Executive Summary for Turkey

Introduction

In its 2004 Regular Report, the European Commission carefully reviewed the progress towards gender equality between women and men and noted the further steps that should be taken by Turkey. The main judicial, administrative and institutional reforms, which were mentioned as positive developments in the Report, are the following:

- A new clause on gender equality was introduced to Article 10 of the Constitution on 7 May 2004, which reads "women and men have equal rights" and "the state is responsible for taking all necessary measures to realize equality between women and men." The new Turkish Penal Code eliminating almost all discriminatory provisions and promoting women's human rights was enacted on 26 September 2004;
- Awareness among public including law enforcement officers on violence against women is increasing continuously;
- The new Labor Law was adopted by the Parliament on 22 May 2003. New regulations introducing the principles of employment of pregnant and breast-feeding women and night work became operative in 2004;
- Maternity leave was increased to 16 weeks, which has also become applicable to civil servants later on;
- A Circular by the Prime Ministry was issued in 2004 prohibiting gender-based discrimination in the recruitment of civil servants in the public sector.

Comments on gender equality issues stated in the 2004 Progress Report can be summarized as follows: Legal and practical initiatives to tackle the problem of domestic violence remain inadequate; women remain vulnerable to discriminatory practices, largely due to a lack of education and high illiteracy rates among women; the portrayal of women in school text-books reinforces discrimination; there is still very little progress in the legislation regarding the protection of workers including female workers; Turkey has not yet accepted Article 5,6,7,8 and 17 of the European Social Charter; the principle of equal pay for the work of equal value is not being realized fully.

Recommendations on gender equality issues stated in the 2004 Progress Report can be summarized as follows:

- Parental leave should be introduced into national legislation;

- An additional effort is required on the issues of burden of proof and compulsory and occupational social security schemes;
- The scope of Labor Law should be extended to cover excluded sectors and enterprises;
- The rate of women in decision-making mechanisms should be increased;
- The existing national mechanism must have a legal base.

In addition, it is recommended in the progress report that Turkey should continue its efforts to develop a national employment policy in line with the European Employment Strategy. The progress report also states that very low activity and employment rates, in particular for women, high levels of youth unemployment, the large size of the informal economy and the strong rural/urban labor market divide remain the main challenges.

As indicated in the above-mentioned documents, further efforts for gender equality are needed in Turkey in judicial, institutional and administrative fields. There is also a need to further improve equal treatment between women and men in the labor market. Although equal opportunities and gender equality have yet to be fully achieved, the EU accession process has generated and encouraged many important reforms, in legislation in general, and related to gender equality in particular.

Institutional mechanisms

The Directorate General on the Status and Problems of Women was established in 1990. It was affiliated to the Prime Minister and continued functioning under the Under-secretariat for Women and Social Services in 1994. With the abolishment of the Decree by the Constitutional Court, the Under-secretariat was left null and void for more than ten years. On 27 October 2004, the Law of the Directorate was approved by the Parliament. The lack of legal support for more than ten years and its insufficient financial and human resources inevitably weakened the machinery considerably. The adoption of the Law concerning the legal identity of the organization was among the short-term commitments contained both in the 2001 and 2003 National Reports; therefore this obligation is also fulfilled in line with EU requirements. With this new development, the machinery became the Directorate General on the Status of Women.

A department was established under the State Institute of Statistics (DIE) in order to produce a gender-segregated database.[1] In addition, new 'Women Units' were established under the Ministry of National Education, the Ministry of Agriculture and the General Directorate on Social Services and the Protection of Children.

[1] As an article on arguments and for more details please see Selma Acuner, 'The '90s and the Institutionalization of Gender Equality at the State Level' in Aksu Bora-Asena Gunal, (ed.), Feminism in Turkey in the '90s), Iletisim, Istanbul: 2002.

Furthermore, Gender and Women's Studies Graduate Programs at the Middle East Technical University, Ankara University's Women's Research and Studies Center (KASAUM) were established with this project. Today, there are women's studies programs in 14 universities and most of them were financially supported through the above-mentioned project.

In Turkey there is no institutional body such as the Parliamentary Committee for Gender Equality to ensure women's representation in the Parliament. In the course of the last 15 years, only once, in 1998, an ad hoc Parliamentary Commission was established to assess the status of women. This Commission, called the Turkish Grand National Assembly's Parliamentary Commission of Research on Women's Status, prepared and submitted a report that included some observations and recommendations to the public. There is also no structure such as an Ombudsman for Equal Opportunities. In the Cabinet there is only one minister in charge of gender issues and the national mechanism is under the authority of that minister.

Policies, programs and awareness-raising

The General Directorate on the Status and Problems of Women (KSSGM) and the relevant Ministry of State are responsible for adopting and coordinating national policies for promoting the equality of men and women. KSSGM was established in 1990 and attached to the Prime Ministry in 1991. In 1994, KSGGM became a part of the Undersecretariat. With the abolishment of the law of jurisdiction by the Constitutional Court, the Undersecretariat was left null and void. After ten years, its legal base was established in autumn 2004.

For the first four years of its establishment, KSSGM managed to implement policies based on "gender and development". As a result of such an effort, many achievements in legal and organizational contexts were realized. After the 1995 Beijing Conference, KSSGM tried to realize the strategy of "gender mainstreaming" (a strategy based on placing gender equality into the main national policies); however, this did not turn out to be a success. One of the most important reasons for KSSGM's failure was its weak position in the public administration and its vulnerability against political influences.

The National Program for the Enhancement of Women's Integration in Development, launched in 1993 by the Directorate General on the Status and Problems of Women (KSSGM), and financed jointly by the government of Turkey and the United Nations Development Program (UNDP), has aimed to enhance women's participation in development processes, to produce and compile gender-desegregated data, to enhance institutional capacity, and to create human resources.

There are an important number of women's organizations established with the aim of promoting the equal representation of women at all levels of the decision-making process in Turkey. Such NGOs aim to inform women of their rights to equal

representation by organizing educational programs for political parties, professional unions, and other NGOs. With the aim of promoting the equal representation of women at all levels of the decision-making process, women's NGOs closely cooperate with each other, prepare and submit various law drafts and policy recommendations, and advocate for putting their demands on the decision/law-makers' agenda. Although the efforts are well supported by the media, the level of representation of women remains quite below the critical threshold (with the exception of some political parties that have a 33 % quota provision).

Research and statistics

According to a 2002 Household Budget Survey conducted by the State Statistics Institute (DIE), there are 1.7 million salaried women, compared with 7.4 million salaried men. A comparison of annual wages for men and women shows that women receive 22.5% less than men.

Another study, covering large workplaces with collective bargaining agreements, conducted by the Turkish Confederation of Employer Associations indicates that the gender wage ratio is 88.8%.[2]

According to the Report entitled *The Woman in Work Life, Upper-Level Management, and Politics*, published in 2004, 14% of the Turkish women were subject to sexual harassment in the workplace. The same report also indicated that more than half of those women who were sexually harassed left their jobs.[3]

The on-going disincentives to women entering the labor market can be summarized under five general headings: i) low level of education among women, ii) low wages or salaries for women, iii) the lack of effective mechanisms for the reconciliation of family and professional life, iv) sexual harassment in the workplace, v) men's disapproval of women's work in the labour market.

Key recommendations

- Short, medium and long-term concrete strategic plans should be prepared in order to ensure gender equality;
- Special attention should be paid and financial and human resources should be allocated for the strengthening of the national mechanism;

[2] Turkish Confederation of Employer Associations (TISK), *Women Labor Research,* Publication No. 185, 1999, Ankara.

[3] Binnaz Toprak and Ersin Kalaycioglu, *The Woman in Work Life, Upper-Level Management, and Politics,* Turkish Economic and Social Studies Foundation (TESEV) Publications, 2004, Ankara, p. 64.

- The responsibilities of public institutions should be set and the conflict of authority should be reconciled concerning the development and management of gender equality policies and issues as such;
- Financial resources should be allocated towards the implementation of gender equality standards and the misuse of those resources should be hindered;
- Special attention should be paid and effective, time structured measures should be taken and implemented to ensure the access of NGOs and especially women's organizations to all resources, including information;
- There should be a compulsory quota mechanism and positive action measures in education for women and girls, and gender stereotypes should be eliminated from the educational materials and curriculums;
- Well-funded, clearly defined and scheduled plans and programs should be developed to improve women's access to the labor market;
- A 33% quota should be set for women as regards access to employment and promotion; vocational training should be guaranteed when women return to work after a break in employment;
- Professional standards should be determined and measures should be taken for the transparency of remuneration;
- The numbers of reasonably priced and accessible childcare centers, nurseries, and crèches should be increased to support and enable the reconciliation of familial/parental and professional obligations;
- There should be a special effort, especially *vis-à-vis* women, to educate individuals on gender equality regulations through broad educational campaigns, and to generate necessary funding to carry out those efforts;
- The conflict concerning the function of information sharing between the Ministry of Labor and Social Security and the national mechanism of the General Directorate on the Status and Problems of Women should be resolved and the status of the national mechanism should be clarified and enhanced;
- Other women's organizations should be encouraged to get involved in the mechanism of information sharing;
- The application process for EU grants should be simplified and institutions giving education in this field should be supported;
- The economic value of women's domestic work should be calculated and included in the calculation of national income;
- Data should be collected on non-conventional forms of works (including flexible forms of work);

- More information should be gathered concerning women working in the non-formal sector;
- New measures should be taken into consideration for the evaluation of the effect of the distribution of public resources on gender. In other words, the basic infrastructure for gender sensitive budgets should be developed.