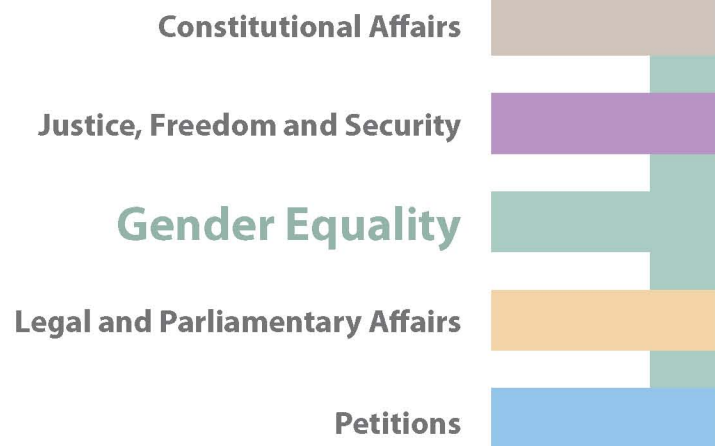




DIRECTORATE-GENERAL FOR INTERNAL POLICIES  
POLICY DEPARTMENT **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# GENDER EQUALITY IN TURKEY

NOTE





DIRECTORATE GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS**

GENDER EQUALITY

## **GENDER EQUALITY IN TURKEY**

NOTE

### **Abstract**

This note reviews gender equality in Turkey with a focus on the existing legislation and programs. The issue of gender equality in Turkey is particularly important for Turkey's adoption of EU norms and *acquis*. The main challenges in this respect are violence against women, equal opportunities at the work place, paid and unpaid labour, hidden forms of discrimination and access to political decision-making and representation.

This document was requested by the European Parliament's Committee on Gender Equality.

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## **BACKGROUND: THE TURKISH POLICY MAKING CONTEXT AND TURKEY AS A SUI GENERIS POLITY**

Turkey is located in a unique position between the European and Asian landmasses in South Eastern Europe. It is a secular democracy with a predominantly Muslim population of about 75 million people. Its predecessor, the Ottoman Empire, has straddled the Balkans, the Middle East, North Africa as well as central parts of Central Europe in its heyday. This unique historical legacy also accounts for the many complexities in Turkish political and social life. The modern Turkish Republic was established in 1923 out of the ashes of the Ottoman Empire. The new Turkish Republic adopted a series of reforms, ranging from the separation of State and religion to women's rights. In 1946, Turkey experienced a transition to multi-party rule and since then, it is a functioning democracy with free and fair elections. The last national elections were held on June 12, 2011 with the ruling party Justice and Development Party (AK Party) receiving 49.9% of the votes.

Turkey became a member of the Council of Europe in 1948. It signed an Association Agreement with the then European Community in 1963, applied for full membership in 1987 and was accepted by the European Union as an official candidate for accession in the Helsinki Council in 1999.

On October 3, 2005, Turkey and the EU began accession negotiations. Since 2005, Turkey and the European Union were able to open 13 chapters out of 35 for negotiations, and provisionally closed the chapter on Science and Research. Turkey's adoption of the EU accession criteria has been underway since 1999 with an increased pace in political reforms especially in 2004 and 2005. Turkey's gender equality policies could be seen as motivated partly by Turkey's preparations for EU accession. It is within this unique background that the challenges with respect to gender equality in Turkey need to be discussed. This becomes critical as Turkey was ranked 129<sup>th</sup> out of 134 countries in the Gender Inequality Index in 2009.<sup>1</sup>

The issue of gender equality in Turkey, both in terms of legal changes and societal awareness, goes way back to the early days of the Turkish Republic. In 1925, a women's movement for political participation was organised under the leadership of Nezihe Muhittin<sup>2</sup> (Zihnioğlu, 2003), who also established a political party for women's rights, Kadınlar Halk Firkasi (Women's People Party). In 1930, Turkish women were granted to vote in the municipal elections and in 1934, to vote in national elections and to be elected to office. This also meant that the Turkish women were able to exercise political rights-to vote and to be elected for public office many years before some European countries.

In 1985, Turkey signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and in 2000, it signed the Additional Protocol to CEDAW. Turkey initially had reservations against CEDAW's Articles 15 and 16<sup>3</sup>, but lifted them in 1999. In 2002, Turkey signed the Optional Protocol (of CEDAW) that allowed the right of individual petition to the Convention's Committee on the Elimination of

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<sup>1</sup> Global Gender Report, World Economic Forum, 2009:

<https://members.weforum.org/pdf/gendergap/rankings2009.pdf>.

<sup>2</sup> Nezihe Muhittin was a leading feminist at the beginning of the 20<sup>th</sup> century in Turkey.

<sup>3</sup> Art. 15.1: "States Parties shall accord to women equality with men before the law"; Art. 16.1 "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations".

Discrimination against Women. In 2008, Turkey submitted its 6th Periodic Report<sup>4</sup> on eliminating gender based discrimination and defended the report in front of the CEDAW Committee in 2010. In addition, in 1995, the Turkish government signed the Beijing Declaration of the Fourth World Conference on Women, and committed itself to its Action Plan.

The Turkish adoption of the EU *acquis* and norms enabled significant progress on policies on gender equality (Müftüler-Bac and Fisher Onar 2011). The main issues, over which gender equality policy in Turkey is debated, are legal changes within the key auspices of the Constitution, the Civil Code, and the Penal Code. Directly related to these concerns are violence against women and women's employment. In addition, gender equality debates and policies are impacted from concerns over the ban on Islamic headscarf in public institutions, the criminalization of adultery, and women's representation in political decision-making.

## 1. GENERAL DISPOSITIONS

### 1.1. Key legislation

In Turkey, the Constitution is the fundamental document regulating and guiding all issues relating to gender equality. In addition to the Constitution, the main legal documents regulating gender policy are: the Turkish Civil Code, Labour Law and the Penal Code. In the last ten years, the Turkish Civil Code and the Penal Code were completely changed and a number of amendments were made in the other legal documents.

Article 10 of the Turkish Constitution envisages '**equality before law**'; this Article is amended by the Turkish Grand National Assembly on May 7, 2004 as "Men and women have equal rights and the State is responsible for the measures to implement those rights". The Turkish Grand National Assembly adopted amendments to the Constitution on October 3, 2001 in Articles 41 and 66 for gender equality within the family, these changes became operational on October 17, 2001.

In terms of legal changes on gender equality, one might list the measures that include civil code reforms and constitutional amendments (Articles 10, 41, and 66) to ensure gender equality inside the family and before the law. Furthermore, the Amendment adopted for Article 90 of the Constitution in 2004 ensures that CEDAW has precedent in case of a conflict with national law, thus making CEDAW superior to national law in gender policy. The Constitutional Amendments to Articles 10 and 90 voted in 2004, and finally those to Article 10 decided in 2010 were all made to ensure gender equality in legislation. In 2010, women's organizations pressed for the inclusion of positive discrimination measures into Article 10 but were not successful.

The 2005 Turkish Penal Code (Articles 5 and 122) states clearly that "no discrimination shall be made between persons with respect of sex" among others to ensure gender equality and the 2001 Turkish Civil Code adopted the legal measures to ensure gender equality in family.

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<sup>4</sup> <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-TUR-CO-6.pdf>.

In February 2009, the Law for the Equal Opportunities Commission for Women and Men, Law no 5840, was adopted. Consequently, in March 2009, an Equal Opportunities Commission in the Turkish Grand National Assembly, composed of parliamentarians from different political parties, was established. This was a critical development for gender equality in Turkey because having a Commission at this level means that legal proposals and amendments prepared by the government and/or parliamentary commissions are analyzed by the Commission from a gender equality perspective. The Commission works towards the adoption of tools that would eliminate gender based discrimination at all levels of public life. It also accepts individual applications and complaints on gender based discrimination from all segments of the Turkish society. The Commission also ensures the compatibility of Turkish legislation with Turkey's international commitments such as CEDAW.

These series of changes in legislation were specifically aimed to harmonize the Turkish laws on women's rights the EU *acquis communautaire*.

## 1.2. Key institutional background

In 1987, a separate unit 'Advisory Board for policies with regards to Women', to increase gender awareness in public policies was established within the State Planning Organization with the participation of representatives from public agencies, non-governmental organizations and universities. This is the first time that a separate unit for gender equality was created in the public sector. Upon the ratification of the CEDAW, in order to realize the goals of eliminating all forms of discrimination against women, a Directorate for women's rights and gender equality was established in 1990: the *General Directorate of Women's Status*, (Kadının Statüsü Genel Müdürlüğü, KSGM). The KSGM was initially tied to the Ministry of Labour and Social Security, but in 1991, it was transferred to the Office of the Prime Minister. It coordinates the Women's Status Units which are established in different provinces in Turkey. Its main mission is to promote gender equality in Turkey by developing programs and policies to reduce all forms of gender based discrimination. KSGM puts together the reports on gender policy including the periodic reports for CEDAW, the national action plans for gender equality, and runs the training programs for public institutions. It also works jointly with Ministries on gender related issues such as violence against women.

A Ministry of State position for Women and Family Affairs was initially established also to deal with gender policy. However, when this was transformed into a separate Ministry in 2011, the Ministry for Family and Social Policies, with Decree no 663, it was broadened into a ministry in charge of dealing with all matters under social policy. On 8 June 2011, the KSGM was restructured as one of the main units under the Ministry for Family and Social Policies. The Ministry specifically addresses gender policy related issues; however, the term 'women' was omitted from its name. This, in turn, frustrated women's organizations in Turkey who wanted to see a Ministry for Women's Status, rather than a ministry for family. According to Nazan Moroğlu, the Coordinator for Istanbul Women's Associations, "gender equality is the main criterion for democracy in a country. The closure of the State Ministry for Women and Family Affairs and its replacement with a Ministry of Family and Social Policies are steps back regarding the goal of gender equality."<sup>5</sup>

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<sup>5</sup> <http://bianet.org/bianet/kadin/130042-moroglu-aile-ve-sosyal-politikalar-degil-kadin-bakanligi-istiyoruz>.



In addition to the KSGM and the Ministry for Family and Social Policies, there are a number of platforms composed of governmental units, civil society actors and stake holders that are working in the field of gender equality policy. In 2005, an Advisory Board on the Status of Women headed by the Minister of Women and Family Affairs, later the Family and Social Policies, was established with the participation of representatives from the ministries, academic institutions and NGOs. In addition, women's associations are very active. For example, 126 women organizations participated in the *Medeni Kanun Kadın Platformu* [The Civil Code Women Platform] as well as in the Women's Penal Code Platform. In addition, a women's platform composed of 220 women organizations, *Şiddete Son Platformu*, participates in the movement to stop all kinds of gender based violence. Since 2011, there is also a Women Platform for the Constitution, formed by women's associations which lobby for their demands on gender policy in the Constitution Platform and Constitution Reconciliation Platform.<sup>6</sup> The Women Platform actively presents its own views by sending its proposals to all the main policy makers (Anayasa Kadın Platformu 2007).

The Equal Opportunities Commission, established in 2009, brings all of these proposals together and acts as the main communications channel. For example, as of 2012, the Commission investigates the legal amendment proposals for Civil Code that would allow divorced women to remarry within one year and for the Law on the Protection of the Family, extending protection against domestic violence to non-married women as well.

### 1.3. Key government-level policy documents

In 2007, the KSGM prepared the National Action Plan for Societal Gender Equality for 2008-2013 which focuses on the elimination of gender based inequality in education, health, poverty, and access to decision making processes. The Action plan focuses on the possible avenues of action to eliminate inequality and impact Turkey's gender policy and was prepared in line with the EU's Twinning Project in 2008, "Promoting Gender Equality, Strengthening Institutional Capacity",<sup>7</sup> and is implemented by the General Directorate on the Status of Women. The National Action plan identifies seven related areas- education, economy, poverty, power and decision-making, health, media, and environment- which are in need of special programs to address gender equality in Turkey. These areas are also the priority areas of the Beijing Action Platform. The Action Plan is in line with the EU accession criteria and is co-funded by the Turkish government and the European Union. This document reflects the priorities under the EU accession process for gender policy.

The Turkish government's 9<sup>th</sup> Development Plan for the period of 2007-2013 also aims to improve Turkey's gender based inequality by increasing women's participation labour force. The goals in the National Action plan for gender equality and the 9<sup>th</sup> Development Plan are mutually reinforcing. In addition to these plans, there are also series of reports published by the Parliamentary Committee on Equal Opportunities ranging from early and forced marriages, violence, bullying at the workplace. The Action plans and the reports increase the public visibility of gender related issues and also demonstrate the Turkish governments' resolve to eradicate the basis of gender inequality.

<sup>6</sup> When the Constitutional Reform process was launched in 2011, the Turkish government formed a Constitution Reconciliation Commission in which different political parties present their views on the reform process as well as a Constitution platform in which civil society organizations participate.

<sup>7</sup>

<http://www.undp.org.tr/publicationsDocuments/National%20Action%20Plan%20on%20Gender%20Equality.pdf>.

## 2. THEMATIC DISPOSITIONS

### 2.1. Gender Equality in Family

Gender policy in family is an important measure of equality. The legal basis of gender policy in family matters is the Civil Code. The previous Civil Code in Turkey which dated back to 1926 was not strong in gender equality. The Turkish Grand National Assembly adopted a new Civil Code on November 22, 2001, largely motivated by the Turkish harmonization process to the EU *acquis*. (Kivilcim-Forsman 2004) The Civil Code, Law no 4721, became operational on January 1, 2002. Some scholars argue that the women's organizations demands were strengthened by EU pressure, (Arat 1999; Cindođlu and Zencirci 2008) as a result of which Turkey had overhauled its civil code in keeping with the principle of non-discrimination. The New Civil Code adopted measures that would complement the changes in the Constitution by strengthening women's place in the family and social order. For example, the Civil Code increased the legal marriage age to 18 for both sexes-which was 17 for men, and 15 for women previously. In addition, the Civil Code introduced the legal basis for the sharing of marital assets in case of divorce and granted the same heredity rights to children born out of wedlock with children of legitimate birth.

On January 9, 2003, Family Courts were established in all districts with population higher than 100.000 in order to enforce the civil code and ensure gender equality. The Family courts have jurisdiction for gender policy in family as well as for the legislation on the protection of the family.

Directly related to gender equality in family is the issue of married women's surnames. Especially contentious issue in gender equality in Turkey is with respect to women's ability to carry their own surname after marriage. On May 22, 1997, an amendment on the Civil Code's then Article 153 allowed women to carry their own surnames along with their husbands. However, married women's right to carry their own surname is still problematic. Even with this legal right that allows women to carry their own surnames albeit along with their spouses, when it comes to practice, a women's legal right is ignored. Thus, even though the legal right to carry both surnames is there, when it comes to practice, there is almost always a blatant disregard for women's legal right. This is a very important point regarding almost every gender related law in Turkey, i.e., the right that exists on paper is protected by law but its implementation is problematic. Furthermore, women's rights groups advocate the position that married women should be able to carry only their own surnames, not their spouses' along with theirs, linking their arguments to gender equality and to individual rights for women. This inability to carry one's own surname only is argued to be specifically in violation of Article 17 of the Constitution. As a result, a group of Turkish women opened a case in the family courts to use only their own surnames. However, in 2011, the Constitutional Court ruled that "The Article in the Turkish Civil code that states when a women marries, she should carry her husband's surname or her own surname along with her husband's, is not unconstitutional",<sup>8</sup> albeit, effectively ending this debate on the right of married women to carry their surnames only.

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<sup>8</sup> 'Yargı Kadını Kocasının Soyadına Mahkum etti', *Radikal*, 20 October 2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&Date=&ArticleID=1067077&CategoryID=77>.

## 2.2. The eradication of gender based violence

Domestic violence and gender based violence in Turkey takes different forms, on the one hand, women are the victims of **domestic violence** by their husbands and boyfriends and on the other hand, a specific type of violence against women exist under '**honour killings**'. Even though both are gender based violence, different forms of laws apply to these. On May 17 2004, the Directorate for Women's Status (KSGM) which was granted by the Article 90 of the Constitution to establish "Committee for the prevention of Violence Against Women", put together a Committee composed of all the public institutions and representatives of the civil society organizations.

Domestic violence is widespread in certain parts of Turkey and is an ongoing problem impacting gender policy in Turkey. According to Ministry of Justice reports, there is a substantial increase in women slayings from 2002 to 2009 (TBMM Tutanak Dergisi 2010), In 2002, 66 women, in 2003 83 women, in 2004 164 women, in 2005 317 women, in 2006 663 women, in 2007 1011 women, in 2008 806 women and in the first seven months of 2009, 953 women were murdered, these include all the slayings of women in Turkey. Gender based violence has been on the public agenda in Turkey both with increased media coverage and the state officials' emphasis on this issue. Specifically, the changes in the 2005 Penal Code introduced substantive measures against gender based violence.

The Penal Code brought a breakthrough development in terms of gender policy, for the first time, crimes committed against women were classified as 'crimes against individual', rather than crimes against family or social order. This indicated a paradigmatic shift in Turkish legislation in terms of gender policy.

### 2.2.1. Domestic Violence

On June 9, 2009, the European Court of Human Rights of the Council of Europe ruled that Turkey was in violation of its obligations to protect women from domestic violence, in the *Opuz vs. Turkey* case<sup>9</sup> (ECHR 33401/02). The ruling was based on an application by a Turkish woman who argued that the Turkish government failed to protect her and her mother against her mother's husband who abused them repeatedly and murdered the mother. This ruling was a first time acknowledgement that violence against women constitutes a form of discrimination according to the European Convention on Human Rights.

Turkey already began to take measures to combat domestic violence back in 1990s. On January 17, 1998, Article 4320, 'The Law on Protection of the Family', was adopted to combat domestic violence against women and children. The law gave the victims of domestic abuse, both women and children, the right to petition an individual complaint or from a prosecutor's office for an order from the family courts which were established in 2003. The Prosecutor's Office is expected to protect the victims and specify possible punishments in case the victims are not protected. Article 4320 was extended in 2007 to include all members of extended family. The implementation procedures of the law along with its amendments were put into force in 2008. However, there are still limitations in the implementation of the law. An important point here is that the law addresses domestic violence within the family and not against 'women' as an individual. Equally important, the law does not grant sufficient protection for the non-married women who might also be

<sup>9</sup> <http://www.hrlc.org.au/year/2009/opuz-v-turkey-2009-echr-3340102-9-june-2009/>.

victims of domestic violence, precisely because the law provides a protective barrier for members of family. Those victims of domestic violence who are not legal spouses of their abusers are not currently covered by the provisions of the law on protection of the family.

An important measure to help victims of domestic violence is to provide them with shelters. The 2004 Municipality Law No.5393 requires municipalities with a population larger than 50,000 to provide women and children's shelters. The first shelter for women was established in 1990 in Istanbul by Bakırkoy municipality. In addition, in 1995, a non-profit based NGO Mor Çatı Kadın Sığınağı Vakfı began its operations by opening women's shelters. Nonetheless, the number of shelters in Turkey is insufficient and the implementation of the Law 5393 is not yet complete. What is more, there are also reports from the victims of violence that the personnel at the shelters try to reconcile them with their abusers and sometimes even let them in. This particularly sheds light onto the inability of the state to protect victims of domestic violence as police and social workers sometimes are reported to convince victims of domestic violence to reconcile with their abusers. This also indicates that legal changes need to be accompanied with normative changes and social transformation in order to be effective.

In 2008, the National Research on Domestic Violence against Women in Turkey<sup>10</sup> was launched by the General Directorate of Women's affairs and the EU Delegation with the aim to gather information on domestic violence against women. The research found out that between 26 % to 57% of married women, depending on the regions within which they live, have been subject to domestic violence at least once in their life. Since 2011, the Ministry on Family and Social Policies is working on "The Draft Law on the Protection of Women and Family Members from Violence" in order to respond effectively to domestic violence. The possible amendments to the Law on the Protection of the Family are particularly important as the Human Rights Watch report 'He Loves You, He Beats You'<sup>11</sup> of May 2011 found out that women subject to violence in Turkey are not adequately protected, echoing the ECHR's Opuz decision of 2009.

### 2.2.2. Honour Killings

Honour killings in Turkey emerge as one of the most important problems in terms of gender policy. The honour killings are an ongoing social problem and their elimination does not seem possible only with legal changes, social transformation is needed to address this issue. In terms of legal basis, the Turkish Penal Code is the main legal document dealing with honour killings. On 15 June 2003, the Turkish Grand National Assembly adopted the Sixth Harmonization Package to the EU criteria, and as part of this package, Articles 462 and 453 of the Penal Code were changed to increase the sentences for honour killings to the perpetrators and they eliminated the clauses which allow reduction in sentences for honour killings. This was an important step for combating honour killings, which was then broadened with the Penal Code of 2004. Previously, reductions in sentences were possible in honour killings if the perpetrator was under age or if the judge ruled that the crime was committed under undue provocation by the victim.

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<sup>10</sup> Turkish Republic Prime Ministry General Directorate on the Status of Women, Hacettepe University Institute of Population Studies, ICON-Institut Public Sector GmbH and BNB Consulting (2009) National Research on Domestic Violence against Women in Turkey 2008. [http://kadininstatusu.gov.tr/upload/mce/eski\\_site/tdvaw/default.htm](http://kadininstatusu.gov.tr/upload/mce/eski_site/tdvaw/default.htm).

<sup>11</sup> <http://www.hrw.org/node/98418>.

On September 26, 2004, a new Penal Code was adopted which enabled Turkey to harmonize its penal law to the EU norms and criteria. The Code was put into force on June 1, 2005. Article 3 the Penal Code states that "no discrimination shall be made between persons in respect of race, language, religion, sect, nationality, colour, sex, political or other opinion, philosophical belief, national or social background, birth, economic and other social status and no one shall be granted any privileges in implementation of the Penal Code".

Accordingly, around 30 different articles in the Penal code were specifically designed to promote gender equality. In terms of gender policy, the new Penal Code introduced significant changes such as banning virginity tests, longer prison terms for polygamy and for non-registration of religious marriage. The Code addressed a most pressing problem in gender policy in Turkey, the issue of honour killings. The Code changed the conditions under which honour killings were put on trial, and brought life imprisonment charges for those convicted of honour crimes.

Equally important, the new Penal Code introduced higher and stricter sentences for all cases of sexual assault. More specifically, it brought a breakthrough change in Turkish law by criminalizing **sexual assault within marriage**.

When the Penal Code was put into force in 2005, series of campaigns were organized to combat gender based violence. For the elimination of gender based violence, on May 18, 2005, the Turkish Grand National Assembly adopted Decision no 849 to establish a "Parliament Search Commission" for investigating the causes of violence against women and children, and identifying possible measures to prevent it. The Commission's findings have been published as a Prime Ministerial Circular no. 2006/17 in the Official Gazette on 4 July 2006. This Decree required the listed units and institutions to report to the Sosyal Hizmetler ve Çocuk Esirgeme Kurumu for violence against children and to Kadının Statüsü Genel Müdürlüğü for violence against women every three months. A Hotline for Gender Based Violence -183- was extended to all of the 81 provinces in 2006. On 3 January 2008, a Protocol on "The Role of Health Personnel in Combating Violence Against Women and the Applicable Procedures" was signed between KSGM and the Ministry of Health. Also in 2008, programs were developed to augment gender awareness among health workers, the police, and actors within the judiciary from prosecutors to judges. The training of public officials for signs of domestic violence and gender based violence has begun to bear results in 2011.

In May 2011, a new Council of Europe "Convention on preventing and combating violence against women and domestic violence" was drawn upon in Istanbul and signed by Turkey. The Turkish government actively worked within the Council of Europe during its term of Committee of Ministers in spring 2011 for the adoption of the text and was a strong supporter, thereby signalling its resolve to end all gender based violence. These developments signalled that a broader campaign is underway to eliminate gender based violence along with social transformation. Accordingly, there is now more public visibility and reporting of domestic violence with strong support to the women's movements to stop all forms of gender based violence in Turkey.

### 2.3. Access to decision making and political representation

Despite having the right to vote and to be elected to public office since 1934, Turkish women's access to decision-making and political representation is low. In the 2011 national elections, 78 women were elected into the Turkish Parliament of 550 seats compared to only 50 women MPs in the 2007 national elections. Currently, there is only one women minister, the Minister for Family and Social Policies. In terms of women's representation in local government, Turkish women hold only 0.42 percent of seats in the municipal councils. In addition, out of 2,948 mayors in Turkey in municipal government, only 9 (27) of those are women. Both in 2004 and 2010, when the Constitutional Amendments for Article 10 were discussed, women's organization demanded the Article 10 to be revised to include affirmative action for women's access to political decision making, specifically requesting that the government would take necessary measures for increasing women's representation. Specifically, it could be phrased as "*women and men have equal rights and the state has the obligation to ensure the implementation of these rights*". Women's organizations demand that the Political Parties and Elections Acts should be amended to involve a minimum 30% gender quota system.<sup>12</sup> This would at least ensure a higher level of political representation. The suggested quota system is so far not accepted; nonetheless, positive discrimination measures for women are currently being debated.

### 2.4. Access to Employment

In terms of women's access to employment and equal pay, the Constitution with its Article 5 is pretty clear: "There cannot be any discrimination based on language, ethnicity, gender, political alignment, philosophical ideology, religious beliefs and anything else similar in the work environment." For equal pay, the Constitution states: "For equal or equivalent jobs, there cannot be a disparity of wages based on gender." Turkey adopted Articles 16 and 8 of the European Social Charter, the right of the family for economic, social protection and the right of the employed women for the protection of maternity and incorporated these Articles to its Constitution (Article 50) and the 2003 Labour Law (Article 74).

Despite the legal basis for gender equality in the workplace, the women's participation in the work force is the lowest among the OECD countries. Only 22.8 % of women in Turkey currently work (three out of four women are not in the labour market). In addition, 57.2 % of women work in the agriculture sector and 50 % of them in the agriculture sector are part of family work force without being paid. Interestingly, when one looks at the female participation in professional ranks, the picture looks a bit different. Currently, women constitute 27, 4% of full professors, 41, 5% of university staff, 39% of the architects, 36 % of the lawyers and 50, 2 % of the bankers, indicating that among the university graduates, women's participation in the labour market is less of a problem. The 9<sup>th</sup> Development plan targets women's rate of participation in labour force to become 29.6 % by 2013. This is, of course, still behind the EU's Lisbon goals of 60%.

An effective barrier to women's access to the labour force is the traditional family values which stereotypes men as the breadwinner and the women as the homemaker. In addition, access to the labour market is directly impacted from lack of education and women's

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<sup>12</sup> Women Demand More Voice in Turkish Politics, *Hurriyet Daily Newspaper*, June 7, 2011. <http://www.ka-der.org.tr/en/container.php?act=sayfa&id00=123&id01=101>.

responsibilities at home for children and elderly care. Article 192 of the Civil Code specifies that "None of the spouses is required to get their partners' permission in their choice of work and profession" and by doing so, clarifies the legal basis for the right of married women to work outside the home. Nonetheless, it is seen that women's access to the labour force could still be controlled by their husbands, especially in lower socio economic groups.

This factor is most effective in socioeconomic groups with lower education, so it is almost without doubt that in order to increase women's participation in the labour market, their access to education also needs to be improved. This is particularly important as 12% of all women in Turkey are illiterate, and around 80% of that group is over age 50. This means that changes in the education system adopted in 1997 impacted the illiteracy rates among women and enabled Turkey to address a critical matter in girls' education. The access to education for girls in Turkey has shown significant improvement with campaigns such as "Haydi, kızlar Okula (Let's go to school, girls) and the educational reforms of 1997.

One also needs to note that there is a great variation between different regions of Turkey in terms of access to employment and education with South East and Eastern regions of Turkey as the worst performers.

In May 2003, a new labour law, Law no.4857, revised the legislation on employment to ensure equal treatment regardless of gender, ethnicity, or race. This law, establishing the principle of anti-discrimination in employment became operational on June 10, 2003. Accordingly, on January 22, 2004, a Prime Minister Decree aimed at protecting the gender equality principle in civil officials' hirings. The Decree ordered the public institutions to protect the gender equality principle in hirings in line with the Constitution and the international agreements that the Turkish government is party to. In line with the National Action Plan on Gender Equality, in 2008, the government amended the Labour Law to promote women's employment under an "Employment Package". Regarding more particularly the issue of equal pay, Turkey adopted the ILO convention on equal pay in 1966. Later, the 2003 Labour Law set the legal basis for equal pay for equal work, and stated that there could not be any discrimination against women in the workplace based on their gender roles. Additionally, the Labour Law also benefits from the 2005 Penal Code's definition of sexual harassment at work.

Women's employment is also tied to conditions of social security. In May 2006, a new Law on Social Security and General Health Insurance, Law 5510, was adopted which merged the different security systems into one structure, and adopted harmonized legislation for maternity and breastfeeding leaves, pensions plans, thereby regulating the working conditions for women. In February 2011, some articles of the 2003 Labour Law were revised to ensure the rules of maternity leave for women which is mandatory for sixteen weeks and fully paid by the social security system, and it could be extended to twelve months for civil servants and six months for others on an unpaid basis. In addition, women employers could also use paid leaves for breast feeding, and employers can not terminate job contracts on grounds of pregnancy as required by the EU *acquis*. The law also brought new regulations for part time work that would benefit women, specifically Labour Law's Articles 13 and 14 were revised to incorporate domestic help workers into the social security system. In February 2011, a law on public institutions' personnel hirings was adopted. Its Article 6111 amended the working conditions for the women employees in public institutions set under Civil Servants Law no 657, especially for maternity leave clauses and granted paternity leave as well.

In 2006, 27 women organizations established a platform "Women's Labour and Employment Initiative Platform" (KEIG), specifically to address the obstacles to gender equality. In 2009, KEIG proposed a series of amendments to Labour Law.<sup>13</sup> KAGIDER, a leading women's NGO based in Istanbul began the campaign, 'Çalışmak İstiyoruz' (We Want to Work) in order to increase women's participation in the labour force. Similarly, there is a pilot project to increase women's employment jointly conducted by the International Labour Organization (ILO) and the Turkish Employment Organization (İŞKUR). In 2010, the Prime Minister Circular 2010/14 on "Increasing Women's employment and achieving equality of opportunity" was adopted specifying the measures to be taken to increase women's employment, Accordingly, the Turkish government adopted a measure that would discriminate positively the female workers over the age of 18 by granting the employers who hire them exceptions in social security payments. Turkish İş Kurumu Genel Müdürlüğü and the European Commission cooperated in two different projects "Active Labour program projects I and II" for 2003-2006 and 2008-2010 periods. There is also a "Twinning project for promoting gender equality in working life"<sup>14</sup> with funding from the European Commission for 2010-2012 period.

Of course, a critical matter in increasing women's employment is balancing mothering duties and work responsibilities. The social customs also act as effective barriers to women's access to jobs. In line with the EU's employment initiative, the Turkish Ministry of Labour is working on measures to increase women's employment in Turkey. An important change that needs to be done is securing women's access to maternity leave for all.<sup>15</sup> Thus, with the 2003 Labour Law and the amendments adopted in 2011, critical steps were taken in harmonizing Turkish legislation to *EU* *acquis*. However, challenges still remain in addressing the gap for women's employment specifically in terms of increased access to education, social security legislation and a balancing of familial duties.

### 3. CONCLUSION

There have been significant steps in Turkey's gender policy in the last two decades, especially with the aim of making Turkey's legislation closer to the *EU acquis*. The substantive changes in the field of gender equality began in the 1990s with the steps taken to adjust to CEDAW, and Turkey's EU accession process speeded up the transformation. The amendments to the Constitution, the Penal Code and the Civil Code are all significant to ensure a better gender equality. Most importantly, even though legal basis for gender equality has been set up in Turkey, its implementation is limited by the prevalent social norms and practices. This is particularly important for domestic violence, gender equality in family and access to employment. Most often, the society prevents women to exercise their rights that exist on paper. Thus, a social transformation is needed. In that sense, women's organizations' activities, campaigns in the media, training of public officials, and increased societal awareness on gender equality could bear fruits. Significant progress is especially needed in the area of gender based violence.

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<sup>13</sup> Women's Labour and Employment Initiative Platform, "Women's Labour and Employment in Turkey: Problem Areas and Policy Suggestions," April 17, 2009, <http://www.wwhr.org/files/keigpolicyreportweb.pdf>.

<sup>14</sup> [http://www.isteesitlik.org/index\\_en.asp](http://www.isteesitlik.org/index_en.asp).

<sup>15</sup> <http://www.todayszaman.com/news-203643-rights-activist-ilkkaracan-turkey-needs-urgent-initiative-on-gender-equality.html>.



Some possible steps to be taken could be: the establishment of a Ministry for Women (currently there is a ministry for family and social policies), the adoption of an Equal Status Act for the elimination of discrimination at the workplace, increasing women's access to education and employment specifically in the less privileged classes of the Turkish society, and the adoption of women friendly policies such as child care facilities. More work is also needed on increasing women's representation in decision-making at all levels of public service, local and national.

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