



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of Turkey*

Legislative framework and definition of discrimination against women

1. In accordance with the obligations of the State party under articles 1 and 2 of the Convention, please provide information about legislative provisions recognizing multiple and intersecting forms of discrimination against women, and explain how the legislation in place implements the State party's obligations under the Convention concerning the protection of women against all forms of discrimination. Please indicate the legal remedies and compensation available to women who are subjected to any form of gender-based discrimination, in particular Kurdish women, women belonging to ethnic and national minority groups, migrant, refugee and asylum-seeking women, women with disabilities, older women and women and girls living in rural areas. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, para. 19), please indicate the steps taken to amend the Penal Code in order to abolish the provision allowing for genital examinations, including virginity testing, to be performed on a woman or girl without her consent.

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

2. With reference to the Committee's statement of 1 July 2021, on the State party's withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the Committee reiterates its deep disappointment and concern about the decision of the State party to withdraw from the Istanbul Convention, of which the State party notified the Council of Europe in March 2021. There are reports before the Committee that the implementation of the Istanbul Convention and of relevant national legislation has fallen behind in recent years. The Committee considers that the State party's denunciation of the Istanbul Convention constitutes a deliberately retrogressive measure that reduces the scope of protection of women's human rights and is inconsistent with the State party's due diligence obligations under the Convention on the Elimination of All Forms of Discrimination against Women to prevent and protect women and girls from gender-based violence against them. The Committee invites the State party to reconsider, as a matter of highest priority, and by all possible means, its decision to withdraw from the Istanbul Convention, which

* Adopted by the pre-sessional working group on 9 July 2021.



would further weaken protections for women and girls during the coronavirus disease (COVID-19) pandemic, deprive them of acquired rights and stand in contrast to the aforementioned standards and principles of international human rights law. Please inform the Committee of measures taken to strengthen legislation and policies to combat gender-based violence against women after the State party's withdrawal from the Istanbul Convention.

Women's rights and gender equality in relation to the pandemic and recovery efforts

3. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals, to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies, and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes; and (c) are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access for women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Access to justice

4. Please describe measures taken to raise awareness among women of their rights and measures taken to raise awareness among men of women's rights, in particular in rural and remote areas, including through legal literacy programmes, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice. Please provide information on the legal remedies available to women for filing complaints of gender-based discrimination. Please provide information on the situation of women's rights defenders and measures taken to ensure freedom of expression and respect for legal procedures in cases of arrest and detention, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). In the light of the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, please indicate what measures have been taken to ensure the protection of women against war crimes and violence, and provide information on the effective participation of women in peace processes. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, para. 23), please indicate measures that have been taken to ensure that free legal aid, including aid provided in

Arabic and Kurdish, is made available to women without sufficient means, especially those earning the minimum wage, including through the establishment of legal aid clinics in rural and remote areas.

National machinery for the advancement of women

5. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, para. 25), please provide detailed information on the mandate, status and authority of the General Directorate on the Status of Women of the Ministry of Family, Labour and Social Services and on its relationship with relevant ministries and women's institutions. Please also provide information on the human, technical and financial resources from the national budget allocated to the General Directorate. Please describe the impact of the implementation of the strategy and action plan on women's empowerment, 2018–2023, and the level of involvement of civil society in the preparation, implementation and future evaluation of the plan (para. 13),¹ in line with target 5.5 of the Sustainable Development Goals. Please describe the impact of the implementation of the national action plan on combating violence against women, 2016–2020. Please indicate whether gender-responsive budgeting is mandatory for all government departments and whether specific budgetary benchmarks have been defined. Please provide updated information on the level of implementation of the national development plan, 2019–2023, the action plan on human rights, 2021–2023, and the fourth national action plan for combating violence against women, 2021–2025.

National human rights institution

6. Please inform the Committee of measures taken to ensure that the Human Rights and Equality Institution of Turkey is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in line with the recommendation accepted by the State party in the context of the third cycle of the universal periodic review of the Human Rights Council, in 2020. Please also inform the Committee of steps taken to encourage the Human Rights and Equality Institution of Turkey to apply for accreditation with the Global Alliance of National Human Rights Institutions.

Temporary special measures

7. Please indicate whether the State party has adopted temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, aimed at accelerating the achievement of substantive equality between women and men in all areas in which women are still underrepresented or disadvantaged, in particular in political and public life, education and employment. Please inform the Committee of normative or legal measures taken to accelerate the participation of women in political life, in line with article 7 of the Convention and the agreed conclusions of the sixty-fifth session of the Commission on the Status of Women (E/2021/27-E/CN.6/2021/14, chap. I.A). Please indicate whether specific targets and timelines have been set for the achievement of gender parity in the executive, legislative and judicial branches of government, including in commissions, specialized committees and task forces, such as the Coronavirus Scientific Advisory Board and the Human Rights Monitoring and Evaluation Board.

¹ Unless otherwise indicated, paragraph numbers refer to eighth periodic report of the State party (CEDAW/C/TUR/8).

Discriminatory stereotypes and harmful practices

8. Please provide detailed information on measures taken to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, including awareness-raising and educational programmes and media campaigns to convey positive images of women as active participants in economic, social and political life, and the impact of those measures. Please indicate measures taken to address discriminatory gender stereotypes and negative portrayals of women, including all forms of objectification of women in the media and advertisements, and the results of those measures. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, paras. 29 and 31), and in line with joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, please provide detailed information on specific steps taken to:

- (a) Effectively implement the prohibition of child marriage;
- (b) Strengthen awareness-raising efforts regarding the harmful effects of child marriage on the health, education and development of girls.

Gender-based violence against women

9. In line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on specific steps taken to:

- (a) Adopt the necessary legislative amendments, including to Law No. 6284 of 2012, to explicitly criminalize domestic violence and to enable the prosecution and punishment of perpetrators;
- (b) Ensure that no victim of rape or harassment is forced into marriage with the perpetrator;
- (c) Ensure that protection orders are issued immediately and are effectively monitored and enforced in domestic violence cases;
- (d) Monitor protection orders, sanction those that violate them and investigate and hold law enforcement officials and judicial personnel accountable for failure to register complaints and to issue and enforce protection orders; please provide updated information to the Committee on advancements made in the integration of protection orders issued pursuant to Law No. 6284 under a common database system;
- (e) Encourage reporting of domestic violence against women and girls and ensure that reports are effectively investigated and that victims are provided with adequate assistance and protection;
- (f) Provide women who cannot safely return to their homes with assistance to build an independent life;
- (g) Ensure that irrelevant criteria, such as good conduct in court, do not serve as grounds for reducing the sentences of perpetrators of gender-based violence against women;
- (h) Increase the number of domestic violence crimes investigation offices established within prosecution offices, especially in rural areas;
- (i) Exercise due diligence to protect lesbian, bisexual and transgender women against discrimination and violence, by including sexual orientation and gender

identity in the legislation on hate crimes and among the grounds for prohibited discrimination in Law No. 6701, and ensure that perpetrators of violence against lesbian, bisexual and transgender women do not benefit from the mitigating circumstances provided for in article 29 of the Penal Code;

(j) Ensure that support services, shelters, medical, legal and psychosocial assistance and reparations are available to victims of gender-based violence against women;

(k) Ensure that child support centres consistently collect data and provide specialized services to children who are survivors and/or witnesses of domestic violence, pregnant children and lesbian, bisexual and transgender women and girls and intersex adults and children;

(l) Provide sufficient levels of funding to victim support services from the State budget, in particular for rural and remote areas;

(m) Prevent and protect women and girls against the increasing incidence of violence in the digital environment and cyberviolence during the COVID-19 pandemic.

Killings and forced suicide in the name of so-called “honour”

10. Please provide information on specific steps taken to prosecute and punish all crimes committed in the name of so-called “honour”. Please also inform the Committee of steps taken to:

(a) Amend the Penal Code, with a view to explicitly excluding crimes committed in the name of so-called “honour” from the application of article 29 of the Code;

(b) Ensure that suicides, accidents and other violent deaths of women and girls are effectively investigated, inter alia, by using forensic evidence, such as medical and psychological evaluations;

(c) Ensure that prosecutors and judges strictly apply article 84 of the Penal Code, on forced suicide, whenever its application is warranted;

(d) Dismantle the concept that the honour and prestige of a man and the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes and serves to control women and curb their personal autonomy.

Women and peace and security

11. With reference to the Committee’s previous recommendations (CEDAW/C/TUR/CO/7, para. 37), and in line with the Committee’s general recommendation No. 35 (2017), general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and general recommendation No. 30 (2013), please provide detailed information on specific measures taken to:

(a) Restore peace negotiations with Kurdish armed groups, including the Kurdistan Workers’ Party (PKK), and affiliated youth factions and ensure that women and women’s rights organizations are included in all peace negotiations and post-conflict efforts for rebuilding and reconstruction;

(b) Investigate, prosecute and adequately punish human rights violations perpetrated by the security and defence forces, as well as by PKK or any other armed group;

(c) Ensure that inquiries are conducted effectively, impartially and transparently, to ensure public trust in such proceedings, and establish an independent and impartial investigation mechanism for that purpose, with international assistance;

(d) Ensure accountability and provide medical, psychological and other support to victims of sexual and other forms of violence, as well as adequate reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, to women who are victims of human rights violations committed in the context of armed conflict and counter-terrorism measures;

(e) Improve access for internally displaced women and girls to education, health care and housing for themselves and their children and ensure that displaced women can return to their homes as swiftly as possible and that their homes are rehabilitated to decent housing conditions.

Trafficking and exploitation of prostitution

12. Please provide information on measures taken to ensure that women who are victims of trafficking and exploitation of prostitution are exempted from any liability and provided with adequate protection, such as through witness protection programmes and temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecutorial authorities. Please indicate the number of women and girls who have been identified as victims of trafficking and the rehabilitation and reintegration services provided to them, in line with the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration. Please specify measures taken to dismantle sex tourism networks and investigate reports of trafficking in organs affecting women and girls. Please also provide updated information on the number of children who have been victims of the offences of the sale of children, child prostitution and child pornography and on recent trends in that regard.

13. Please clarify whether women in prostitution in the State party are subjected to administrative fines or criminal penalties. Please describe measures taken to ensure access to health care, including HIV testing and treatment, and modern contraceptives, including condoms, for women in prostitution and provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution.

Participation in political and public life

14. Information before the Committee indicates that, in the State party, only 17 per cent of parliamentarians, 3 per cent of mayors and 11 per cent of municipal councillors are women. Please provide updated information on measures taken, including temporary special measures, to promote the equal representation of women in political and public life at all levels. Please provide updated data on the representation of women in political and public life, including the number of women who stood for election in the most recent national, regional and municipal elections and the number of women working in the foreign service and in international organizations. Please provide updated data on the extension of the increased representation of women in the political sphere to all public sectors, in particular in the judiciary, including the police, and the public service and security sectors. Please provide information about measures taken to better understand and address the barriers to the representation of women in the political sphere. Please indicate whether specific goals and timelines have been adopted, including for women belonging to ethnic minority groups, for example, through statutory quotas in the parliament, political parties, public administration and the foreign service and for senior government positions. Please elaborate on the outcomes achieved, supported by data.

Please describe the State party's legal framework with regard to political harassment and measures to promote the political participation of women on an equal basis with men. Please indicate measures implemented by the State party to support women candidates in campaigning for elections. Please provide information on training provided on gender equality for politicians, journalists, teachers, local officials and civil society leaders.

Education

15. Please describe measures taken, including temporary special measures, to increase school enrolment and completion rates among girls, including migrant and asylum-seeking girls and girls with disabilities, at all levels of education, in particular in rural and remote areas. Please provide information on measures taken to continue enhancing access for women and girls to non-traditional fields of study and career paths, in particular in the areas of science, technology, engineering and mathematics and information and communications technology. Please indicate measures taken to eliminate discriminatory gender stereotypes in school curricula. Please provide updated information on progress made in introducing inclusive education for women and girls with disabilities at all levels of education. Please provide information on specific measures to increase enrolment and literacy rates among women and girls at all levels of the education system. Please provide information on the delivery of comprehensive and age-appropriate sexuality education at all levels of the education system in the State party. Please provide information on the programmes and budget allocations for developing scholarships and study grants targeting women and the criteria for distributing education grants among women belonging to marginalized groups. Please also provide statistics on the enrolment rates of girls with disabilities in mainstream schools and special schools and measures taken to ensure access for them to high-quality, inclusive education. Please provide information about education on sexual and reproductive health and rights in accessible formats, including measures to review school curricula to include awareness-raising on gender equality and to eliminate sexist stereotypes in education. Please also inform the Committee of measures taken to reduce absenteeism and school dropout rates at all levels of education, including for girls with disabilities and citizens of the Syrian Arab Republic who are under temporary protection. Please also indicate school dropout rates, disaggregated by sex, race, ethnicity, age, socioeconomic status and geographical location, and measures being taken to address the problem.

Employment

16. Information before the Committee indicates that the labour force participation rate among women is only 35 per cent. Please describe measures taken to reduce the unemployment rate among women, enhance access for women to formal employment, address occupational segregation and close the gender pay gap. Please indicate measures taken to extend labour and social protections to women working in the informal economy. Please provide information on measures taken to encourage women to seek employment in traditionally male-dominated professions, such as those in the areas of science, technology, artificial intelligence and engineering, and in management positions, and provide relevant statistical data. Please provide information on steps taken to incorporate a comprehensive definition of sexual harassment into the State party's labour legislation applicable to both the private and public sectors and to provide for access to effective remedies. Please provide information on the number of complaints of discrimination and sexual harassment in the workplace lodged by women, and their outcomes, and the effectiveness of labour inspections and other oversight mechanisms in the State party.

17. Information before the Committee indicates that the gender pay gap in the State party is 15 per cent. Please provide information on measures taken to reduce the persistent gender pay gap, in particular in the private sector, which, among other things, has an adverse effect on women's pension benefits. Please provide updated information, disaggregated by age, urban or rural area and disability status, about the following:

(a) The nationwide employment rate among women and women's employment across the various sectors of economy;

(b) The unemployment rate among women compared with that among men, the number of women in the informal sector of the economy and measures taken to address unemployment among women, as well as the impact of pregnancy, maternity and short-term contracts on job security for women.

18. Please provide information on measures taken to reduce horizontal and vertical occupational segregation and address the concentration of women in part-time and low-paid jobs. Please also provide information on measures taken to eliminate discrimination in the labour market against mothers and pregnant women in relation to hiring, career advancement, conditions of employment, pay and denial of paid maternity leave, in particular in the private sector. Please indicate the current coverage of childcare facilities and the level of support in the community for women and men with parental responsibilities, in rural and urban areas.

19. Please explain the legal framework concerning retirement and disability pensions and specific measures aimed at increasing access for women to social protection schemes, including non-contributory schemes targeting women with disabilities or women belonging to marginalized groups. Please provide information on specific measures taken to ensure access to formal employment for migrant, asylum-seeking, refugee and Kurdish women, women belonging to minority groups, women with disabilities and other marginalized groups of women. Please provide data on the number of migrant women employed as domestic workers and information on measures taken to ensure that women migrant domestic workers are guaranteed the same level of protection and benefits as other workers.

Health

20. Please indicate measures taken to enhance access for women and girls to health care, including sexual and reproductive health services, in particular in rural and remote areas. Please provide updated information on measures taken to ensure equal and full access to sexual and reproductive health information and services for all women, including Kurdish women and women belonging to minority groups, that respect women's rights to autonomy, privacy, confidentiality, informed consent and choice. Please inform the Committee of measures taken to ensure access to modern forms of contraception, including emergency contraception, in all parts of the State party, including rural and remote areas. Please indicate whether abortion is legal, at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, and decriminalized in all other cases. Please provide information on measures taken to ensure that women and adolescent girls have access to safe abortion and post-abortion services. Please provide updated information on the availability of age-appropriate sexuality education at all levels of education, including in rural and remote areas. Please indicate measures in place to ensure that women and girls with disabilities are not placed in mental health institutions and that no medical interventions are performed on them without their free, full and informed consent. Please inform the Committee of steps taken to increase access for women to vaccinations during pregnancy.

Economic empowerment and social benefits

21. Please provide information about the following:

- (a) Measures taken to ensure access for women in rural areas to bank loans;
- (b) Measures to support women entrepreneurs throughout the State party, start-up businesses owned by women and women beneficiaries of finance schemes for businesses, including microcredits and appropriate technology for establishing and developing small- and medium-sized enterprises, disaggregated by urban or rural area, age, disability status and migrant, refugee or asylum-seeking status;
- (c) The levels of poverty affecting women of all ages and measures to combat the social exclusion of women, in particular older women.

Rural women

22. In line with the Sustainable Development Goals, and in accordance with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information about the following:

- (a) Measures adopted with the aim of increasing access for rural women to land ownership;
- (b) Legal and policy frameworks to protect the natural environment and rural women's livelihoods;
- (c) Mechanisms to mainstream gender equality into, and consult rural women's organizations regarding, the protection and management of natural and other assets and the water supply;
- (d) Measures taken to implement legal, financial, media and information literacy programmes for rural women.

Disadvantaged and marginalized groups of women

23. In view of the intersecting forms of discrimination faced by disadvantaged and marginalized groups of women in the State party, please provide information about the situation of the following groups of women:

- (a) **Migrant, refugee and asylum-seeking women.** Please indicate measures taken to ensure the protection of all migrant women, including undocumented migrant women, who are at particular risk of violence; please report on the efforts made to strengthen labour inspections conducted of the workplaces of migrant women, including private households; please include examples of efforts to take an inclusive and non-selective approach to upholding the principle of non-refoulement and taking a gender-sensitive approach to the continuing refugee inflows and asylum claims, including in procedural matters, in line with the rights covered under the Convention and with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. Please also provide information about the following:
 - (i) Measures taken to combat discrimination against migrant, refugee and asylum-seeking women, in particular with regard to access to education, employment, health care and housing;
 - (ii) Measures to ensure the accessibility of safe housing, crisis centres and maternity waiting homes and to provide women referred to such facilities with interpretation services;

(iii) Reintegration services set up during the reporting period and the results achieved;

(iv) International cooperation programmes at the regional or international levels aimed at addressing the vulnerability of migrant and asylum-seeking women and ensuring the safety of women facing deportation to their country of origin;

(b) **Kurdish women.** Please provide updated and detailed information on specific measures taken to address the inequalities faced by Kurdish women, which are compounded by the intersecting forms of discrimination to which they are subjected; please provide information on all measures taken to bridge the gap between Kurdish women and other women in the State party; please provide information on the steps taken to review laws and policies, with the participation of Kurdish women, to ensure that they can fully enjoy their rights to adequate housing, education and family and private life without discrimination or fear of segregation, forced eviction or displacement; please report on efforts made to establish and enforce a strict code of conduct for the police, in order to effectively ensure respect for women's human rights in all police operations;

(c) **Women with disabilities.** Please provide updated information on measures taken to include women and girls with disabilities in all policies and strategies to promote equal opportunities for women and men, in particular with regard to education, employment, access to justice, protection against violence and access to sexual and reproductive health-care services and poverty reduction programmes; please also report on how free and informed consent is ensured for women with disabilities prior to any medical treatment and on any existing exceptions to that universal right; please indicate measures adopted to protect women with disabilities living in institutions from violence and abuse and to eliminate practices involving physical and mechanical restraints.

Marriage and family relations

24. Please provide information on measures taken to strengthen enforcement efforts to prohibit polygamy and child and forced marriages, in line with joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019). Please inform the Committee of steps taken to train legal professionals, including among the judiciary, ethnic minority communities and religious leaders on the Convention and the Committee's general recommendations. Please provide information on steps taken to amend existing legislation so as to ensure that women have equal rights to their names, in line with the ruling of the European Court of Human Rights and with article 16 of the Convention. Please provide updated information to the Committee on measures taken to address the stigmatization of, and to provide support to, single mothers, including through social protection and child support schemes, paternity recognition procedures and enforcement of alimony and maintenance obligations of ex-husbands and the fathers of their children. Please explain the current legislative framework concerning marriage and family relations, in particular how it guarantees that women and men have equal rights and responsibilities during marriage, at its dissolution and in all family matters, including inheritance, property rights and the custody of children. Please specify whether there is any subsidy available for single-parent families in the absence of child maintenance payments.