



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 165th MEETING

Held at Headquarters, New York,
on Wednesday, 31 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

CONTENTS

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

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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)

Second periodic report of Egypt (continued) (CEDAW/C/13/Add.2 and Amend.1)

1. At the invitation of the Chairperson, Mr. Galal (Egypt) took a place at the Committee table.

2. Ms. BUSTELO GARCIA DEL REAL expressed concern at hearing that there were restrictions on maternity leave in Egypt and that abortion was totally prohibited. It was also disquieting to hear the admission that women did not all have equal access to family planning.

3. With regard to article 16 of the Convention, it was her understanding that adoption was not permitted in Egypt; she asked what happened when a child was orphaned. The representative of the Egyptian Government had said that, in the event of divorce or separation, the mother was normally awarded custody of children up to 12 years old, if they were girls, and up to 10 years old, if they were boys. She asked what happened when the children were older than 12 or 10 respectively.

4. Ms. DIALLO SOUMARE said that Islam was not at all opposed to the exercise of the rights of women. Some men had incorrectly interpreted the doctrine and that had led, in some cases, to the oppression of women in the name of Islam. Egypt was a Muslim country which was an example to many others and it should offer all Muslim women the opportunity to be proud of Islam; she therefore hoped that the Government of Egypt would withdraw its reservations to the Convention.

5. Ms. BERNARD said that the illiteracy rate among women in Egypt remained high, as did the school drop-out rate among girls, and she urged the Government of Egypt to take steps to remedy the situation. While realizing that Egypt was having economic problems, she hoped that the Government would do all within its power to improve the situation of women.

6. Ms. PILATAXI DE ARENAS asked how the Constitution was able to harmonize the laws, given the fact that there were different religious groups, Islam being the one with the most followers; whether domestic employees enjoyed social benefits; whether fathers had parental authority over their children after divorce and what was the position of a woman who was compelled to leave the home. Finally, she asked what was the purpose of prohibiting child adoption and what social problems were thereby averted.

7. Ms. LAIOU-ANTONIOU expressed concern at the Constitutional provision safeguarding harmony between a woman's duty to her family and her activities in various spheres of society. In fact, that Constitutional guarantee created basic conditions for a number of manifestations of discrimination against women, because there was clearly no article in the Egyptian Constitution safeguarding harmony

(Ms. Laiou-Antoniou)

between a man's duty to his family and his social and political activities. The provision was in effect misleading and should be deleted or at least analysed.

8. The report did not refer to the situation of many women who worked in family businesses, without remuneration and without access to social security or social benefits. She wondered whether the Government of Egypt took into account the fact that many women were in that position and she expressed the hope that the next report would contain information on that subject.

9. Ms. AKAMATSU recalled that at the previous meeting Ms. Tallawy had pointed out that Egypt might withdraw its reservations to article 16. She hoped that it would do so and that Egypt would also withdraw its reservations to article 9.

10. Mr. GALAL (Egypt), replying to comments made by members of the Committee, said that the school drop-out rate among girls and women was due not so much to the pressure put on children but rather to the overall economic situation of the family. Egyptian society was a traditional society in which the man was the main breadwinner; the woman enjoyed equal rights but was privileged to receive assistance.

11. With regard to the questions concerning Islam, he said that the concept of equality was a basic element of the Islamic religion. Any law which was not consistent with this concept was contrary to the spirit of Islam; however, it would clearly be necessary to take a pragmatic approach on the subject. In practice, there were certain differences and there were incorrect interpretations of the concept of Islam, but men and women would have to work together in order to surmount those problems.

12. In Egypt there was one set of laws which applied to the entire population; differences existed only with respect to private law. Islam was said to be the dominant religion in Egypt because it was the religion of the majority; however, all other religions were respected.

13. With regard to the questions relating to abortion, he said that he had already dealt with the subject in connection with human rights. He agreed that, once the Convention was adopted it became part of domestic legislation; that had not been made clear in the report. No distinction was made in Egypt between the type of work done by men and the type of work done by women, save in the case of dangerous work, from which women were protected. With regard to access to contraception, he explained that contraceptive devices were distributed free of charge in the family planning clinics. Adoption was illegal in Egypt because of the complications that could ensue. Nevertheless, the needs which led a person to adopt a child were met by means of another system, the custody system, whereby a person could maintain a child without passing their name onto the child. In addition, there were many orphanages run by voluntary organizations.

(Mr. Galal, Egypt)

14. The law gives preference to women in so far as custody of children was concerned, up to the age of 15 years in the case of girls (with a possibility of extension until a girl married) and up to the age of 10 years in the case of boys (with the possibility of extension until the age of 15).

15. Referring to the questions relating to religion, he pointed out that women had a privileged position in Islam and that many of the premises were consistent with the teachings of the wives of the Prophet. Nevertheless, the spirit of Islam was often distorted as a result of incorrect interpretations.

16. In Egypt education was free for both men and women without discrimination. Increasingly, women were holding high office, thanks to their perseverance and dedication. Religious discrimination did not exist; the various religious groups all had the same rights before the law.

17. With regard to the role of women, he cited data from a recent study which showed that a majority of women were housewives. In the event of divorce, a woman was entitled to support from her husband and to retain custody of the children and of the family home, at least until the children reached the age at which custody ceased.

First periodic report of Turkey (continued) (CEDAW/C/5/Add.45 and Amend.1)

18. At the invitation of the Chairperson, Ms. Dogramaci (Turkey) took a place at the Committee table.

19. Ms. DOGRAMACI (Turkey) said that she would reply as fully as possible to the questions which the Committee had raised. Turkey attached great importance to the Convention; it was conscious of its limitations and would do what it could to overcome them. Turkey was going through a period of economic and social change which had negative and also positive implications for the status of women. The general problem of unemployment had affected women. At the same time, in urban areas, women were developing their individuality, taking a greater interest in their health and in family planning and increasingly taking advantage of services in those areas. Their expectations and aspirations were changing rapidly, as also was their perception of their role in society and in the family.

20. Women's organizations had been consulted informally prior to the preparation of the report.

21. With regard to religious fundamentalism and its adverse repercussions on women in Turkey, she pointed out that in a democracy it was necessary to tolerate different beliefs, even if they were totally opposite to one's own. Moreover, it should be noted that the fundamentalists had not won a single seat in Parliament in the latest general elections; that showed that they did not have popular support. The rights that women had acquired in the 1920s and 1930s and the great strides made towards equality would safeguard women from the obstacles which some were attempting to put in the way of progress in that area.

(Ms. Dogramaci, Turkey)

22. The Government was devoting itself particularly to finding and implementing means to eradicate the social and economic differences prevailing in the rural areas of the country as compared with urban areas. The progress made in rural areas would help to improve the status of women in those areas. Women's associations and the mass media were supporting the education and information campaigns for rural women.

23. The girls and families migrating from rural to urban areas received education, health and family planning services. Both the State and women's associations paid special attention to such groups, which usually lived in the outskirts of big cities.

24. The statement that women did not walk in the streets and public places, such as the Grand Bazaar, was entirely incorrect. There were at least as many women as men to be seen in the streets, especially in large cities.

25. She then replied to questions dealing with specific articles of the Convention. With respect to article 2, she pointed out that article 10 of the Turkish Constitution provided that all individuals were equal before the law without discrimination on the basis of language, race, colour, sex, political opinion or philosophic or religious belief. The Civil Law of 1926 as well as the Labour and Penal Codes were based on the principle of equality. Nevertheless, women were not adequately represented in legislative and executive organs, nor did they occupy posts in key decision-making places. Women had begun to make their voices heard through various organizations and had achieved the support of public opinion. It was correct that Turkish regulations considered women as beings needing protection. That question and others similar to it were under heated discussion at present. With regard to the access of detained women to justice, there was no discrimination between men and women in that respect.

26. The national machinery set up in 1987 within the State Planning Organization was exclusively concerned with questions, problems and statistics relating to women. It was composed of the presidents of several women's associations and representatives of various ministries and universities. In the preparation of the sixth five-year plan, covering 1990-1994, that body had been consulted in matters relating to women, family and mother and child care. The machinery worked centrally and had no branches. So far it had not reached the desired level of effectiveness, but it was hoped that it would be strengthened in the future.

27. In connection with article 3, she noted that the report made reference to the anachronistic and incomprehensible provision preventing women from being governors of districts (Kaynakam). There was a strong tendency to change that rule. Unfortunately, lack of co-ordination and co-operation among the women's organizations had so far made them unable to affect political parties and government policies.

(Ms. Dogramaci, Turkey)

28. In connection with article 4, she said that there was awareness that full and complete equality had not yet been achieved. In some sectors, such as the police and postal services, special measures had been endorsed in order to recruit more women. In that context, she cited the recent decision by the civil court regarding the right of a woman to retain her maiden name.

29. Turning to article 5, she pointed out that there was no particular organ for the implementation of the Convention. The review of Turkish legislation with regard to compliance with the Convention fell within the scope of the national machinery within the State Planning Organization. As the Convention carried legal implications, the Turkish courts were responsible for reviewing their enactments to ensure their compatibility with the Convention.

30. Turkish women gave priority to their functions as wives and mothers as a matter of tradition and style of life. However, as the circumstances of the country changed, that inclination was gradually changing. The first woman Minister had been appointed in 1971. In the preparation of special television programmes devoted to women, all prejudices against women were considered.

31. In connection with the role of women as wives and mothers, the new technologies had made household tasks less arduous. In the big cities, families lived in small apartments and the number of nuclear families was steadily increasing. The majority of men of the present generation helped their wives in every possible way.

32. In connection with article 6, and specifically with prostitution, she regretted that there was not much to add to what was said in the report. The Constitutional Court had recently ruled, by a decision of five of its nine members, that the provision of article 438 of the Penal Code regarding reduction of the penalty for raping a prostitute was constitutional. That decision had provoked an energetic reaction by men and women in all spheres, especially in the big cities. There had been public demonstrations and the press and political parties had voiced their disapproval of the decision.

33. In connection with article 7, she said that, although Turkish women had the right to vote and to be elected, they still did not play the role they deserved in political life. There were only six women in the Parliament and only one woman Minister. The women's associations had not yet had great success in the area of politics.

34. She cited some figures on the participation of women in some areas. In the legal sector, 21.20 per cent of the lawyers and 12.06 per cent of the judges and prosecutors were women. In the health sphere, 31.61 per cent of the physicians and 40.22 per cent of the pharmacists were women. In the universities, a woman occupied the post of Vice-President of the Higher Education Council established in 1981, two women had been presidents of universities and at present, out of a total of 186 deans of faculties in 29 universities, 18 were women. Of the 11 members of

(Ms. Dogramaci, Turkey)

the Executive Committee of Ankara University, six were women. Furthermore, according to recent statistics, 34 per cent of the teaching staff in universities were women.

35. With respect to article 8, it was to be noted that of 702 career officers in the Ministry of Foreign Affairs, 81 were women, which amounted to 11.54 per cent. Among them were 1 Deputy Under-Secretary with ambassadorial rank, 2 Deputy Directors-General, 6 Heads of Department, 1 Consul-General and 10 Deputy Chiefs of Mission. Turkish women also played an active role in the representation of Turkey in international organizations and conferences.

36. In connection with article 9, she said that there was no distinction between the mother or father with respect to the citizenship of the child.

37. In connection with article 10, she pointed out that family planning activities had begun in 1965 and were regulated by Law No. 2827 of 1983. That law allowed abortion up to the tenth week of pregnancy and sterilization under government regulation. Although the consent of the husband was required for either procedure, the intent of the law was to permit the woman to decide on the number of children she would have. Family planning services were provided mainly by the Ministry of Health and Social Welfare, with which universities, radio and television, social security organizations and non-governmental organizations co-operated. The Ministry devoted 2.7 per cent of its budget to family planning. There were 128 family planning centres in the country, with a staff of 1,750 persons, of whom 353 were physicians. In 1987 services had been provided to 24.71 per cent of women in the reproductive age group. It was hoped that the average birth rate would decrease to 2.85 per cent in the period 1990-1995.

38. In Turkey, primary education was compulsory for both boys and girls. The law provided penalties for parents who did not send their children to primary school, although in practice the law was not strictly implemented, especially in some rural areas.

39. Turkey had a co-educational system, except in the case of military academies and vocational and technical schools for girls. The increase in the number of girls in vocational and technical schools was due partly to tradition and partly to economic reasons. All graduates of high schools, vocational schools and other equivalent schools were entitled to take the universities' entrance examination. Counselling and career orientation services were provided.

40. On the question regarding the employment of graduates, particularly in the field of mass communications, the situation was that the percentage of women working in that area was increasing daily, with excellent results. In addition, many companies worked hand-in-hand with universities with a view to engaging senior students after graduation. There was also a substantial demand for women in the field of the performing arts.

(Ms. Dogramaci, Turkey)

41. Campaigns had been promoted throughout the entire country in order to improve the literacy rates of women. Such campaigns were supported by radio and television programmes and special courses in schools. The relatively high literacy rate among men compared with women resulted from the higher schooling rate of men and the fact that illiterate men learned to read and write during their compulsory military service.

42. While sex education had not yet begun, there were movements for its commencement. Hitherto little effort had been made to eliminate sexual stereotypes from textbooks but positive changes could be noticed in television advertising.

43. The minimum marriage age for girls was 14 , with the consent of both parents. That was clearly a very early age and there were indications that the situation was changing even in the rural areas.

44. With reference to article 11, she pointed out that in Turkey 35.4 per cent of women and 64.6 per cent of men worked; 82.49 per cent of women who worked did so in the agricultural sector, many without remuneration. No agricultural worker, whether man or woman, was protected by social security or health insurance, although they were eligible for voluntary insurance in the self-employed workers' insurance system. There was no unemployment insurance in Turkey. Owing to the high unemployment rate in the country, women tended to keep their jobs on a full-time basis. Few civil servants took retirement after 20 years of service. Recently, the minimum retirement age had been increased to 50 for women and 55 for men. At universities, the retirement age was 67, although, if both sides agreed, a university professor could continue to work on a contract basis while receiving his or her pension.

45. In addition to maternity leave and other allowances mentioned in the report, the mother had the right to three years' leave without pay in order to rear her child without losing her job. Before being reinstated in her work, she was offered courses to update her with recent technological developments, although that was not a widespread practice. Children had the right to attend day-care centres and nursery schools at the father's place of work.

46. During the decade of the 1920s the principle of equal pay for equal work had been started. Generally speaking however, men occupied the higher posts and were better paid. The income of the wife was taxed independently of her husband's income. There were not many complaints regarding harassment of women at work. Labour legislation made no distinction between the single man and the single woman.

47. In Turkey 8,096,000 individuals were active members of social security institutions and 10.95 per cent of those were women. In 1989, 68,986 housewives participated in the self-employed workers' insurance system. There were no statistics regarding the percentage of women belonging to trade unions.

48. During the decade of the 1950s, while the industrialization process of the country was accelerating, migration from the countryside to the cities had begun.

(Ms. Dogramaci, Turkey)

Emigration towards the countries of Western Europe began slowly and gradually accelerated. In both cases, the woman had to face social and cultural problems. Qualified women returning from abroad found jobs, particularly in tourism. Many girls who returned married but approximately 40 per cent continued their higher education. There were special schools for returning children and there were plans for establishing a German subuniversity within the University of Mármara in Istanbul as a joint project of the Governments of Turkey and the Federal Republic of Germany. Many heads of household were women as a consequence of migration. Those women engaged in the same kind of transactions as men.

49. In connection with article 12, she pointed out that women's organizations, assisted by municipalities, had set up shelters for battered wives and women lawyers were offering advice free of charge. In domestic industries, such as carpet weaving, the woman's income helped to increase the family budget, although part was given to the female workers. In principle such work did not limit workers' possibilities for study.

50. In connection with article 13, there were no differences between men and women regarding bank loans or family allowances.

51. In regard to articles 15 and 16, it should be pointed out that married women did not need their spouse's permission in order to travel inside Turkey or abroad; neither did an unmarried woman require the permission of her father or brother. Inheritance laws did not make any difference between the sexes. According to the Civil Code, the fact that the wife had taken a job against the wishes of her husband was not a cause for divorce. In practice, when such a situation arose, the husband could file suit for divorce on the grounds of "incompatibility". The wife had the same right as the man to sue for divorce.

52. Before acceding to the Convention, the Government of Turkey had expressed reservations on certain paragraphs of articles 15 and 16, which were incompatible with some articles of the Civil Code. The situation was being studied and it was hoped that those reservations would be withdrawn before the second periodic report was submitted.

53. Ms. WALLA-TCHANGAI expressed the hope that, in its next report, Turkey would provide more complete and precise information regarding action taken to promote activities for the advancement of women in the rural areas and also on measures taken regarding the minimum age for marriage, which was 14 for girls, and did not advance the goals of women's education.

54. Ms. SAYOGYO said, in connection with inheritance, that, according to Islamic law, two thirds of the estate belonged to the man and one third to the wife, although customary law provided that it should be distributed in equal parts.

55. Ms. SCHOPP-SCHILLING recommended that, in its second report, Turkey should follow the guidelines established for the submission of such reports and reply to the outstanding questions. She also hoped that information would be submitted by sex so that it would be possible to have a clearer idea of the situation of women compared with men both in the rural and urban areas. She would be particularly interested in the decisions adopted by the Committee on Legal Reform in connection with the provision of the Civil Code concerning the permission which the husband must give his wife to work and also the measures adopted by the Turkish Parliament for the advancement of women in the next few years.

The meeting rose at 5 p.m.