Turkey

16th session

151. The Committee considered the combined second and third periodic reports of Turkey (CEDAW/C/TUR/2-3) at its 318th and 319th meetings, on 17 January 1997 (see CEDAW/C/SR.318 and 319).

152. In her introductory statement, the representative of Turkey pointed out that the report had been prepared in a participatory way and reflected the contributions of different women's organizations. She placed women's status within the framework of globalization, which seemed to offer new hopes, but also the possibility of growing inequalities, including between women and men. She underlined that respect for the human rights of the individual, without cultural boundaries, and the concept of equal citizenship in a State governed by the rule of law continued to provide the most workable framework, as well as new opportunities, for achieving gender equality.

153.The representative noted that in Turkey, contradictions of globalization, modernization and traditionalism had an impact on the status of women in society. Constraints of underdevelopment and structural adjustment and of religious fundamentalism and claims based on ethnic rivalries presented sources of conflict with long-term prospects that may be unfavourable for the status of women.

154. While acknowledging continuing inequalities and disparities in the status of women, the representative highlighted progress and pointed to the development of a gender-sensitive agenda in Turkey. Supported by growing feminist and women's movements, women had become visible and had been expanding their sphere of action. The most arduous and urgent task facing the Government now was to respond to the demands of women, particularly the enhancement of their basic citizenship rights within a secular social order.

155. In Turkey, a secular country with a predominantly Muslim population, the equality of men and women was recognized in the Constitution and in statutes. While some discriminatory clauses in the Turkish Criminal and Civil Codes had been repealed in recent years, an overall reform of the Civil Code remained to be completed.

156. The Directorate General on the Status and Problems of Women had been established in 1991 and was attached to the Prime Ministry. Despite its limited staff and budget, the Directorate acted as the coordinating body vis-à-vis government institutions, networked with non-governmental organizations and supported research and training. Gender issues were an

integral part of Turkey's five-year development plan. While a number of special measures and initiatives had been introduced to strengthen women's active participation in development, more was needed to reach a larger number of women. Currently the establishment of the Under-Secretariat for Women's Affairs and Family was under way.

157. Among the challenges faced by Turkey in achieving women's equality, the representative identified the disparities in status and opportunities for urban middle-class and rural women; violence against women in the private domain; a strengthening of the contribution of the media to the advancement of women, including through an increase in the number of female professionals in this area; and the revision of educational materials, which continued to portray women in their traditional roles as mothers and wives. Likewise, women's participation in politics and in Parliament remained low, notwithstanding the introduction of quotas by political parties.

158. Disparities in socio-economic areas remained a great concern and included women's low literacy rates, their access to education and opportunities, as well as patterns of employment. Women's low status also affected their access to health services. Particular problems persisted for Turkey's rural women in eastern and southeastern Anatolia, who continued to live in traditional social frameworks and were affected by an ongoing armed conflict and whose access to opportunities and services remained severely limited.

159. At the Fourth World Conference on Women, Turkey committed itself to withdrawing all its reservations under articles 15 and 16 of the Convention by the year 2000, a step which requires the revision of a number of discriminatory laws contained in the Civil Code. Turkey also committed itself to achieving full literacy of women by the year 2000.

Concluding comments of the Committee

Introduction

160. The Committee expressed its appreciation to the Government of Turkey for its high-level delegation, which was headed by the Minister of State responsible for Women's Affairs and the Family, and the exhaustive replies and information provided by the Government in response to the questions of the pre-session working group.

161. The frankness of the assessment of the status of women, particularly in the oral presentation, and the acknowledgment of persisting inequalities and disparities, indicating the Government's willingness to confront the critical issues facing women in Turkey, was appreciated by the Committee. The Committee also noted with satisfaction that the Government of Turkey had expressed its support for the adoption of an optional protocol to the Convention.

162. The Committee also appreciated the well-structured, frank and detailed report, which followed its guidelines. The Committee expressed its satisfaction that, in the course of the dialogue with the Committee, the representatives of the State party had manifested the determined political will of the Government to implement the Convention progressively. At the same time, and in a self-critical manner, the representatives described the difficulties encountered in the implementation of policies and programmes consistent with the Convention.

Factors and difficulties affecting the implementation of the Convention

163. The reservations to articles 15 and 16 of the Convention were regarded by the experts as serious impediments to the full implementation of the Convention in the State party.

164. The difficulties emanating from globalization, modernization and deeply rooted traditionalism interplayed strongly in the context of the status of women in Turkey. Being a secular country with a predominantly Muslim population, Turkey was experiencing pressures from various political groups. The Committee recognized the serious impact that those pressures had on the condition of women and that they served to perpetuate the existing inequality between women and men and hampered the de jure and de facto implementation of the Convention.

Positive aspects

165. The Committee noted that the consolidated second and third reports were prepared with the contributions of governmental institutions, specialists and academicians working on women's issues, women's groups, political parties, trade unions, representatives of the media and non-governmental organizations.

166. The distribution of the previous report to all institutions and persons concerned with women's human rights and the translation of the Convention into Turkish was welcomed by the Committee.

167. The Committee welcomed the information, reiterated in the excellent oral presentation of the delegation of the State party, relating to the draft law to amend the various articles of the Civil Code pertaining to family law, which would allow for the withdrawal by Turkey of its reservations.

168. The Committee also welcomed the information in the report relating to the Government's intention to revise the Citizenship Law.

169. The Committee further welcomed the decision of the Government of Turkey to conclude bilateral agreements with other countries that would permit Turkish citizens, women and men alike, to keep their citizenship upon marriage to a foreign national.

170. The Committee congratulated the Government for legally guaranteeing the equal right of girls and boys to free education and training. It also

welcomed the recommendation of the fifteenth National Council of Education to increase compulsory and uninterrupted primary education to eight years and its decision to develop curricula and revise textbooks and teaching methods to be free of sex-based stereotypes and to eliminate gender-based prejudices from educational programmes.

171. Taking note of the extensive and detailed information and statistical data related to the situation of women in the field of employment, the Committee appreciated the fact that women were entitled to the same employment opportunities as men. It also welcomed the participation of women in the labour force in different economic activities.

172. The Committee took note of the impact of the micro-credit scheme in promoting women entrepreneurs.

173. The Committee also welcomed the commitments made by Turkey at the Fourth World Conference on Women to the effect that by the year 2000 it would:

(a) Reduce infant and maternal mortality rates by 50 per cent;

(b) Raise compulsory education to eight years;

(c) Eradicate female illiteracy;

(d) Withdraw the reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

Principal areas of concern

174. The Committee was deeply concerned about the reservations of Turkey to article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g). It was also concerned with the prolonged discussions and the resistance to the reform of the Civil Code, although it appreciated that efforts had been made in that context by the General Directorate, women members of Parliament and the Ministry of Justice. The Committee urged the State party to facilitate and hasten that process so that the Law on Citizenship, the Civil Code and the Criminal Code could be brought into conformity with the articles of the Convention.

175. The Committee expressed its concern that the General Directorate had no corresponding bodies at regional and local levels.

176. The Committee was concerned at the lack of an integrated and systematic approach by the national machinery and the relevant ministries to all areas covered by the Convention, in particular with regard to women in rural areas, vulnerable groups such as ethnic minorities, young women and women in prisons.

177.The Committee noted with deep concern various articles of the Penal Code, including those relating to the abduction of single and married women and to

adultery, which were in contradiction to article 2, paragraph (f) of the Convention. In particular, it noted that greater penalties were imposed for the rape of a woman who was a virgin.

178. The Committee noted with the gravest concern the practice of forced gynaecological examinations of women in the investigation of allegations of sexual assault, including of women prisoners while in custody. The Committee emphasized that such coercive practices were degrading, discriminatory and unsafe and constituted a violation by state authorities of the bodily integrity, person and dignity of women.

179. The Committee was concerned about the provisions of the Penal Code that allowed less rigorous sanctions or penalties for "honour killings". That concept contravened the principle of respect for human life and the security of all persons, which was protected by all the international human rights laws.

180. The Committee deeply regretted that no special temporary measures had been put in place to redress the situation of Kurdish women, who suffered double discrimination.

181. The Committee was concerned by the pervasive violence, in all its forms, perpetrated against women and girls and the inadequacy of legal and educational measures to combat such violence. The Committee was concerned that neither its general recommendation 19 on violence against women nor the Declaration on the

Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 of 20 December 1993, had been taken into consideration. The law categorizing violence as "crime against public decency and public order" contradicted the spirit of the Convention and contravened the dignity of the person.

182. The Committee was particularly concerned that juridical or educational measures that may have been undertaken by the State in pursuance of article 5, paragraph (a), in the context of violence within the family, had not been effective.

183. The Committee was concerned that sufficient appropriate measures had not yet been taken to prevent and combat the acceptance of male dominance and violence against women in rural as well as urban areas, as reflected in such practices as beating women and requiring silent obedience from them. Equally, there was a lack of concrete measures to prevent the high number of suicides among women victims of violence.

184. The Committee expressed its concern that spousal consent was required for abortion, a requirement it considered to be in contravention of article 15 of the Convention. The Committee also expressed its disapproval at the

existence of brothels regulated by law and the lack of information and statistical data about the phenomenon.

185. The Committee was concerned that the Turkish political parties, trade unions and other public institutions were not sufficiently sensitive to the importance of the implementation of article 7 of the Convention and the need for representation in decision-making bodies, including Parliament and the Government, where the number of women was still very low.

186. The Committee was concerned about the Turkish Citizenship Law, which provided that a Turkish woman who decided to assume the nationality of her foreign husband would lose her Turkish nationality.

187. The Committee likewise expressed its concern at the high level of illiteracy among women and girls, especially in the rural areas, the drop-out rates of girls in schools owing to family practices, early marriages and the prioritization of boys in school enrolment and other gender-discriminatory practices in education. The clustering of women in higher education in areas regarded as suitable for women was also noted by the Committee.

188. The Committee considered with concern the very low minimum age for employment, which contravened relevant ILO conventions. The high level of unemployment of migrant urban female workers, the lack of measures to integrate them into the labour markets and the persistent occupational segregation in lower paid jobs impeded their upward mobility and further reinforced discrimination against women in the labour market.

189. The lack of legal literacy programmes to raise the awareness of rural women regarding their rights was also a matter of concern.

190. The Committee was particularly concerned at the high number of women in rural areas working in family enterprises, since their work was not recognized in the formal economy, they did not receive social security benefits and their access to health services was limited.

Suggestions and recommendations

191. The Committee requested the Government of Turkey to take steps to address the aforementioned principal subjects of concern and to reflect progress made in its next periodic report.

192. The Committee invited the Government to review the Civil Code, particularly with regard to family law, with a view to removing the reservations to the Convention. It also suggested that the related provisions of the Penal Code be revised in order to ensure women the full protection of the law on equal terms with men.

193. The Committee invited the Government of Turkey to educate women and men towards a culture of shared obligations and responsibilities of family work

and the rearing of children. In addition, information and training efforts directed at both sexes were needed to stop the perpetuation of traditional attitudinal and behavioural patterns and to create awareness of women's rights as expressed in the Convention.

194. Serious efforts were required to address violence against women, especially domestic violence, through legislation and comprehensive, gender-sensitive awareness-raising and education for the public in general and for law enforcement agencies, such as judges, lawyers and police in particular. Battered women's shelters should be established and provided with adequate financial and human resources.

195. 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 must be appropriately addressed under the law. The Government was also invited to review in a critical manner the practice of virginity examinations in cases of alleged rape; likewise, it was invited to investigate whether coerced virginity examinations had been carried out on women in the investigation of sexual attacks or abuses or in any other circumstances.

196. The Committee requested the review of the requirement of spousal consent for abortion.

197. The media should be mobilized in support of advancing the status and the rights of women, including through non-sexist and non-stereotypical portrayal of women in the media and through programmes to address violence against women. Efforts to increase the number of women in the media, particularly in decision-making positions, should be intensified.

198. The situation of minority women needed to be monitored urgently, and a systematic effort was necessary to ensure for them their full legal rights guaranteed by the Convention.

199. Temporary special measures with numerical goals and timetables should be initiated in accordance with article 4, paragraph 1, of the Convention, in particular in the political sphere and the public sector.

200. Consideration should be given to the revision of the Citizenship Law in order to give women equal rights with men in all areas of nationality law.

201. Continuing support should be given to female students in order to increase the rate of female university graduates and their participation in non-traditional fields.

202. The Committee urged the Government of Turkey to take adequate measures to provide skills training, retraining and credit facilities or other support services that would provide employment opportunities or self-employment for urban migrant workers, to correct occupational segregation through concrete

measures and to provide the necessary protection to working women to ensure their safety and healthy conditions of work.

203. Concrete training programmes aimed at increasing opportunities for women to make use of micro-credit programmes would also be necessary.

204. The Committee invited the Government of Turkey to take measures to recognize rural women's work in family enterprises for the purposes of pension entitlement. In addition, the Government should disseminate information in the Convention relating to rural women's rights.

205. The Committee requested the compilation of current data and statistics on family planning methods, the use of such methods by men and women and access to contraception disaggregated by age and sex.

206. The Committee urged the Government to disseminate widely copies of the Convention, the Committee's general recommendations and the present concluding comments and to translate those documents into local languages where necessary so as to ensure that all women have access to them. The Committee also requested the Government to address the concerns raised in these comments in its next report. The next report should likewise contain information on steps taken by the Government to implement the Beijing Declaration and Platform for Action.