

Shadow Report on the 8th Periodic Review of Turkey

Submitted by

The Executive Committee on NGO Forum for CEDAW

to the

United Nations

Committee on the Elimination of All Forms of Discrimination

Against Women

for submission to the 81st Session of CEDAW

July 2021

INTRODUCTION

1. This Shadow Report¹ aims to draw attention to discrimination against women and girls in Turkey. The forms of discrimination experienced have been grouped under 5 headings: Legal Framework, Participation in Political Life and Decision-making Mechanisms and Special Temporary Measures, Employment, Education and Violence against Women (VAW). The discrimination faced by women with disabilities, LGBTI+ women, refugees, asylum-seekers and migrant women and girls is discussed under each heading.
2. **Since 2016, none of the CEDAW Committee Recommendations have been implemented or progress made regarding findings of the Shadow Report on the 7th Periodic Review including those highlighted by the Committee in the Concluding Observations.**²
3. The introduction of a legal package called the “internal security law”³ ushered a period of significant regression of rights and freedoms. This process **has transformed into a phase of re-designing the entire legal system in the aftermath of the state of emergency, declared on 20th July 2016.** A constitutional amendment, enacted following a referendum during the state of emergency, ended the parliamentary system of government. **A healthy and effective separation of powers between legislature, executive and judiciary has not been ensured within the Constitutional structure⁴ as powers continue to accumulate at the Presidential level.⁵ All the legal regulations and amendments, introduced in violation of the Constitution and international standards, have rendered institutions dysfunctional and put**

¹ The Executive Committee on NGO Forum for CEDAW consists of 20 independent gender-based women's and LGBTI+ organisations that are working to promote and protect women's and LGBTI+ rights. However, this report is the product of a collaborative effort including many other women's rights organisations.

² CEDAW/C7TUR/Q/7, paragraphs 9, 10 and 11

³ <https://www.tbmm.gov.tr/kanunlar/k6638.html> The Law no. 6638 on Amending the Police Powers and Duties Law, the Law on the Gendarmerie's Organization, Duties and Authorities, and Some [Other] Laws

⁴ CEDAW/C7TUR/Q/7, paragraph 8

⁵ https://www.avrupa.info.tr/sites/default/files/uploads/Memo_Turkey_TR.pdf

independent and impartial civil society organisations (CSOs), primarily women's organisations, at risk of being closed down⁶ or being appointed trustees by the Ministry of the Interior.

4. **All these changes within the legal system and increasing autocratic tendencies have directly impacted women's rights and significantly limited and reduced the activities of independent women's organisations.** Democracy and freedom to participate are ignored and prevented through legal amendments, resulting in a complete absence of legal security. The constitutional debate introduced by government in February 2021 yields possibilities leading to new anti-democratic practices.⁷ First, a Human Rights Action Plan⁸ containing goals to expand human rights and freedoms was announced on 2nd March 2021, and then came **the announcement on 19th March 2021 of withdrawal from the Istanbul Convention with a presidential decree issued at midnight, revealing reason for concern.**⁹ A campaign, initiated in 2020 with support from government officials,¹⁰ men's groups, cults and media opposing the Convention, was concluded with a notification to the Council of Europe of the decision to withdraw from the Istanbul Convention in utter disregard of women, women's organisations, Parliament and Constitutional provisions.¹¹ **The campaign against the Convention, backed by government, proceeded by targeting independent women's organisations and LGBTI+women and LGBTI+women's organisations,**¹² **attacking Law no. 6284 on the Protection of the Family and the Prevention of Violence against Women introduced in 2012 and finally CEDAW and even the Lanzarote Convention.**¹³ No state institution, including the General Directorate on the Status of Women (GDSW) or the Committee on Equality of Opportunity for Women and Men

⁶ <https://siviltoplumsusturulamaz.org/>

⁷ <https://bianet.org/archives/search?utf8=%E2%9C%93&q=women%27s+coalition&sec=english>

⁸ <https://www.bbc.com/turkce/haberler-turkiye-56270862>

⁹ <https://kadinkoalisyonu.org/the-istanbul-convention-is-a-guarantee-for-womens-and-lgbtis-human-rights-the-istanbul-convention-saves-lives/>

¹⁰ <https://www.gazeteduvar.com.tr/politika/2020/07/02/numan-kurtulmus-istanbul-sozlesmesinin-imzalanmasi-yanlisti>

¹¹ https://global.tbmm.gov.tr/docs/constitution_en.pdf

According to the Constitution, withdrawal from a convention on fundamental rights and freedoms cannot be regulated through a Presidential decree.

¹² <https://www.evrensel.net/haber/428580/ankarada-kadin-meclislerinin-istanbul-sozlesmesi-eyleminde-iki-gozalti>

¹³ <https://www.amerikaninsesi.com/a/icisleri-bakani-suleyman-soyly-lgbt-sapkinlari-twitter-tweet-uyari-nefret/5762054.html>

(KEFEK), has reacted to the decision or provided explanations. **Turkey's announcement of its withdrawal from a human rights Convention, as the first signatory, in a move the likes of which has never been seen in Turkey or Europe, constitutes a grave threat to the struggle for women's rights and the implementation of Law no. 6284 and CEDAW.**

5. **The GDSW, the "so-called" national mechanism, has lost its function and become invisible.** Meanwhile, equality institutions, including KEFEK, the Human Rights and Equality Institution of Turkey (HREIT), the Ombudsman Institution (KDK), are not only unable to fulfil their duties and responsibilities, but HREIT, in particular, is leading campaigns against the Istanbul Convention and Law no. 6284. There is currently no institution left to advocate for women's rights and develop policies for women with a gender equality (GE) perspective.
6. The GDWS does not involve independent women's organisations in any of its activities including the preparations of the Country Report and policies that would affect women. **Policies, which are not developed with a participatory approach, are stripped of their GE elements.** Furthermore, the scope of all activities being limited to the protection of the family and the removal of the definition of "gender" and the concept of "the individual" from all documents (Development Plans, Action Plans etc.) prepared by public institutions, demonstrate that the obligations related to promoting GE have been abandoned.
7. **This serious shift in paradigm means, the discourse and actions of collective political will, which does not recognize women as individuals and defines them within the family and by virtue of their motherhood, are becoming increasingly extreme.** Despite constant criticism from CSOs for its continued failure in developing women-centred policies, the government seems to be persistent in pursuing and implementing policies with family focus and failing to recognize women as individuals. While developing such strategies and policies, **instead of independent women's and LGBTI+women's organisations who have always created a climate of solidarity at the local, national and international level, making significant contributions to all legislation enacted for women's rights, the government has been highlighting the support of government-organised non-governmental organisations (GONGOs),**

whose numbers have recently grown exponentially, as if they were independent CSOs.

8. Furthermore, **they label women and human rights advocates who do not share their views and prefer different lifestyles as terrorists**, detaining them, targeting them and threatening to close down their organisations. LGBTI+women are openly declared deviant and targeted.¹⁴
9. Consequently, the **Country Report** submitted by Turkey to the CEDAW Committee for the 8th Periodic Review is **riddled with contradictory and inaccurate information**. The limited gender-disaggregated data, generated in few areas, points to the existence of a chronic problem. A significant portion of available data is outdated, misleading and contradictory. These datasets are maintained by public institutions and organisations, are not shared with CSOs or made public. Although some of the awareness raising trainings on GE and VAW, mentioned in the Country Report and claimed to be organised by various public institutions like the GDSW, were completed over 10 years ago (eg: training for law enforcement, religious officials or health workers) and participants have either retired or left their positions, the government continues to submit the same data in every periodic review, as if the data were new. **Furthermore, since 2015, no information has been provided regarding the design, type, location, trainers qualifications or the content of these trainings and impact analyses are either not performed or not shared.**
10. Gender inequality and discrimination are only broadly addressed in the 10th Development Plan and have been removed altogether in the 11th Development Plan (2019-2023). **Notably, GE has been removed entirely from broader policies and the policy documents of all ministries.**
11. **The inadequate implementation of “the welfare state principle” has made women, the most visible face of poverty, making them the largest group applying for social assistance.** The pandemic has led to greater unemployment, dispossession, and poverty among women with an ever-growing impact in every field.

¹⁴ <https://www.diyanethaber.com.tr/diyanet-haber/diyanet-isleri-baskani-erbastan-sapkinlik-uyarisi-h6308.html>

LEGAL FRAMEWORK

Chronic Shortcomings and Regression:

12. **In the 35-years since Turkey became party to CEDAW, no progress has been achieved in certain areas related to the prevention of discrimination and violence against women and in implementing GE. While it was hoped that the existing chronic gaps, would one day be addressed, intention to abandon even the existing legal commitments has been clearly announced for the first time, with the withdrawal from the Istanbul Convention as the first major step in this direction.**
13. After the positioning of the President as the single Executive power, all public institutions and organisations, primarily the judiciary, were restructured parallel to the regression in legislation. The Council of Judges and Prosecutors (CJP) was restructured to be more dependent on the Executive. **Consequently, "Judiciary" has become one of the least trusted institutions in Turkey.**¹⁵ Another step towards increased influence of the Executive on judiciary, was a legal amendment, making it possible to establish multiple Barr Associations in one province, to the Attorneys' Law no. 1136 introduced in 2020 despite opposition from all Barr Associations. **The amendment aims to place attorneys under the control of the Executive by establishing 'GONGO' Barr Associations.**¹⁶ Using the state of emergency declared in 2016 as a pretext, several municipalities were appointed trustees, which placed them directly under the authority of the Executive.¹⁷ The advisory, support and equality units, which had been established to struggle against VAW within municipalities, which were later appointed trustees, were closed down. Efforts to also place civil society under the influence of the Executive gained momentum with the closure of rights-based women's organisations. Additional legal regulations introduced in 2021 were added to the already restrictive legal framework provided by Law no. 2860 on Collection of Aid and Law no. 5253 on Associations regarding freedoms of CSOs.¹⁸

¹⁵ <https://www.sozcu.com.tr/2020/gundem/yargitay-baskani-da-yargidan-sikayetci-5665659/>
<http://sodev.org.tr/sodev-yargi-bagimsizligi-ve-yargiya-guven-arastirmasi-raporu-aciklandi/>

¹⁶ <https://www.dw.com/tr/%C3%A7oklu-baro-d%C3%BCzenlemesi-tbmmde-kabul-edildi/a-54136119>

¹⁷ <https://www.cumhuriyet.com.tr/haber/kayyimlarin-ilk-isi-kadin-merkezlerini-kapatmak-oldu-717802>

¹⁸ Law no. 7262 on Preventing Financing of Proliferation of Weapons of Mass Destruction. While the abundance of legislation in the context of legal activity is a chronic issue, the Presidential System of Government has transformed the introduction of "legal packages," introducing individual amendments to laws

14. **Women with disabilities¹⁹, refugee, asylum seeker and migrant women²⁰, and elderly women²¹ facing intersectional discrimination, living in difficult contexts, cannot exercise their fundamental rights and freedoms and the crimes committed against them often go unpunished.**

15. **The chronic gaps awaiting progress for the last 35 years are as follows:**

- Comprehensive legislation on preventing discrimination, in accordance with the Convention, is yet to be introduced.²²
- Turkey has neither a constitutional provision on equal political representation nor a parity law on its agenda.
- No regulations regarding substantive or procedural rules have been introduced in the Penal Code or the Code of Criminal Procedures to ensure the recognition of gender-based violence and discrimination against women as a crime in accordance with international standards and to prevent impunity, which is also specified in the Istanbul Convention as an obligation including the various widespread forms of VAW such as stalking, forced marriage or digital violence.
- Civil Code amendments on the following issues have been demanded for years with no success:
 - Increasing the minimum age of marriage to 18,
 - Ensuring that women can maintain their own surnames after marriage or can give their own surnames to their children,
 - Eliminating the waiting period that obliges women to wait 300 days before remarrying after divorce,
 - Applying the regime of participation in property acquired prior to divorce to marriages before 2002.

on different subjects, which should normally be an exception, into a rule by squeezing various restrictions to fundamental rights and freedoms, and controversial topics into package laws, leading to the enactment of such laws with less opposition and public debate.

¹⁹ Law no. 5378 on accessibility was extended for the second time in 2020, "the Year of Accessibility", using the pandemic as a pretext.

²⁰ <https://www.evrensel.net/haber/423282/multeci-kadinlar-cinsel-siddete-maruz-kaliyor-kurumlara-guvenmedigi-icin-basvurmuyor>

The "pilot province" practice for refugees restricts access to services and rights for women, trying escape violence, live alone or are single parents.

²¹ <https://tr.sputniknews.com/turkiye/202103251044112314-87-yasindaki-kadinin-dogdugundan-beri-kimligi-yok/>

²² The provision in Article 122 of the Turkish Penal Code has many shortcomings addressing a very small portion of discriminatory acts in an indirect manner.

16. Non-implementation or insufficient implementation of national and international legislation regarding existing rights and freedoms is deepening every day. In this context,

- Most legal practitioners act with an approach that focuses on protecting the family and refraining from "exaggerating"²³ the issue of VAW, making the **implementation of Law no. 6284 particularly challenging.**
- Courts still allow child marriage due to legal proceedings such as "adjustment of age" and a regulation allowing child marriages "to be allowed in emergencies" leaving children's rights unprotected.²⁴
- Barriers hindering access to alimony are created for divorced women and their children, who live in poverty, and alimony amounts are reduced.²⁵
- Civil courts regard men, engaging in acts of violence and women, failing to fulfil their traditional roles as being equally at fault in divorce cases, leading to sexist distribution of labour and the VAW crime is ignored.²⁶
- Abortion rights are prohibited in practice through instructions sent to healthcare facilities preventing them from enabling women to exercise their lawful abortion rights.²⁷
- Provisions of the Penal Code are not implemented effectively against perpetrators of VAW (eg: the crime of torment in Article 96 does not apply to acts of VAW).
- Hate crimes against LGBTI+women are neither investigated nor prosecuted.
- The Misdemeanour Law is exploited by law enforcement and watchmen to criminalise trans women.²⁸
- Women who had to kill their perpetrators to protect their own lives cannot benefit from articles on self-defence or reduced sentences.

17. Meanwhile, despite the prohibition of compulsory mediation in VAW cases in accordance with the Istanbul Convention, since 2017 women have been forced to

²³ <https://tele1.com.tr/akpli-nergis-kadin-cinayetleri-abartiliyor-oldurulen-erkek-sayisi-bunun-12-kati-342766/>

²⁴ <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.4721.pdf> Article 124/II of the Turkish Civil Code

²⁵ <http://kadinlaricin hukuk.org/wp-content/uploads/2019/12/Yoksulluk-Nafakas%C4%B1-Raporu.pdf>

²⁶ https://kockam.ku.edu.tr/wp-content/uploads/2020/06/KOCKAM_Rapor_TR_revised.pdf

²⁷ <https://www.morcati.org.tr/attachments/article/370/kamu-hastaneleri-kurtaj-uygulamalari-arastirma-raporu.pdf>

²⁸ <https://kaosgldernegi.org/images/library/2020human-rights-of-lgbti-people-2019-report-1.pdf>

meet and reach settlements with perpetrators of violence. Withdrawal from the Istanbul Convention has also increased concerns in this respect.

- Insufficient attention is paid to protecting women's personal data.
- Perpetrators of VAW continue to be granted reduced sentences for good conduct or unjust provocation, with justifications such as culture, customs, religion, traditions or so-called “honour”.
- In criminal proceedings, not requiring heavy sentences, decisions to defer the announcement of the judgment are rendered, committed perpetrators are protected by practices like probation, remission, pardon, etc. and the policy of impunity and criminal injustice for discrimination and VAW continues.

18. No information is provided regarding mechanisms like protection desks mentioned in the 7th Periodic Country Report and the Interim Report submitted in 2018. Similarly, the Draft Law on Judicial Support and Victim Services mentioned in Article 51 of the Interim Report has not yet been adopted. Regulations and pilot implementations that protect victims are not being implemented in practice, either.

19. **Further examples of regression include:** The roadmap for shifting from established commitments made in legislation was announced and adopted for the first time in a report prepared by the Divorce Committee, established in the GNAT in 2016. The 479-page report put all legal regulations regarding discrimination and VAW up for debate.

- The Committee recommended removing GE from all official documents, developing proposals for amendments, making issuing injunction orders under Law no. 6284 difficult in the pretext of “protecting the family” and even proposed abolishing the Law entirely.
- The Committee’s proposals related to women's surnames, marriage age, alimony and property regimes in the Civil Code and Article 103 of the Penal Code, which regulates issues around sexual exploitation of children, which could mean pardoning child-aged early and forced marriages, are persistently kept on the agenda.
- The Committee also proposed introducing mediation services mediated by graduates of theology using religious references for domestic violence and divorce cases, disempowering women, aiming to convince them to return to the context of violence.

- Such proposals have constantly been kept on the agenda by government officials and with debates organised, seeking only inputs from GONGOs and groups against women's rights. Crimes against women and perpetrators of such crimes are extolled by highest-ranking officials.
 - Hate speech, targeting LGBTI+women, from the highest levels of government has become prevalent.²⁹
20. The discussion culminated in **the withdrawal from the Istanbul Convention on 19th March 2021. Following this decision, the same men's groups, media and certain cults have stated that CEDAW would be next.**³⁰
21. **These debates and amendments resulted and will continue to result in a lack of systematic and continuous implementation of CEDAW.**

COVID-19 Pandemic:

22. Under the extraordinary legal regime onset by the COVID-19 pandemic, VAW and domestic violence have increased in Turkey, just as they have globally.³¹ While the State failed to introduce any special temporary measures, the CJP announced, in article 10 of its circular on Additional Measures for COVID-19 from 30th March 2020, that ***"injunction orders issued under Law no. 6284 must be considered³² in a manner which does not negatively affect the health of those liable, due to the COVID-19 pandemic."*** This order, which is in violation of the law, instructed judges that they may not issue restraining orders against perpetrators of violence using the COVID-19 pandemic as a pretext.
23. While most women, subjected to violence during the pandemic, do not have anywhere to plead their cases, prosecutors, courts and law enforcement officials, mandated to implement the laws, often provide misleading and/or incomplete

²⁹ <https://www.frontlinedefenders.org/en/statement-report/end-hate-speech-and-targeted-attacks-against-lgbti-people-turkey>

³⁰ <https://www.yenicaggazetesi.com.tr/abdurrahman-dilipak-istanbul-sozlesmesinden-sonra-yeni-hedefin-ipucunu-verdi-435366h.htm>

³¹ <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-Pandemic>

<https://www.kadinininsanhaklari.org/wp-content/uploads/2021/02/Salg%C4%B1nda-Kad%C4%B1n-Olmak-K%C4%B1sa-Rapor-Final.pdf>

³² <https://www.hsk.gov.tr/Eklentiler/files/uu.pdf>

information to women and prevent them from accessing their rights to escape violence.³³

24. With the introduction of amendments to legislation on execution of sentences in 2020, in the context of COVID-19 measures, perpetrators, convicted for the acts of VAW were released without any measures or informing victims and their families.

Call for Action:

- a) Strong recommendations should be issued to the government to re-enact the legislative amendments directly impacting women's human rights, revive legal securities which were removed and implement the Constitutional provisions on equality.
- b) Obligations of the State in preventing discrimination and VAW, which have become a part of international customary law as observed in CEDAW General Recommendation 35, should be reiterated, including obligations related to sexual orientation and gender identity in accordance with CEDAW General Recommendations 27 and 33. It should be highlighted that withdrawal from the Istanbul Convention does not end the commitment and obligation to prevent violence and discrimination against individuals with different sexual orientations or gender identities and immediate measures should be recommended in this respect.

PARTICIPATION IN POLITICAL LIFE AND DECISION-MAKING MECHANISMS AND SPECIAL TEMPORARY MEASURES

25. **The call for the protection of the constitutional order, the Committee underlined in its Concluding Observations, has unfortunately gone unheeded. Basic human rights are diminishing by day. Even the slightest effort to seek one's rights, like 8th March celebrations, results in imprisonment, investigations, detention and physical violence.**³⁴

³³ <https://en.morcati.org.tr/reports/combating-violence-against-women-during-the-coronavirus-outbreak-monitoring-report/>

³⁴ <https://www.bbc.com/turkce/haberler-turkiye-56355921>
<https://gazetekarinca.com/2017/03/kayyumlarin-ilk-hedefi-kadin-kurumlari-iste-kapatilan-52-kadin-merkezi/>

26. Independent women's organizations have been replaced by GONGOs in policy-making, decision-making and legislative processes.
27. **The limited participation of women in politics and public life demonstrates the systematic nature of the ongoing gendered exclusion.**
28. **Turkey's rankings in international indices are clear indicators of the gravity of the situation.** Turkey ranked 92nd in 163 countries on the 2020 Social Progress Index and 162nd in terms of the equality of political power by gender, 133rd in 156 countries on the Global Gender Gap Index³⁵ and 114th in political participation.
29. **Political participation of women has not improved over the last 4 years.** As of 2021, the ratio of women parliamentarians is 17.24% and the number of women ministers is only 1. 34 provinces in 81 are not represented by women in Parliament. Only 2 in 18 parliamentary committees are chaired by women (KEFEK and the Petition Committee),³⁶ no women Chairs of Parliament, only 2 women governors in 81 provinces (4.72%), university rectors is 8.54% and ambassadors is 25.09%. In local administrations,³⁷ only 2.95% of mayors, 11% of municipal council members, 3.7% of provincial council members and 2.16% of mukhtars are women. These numbers are extremely low when compared with the global average (26%). **Structural, socio-economic and institutional barriers, inhibiting equal political participation, which violates the principles of CEDAW still exist, constituting the most significant barrier to economic development.**³⁸
30. **There are no special measures to ensure the political participation of women with disabilities or data on their representation.**
31. **Participation of LGBTI+ women remain a red line in politics** and is never put on the political agenda. They are invisible to politics.³⁹
32. **There have been no positive developments in equal representation and participation since 2016. Therefore, the observations made in the previous period and calls for action have not changed.**

³⁵ <https://tr.euronews.com/2021/04/01/cinsiyet-esitsizligi-endeksi-nde-turkiye-156-ulke-aras-nda133-s-raya-geriledi>

³⁶ <https://komisyon.tbmm.gov.tr/>

³⁷ <https://www.ysk.gov.tr>

³⁹ <https://kaosgl.org/en/single-news/lsquoakp-could-not-reach-its-goal-with-hate-campaignrsquo>

Call for Action:

- a) Constitutional provisions as well as a parity and equal representation law should be enacted to ensure equal representation and participation of women.
- b) All laws on political parties and elections should be amended to align with equal representation and participation of women.
- c) The political participation and representation rights of LGBTI+women and women with disabilities should be guaranteed by law.
- d) Necessary measures should be put in place to eliminate all forms of violence faced by women at all levels and stages of participation in politics and decision-making mechanisms.

EMPLOYMENT

33. Since the introduction of the Presidential System of Government, all the policy documents developed within the scope of the 11th Development Plan,⁴⁰ adopted in July 2019, **reject “the gender perspective”**, mentioning instead an approach focusing on women's empowerment through gender stereotypes and roles, further deepening inequalities.
34. **Low labour participation rates of women are continuing and even spreading.** The ratio of women in the total labour force is 31% and only 26% in the employment market. As of December 2020, 73% of the female population in the 15-24 age group could not participate in the labour force and 82% in employment. The unemployment rate increased to 32.32%. While labour market participation is exceptionally low among young women, their ratio in unemployment is rising.⁴¹
35. **The Program for Protecting the Family and the Dynamic Structure of the Population (ÖDÖP), introduced in 2015, defines women in terms of their “roles as mothers” and causes women to work in flexible and precarious jobs.**⁴² While one of the obstacles to women's participation in the labour market is their care responsibilities, the approach which encourages at least three children per household, **constitutes an indirect**

⁴⁰ https://www.sbb.gov.tr/wp-content/uploads/2020/06/Eleventh_Development_Plan-2019-2023.pdf

⁴¹ <https://data.tuik.gov.tr/Bulten/Index?p=Isgucu-Istatistikleri-Ocak-2021-37486>

⁴² <http://disk.org.tr/2015/01/ailenin-ve-dinamik-nufus-yapisinin-korunmasi-paketine-itirazimiz-var/>

barrier to women's labour force participation. These mechanisms reduce the duration women stay in the labour market, delay their retirement, hinder their career developments and prevent them from progressing in their professions and prevent women from being employed in the private sector. **The program also encourages early marriage,⁴³ presenting marriage as the only option for young women in the 15-29 age group who are neither in education nor in employment.**

36. **The National Employment Strategy (2014-2023) does not identify any objectives for women's groups⁴⁴ for whom special employment policies are needed.**
37. No data exists related to **The National Monitoring and Coordination Board on Women's Employment⁴⁵** to be established to monitor and evaluate the activities carried out by all stakeholders for the identification of existing problems and their elimination and to ensure coordination and cooperation.
38. **While the most significant problem in the agricultural sector is informality (93.7%) 90.8% of women working in agriculture lack social security due to high premium payments.⁴⁶**
39. **Women often work in small businesses, are employed in low-profile jobs and in informal economy where professional competences are not sought.⁴⁷** The ratio of women with social security is 30.5%. Private sector employers will benefit from incentives for employing women until the end of 2020 under provisional articles 19 and 21, added to the Unemployment Insurance Law no. 4447 in 2018. **However, there is no monitoring or data sharing on the extent these incentives increased women's employment.**
40. Child-care services are limited to the number of female employees, preventing women from entering the labour market due to care responsibilities.. While the **Strategy Paper and Action Plan on Women's Employment (2018-2023)⁴⁸ foresees legislative amendments, they have not been introduced.**

⁴³ https://sbb.gov.tr/wp-content/uploads/2018/10/22AileninveDinamik_Nufus_Yapisinin_Korunmasi_ProgramiBASKI.pdf Policy 3.4.

⁴⁴ The working poor, irregular women migrants/refugees/asylum-seekers, sex workers, women whose spouses are incarcerated, LGBTI+, etc.

⁴⁵ 8th Periodic Country Report, paragraph 145

⁴⁶ <https://ekmekvegul.net/gundem/tarimda-calisan-kadınların-yuzde-90i-kayıt-disi>

⁴⁷ <https://www.tuik.gov.tr/>

⁴⁸ <https://www.aile.gov.tr/ksgm/ulusal-eylem-planlari/kadınin-guclenmesi-strateji-belgesi-ve-eylem-planlari-2018-2023/>

41. **As of December 2020, the unemployment rate for women is 14%.⁴⁹**
42. **The rule making it mandatory to employ persons with disabilities is not implemented in all sectors, and relevant administrative sanctions are not enforced effectively.** The public sector favours the employment of men with disabilities. While women with disabilities are the last group to be included in employment, they are the first to be laid off.⁵⁰ **According to TurkStat (2019), the labour force participation rate of women with disabilities is only 12.5%.⁵¹**
43. LBTI+women experience gender-based discrimination in job applications, too, and cannot participate in the labour market with their open identities due to risk of not being employed.⁵²
44. **Delays in recognizing educational credentials force educated refugee and asylum-seeker women to work in low-skilled and informal jobs.** Most refugee women, employed in casual work, faced unemployment and hunger during the pandemic

COVID-19 Pandemic:

45. **51% of employed women had to interrupt their careers due to the COVID-19 pandemic (26% were fired and 25% took unpaid leave).** School closures, no/limited access to markets, increased hygiene/care requirements for the sick and elderly triggered an unprecedented increase in demand for household production and care labour. Women became the main actors in coping with this increased demand by increasing their working hours both in unpaid work and paid work.⁵³ **The number of women excluded from the labour market has further increased during the pandemic.⁵⁴**

⁴⁹ <https://data.tuik.gov.tr/Bulten/Index?p=Isgucu-Istatistikleri-Ocak-2021-37486>

⁵⁰ <https://dergipark.org.tr/tr/pub/akuned/issue/52842/678904>

⁵¹ A parliamentary inquiry on “Resolving Issues Faced by Citizens with Disabilities and Increasing Employment Opportunities,” was proposed on 3rd December, Persons with Disabilities Day. However, the proposal was rejected because ruling party voting against it.

⁵² <https://kaosgldernegi.org/images/library/2020ozel-sektoreng2019.pdf>

<https://kaosgldernegi.org/images/library/2020kamu-eng-2019.pdf>

⁵³ <https://www.tr.undp.org/content/turkey/en/home/library/corporatereports/COVID-gender-survey-report.html>

⁵⁴ <https://ihd.org.tr/en/ihd-special-report-economic-and-social-rights-during-the-covid-19-pandemic/>

46. Those working in informal, casual and precarious jobs, **32.5% of which are women**,⁵⁵ were affected most by the pandemic. Although women working in home-based jobs work informally, their problems continue because they are not included in official data related to informal employment rates. There is a need to develop new datasets to determine whether women working at home can be categorised as home-based workers.⁵⁶
47. The gender pay gap was 15.6% in 2018. While the pay difference between women with children and those without was 11%, the difference between mothers' pay and fathers' pay was 19% with mothers earning lower than fathers.⁵⁷
48. **The remote work model, has increased gender-based inequalities, and closure of schools and child-care centres, as well as family members staying at home, substantially increased women's workloads.**

Call for Action:

All policy documents including the Development Plan should be revised with a GE perspective.

- a) All national policies that encourage women's employment, should develop legal and institutional mechanisms needed to ensure work-life balance as a major component.
- b) A National Strategy for Women's Employment should be developed including independent women's organisations, trade unions and professional associations as major components.
- c) All legal regulations regarding child-care services should be developed based on number of employees.

⁵⁵ <https://data.tuik.gov.tr/Bulten/Index?p=Isgucu-Istatistikleri-Ocak-2021-37486>

⁵⁶ <https://tuikweb.tuik.gov.tr/PreHaberBultenleri.do?id=30906>

(In the section on the breakdown of average duration of home-to-work commute, 7% women employed in paid and casual work, 34.4% self-employed women and 15.9% women who work in unpaid family work stated that they work at home.)

⁵⁷ https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_756659.pdf

- d) Special regulations, protecting women should be included in social assistance, employment and income protection programs during emergency periods (earthquakes, pandemics, etc.).
- e) TurkStat needs to develop new modules for disaggregated data collection for domestic services and home-based workers.
- f) The scope of all labour laws should be expanded to prevent discrimination based on sexual orientation, gender identity and disability.

EDUCATION

- 49. The Ministry of National Education (MoNE) removed the concept of 'gender' from all policy documents, curricula and textbooks.
- 50. The "Promoting Gender Equality in Education Project" (**ETCEP**) began with EU financing in 2014 as one of MONE's exemplary projects, implemented in 162 schools. **In early 2019, the project was abandoned due to reactions from certain circles.**⁵⁸
- 51. **Compulsory education lost its uninterrupted 12-year structure with the introduction of the 4+4+4 educational system in 2012.** The enrolment rate for girls in the **10-13 age group was 96.10%** in the 2019/2020 school year while the rate in the **14-17 age group dropped to 84.85%**. Furthermore, in the 15-29 age group, 18.3% of young persons, neither in education nor in employment were men while 40.8% were women. This difference manifests itself in the lives of girls as unpaid domestic labour, care givers for elderly and children and **child-aged, early and forced marriages**.
- 52. Dismissal of students who marry and their transfer to Open High Schools (OHS), Open Vocational High Schools (OVHS) or Open Imam and Preacher High Schools (OIPHS) via e-school **through the amendment to the Regulation on Secondary Education Institutions in 2017,**⁵⁹ has focused attention on increasing ratios of girls (%43.7)⁶⁰ in OHS and **child-aged, early and forced marriages**.
- 53. Girls' enrolment in Vocational - Technical Secondary Education decreased by 4.2% in the 2018-2019, compared to the previous academic year. Meanwhile, girls make up

⁵⁸ <https://kaosgl.org/en/single-news/chair-of-higher-education-council-we-cannot-be-related-with-any-abbreviation-like-lgbti>

⁵⁹ https://ogm.meb.gov.tr/meb_iys_dosyalar/2019_09/13111232_YONETMELYK.pdf

⁶⁰ <https://www.egitimreformugirisimi.org/egitim-izleme-raporu-2020-egitim-yonetisimi-ve-finansmani/>

the majority in religious education with 55.9%⁶¹ and in OIPHS with 60.2%.⁶² **The increasing direction of girls to religious education is concerning.**

54. Despite the MoNE, Board of Education provision on safeguarding GE in review criteria, used for textbooks and resource books, it examines/approves/publishes, **many books approved by the Board include visuals and discourse containing gender inequalities.**⁶³
55. The Council of Higher Education (YÖK) removed the **Conclusions of the “Gender Sensitive Higher Education Workshop,”** (Position Paper) prepared by the Committee on Women's Studies and Issues in Academia in 2015, **from its website in February 2019 and ended the Gender Equality Project.**⁶⁴
56. The titles and activities of **Women's Studies Centres** in universities became **“Women's and Family Studies Application and Research Centres”**⁶⁵ and “family-centred policies” in higher education, reflect YÖK's approach to GE.
57. **“The establishment of women's universities for female students only,” included in the 11th Development Plan and the 2021 Annual Presidential Program, will lead to significant levels of discrimination,** violating the Constitution and the “principle of mixed education” of the Basic Law of National Education and women's rights to education. Women studying in mixed higher education institutions could also face harassment, violence, and discrimination. The detention of women who voice such concerns is even graver.⁶⁶
58. Despite the provisions of the Primary Education and Education Law (Art.59,1 and 2), stipulating, persons of primary education age, not attending school, may under no circumstances be allowed to work. However, perceiving the situation of child labour is impossible due to the lack of data. Moreover, employment has affected non-

⁶¹https://dspace.ceid.org.tr/xmlui/bitstream/handle/1/1068/06123056_meb_istatistikleri_orgun_egitim_2017_2018.pdf?sequence=1&isAllowed=y

<https://dspace.ceid.org.tr/xmlui/handle/1/851>

⁶²<http://dspace.ceid.org.tr/xmlui/handle/1/1068>

⁶³https://www.researchgate.net/publication/344541762_2017_Mufredat_Reformu_Sonrasi_Ders_Kitaplarinda_Toplumsal_Cinsiyet_Esitligi_Gender_Equality_in_the_Textbooks_of_2017_Curricula

⁶⁴<http://sendika63.org/tag/yuksekokretimkurumlarinda-toplumsal-cinsiyet-esitligi-tutum-belgesi/>
<https://www.hdp.org.tr/tr/yuksekokretim-kurumlari-toplumsal-cinsiyet-esitligi-projesinin-durdurulmasina-iliskinonergemiz/12895>

⁶⁵ <https://www.diken.com.tr/yonetmelik-degisikligi-aillesiz-kadin-calismalari-merkezi-bile-olamadi/>

⁶⁶ <https://www.gazeteduvar.com.tr/kadin-universitesi-istemiyoruz-diyen-kadinlar-gozaltina-alindi-haber-1513527>

enrolment rates for girls (35.6%) in the 15-17 age group more heavily than boys (21.7%).⁶⁷

59. While the literacy rate for women is 95.3%, it is 67.6% for women with disabilities.

The level of education for women with disabilities is lower than men with disabilities at all educational levels.⁶⁸ Girls with severe disabilities do not usually attend formal education and are directed to open high schools.⁶⁹ **Only 1 in 10 children with disabilities can benefit from inclusive/integrative education**, significantly reducing girls' chances of attending schools.

60. Education is another area where LGBTI+women have to hide their identities. Regulations in educational boarding facilities involve criteria which is ambiguous, like "acting against public morals" or "not leading a chaste life," used to justify discrimination against LGBTI+women.⁷⁰

61. Problems facing refugee children, registered with Temporary Education Centres and e-schools continue, particularly due to language barriers. Refugee girls are often directed to Imam and Preacher Schools because they speak Arabic.

COVID-19 Pandemic:

62. The interruption of educational activities on 20th March 2020 was one of the first and most comprehensive measures related to COVID-19. The transition to remote digital education created challenges in accessing education particularly for girls and women.⁷¹ Challenges experienced are multiplied in risk groups with special needs. In homes with only one computer or tablet and multiple children, priority favours boys using it. **Few households have IT tools for each child. Accessing relative data was not**

⁶⁷ <https://dspace.ceid.org.tr/xmlui/handle/1/852>

⁶⁸ <https://www.tohad.org/tohad/bm-engelli-kisiler-turkiye-raporu/>

⁶⁹ <https://turkey.unfpa.org/sites/default/files/pub-pdf/Engelli%20kadinlar%20ve%20kiz%20cocuklari-Haklar-TAPV-UNFPA-BA.pdf>

⁷⁰ In 2019, the Credit and Hostels Institution cut the scholarship and loan payments of students who attended the "Middle East Technical University LGBTI+ Pride March" and were detained. In the same year, an administrative investigation was launched about the trainers for having included "sexual orientation" and "gender identity" among the topic addressed in a training event on "Sexism and Bullying Based on Sexual Orientation", and the trainers were singled out as targets

<https://www.dw.com/tr/odt%C3%BC-onur-y%C3%BCr%C3%BCy%C3%BCC5%9F%C3%BC-duru%C5%9Fmas%C4%B1nda-beraat-yok/a-51215355>

⁷¹ <http://www.keig.org/covid-19-Pandemi-egitim-toplumsal-cinsiyet/>

possible,⁷² so monitoring this process closely and collecting data is very important for girls and women.

Call for Action:

- a) Compulsory 12-year education should be uninterrupted.
- b) GE training must be incorporated into every level of education, including restructuring of all curricula and textbooks from a GE perspective.
- c) Mechanisms should be developed to take the burden of child and elderly care off women and girls, pre-school education should be mainstreamed and included in compulsory education.
- d) Necessary measures should be taken to enforce special measures to ensure women and girls, especially including those in rural areas, remain in school in all levels of education, to eliminate inequality between girls and boys.

VIOLENCE AGAINST WOMEN

63. Turkey is abandoning existing mechanisms, laws, and international conventions against VAW. The pressure created by hostile attitudes of some groups and communities against the concept of GE echoed in government, **leading to withdrawal from the Istanbul Convention stating, “[The Convention] has been manipulated by a group that has been trying to normalise homosexuality which does not agree with the social and family values of Turkey.”**⁷³ Following the withdrawal, the government claimed, “there has been a 26% decrease in femicides.”⁷⁴ Such an impact cannot be possibly in such a short period of time, and **no official data is available on femicides. The “Research on Domestic Violence Against Women in Turkey”, conducted in 2008 and 2014, has not been conducted since.**
64. **Major issues are still prevalent due to failure to implement Law No. 6284, ensure required coordination between institutions, establish institutional mechanisms, and arbitrariness and ignorance of personnel charged with implementation.**

⁷² <http://www.ceidizleme.org/medya/dosya/87.pdf>

⁷³ http://www.theadvocatesforhumanrights.org/uploads/turkey_step_back_final.pdf

⁷⁴ <http://www.dw.com.tr>

71. Women requiring shelter are initially referred to law enforcement for “security” reasons, creating a deterrent effect on women.
72. **The number and capacities of women’s shelters are inadequate.** The Ministry of Family and Social Services has only **110 women’s shelters hosting 2,717 women** in 81 provinces. **Independent women's organisations are not supported to operate women's shelters.**⁷⁸
73. **According to the Regulation on Opening and Operating Women's Guest Houses (shelters), women with physical disabilities, women over the age of 60, women with sons over the age of 12 or children with disabilities and women with mental health disorders or disabilities are not admitted under various pretexts.** LBTI+women also face discrimination in admission to shelters.
74. "Security measures" like curfews, body searches and confiscation of phones, can limit the freedom of women in shelters causing them leave and returning to the violence. Law enforcement officers inform perpetrators of shelter locations or staff act as peacemakers.⁷⁹
75. **There is no standard for data collection on VAW and a serious lack of data and information.**
76. Although abortion until the tenth week of pregnancy is legal, in practice, women cannot to have abortions in public hospitals. **State policies related to sexual/reproductive rights and practices violating women's rights and bodily integrity.**⁸⁰ Poor and/or non-Turkish-speaking women are particularly unable to access the right to abortion.
77. **The gravest practice, subjecting girls to multiple discrimination and violence is child-aged, early and forced marriage.** There is no direct data available on these informal marriages. However, 4% of women aged 15-19 already have children or are expecting. Lack of education (20%) and poverty (9%) also contribute to informal child-aged, early and forced marriage. 21% of women aged 25-49 married before the age of 18 while 4% married before the age of 15.⁸¹ **Despite the grim picture, preventive measures and policies are yet to be developed.**

⁷⁸ <http://www.siginaksizbirdunya.org/en/assemblies/concluding-declarations>

⁷⁹ https://www.morcati.org.tr/attachments/article/255/6284_Kanun_Uygulamalari_Raporu.pdf

⁸⁰ <https://www.diken.com.tr/kurtaj-arastirmasi-istege-bagli-sadece-10-hastanede-yapiliyor-gunah-diyen-oldu/>

⁸¹ http://www.hips.hacettepe.edu.tr/tnsa2018/rapor/TNSA2018_ana_Rapor.pdf

78. According to 2020 data, men make up 44.2% of the elderly population while women make up 55.8%.⁸² **A study identified 155 cases with 39% being linked to violence, abuse, neglect, rights violations and discrimination against elderly women.**⁸³
79. **When LGBTI+women are victimized, they are seen as deviants, deserving the offences committed against them. Hate crimes go unpunished, creating an encouraging socio-political environment.**⁸⁴
80. Migrant women, subjected to violence are transferred to removal centres for deportation, even if they have been placed in women's shelters. **This practice results in continued violence and women's inability to file complaints.**
81. Refugee and asylum-seeker LGBTI+women are also subjected to intersectional discrimination and refugee trans women encounter violence everywhere due to their appearances.

The Covid-19 Pandemic:

82. **COVID-19 posed further challenges for women in shelters.** Women are not admitted to shelters outside their province. Once settled, they cannot be transferred to other cities.
83. **VAW with disabilities has increased by 18.7% during the pandemic.** 39.6% were subjected to at least one type of violence. The healthcare system failed to serve victims of violence who were deprived of support due to social distancing measures.⁸⁵ **69.8% of news articles on abuse against women involve women with disabilities.** Women and girls with disabilities are not informed about sexual health, increasing their risk of being subjected to sexual violence.⁸⁶ Disability access is challenged by the lack of disability-friendly ŞÖNİM buildings, too.⁸⁷

⁸² <https://data.tuik.gov.tr/Bulten/Index?p=Istatistiklerle-Yasli-lar-2020-37227>

⁸³ http://www.senex.org.tr/wp-content/uploads/SenexIzleme_Nisan2021.pdf

⁸⁴ <https://kaosglidernegi.org/images/library/2020nefret-suclari-raporu-2019-kucuk.pdf>

⁸⁵ <http://www.korlerfederasyonu.org.tr/images/2.pdf>

⁸⁶ <https://www.sivilsayfalar.org/2020/12/16/engelli-kadınların-urme-saęligi-konusunda-farkındalıklarının-arttırılması-buyuk-onem-tasiyor/>

⁸⁷ <https://turkey.unfpa.org/sites/default/files/pub-pdf/Engelli%20kadınlar%20ve%20kiz%20cocukları-Hakları-TAPV-UNFPA-BA.pdf>

Call for Action:

- a) Turkey needs to develop holistic VAW policies and independent women and LGBTI+women organisations should be actively involved in the process.
- b) Law No. 6284 must be implemented effectively, monitoring/evaluation mechanisms must be developed, and their results must be shared.
- c) GE and VAW training programmes must be developed with diversified and differentiated contents and disseminated.
- d) The number and service capacities of women's shelters should be increased, and all women must have access to shelters without discrimination.
- e) Sexual violence crisis centres must be established without delay.
- f) Migrant, asylum-seeker, and refugee women must be able to enjoy services related to VAW without a legal status requirement.
- g) Services of institutions and organisations in charge of struggling against VAW must be provided in multiple languages.