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Summary record of the 4th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 3 May 2011, at 3 p.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 3.10 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Initial periodic report of Turkey (continued) (E/C.12/TUR/1; E/C.12/TUR/Q/1 and Add.1, and HRI/CORE/TUR/2007)

1. *At the invitation of the Chairperson, the members of the delegation of Turkey took places at the Committee table.*

Articles 6 to 9 of the Covenant (continued)

2. **Mr. Onaner** (Turkey) said that the General Directorate on the Status of Women ensured implementation of the national action plans on gender equality and on combating domestic violence against women, which had been drawn up as part of the national strategy for the promotion of gender equality. Data to help assess specific results of the strategy would be provided to the Committee as soon as they were received from the General Directorate. The Government had taken administrative and legal measures to combat domestic violence and, with help from NGOs active in that area, had conducted awareness-raising campaigns targeting all social groups. As part of its overall strategy to counter such violence, the Government had introduced complaints procedures readily accessible to women, and had provided protective measures and shelters for battered women.

3. Unlike the provisions of the European Convention on Human Rights, those of the Covenant had not yet been invoked in the national courts. He would closely monitor the issue and inform the Committee on how his Government's jurisprudence developed. The issue of the low rates of girls' school enrolment and of women's employment in certain regions of the country were completely unrelated; the Turkish Government was fully aware of the problem and endeavouring to correct it through awareness-raising campaigns on private and public television channels to encourage girls to enrol in school.

4. Turkey did not have a gender equality law, but its bill establishing equality boards would be a reference text for all equality-related matters, and the boards would have the attendant decision-making powers. Nor did Turkey have a law at set quotas for women's participation in political life; yet many more women than before, from all political parties, had presented their candidature for the forthcoming legislative elections.

5. Contrary to the allegation of one Committee member, prisoners in Turkey were not forced to work, but had the option to do so for pay. While their working conditions could probably be improved, they could in no way be likened to forced labour. True, some journalists were being detained in Turkey; not because of their occupation but owing to their alleged ties to an illegal terrorist organization, and the justice system would determine their guilt or innocence. The Turkish Government was aware that its justice system was slow; in fact Turkey was often criticized for its long periods of custody and pretrial detention.

6. Unemployment had indeed been rising steadily in recent years, as Turkey, like other countries, had suffered the consequences of the global economic and financial crisis. However, statistical estimates for 2010 indicated that the situation was on the mend. While the Government had not implemented a specific programme to curb unemployment, it was a key concern of parties across the political spectrum, currently on the campaign trail and there was every reason to believe that it receive the required political attention in future.

7. The only working children under 16 performed seasonal jobs, often in family-run agricultural firms during school vacations. They did not necessarily work the same hours in force in the employment market; it therefore made sense that the minimum wage for persons under 16 years of age, who went to school the rest of the year, was not the same as for persons over 16 years of age, who could hold a regular job once they had completed compulsory education.

8. The minimum wage was established following consultation of all stakeholders and, relative to the standard of living in Turkey, it was no worse than the average for European countries and was therefore acceptable. Moreover, it was raised on a regular basis to enable employees to maintain their purchasing power. In reply to a question from Mr. Kedzia on paragraph 90 of the report, he would seek from the drafters of the report clarification on the link between globalization and women being compelled to work in the informal sector.

9. The constitutional reform process launched in September 2010 had focused *inter alia* on the articles of the Constitution relating to the right to organize and to bargain collectively, the right to strike (articles 51, 53 and 54 of the Constitution), and the provisions relating to civil servants' right to bargain collectively. With the removal of the provision prohibiting workers from simultaneously belonging to several trade unions in a single sector of activity, the reform had in fact extended the scope of freedom of association. It also granted State agents the right to engage in collective bargaining under conditions established in specific agreements, and some obstacles to the right to strike had been removed. They included the ban on general strikes, politically motivated strikes, sympathy strikes, go-slow strikes, as well as workplace sit-ins. The authors of the reform had based their texts on the relevant ILO conventions and the European Social Charter. A bill amending, *inter alia*, the Trade Unions Act and the Collective Labour Agreement Act was currently before Parliament, which would align them with the relevant ILO and the European Union standards.

10. The stagnation, and indeed reduction, of the employment rate was attributable to the ageing of the population and the fact that the number of persons of working age was growing at the same rate, if not faster, than the number of persons in employment. In any event, the method used to calculate that rate had not changed during the period under consideration, and persons employed in the informal sector had never been accounted in official employment rates. In that regard, the Turkish Government had made it its objective to fight informal employment, and would take the necessary measures against employers who hired undeclared workers and, therefore, offered them no social protection.

11. In Turkey, sexual harassment in the workplace was punished both under the Penal Code and the Labour Code. The courts were currently deciding whether the accusations in a number of cases they were handling were well founded. Regarding general or partial mobilization — permissible only in exceptional circumstances — the restrictions on individual rights remained within acceptable international limits. While it was true that employment creation and growth was below the required levels, the Government — well aware of its consequences not only for individuals but for the country as a whole — spared no effort to improve the situation and ensure economic stability.

12. It was true that until recently, foreign workers had to wait six months before they could obtain their work permits in Turkey, but applications could now be processed online within a month. With regard to the brain drain, he did not have specific information on Government policies to curb the phenomenon, but could say that decision makers were aware of the issue. Indeed, second- and third-generation Turks who had left the country to work in Western Europe were now returning to Turkey, where they could enjoy better living conditions than family members who had stayed abroad. Clearly, improvements to living conditions in the country would help mitigate the brain drain.

13. **Mr. Texier**, recalling that in 2009 and 2010, an ILO independent expert, referring to ILO Convention concerning discrimination in respect of employment and occupation (No. 111), had asked the Turkish Government to indicate the measures taken to ensure that journalists, writers and editors could freely express political opinions in the course of their duties, asked what those measures comprised. Moreover, according to one Turkish trade union confederation, the minimum wage could only feed a family adequately for 19 days per month and afford it a decent standard of living only 6 days per month. The delegation might wish to comment. With regard to article 8 of the Covenant, he would like to know whether the 2010 constitutional reform provided for freedom of association or the right to strike in line with the ILO criteria. Indeed, it seemed that workers' right to protest on 1 May, for instance, was not always respected by law enforcers and that many arrests had been made during the 2008 demonstration. It was therefore important for law enforcement officials to respect the right to strike and demonstrate, in keeping with the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

14. **Ms. Shin** observed that if the delegation could not provide the Committee with the results of the assessment of the National Action Plan for Combating Domestic Violence against Women in 2007–2010 at its present session, the State party should do so in its second periodic report, disaggregating the data by year and objective in order to facilitate the Committee's task when it came to evaluate the situation. The results should also be prepared with input from civil society, particularly women's rights defence associations. The State party's next periodic report should also contain information on cases of sexual harassment tried either in the criminal courts or labour tribunals, and the sentences imposed. She reiterated her question about employment quotas for persons with disabilities, which the delegation had still not answered.

15. **Ms. Cong**, noting that Labour Act No. 4857 authorized children over 14 years of age who had finished primary school to perform light work, in exceptional circumstances, asked how children's right to education could be protected under those conditions.

16. **Mr. Onaner** (Turkey), replying to Ms. Cong's question, said that those legal provisions indeed only applied in exceptional cases, those in which children had completed their eight years of compulsory education early and successfully — technical training that enabled them to work as apprentices for instance — and assigned age-appropriate tasks. That was why their minimum wage was lower than that of children over 16 years of age. Employers who did not comply with those conditions were liable to penalties. Also, as elsewhere, it was the tradition for workers to demonstrate on 1 May in Turkey, particularly at the landmark site of Taksim square in Istanbul. While law enforcement officers might have intervened in the past, the 2011 demonstration would appear to have gone off without incident. He undertook that the information the Committee had requested on measures to combat domestic violence against women would be included in Turkey's next periodic report. There were employment quotas for persons with disabilities in both the public and private spheres. Government buildings were equipped to accommodate persons with disabilities, in keeping with the law, but the situation was not more difficult in the private sector, which often lacked appropriate infrastructure. The compensation that inappropriately equipped companies were required to pay was intended to be deterrent, and greater than the cost of properly equipping their spaces, the aim being to persuade them to hire persons with disabilities.

Articles 10 to 12 of the Covenant

17. **Mr. Tirado Mejía** said that he recognized difficulties inherent in a country's implementation of major development projects such as dam construction while ensuring the protection of the population in the various domains covered by the international instruments

to which it had acceded. However, the information the State party had provided been somewhat vague, he would welcome the delegation's clarification of, for instance, the procedures for the resettlement of displaced persons, the number of persons affected, the compensation they received, and projects in the pipeline. It is a truism that major projects of that kind were not without their environmental impact; he would therefore welcome information on how the Government was addressing the issue, and what measures it envisaged to protect cultural property, often of great value, likely to be damaged by those projects. In that particular, the reason why the Governments of Germany, Austria and Switzerland had pulled out of cooperation on the construction of the Ilisu dam was its failure to meet international population protection standards. It would even seem that Turkish court rulings against continuation of some of the projects had been ignored. Could the delegation shed some light on the matters?

18. **Mr. Riedel**, referring to the Committee's general comment No. 15 (2002) on the right to water, asked the delegation for updated, disaggregated figures on sanitation, particularly on sanitation facilities, as the most recent data harked back to 2000 and 2003. Given that the State party's initial report contained no detailed information on the part action of local authorities — which seemed to be left to their own devices — with regard to environmental and occupational health and safety, he would be interested to learn whether the European Court of Human Rights ruling in the *López Ostra* case had led to any changes in the approach to that question. He would be grateful for further information on the programmes, action plans and strategies in place to inform young people, women and men about reproductive health issues and rights. With regard to mental health, he would like clarification on the inpatient/outpatient ratio and on measures taken to abolish electroshock therapy. On the health of refugees and asylum-seekers, he wondered whether undocumented people, children in particular, had the same access to care or whether, in line with European Union policy, they were entitled only to emergency care. He also wished to know whether primary health care was guaranteed in prisons and whether medical staff were on the spot or had to be summoned from outside. He would also like updated figures on HIV/AIDS, since the most recent figures dated back to 2002, and to learn whether infection, mostly homosexual in the early days, had become heterosexual. Lastly, was affordable health care guaranteed for all persons in the State party?

19. **Mr. Schrijver** asked what measures the State party was taking to combat the phenomenon of early, arranged and forced marriages, which were on the rise in the south and southeast, and also practised by Turks abroad. There had been reports of children working in certain sectors — such as furniture manufacturing — which exposed young workers to occupational accidents and diseases; it was also alleged that many children worked on the streets. He asked the delegation to provide figures and indicate the measures taken to eliminate the worst forms of child labour, in accordance with the State party's obligations under the Covenant and the relevant ILO conventions.

20. **Ms. Barahona Riera** asked whether the State party planned to criminalize domestic violence, which differed from sexual violence and was perpetrated not only against women, but children and the elderly as well. She also wished to know the percentage of religious marriages not legalized by a civil ceremony. The delegation might also provide further information on the elderly, as many of them had worked in the informal sector and consequently received tiny retirement pensions, if any at all; and on programmes to provide them with care and assistance. Although maternal mortality rates had dropped, they were still high, universal medical insurance would thus greatly benefit women.

21. **Mr. Kedzia**, considering the percentage of female victims of domestic violence (39 per cent) to be very high, requested more information on the prosecution of perpetrators. Since the law in itself could not put an end to those practices, due in part to cultural factors, he would like to know what measures the State party had taken to combat the phenomenon

and whether the National Action Plan for Combating Domestic Violence against Women had been assessed and the conclusions reached. He also wondered what impact the provisions of the new Penal Code concerning abolition of reduced sentences had on perpetrators of honour crimes.

22. When it came to extensive hydroelectric projects, he wished to know what guarantees were afforded to the inhabitants of the regions concerned, given the fact that the laws relating to expropriation and housing provided for possible accelerated procedures. The Ilisu project would impoverish many inhabitants: the Expropriation Act, for example, provided for less compensation to those persons for their loss of property and land than the value of new property in the neighbouring cities where they tended to concentrate. Since loss of land meant infringement of the right to food, the delegation might indicate how it planned to tackle the serious environmental problems caused by the vast Ilisu hydroelectric project.

23. **Mr. Dasgupta** asked why poverty was so concentrated in certain areas of Turkey, particularly in southeast Anatolia and what measures the State party was taking to resolve the situation and how it planned to increase the standard of living of those evicted from their lands by the Ilisu dam project, as the State party had pledged in its replies to the list of issues (E/C.12/TUR/Q/1/Add.1), when compensation was calculated more often than not on market value, and such people tended to run into debt in order to resettle. What subsequent action had been taken to determine whether the living standards and incomes of resettled families had indeed increased?

24. **Mr. Abdel-Moneim** said that living standards should not be calculated solely on the basis of minimum wage but should also take the consumer price index into account. The discriminatory rule in the Civil Code prohibiting divorced women from remarrying before 300 days after a divorce and requiring the presentation of a non-pregnancy certificate should be repealed. Had the Civil Code been influenced by sharia law? Lastly, was it true that young girls who married at an early age in a religious ceremony did not enjoy the rights conferred by civil marriage?

25. **Mr. Sadi** (Country Rapporteur) asked for clarification on the jurisprudence relating to honour crimes, the violation of provisions relating to early marriage under the Civil Code, human trafficking, and violence against women. Persons with disabilities in Turkey appeared to feel abandoned by the public authorities, if only in terms of accessibility. Regarding the Committee's general comment No. 15 on the right to water, and the issue of sanitation in particular, he wished to know what place the right to water occupied in domestic legislation, and the exact sanitation situation in rural areas. As to physical and mental health, noting that 10 to 20 per cent of the population had no health insurance, and he wondered what happened when they needed care. He was struck by the high rate of suicide among young women, and would like information on measures to curb that phenomenon and to abolish forced marriage, which was one of its causes. Lastly, he had been surprised to read in a report published by the World Health Organization that 23 per cent of the Turkish population in 2009 had been living in areas where malaria was endemic. Was that true?

26. **Mr. Atangana** asked for information on the outcome of the first meeting of the Monitoring Committee for Violence against Women, held in March 2007, and any subsequent meetings.

27. **Mr. Ribeiro Leão** asked whether foreigners, whatever their legal status, were covered by the Expanded Programme on Immunization.

28. **Ms. Cong**, referring to tables 26 to 28 of the State party's initial report, requested more information on the number of hospitals for non-Muslim minorities and why the

number of maternal care and fertility planning centres had fallen (from 291 in 2000 to 280 in 2002). She wondered what impact that drop had on women.

29. **The Chairperson**, speaking as a Committee member, asked how many persons lived in poverty in Turkey, which had posted a rate of 20 per cent in 2002 and whether its poverty reduction plan took social, economic and cultural rights into account, in keeping with the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10). He would also like further information on the measures taken to combat child poverty and improve rural water supply.

30. He would like to know whether there was a national plan to address urgent housing needs, there being a shortage of 3 million homes, and urged the State party to indicate in its next periodic report the number of persons who were either homeless or living in inadequate housing.

31. In the light of the problems the dam construction project was causing, he would like more information on the Istanbul urban renewal project, which would entail the eviction of about 80,000 people, in violation of the Committee's guidelines in general comment No. 7 (1997) on the right to adequate housing.

Articles 13 to 15 of the Covenant

32. **Mr. Kedzia** said that he was pleased that the Government aimed to attain a 100 per cent school enrolment rate for girls and boys by 2010 (paragraph 96 of the report), and asked what the results of the UNICEF-supported campaign, "Let's go to school, girls!" had been, particularly in remote areas that were home to disadvantaged segments of the population, especially Kurds.

33. He recalled that, in Turkey, the rights of minorities were governed by the 1923 Treaty of Lausanne; it was regrettable that the State party had not ratified the Council of Europe Framework Convention on the Protection of National Minorities. Referring to general comment No. 27 of the Human Rights Committee (1999) on the freedom of movement, he noted that the protection of all citizens, enshrined in the Turkish Constitution, did not suffice to guarantee the rights of minorities. He invited the State party to provide details about its national child protection framework.

34. **Mr. Dasgupta** asked whether in public primary schools ethnic minorities had access to instruction in their mother tongue, specifically Kurdish, Syriac or Aramaic. With the extension of compulsory education to eight years, he wondered whether there were plans to amend or abrogate the law authorizing the employment of 15-year-old minors who had completed six years of compulsory education.

35. **Mr. Abashidze**, requesting the State party to provide a legal framework for the protection of minorities, asked whether it could extend the concept of minorities to those other than non-Muslim.

36. **Ms. Barahona Riera** urged the State party's Ministry of Education to ensure that the content of both private- and public-school textbooks were non-sexist. It would be interesting to learn what measures had been taken to reduce the school dropout rate among girls and address gender inequality in education from the primary to tertiary level. With regard to sexual and reproductive health, beyond access to the related services, there should also be education programmes for adolescents and adults. She wished to see the initial and in-service security-force training extended to the rest of the population.

37. **Mr. Kerdoun** expressed concern about the prospective legal framework for enforcing the Private Education Institutions Act, which involved the opening of myriad types of institutions. With reference to paragraph 542 of the report, he would be interested to learn whether diplomas were awarded upon completion of secondary education, whether

foreign languages were authorized as languages of instruction and, if so, whether Russian was one of them.

38. **Mr. Marchán Romero**, referring to the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life, said that it was regrettable that the State party did not recognize the rights of minorities, urging it to help them protect, promote and develop their cultures — because they formed a crucial part of Turkish national identity — without denying their identity or forcing them to assimilate. He urged the State party to be more open and engage in ongoing, constructive dialogue with the Committee on the progress achieved.

39. **Mr. Sadi** asked what steps were being taken to set up a rural school bus system and wondered whether the lifting of the headscarf ban in schools had led to reverse discrimination against students who did not wear them. He wondered why only certain minority groups were allowed to open their own schools, and whether the urbanization projects that had sparked the forced displacement of many Roma also affected other minority groups and whether there was a policy to combat discrimination against Roma and other minorities in schools. Lastly, he urged the State party to indicate whether it had followed up on the Committee's general comments and whether it maintained its reservations to article 13 of the Covenant.

The meeting rose at 6 p.m.