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**SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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BY THE HUMAN RIGHTS ASSOCIATION (İHD) AND FIDH

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I. INTRODUCTION

This alternative report, prepared by IHD and FIDH, aims at drawing the Committee on the Elimination of Discrimination against Women attention to several forms of discrimination faced by women in Turkey. Since the Justice and Development Party (AKP), which advocates conservatism on issues of social order, won the legislative elections of November 2002, women's rights have been curtailed. When Mr. Erdogan became Prime Minister, the AKP adopted several reforms in favour of women's rights. They established family courts, outlawed marital rape, instituted maternity leave, and took steps to eliminate domestic violence¹. The AKP, which preaches Islamist values, also promoted its conservative view of women's role within society. It questioned the principle of equality between women and men. While addressing a meeting of associations promoting women's rights in Istanbul on 24 November 2014, Mr. Erdoğan said *"You cannot claim that men and women are equal position, as their natures, their physical qualities and personalities are different. Women don't need equality but justice. This is what they need"*². Mr. Erdoğan's cabinet instead promoted the notion of "equivalence" and equality of women before the justice system. The AKP also questioned secularism which is a Turkish specificity, challenged sexual and reproductive rights, repealed the ban on hijab, changed the name of the Ministry of Women and Family Affairs into the Ministry of Family and Social Policy³, attacked feminists. They tried to dictate women how to behave in public, how many children to bear, how to give birth, and what career to choose... Speaking about Mr. Erdoğan's government, Ilke Gokdemir, a women's rights activist said, *"No other [Turkish] government has been so radical against women"*⁴. This report focuses on the following issues from the List of Issues in relation to the periodic report of Turkey: violence against women (General recommendation No. 19 – hereinafter 'GR 19'), the promotion of stereotyped roles for women (article 5), women's participation in political and public life (article 7), education (article 10), employment (article 11), health care (article 12) and marriage (article 16).

II. VIOLENCE AGAINST WOMEN (GR 19)

*« In the past 10 years the number of gender-related homicides has tripled in Turkey. Between 2003 and 2013 domestic violence has increased more than 1,400%. In the Global Gender Gap report Turkey ranks 125th among 142 countries. It still holds the lowest position among OECD countries »*⁵. Until late 1990s, legislation that criminalized violence against women was highly insufficient and ineffective. This started to change first with the Law on the Protection of the Family (n°4320) in 1998 and then with the new Penal Code in 2005, and finally with the Law for the Protection

¹ Time, Why Turkey's Election is High Stakes for Women, 2 June 2015.

² Euronews, Turkish President sparks row by saying women are not equal to men, 24 November 2014.

³ The Guardian, After years of silence, Turkey's women are going into battle against oppression, 17 February 2015.

⁴ Huffington Post, Turkish Activists Say Their Country Is Sliding Backward on Women's Rights, 18 April 2014.

⁵ The Guardian, After years of silence, Turkey's women are going into battle against oppression, 17 February 2015. According to the statistics given by the Minister of Justice in 2009, 12 673 cases of violence against women were filed between 2002 and 2009. 15 564 individuals were tried, and only 5 736 were convicted, [<http://www.aksam.com.tr/guncel/kadin-katliami-4-bin-885-kadin-olduruldu/haber-175352>].

of Family and the Prevention of Violence Against Women (n°6284) in 2012 addressing domestic violence⁶.

The Law on domestic violence defines violence broadly as “*all kinds of physical, sexual, psychological, verbal or economic attitude and behavior; as well as threats and pressures and any arbitrary obstructions of freedom, that result or have the potential to result in physical, sexual, psychological or economic harm*”. It expanded the scope of domestic violence to cover not only formally married couples but also partners who may or may not live together, including religious marriages (*imam nikah*). The law gives local civilian authorities as well as the police the authority to issue protection orders in cases of emergency without going through the judiciary. It also gives authorities the responsibility to provide safe shelter for survivors and their children or to place them in protective custody in life-threatening situations. The law also provides for financial assistance by the State, as well as alimony and sole access to the joint residence. It also ensures that the survivors have free access to rehabilitation and treatment, as well as healthcare insurance. The law further requires that the police involved in such cases are special personal with training on the human rights of children and women and on the equality of men and women. The influence of the EU accession process on the one hand, and the concerted efforts and campaigns of an otherwise divided women’s movement on this issue on the other hand, have been instrumental in this positive progress.

However the law on domestic violence is not enforced adequately. According to Pinar Ilkkaracan, a Turkish women's rights activist, “*Instead of concentrating on protecting women who suffer from domestic violence, the government concentrates on how they can make the laws more in line with their conservative ideology*”. “*There is a difference between what is happening in the legal sphere and everyday life. The laws aren't being implemented*”. She describes state shelters for women victims of domestic violence as prisons and says “*she has heard about many cases in which state shelters sent women back to abusive households, forced them to send their children to social services, and denied them access to their cell phones (often times their only means of communication)*”. She states that 3 to 5 women are killed every day in Turkey, most of them victims of domestic violence⁷.

IHD and FIDH are worried about some of AKP’s members stigmatizing comments about victims of rape. Bulent Arinc, then the Turkish Deputy Prime Minister and a co-founder of the AKP was quoted saying a rape victim must have “wanted it”⁸. Such statements coming from high-level officials are particularly worrying. They are promoting a dangerous culture in which the victims are blamed and re-victimized instead of focussing on holding perpetrators to account and fighting impunity for such crimes.

III. THE PROMOTION OF STEREOTYPED ROLES FOR WOMEN (ARTICLE 5) The three children policy to maintain economic growth

⁶ The law specifically states that it is based on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of 2011, known as the “Istanbul Convention”.

⁷ Huffington Post, Turkish Activists Say Their Country Is Sliding Backward on Women's Rights, 18 April 2014.

⁸ Huffington Post, Turkish Deputy Prime Minister Tells Women not to Laugh in Public, 8 August 2014.

The AKP government sees women's bodies as vehicles of demographic policies in an attempt to boost Turkish population figures to project political power and maintain economic growth. IHD and FIDH are concerned that the authorities seek to promote women's role as primarily wives and mothers and to control women's bodies, how many children they should have and even how they should deliver them.

Mr. Erdoğan has repeated over and over that *"Every family should have at least 3 children before it's too late"*. *"Now it's easier to raise kids, they can even have 5"*⁹. In February 2015, Ahmet Davutoglu claimed the government will *"offer up to 10,000 Turkish lira (\$4,000) to couples that marry early in a bid to get young people to marry before graduating from university and produce at least three offspring"*¹⁰. On June 5, 2016, Mr. Erdoğan said that a woman who doesn't want to have children because she's working denies her femininity. He also stated that a woman who rejects maternity, who refuses to take care of her home, even if she succeeds in her professional life, is *"incomplete"*¹¹.

Women as discrete and obedient

Beyond being defined primarily as wives and mothers, the Turkish authorities have promoted the image of obedient and discrete women. In August 2014, during a speech, Bulent Arinc, the then Turkish Deputy Prime Minister and a co-founder of the AKP, said for example that *"a woman will know what is haram [forbidden] and not haram"*. *"She will not laugh out loud in public. She will not be inviting in her attitudes and will protect her chasteness"*. *"Where are our girls who slightly blush, lower their heads, and turn their eyes away when we look at their faces, becoming the symbol of chastity?"*. In reaction to this statement, Turkish women posted pictures of themselves laughing out loud on social media¹².

IV. PARTICIPATION IN PUBLIC AND POLITICAL LIFE (ARTICLE 7)

Türkiye Büyük Millet Meclisi (T.B.M.M) / The Grand National Assembly of Turkey

The ratio of women elected to the 550-seats National Assembly has constantly increased from 4,2% in 1999 (23 women) to 4,4% in 2002 (24 women), to 9,1% in 2007 (50 women) and 14,4% in 2011 (79 women), to 17,8% in 2015 (96 women)¹³. Twice as many women candidates were running in the 2015 election compared to the 2011 election¹⁴.

In 2011, 46 women (14%) were elected on the AKP's list out of its 326 elected MPs. The party was running 78 women candidates. In 2015, 41 women were elected out of the 258 elected AKP's MPs (16%). AKP was running 99 women candidates. In comparison, the pro-Kurdish Peoples' Democratic Party (HDP) had a 50% quota for female candidates (it charged women half as much as men to stand as candidates). As a result, 268 of the HDP's 550 candidates were women, and 31 (39%) of its 80 elected

⁹ Hurriyet Daily News, Turkish PM Erdoğan reiterates his call for three children, 3 January 2013.

¹⁰ International Business Times, Turkey: PM pledges dowry of gold to young women to have children, 10 February 2015.

¹¹ Les Nouvelles News, Erdogan et les femmes-utérus, suite, 6 Juin 2016.

¹² Huffington Post, Turkish Deputy Prime Minister Tells Women not to Laugh in Public, 8 August 2014.

¹³ [http://www.ipu.org/parline-e/reports/2323_A.htm].

¹⁴ Time, Why Turkey's Election is High Stakes for Women, 2 June 2015.

MPs¹⁵. HDP is also the only political party in the Grand National Assembly of Turkey with a co-presidence system including a chairwoman and a chairman.

Government

Few women have been appointed as ministers by the AKP. They were always entrusted with family and education matters. These women were often the only female ministers among men. For example, when she was reappointed in August 2014, Ayşenur İslam was the only female Minister out of 26 positions¹⁶.

High-level positions

The ratio of female high-level bureaucrats has stayed within the 8.7-9.3% range between 2007 and 2014. The ratio of women in high-level positions in the judiciary is 14.2%¹⁷.

Quotas

While the last National Action Plan (1996) announced by the General Directorate for the Status and Problems of Women, before AKP came to power, included concrete measures, such as quotas, the Strategic Plan prepared by the same Directorate in 2007 represented a significant step backwards. With respect to the goal of increasing women's participation in politics, the plan only mentions awareness-raising activities¹⁸. The National Action Plan for 2008-2014 talks about increasing the level of information and awareness, increasing the number of women's councils at the municipality level, and indirect strategies such as encouraging girls to assume positions such as class president and school representative; there is no mention of quotas¹⁹. The overall perception seems to be that low levels of women's participation has less to do with the political system or the social structure and more to do with a supposed lack of interest by women and girls. In reality, women's lack of participation in public and political life is the result of Turkey's patriarchal culture, encouraged by the political and administrative systems.

V. EDUCATION (ARTICLE 10)

According to article 42 of the Constitution, “*Nobody can be deprived of the right to education... Primary education is mandatory for all citizens, boys and girls, and is provided free-of-charge at public schools...*”. The National Education Principle Law (n°1739) also mandates the State to ensure equality of opportunity for men and women in education. Although “primary education” was initially defined as 5 years of elementary school, in 1997, Law n°4306 on the modifications of the National Education Principle Law n°1739 changed it to include elementary as well as middle school, thereby extending the span of compulsory “primary education” to 8 uninterrupted years. In 2012, Law N°6287 extended compulsory education to 12 years under the “4+4+4” scheme (see below). If the 1997 reform is generally credited for narrowing gender disparity in education, the 2012 reform, drew intense criticism from

¹⁵ The Guardian, Record number of women elected to Turkish parliament, 8 June 2015; Time, Why Turkey's Election is High Stakes for Women, 2 June 2015.

¹⁶ Today's Zaman, New Cabinet: 25 men, 1 woman, 29 August 2014.

¹⁷ KADER, 2014, “Ka.Der’in ‘Temsilde Kadın Erkek Eşitliği’ Karnesinde Türkiye 7. Kez Sınıfta Kaldı” (<http://cms2.ka-der.org.tr/file/kader-8mart%20karne.pdf>).

¹⁸ Serpil Sancar, 2008, “Türkiye’de Kadınların Siyasal Kararlara Eşit Katılımı,” *Toplum ve Demokrasi* 2(4), pp. 173-184.

¹⁹ [<http://www.kadininstatusu.gov.tr/tr/19090/Toplumsal-Cinsiyet-Esitligi-Ulusal-Eylem-Plani>]

secular circles²⁰. Although the “4+4+4” scheme extends compulsory education, it also allows students to continue to technical schools, including the specialist religious schools—*imam hatip* schools (which are technical schools that graduate ministers or imams), after only 4 years of elementary education (at age 10). It also allows non-formal education or home schooling (*açık lise*) for the last 4 years.

It is reported that the capacities of regular (non-religious) public high schools are falling short of meeting the public’s need and demand, thereby forcing students to enrol in *imam hatips* instead if they cannot afford private schools. In 2014-2015, the State has multiplied the capacities of *imam hatips* by five compared to 2013-2014²¹. Their number increased by 73% between 2010 and 2014²². It is reported that while girls made up about 30% of *imam hatips* students before 1997, now that figure has reached 60%.²³

It should be noted that the presence of religious public schools – as well as the lifting of the ban on veils in universities – have allowed girls from conservative/religious families, who would have otherwise taken their daughters off from school, to continue their education.

VI. WOMEN’S EMPLOYMENT (ARTICLE 11)

In Turkey, only 24% of women are employed. Most women working outside the house have low-paying jobs, such as farming and textiles. Only 12% of Turkish CEOs are women²⁴. High level officials have frequently made discriminatory stereotyped statements sending the message that women should be viewed as housewives and child-bearers and should refrain from pursuing a career until they have fulfilled what is seen as their ‘natural’ role. On 1st January 2015, the Health Minister, Mehmet Müezzinoğlu, while visiting a hospital to see the first newborn child of 2015, said: “*Mothers have a career in motherhood that no one else in the world can have. Mothers should not prioritize any career other than that of motherhood. They should focus on raising good generations*”²⁵. Müezzinoğlu reiterated his statement on January 2, saying that “*Motherhood is a career and it is a holy career*”. Women’s rights activists, such as the writer Elif Şafak, reacted to the Health Minister’s remarks, describing it as sexist²⁶. Talking about women seeking employment, the Forestry Minister was quoted saying “*Isn’t your housework enough?*”²⁷.

VII. HEALTH CARE - SEXUAL AND REPRODUCTIVE RIGHTS (ARTICLE 12)

Child birth

²⁰ See Hakan Mihci, 30 March 2012, “Neden 4+4+4?,” Bianet [<http://bianet.org/bianet/egitim/137299-neden-4-4-4>] and Daniel Dombay, 14 March 2012, “Education Reforms Divide Turkey,” the Financial Times [<http://www.ft.com/intl/cms/s/0/5c60ca4c-6a0c-11e1-b54f-00144feabdc0.html>].

²¹ Utku Döker, 10 July 2014, “Anadolu Liseleri Doldu Taştı,” Hürriyet Eğitim [<http://www.egitimnerede.com/haberler/anadolu-liseleri-doldu-tasti/14496/>].

²² The New York Times, Turkish Reforms Entangle Education, 12 October 2014.

²³ [<http://www.haberturk.com/gundem/haber/911943-imam-hatip-liseleri-rekora-kosuyor>]; [<http://www.haber7.com/egitim/haber/292859-imam-hatip-okullari-kizlara-kaldi>]

²⁴ The World Bank, More Women in the Turkish Workplace, 8 February 2012.

²⁵ Today’s Zaman, Health minister says mothers should focus on “motherhood career”, 1 January 2015.

²⁶ Today’s Zaman, Health minister insists motherhood is career for mothers, 2 January 2015.

²⁷ Huffington Post, Turkish Deputy Prime Minister Tells Women not to Laugh in Public, 8 August 2014.

The authorities' interference with women's privacy goes as far as seeking to control how they should deliver children. On 1st January 2015, the Health Minister, Mehmet Müezzinoğlu, "also advised women to give birth naturally and said that mothers should breastfeed babies for a year if possible"²⁸. A new law was passed in 2012 restricting C-sections only to "medical necessity". In 2010, Mr. Erdoğan had described Caesarean as unnatural.

Contraception

In line with their view of women's role as child-bearers, the authorities made several derogatory comments regarding contraception and attempted to limit its availability. Mr. Erdoğan called birth control "an act of 'treason' aimed at weakening Turkey"²⁹. There have also been reports of proposed restrictions on access to morning-after pills. On May 30, 2016, Mr. Erdoğan stated on television that no Muslim family can accept birth control. He said that the duty of increasing the growth of the Turkish population belongs to mothers³⁰. The lack of access to comprehensive safe, effective, affordable and acceptable family planning information and services result in a high level of unwanted pregnancies. A total of 1.9 million Turkish women get pregnant at an early age, with 30% of unwanted pregnancies. Unwanted pregnancies can also lead to unsafe abortions. According to the United Nations, 47 000 women die each year from an unsafe abortion, contributing to 13% of maternal mortality³¹.

Abortion

In 1983 the government legalized abortion up to 10 weeks after conception to reduce the number of women dying from unsafe abortions. This delay can be extended to 20 weeks in cases where the woman's health is in danger and if the pregnancy is the result of a rape according to the Penal Code. The Population Planning Law (Law n°2827 of 1983) requires the consent of the husband for married women, whereas single women's consent is sufficient.

IHD and FIDH are concerned about derogatory statements regarding abortion and attempts to limit it, which deny women's sexual and reproductive rights despite the fact that they are protected by several international instruments - including the Convention on the elimination of all forms of discrimination against women – and that they are indivisible from and interdependent with other human rights. Restrictions on abortion prevent women from enjoying their other human rights. They have tragic consequences for the right to life, non-discrimination, health, education, and participation of girls and women in public life.

In June 2012, Ankara's Mayor Melih Gokcek, while condemning abortion, was quoted saying: "Why should the child die if the mother is raped? The pregnant woman should commit suicide instead"³². Ayhan Sefer Ustun, AKP member and head of Parliament's Human Rights Commission said "Killing the baby in the mother's womb is a greater crime than the deeds of the rapist"³³. In May 2012, Mr. Erdoğan stated at a conference that "There is no difference between killing a baby in its mother's stomach

²⁸ Today's Zaman, Health minister says mothers should focus on "motherhood career", 1 January 2015.

²⁹ Today's Zaman, Health minister says mothers should focus on "motherhood career", 1 January 2015.

³⁰ The Guardian, Recep Tayyip Erdoğan: no Muslim family can accept birth control, 30 May 2016.

³¹ WHO, Preventing unsafe abortion, 2009

[http://www.who.int/reproductivehealth/topics/unsafe_abortion/magnitude/en/]

³² Huffington Post, Turkish Deputy Prime Minister Tells Women not to Laugh in Public, 8 August 2014 ; Al-Monitor, Turkish laws fail to protect women's right to choose, 14 March 2014.

and killing a baby after birth". "No one should have the right to allow this to happen". He likened every abortion to a crime.

A few weeks later, it was reported that Mr. Erdoğan's cabinet was working on a new bill banning abortions after four weeks of pregnancy, except in cases of emergency. The Minister of Health stated the state would take care of children conceived from rape. Demonstrations took place with the slogan "AKP, keep your hands off my body"³⁴. The public debate and the reaction of women's rights advocates were intense, and the government was forced to stop pursuing the draft law. Even if the bill was not passed, many Turkish women were unable to get abortions in state hospitals and were forced to go to expensive private clinics. It was reported that state hospitals no longer provide abortion services as the government stopped covering it³⁵. *"One Turkish woman in her late 20s, who spoke to The World Post on condition of anonymity, said she recently had to go to a private clinic to get an abortion and paid 500 Turkish liras (\$235). Other women have paid double that amount – about half of the average annual disposable income for Turks in 2012 – according to the Turkish Statistical Institute"*³⁶.

Some also argue that a system established in 2008 to medically track mothers and their babies from pregnancy to 5 years of age has effectively restricted the right to abortion as well. It is compulsory for women to be included in the system and their privacy is violated as health officers make home visits, thus informing families, and even pregnancy tests done in state hospitals are said to be recorded and reported, some women being forced to keep their unwanted pregnancies³⁷.

In February 2013, a new bill was drafted. It didn't include any ban but it made women's access to legal abortions harder. It allowed abortions only when carried out by obstetricians in hospitals. It also allowed healthcare providers to refuse performing abortions and provided for a mandatory "consideration time" for women requesting an abortion³⁸. IHD and FIDH worry that this bill restricting abortion pushes many women with unwanted pregnancies to seek illegal and dangerous abortions. Turkey should regulate the practice of conscientious objection to ensure that it does not limit women's sexual and reproductive rights.

A contradictory positive development has been the announcement of an amendment to the Circular on Practising Medicine in Social Security Institutions in March 2014 indicating that abortions would now be covered by Social Security.

VIII. MARRIAGE (ARTICLE 16)

Polygamy

Polygamous marriages contravene the right to equality, and often have serious psychological and financial consequences for women and their children. As such,

³³ The Daily Beast, In Turkey, Abortion Law Sparks New Battle Over Mosque Versus State, 6 June 2012.

³⁴ The Guardian, Turkish women join pro-choice rally as fears grow of abortion ban, 3 June 2012.

³⁵ Al-Monitor, Turkish laws fail to protect women's right to choose, 14 March 2014 ; The Guardian, Turkish law will make legal abortion impossible, say campaigners, 1 February 2013 [<http://www.theguardian.com/world/2013/feb/01/turkish-law-abortion-impossible>].

³⁶ Huffington Post, Turkish Activists Say Their Country Is Sliding Backward on Women's Rights, 18 April 2014.

³⁷ Nisan Kuyucu, Mehmet Murat Öngel, Reproductive Rights: New Developments in Turkey, 2014.

³⁸ The Guardian, Turkish law will make legal abortion impossible, say campaigners, 1 February 2013.

polygamy is illegal in Turkey. However, according to a research conducted by two academics, Ilknur Yüksel Kaptanoglu and Banu Ergöçmen, on equal opportunities for men and women presented to the Parliamentary Committee in 2011: 186,000 Turkish women share their husband with a second wife - through religious marriage -

Early marriages

Turkey is plagued with startling rates of child brides. It is estimated that 14% of girls are married before the age of 18³⁹. Child marriages have dramatic consequences on the human rights of girls and every aspect of their lives. It deprives them of the right to security, education, health as well as the right to choose if and when to marry. They often come under heavy pressure by their families to have children soon after the wedding and subsequently are at the risk of dangerous early pregnancies. This exposes them to grave psychological and physical risks including death. Some Turkish high level officials have made dangerous comments regarding child marriage. For instance, Bulent Arinc, the then Turkish Deputy Prime Minister stated that *“it is perfectly fine if parents give permission to their 15-year-old daughter to marry a 45-year-old man”*⁴⁰. Umut Oran, the then deputy leader of the Republican People's Party (CHP), the main opposition party in Turkey, *“accused the government of turning a blind eye to the situation”* of child marriage. In a parliamentary question, he asked *“Why do you not instruct imams not to allow religious marriages? Are you allowing child marriages because you expect at least three children from people?”*⁴¹.

IX. CONCLUSIONS

Even though the AKP took a few steps in favour of women's rights, including the adoption of the 2012 law on domestic violence, no other Turkish government has been so radical against women. The Islamist party promotes its conservative view of women's role within society and disseminates a misogynist discourse. It questioned the principle of equality between women and men as well as secularism. AKP members told mothers to focus on raising their children. They defended marriages of 15-year-old girls, with older men. Several members of the AKP took a stand against abortion, including in cases of rape. They said women should have at least 3 children and therefore get married before graduating university. Women were advised to give birth “naturally” and breastfeed for a year. Contraception was called an “act of treason”. Women were even told not to laugh out loud in public. The AKP also took concrete measures against women's rights. Women's access to medical abortion in public facilities became more difficult. A law restricted C-sections to “medical necessity”. The Ministry of Women and Family Affairs became the Ministry of Family and Social Policy. If the representation of women in the National Assembly continues to increase slowly, very few women are appointed as ministers and they're always entrusted with family and education matters. The current national action plan on women's political representation does not provide for quotas as it was foreseen before the AKP came to power.

³⁹ [<http://www.girlsnotbrides.org/child-marriage/turkey/>]. 6% of girls in the 15-19 age group have already begun childbearing. See UNFPA, 2012, “Turkey: Child Marriage”. See also Hurriyet Daily News, More than 91,000 under-aged Turkish girls impregnated within seven years, 6 August 2014.

⁴⁰ Huffington Post, Turkish Deputy Prime Minister Tells Women not to Laugh in Public, 8 August 2014.

⁴¹ Global post, Turkey rights group sounds alarm over child brides, 15 January 2014.