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Enhancement of Participatory Democracy in Turkey:
Gender Equality Monitoring Project

Gender Equality in Employment

Mapping and Monitoring Study
Full Summary

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CEİD PUBLICATIONS

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PREFACE

The present report is the outcome of a series of thematic mapping work and efforts to develop gender equality (GE) monitoring indicators under the *Enhancement of Participatory Democracy in Turkey: Gender Equality Monitoring Project*. The project took shape in the period 2013-2017 in a process involving meetings and exchange of opinion with many institutions and persons. The common point emerging in this process was the necessity of developing independent mechanisms for monitoring and evaluation at the stage that GE policies reached in Turkey. In other words, what was needed was an independent monitoring mechanism to assess the appropriateness and effectiveness of national legislation and action plans developed so far in translating GE into life. This also entailed the development of tools satisfying relevant scientific and technical requirements and facilitating systematic monitoring free from political and ideological polemics. To ensure compliance with international norms and sustainability, it was also necessary to develop monitoring indicators and assess these indicators through mapping and periodic reporting, which became the roadmap of the project. It was also among the objectives of the project to take initial steps to ensure the institutionalization needed for the sustainability of these efforts.

While delineating its field of work the *Enhancement of Participatory Democracy in Turkey: Gender Equality Monitoring Project* adopted a "gender sensitive rights-based" approach. The basic objectives of the project include the following: Supporting the inclusion of international norms and standards developed for GE in legislation, practices and monitoring policies in Turkey; reporting of GE related problem areas through mapping; contributing to institutionalization in Turkey of an independent, scientific and mainstreamed strategy by developing GE specific monitoring indicators; and enhancing government-civil society cooperation and monitoring capacity in the field of GE.

Starting in March 2017, the project was planned so as to be completed in 24 months. In the project funded by the European Union, the beneficiary is the Ministry of Foreign Affairs Directorate for EU Affairs, contracting authority is the Central Finance and Contracts Unit and the implementing party is the Association for Monitoring Gender Equality. The target group of the project comprises gender-focused civil society organizations, other civil organizations engaged in rights-based monitoring, relevant governmental agencies, governorates and metropolitan municipalities, and district municipalities as units of equality. Project stakeholders include the Ministry of Family, Labour and Social Services General Directorate on the Status of Women (KSGM), the TBMM (The Grand National Assembly of Turkey) Commission on Equal Opportunities for Women and Men (KEFEK), Human Rights and Equality Institution of Turkey (TIHEK), and Ombudsman Institution (KDK).

Mapping reports and **monitoring indicators** were developed in ten thematic areas identified in line with the objective of the project (combating gender-based violence against women; gender equality in participation to political decision making, to education, employment, religious activities, sports, access to urban rights/services, media and combat against trafficking in women/human beings). Besides, to make project outputs as well as many sources and data

in relevant fields accessible to all, a **Gender Equality Monitoring Centre** was set up and made functional with its e-library. Mapping Reports on ten thematic areas and their summaries were made available in the electronic environment, printed in Turkish and their informative summaries were released in Turkish and English. On the basis of Mapping Reports, 1337 GE monitoring indicators were presented to the public for use, 515 of which have their presently available or accessible data and 822 proposed to be developed.

One important component of the project was intensive work carried out in selected pilot provinces for local-level sharing of data from reports and indicators developed. Training in gender-sensitive rights-based monitoring and in mapping reports and monitoring indicators accompanied by preparatory workshops on local equality monitoring action plans were the activities carried out in selected seven pilot provinces. Efforts were made to establish and maintain **Local Equality Monitoring Platforms**. In Adana, Ankara, İstanbul, İzmir, Kars, Gaziantep and Trabzon as pilot provinces, **Local Equality Monitoring Plans** were developed to assess and monitor whether services delivered at local level observe gender equality, and a **National Equality Monitoring Plan** was prepared to scale up this work countrywide and ensure its sustenance.

The longer-term durability of services developed by the project is possible with the presence of sustained support. We believe that this support will be available as project outputs are used and further improved by large sections of society.

There are so many organizations and individuals contributing to the project without which it would be simply an impossible endeavour. We are grateful to the project team working with full commitment and engagement throughout the process, experts completing mapping reports and indicators in a long and tiresome work, and to CEİD members supporting the management of the project in harmony from its start to completion. CEİD local coordinators and training experts facilitated the implementation of the project by their hard work at both central and local levels. Staff from public organizations and representatives from civil society organizations who prepared Local Equality Monitoring Plans by taking part in work conducted by Local Monitoring Platforms put this work in practice at the local level. In case this project is to be attributed any success, it is the outcome of efforts and contributions of many including those we could not mention here. We are indebted to all for what they have added to the *Enhancement of Participatory Democracy in Turkey: Gender Equality Monitoring Project*.

Association for Monitoring Gender Equality

Board of Directors

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LIST OF ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEEP	European Centre of Employers and Enterprises Providing Public Services and Services of General Interest
CEİD	Association for Monitoring Gender Equality
CES	Conference of European Statisticians
CESCR	International Covenant on Economic, Social and Cultural Rights
CJEU	Court of Justice of the European Union
CoEGES	Council of Europe Gender Equality Strategy
ÇŞGB	Ministry of Labour and Social Security
DHS	Demography and Health Survey
DİSK	Confederation of Progressive Trade Unions
EC	European Commission
ECHR	European Convention on Human Rights
ECOSOC	United Nations Economic and Social Council
EEC	European Economic Community
EEC	European Economic Commission
EIGE	European Institute for Gender Equality
ESC	European Social Charter
ETUC	European Trade Union Confederation
EU	European Union
EU-GII	European Union Gender Equality Index
Eurostat	European Statistics
EWL	European Women's Lobby
GDI	Gender Development Index
GGGI	Global Gender Gap Index
GII	Gender Inequality Index
HAK-İŞ	Hak İş Trade Union Confederation
HDI	Human Development Index
HDR	Human Development Report
IAEG-GS	Inter-Agency Expert Group- Gender Statistics
ILO	International Labour Organization
IPU	Inter-Parliamentary Union

İŞKUR	Turkish Employment Agency
KAGİDER	Women Entrepreneurs Association of Turkey
Kaos GL	Kaos Gay and Lesbian Cultural Studies and Solidarity Association
KB	Ministry of Development
KEDV	Foundation for the Support of Women's Work
KEİG	Women's Labour and Employment Initiative
KESK	Confederation of Trade Unions of Public Employees
KILM	Key Indicators of the Labour Market
KOSGEB	Small and Medium Size Enterprises Development Administration
KSGM	General Directorate on the Status of Women
LGBTI	Lesbian, Gay, Bisexual, Trans, Intersexual
MDG	Millennium Development Goals
MICS	Multiple Indicator Cluster Surveys
NUTS 1	Nomenclature d'Unités Territoriales Statistiques 12 regions
NUTS 2	Nomenclature d'Unités Territoriales Statistiques 26 regions
OECD	Organisation for Economic Co-operation and Development
PeDEP	Beijing Declaration and Platform for Action
PPP	Purchasing Power Parity
RESC	Revised European Social Charter
SDG	Sustainable Development Goals
SGK	Social Security Agency
SIGI	Social Institution and Gender Index
SPoD	Association for Social Policies, Gender Identity and Sexual Orientation Studies
SSGSS	Social Security and General Health Insurance
TBMM	The Grand National Assembly of Turkey
TCEUEP	Gender Equality National Action Plan 2008-2013
TESK	Confederation of Tradesmen and Artisans of Turkey
TİHEK	Human Rights and Equality Institution of Turkey
TİSK	Confederation of Employers Unions of Turkey
TMA	Turkish Medical Association
TMMOB	Union of Chambers of Architects and Engineers of Turkey
TOBB	Union of Chambers and Stock Exchange

TÜBAKKOM	Turkish Bar Association Commission for Women's Legal Affairs
TÜİK	Turkish Statistical Agency
TÜRK-İŞ	Confederation of Trade Unions of Turkey
TÜSİAD	Association of Turkish Industrialists and Businessmen
UDHR	Universal Declaration of Human Rights
UIS	UNESCO Institute for Statistics
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNECE	United Nations European Economic Commission
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICE	Union of Industrial and Employers' Confederations of Europe
USA	United States of America
WB	World Bank
WEF	World Economic Forum
WHO	World Health Organization

Information on the Names of Institutions

Since this report was completed before the decrees mentioned below it does not reflect changes made in the names of some major institutions. The Decree No. 703 in Force of Law on 'Amendment of Some Laws and Decrees to Ensure Compliance with Constitutional Amendments' was published in the Official Gazette No. 30473 dated 9 July 2018. The decree introduced changes to the organization and mandate of some Ministries and institutions.

With the Presidential Decree No. 1 dated 10 July 2018 on the Organization of the Office of Presidency and the Presidential Decree No. 4 dated 15 July 2018 on the Organization of Agencies and Institutions Under, Related and Attached to Ministries and other Agencies and Institutions, organizational structure and mandate of some ministries and institutions were modified.

The ministries and institutions subject to modifications are listed below.

- The Ministry of Family and Social Policies (*Aile ve Sosyal Politikalar Bakanlığı*) and Ministry of Labour and Social Security (*Çalışma ve Sosyal Güvenlik Bakanlığı*) were merged and renamed as 'Ministry of Labour, Social Services and Family.' (*Çalışma, Sosyal Hizmetler ve Aile Bakanlığı*)

Upon the Presidential Decree (Decree No. 15) dated 4 August 2018 on Amendments to Some Presidential Decrees, the Ministry of Labour, Social Services and Family (*Çalışma, Sosyal Hizmetler ve Aile Bakanlığı*) was renamed as Ministry of Family, Labour and Social Services (*Aile, Çalışma ve Sosyal Hizmetler Bakanlığı*).

- The Ministry of European Union (*Avrupa Birliği Bakanlığı*) was closed and the Department of European Union (*Avrupa Birliği Başkanlığı*) was established within the Ministry of Foreign Affairs.
- The Ministry of Science, Industry and Technology (*Bilim, Sanayi ve Teknoloji Bakanlığı*) and Ministry of Development (*Kalkınma Bakanlığı*) were merged and named as Ministry of Industry and Technology (*Sanayi ve Teknoloji Bakanlığı*).
The Ministry of Customs and Trade (*Gümrük ve Ticaret Bakanlığı*) and Ministry of Economy (*Ekonomi Bakanlığı*) were merged and renamed as Ministry of Trade (*Ticaret Bakanlığı*).
- The Ministry of Food, Agriculture and Animal Husbandry (*Gıda, Tarım ve Hayvancılık Bakanlığı*) and Ministry of Forestry and Hydraulic Works (*Orman ve Su İşleri Bakanlığı*) were merged and renamed as Ministry of Agriculture and Forestry (*Tarım ve Orman Bakanlığı*).
- The Ministry of Finance (*Maliye Bakanlığı*) was renamed as Ministry of Treasury and Finance (*Hazine ve Maliye Bakanlığı*), and the Undersecretary of Treasury (*Hazine Müsteşarlığı*) which used to be under Deputy Prime Minister was transferred in the new structuring to the Ministry of Treasury and Finance.

The Ministry of Transportation, Maritime Affairs and Communication (*Ulaştırma Denizcilik ve Haberleşme Bakanlığı*) was renamed as Ministry of Transportation and Infrastructure (*Ulaştırma ve Altyapı Bakanlığı*).

I. Introduction

The equality of women and men is among the principles that the Republic of Turkey adopted primarily in its Constitution, as well as in its legislation and through the international conventions that the country is signatory to. The state is obliged to ensure that this principle is observed in all spheres of life. Working life constitutes an important sphere where intensive inequalities prevail and where trade unions, rights-based organizations and gender-based civil society organizations wage their struggle. The present report was prepared to throw light upon to what extent gender is influential in enjoying the right to work, as a fundamental human right, how existing inequalities are experienced on gender-basis, and what changes have taken place in this context in the course of years.

The objective of the report is to develop Turkey-specific indicators to monitor the impact on the exercise of the right to work, as established according to the relevant international norm, of policies and programmes implemented in the country by taking these indicators as the basis. It is expected that these indicators will contribute to the efforts of civil society organizations as well as public institutions and agencies working to overcome inequalities and also to further development of cooperation among these organizations.

1.1 Short History of Woman's Labour

Ever since old ages human beings have worked to sustain their life, to provide for their basic needs such as food, shelter and clothing, engaged in agriculture and stock breeding and in commercial activities. Besides engaging in works of daily life, women bore children, raised them and taken care of sick and elderly.

In pre-industrial times economic activities were mainly based on agricultural production; rural people worked on estates of and for landowners. What man and woman produced at home or in a family was not for marketing but for their own needs. Under the division of work between farming couples, women were in charge of domestic animals, home affairs and gardening. Besides taking care of children and sick, women sewed, spun, baked and prepared meal. While ploughing and sowing was mainly men's activity, women too worked in fields in harvesting seasons. In the context of rural labour, there were also few women in paid work such as in dairies, producing milk, cheese, butter etc. or providing domestic services to others. In the guild system such works as carpentry and forging for small-scale marketing were performed mainly by men in the context of apprentice-journeyman-master relations and these guilds did not allow women to step in their fields of mastery. In sum, women could find their presence in production in this period only as dressmakers while they also performed some important roles in health services, particularly as midwives (Opitz, 2005, p. 278-287).

With the invention of steam engine and its use in production, factory system set in starting from the end of the 18th century. Peasants arriving cities after having been removed from crop fields served as a source of labour for factories. Women and men were employed for 14-16

hours a day at very low wages and since what parents earned fell short of bare subsistence requirements children as young as 7 had to join adult workers in factories and mines. While children used to work at home, under the supervision of their parents and in conditions set by them, now factory owners employed them for as long as 15 hours a day on foot and did not hesitate to resort to physical punishment when they made a mistake. Workers, in response, resisted and organized in their unions. First confronted with bans, unions resisted and made themselves recognized as legal (Huberman, 1974, p.178-200).

Adverse health effects on women of long hours of work at factories and increase in incidences of birth defects and stillbirth aroused reactions to women's employment. It was considered that wage employment of women would deter them from performing their duties as mothers and housewives. Instead of improving working conditions of women, this reaction resulted in men from all social classes objecting women's employment, support given to this objection by trade unions in which men were organized, and the State introducing restrictions to women's employment. The assignment to women mainly the responsibility of daily household work and care and their detainment from income generating activities, shortly the control over woman's labour, constituted the material basis of male dominance (patriarchy) over women (Hartmann, 1992, p. 142). Men's presence in working life to engage in income generating activities and women's living for their families at home was presented as "natural" division of work. While this division of work has made women remaining at home economically dependent to men, those who participate to working life are regarded as a cheap source of labour fitting only for specific jobs.

Control over woman's labour within household became influential, in capitalist society, by merging with patriarchal relations associated with wage labour in both workplaces and in the state. Though the forms of this control vary significantly with respect to time and location they could expand their boundaries to the extent to cover cases like the following: Women's exclusion from various education-training institutions from apprenticeship to university that would enable them to engage in professional work; preventing women's entry to some occupations; exposure to discrimination in recruitment procedures; dismissal from their job upon getting married or curtailment of some of their rights; picking women, particularly married ones first in layoffs; restriction of women's work through legislative arrangements, for instance through arrangements relating to working hours; and their remuneration lower than men. Men's dominance over women is consolidated by women's exclusion from labour markets or by discriminative practices against women already in labour markets (Walby, 1986, p. 55-57). Women have been struggling since the 18th century to have equal rights with men, since being deprived of the right to work in a market economy means deprivation from all economic and social rights associated with employment.

Open stance against gender-based discrimination started in the 20th century. In this century, the first and second world wars caused big disasters for humanity and following these wars international organizations gained importance in ensuring international and national peace and in developing cooperation among nations. The International Labour Organization (ILO) which was first established in 1919 following the First World War within the League of Nations and then continued with the United Nations is engaged in efforts to set, develop and monitor

international labour standards. In 1946, following the Second World War, the first article of the Declaration of Philadelphia was added to the Charter of the International Labour Organization. In this article it is stated that labour is not a commodity, that the freedom of expression and organization is the basis of continuous progress, that poverty is a threat to welfare everywhere, and that in each country workers' and employers' organizations should take part in free discussion and democratic decisions on equal status with governments.

The second article in the Declaration confirms that peace can be established only on the basis of social justice and that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. It is stressed that the rights mentioned should be the main objective of national and international policies. Principles adopted by the Declaration laid the basis of other declarations and conventions coming after.

With Declarations and Conventions, States accepted work as a fundamental human right to avoid and overcome disastrous consequences of unemployment and poverty emerging when economic development is not accompanied by social development, envisaged women benefitting from the right to work same as men, and committed to create conditions of ensuring this equality.

II. Norms and Standards

1.1 International Documents in the Process of Setting Norms and Standards

Development of norms and standards and creation of human rights documents are parallel processes. The norms that are first expressed in international documents are 'equality' and 'prohibition of discrimination.' As it was realized in the course of time that these norms are not sufficient in overcoming inequalities, the prohibition of discrimination was further elaborated and new norms are defined including prohibition of direct and indirect discrimination, adoption of temporary measures of special character to overcome de facto inequalities and taking into account of cases of multiple-discrimination. Similarly, the norms 'justice' and 'equity' as fundamental ones were also elaborated as provision of decent work, establishing work-family balance, and realization of economic independence.

The **fundamental legal standards** in the fields of human rights and gender equality are international conventions and other related documents. These conventions are given below within the framework of their fundamental norms. With respect to organizations they are related to, conventions and documents are examined under four headings as **United Nations, International Labour Organization (ILO), Council of Europe** and **European Union**.

1.2 United Nations

Universal Declaration of Human Rights

The history of the concept of human rights goes as far back as the history of humanity. People have struggled for their fundamental rights and freedoms throughout the history. Particularly after the great destruction caused by the Second World War, the Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December 1948 to create a more liveable world and the rights enshrined were recognized at institutional and global levels. The Grand National Assembly of Turkey (TBMM) adopted the Declaration on 6 April 1949. The Declaration bringing a comprehensive approach to human rights, though not having a binding character, has its fundamental norms as 'equality, solidarity and prohibition of discrimination' which is expressed as follows in its 2nd article: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." The norms concerned are defined in articles related to the right to work to be applicable to all and the importance of equality, favourable working conditions and protection from unemployment in fair and decent life is underlined.

International Covenant on Economic, Social and Cultural Rights

The Universal Declaration of Human Rights, which is not binding still served as a source of inspiration for many conventions that imposed obligations on States Parties. Two different

international covenants relating to human rights were adopted by the United Nations General Assembly on 16 December 1966: The International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. Turkey adopted both documents on 15 August 2000 and both were ratified by the TBMM on 4 June 2003.

The fundamental norms of the Covenant on Economic, Social and Cultural Rights related to the theme of the present report are equality and non-discrimination. In particular, the Covenant obliges States Parties to ensure that the right to work is realized in decent ways. Under Article 7 of the Covenant "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work." The document also envisages "equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work."

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Both the Universal Declaration of Human Rights and the Covenant on Economic, Social and Cultural Rights establish women's and men's equal status before law and their entitlement to human rights and fundamental freedoms without any distinction related to gender. The Covenant is binding for its Parties that they should work to ensure this. However, the Commission on the Status of Women within the United Nations observed that the overall human rights framework fell short in protecting women's human rights and started, in mid-60s, to draft a new and integrated convention. Consequently, the Declaration on the Elimination of Discrimination against Women was adopted in 1967. In the 70s, along with the demands of women's movements getting stronger throughout the world, efforts were made to take a step forward from the Declaration which was of advisory nature to a binding convention. Demand for such a convention was raised in 1975 when the first World Conference on Women gathered. The Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 by the United Nations General Assembly and Turkey ratified the Convention on 11.06.1985 with the Law no. 3232.

The objective of the Convention is to eliminate and prevent all forms of discrimination against women. Further, the Convention safeguards women's human rights and fundamental freedoms on an equal footing with men in political, economic, social, cultural, civil, domestic and other spheres irrespective of their marital status and envisages their active exercise of these rights and freedoms. The Convention is a very significant achievement in women's struggle for human rights. The fundamental norms are 'equality, equal treatment and non-discrimination'. The first article in the Convention defines discrimination against women and in following articles it imposes upon States the duty of active combat against discrimination:

Article 1: For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Article 11 is about the “right to work” where related rights are defined in a quite comprehensive way on the basis of equal treatment. States are obliged to take measures and apply sanctions to prevent discrimination against women in such cases as pregnancy or maternity.

Beijing Declaration and Platform for Action

The Convention on the Elimination of All Forms of Discrimination against Women and World Conference on Human Rights are important milestones in women’s struggle for their rights. Women’s struggle continued in this process by gaining further momentum. Tens of thousands of women from thousands of women’s organization participated to the UN Fourth World Conference on Women gathering in Beijing in September 1995. The Beijing Declaration and Platform for Action (BeDPA) which is considered as the most all-inclusive document with respect to gender equality was adopted by 189 countries at this conference. The TBMM adopted the document on 15 September 1995.

Having its fundamental norms as “equality and prohibition of discrimination”, States Parties to the Beijing Declaration commit to

“ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms (...)

The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations.”

The Declaration makes the following observations on women’s access to economic resources, employment and empowerment on the basis of equal rights with men:

- Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;
- Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;
- It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;
- The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action.

In the Platform for Action, governments, international community and civil society including non-governmental organizations and the private sector are called on to engage in strategic actions in identified critical areas of concern. The heading "Inequality in economic structures and policies, in all forms of productive activities, and in access to resources" states that in many parts of the world women are excluded from or not adequately represented in economic decision-making mechanisms including the development of financial, monetary and commercial policies and systems of taxation and payment. It is stated that as there is increase in women's employment, this takes place mainly in informal low-paid jobs without social security and women face various forms of discriminatory practices in their employment. It is further stressed that while women undertake unpaid domestic work and large part of community works, this work is often not quantified, not considered in national accounts, and thus women's contribution to development is overlooked. Under the strategic objective "Promote harmonization of work and family responsibilities for women and men", actions to be taken include education policies and legislative arrangements related to employment and social security geared to equal sharing of family responsibilities by women and men.

1.3 Conventions and Recommendations of International Labour Organization

The International Labour Organization (ILO) is a **United Nations** agency; its work is based on a tripartite structure in which activities are conducted and decisions are taken with the participation of representatives of workers' and employers' organizations together with governments. **Conventions and Recommendations as International Labour Standards** are the basic ILO instruments in improving working and living conditions. ILO standards are applied equally for all women and men. The exception is issues related to maternity and reproduction roles of women. While conventions are legally binding, recommendations are guiding instruments without any binding nature.

ILO Conventions that directly target discrimination and signed by Turkey are as follows in their chronological order:

- Convention No. 100 on Equal Remuneration (1951)
- Convention No. 102 on Social Security (Minimum Standards) (1952)
- Convention No. 111 on Discrimination (Employment and Occupation) (1958)
- Convention No. 122 on Employment Policy (1964)

The Declaration on Equality of Opportunity and Treatment for Women was adopted by the ILO in 1975. 1975 was also the year when the United Nations inaugurated International Women's Year while ILO, as a UN agency speeded up its work in this area. The Declaration, observes that arrangements made to protect women and bans put on the employment of women in specific jobs and occupations lead to discrimination against women while drawing attention to the need of arrangements protecting women during pregnancy, maternity, and nursing periods. Consequently, the shift from arrangements that protect women in general to specific measures to ensure equal treatment and protection of women in maternity became a stronger tendency. Suggested measures include the protection of women from termination of employment in pregnancy and postnatal period and provision of public childcare facilities for working parents. As this approach gained wider recognition, the ILO adopted in 1981 the Convention No. 156 on Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities and in 2000 the Convention No. 183 on Protection of Maternity. The Convention No. 156 which is of specific importance in ensuring gender equality is not yet ratified by Turkey.

The document Social Justice for a Fair Globalization adopted by ILO in 2008 is a call for promoting decent work at global level. The document underlines that freedom, human dignity, social justice, safety and prevention of discrimination are indispensable values for sustainable economic and social development and productivity and draws attention to the need for employment policies that provide productive jobs covered by social security and with safe and healthy working environments where people can improve their capacities and skills while earning enough to make a decent living possible. The equality of women and men and prohibition of discrimination are considered as basic elements of these policies.

Conventions, recommendations and declarations point out to ILO standards. With respect to gender equality, these standards can be summarized as the prevention of gender-based discrimination in employment, balancing work and family responsibilities and protection of the health of women and their maternity to promote active equality.

1.4 Council of Europe

European Convention on Human Rights

Turkey joined the Council of Europe in 1949, the year that it was established. The European Convention on Human Rights (ECHR) adopted in 1950 envisages safeguarding of fundamental human rights and freedoms in its member states. Rights and freedoms safeguarded by the Convention include respect for human rights, right to life, freedom and personal security as well as freedom of thought, conscience and religion; freedom of expression, convention and organizing and the right to marry. The European Court of Human Rights concluded that equality

of women and men is one of the most fundamental principles of the European Convention on Human Rights. In its decisions, the Court states that ensuring and promoting equality is an important objective to be achieved by all States Parties (Kaya, 2012, p.64-65).

European Social Charter and Revised European Social Charter

The European Social Charter was intended to safeguard human rights particularly in economic and social areas and to expand the scope of human rights and related monitoring mechanisms introduced by the ECHR so as to cover other issues as well. The European Social Charter provides for some economic and social rights that are missing in the European Convention on Human Rights. In 1996, the Revised European Social Charter was adopted to enlarge the scope of protection already provided by the Charter so as to respond to emerging needs. Turkey adopted the Revised Charter on 27 June 2007 and it took effect as of 1 August 2007. Article 20 of the Charter states, "With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields..."

Non-discrimination is one of the basic norms in the Charter. It envisages the enjoyment of rights set forth without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status (Part V, Article E).

1.5 European Union

Equality of women and men is one of the founding values of the European Union (EU). With the Treaty of Rome (1957) by the six founding members of the European Economic Community (EEC), Member States committed to the right of women and men to 'equal pay for equal work'. The Maastricht Treaty upon which the European Community became European Union and the 1997 Treaty of Amsterdam which brought together and integrated the legal framework of all these founding treaties reiterated the commitment of States Parties to eliminate inequalities between women and men, prevent discrimination and ensure equality.

The Treaty of Lisbon taking effect on 1 December 2009 introduced significant changes to founding treaties of the European Union. According to Article 2 of the Treaty on European Union, "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." In Article 3 of the Treaty it is clearly stated that the Union shall combat social exclusion and discrimination, promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. All instruments and directives that followed these treaties seek to ensure the effective implementation in States Parties of norms adopted in treaties including equality, solidarity, pluralism, justice, equality of women and men and non-discrimination.

1.6 Setting Norms

The norms that have developed in the process of rights-based struggle, commonly agreed upon and widely recognized in human rights instruments can be listed as follows:

Equality: Enjoyment of all rights and freedoms by all irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other distinction.

Gender equality: International human rights conventions and legislative arrangements introduced by governments acceding to these instruments envisage the equality of women and men before law. This is known as legal/*de jure* equality or **equality of sameness**. On the other hand, when government policies and programmes make efforts and adopt special measures to ensure equality with due account of differences between women and men this is referred to as *de facto* equality or **equality of difference**. For real equality to be ensured, it is required that women can live their lives free of all forms discrimination and risk of violence and participate to economic, political, social and cultural life, and to decision making processes. This, in turn, requires going beyond *de jure* and *de facto* equality and elimination of social and cultural patterns of behaviour stemming from defined gender roles and stereotypes at the root. And this is known as **transformative equality**.

Non-discrimination: Unequal treatment of persons is discrimination and prohibition of discrimination can be regarded as supplementary to the principle of equality. However, treating persons equally when they are not considered on equal footing is also discrimination. Hence, treating unequally when persons are equal or treating equally when persons concerned are in different status may also mean violation of the prohibition on discrimination. Given this, norms related to temporary special measures are developed in the context of direct and indirect discrimination in order to overcome *de facto* inequalities. According to the General Recommendation 28 by the CEDAW Committee: "Direct discrimination against women constitutes different treatment explicitly based on grounds of sex and gender differences. Indirect discrimination against women occurs when a law, policy, programme or practice appears to be neutral as it relates to men and women, but has a discriminatory effect in practice on women, because pre-existing inequalities are not addressed by the apparently neutral measure." According to CEDAW Committee General Recommendation No. 25, besides ensuring that legislation contains no direct or indirect discrimination against women, States must also introduce sanctions for discrimination and pursue concrete and effective policies in order to ensure *de facto* equality. The CEDAW Committee further states that States may need to take special temporary measures against multiple-discrimination.

Justice and equity: The major elements of steady peace and social justice throughout the world entails the right to work for all, fair and favourable employment conditions, fair wage and protection from unemployment and enjoyment of the right to social security and to organize. Components are as follows:

Decent work: It is defined by ILO as follows: "*Opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better*

prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.”

Work-life balance: The Beijing Declaration stresses that equal sharing of family responsibilities by women and men and need to have a harmonious partnership in this regard is at the basis of equal rights and equal access to opportunities and resources. Women’s burden as unpaid family workers in households and the fact that those in labour markets are employed mostly in low-paid informal jobs lead to their confrontation with various forms of discriminatory practice in working life. It is therefore an important norm to promote the harmony of work and family responsibilities of women and men.

Economic independence: The norm that is coming to the fore in the documents of the European Union in the context of equality of women and men is ‘economic independence.’ The underlying principle is that an individual, on the basis of the right to work, should benefit from social protection upon employment in a decent work and for a fair wage, and should be able to sustain his/her life without being dependent to anybody else with benefits he/she is entitled to in case of loss of ability to work.

1.7 Standards

The Council of Europe and United Nations can be referred to in giving examples to standards set in international documents. The gender equality standards recommended to Member States by the Council of Europe Committee of Ministers can be summarized as follows:

- Gender equality as a human rights principle and government responsibility
- Gender equality as the responsibility of and concern for the society as a whole
- Commitment, transparency and accountability in achieving gender equality
- Acceding to relevant conventions and implementation of relevant international instruments
- Integrating gender perspective into legislation in all areas, enactment and enforcement of gender equality legislation; in short, mainstreaming of gender equality.

Standards are also formulated as strategic objectives. In such cases, time-bound specific targets may be placed under strategic objectives.

In United Nations’ Transforming our World: 2030 Agenda for Sustainable Development, the fifth development goal is related to gender equality. Strategic targets to be achieved until 2030 under this goal include the elimination of violence against women and all forms of discrimination in education, health, employment, politics and other areas. In relation to economic rights:

- 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws,
- 5.b Enhance the use of enabling technology, in particular information and communications

technology, to promote the empowerment of women,

5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate,

5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

Case of Good Monitoring and Advocacy: United Kingdom Women's Budget Group

The Women's Budget Group in England is an active group examining government policies from gender perspective. The members of the group consist of leading feminist economists, researchers, policy experts and advocates designing campaigns. The group working in this field since 1989 is regularly visible in both parliamentary debates and in the media.

The group organizes training workshops for women and their groups to improve their participation capacity in relevant discussions on economics and budgeting.

The Women's Budget Group prepares reports that monitor, evaluate and analyse budgets that are declared annually and in spring/autumn terms and is influential in the **Parliament** and in the budget commission. The group has recently drawn the attention of international organizations such as IMF and regarded as an example by other countries.

<https://wbg.org.uk>

III. Analysis of Existing Situation in Turkey: Normative-Policy Structure

1.1 Legislative Arrangements against Discrimination

Including the Constitution in the first place, legislation arranging for working life is based on fundamental human rights and the principle of equality. Article 10 in the Constitution is about "equality before law."

Article 10: Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds.
Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.

The clause "Measures taken for this purpose shall not be interpreted as contrary to the principle of equality" cleared the way of positive discrimination for women. Article 10 in the Constitution adopts the norms of both de jure and de facto equality.

A very important legislative arrangement in terms of combat against discrimination took place in 2016. With the **Law No. 6701 on Human Rights and Equality Institution of Turkey (TİHEK)** principles relating to the organization, duties and authorities of the institution were laid down. The purpose of the institution is defined as "preventing discrimination, combating torture and ill-treatment effectively and fulfilling its duty as a prevention mechanism in these issues." Article 3 of the Law is related to the principle of equality and prohibition of discrimination.

ARTICLE-3

- 1) Everyone shall equally benefit from their rights and freedoms which are determined by law.
- 2) Within the scope of this Law, discrimination on the basis of gender, race, colour, language, religion, faith, sect, philosophical or political opinion, ethnic origin, wealth, birth, civil status, medical condition, disability or age is prohibited.
- 3) In the event of violation of prohibition of discrimination, public bodies and institutions who are tasked and authorized on this matter as well as professional organizations with the nature of state institutions shall take necessary measures to end the violation, eradicate the consequences, prevent any future violation and conduct legal and administrative proceedings thereof.
- 4) Real persons and private legal persons who are responsible for the application of prohibition of discrimination shall take adequate measures to identify and eliminate the discrimination and ensure equality on the subjects within their scope of authority.

Article 6 in the law is related to the prohibition of discrimination in employment and self-employment.

ARTICLE 6-

- (1) An employer or a person authorized by the employer shall not discriminate against an employee or applicant for a job, a person gaining applied work experience or an applicant for that kind of work and anyone wishing to receive information about the workplace or the work in order to be an employee or gain applied work experience, while being informed of the work, during the application process, selection criteria, work and termination of work and in terms of conditions for recruitment.
- (2) The first paragraph shall encompass job announcements, workplaces, working conditions, vocational counselling, access to vocational training, all types and degrees of retraining, promotion and professional hierarchy, in-service training, social interests and similar subjects.
- (3) The employer or a person authorized by the employer shall not reject job applications due to pregnancy, motherhood and childcare.
- (4) There shall not be any discrimination regarding the acceptance to self-employment, license, registration, discipline and similar subjects.
- (5) Any work contract and performance contracts which do not fall under the scope of Labor Law dated 22/5/2003 and No. 4857 shall be within the scope of this Article.
- (6) Employment in the public institutions and organization shall be based on the provisions of this Article.

Article 5 in Labour Code No. 4857

dated 2003 is related to prohibition of discrimination

ARTICLE 5-

No discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship.

Unless there are essential reasons for differential treatment, the employer must not make any discrimination between a full-time and a part-time employee or an employee working under a fixed-term employment contract and one working under an open-ended employment contract.

Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his (her) employment contract due to the employee's sex or maternity.

Differential remuneration for similar jobs or for work of equal value is not permissible.

Application of special protective provisions due to the employee's sex shall not justify paying him (her) a lower wage.

As stated in Article 5 in the Labour Code, application of special protective measures due to employee's sex does not justify the payment of lower wage; and this provision becomes concrete in such cases as pregnancy, maternity and nursing leave. Under Article 74, female employee is entitled to paid leave for periodic examinations during her pregnancy. If deemed necessary by medical report, a pregnant employee may be assigned to lighter works without any cut in her wage. Female employees are also entitled to one and a half hour nursing leave a day to feed their children under age 1. The employee decides herself at what times and in how many instalments she will use this leave. The inclusion of nursing leave in daily working time sets an example to **de facto equality**.

With Article 20 in the Law No. 6663 on Amendments in Income Tax and Some Other Laws enacted in 2016, part-time employment was made possible upon the expiration of maternity leave as implemented under the first paragraph of Article 74 in the Labour Code. Accordingly, women workers with children are entitled, if they prefer so, to unpaid leave for sixty days in their first maternity, one hundred and twenty days in their second maternity, and one hundred and

eighty days in following maternities. Throughout their unpaid leave periods, women workers are entitled to half of their normal pay from the Unemployment Insurance Fund. Article 21 is related to employers' response to the request by one parent to work part-time between the expiry of periods mentioned and compulsory schooling age of the child and establishes that such a request cannot be considered as a valid reason for termination of employment. The arrangement for part-time work in a way that it can also be used by men is an example to the concept of transformative equality. Similar arrangement is made also for government employees with Article 10. The principles and procedures of implementation are provided for by the Regulation on Part-Time Work after Maternity Leave or Unpaid Leave issued in association with the Law No. 6663.

According to Article 13 on the Regulation on Conditions of Employment of Pregnant and Nursing Women and on Nursing Rooms and Child Care Facilities relating to the obligation to provide rooms and facilities, employers are obliged to provide nursing rooms in enterprises employing 100 to 150 women and facilities where women can leave their children for care and nurse them in enterprises employing more than 150 women. It is possible for employers to launch nursing rooms and facilities jointly or fulfil this obligation by contracting facilities authorised by public institutions. This arrangement is criticized by women's organization for considering the number of women employees only and it is requested that the number to be taken as basis should be the total number of workers in the enterprise. Though the Ministry of Labour and Social Security and Ministry of Family and Social Policies have their work in this direction there is no change yet. Given its present content, the Regulation runs counter against the norm of transformative equality.

For increasing women's participation to employment, there are some legislative arrangements made by governments that can be considered in the context of positive discrimination and there are also signs that the norm of *de facto* equality is adopted. The first is the Law on Amending the Labour Code No. 5763 and Some Other Laws enacted in 2008. Article 20 in this Law envisages the State to undertake to share a part of social security contributions to be made by employers who will hire women and young persons. This legislative arrangement was followed by some other incentives.

The Prime Ministerial Circular No. 2010/14 on Increasing Women's Employment and Ensuring Equal Opportunities assigns responsibilities to managers of relevant governmental institutions gathering under the Undersecretary of the Ministry of Labour and Social Security in identifying existing problems in women's employment, monitoring and evaluating work carried out by relevant parties to eliminate these problems, and ensuring their coordination and cooperation. Circulars are official documents issued by authorities and sent to relevant institutions in order to bring clarity to the enforcement of laws and regulations or to draw attention to specific issues. Important may they be in ensuring equality of women and men, these circulars have no power of sanction. The essential point is the enactment and enforcement of laws. There is no possibility of assessing to what extent stipulations envisaged in the Circular are translated into life since there is no information provided concerning monitoring and evaluation work carried out by the National Monitoring and Coordination Board since the issuance of the Circular.

1.2 Public Institutions and Agencies Related to Working Life and Relevant Policy Documents

Ministry of Family and Social Policies, General Directorate on the Status of Women

The Ministry of Family and Social Policies¹ was established in 2001 and its mission and vision are stated as *“developing, implementing and monitoring social policies covering the society as a whole while giving priority to disadvantaged groups in order to improve, individual, family and social welfare.”* But there is no mention of gender equality in this context.

The duties of the General Directorate on the Status of Women (KSGM) under the Ministry of Family and Social Policies are defined in a Directive. In this context it may be helpful to stress those specially related to combat against gender discrimination and monitoring and evaluation of related activities:

Article 6:

- b) Coordinating efforts for developing national policies and strategies geared to preventing discrimination against women, protecting and improving women’s human rights and social status and making women active on all walks of life; implementing, monitoring and evaluating policies and strategies put into effect,
- ç) Conducting activities and projects to prevent all forms of discrimination against women and supporting efforts to this direction,
- f) Engaging in efforts in all areas including in health, education, culture, employment and social security to ensure progress for women and their participation to decision making mechanisms,
- h) Monitoring and evaluating national level implementation of international conventions and resolutions related to women that Turkey is a Party to.

The outcome of the work by the KSGM and relevant department is the document titled *“Gender Equality National Action Plan”* (TCEUEP 2008-2013). The plan prepared with the wide participation of civil society organizations and covering the issues of education, poverty, participation to decision making process, health, media, environment and institutional mechanisms describes the existing situation, analyses obstacles to the achievement of gender equality, and gives objectives, targets, and concrete implementation strategies. Under the heading *“Economy”* it is stated that women’s employment is the key to women’s independence and gender equality, and targets and strategies to increase women’s rate of employment are defined. Under the heading *“Targets”*, while institutions assigned the task of implementing strategies and their partners are listed, there is no mention of indicators to show to what extent these strategies are actually implemented.

The first target is to speed up work by all parties to increase women’s employment in line with the Ninth Development Plan. The second is the improvement of economic status of rural women. The third is to combat gender discrimination in labour markets and reduce wage differentials between women and men. One of the strategies specified under this heading is to produce data relating to different remuneration for the same job done by women and men, and the Turkish Statistical Institute (TÜİK) and universities are cited as institutions expected to produce such data. The other strategy envisages initiatives to eliminate wage differentials between women and men and institutions in charge are Turkish Employment Agency (İŞKUR)

¹ The Ministry after being united with the Ministry of Labour and Social Security in 2018 has been named the Ministry of Family, Labour and Social Services.

and Ministry of Labour and Social Security. The İŞKUR and Ministry of Labour and Social Security are also in charge of implementing the strategy on measures to be taken against all forms of discrimination that women face in recruitment to jobs and in employment. The Action Plan states that gender inequalities and differences in exercise of economic power and unequal distribution of unremunerated labour between women and men are the causes of women's poverty and defines targets and strategies for eliminating poverty.

The last section of the Plan is about monitoring and evaluation. The KSGM is the unit in charge of coordination and monitoring and it is envisaged to set up working groups by implementing agencies to develop annual work plans as well as specific indicators/targets expected to be attained on annual basis. The reporting system will be improved so as to make it possible to keep track of targets and their achievement in six-month periods. The outputs of improved reporting system are Combined Reports of TCEUEP Monitoring and Evaluation Meetings. Reports dated 2012 and 2013 give information about institutions and agencies in charge during these years. It can be noted, however, that this information is not sufficient to monitor developments related to specific indicators. In the Gender Equality National Action Plan drafted for the period 2014-2018 with the contribution of civil society organizations efforts were made to fill the gaps of the earlier plan and to define time and performance indicators for each strategy. The draft plan was later incorporated into the Women's Empowerment Strategy Document and Action Plan 2018-2023 and the plan was put into effect in mid-2018.

Ministry of Labour and Social Security

The General Directorates under the Ministry of Labour and Social Security (ÇSGB) as well as the Social Security Institution and İŞKUR (Turkish Employment Agency) which are also related to the Ministry are important units with respect to women's employment. The mission and vision statement of the ÇSGB, however, does not mention gender equality.

The National Employment Strategy (2014-2023) prepared by the ÇSGB with the participation of social partners is regarded as an important step in alignment with the European Employment Strategy and implementation of the Tenth Development Plan. The plan notes low rates of women's participation to labour force and employment and states that support will be given to groups for which special policies are needed on the basis of equal opportunities including women with difficulty in access to labour markets, the disabled, poor, youth and rural people along with measures to prevent discrimination.

The targets set in the National Employment Strategy include increasing women's rate of participation to labour force up to 41% by 2023 and reducing informal employment down to 30%. The strategy includes the target "increasing women's participation to labour force and employment and combating informal employment" under which measures are to be taken. Institutions in charge and their partner organizations are given, but no specific indicator is mentioned under the heading "Explanation". For example, there are statements like "1.1. Measures will be taken to reduce women's care responsibilities" or "the number of crèches and day-care centres will be increased" for the year 2016, but there is no specific information as to how many crèches and day-care centres will be opened and in which time period.

İŞKUR (Turkish Employment Agency)

No specific task relating directly to women exists in the Law No. 4904 on Turkish Employment Agency dated 2003, which is an important institution in terms of increasing women's employment. Still, the mandate of the service unit Department of Employment Services includes the task of "regulating demand for labour and job seeking and engaging in activities related to the employment of groups for which special policies are required". Another service unit, the Department of Active Labour has the task of "Delivering vocational training and rehabilitation services to facilitate the employment of groups which require special policies and implementing other labour force training and adaptation programmes." Women are considered as a group for which special policies are required.

Strategic Targets of the İŞKUR 2013-2017 Strategic Plan contains specific indicators.²

Objective 1- Target 3: To Increase the Share of Women in Private Sector Job Placements to 35% Until the End of 2017.

Performance indicator:

Percentage of women placed in jobs in total job placements in private sector.

Strategies:

- Ensuring adoption of decisions encouraging women's employment by engaging in activities to mobilize civil society organizations at national level and their branches at local level.
- In visits to private sector enterprises, informing employers in detail about current arrangements made to encourage women's employment.
- Increasing activities to build awareness in employers about gender equality.
- Increasing the share of women in total persons registered with the institution by using the inter-agency referral network.

Ministry of Development

Gender equality as a concept does not exist in the mission and vision statement of the Ministry of Development. Development plans drafted by the Ministry in a process participated also by social partners through special expertise commissions are binding for governmental organizations and agencies.

In the Tenth Development Plan (2014-2018) we see subtitles "2.1. Society with Strong Human Resources" and "2.1.7. Family and Women" under the title "Plan Targets and Policies." It is stated that "In the context of equality of women and men, the need for more active participation to employment and decision making, prevention of violence, continuation of improvements in education and health, and increasing effectiveness in implementation persists."³ It is noted that in the Tenth Plan women do not have their specific place under the subtitle '2.1. Society with Strong Human Resources'. Instead, they are addressed in the context of 'Women and Family' and stress is laid on the protection and strengthening of family instead of improving women's

2 <http://www.iskur.gov.tr/Portals/0/dokumanlar/Kurumsal%20Bilgi/raporlar/Stratejik%20planlar/2013%20-2017%20D%C3%B6nem%20Stratejik%20Plan%C4%B1.pdf> (2012, s.40) (Accessed: 26 December 2017)

3 <http://www.kalkinma.gov.tr/Pages/KalkinmaPlanlari.aspx> (2013, s.40) (Accessed: 26 December 2017)

status. Article 249 where the concept of gender equality can be found states: "In relation to gender equality, the primary objective is to strengthen the role of women in social, cultural and economic life, protect and improve the institution of family and to consolidate social coherence."⁴

Under the heading Employment and Working Life, the plan mentions the following Objectives, Targets and Policies:

Objectives and Targets:

The primary objective is to create a labour market that offers decent work opportunities to all segments of society, where the quality of labour force is improved for its efficient use; where gender equality as well as conditions of work safety and health is improved and where the approach of flexicurity is adopted.

Policies

- Continuing to increase the quality employment opportunities for all including women and youth by taking due account of regional, local and sector-based labour force dynamics.
- Implementing work-family harmonization policies to encourage participation to labour force and employment and giving more effective character to employment incentives.
- Waging effective combat against informal employment and using achievements in this context in reducing labour costs.
- Going over sub-contracting schemes in a way to take workers' rights into account.
- In line with EU norms scaling up temporary employment relation through private employment agencies.⁵

As in the National Employment Strategy, in the Tenth Development Plan to increase in women's employment is upheld as a requirement for economic growth. While there is reference to the provision of decent work opportunities in increasing employment, the stress on flexibility, temporary employment relations through private employment agencies and part-time work has a specific meaning: All forms of employment in this context are defined as allowing women to reconcile their work, and family life and women are expected to participate to labour market without neglecting the requirements of gender-based division of work. Hence, de jure equality in labour market is envisaged as far as women are concerned but de facto equality is omitted by offering women forms of flexible employment. In essence, flexible forms of employment are considered as an effective way of stopping the tendency of the rate of fertility to fall and encouraging women to make at least three children.

Commission on Equal Opportunities for Women and Men (KEFEK)

The Commission on Equal Opportunities for Women and Men established in 2009 by the Law No. 5840 on Commission on Equal Opportunities for Women and Men⁶ has released several reports on the status of women. While preparing the "Commission Report on Increasing Women's Employment in All Areas and Suggestions for Solution" (2013), opinions of relevant government organizations, trade unions, women's organizations and academics were solicited.

⁴ ibid (KP). 2013, p.53

⁵ ibid (KP). 2013, s. 47

⁶ https://www.tbmm.gov.tr/komisyon/kefe/docs/komisyon_raporu_2014_1.pdf (Accessed: 16 July 2017)

Among governmental units, the Small and Medium Size Enterprises Development Administration (KOSGEB), Ministry of Customs and Trade General Directorate of Cooperatives, and Ministry of Food, Agriculture and Animal Husbandry Department of Farmer Training and Extension are engaged in activities related to women's employment.

Work of Civil Society Organizations and other Public Actors on Gender Equality in Employment

As a women's organization, the Initiative for Woman's Labour and Employment (KEİG) conducts work producing information concerning women's labour and employment and monitors activities of governmental organizations and agencies as well as developments (statistics) in labour markets.

The Women Entrepreneurs Association of Turkey (KAGİDER) and the Foundation for Supporting Women's Work (KEDV) have various studies on women's employment. The Kaos GL- Kaos Gay and Lesbian Cultural Studies and Solidarity Association are engaged in activities to see that legislation related to employment is rearranged and enforced so as to cover discrimination on the ground of sexual orientation and to report cases of discriminatory treatment and practices in this regard.

The following are some professional organizations and associations engaged in extending services to the public: TMMOB - Women's Working Group, Union of Bar Associations - Women's Law Commission (TÜBAKKOM), Turkish Medical Association - Women's Medicine and Health Branch, Union of Chambers and Stock Exchange - Board of Women Entrepreneurs, and Association of Industrialists and Businesspersons - Gender Equality Working Group. Coming to trade unions we see Confederation of Unions of Public Employees - Women's Secretariat, TÜRK-İŞ - Women Workers Bureau, DİSK - Women's Commission and HAK-İŞ - Women's Commission.

IV. Indicator and Data Sources

1.1 Mixed Indices for Gender Equality, Data Sources and Indicators Provided by International Organizations

An important turning point in the process of monitoring gender equality came, starting from the early 90s, with the development of multi-dimensional mixed indicators by international organizations. Indicators to be used in monitoring gender equality must first clearly address policy areas related to gender equality. Gender indicators are not merely some statistics about women and men. Beyond that, these indicators enable correct understanding of contributions by different sexes to society and areas of concern and also play an important role in identifying needs and problems correctly and reliably.

Today, under the leadership of United Nations agencies, indices that address various problem areas are developed by many organizations and they throw light upon actions that countries take to achieve their policy, implementation and strategic targets. Mixed indicators contain not only inequalities in employment and economy as the topics of the present study but also issues related to health, education and politics. These indices raised awareness of the need to approach gender inequality in a multi-dimensional and coherent manner. Further, the area of use of these measurements is quite large since they are summary indicators that are easily interpreted and reduced to single values that are globally comparable.

Indices based on mixed indicators facilitate determining in which areas there is progress or decline in a given country over a specific time scale. International comparisons give individual countries an idea about their place in the world and also guide them about urgent measures to be taken in relation to specific dimensions of inequalities by breaking down these indicators to their sub-components. In specific, Human Development Reports annually released by the United Nations Development Programme make it possible to assess the level of development of countries with their measurements based on a broad understanding of development. Besides its human development index (HDI) the United Nations has since 1995 been presenting a series of gender development indices that take different sub-domains as centre to keep track of country situations with respect to gender equality. The first of these indices is gender development index which uses indicators related to economic participation and decision-making power, political participation and word to say on the utilization of economic resources. For instance, the indicator of power on economic resources is the proportion of women's earned income to men's on the basis of purchasing power parity. Another one is the Gender Inequality Index which uses indicators relating to reproductive health, empowerment and labour markets. The sub-indicator relating to labour market is women's and men's rate of participation to labour force.

Besides United Nations Indices, there is World Economic Forum's Gender Gap Index, OECD's Social Institutions and Gender Index, and European Union's EU Gender Equality Index. Databases regularly collecting information for statistics used in indicators are quite important.

The units in the United Nations seek to present together gender statistics compiled by the ILO, World Bank, UNECE and European Union statistics office. The database contains 12 headings as: health, poverty, education, economy, violence and armed conflict, power and decision making, environment, improvement of the status of women, women’s human rights, media, structural discrimination and violation of the rights of the girl child. The Key Indicators of the International Labour Organization present gender disaggregated data pertaining to the measurement of various aspects of labour markets (i.e. participation, unemployment, employment, etc.)

1.2 Indicators for Monitoring and Evaluation in Employment

Ensuring standards and norms in combatting gender inequality in economic life and employment as specified by international human rights documents firstly required the monitoring and evaluation of given inequalities by some indicators. Research in this field served as a source for the development of indicators by international organizations and supported the development of indicators and measurements related to problem areas identified by research. With the identification and international adoption of indicators in monitoring gender equality and women’s empowerment, the set of minimum indicators were developed in 2013.⁷ The Global Minimum Indicators Set provides the minimum common denominator for statistics relating to gender equality and women’s empowerment. These indicators are expected to provide the ground for regional and national monitoring. The indicators are based on norms of gender equality, justice and equity and associated with strategic targets defined for economy by the Beijing Declaration and Platform for Action (BDPFA).

Economic structures, participation to productive activities and access to resources	
1	Average time spend for unpaid production activities by gender (Note: disaggregated with respect to household works and childcare, if possible)
2	Average time spent for paid and unpaid domestic works by gender (total work burden)
3	Labour force participation rates in age groups 15-24 and 15 + by gender
4	Rate of self-employed by gender
5	Rate of those employed to contribute to family enterprises by gender
6	Distribution by gender of those working as employers
7	Share of firms owned by women by firm size
8	Sector-based distribution of people in employment (Agriculture, Industry, Services)
9	Informal employment by gender as a percentage of total non-agricultural employment
10	Rate of unemployment in the age group 15-24 by gender
11	Rate of population having access to loans by gender
12	Rate of population with ownership of land by gender
13	Gender gap in wages
14	Rate of part-time employment by gender
15	Rate of employment in the age group 25-49 by gender (disaggregated with respect to the presence of children at age 3 and younger in households and household without children)
16	Rate of children under age 3 benefiting from institutional care services
17	Rate of internet use by gender
18	Rate of mobile telephone use by gender

⁷ Inter-Agency and Expert Group-Gender Statistics (IAEG-GS), 2011 and United Nations Statistical Commission, 2013.

19 Rate of households with radio, TV and internet connection at home by gender of household reference person

Besides United Nations' global set of minimum indicators, there is also UNECE indicator suggestions and European Union's set of indicators related to the Beijing Declaration and Platform for Action that share common indicators with the first set. Presently, under the United Nations Sustainable Development Goals-2030, the Fifth Goal is related to gender equality and the Eight Goal to decent work and economic growth. Adaptation by countries of indicators under these two goals is in progress.

1	SDG 5 - Gender equality
1.1	Gender-based wage gap (as not adjusted) (5.2)
1.2	Gender-based employment gap (5.3)
1.3	Rate of population not active due to care responsibilities by gender (5.4)
2	SDG 8 - Decent work and economic growth
2.1	Youth neither in employment nor in education (by gender)
2.2	Total rate of employment by gender
2.3	Rate of long-term unemployment by gender
2.4	Involuntary temporary employment by gender
2.5	Population not active due to care responsibilities by gender

V. Gender Equality in Turkey

1.1 Labour Market Situation

Taking a look at underlying characteristic of labour market in Turkey we immediately notice low rates of participation by women to labour force and employment as an area where gender inequalities are quite pronounced. What is also noticeable is the much higher rates of unemployment of women, particularly in non-agricultural sectors. In 2016 only one out of three women is in labour force. The rate of employment of women is only 28% against 65% for men. Of every four women, about one is in employment. In 2016, 58% of 20 million women that is 11,589,000 women are out of labour force for being occupied in housework.

Care Responsibilities and Working Periods of Women

Women's working hours are much longer than men's. The work burden that stems from women's paid work and household work at the same time is known as **"women's double burden/work"**. Besides paid work, women's household and care work (reproductive activities) is a sine qua non for the sustenance of societies. In spite of this importance, however, reproductive activities are neither remunerated nor regarded as of economic value. Yet, these activities account for one-third of total production in the world and it is known that in developing countries the total time spent by women for economic activities is 30% longer than men (UNDP, 2015). Unequal distribution of work burden within household is a root cause preventing women's employment and at the background of inequalities in labour markets (İlkkaracan, 2010). Studies show that on the one hand, household and care activities of women cause their lower participation to labour markets and, on the other, their relatively wider engagement in temporary and informal jobs.

Women's increased participation to labour force means not men's undertaking of family responsibilities more but increasing expectations from women in the sense that they undertake and fulfil more responsibilities than before. According to statistics from time utilization survey data, inequality between women and men with respect to household work burden can be observed throughout the world. In Turkey, statistics from the Time Use Survey compiled by the TÜİK for the period 2014-2015 show that household labour is disproportionately undertaken by women which is at worrying levels. Examining daily activities of individuals at age 10 and over we find that women spare, on average, 4 hours and 35 minutes for household work and care while it is only 53 minutes for men. Even when they are in paid work, women still spend 3 hours and 31 minutes for the same while men in paid work do it for only 46 minutes. While inequalities at household level may further deepen inequalities in labour market, disadvantages that women confront in working life as a result of household and care burden may feed in already existing inequalities in household.

Insufficiency of facilities extending care services is one of the basic obstacles to women's participation to employment. According to MEB statistics, institutional care services are

enjoyed by 13% of children in the age group three, by 36% in the age group four and by 70% in the age group five in the 2016-2017 school year. Institutional care for children under age 3 is almost absent. Insufficiency of preschool care and education institutions and absence of full-day schooling even when these institutions are available lead to women's staying away from employment or their dropping of jobs they have. Similarly, the number of public or private institutions delivering care services to elderly and disabled persons is very limited. According to TÜİK data there are 6.2 million people in Turkey over age 65 which correspond to 8% of total population. The number of elderly and disabled persons cared by existing 567 public and private facilities, on the other hand, is only 24,438.⁸

As the root cause of discrimination against women in social life and labour market we see traditional gender-based division of labour that withholds women from engagement in income generating activities and enjoyment of social security rights.

Characteristics of Women's Employment

As of the year 2016, the sector of services has the largest share in total employment of women in Turkey too (55%) as it is in many other countries in the world. In terms of women's employment, the share of agriculture is 29% and at the bottom of the list there is industry with its share of 15%.

The distribution of employment by sectors is influential in working women's and men's status in employment. While working for wage and salary is the dominant form for both women and men, 26% of women are still in the status of unpaid family worker. This form of employment is common particularly in agriculture, meaning that women work without any remuneration. The share of men in unpaid family workers is only 5%.

In Turkey 35% of women are in the status of unpaid domestic worker or self-employed. The International Labour Organization (ILO) takes unpaid domestic work together with self-employment and defines them as "vulnerable employment". As can be inferred from the term itself, vulnerable employment denotes forms of informal and irregular and precarious employment, irregular nature of remuneration and absence of job security. These features are observed more commonly in sectors and occupations where women are employed relatively more. Informality which denotes employment not covered by any social security scheme is still one of the most important problems in employment. The rates of informal employment of women are much higher than of men: In 2016, these rates were for 44% and 29% for women and men, respectively. Informality is mainly common in agriculture. Though it is lower in non-agricultural sectors, informal employment is still more common among women (24%) than men (21%).

When non-agricultural employment is concerned, one in every four women and one in every five men who are active are employed informally. Those who are employed in part-time, temporary and precarious jobs that emerge as labour markets get more flexible are mostly women. Women tend to take up flexible and informal works because of their care responsibilities at home and also when considered to have lower qualifications in labour markets. Part-time and

⁸ <http://www.eyh.gov.tr/yayin-ve-kaynaklar/yasli-bakim-hizmetleri/huzurevleri-envanteri> (Accessed: 16 July 2017)

home-based works and domestic and childcare services are mostly taken up by women.

In labour market jobs in some sectors are considered as “women’s” and others as “men’s”. For example, while automotive and petroleum sectors are male dominated, we see much more women in textiles and garment sectors. This segregation on sector basis is known as “horizontal segregation.” “Vertical segregation” on the other hand denotes women’s employment in less qualified and consequently low status and low paid jobs while men occupy better paid and high-status jobs in the same enterprise. Another form of segregation between women and men observed in labour markets is what is called “glass ceiling.” In a given workplace hierarchy, jobs become dearer at higher levels of this hierarchy. It is difficult for women to climb up to these higher levels. In Turkey 13 out of 100 employed women have positions at top management levels. In many workplaces, even where women outnumber men women in management positions can hardly be seen.

Even when employed in formal and full-time jobs women still face inequalities and discrimination stemming from different treatment of women and men. One of the most salient indicators of discrimination is wage and income differentials. This does not pertain to jobs with low pay and qualification only; it can be observed in highly qualified jobs as well. TÜİK data suggest that women earn less than men whatever their educational status may be. Annual income of women even with higher education remains around 75% of what men earn.

Unemployment

In 2016, the rate of unemployment among women was higher than of men with 14% against 10%. In unemployment other than in agriculture, this rate climbs up to 18% and the gap with men which is 11% gets even larger. Looking at rates of unemployment by educational status we observe that the rates of unemployment among general-technical high school and university graduate women are particularly high. Women participate to labour markets more as their level of education rises. However, since sectors and occupations that they can be employed remain limited because of sexist nature of these markets, their possibilities of facing unemployment are higher than men. Adding the age factor, we see that the situation gets even worse for young women. The rate of unemployment of high school graduate women in the age interval 15-24 is 30%, 11 percentage higher than that of men which is 19%. The period of compulsory education is 12 years since 2012 and in coming periods there will be rapid increase in the number of high school graduates which will push rates of unemployment higher. This situation points out to the need to select young women as priority group in government policies and to take more effective measures.

Organization

As collective organizations of workers, trade unions are important in combating gender-based inequalities and discrimination in working life. While there are some general impediments to unionization in Turkey, it becomes even more difficult when the issue is women’s unionization and pursuance of their rights. Women are generally employed in workplaces where there is no union and their efforts to organize in unions may not be received well by society that may consider such efforts as “encroaching upon an area under male domination.” Women’s

demands may not find any echo in trade union policies. In July 2015 the number of women with trade union membership was 233,969 which corresponded to 7%. The number of men with union membership was 1.130.012 and it corresponded to 12%. The rate of unionization of government employees is higher than other workers. In the same year (2015) the number of women with membership to trade unions of government employees was 650,921, corresponding to 28%. The number of male workers with union membership is 1,028,107, corresponding to 44%.⁹

1.2 Set of Employment Indicators in Turkey

The employment-related gender equality indicators for Turkey were developed on the basis of United Nations global set of minimum indicators, UNECE suggestions for indicators, and the European Union set of indicators related to the Beijing Declaration and Platform for Action. In this context, targets in the field of economy included in international conventions referred at the beginning are of guiding nature.

Monitoring work will be valid and facilitated in case indicators are conceptually clear, easy to interpret and internationally agreed upon.

Accessibility, reliability and continuity of data source used in developing indicators are important also in terms of having sound and applicable indicators. The set of indicators we suggest below with this in mind and whose data are compiled is presented under the following headings: 1. Labour Force Participation / Employment Opportunities, 2. Employment, Equal Opportunities and Treatment in Employment, 3. Unemployment, 4. Work-Life Balance.

⁹ ÇSGB General Directorate of Labour (2016) 2015 Working Life Statistics, p.55-61. <https://www.csgb.gov.tr/home/contents/istatistikler/calismahayatistatistikleri/> (Accessed: 17 July 2017)

Table 1. Indicators Related to Labour Force Participation/Employment

	Heading	Relevant Human Rights and Norms	Indicator (by gender)	Data Source
1	Employment opportunities	<p>Right to work.</p> <ul style="list-style-type: none"> ▪ Respect for human dignity, ▪ Prohibition of discrimination, ▪ Principle of <i>de jure</i> equality ▪ Gender equality ▪ UDHR Art. 23 ▪ ECHR Art. 14 ▪ ICESCR Art. 1, 2, 7. ▪ CEDAW Art. 11 <p>Referred National Policy</p> <p>Texts</p> <p>Tenth Development Plan National Employment Strategy Gender Equality NAP 2008-2013</p>	<p>1. Total labour force and rate of labour force participation</p> <p>1.1. Number of people out of labour force and its rate</p> <p>1.2. Number and rate of remaining out of labour force by reasons</p> <p>- <i>not looking for job but ready to work</i></p> <p>- <i>engaged in household work</i></p> <p>- <i>still in education and training</i></p> <p>- <i>retired</i></p> <p>- <i>illness/disability</i></p> <p>- <i>no hope in finding job</i></p>	TÜİK Labour Force Statistics

Table 2. Indicators Related to Employment and Equal Opportunities and Treatment in Employment

	Heading	Relevant Human Rights and Norms	Indicator (by gender)	Data Source
1	Employment and Equal Opportunities and Treatment in Employment	Right to work. <ul style="list-style-type: none"> ▪ Principle of equality, ▪ Equal treatment of workers, ▪ Prohibition of discrimination (combating multiple discrimination), ▪ Gender equality ▪ UDHR Art. 23 ▪ ECHR Art. 14 ▪ ICESCR Art. 1, 2, 7. ▪ ILO Convention No. 122 ▪ CEDAW Art. 11. Referred National Policy Texts Tenth Development Plan National Employment Strategy -Gender equality NAP 2008-2013	1. Number and rate of employment 1.1. Number and rate of temporary employment 1.2. Number and rate of under employment 1.3. Number and rate of part-time employment 1.4. Number and rate of informally employed people in agriculture and in other sectors	Labour Force Statistics
2	Employment and Equal Opportunities and Treatment in Employment	Right to work. <ul style="list-style-type: none"> ▪ Prohibition of discrimination (combating multiple discrimination), ▪ Gender equality ▪ Principle of de facto equality ▪ ECHR Art. 14 ▪ CEDAW Art. 11 ▪ ICESCR Art. 1, 2, 7. ▪ ILO Convention No. 122, ▪ ESC Art. 10. Referred National Policy Texts Tenth Development Plan National Employment Strategy - Gender equality NAP 2008-2013	2. Number and rate of young people neither in education nor employment (age 15-24) (age 25-29)	Labour Force Statistics

	Heading	Relevant Human Rights and Norms	Indicator (by gender)	Data Source
3	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work.</p> <ul style="list-style-type: none"> ▪ Respect for human dignity, ▪ Prohibition of discrimination (combating multiple discrimination), ▪ Gender equality ▪ Principle of de facto equality ▪ CEDAW Art. 11 ▪ ICESCR Art. 1, 2, 7. ▪ ILO Conventions Nos. 111 and 122 <p>Referred National Policy Texts</p> <p>Tenth Development Plan National Employment Strategy</p> <p>- Gender equality NAP 2008-2013</p>	<p>3. Number of employed persons by their status in employment and their share in total employment</p> <ul style="list-style-type: none"> ▪ wage earner (daily or monthly) ▪ self-employed ▪ unpaid family worker ▪ employer 	Labour Force Statistics
4	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work.</p> <ul style="list-style-type: none"> ▪ Equal treatment of workers, ▪ Prohibition of discrimination. ▪ CEDAW Art. 11 ▪ ILO Conventions Nos. 111 and 122 	<p>4. Employment and its rate by economic sectors</p> <ul style="list-style-type: none"> ▪ agriculture ▪ industry ▪ construction ▪ services 	Labour Force Statistics
5	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work.</p> <ul style="list-style-type: none"> ▪ Equal treatment of workers, ▪ Principle of de facto equality ▪ Prohibition of discrimination. ▪ ILO Convention No. 111 ▪ ICESCR Art. 7. ▪ CEDAW Art. 11 <p>Referred National Policy Texts</p> <p>Constitutional Article 10 TİHEK Law, article 6 Labour Code, article 5 Law on the Disabled, articles 4 and 14</p>	<p>5.1. Employment and rates by occupations</p> <p>5.2. Number and rate of those experiencing work accident by occupational groups as an indicator of work safety</p> <p>5.3. Number and rate of those contracting to occupational diseases</p>	<p>Labour Force Statistics</p> <p>SGK Statistics</p>

	Heading	Relevant Human Rights and Norms	Indicator (by gender)	Data Source
6	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work.</p> <ul style="list-style-type: none"> ■ Prohibition of discrimination, ■ Principle of equality. ■ ECHR Art. 14 ■ ILO Convention No. 100 ■ ICESCR Articles 1, 2 and 7 ■ CEDAW Art. 11, ■ European Social Charter Art. 4 <p>Referred National Policy Texts Constitutional Article 10 TİHEK Law, article 6 Labour Code, article 5 Law on the Disabled, articles 4 and 14</p>	<p>6.1. Average annual income from employment by gender and education status</p> <p>6.2. Women's income/men's income</p>	TÜİK. Survey on Income and Living Conditions
7	Employment and Equal Opportunities and Treatment in Employment	<p>Right to social protection</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ Prohibition of discrimination, ■ Principle of equality. ■ UDHR Art. 23, 25. ■ ILO Convention No. 102 ■ ICESCR Art. 9. ■ CEDAW Art. 11 ■ ILO Convention No. 102 ■ ILO Conventions No. 175 and No. 177 (Turkey is not a signatory). <p>Referred National Policy Texts Constitutional Article 60 SSGSS Law, article 41/a Omnibus Law No. 6552</p>	<p>7.1. Number and rate of those covered by social security by gender</p> <ul style="list-style-type: none"> ■ 4 -1/a compulsory insurance ■ 4 -1/b compulsory insurance (working independently) ■ 4 -1/b compulsory insurance (agricultural activities) ■ 4 -1/c compulsory insurance ■ Compulsory insurance, total <p>7.2. Number of elderly people enjoying retirement benefits and their proportion to population out of labour force</p>	<p>TÜİK Labour Force Statistics</p> <p>SGK Statistics</p>
8	Employment and Equal Opportunities and Treatment in Employment	<p>Right to organize</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ UDHR Art. 23. ■ ILO Conventions No. 87 and No. 98 ■ ICESCR Art.8. ■ CEDAW Art. 11 <p>Referred National Policy Texts Constitutional Article 51. Law on Trade Unions and Collective Bargaining, Art. 17/3, Art. 31</p>	<p>Representation of workers</p> <p>8.1. Number and rate of trade union members</p> <p>8.3. Number and rate of civil servants with union membership</p>	Labour Statistics Information System

Table 3. Indicators Related to Unemployment

	Heading	Relevant Human Rights and Norms	Indicator (by gender)	Data source
1	Unemployment	<p>Right to work.</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ Prohibition of discrimination, ■ Principle of equality, ■ Gender equality ■ UDHR Art. 23 ■ ICESCR Art. 1, 2, 7. ■ CEDAW Art. 11 ■ ILO Convention No. 122 <p>Referred National Policy</p> <p>Texts Tenth Development Plan National Employment Strategy - Gender equality NAP 2008-2013</p>	<p>1.1. Number of unemployed and rate of unemployment (NUTS2)</p> <p>1.2. Number and rate of unemployed in the age group 15-24</p> <p>1.3. Number and rate of unemployment out of agriculture</p> <p>1.4. Number and rate of those unemployed for a year or longer</p> <p>1.5. Number and rate of unemployed by level of education</p>	TÜİK Labour Force Statistics
2	Unemployment	<p>Right to work.</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ Prohibition of discrimination, ■ Principle of equality, ■ Gender equality ■ UDHR Art. 23 ■ ICESCR Art. 1, 2, 7. ■ CEDAW Art. 11 ■ ILO Convention No. 122 <p>Referred National Policy</p> <p>Texts Tenth Development Plan National Employment Strategy - Gender equality NAP 2008-2013 İŞKUR Strategic Plan 2013-2017</p>	<p>Unemployed and vocational training (İŞKUR records)</p> <p>2.1. Number of registered unemployment</p> <p>2.2. Number those placed in jobs and their percentage in total number of unemployed persons</p> <p>2.3. Number of persons participating to vocational training</p> <p>2.3.1 Number of persons participating to training in entrepreneurship</p> <p>2.3.2 Number of persons participating to on-the-job training</p> <p>2.4. Number of persons participating to public benefit works</p> <p>2.5. Number of persons receiving individual counselling services</p> <p>2.6. Number of persons receiving training in job seeking skills</p> <p>2.6.1. Number of those in women's shelters who receive training in job seeking skills</p>	There is access to data compiled by İŞKUR

Table 4. Indicators Related to Work-Life Balance

	Heading	Relevant Human Rights and Norms	Indicator (by gender)	Data Source
1	Work-Life Balance	<ul style="list-style-type: none"> ■ Gender equality ■ Prohibition of discrimination, ■ Transformative equality, ■ Justice and equity ■ BeDPA F6 ■ CEDAW Recommendation No. 25 ■ ILO Convention No. 156 on Workers with Family Responsibilities (Turkey is not a signatory) ■ RESC Art. 27. <p>Referred National Policy Texts - Gender equality NAP 2008-2013</p>	Average weekly working periods in labour market	TÜİK Labour Force Statistics
2	Work-Life Balance	<ul style="list-style-type: none"> ■ Gender equality ■ Prohibition of discrimination, ■ Transformative equality, ■ Justice and equity ■ BeDPA F6 ■ CEDAW Recommendation No. 25 ■ ILO Convention No. 156 on Workers with Family Responsibilities (Turkey is not a signatory) ■ RESC Art. 27. <p>Referred National Policy Texts - Gender equality NAP 2008-2013</p>	2.1. Daily working hours of employees 2.2. Daily unpaid working hours of employees 2.3. Daily unpaid working hours of those not working 2.4. Paid work / Unpaid work 2.5. Leisure time	TÜİK Time Use Survey
3	Work-Life Balance	<ul style="list-style-type: none"> ■ Gender equality ■ Prohibition of discrimination, ■ Transformative equality, ■ Justice and equity ■ BeDPA F6 ■ CEDAW Recommendation No. 25 ■ ILO Convention No. 156 on Workers with Family Responsibilities (Turkey is not a signatory) ■ RESC Art. 27. <p>Referred National Policy Texts - Gender equality NAP 2008-2013</p>	3. Rates of children's enjoyment of education or institutional care services 3.1. Rates of school enrolment in the age group 3-6 (MEB)	Ministry of National Education Statistics

1.3 Indicators that Require Data Collection

We have presented in the preceding part the set of minimum indicators for Turkey that can be used in monitoring gender equality in employment. Minimum indicators can be obtained by using province/region level statistics that are regularly provided by official institutions including the Turkish Statistical Institute. The set of minimum indicators in employment satisfy required standards since they are based on internationally agreed concepts and ways of compilation. They are also developed from statistics that are internationally comparable. However, in

international conventions, following norms and standards related to employment is not limited to the set of minimum standards. Some additional indicators that could not be reached at province/region level with available data sources due to data shortage or difficulty in access but considered as necessary to compile or to make a request for compilation are presented in this part. Some of the indicators given below can be constructed at national level and followed by using micro data sets compiled by TÜİK. Nevertheless, data collection is still suggested since these indicators cannot be obtained otherwise even if province level micro data sets are used.

Table 5. Indicators Suggested in Relation to Labour Force Participation/Employment Opportunities

	Heading	Relevant Human Rights and Norms	Suggested Indicator (by gender)	Suggested Data Source
1	Employment opportunities	<ul style="list-style-type: none"> Right to work ■ Respect for human dignity, ■ Prohibition of discrimination ■ Principle of de jure equality ■ Gender equality ■ UDHR Art. 23 ■ ECHR Art. 14 ■ ICESCR Art. 1, 2, 7. ■ CEDAW Art. 11 	<ol style="list-style-type: none"> 1. Number and rate of remaining out of labour force <ol style="list-style-type: none"> 1.1. Age group (age 15-24), (age 24-29), (age 25-54), (age 55-64) 1.2. Migration status 1.3. Status of being under temporary protection 1.4. Disability 1.5. Number and rate of those remaining out of labour force for longer than two years 1.6. Rate of remaining out of labour force by household type * 1.7. Labour force participation gap by gender ** 	<p>TÜİK-HLFS data set. Ministry of Family and Social Policies</p> <p>Ministry of Health State Personnel Department (number of disabled persons asking for jobs from the public sector) Records of disabled persons applying to İŞKUR</p> <p>OECD data set</p>

* "Household type" is defined by ILO on the basis of marital status, number of children and their ages.

** Gender gap denotes the number of women per 100 men.

Table 6. Indicators Suggested for Employment and Equal Opportunities and Treatment in Employment

	Heading	Relevant Human Rights and Norms	Suggested Indicator (by gender)	Suggested Data Source
1	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work</p> <ul style="list-style-type: none"> ■ Principle of equality, ■ Equal treatment of workers, ■ Prohibition of discrimination (combating multiple discrimination), ■ Gender equality <ul style="list-style-type: none"> ■ UDHR Art. 23 ■ ECHR Art. 14 ■ ICESCR Art. 1, 2, 7. ■ ILO Convention No. 122 ■ CEDAW Art. 11. 	<p>1.1. Number of people in the age group 25-64 and their rate of employment</p> <p>1.2. Number of people in the age group 25-64 by household type and their rate of employment</p> <p>1.3. Rate of employment by the age of the youngest child in family (age groups as 3, 3-5 and 6-16)</p> <p>1.4. Rate of employment of children at age 17 and younger</p> <p>1.5. Rate of employment by age and marital status</p> <p>1.6. Distribution of part-time workers by household type and age</p> <p>1.7. Full-time equivalent employment rate (calculated as the proportion of weekly working hours converted into full time work to full-time working hours) (EIGE)</p> <p>1.8. Employment rate gap by gender</p> <p>1.9. Number and proportion of those whose workplaces are their homes</p> <p>1.10. Number and rate of those engaged in domestic services</p> <p>1.11. Number and rate of those in seasonal agricultural works</p> <p>1.11. Number and rate of those receiving care services as a part of social benefits and considered as employed</p> <p>1.12. Number and rate of those benefitting from employment incentives</p>	<p>TÜİK-HLS data set</p> <p>SGK data</p> <p>Ministry of Family and Social Policies data</p> <p>SGK data</p>
2	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work</p> <ul style="list-style-type: none"> ■ Prohibition of discrimination (combating multiple discrimination), ■ Principle of de facto equality ■ Gender equality <ul style="list-style-type: none"> ■ ECHR Art. 14 ■ CEDAW Art. 11 ■ ICESCR Art. 1., 2., 7. ■ ILO Convention No. 122, ■ ESC Art. 10. 	<p>2. Number and rate of young population (age 15-29) neither in education or in employment</p> <p>2.1 With respect to age groups 15-19, 20-24 and 25-29 those who are</p> <ul style="list-style-type: none"> ■ in education only, ■ in employment only, ■ in both education and employment ■ neither in education nor in employment <p>2.2 Indices of transition from education to employment by employment type</p> <p>2.3 Employment rate gap by gender</p>	<p>TÜİK-HLS data set</p> <p>TÜİK Study on Youth's Transition to Labour Markets 2009</p>

	Heading	Relevant Human Rights and Norms	Suggested Indicator (by gender)	Suggested Data Source
3	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ Prohibition of discrimination (combating multiple discrimination), ■ Principle of de facto equality ■ Gender equality <ul style="list-style-type: none"> ■ CEDAW Art. 11 ■ ICESCR Art. 1.,2., 7. ■ ILO Conventions 111 and 112 	<p>3. Number of employees by their status in employment and their share in total employment</p> <ul style="list-style-type: none"> ■ wage earner ■ daily paid ■ self employed ■ unpaid family worker ■ employer <p>3.1 Status in employment by household type</p> <p>3.2 Number and rate of part-time employment by reasons</p> <ul style="list-style-type: none"> ■ Family child care responsibilities ■ Care responsibilities for elderly family members in need ■ Care responsibilities for both children and elderly family members ■ Still in education ■ For his/her own illness or disability ■ For other familial and personal reasons ■ For not being able to find a full-time job ■ Nature of the job ■ Other <p>3.3 Number and rate of temporary employment by reasons</p> <ul style="list-style-type: none"> ■ Not able to find a permanent job ■ Does not want a permanent job ■ Contract covers only the training period (internship, apprenticeship) ■ In the period of being tested ■ Other <p>3.4 Sectorial and occupational differences between full and part-time jobs</p> <p>3.5 Number and date of part-time workers who want to be full-time workers</p>	TÜİK Labour Force Statistics
4	Employment and Equal Opportunities and Treatment in Employment	<ul style="list-style-type: none"> ■ Right to work ■ Equal treatment of workers, ■ Prohibition of discrimination ■ CEDAW Art. 11 ■ ILO Conventions 111 and 112 	<p>4. Employment by sectors and occupations</p> <p>4.1. Segregation indices</p> <p>4.2. Minimum number of occupations accounting for 50 per cent of employment</p>	TÜİK Labour Force Statistics

	Heading	Relevant Human Rights and Norms	Suggested Indicator (by gender)	Suggested Data Source
5	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work</p> <ul style="list-style-type: none"> ▪ Prohibition of discrimination ▪ Principle of equality. <ul style="list-style-type: none"> ▪ ECHR Art. 14 ▪ ILO Convention No. 100 ▪ ICESCR Articles 1.2 and 7 ▪ CEDAW Art. 11, ▪ European Social Charter Art. 4 	<p>5. Average annual income from employment by gender and education status</p> <p>5.1 Hourly wage gap</p> <p>5.2 Share of wages paid to women in total payroll and the rate of wage earning women</p> <p>5.3 Hourly wage gap by education status</p> <p>5.4 Wage loss in women intensive sectors</p> <p>5.5 Total earning gap</p> <p>5.6 Median income level of self-employed</p> <p>5.7 Median income levels of formal and informal workers</p> <p>5.8 Wage gap by age groups and household type</p>	<p>TÜİK. Survey on Income and Living Conditions</p> <p>TÜİK Earning Statistics Survey Data</p>
6	Employment and Equal Opportunities and Treatment in Employment	<p>Right to organize</p> <ul style="list-style-type: none"> ▪ Respect for human dignity, ▪ UDHR Art. 23. ▪ ILO Conventions 87 and 98 ▪ ICESCR Art. 8. ▪ CEDAW Art. 11 	<p>6. Number and rate of those covered by collective agreements</p>	<p>Labour Statistics Information System</p>
7	Employment and Equal Opportunities and Treatment in Employment	<p>Right to work</p> <ul style="list-style-type: none"> ▪ Equal treatment of workers, ▪ Prohibition of discrimination ▪ CEDAW Art. 11 ▪ ILO Conventions 111 and 112 	<p>7.1. Number and rate of appeals and complaints related to sexual harassment among cases concluded by Provincial Directorates of Labour and Employment</p> <p>7.2. Number and rate of enterprises that mainstream combat against sexual harassment to workplace discipline regulations</p>	<p>Labour Statistics Information System</p> <p>Suggestion for survey</p>

Table 7. Suggested Indicators for Unemployment

	Heading	Relevant Human Rights and Norms	Suggested Indicator (by gender)	Suggested Data Source
1	Unemployment	<p>Right to work</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ Prohibition of discrimination ■ Principle of equality, ■ Gender equality ■ UDHR Art. 23 ■ ICESCR Art. 1, 2, 7. ■ CEDAW Art. 11 ■ ILO Convention No. 122 	<p>1.1. Number and rates of unemployment by its broad definition</p> <p>IO1= (Unemployed / Labour Force)</p> <p>IO2= (Unemployed + discouraged) / (Labour Force + discouraged)</p> <p>IO3= (Unemployed + discouraged + want to work though not looking for job) / (Labour Force + discouraged + want to work though not looking for job)</p> <p>IO4= (Unemployed + discouraged + want to work though not looking for job + those who work part-time for economic reasons and for not being able to find full-time job / (Labour Force + discouraged + want to work though not looking for job)</p> <p>1.2. Unemployment rate gap by gender</p>	TÜİK Labour Force Statistics
2	Unemployment	<p>Right to work</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ Prohibition of discrimination ■ Principle of equality, ■ Gender equality ■ UDHR Art. 23 ■ ICESCR Art. 1, 2, 7. ■ CEDAW Art. 11 ■ ILO Convention No. 122 	Number and rate of those who are employed after finishing non-formal education institutions	İŞKUR suggestion for survey
3	Unemployment	<p>Right to work</p> <ul style="list-style-type: none"> ■ Respect for human dignity, ■ Prohibition of discrimination ■ Principle of equality, ■ Gender equality ■ UDHR Art. 23 ■ ICESCR Art. 1, 2, 7. ■ CEDAW Art. 11 ■ ILO Convention No. 122 	Number and rate of those who have complaints about stress and depression due to long-term unemployment	İŞKUR suggestion for survey

Table 8. Suggested Indicators for Work-Life Balance

	Heading	Relevant Human Rights and Norms	Suggested Indicator (by gender)	Suggested Data Source
1	Work-Life Balance	<ul style="list-style-type: none"> ■ Gender equality ■ Prohibition of discrimination Transformative equality, ■ Justice and equity ■ PeDEP F6 ■ CEDAW Recommendation No. 25 ■ ILO Conventions 156, 167, Workers with Family Responsibilities (Turkey is not a signatory). ■ RESC Art. 27 	<p>1.1. Daily working periods of employed persons disaggregated by their mode of employment and status and time they allocate to unpaid activities (i.e. self-employed)</p> <p>1.2. Calculation of periods allocated to paid and unpaid activities by considering time spent for travel (there is need for travel periods with respect to different activities))</p>	TÜİK Time Use Survey
2	Work-Life Balance	Same as above	<p>2.1. Number and rate of benefiting from unpaid leave after maternity</p> <p>2.2. Number and rate of benefiting from part-time work after maternity</p>	SGK (Social Security Institution)
3	Work-Life Balance	Same as above	<p>2.1. Number and rate of children under age three who benefit from institutional care services</p> <p>2.2. Number and rate of work places operating childcare facilities under the Labour Code</p> <p>2.3. Number of local daytime child care facilities operated by municipalities and number of children they serve</p>	Ministry of Family and Social Policies Ministry of Labour and Social Security Ministry of Interior General Directorate of Local Administrations

Table 8. Suggested Indicators for Work-Life Balance

	Heading	Relevant Human Rights and Norms	Suggested Indicator (by gender)	Suggested Data Source
4	Work-Life Balance	<ul style="list-style-type: none"> ■ Gender equality ■ Prohibition of discrimination ■ Transformative equality, ■ Justice and equity ■ PeDEP F6 ■ CEDAW Recommendation No. 25 ■ ILO Conventions 156, 167, Workers with Family Responsibilities (Turkey is not a signatory). ■ RESC Art. 27 	<p>4. Modes of responding to care needs of dependent persons at age 75 and over</p> <p>5.1. Number and rate of benefitting from institutional care services</p> <p>5.2. Number and rate of resorting to private caregivers</p> <p>5.3. Number and rate of those benefitting from home-based care services</p> <p>5.3.1. Number of those receiving free care from within family</p> <p>5.3.2. Number of care services provided on the basis of care benefits</p>	<p>Ministry of Family and Social Policies</p> <p>TÜİK Time Use Survey statistics and statistics of the unit for services to elderly people may be used</p>
5	Work-Life Balance	Same as above	<p>5. Modes of responding to care needs of persons with disabilities</p> <p>5.1. Number and rate of benefitting from institutional care services</p> <p>5.2. Number and rate of resorting to private caregivers</p> <p>5.3. Number and rate of those benefitting from home-based care services</p> <p>5.3.1. Number of those receiving free care from within family</p> <p>5.3.2. Number of care services provided on the basis of care benefits</p>	<p>Ministry of Family and Social Policies</p> <p>TÜİK Time Use Survey statistics and statistics of the unit for services to elderly people may be used</p>

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