



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Sixty-fourth session**

Summary record of the 1416th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 13 July 2016, at 3 p.m.

Chair: Ms. Hayashi

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Seventh periodic report of Turkey (continued) (CEDAW/C/TUR/7; CEDAW/C/TUR/Q/7 and Add.1)

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

Articles 1 to 6 (continued)

2. **Ms. Gabr** asked how the Government dealt with the problem of early and forced marriage, especially with regard to Syrian refugee brides coerced into contractual marriages, what penalties were imposed on traffickers, what criteria had to be met by victims who cooperated with investigation authorities in order to receive protection and what rules governed the operation of State-run women's shelters.

3. **Ms. Schulz**, referring to the country profile for Turkey containing information compiled by the Social Institutions and Gender Index of the Organization for Economic Cooperation and Development (OECD) Development Centre, said that she would appreciate it if the delegation could elaborate on the part of the report pertaining to early or forced marriage and describe the present state of that problem.

4. **Ms. Haidar** said it was worrying that, despite the adoption of Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women, the results for Turkey published in the Global Gender Gap Index 2014 on the issue of violence against women suggested that women were underreporting acts of violence committed against them. It was equally worrying that the Law did not contain provisions relating to the prosecution and punishment of perpetrators of such acts, and she asked whether the State party intended to address that lacuna. While welcoming the provisions on shelters for women victims of violence that were included in the implementing regulation of the Law, she noted that the practices used in such shelters did not appear to be consistent with international standards and asked what steps the Government intended to take in order to rectify that situation.

5. **Ms. Halperin-Kaddari** said she was concerned at an apparent trend towards leniency in judicial interpretation, which led, in some cases, to impunity. To cite two examples, penalties had been reduced for good conduct for a defendant in a rape case and the defence of provocation had been mounted in an honour killing case. There appeared to be entrenched stereotypical biases against women, not only on the part of the judiciary but also on the part of families, given that, due to the harsh punishment imposed for honour killings, families sometimes pressured girls to commit suicide or rape victims to marry the perpetrator in order to preserve family honour. The delegation should comment on the State party's plans to develop mechanisms to monitor the enforcement of restraining orders.

6. **Ms. Ustaoglu** (Turkey) said that the Government had taken steps to improve its shelters for women by consulting with foreign experts and improving the shelters' management and human resources. Recent evaluations had been positive in terms of the shelters' holding capacity and the psychosocial support, cash assistance, confidentiality and protection they afforded, some of which were superior to what was provided in other countries. Women sometimes had to give up their cell phones in shelters because such devices were capable of compromising their safety and confidentiality.

7. **Mr. Çiçek** (Turkey) said that the provision of the Criminal Code that defined wilful murder explicitly stipulated that, when the offence was committed in the name of honour, perpetrators were liable to the most severe penalty, which was a life sentence. In 2015, 29

defendants had been convicted for honour killings, and 87 inmates currently were being detained or were serving sentences for such offences. Article 29 of the Criminal Code stipulated that unjust provocation could not be considered as a mitigating factor in cases of honour killings, rape or sexual assault. The determination of a defendant's good conduct as a mitigating factor, which was entirely at the discretion of the judge, was based on his or her record and behaviour and on the expected impact of the punishment on his or her future life.

8. **Ms. Ustaoglu** (Turkey) said that the Constitutional Court had ruled that prohibiting religious marriages without a legally binding civil marriage was unconstitutional, arguing that it was not possible to single out the union of religiously married couples for prohibition while not prohibiting other couples who had not had a religious or civil wedding ceremony from living together. A number of legal provisions acted as deterrents to early marriage, such as the minimum penalties prescribed for the sexual abuse of a child, which carried a term of imprisonment of 8 to 15 years, and sexual intercourse with a minor, which carried a term of imprisonment of 2 to 5 years.

9. **Mr. Demir** (Turkey) said that the police and the General Directorate of Migration Management worked jointly in implementing Law No. 6458 on Foreigners and International Protection, which provided protection to victims of bride trafficking, early marriage, human trafficking for the purposes of sexual exploitation, forced labour, organ removal, forced participation in crime and forced adoption. The General Directorate planned to take over the financing of women's shelters at the conclusion of the current European Union Instrument for Pre-Accession Assistance and would also finance shelters run by civil society organizations. A total of 3,600 staff members of the General Directorate, the Ministry of Family and Social Policies, the police force and the gendarmerie had received training in the provisions of Law No. 6458.

10. **Ms. Ustaoglu** (Turkey), referring to Syrian refugees in Turkey, said that the General Directorate of Migration Management worked with the United Nations Population Fund (UNFPA) to provide emergency measures and, in that connection, had conducted dozens of training courses for refugee camp staff, interpreters, health-care workers, psychologists and members of the armed forces. It had also informed refugees about how and where to report problems and had provided them with brochures describing basic Turkish legislation and the judicial process.

11. Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women had been formulated on the basis of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and was thus in line with international standards. The action plan of the Ministry of Family and Social Policies for the period 2016-2019 contained measures to facilitate the implementation of the Law, including the development of a web-based software application that would be integrated with the justice system database.

Articles 7 to 9

12. **The Chair**, speaking in her capacity as an expert, said that she would appreciate an explanation of the causes of women's limited representation in politics and what actions, including temporary special measures, the State party envisaged taking in order to remedy the situation. Cash transfers made to women belonging to vulnerable groups did not constitute temporary special measures, as such measures were to be discontinued when the objective of equality of opportunity and treatment had been achieved.

13. **Ms. Ustaoglu** (Turkey) said that, although women's representation in the parliament currently stood at 15 per cent, the Government was committed to raising that figure to 25 per cent, and there were signs of progress everywhere in that regard. Measures to increase

women's participation in political life had also been incorporated into the Tenth Development Plan, including the establishment of a commission on gender equality. A project for political leadership and gender equality under the Plan would be finalized in 2017.

14. **Mr. Çarıkçı** (Turkey) said that Turkey had elected its first female Prime Minister and its first female foreign minister in the mid-1990s. In the Ministry of Foreign Affairs, 21 of the 35 incumbent deputy director generals were women and were in line to become ambassadors.

15. **Mr. Bilge** (Turkey) said that, under the category of family assistance, the Government provided food, shelter, social housing, heating, assistance to widows and maternity assistance. Since May 2015, it had provided maternity assistance to 1.2 million mothers.

Articles 10 to 14

16. **Ms. Gbedemah** said that she was concerned that Arabic language textbooks used in temporary education centres had not been reviewed as part of the general textbook review. She asked whether the Government was considering taking temporary special measures to increase girls' enrolment rate in upper secondary education. The delegation should elaborate on the new 4+4+4 compulsory education system and provide data, disaggregated by sex and region, on the number of students who opted for homeschooling, the subjects they were taught and their progression rate. She wondered what measures had been taken to minimize the school dropout rate. She would also like to know what steps had been taken to ensure the safety of refugee girls on their way to and from school and the provision of education to the 14 per cent of refugee girls who were married. She asked what measures had been taken to accommodate girls with disabilities and the language policy in the education system.

17. **Ms. Arocha Domínguez** asked what means the State party would use to raise the rate of women's employment and to reverse that of their unemployment. The delegation should indicate whether the Government would consider adopting temporary special measures in sectors or regions where growth was lagging and comment on the gender pay gap in Turkey. She would appreciate an account of the labour conditions that prevailed in the footwear, textile and carpet industries and the level of women's employment in each of those industries. She asked whether such industries were regulated, complied with an established minimum wage, were subject to health and labour inspection and applied sanctions for non-compliance with regulations.

18. Given the State party's secular nature, she wished to know what implications the lifting of the ban on the use of headscarves had had on the reintegration of women into the labour market and whether any assessment had been made of women's participation in various economic sectors. Had the new measures to allow both mothers and fathers to take parental leave and work part-time been accompanied by an appropriate strategy to ensure that the enjoyment of those rights was not impaired by stereotypical biases?

19. **Ms. Nwankwo** said that the State party had reported that family planning and reproductive services were free of charge and that the incidence of early pregnancies and abortions had decreased. Other sources, however, had indicated that contraception was often withheld, that women were refused abortions and that free reproductive health care was simply not available. It seemed that, in Muslim society, abortion was likened to murder and contraceptive methods were discouraged. Moreover, Kurdish and other minorities apparently had less access to services than Turkish women. In that regard, she would like to know whether, in the view of the State party, there might be a relationship between the lack of access to contraceptives and the demand for abortion. She would also like to know what

measures had been taken to provide sex education and reproductive health care to adolescents.

20. **Ms. Ustaoglu** (Turkey) said that all women in Turkey had full and unlimited access to all services. Education had been improving in both quantity and quality, and gender equality was becoming a reality. School enrolment rates had been steadily rising. There were programmes for gender equality and participation in public life, and sex education was provided to secondary school students. In general terms, the Ministry of Education was enhancing its capacity to mainstream the gender perspective in the educational system; the certified teacher training programmes emphasized building the leadership abilities of women. Workshops and seminars on gender equality were also held in the universities. Women's studies had been introduced to the education system as a separate field, and the policies and positions of universities regarding gender equality and women's issues, with emphasis on faculty, students and curricula, were under review.

21. **Mr. Akbaba** (Turkey) said that, under the new 4+4+4 education system, the length of basic education had been extended from 8 to 12 years. Girls had higher school enrolment rates than boys; they also stayed in school longer than boys. The Ministry of National Education worked with the Ministry of Family and Social Policies on the development of programmes to increase school enrolment rates among disadvantaged and minority groups; the recent emphasis had been on Roma girls. There were reportedly about 300,000 Syrian children enrolled in Turkish schools; new schools had been set up to accommodate them; and efforts were being made to incorporate Syrian diplomas into the Turkish system. Lastly, sex education was taught starting in the third grade under the natural sciences curriculum.

22. **Mr. Bilge** (Turkey) said that there were programmes aimed at encouraging youth to continue their educations, including projects focusing on girls working in family businesses and on young mothers.

23. **Ms. Ustaoglu** (Turkey) said that the Tenth Development Plan specifically aimed to increase the employment of women and decrease unregistered employment. Efforts had also been made to provide employment for women victims of violence, many of whom were living in shelters. Counselling and job training was provided with a view to enhancing their employability; women victims of violence also received preferential treatment in employment agencies.

24. **Ms. Tosun** (Turkey) said that the Ministry of Labour and Social Security had developed a National Employment Strategy, which would require public institutions to provide childcare services to members of their staffs. All civil servants would receive childcare services until their children were old enough to attend primary school. The Ministry was also working to address the causes of the preponderance of women workers in low-paid work and to encourage women to engage in formal, registered work. In its view, raising public awareness was the key to societal change. Women were given special rights under the Turkish social security system, including, for example, lower social security premiums and shorter eligibility periods for women artisans working at home. Recent legislation provided social security coverage to women for housework done in their own homes.

25. Significant administrative sanctions were imposed on employers who employed unregistered workers. An advisory board had been established to explore the prevalence of unregistered workers in the agricultural sector. Under Turkish labour legislation, gender discrimination was prohibited. No worker could be forced to accept less than equal pay for work of equal value. An employer must pay at least the minimum wage, and there must be no distinction between men and women in the amount paid for the same work. Performance could be taken into consideration, however, in determining the level of pay. Although the

practice of child labour was uncommon in Turkey, it nonetheless existed. The Ministry of Labour and Social Security was working to combat it.

26. **Ms. Ustaoglu** (Turkey) said that a programme called “My Mother’s Job Is My Future” sought to promote women’s participation in the labour market. Day-care centres had been built in 10 industrial districts and would soon be functional. In addition, subsidies for enrolment in private day-care centres were provided for orphans, children from disadvantaged groups and children of martyrs, war veterans, prisoners, single parents, parents with disabilities and women who lived or had formerly lived in shelters.

27. All persons living in Turkey were protected by the Constitution. Under the 1923 Treaty of Lausanne, however, no group other than non-Muslims were recognized as belonging to a minority in Turkey. Therefore, there was no Kurdish minority as such. All children, however, had equal rights. In conformity with the international agreements to which Turkey was a party, all women had equal and full access to health services. It was worth noting that 97 per cent of women in Turkey received prenatal care and gave birth to their babies in hospitals. Mobile health services were provided for persons who could not leave their homes.

28. **Mr. Çetin** (Turkey) said that he had had 15 years of experience as a medical doctor before joining the Ministry of Health. He had often been the sole doctor in a village or town; health services had been greatly expanded; and there were community health centres in all areas of Turkey. There was one family practitioner for every 3,500 people, assisted by nurses and midwives. The number of physicians per 1,000 people was steadily increasing. Doctors who had completed their training were obliged to begin their careers in parts of the country where doctors were most needed.

29. There were no limits on access to family planning and reproductive health care, which was free of charge. There was ample provision of contraceptives, and statistics showed that they were used by 97 or 98 per cent of the population.

30. **Ms. Schulz** said that she was concerned at the increasing number of internally displaced Kurdish people, particularly women and girls, owing to the resumption of the conflict between the State authorities and the Kurdish Workers Party (PKK) in south-eastern Turkey. The Committee was alarmed at reports citing human rights violations, in particular the use of extended curfews, the legality of which was itself in question, the killing of unarmed civilians, the harassment and intimidation of Kurdish women and the rape or sexual abuse of Kurdish women by the security forces, with pictures of women victims having subsequently been posted on social networks. She asked whether the Government planned to restart, as a priority, peace negotiations with the Kurdish Workers Party and, if so, whether women’s participation would be ensured at all stages of the process. She also wondered whether the State party was willing to allow independent investigations of alleged human rights violations. Lastly, noting that a national action plan for the implementation of Security Council resolution 1325 (2000) was only now being drafted, she wondered what concrete measures were currently being taken to investigate, prosecute and punish violations of women’s human rights in the conflict-affected zone and to prevent further violations from occurring.

31. **Ms. Gabr**, turning to article 14, pointed out that the Committee’s concluding observations to the sixth periodic report of Turkey (CEDAW/C/TUR/CO/6) had requested the State party to provide information on the situation of women in rural areas, particularly with respect to violence against women, access to justice, education and participation in local government and decision-making. Information on those matters would be welcome. In that regard, she asked what had been the results on the national plan for the empowerment of women. She would also like to know what measures had been taken to reduce poverty among rural women, to provide them with social security and job training and to encourage

them to leave the informal sector. It would also be helpful to know what measures were being taken to support women with disabilities. Lastly, she asked what was being done to ensure that the rights of detained and imprisoned women were respected.

32. **Ms. Halperin-Kaddari** said that there had recently been over 40 murders on the grounds of perceived or real gender identities. Did the Government intend to add gender identity and sexual orientation as categories of hate crimes? She would also like to know whether consideration was being given to amending article 29 of the Criminal Code, entitled “Unjust provocation”, whose terms had recently been used to justify a light sentence for murder on the grounds of homosexual provocation.

33. **Ms. Ustaoglu** (Turkey) said that, while Turkey had been struggling against terrorism for many years, the Government continued to fulfil its responsibility to safeguard the human rights, basic needs and security of its citizens. The armed forces engaged in the conflict were sensitive to the needs of the citizens in the south-east of the country, keeping damage to infrastructure to a minimum and ensuring that citizens’ basic needs and services were provided for, particularly during curfews. Financial compensation was available to persons whose homes or other property had been damaged, and family support centres in the regions provided additional support services, in particular for disadvantaged women. Regarding women with disabilities, she said that they and their families were eligible for financial support from the State and other assistance in the form of help in the home or at specialist care centres.

34. **Mr. Dumanli** (Turkey) said that Turkey and its armed forces were engaged in combating the PKK, a group that had been designated as a terrorist organization not only by Turkey but also by several other countries and international bodies. Curfews had been necessary to maintain public order, prevent civilian casualties and minimize infrastructural damage in affected neighbourhoods, where the local populations’ fundamental rights had been under threat owing to the activities, which included the planting of bombs, of that terrorist group. The situation was fluid; decisions on curfews and other measures were taken in line with the changing conditions and were continuously monitored and assessed. While under curfew, the local inhabitants had access to a telephone hotline through which they could request any additional support or services. The imposition of a curfew was always announced to the affected population ahead of time. The European Court of Human Rights had rejected a petition filed against Turkey, in which the applicants had requested the application of interim measures in order to lift the curfews, which now meant that the legality of the curfews could not be in question. Lastly, an investigation was under way to identify the source of the pictures of women posted on social media referred to by the Committee, and sanctions would be applied to the person or persons involved, if necessary. The pictures in question were not of civilians, however, but of terrorists killed in combat.

35. **Mr. Çarıkçı** (Turkey) said that, throughout the current dialogue, the members of the Committee had referred time and again to reports they had received, without citing the sources of those reports. He questioned the accuracy of some of the information provided and wondered whether the Committee had checked the reliability of its sources. Democracy, the rule of law and fundamental human rights were the cornerstones of the Constitution, and Turkish security forces protected civilians in strict compliance with international laws. The same could not be said for the Kurdish Workers Party, which had killed more than 250 people in the past year, used women and children as human shields and inflicted unprecedented levels of destruction on homes and schools in conflict-affected areas. The curfews were imposed on a temporary basis and only when strictly necessary in order to protect the local population. The allegations of human rights violations levelled against members of the security services, who were simply doing their duty to uphold the human rights of the people living in that region, were baseless.

36. **The Chair** said that the Committee's alternative sources of information were confidential and therefore could not be shared with delegations. Nevertheless, every effort was made by the Committee to ensure that they were credible.

37. **Ms. Ustaoglu** (Turkey) said that the prohibition against discrimination on the basis of sexual orientation was provided for in a number of laws. Furthermore, there were anti-discrimination measures being taken in several government departments.

38. **Mr. Ulutaş** (Turkey), replying to Ms. Halperin-Kaddari's question, said that article 29 of the Criminal Code, on unjust provocation, allowed for mitigating factors to be considered before sentencing, regardless of the offence. The article was not limited to sexual offences. While it was at the judge's discretion to decide whether or not the particular circumstances of a case warranted a sentence reduction, article 29 could not be applied arbitrarily since judgments were subject to appeal to the Court of Cassation.

39. **Ms. Ustaoglu** (Turkey) said that shelters for women victims of domestic violence, including rural women, were available and that the Government was currently strengthening the infrastructure to provide for more such safe havens. Other efforts to protect women, including rural women, from gender-based violence included providing training to law enforcement personnel and carrying out awareness-raising activities aimed at the general public.

40. **Ms. Tosun** (Turkey) said that initiatives to help women victims of violence to find employment included the provision of vocational training. Special labour organizations had been set up to help prevent the unregistered employment of women seasonal workers. Women in unpaid employment were able to register for social security at their own request.

Articles 15 and 16

41. **Ms. Halperin-Kaddari** said that she was concerned that a parliamentary commission on divorce had made a number of recommendations for legal reforms, such as allowing for probation for child abuse offenders and requiring mediation in divorce cases, that were wholly incompatible with the Convention, and she wished to know whether the Government was considering implementing the recommendations in question. She noted that while it was now possible for women to retain their surname upon marriage, article 187 of the Civil Code had not been repealed, which meant that they had to submit individual cases to the courts in order to use their birth names. Lastly, she would welcome clarification of the meaning of the term "custom killings" used in article 82 of the Criminal Code. Did they refer to honour killing?

42. **Ms. Nwankwo** said that she wished to know what the outcome of the National Strategic Action Plan on HIV/AIDS for the period 2011-2015 had been and whether there were plans for it to be extended or replaced by a new plan.

43. **Ms. Schulz** said that while she recognized the State party's right to combat terrorism and its duty to safeguard the security of its citizens, international humanitarian law had to be respected. The Committee's sources of information included the United Nations High Commissioner for Human Rights, other United Nations human rights treaty bodies, including the Committee against Torture, and national and international NGOs. Notwithstanding the State party's assertion that it was in strict compliance with both international human rights and international humanitarian law, the Committee's concerns in relation to alleged human rights violations might be allayed if independent monitors were given leave to investigate.

44. **Ms. Gabr** said that she wished to point out that her questions, which related to the human rights of women in places of detention and, in particular, reports that they were

being sexually exploited, were based on information received from the Committee against Torture. Information on those points would therefore be appreciated.

45. **Ms. Ustaoglu** (Turkey) said that, since investigations into allegations of human rights violations were already under way in Turkey, it would be wise to await the official report. Until then, those claims were unsubstantiated.

46. **Mr. Çiçek** (Turkey) said that a range of programmes offering vocational training and psychosocial services were intended specifically for women in places of detention. A project for women whose children were living with them in correctional facilities had also been set up with support from the Instrument for Pre-accession Assistance programme.

47. Lastly, regarding the questions raised by Ms. Halperin-Kaddari, he said that the Turkish term for custom — used in article 82 of the Criminal Code, and article 187 of the Civil Code, which stated that married women could only retain their original name if it was accompanied by their spouses' surname — had, along with any other mandatory provisions for women, been abolished in the light of a ruling of the Constitutional Court.

48. **Mr. Çetin** (Turkey) said that, while the term of the National Strategic Action Plan on HIV/AIDS had come to an end in 2015, a new action plan on contagious and communicable diseases was being drafted.

49. **Mr. Çarıkçı** (Turkey) stressed that the security forces in south-eastern Turkey paid particular attention to the plight of the local population and that all counter-terrorism activities were conducted in line with international law. Turkey was a democratic society where change could and should be achieved through political means; there was absolutely no justification for the use of violence.

50. **Ms. Ustaoglu** (Turkey) said that she wish to thank the Committee for the constructive dialogue, which had cast a light on the progress made in implementing the Convention in Turkey and had highlighted areas in which improvements were required. Turkey was committed to its goal of eliminating all forms of discrimination against women, and the Government looked forward to receiving the Committee's forthcoming concluding observations.

The meeting rose at 5.45 p.m.