, public budgets necessitate to be inspected concerning to become gender-oriented so as to be able to come out the reality in acquiring inequal budgetary beneficials by the women.

Violence Against Women

Related CEDAW Articles : 2(e, f), 3., 4/2., 5., 10(c, h), 11/2(a,d), 12/1., 14/2(b, c, h), 16/1 (e)

Current Situation:

Violence against women happens in various forms According to the research conducted in 24048 houses by General Directorate of Women Status which released in February 2009; 41,9% of women suffer from physical or sexual violence . 39% of women suffered from physical violence.

Although the law called “Protection of Family” ensures essential steps concerning with violence against women, core difficulties in terms of reaching legal institutions still stand as the biggest issue women do confront with.

Women are reportedly reluctant to have recourse to the police or the courts due to lack of confidence in provision of effective protection. As a matter of fact, 92% of women suffered from domestic violence do not apply to any authority. Women's economic fragility further reinforces this attitude. Women’s application ratios to authorities increase in parallel with their economic capacity and prosperity.

However, the law on municipalities, article 14 on shelters, is not yet fully implemented and the number of shelters remains lower than provided for under that law. Although the Law obliges municipalities of which populations over 50.000, only 19 out of 319 municipality has shelter for women victims of domestic violence. Accommodation capacity of this shelters is around 1200.

Municipalities are mostly reluctant to establish shelters or their economic capability prevents them to establish shelters.

The reason women still suffer from violence and be desperate is lack of implementation of related regulations such as Penal Code and Law on Protection Family.

In this context, Turkey was found guilty over the case called “OPUZ” by the European Court of Human Rights (ECHR) due to the both actions and violations against related regulations.

Nahide Opuz applied to the ECHR(European Court of Human Rights) because she had not been protected by authorities although she suffered from domestic violence.

Therefore, government executives has signed a protocol between Ministry of Internal Affairs and Ministry of Woman and Family so as to be able to robust the level of struggle against violation as well as increasing the effectiveness of law enforcement officials and recording related statistics.

Domestic violence, honor killings, and early and forced marriages are still a serious problem. The Court of Cassation ruled that sentences for honor killings are given only if there is evidence showing that the murder was committed following a decision of the family assembly. This decision was criticized by a member of the Court and NGOs, claiming this decision would complicate efforts to eradicate these killings.

Our Federation declared that Women NGOs must intervene to these cases.

According to the Prime Ministry Human Rights Directorate, 220 honor killings were reported in the country in 2007, most of which happened in big cities. This is an increase compared with 2006 and illustrates the need to target efforts to raise awareness on women's rights among urban migrants. However, still there is no reliable datas on this issue.

Legal Regulations And Essential Deficiencies

Prevention of violence against women is only possible by constituting an integrated women policy. The goals on violence against women must firstly be improving approaches on prevention and protection of women who suffered from violence secondly.

In terms of prevention violence against women, barriers in front of women to reach education and employment oppurtunities must be removed.

Statistics show that women still do not benefit from educational rights because of early marriages, economic fragility and traditions. Women who do not benefit from educational opportunities are not employed and are dependent to their husbands and be forced to accept domestic violence. As a matter of fact, statistics show that domestic violence decreases while women economic and educational capacity increases.

In this frame, a National Activity Plan including the period of 2007–2010 has established by the government. Although this Plan mentions the obligations of the governmental bodies and entities, it is hard expressed that a coordination and integrated approach among these bodies on prevention violence against women as the above mentioned context.

Efforts still are deficient on raising awareness of women against violence and on Law on Protection of Family.

During the organized meetings of the government to increase the awareness of the implemented legal regulations conducted by the government and the efforts in terms of holding accountable of Non-Governmental Organization's (NGO) is being observed. Whereas these types of public relation campaigns has to be coordinated with governmental institutions since the effectiveness of these type promotion campaigns would be remained maimed if ever conducted solely by NGO's.

In the context of necessity in increasing the number of women shelters and complying with the protection measurements, ongoing serious insufficiencies have been observed and the necessity in ensuring the coordination efforts do remain inadequate in spite of the callings of NGO's to the governmental institutions.

EDUCATION

Related CEDAW articles: 4th and 10th items

CURRENT SITUATION

The main reason of low participation rate in both formal and informal education is the dominance of man-oriented social structure. Both women and young girls do hold accountable in fosterage or after care services, lack of taking deterrence measurements in terms of providing social gender equality, giving secondary level importance through women education while it is commonly given to the men as a privilege within over populated families can be given as the most clear evidences of patriarchal order in the society.

In our country, level of ongoing pre-school education rates of overall children seen as %52 among boys while this rate ends up for the girls as %42. Although, gender based rates concerning with elementary school attending children tend to result in positive change during the last decade, related rates are still being remained in favor of boys.

Based upon 2007 statistics, the numbers of elementary school children appear as %98.5 boys versus %96.1 girls.

In spite of decreased momentum over dropout rates among elementary school children which is %13.5 due to 8 year obligatory education system, related dropout rates result in intensively among girls as well as specifically carry out during 5th grade which can be seen as another symptom of man-oriented and patriarchal society. In addition, this reality might be also clarified based on economical revenue levels of the families. While high-income level families do give same importance through the education of their girls and boys, low-income level families utilize their savings in favor of girls. Among families dependent on fixed-income or minimum wage, attendance rates towards elementary school observe as %85.6

boys versus %76.5 girls. When it comes to the situation over secondary-school attendance rates, percentages can be observed as % 61.2 boys versus % 55.8 girls. Although proportion of secondary school attendance advanced up to %58.6 in between 1997-2007 comparing with %41.4 levels, the current approached point is still far from than expected and being satisfactory.

One of the main reasons of not being able to reach related educational opportunities of girls do relate with early marriages.

In this context, gender equality commission of Turkish Parliament has been issued a report pertinent to early marriages. Based upon mentioned report, total of 10.363.445 children do attend elementary school as dividing 5.536.922 girls and 5.006.523 boys, while the proportion over unexcused attendance such as 20 days and more among elementary school children seen as 92.953 as of March 2009. Among these children, related numbers appear as 58.402 girls and 34.551 boys. Due to early marriage and engagements, non-attendance levels to school discloses an important gap since out of 693 children number of 675 forms from girls while 18 of them composed of boys.

It is also being observed that among the enrollment rates of vocational high schools such as Tourism and Commerce situation is also lean forward to men in general. Attendance in technical and vocational high school rates among girls appear as %41, while Tourism and Commerce based schools attendance rates stand as %43 levels. The schools supervised by the “General Directorate of the Technical Education for Girls” attendance level as of year 2007, 83.481 girls out of 103.742 students is the proof of family preferences resulted from both religious and cultural reasons since they do intend to experience girl oriented education instead of co-education system.

The rate over university attending girls against overall university students is at the levels of %43 as of 2006-2007 academic years. Women mostly do prefer the faculties of dentistry, pharmaceutical, literature, linguistics, history, geography, science, education, fine arts, theology, and architecture. In this regard, this situation can be evaluated as the indicator of ongoing public judgment in terms of gender-oriented opinions.

Legal Regulation And Essential Deficiencies

In the context of both formal and mass education, gender equality shall only be ensured by taking special educational measurements and applications. From educational point of view, to obtain the benefits of scholarship, housing, and supplying instruments have to be targeted and this situation has to be monitored by means of statistical data's while taking temporary and special measurements for the sake of girls.

With respect to the most important reason in terms of not to be able to utilize the benefits of educational system from the perspective of the girls is early marriages. Therefore, government has to assist the families and those belonging to the lowest income families as well as ineligible ones to send their girls to school due to their economical deficiencies with the condition of their commitment in terms of providing the continuity of their girls' attendances by keep sending them their schools by means of the instrument called “Conditional Educational Assistance Fund”.