

GENDER EQUALITY AND TURKEY'S 2023 GOALS

This article provides an overview of Turkey's recent developments in combating violence against women, as well as in gender equality in education, labor force participation, and politics. The author presents a set of suggestions related to legislation and implementation for each topic addressed. She also argues that, as important as legislation is for improving women's rights, on its own it is not sufficient for achieving gender equality. Gender equality requires Turkey's transformation from a male-oriented mentality towards an egalitarian mentality.

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The year 2023 will mark the 100th anniversary of the proclamation of the Turkish Republic. The symbolism of this date has led to 2023 being set as the “deadline” of many financial, political, and social targets. In the meantime, the European Union is also busy realizing the targets of “Europe 2020”:¹ its strategy for smart, sustainable, and inclusive growth.

The Europe 2020 Strategy depicts the transformation Europe is to undergo in order to return to the growth trajectory pursued prior to the financial crisis, and to raise its potential to extend beyond it. The 2023 targets of Turkey, a candidate country for EU membership, cannot be seen as completely detached from the Europe 2020 Strategy. In fact, the EU and Turkey should both do their utmost to cooperate in achieving their targets for 2020 and 2023.

If the crisis has taught us one thing, it is the fact that in Europe we are dependent on each other in reaching the economic and social targets we have set. The EU and Turkey are firstly economically interdependent with each other, with trade between the EU and Turkey totaling 120 billion Euros in 2011.² Turkey’s growth potential is dazzling, while the EU is Turkey’s leading trade partner. Coming out of the crisis stronger is possible if we have the same pace and same outlook for the future. Being a candidate country increases the opportunities to achieve this together. The EU and Turkey will therefore develop and grow more if they do this together. However, what we have learned from the crisis is that any growth needs to be social for it to be sustainable.



Looking from a gender perspective, Europe 2020 aims at achieving a 75 percent employment rate for women. This figure is staggeringly higher than the Turkish

1 “Commission Communication Europe 2020: a Strategy for Smart, Sustainable and Inclusive Growth,” *European Commission* (3 March 2010), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>

2 “European Parliament Resolution of 18 April 2013 on the 2012 Progress Report on Turkey - recital C,” *European Parliament*, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0184+0+DOC+XML+V0//EN>

target of 35 percent. The European Parliament has on various occasions drawn attention to the importance of Turkey adopting a more ambitious female employment target rate.³ However, any target in the area of women's rights and gender equality should be a part of a comprehensive strategy encompassing various policy areas in order for it to be attainable. Before elaborating on how to achieve gender equality in education and participation in the labor market as well as in politics, the fundamental question that needs to be addressed is how to prevent, prosecute, and eliminate violence against women. This is because as long as violence against women is widespread and accepted, there can be no genuine mention of gender equality.

Violence Against Women

The Law on the Protection of Family and the Prevention of Violence Against Women was adopted by the Turkish Grand National Assembly on 8 March 2012.⁴ This law has brought major improvements to the protection system. These improvements manifest themselves not only in the content, but also in the process of drafting the law. Civil society was included in the process of preparing the new law by means of consultations organized by the Ministry of Family and Social Policies. This approach was important in improving the system since no one can know the challenges faced by victims of violence better than the victims themselves. Likewise, the input of women's NGOs, lawyers, and those who work in shelters is imperative in identifying the flaws of the system and improving it.

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The new law has also improved the protection system. The law that was in force prior to the new law, namely the Law on the Protection of Family,⁵ failed to extend protection to the victim if the victim and the perpetrator were not married. This has meant that many women who were attacked by their ex-husbands, boyfriends, or people whom they do not know were not able to request legal protection. The new law does not require the victim and the perpetrator to be married in order for the victim to request legal protection. In fact, it even stipulates that victims of stalking will be given protection. This is a major step forward, which was also underlined

3 “European Parliament Resolution of 22 May 2012 on a 2020 Perspective for Women in Turkey - par.36,” *European Parliament*, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0212+0+DOC+XML+V0//EN> ; *European Parliament* (April 2013), par. 31.

4 “Law No. 6284,” *Official Gazette of the Republic of Turkey*, No.28239 (20 March 2012).

5 “Law No.4320,” *Official Gazette of the Republic of Turkey*, No.23233 (17 January 1998).

by the European Parliament and which needs to be reflected in the law's implementation.⁶ Therefore it is important that this issue is made very clear to those who will be involved in implementing the Law on the Protection of Family throughout the country.

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It could have been very useful to state clearly in the new law that the implementation of protection measures in domestic violence cases will not be delayed until legal proceedings are completed. This principle, which has been clarified by the High Council of Judges and Prosecutors in a circular, should have been included in the text of the law to ensure uniform application.⁷

Mentioning such a life-saving principle explicitly in the law is key, since under the old system many women have continued to be subject to violence even after being granted a protection order, simply because the orders were not implemented before the ruling became finalized.

It is of utmost importance that the authorities who come into contact with victims of violence are very well aware of the new protection system. For this reason, trainings should be provided for police officers, prosecutors, judges, and health personnel. The establishment of a specialized domestic violence bureau within the Ankara Chief Public Prosecutor's Office has been a very positive development. This bureau has contributed greatly to combating violence against women, due to the fact that the entire legal process in cases of violence against women is being handled by public prosecutors who are experts in domestic violence, and that the bureau has the authority immediately to issue effective direct orders to the police to arrest the perpetrator and protect the victim. The Istanbul Public Prosecutor's office has followed Ankara in establishing a domestic violence and violence against women bureau, which is a very important step considering the extent of the problems Istanbul faces as a large city of around 14 million inhabitants.⁸

Prioritizing the establishment of similar bureaus throughout the country is crucial. Unfortunately, it is still very common that police officers do not take the complaints

6 “European Parliament Resolution of 29 March 2012 on the 2011 Progress Report on Turkey - par.33,” *European Parliament*, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0116&language=EN>

7 “Circular No.18 of the High Council of Judges and Prosecutors on the Implementation of the Law on the Protection of Family” (18 October 2011).

8 Turkish Statistical Institute gives the 2012 population of Istanbul as 13,854,740, www.tuik.gov.tr

of women seriously when it comes to domestic violence. It is very often reported that women who have lost their lives as a consequence of domestic violence have previously asked in vain for the help of the police. The European Parliament has stressed the importance of establishing a mechanism to identify and investigate those who fail to protect and assist victims.⁹ It is also of utmost importance to organize awareness raising campaigns about the fact that the state is obliged to protect women and to punish the aggressor as well as to inform women of their rights.

Another crucial requirement for the effective protection of women who have been victims of violence is to have sufficient shelters spread evenly across the country with a proper balance between rural and urban areas. The current official figures provided by the General Directorate on the Status of Women indicate that there are 115 shelters in Turkey for female victims of violence. Even though it is a positive development that the official figures have increased from 81 in 2012 to 115, this number is still very low for a country of over 76 million residents. The goal set by Turkey for itself in the Law on Municipalities was to have a shelter in every municipality with at least 50,000 inhabitants.¹⁰ However, this target has been modified with a 2012 amendment to the current Law on Municipalities into an obligation to open shelters in every municipality with over 100,000 inhabitants.¹¹ It is a matter of concern that the target has been weakened. The setting up of sufficient shelters is urgently needed. It must be noted, however, that it is not only the quantity of shelters that matters but also the quality. The strengthening of the security of existing shelters, hiring well-trained personnel, and offering professional training courses to women staying in shelters in order to assist them in building a new life for themselves and their children after leaving the shelter are all important points to take into consideration. Further, it should be possible for women to move into shelters with all of their children.¹²

The need for building shelters sufficient in number and facilities for victims of violence is a very concrete reason why it is important that women's rights are prioritized in the entirety of the public sector. Such facilities require serious funding to be realized and maintained. Therefore, it is of utmost importance that enough funds are allocated for different aspects of the comprehensive policy on gender equality, shelters being one of the most urgent needs. This also requires good coordination between various ministries within the government.

9 *European Parliament* (May 2012), par.15; *European Parliament* (April 2013), par. 31.

10 "Law on Municipalities," No.5215, 9 July 2004, Article 14(2).

11 "Law on Municipalities," No.5393 (3 July 2005), *Official Gazette of the Republic of Turkey*, No.25874 (13 July 2005), Article 14(1)(a).

12 Due to lack of space, in many instances women are not able to take their children with them when they are placed in a shelter.

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A zero-tolerance policy towards violence against women is needed – one which encompasses effective measures against honor killings, including research to be conducted on female suicides especially in eastern Turkey and an investigation of the “honor suicide” phenomenon. In this respect, forced marriages and child brides should be given adequate attention, including awareness-raising in schools for students and parents on the unlawfulness of forced marriages. The media can play a crucial role in informing women about their rights and in breaking apart stereotypes that contribute to violence towards women.

Education

As mentioned above, the education system presents an invaluable opportunity to create awareness among young girls and boys on what their rights are as individuals, such as the right to choose one’s partner freely, but also on a wider understanding of gender equality. In this regard, the elimination of gender bias from textbooks is an important tool against gender stereotyping. In Turkey, the Gender Equality Commission that has been established under the Ministry of Education has made constructive efforts in eliminating sexist language, pictures, and expressions from textbooks.

As for the participation of girls in education, Turkey has managed to increase the participation of girls in primary education to a level where the gender gap is virtually closed.¹³ However, the gap in secondary education still exists, even though it has narrowed down to 2.5 percent.¹⁴ The efforts of the government should not be solely concentrated on registering girls for school, but also to ensure that they stay within the formal education system. To achieve this aim, the most appropriate structure is one in which the entirety of formal compulsory education consists of a block. Since Turkey has reorganized its education system into one that consists of different blocks,¹⁵ it is important that the government continues to do its utmost in ensuring that the new education system does not lead to girls dropping out of school, particularly in the rural areas. The efforts to keep girls in school is primarily related

13 “Turkey 2011 Progress Report,” *European Commission* (12 October 2011), http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf

14 *European Commission* (October 2012).

15 Introduced with the Law No. 6287 dated 30 March 2012.

to the concern that girls should not be deprived of their right to study, but it also forms part of the comprehensive approach toward ensuring girls are not forced into early marriages.

Participation in the Labor Market

Ensuring that girls enroll and remain in school is also important in increasing their chances of becoming economically independent, as well as in contributing to the national economy's efforts toward achieving the targets for 2020 and 2023.

In Turkey, female participation in the labor market is currently at 30.2 percent, while male participation is 70.8 percent.¹⁶ This gap is acceptable neither from a gender equality perspective nor from an economic perspective. A country that aims to be among the top-10 economies of the world in 2023, needs to mobilize the entirety of its human potential.

The Turkish government has been engaged in increasing women's participation in the labor market, albeit with the intention of reaching a target far below that of the EU. Examples of this engagement include the "active labor market measures" scheme, which is designed to boost employment among women and young people, and provide social security-related incentives to companies that hire women. Nevertheless, the (generally temporary in nature) incentives are not sufficient to increase women's employment to a level that would sustainably ensure gender equality in the workplace. A more comprehensive approach is needed in this regard.

The first step would be to implement the plans already made by the government such as the Prime Ministerial Circular 2010/14 on increasing women's employment and achieving equal opportunity. Simultaneously, further action needs to be taken considering the EU's plans and strategies aimed at achieving balanced and fair representation of women in leading positions.¹⁷

Such a comprehensive approach should include measures to ensure better working conditions, equal pay for equal work, lifelong learning, flexible work schedules, and a fair balance between family life and work. Efforts in ensuring better working conditions are to encompass measures in combating all forms of discrimination in the workplace, including gender discrimination in recruitment, promotion, and

¹⁶ Turkish Statistical Institute employment figures from March 2013, www.tuik.gov.tr

¹⁷ "Commission Proposal for a Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures," *European Commission*, 14 November 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0614:FIN:en:PDE> ; "Commission Communication on gender balance in business leadership: a contribution to smart, sustainable and inclusive growth," *European Commission*, 14 November 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0615:FIN:EN:PDF>

benefits. The European Parliament has been urging the Turkish government to adopt a comprehensive anti-discrimination legislation and to establish an anti-discrimination and equality board to protect individuals against discrimination based on ethnicity, religion, gender, sexual orientation, sexual identity, age, or disability.¹⁸ Since women often work unregistered in the underground economy, it is important that the Turkish government takes all necessary action to eradicate this.

The approach to achieve more female participation in the labor market will not be complete unless it also includes the further improvement of maternity leave legislation and the establishment of a parental leave scheme ensuring that parents share rights and responsibilities concerning childcare. In this context, it is also crucial that affordable and widely accessible childcare facilities and care facilities for the elderly and the disabled are established throughout the country. This is important since women are still seen as the primary care takers of those dependent upon care.

In Turkey, female participation in trade unions and especially in their governing bodies is staggeringly low. Trade unions are (perceived as) male-dominated platforms and trade union activities, such as meetings, are not scheduled with consideration of those who are in a position of caring for the family. It is of utmost importance that trade unions make their activities more accessible to women, and that women demand to be increasingly part of union activities. It is in this way that women can be part of decisions and negotiations that will affect their working conditions.

Political Participation

When it comes to the political participation of women, the steady increase in the number of female members of parliament in Turkey is encouraging. The figures have risen from 9.1 percent in the 2007 elections to 14.3 percent in the 2011 elections. However, this increase is not taking place at a pace quick enough to ensure gender equality in the Turkish Parliament any time soon. There can be no real democracy if 50 percent of the population is being represented by such a small percentage. More pluralism is needed at all levels of politics. Establishing more diversity in the cabinet and all authorities would not only contribute to gender equality but would also present girls with more positive role models.

New laws are needed on political parties and on elections to lower the 10 percent threshold for representation in the Turkish Grand National Assembly¹⁹ and introduce a mandatory quota system ensuring the fair representation of women on electoral

¹⁸ *European Parliament* (April 2013), par. 32.

¹⁹ *European Parliament* (April 2013), par. 8.

lists.²⁰ Political parties themselves also have a responsibility in ensuring that their own internal rules include quotas to ensure more female participation.

Especially at the local level, political participation of women needs to be improved. Currently, the ratio of women in local politics is at one percent.²¹ The coming year presents an opportunity to change this situation. 2014 will be the year of local elections in Turkey. It is important that political parties adopt a gender equality approach while forming their election lists. In order to prepare women as candidates for the 2014 local elections and for the 2015 general elections, work has to start today. Political parties must already begin scouting for possible female candidates and provide training for them so that they will be ready to participate in election campaigns.

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Conclusion

Even though the first step in improving women's rights is adopting legislation that ensures gender equality, it is a grave danger that this equality may be destined to remain on paper. In Turkey, the main obstacle in the way of achieving gender equality has never been the legislation, it has been the patriarchal mentality. When implemented with an eye to upholding gender equality, Turkish laws have always permitted the improvement of women's situation in Turkey.

Apart from this, Turkey has also ratified various international agreements that can serve as tools to protect women from violence and prevent discrimination. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) are good examples of such international agreements.²² According to Article 90 of the Turkish Constitution, international agreements duly put into effect have the force of law, and in case of a conflict between international agreements concerning fundamental rights and freedoms and the laws, the provisions of international agreements shall prevail. This provision enables, or in fact obliges, the provisions of the CEDAW convention to be applied even in the absence of comprehensive anti-discrimination legislation.

²⁰ *European Parliament* (May 2012), par. 49.

²¹ This ratio covers mayors of cities, villages and neighborhoods, municipality council members, members of provincial councils, members of council of elders in villages.

²² The Istanbul Convention will enter into force when it has been ratified by 10 countries, eight of which must be Council of Europe member states. Currently, it is signed by 26 and ratified by five.

The mentality is, however, a persistent problem. Even if a country enacts the best, most progressive laws with excellent protection mechanisms, in the hands of authorities who are not committed to gender equality, these laws do not create any improvement in the situation of women.

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The real question is how to transform the male-oriented system into one that is based on equality. The rigid values regarding women’s role in Turkey’s social structure must be re-evaluated. Otherwise, law enforcement authorities will continue turning away women who have come to them for protection, convinced that preserving family unity is much more important than a woman’s right to live free from violence. The un-

derstanding that women are individuals and that they exist outside of the family structure should be enshrined in the acts and decisions of the authorities, teachers, health personnel, law makers, judges and prosecutors, opinion leaders, media, and others who influence the discourse on these issues.

It is not possible to achieve objectives related to gender equality without including men in the process. At every stage, men should stand together with women in achieving the next step of gender equality. We need to have an alliance of genders in order to ensure men and women stand as equals in all aspects of life.

In achieving this, the role of the media cannot be emphasized enough. Gender bias in the media strengthens gender stereotypes and normalizes violence against women. Media organizations must take responsibility in changing their approach.

There can be no accession to the European Union for Turkey, unless women’s rights are guaranteed. To ensure this, women’s rights should be placed at the center of accession negotiations, since EU support in this area is crucial. The EU has always been an important driving force behind achieving gender equality in member states and candidate countries. In this regard it is important that accession negotiations of Chapter 23 on judiciary and fundamental rights and Chapter 19 negotiations on social policy and employment are opened as soon as possible. There remains much to be done in Turkey in the area of gender equality, and the EU is Turkey’s strongest partner in achieving this.



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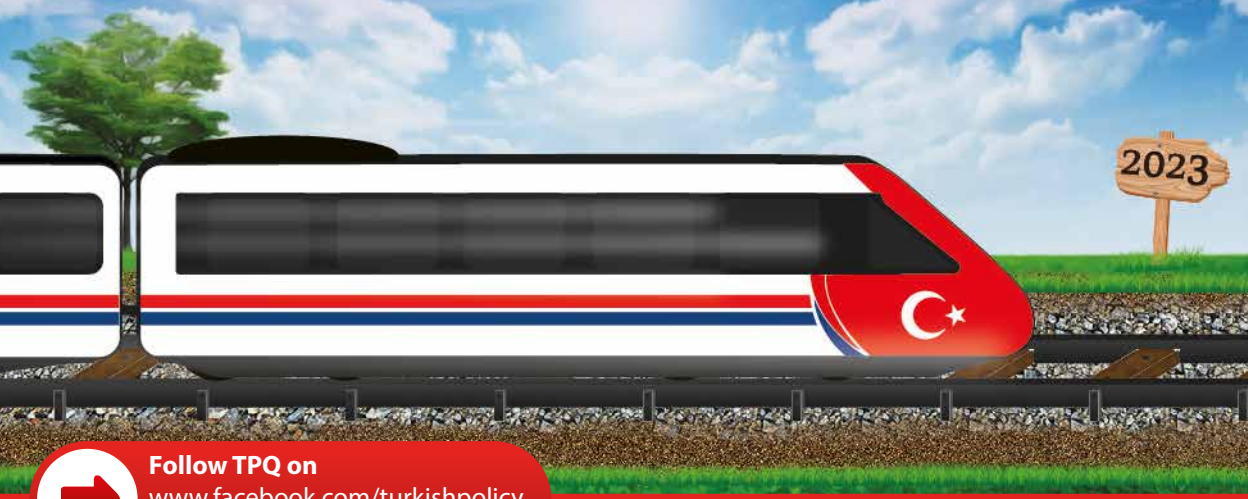
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