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Committee on the Elimination of Discrimination against Women

Sixty-fourth session

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Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

List of issues in relation to the seventh periodic report of Turkey

Constitutional and legislative framework

1. The report submitted to the Human Rights Council (A/HRC/WG.6/21/TUR/1, para.44) informs that a draft law on anti-discrimination and equality has been submitted to the Parliament. Please provide updated information on its current status, the time frame for its enactment and its content, in particular as to whether discrimination on the ground of sexual orientation and gender identity is included in the draft law. Please also indicate if the monitoring bodies envisaged have been put in place and are effective. Please further provide information on measures taken to guarantee freedom of expression and association, as well as freedom to conduct their activities without threats or harassment for women's organisations. Please also provide information on measures taken to guarantee the human rights of women activists and defenders, as well as journalists, in particular, freedom of movement, expression, assembly and association, liberty and integrity of person, as well as access to justice. Please provide information on measures taken to prevent, investigate, prosecute and punish abuse perpetrated against them.

Access to justice and legal complaint mechanism

2. The report indicates (para.7)¹ that international conventions shall prevail in case of any contradiction among the conventions on human rights and the national legislation (art. 90 of the Constitution). Please provide information on measures taken to ensure that the judiciary, lawyers and law enforcement officials are trained in women's rights and that women in the State party are aware of their rights as per the Convention and are able to invoke those rights including through lodging of complaints with the legal system when their rights have been violated. Please also provide information on cases brought before the courts on discrimination against women, the outcome of these cases and indicate whether the Convention and article 10 of the Constitution have been invoked before the courts, in

¹ Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party (CEDAW/C/TUR/7)

particular using the new right to challenge the constitutionality of laws before the Constitutional Court.

3. The report indicates (para. 20) that the Institution of Ombudsman was established in 2012, with a special section on women's and children's rights and started to receive complaints as of March 2013. Please provide detailed information on the structure, mandate in particular regarding gender equality, human and financial resources, allocated to the Institution, and its cooperation with civil society, as well as information on the complaints of cases of discrimination against women, including on multiple forms of discrimination. Please also indicate measures taken to have the national human rights institution accredited according to the Paris Principles.

National machinery for the advancement of women

4. It is indicated (para.59) that the General Directorate on the Status of Women (KGSM) was restructured as a service unit of the Ministry of Family and Social Policies (ASPB). Reference is also made to the Advisory Committee on the Status of Women (para.60) and to the Committee on Equal Opportunities for Women and Men (para.61). Please provide updated and detailed information on the changes made to the institutions responsible for promoting the advancement of women and information on the coordination between these institutions at all levels, as well as on the mandate, human and financial resources allocated to the national machinery for the advancement of women and also clarify their links with the units and entities mentioned in para. 22-24. Please also indicate which institutions are responsible for gender equality at the provincial and local levels and how coordination is ensured between the various institutions and levels.

Stereotypes and harmful practices

5. Please provide information on measures taken to combat stereotypical attitudes and stereotypes concerning the roles and responsibilities of women and men in the family and in society, expressed in public speeches by high-level representatives of State authorities, the media, sports federations, who question the principle of equality between women and men by using derogatory language on women and/or relegating them to the exclusive role of mothers and caregivers, refusing them agency to take decision as to whether to have children and, if so, how many. Please provide information on efforts made to address stereotypical attitudes towards women who experience multiple forms of discrimination on the grounds of ethnicity, age, disability, religion, sexual orientation, gender identity or other characteristics, in particular in the media and in school textbooks. Please also provide information on measures taken to combat child and/or forced marriage, including within rural and remote regions, Turkish IDP's, refugee and asylum-seeking communities. Please explain the reasons of focusing on family instead of on women's rights in the 10th Development Plan.

Violence against women

6. The report acknowledges (para.32) that in five provinces of the State party there are no shelters for women victims of violence. Please provide information on measures taken to establish shelters in all provinces of the State party as well as in municipalities counting fewer than 100,000 inhabitants. Please also inform on the proportion of women having to first go to a temporary shelter due to lack of room in a regular shelter, the average duration of stay in a temporary shelter and the proportion of women going back to their violent husband or partner due to lack of sufficient support and/or accommodation for them to stay in a shelter.

7. The report indicates (para.49) that the State party adopted in 2012 a National Action Plan on Combating Domestic Violence against Women for 2012 – 2015. It is indicated (para.53) that the State party was planning to start in 2013 the updating of the National

Research on Domestic Violence against Women in Turkey (2008). It is also indicated (para.55) that an impact analysis of the implementation of the Law No.6284 on the Protection of Family and Prevention of Violence against Women” was planning to be conducted in 2014. Please provide updated information on the outcome of these studies and in particular indicate the number of protection and prevention orders, and the degree of respect for protection orders by perpetrators or potential perpetrators, as well as on measures taken to evaluate the efficiency and the deterrent power of these orders (para.30). Please provide information on the assessment of this plan and its outcomes, as well as information on whether this plan was extended beyond 2015.

8. In the light of the Committee’s previous concluding observations (CEDAW/C/TUR/CO/6, para.25), please provide information on whether the killings in the name of “so-called” honour have been explicitly included within the scope of article 82 of the Penal Code and classified as aggravated homicide and whether such crimes are treated as seriously as other violent crimes with regard to investigation and prosecution, in particular since they have been labelled “custom” killings. Please also provide detailed information on the incidence of these crimes, in particular in rural and remote areas, including the number of investigations, prosecutions and perpetrators punished, as well as the sentences imposed.

Participation in political and public life

9. The report acknowledges that women are underrepresented in the political and public life, in particular, in local and national decision-making bodies (para. 95), in the judiciary (para.98), in civil service (para.96), in academia (para. 99), in trade unions (para. 101) and in the diplomatic service (para.103). It is also indicated (para.68) that some political parties started to apply quotas, and (para.100) that gender based information ‘on decision-making and power mechanisms’ is compiled and published to raise awareness and increase women’s participation. In view of Art. 10 para. 2 of the Constitution, please explain why no efficient measures have been taken, such as statutory quotas or other numerical targets, to ensure in practice the equal representation of women in the above mentioned entities, in particular Parliament, the Government, the judiciary, civil service. Please indicate what other measures, including temporary special measures, have been taken or envisaged to increase the low level of women in decision-making positions in different sectors. Please indicate any obstacles to the implementation of temporary special measures in the State party as legislative and administrative processes, outreach and support programmes, the allocation of resources and the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas, in areas where women are underrepresented or disadvantaged and in both the public and private sectors. Please also indicate the results achieved by the temporary special measures that have been implemented.

Education

10. Please provide information on the measures taken to address gender inequalities in the education system, in particular the concentration of women in the traditionally feminized fields of education. Please also provide information on the impact of the new 4+4+4 compulsory education system, the rates and causes of dropout among girls at all levels of education, the monitoring mechanisms, and the potential risk of increasing child labour due to the reform. Please also indicate if there are plan to introduce education in minority languages in pre-compulsory school and primary school. Please further provide information on the revision of the school textbooks to eliminate gender stereotypes and whether age appropriate sexual and reproductive health and rights education with gender perspective is included in the school curricula and delivered by trained teachers.

Employment

11. It is acknowledged that women are concentrated in jobs that require lower qualification level and that a large proportion of women work in the services sector (paras. 150 and 151), and that there is a persistent gender pay gap (para.164). It is also indicated (para.147) that women's unemployment rate is rising. Please provide information on measures, including temporary special measures, to eliminate vertical and horizontal occupational segregation, the gender pay gap and reduce women's unemployment rate. Please also provide information on progress made towards the adoption and/or implementation of a national action plan aimed at increasing the number of women in labour market, as well as reversing their traditional sex-linked patterns of participation.

Health

12. The report indicates (para.182) that the last Demographic and Health Survey has been conducted in 2014, but the results are not published. Please provide information on the outcome of the survey regarding women's healthcare, in particular sexual and reproductive health, problems identified and measures taken to resolve them. Please also provide information on the evaluation and assessment made after the implementation of the National Strategic Action Plan on HIV/AIDS (2011-2015) and whether this plan was extended beyond 2015 (para.181).

13. It is indicated (para.176) that family planning and reproductive health services are offered free of charge by the Mother and Child Care and Family Planning Centres. Please provide information on the use of modern contraceptive methods and family planning, as well as about the obstacles, such as traditional stereotypes, that prevent women and girls from obtaining information on and access to reproductive health and services. Please indicate if there are plans to remove the need for spousal authorization for married women to obtain an abortion, and measures to prevent the practice of hospitals requiring an authorization from the partners of unmarried pregnant women or the fathers of young unmarried pregnant women. Please explain whether women can make an individual application to the Constitutional Court (para.19) if the authorization is not granted by their husband/father. If so, please provide decisions and data on cases decided by the Constitutional Court.

Rural women

14. The report indicated a number of initiatives and actions, such as trainings and awareness-raising programmes, taken by the State party to address the situation of women in rural areas, including the National Action Plan on Empowerment of Rural Women (para. 196-210). Please provide information on the evaluation and the outcome of these initiatives on rural women. Please also provide information on measures taken to increase the participation of women in rural areas in political and public life and to enhance their access to justice, protection, support and assistance when they are subjected to gender-based violence and their access to health-care services, employment, decision-making processes and economic opportunities, including in the poorest regions.

15. The report acknowledges (para.210) the challenges encountered in providing decent conditions of work for seasonal agricultural workers. Please provide updated detailed information on concrete measures taken to protect women seasonal agricultural workers, as well as information on efficiency of the Seasonal Migrant Agricultural Workers Monitoring Boards, the assessment of the "Project on improving work and social living conditions of the seasonal migrant agricultural workers".

Disadvantaged groups of women

16. Please provide information on measures taken or envisaged to overcome disadvantages faced by women and girls belonging to diverse ethnic groups, in particular

Kurdish women and girls, and whose mother tongue is not Turkish, as well as by women with disabilities, LGBTI women, with regard to their access to health, social services, education, employment and protection against violence and discrimination. Please provide information on the situation of older women in the State party, including on their access to health and social services and to protection against violence, and indicate any programmes and strategies formulated to meet their specific needs, especially for those living in the poorest regions.

Women in detention

17. The report is silent on the situation of women in detention. Please provide information on women in detention, in particular on overcrowding and access to health care, on how the conditions of women in prisons are monitored and whether they have been found compatible with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Please also provide information as to whether treatment for drug dependency is provided to women drug users in detention.

Refugees, asylum-seeking and Turkish Kurd IDPs women

18. The report does not provide information on the situation and the registration system of refugee and asylum-seeking women in the State party, and on asylum claims based on gender-related persecution. Please provide recent statistical data, disaggregated by sex and geographical location, on refugee and asylum-seeking persons, on the number of facilities available to them, as well as information on the quality of these facilities. Please also indicate whether training and guidelines are provided to the law enforcement officials and border guards on how to deal with gender-related persecution and provide protection to refugee and asylum-seeking women. Please also describe measures taken to protect refugee and asylum-seeking women and girls from violence, child and/or forced marriage, sexual harassment in the workplace, and ensure access to health, in particular reproductive health. Please also provide information on the situation of Turkish Kurd women and girls IDPs, their access to health care, education, social protection, and resettlement possibilities.

Women, peace and security

19. Please provide information on measures taken to support the participation of women in formal and informal conflict prevention and resolution efforts and indicate the steps to adopt a national action plan for the implementation of Security Council Resolution 1325 (2000). Please explain whether women affected by conflict, in particular, Kurdish women and girls and women and girls affected by the conflict in Syria, have been and are provided with adequate access to justice, redress and assistance, including psychological assistance, in line with the Committee's General Recommendation No.30 (2013) on women in conflict prevention, conflict and post-conflict situations.

Marriage and family relations

20. Information before the Committee indicates that a Constitutional Court's decision (June 2015) grants imams the power to conduct a religious wedding ceremony without the previous official civil marriage, which might cause an increase in child and/or forced marriage and polygamy and deny women and children legal and economic protection if these unions are dissolved. Please provide detailed and updated information on the legislation in force on marriage and family relations, as well as information on measures taken to decrease the practice of child and/or forced marriage and polygamy in the State party (para.223). Please indicate whether the review of the remaining discriminatory provisions and increase of legal age of marriage are envisaged.