



Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

Feride Acar and Asuman Göksel

with input from Gülbanu Altunok and Elif Gözdaşođlu
Küçükaliöđlu

Context Study Turkey

Institute for Human Sciences (IWM)

Vienna

2008

Preferred citation: Acar, Feride and Göksel, Asuman (2008): *Context Study Turkey*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/cs_turkey.pdf.

DATA TO BE COLLECTED

DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

1.1 Gender+ equality legislation

Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seems to have been omitted by the authority, please comment on this.

There is no such official listing of gender equality laws by the gender equality unit. The laws listed below are nonetheless commonly referred to by all - including government, civil society and academic sources - as gender equality legislation.

<u>Legislation</u>	<u>Year</u>	<u>Main provision(s)</u>
Law on the Protection of Family	1997	Third party complaints, protection orders, violent spouse removed from residence.
Constitutional Amendment	2001	Equality within the family (Article 41).
Civil Code	2001	Equality of men and women in the family; abolition of 'head of the family' and all its derivative provisions on family residence, last word on children-related decisions, etc.; abolition of 'limited legal capacity of women'; new matrimonial property regime based on property acquired during marriage to be equally divided between spouses upon divorce; raised and equalised minimum age of marriage (17) for women and men.
Labour Law	2003	Equal pay for equal work or work of equal value. Prohibition of gender discrimination in work relations in public and private sector; prohibition of termination of employment on the basis of marital status or maternity; compulsory maternity leave for 16 weeks (8 weeks anti-natal, 8 weeks post-natal); possibility of unpaid leave of 6 months following post-natal period upon request of worker; paid maternity leave with two-thirds of worker's daily remuneration; sexual harassment at the workplace is to be considered as discrimination, it is a basis for justified termination of the contract and entitlement to compensation by the worker and valid reason of termination of contract of harasser.
Constitutional Amendment	2004	State obligation to ensure gender equality in de facto terms (Article 10). Superiority of international agreements over domestic law (Article 90).
Law on Municipality	2004	Obliges all municipalities with more than 50000 inhabitants to open shelters for women victims of violence.
Penal Code	2004	Recognition of sexual crimes as 'crimes against the individual' not as 'public morality'; equalised treatment of married and unmarried women in most instances; recognised marital rape and domestic violence as crimes; no reduction of sentence allowed for custom killings, genital examination (virginity control) without court order criminalised.

Amendment to the Law on the 2007
Protection of Family

Extends the scope of the protection to cover ex-spouses and other members of the family

1.2 EU Policy and Member State Law: Comparisons and Struggles

Have there been disputes in your country over significant parts of EU Directives on gender?

EU Directives have generally been accepted as sine qua non of the accession efforts to the EU and thus not much public controversy has occurred over their specific acceptability except for a few issues.

One of these issues was the 'equality between women and men'. Although 'de jure equality' has always been ensured by the Constitution, the amendment of Article 10 of the Constitution in 2004 was presented as an EU accession requirement by the government. This reasoning created an opportunity for the opposition party, as well as many women's NGOs, to go beyond the EU requirements and demand 'positive discrimination' once the Article 10 is amended. In the ensuing period while women's NGOs' active participation in the drafting and debate of laws influencing gender equality significantly increased, they also created a rift between the civil society and conservative-leaning government officials, particularly the Women's Minister who had opposed the NGOs' demands. Thus, it is possible to argue that although relevant EU directive did not request a change towards 'positive discrimination' in Turkish legislation, various societal actors used that opportunity (EU conditionality argument) to argue in favour of their demands for a more progressive legislation towards gender equality in Turkey.

The draft Constitution prepared by the AKP government at the end of 2007, also created a lot of discussions regarding women's position in the equality clause of the draft Constitution.

Another issue that has created some dispute was parental leave. The draft for the parental leave legislation was prepared by the gender machinery in Turkey after consultation with various relevant governmental actors. However, the draft has not been discussed in the Parliament for a long time and after the 2007 general elections, it has become null and void. In 2006, when the draft was on the parliament's agenda to be discussed, one of the biggest employers' organisations in Turkey, TİSK (The Turkish Confederation of Employer Associations), published a report¹ which monitored the harmonisation efforts of Turkey in relation to the Social Policy Chapter of the EU acquis; stated the TİSK position on various aspects of EU demands (as well as its support to the EU process in general); and made comments on the compatibility of EU demands and realities in Turkey from TİSK lenses. In this report TİSK declared its position regarding parental leave as follows: 'TİSK perceives the need for "parental leave" in Europe, where the birth rates are low, as a measure to ensure the participation of women in labour market and as a measure to fight with the negative effects of increasing aging. However, when it comes to Turkey, TİSK does not perceive similar problems and consequently questions the appropriateness of the "parental leave" to the conditions of labour market in Turkey.' The argument of TİSK was that the rights, which are also proposed for the male workers, cannot be efficiently and productively utilised by the male workers in Turkey and if the requested leaves are also given to the male workers, some 'negative'² consequences could be the result. In addition, TİSK questioned the length of parental leave (6 months) stipulated for both female and male workers in the draft law as superseding the original directive of the EU, which states a minimum leave of 3 months separately for female and male workers. Considering that maternity leave in Turkey is regulated for a longer period (16 weeks) than the one stipulated by the EU directive (14 weeks), TİSK concludes that 6 months parental leave is long for Turkey. In line with its argument, TİSK has proposed the reconsideration of the draft law on parental leave. It nonetheless said that parental leave in cases of adoption should go through as proposed in the law. Furthermore, it recommended that a transition period should be requested from the EU on this matter in the negotiation processes. Although we cannot clearly know to what extent the reluctance of the government to discuss the draft law on parental leave and its resultant delay in passing this law are linked to the opposition of TİSK as an employers' association, the position of TİSK can be seen as a 'veto point' vis-à-vis the policy makers on the matter of parental leave.

Are there significant parts of EU Directives on gender equality that have not been implemented into national law? Yes, the accession process is still going on; the process is not completed.

¹ TİSK Report, EU Acquis entitled "Social Policy and Employment" and Turkey, by TİSK Commission on Examination of the EU Acquis, 17 March 2006.

² However, those 'negative' consequences are not explicitly named by TİSK in the report.

If some aspects are not transposed, what are they? Whatever Directives are not fully transposed it is usually not because there have been a significant conceptual dispute over the matter within the country, but because the process is still in the making. Please find a detailed presentation of the state of the art with regard to some significant issues concerning EU Directives on gender below.

Have there been disputes (1995-2007) between the EU and the country over transposition?

The EU monitors and evaluates Turkey’s harmonisation efforts and publishes annual progress reports to point out the problematic areas in the accession process. In the 2006 Progress Report for Turkey, prepared by the European Commission, it is stated that ‘As regards *equal opportunities*, further alignment is required in particular concerning parental leave, equal pay, equal access to employment, burden of proof, as well as statutory and occupational social security.’ Both in the 2006 and the 2007 reports, the European Commission emphasised the need for the establishment of an effective and independent ‘equality body’ to promote non-discrimination and equal treatment.

Or within the country over this process?

As discussed in point 1.2, the discussion within the country over these issues has mainly evolved as an EU required transposition leading to increased and broadened demands for gender equality that go beyond specific EU requirements. The main actors to engage in such dispute on the national level have been the women’s NGOs and governmental and parliamentary conservative groups.

Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?

All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

Please fill in one table for each significant issue, Please consider the following examples: include if relevant; omit if not; add any others that are relevant in your country. Examples: equal pay & equal treatment; sexual harassment & discrimination; equality bodies; civil society involvement; parental leave and the organisation of working time (example provided).³

Issue	Equal pay/equal treatment
Has law been passed or changed prior to the Directive	Yes
Legislation transposing Directive	Constitution of the Republic of Turkey, Article 10 Labour Code (2003) Article 5. Penal Code (2005) Article 122.
Does the country claim to have transposed the Directive?	The relevant Chapter has not yet been opened in EU-Turkey negotiations. Therefore, it is not possible to speak about a formal claim to transposition.
Significant provisions that are mentioned by experts or political actors as not being transposed	<ul style="list-style-type: none"> • Prohibition of Discrimination on the basis of wide range of criteria including age and sexual orientation • Failure to provide an effective protection for NGOs and others to engage in proceedings (EU accession). • Employees defending or giving evidence on behalf of the discriminated person should be entitled to the same protection – this is lacking in the

³ Other gender+ equality related directives you might want to consider include: Directive 75/117/EEC on the principle of equal pay for men and women; Directive 79/7/EEC on the principle of equal treatment for men and women in social security; Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes; Directive 86/613/EEC on equal treatment between self employed men and women; Directive 92/85/EEC on the safety and health at work of pregnant workers and workers; Directive 97/80/EC on the burden of proof in cases of discrimination based on sex; Directive 2000/78 on equal treatment in employment and occupation.

	<p>law</p> <ul style="list-style-type: none"> • Dialogue between social partners to address different forms of gender discrimination in the work place and to combat them needs to be further promoted • The need to establish body(ies) to promote, analyse, monitor and support equal treatment. • Direct and indirect discrimination have not been defined in the law.
Important differences between law and Directive now?	Same as above stated.
What is claimed to be better in law and since when?	
Content of dispute(s) + date	There has not been any dispute over transposition because the Chapter has not been opened yet.
Has any other inequality been part of the transposition disputes? Which inequality axis?	Language, race, political thought, philosophical belief, religion and sect and similar reasons are referred to in the Labour Act (Article 5) as well as in the Penal Code and disabilities are mentioned as grounds for non-discrimination in the Disabilities Law. There has been no national level dispute on the transposition of these into Law as they were principles already enshrined in the Constitution.
Parties to the dispute	
Location or arena	
Outcome of the dispute	
Civil society engagement	Minimal engagement of civil society except for employers and labour unions. A tripartite technical commission made up of government, employers' confederations (TİSK) and major labour union confederation (TÜRK-İŞ, HAK-İŞ, DİSK) representatives drafted the Labour Code (2003) that transposes equal pay/equal treatment principles of EU Directive.
Other notes	

Issue	Sexual Harassment and Discrimination
Has law been passed or changed prior to the Directive	Yes
Legislation transposing Directive	Labour Code (2003) Article 5, Article 24, 25. Penal Code (2005) Article 105
Does the country claim to have transposed the Directive?	The relevant Chapter has not yet been opened in EU-Turkey negotiations. Therefore, it is not possible to speak about a formal claim to transposition.
Significant provisions that are mentioned by experts or political actors as not being transposed	Harassment is not regulated in the context of access to employment and vocational training. Thus, the Law is criticised as falling short of the Directive 2002/3/EC
Important differences between law and Directive now?	Same as above stated

What is claimed to be better in law and since when?	
Content of dispute(s) + date	There has not been any dispute over transposition because the Chapter has not been opened yet.
Has any other inequality been part of the transposition disputes? Which inequality axis?	No national level disputes
Parties to the dispute	
Location or arena	
Outcome of the dispute	
Civil society engagement	Some engagement by women's NGOs to support and demand full transposition of the Directive.
Other notes	

Issue	Equality Bodies
Has law been passed or changed prior to the Directive	No law has been passed yet.
Legislation transposing Directive	There are ongoing efforts by the national machinery to prepare groundwork and realise capacity building through projects supported by the EC such as the Twinning Project of 'Promoting Gender Equality'
Does the country claim to have transposed the Directive?	The relevant Chapter has not yet been opened in EU-Turkey negotiations. Therefore, it is not possible to speak about a formal claim to transposition
Significant provisions that are mentioned by experts or political actors as not being transposed	The need to have an equality body at national and/or local levels that functions autonomously is often mentioned and called for.
Important differences between law and Directive now?	There is no law yet.
What is claimed to be better in law and since when?	Not applicable
Content of dispute(s) + date	There has not been any dispute over transposition because the Chapter has not been opened yet.
Has any other inequality been part of the transposition disputes? Which inequality axis?	No national level dispute.
Parties to the dispute	
Location or arena	

Outcome of the dispute	
Civil society engagement	Women's NGOs have been demanding the establishment of an autonomous, empowered and well-financed equality body.
Other notes	

Issue	Civil state Involvement
Has law been passed or changed prior to the Directive	No.
Legislation transposing Directive	No legislation on this issue yet.
Does the country claim to have transposed the Directive?	The relevant Chapter has not yet been opened in EU-Turkey negotiations. Therefore, it is not possible to speak about a formal claim to transposition
Significant provisions that are mentioned by experts or political actors as not being transposed	The absence of legislation specifically mandating civil society involvement and promotion of dialogue between relevant stakeholders in all matters (including EU accession negotiations) are mentioned despite the clearly observable de facto trend in this direction, in the country, particularly with respect to policy making in the labour area. There have also been criticisms regarding the absence of legal provisions allowing for NGO involvement in lawsuits on behalf of victims.
Important differences between law and Directive now?	No law yet.
What is claimed to be better in law and since when?	Not applicable.
Content of dispute(s) + date	There has not been any dispute over transposition because the Chapter has not been opened yet.
Has any other inequality been part of the transposition disputes? Which inequality axis?	No national level dispute.
Parties to the dispute	
Location or arena	
Outcome of the dispute	
Civil society engagement	NGOs have been pushing for the legal right to be involved in law suits on behalf of victims.
Other notes	

Issue	Parental Leave
Has law been passed or changed prior to the Directive	No law yet (There is a draft law)

Legislation transposing Directive	No legislation yet
Does the country claim to have transposed the Directive?	No.
Significant provisions that are mentioned by experts or political actors as not being transposed	There is criticism from women's NGOs of the reluctance to pass legislation on parental leave despite the EU Directive. On the other hand, employers (TISK) question the appropriateness of parental leave to the labour market conditions in Turkey.
Important differences between law and Directive now?	
What is claimed to be better in law and since when?	
Content of dispute(s) + date	
Has any other inequality been part of the transposition disputes? Which inequality axis?	
Parties to the dispute	
Location or arena	
Outcome of the dispute	
Civil society engagement	There is strong civil society demand from particularly women's NGOs for parental leave legislation. This is supported by the KGSM too.
Other notes	

1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?

	EU			TURKEY		
	Provision	Year	Notes	Provision	Year	Notes
Maternity	14 weeks	1996	Pay must not be less than wage during sickness leave.	16 weeks	2003	Fully paid for civil servants; sickness leave pay for women workers.
Paternity	Optional	1995		Collective labour agreements may provide for it	-	-
Parental	12 weeks (3 months)	1996	Unpaid	-	-	-

Duty on all public bodies to promote GE	No	2004	Mainstreaming required by 2006	-	-	KSGM is mandated to coordinate and promote gender equality policies by all relevant public bodies
Equalities body (employment)	Yes	2002		-	-	-
Equalities body (goods&services)	Yes	2004		-	-	-
Equalities body for promotion of GE	Yes	2002		-	-	KSGM is mandated to coordinate and promote gender equality policies by all relevant public bodies
Gender pay audits	No		Not specified	-	-	-
Gender Equality plan (employment)	Yes	2002/2006		-	-	Increasing labour force participation of women is part of the governmental programme.
Requires NGO dialogue	No	2002	Dialogue encouraged		Early 2000s	Encouraged
Positive action measures	Yes/no	1975	Allowed, not required	Yes/No	2004	Allowed but not required
Other:						
Public bodies to promote racial equality	NO			no	-	-
If there are no sanctions for violating the law, please state this						
Other:						
1.						
2.						
3.						

1.4 Equality law on intersecting inequalities

- Is discrimination on the grounds of ethnicity/'race' illegal Yes, according to the constitutional provision of equality as well as the Penal Code and Labour Code.
 - When was this law introduced? It was included in all (1924, 1961 and 1982) Constitutions of the Republic and it is in the Penal Code (2005) and Labour Code (2003).
 - Is this restricted to employment related issues? No, it is general.
 - Does it include the sale and supply of services? Yes, by implication.
 - What disputes if any took place during its introduction? -

- Is discrimination on the grounds of religion illegal? Yes, as a constitutional provision of equality.
- when was this law introduced? It was included in all (1924, 1961 and 1982) Constitutions of the Republic as well as the Penal Code and Labour Code.
 - Is this restricted to employment related issues? No, it is general.
 - Does it include the sale and supply of services? Yes, especially in the Penal Code
 - What disputes if any took place present during its introduction? -
- Is discrimination on the grounds of sexual orientation illegal? Yes, as a constitutional provision of equality and according to the Penal Code and the Labour Code by implication.
- When was this law introduced? It was included in all (1924, 1961 and 1982) Constitutions of the Republic as expressed in the phrase “all similar matters”. The same provision (needing interpretation) exists in Penal and Labour Codes. However there have been no court decisions on the issue.
 - Is this restricted to employment related issues? No, it is general
 - Does it include the sale and supply of services? Yes, by implication particularly in the Penal code
 - What disputes if any took place during introduction of these laws? During the discussion of the amendments to the Penal Code (2004), women’s groups, along with their own demands to eliminate discriminatory provisions against women, asked that ‘sexual orientation’ be specifically listed as a ground for non-discrimination in the Penal Code. This was not accepted by the Parliament.
- Is discrimination on the grounds of disability illegal? Yes, as a constitutional provision of equality. Also, according to the Law on Disabilities (2005) (article 4/a).
 - when was this law introduced? 2005
 - Is this restricted to employment related issues? No, it is general.
 - Does it include the sale and supply of services? Yes.
 - What disputes if any took place present during its introduction? No disputes.
- Is discrimination on the grounds of age illegal? No specific provision exist either in the constitution or any other law.
 - when was this law introduced?
 - Is this restricted to employment related issues?
 - Does it include the sale and supply of services?
 - What disputes if any took place present during its introduction?
- Is discrimination on the grounds of marital status illegal? Yes, according to the Labour Law
 - when was this law introduced? 2003
 - Is this restricted to employment related issues? Yes (Marital status is not a valid reason for termination of employment by the employer)
 - Does it include the sale and supply of services? No
 - What disputes if any took place present during its introduction?
- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant? NO

NOTE: In Turkey, there is no separate legislation on anti-discrimination. All of these issues are illegal on the basis of the Constitutional equality clause as well as the Penal and Labour Codes. Moreover, with respect to discrimination on the basis of disabilities, specific legal provision exists in the Law on Disabilities.

Sexual orientation is not specifically mentioned in the Constitutional provision or elsewhere in laws, however discrimination on this basis is also illegal because the Constitution says ‘or any such considerations’. The Article 10 of the Constitution of the Republic of Turkey is as follows:

’X. Equality before the Law (As amended on May 22, 2004)

Article 10. All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice.

No privilege shall be granted to any individual, family, group or class. State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.'

2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country. (Please include not only if they are called 'national gender equality plans' or but also if they are just a sub-section of a larger national development plan.) The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State.

2.1 National gender equality plans

2.1.1 Is there a national gender equality plan? Or a gender equality component of a national development plan.

- o If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).

There is no national gender equality plan, but the 7th Five-Year Development Plan (1996-2000) included a short section on women under the title 'Population and Family Planning'. In that section, there are three separate subtitles for family, women and children. It is stated that:

'To ensure women's participation to all aspects of the social life, as equal individuals, is principal. In the fields of education, health, working life, social security and employment, measures will be taken to better the situation of women and to eliminate the inequalities.

Efforts in order to eliminate the issues that negatively affect the place of women in the society will be carried on.

To increase social welfare and ensure that women make use of that welfare to a high extent, efforts for education of girls and women will be prioritised and women's participation in development will be enhanced.'

The 8th Five-Year Development Plan (2001-2005) contained a section on women under the title 'Women, Family and Children'. The issues and policies mentioned in that short section did not go far from the employment issues: through education women will be encouraged to take more part in the society, decision-making processes and business.

The 9th Five-Year Development Plan (2007-2013) and current governmental programme for 2008 do not contain specific title for women, but mention issues about women's employment, social exclusion and poverty, violence against women, women's education and women's political participation.

- o Is the focus restricted to non-discrimination?

No.

- o Is there reference to gender mainstreaming?

No, not clearly. Reference to ensuring the participation of women as equal individuals in every aspect of life is made.

- o Are there named policy instruments and/ institutions, if so what?

A number of legislative changes for elimination of inequalities against women (e.g. Civil Code, Penal Code, Labour Law and Tax Law) were stipulated in the 7th Five-Year Development Plan. Although the plan covered the period until 2000, many of those relevant legal amendments in relevant laws were realised in subsequent periods.

- o Are there indicators and statistics to evaluate the policies?

In the section titled 'Population and Family Planning' (where 'Women' was a separate sub-title), some statistics on demographic indicators as well as some expectations in figures for the period that the Plan covered were given. However, to what extent those figures could show the progress in terms of the status of women or elimination of inequalities is questionable.

- o Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

In the 9th Five-Year Development Plan (2007-2013) and governmental programme for 2008, there are only general and a limited number of references to the Lisbon Strategy. In some cases, EU averages

are compared to Turkish averages. No explicit references are made, for example, to the female employment target rate or childcare in those plans and programmes.

2.1.2 Is gender equality integrated with other equalities in a national plan? NO

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify.

2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence

Yes.

If yes please name the plan. The National Action Plan (2007-2010)

Does it cover:

- o Domestic violence and violence in partnerships Yes.
- o Sexual assault/violence and rape No.
- o Sexual harassment and stalking No.
- o Trafficking and prostitution No.
- o Forced marriage, honour crimes and FGM No.

Does the plan include:

- o named policy instruments and/or institutions, if so what; Yes, it includes policy institutions such as the General Directorate for Women's Status, the Ministry of Education, the Ministry of Justice, and the Ministry of Interior, NGOs, Universities, Grand National Assembly of Turkey, unions, etc.
- o indicators and statistics to evaluate the policies, if so which? No.

2.2 EU required National Reform Programme (National Action Plan) for Employment

- o Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these?

Turkey is not a member state: there is no EU required National Reform Programme for Employment

- o Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state's programme? If so, what are these? N/A
- o Did the EU Commission's response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these? N/A

NOTE: The EU Twinning project 'Promoting Gender Equality', implemented jointly by the Prime Ministry, General Directorate on the Status of Women of Turkey and the Ministry of Social Affairs and Employment of the Netherlands, was launched in March 2007 and it will be completed in November 2008.

COMPONENT 4: Drafting a National Action Plan

Under Component 4, a Mapping Exercise and a Gender mainstreaming Policy Report were prepared under the scope of activities concerning designing a Draft National Action Plan. Under the scope of the Mapping Exercise, in total 62 interviews were made with public institutions and organisations and NGOs in various provinces. The 'Mapping Exercise Report' was prepared after interviews with relevant stakeholders. Activities for forming working groups and preparing policy documents for the preparation of the draft of the National Action Plan are ongoing. Six working group meetings are planned to be organised on 16 and 22 October 2007. In these meetings, 10 main critical areas of concern from Being Platform for Action will be addressed.

2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion

- o Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these? N/A
- o Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these? N/A

- Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these? N/A

2.4 EU funding

Does the EU provide funding in your country that has / has had a significant gender impact? Structural funds to consider include the European Social Fund and the European Regional Development Funds, Yes, Turkey participated in the Community Programmes (from 2002 onwards) 'Combating Discrimination' (2001-2006), 'Gender Equality' (2001-2005) and 'Combating Social Exclusion' (2001-2005) which were coordinated by the Ministry of Labour and Social Security.

The 'Project for Making Gender Equality Widespread' (2002-2006) was funded by the EU through the Pre-accession Financial Assistance schemes. The project has two components: a) Developing Institutional Capacity (1.720.000 Euro); b) Fighting with Domestic Violence against Women (4.118.180 Euro). The General Directorate on the Status of Women (KSGM) coordinated the project together with the European Commission.

- If yes, how much and over what period of time?

(See above)

Turkey signed the participation agreements for the three above-mentioned EU Programmes in 2002 and they are published in the Official Gazette No. 25027 in 2003.

- If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes (e.g. the National Development Plans for 2000-2006)?

In the Development Plans the issue of women are covered under the title of 'Population and Family Planning' and 'Women, Family and Children' respectively, indicating that gender has not been mainstreamed under all relevant parts of the policy instrument. The current Five-Year Development Plan and the current government programme do not contain the issue of women under a specific title. Nonetheless, it is difficult to say that it has been adequately mainstreamed

3. Governmental Machinery for Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers).

The establishment of the Advisory Committee on Policies for Women (Kadına Yönelik Politikalar Danışma Kurulu) under the General Directorate of Social Planning within the State Planning Organisation (Devlet Planlama Teşkilatı - DPT) in 1987 was the first step of the institutionalisation of gender equality issues within the state.

On 20 April 1990 the General Directorate of Women's Status and Problems (Kadının Statüsü ve Sorunları Genel Müdürlüğü - KSSGM) was established under the Prime Ministry⁴ and on 25 October 1990, it was moved to the Ministry of Labour and Social Security⁵. In 1991, it was attached to the Prime Ministry once again, where a State Minister was responsible for Family and Women's Affairs. In 1993, the institution was restructured and elevated as a main service unit under the newly established Prime Ministry Under-Secretariat of Woman and Social Services.⁶ However, the Constitutional Court annulled its authorisation law twice and the unit was once again demoted to its original status as a General Directorate tied to a State Minister. In the following five years, due to changes in governments, six ministers were in charge of KSSGM.

The draft law on the organisation of the KSSGM was sent to the Parliament by the Prime Ministry on 5 July 1999, but it became null and void due to the national elections of in 2002. KSSGM was once again, attached to the Ministry of Labour and Social Security on 27 November 2002.⁷

After the annulment decision of the Constitutional Court on its organisational law, KSSGM spent a decade working without official legal status, until 2004. On 29 March 2003, with the approval of the

⁴ By-law no. 422.

⁵ Law no. 3670.

⁶ By-law no. 514.

⁷ Published in the Official Gazette no. 24949.

Presidency of the Republic of Turkey⁸, the institution regained its legal status and was attached to the Prime Ministry. The Organisational Law of the General Directorate on Women's Status, (No. 5251⁹) was published in the Official Gazette on 6 November 2004, as a part of a package of administrative reforms for EU accession.¹⁰

By 2008, the main public institution working on gender equality and gender mainstreaming in Turkey is the *General Directorate on the Status of Women* (Başbakanlık Kadının Statüsü Genel Müdürlüğü – KSGM). This agency is a central coordination unit and functions under the Prime Ministry and the Minister of State in charge of Family and Women's Affairs.

- Do any or all of these forms of gender machinery exist in the country, and if so what are they called (fill in their name in original language and translated to English)? Yes.
- governmental (civil servants and ministers in central government);

There is a Minister of State (Devlet Bakanı) whose portfolio includes women and family.

General Directorate on the Status of Women (Kadının Statüsü Genel Müdürlüğü - KSGM) is the main gender machinery. It is located under the Prime Ministry.

- enforcement and/or monitoring agency (e.g. equality authority, ombudsperson);

There is no enforcement agency or ombudsperson in Turkey.

The General Directorate on the Status of Women (KSGM) works mainly as a coordinating agency, but it conducts some monitoring activity.

- special legal apparatus (e.g. special courts, mediation or arbitration bodies for employment or domestic violence);

Family Courts (Aile Mahkemeleri).

- body for consultation / dialogue with women's NGOs, or with NGOs representing other axes of inequality

The Advisory Board of KSGM includes representatives of women's NGOs. KSGM also conducts ad hoc consultations with women's NGOs (e.g. for the CEDAW reports).

- Other, for example, Parliamentary Committees

Two Parliamentary Committees on gender and women's issues were established on an ad hoc basis in recent history. They are:

The Grand National Assembly of Turkey (Ad Hoc) Research Commission on the Status of Women (TBMM Kadının Statüsünü Araştırma Komisyonu) (1998)

The Grand National Assembly of Turkey (Ad Hoc) Research Commission on Honour and Custom Killings (TBMM Töre ve Namus Cinayetlerini Araştırma Komisyonu) (2006)

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

The nature of the institution

- Is there gender machinery that meets the minimum legal requirements of the EU?
 - A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex: NO
 - providing independent assistance to victims of discrimination in pursuing their complaints about discrimination; NO
 - conducting independent surveys concerning discrimination;

On an irregular basis, KSGM has conducted surveys on violence against women.

- publishing independent reports and

In the past, KSGM has published independent reports reflecting research by academia, supported by agency sources on certain issues such as employment, education, violence against women, etc.

- making recommendations on any issue relating to such discrimination.

KSGM has, occasionally and when asked, made recommendations on specific issues such as for example maternity leave.

⁸ Published in the Official Gazette no. 25063.

⁹ Law No. 5251 on the Organisation and Duties of the General Directorate on Women's Status (Kadının Statüsü Genel Müdürlüğü Teşkilat ve Görevleri Hakkında Kanun). Date of Approval: 27.10.2004.

¹⁰ The adoption the Law concerning the legal identity of the organisation was among the short-term commitments of Turkey towards the EU underlined both in the 2001 and 2003 National Programme of the Adaptation of the *Acquis* (NPAA) of Turkey.

- Is there gender machinery that meets the 'Paris Principles'? NO
 - independence guaranteed by a constitutional or legislative framework, autonomy from government,
 - pluralism including pluralism of composition,
 - a broad mandate,
 - adequate powers of investigation,
 - sufficient resources
- Is there gender machinery that meets the further requirements of the UN Platform for Action? YES
 - responsibility vested at the level of a Cabinet minister. YES
 - Develop indicators and statistics to monitor policy

The Turkish Statistical Institute was given support by the KSGM under the project entitled 'Enhancement of Women's Integration in Development' to produce 'women statistics and indicators database' in the 1990s. In the database, gender disaggregated statistics on issues such as Population and Demographic Indicators; Households, Families and Housing Conditions; Literacy and Education; Justice; Economic Activity, Labour Force and Establishment; Income and Poverty; and Other Fields can be found.

In addition, KSGM also works on compilation of gender statistics already collected by various other institutions.

KSGM has also completed some preliminary work for "Action Plan to develop Gender Indicators".

- How close to the centre of power (e.g. Prime Minister or other) is the governmental machinery located?
 - centre of power/ PM's office PM's office
 - Other powerful department.
 - Other department
- Would any of the bodies be described as following a 'feminist' agenda?
 - Briefly explain the reasoning behind your answer.
 - If yes, then indicate which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation) fits best.

KSGM follows an equal rights based, reform oriented, liberal feminist agenda (equality through sameness), in terms of making women and gender inequality visible, particularly in the public sphere.

- Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?
- Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts?

There are Family Courts.

Dedicated to gender or integrated with other equalities?

- Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights? If yes,

KSGM is loosely integrated with other governmental bodies in charge of other equalities through its representation in the consultation/advisory boards of some of these bodies. Also, KSGM takes part in the Advisory Council of the Prime Ministry Directorate on Human Rights.

- When did this happen?

KSGM takes part in the Advisory Council of the Prime Ministry Directorate on Human Rights, according to Directorate's Circular published in the Official Gazette on 23 November 2003.

- Was the change controversial (who fought whom, allied to whom)?

There were discussions and demands for the inclusion of women's rights within the framework of human rights, especially from the women's NGOs.

- Is the division of responsibilities by function or by strand? (Question not clear)
- Is there a separate mechanism for consulting civil society by strand, including women? (Question not clear)

- Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.

Gender and disability fall under the responsibility of the same state ministry, however there are two separate institutions (and systems) dealing with each inequality. KSGM and the Prime Ministry Administration for Disabled People. KSGM is particularly actively involved in inequality based on disability.

- If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.

This is generally not the case. Yet, KSGM is loosely integrated with other equality bodies through representation in the consultation/advisory boards of some bodies dealing with other inequalities. The KSGM expresses a consciousness about the other inequalities, but this is mostly discursive.

Relationship of machinery with civil society

- Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery?
 - If so, are they routinised or occasional?

While in the past, women's NGOs were consulted occasionally (such as on the preparation of the CEDAW reports and in issue-based consultation councils), there is no routinised mechanism for such consultation.

Article 15 of the Law on the Organisation and Duties of the General Directorate on Women's Status (KSGM) No. 5251, adopted on 27 October 2004, stipulates the representation of five women's NGOs in the Advisory Council of the General Directorate. According to the Law, these representatives are to be selected by the KSGM for three years, and the Council meets at least once a year. This body, however, is not seen as a functioning entity.

4. Policy summary questions

4.1 Non-employment

Is the tax system household based or individualised?

The tax system in Turkey is individual based. (Income Tax 4369- 15.09.1998)

Is the benefit system household based or individualised?

The benefit system (unemployment benefit and child benefit for working people) is individual based.

How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops).

There is no state support for lone parents and no established direct relationship between lone parenthood and the benefit system. Parenthood is only supported through maternity leave and through monthly income benefits for working parent.

Are there active labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

No.

Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market? Are there active labour market programmes for any other category of citizens, and if so which categories?

There are programmes implemented by the Turkish Employment Agency (İŞKUR) for unemployed, women who are out of the labour force, the disabled and the ex-convicted.

What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)

- Childcare: care (under 3 years)
- Childcare: pre-primary education (3 yrs- school age)

Although available information is very limited, 93% of the existing childcare is provided through nurseries and crèches operated by the Ministry of National Education and the remaining 7% is

supplied by private crèches and nurseries. Most of the childcare provided by the Ministry is targeting children pre-primary education (between 4 and 6 years old). For under 3 years, childcare is very limited and mostly provided through private nurseries.

What is the predominant form of childcare provision? i.e. public, private or mixed.

The most common form of childcare is private and only 16% of children over 3 years of age is provided with schooling before the age of seven.

How is childcare financed (e.g. by public funds, privately or mixed)?

As the most common form childcare is private and families need to buy childcare it is paid for privately. There is no tax return etc. from public funds for those paying private childcare to nurseries or crèches.

Is the pension age the same for women and men? If so, since when?

It is different, 60 for women and 65 for men.

4.2 Intimate citizenship

Is abortion legal? If so, in what year did this happen?

Yes. Abortion is legal since 1983. (The Population Planning Law No. 2827 of 24 May 1983)

Up to which week of pregnancy is abortion legal?

- Up to 10 weeks: abortion is legal upon request.
- Up to 20 weeks in extraordinary cases: where there is medical necessity; where pregnancy is a result of a crime (i.e. rape) where the woman was a victim.

Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?

- In normal cases, and within the period of 10 weeks the consent of the pregnant woman is sufficient for abortion. If the woman is married, the consent of the spouse is also required. If she is a minor her legal representative must consent; if the pregnant woman has a legal guardian because she is a minor or is mentally impaired, the consent of her legal guardian is also required.
- An abortion must be performed by a gynaecologist/obstetrician or, in the case of menstrual regulation, by a general practitioner with special training under the supervision and control of a gynaecologist/obstetrician.
- No counselling service before abortion is provided.
- In ordinary cases, the medical necessity (if the continuance of the pregnancy poses a risk for the physical or mental health of the woman and/or her children) must be confirmed by a specialist in obstetrics and gynaecology and by a specialist in another related field. This requirement is waived if the pregnancy poses an immediate risk to the woman's life, provided that the performing physician informs the Directorate of Health and Welfare in provincial centres of the name and address of the patient, the intervention performed and the justification for the intervention, either prior to the procedure or within 24 hours following the abortion. The condition of consent is also required in extraordinary cases; however, it may be waived if the pregnancy poses an immediate danger to the life of the woman
- In cases where the pregnancy is a result of a crime (rape, trafficking for sexual trade) upon the request of the pregnant woman the abortion is conducted under the same conditions as summarized above. (Regulated by the Penal Code No. 5237, Article 99(6))

How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country)?

11.3 pregnancies for every 100 are terminated by voluntary abortion. Approximately: 192,100 every year. The statistic is for voluntary abortions.

Are there any restrictions on abortion for certain categories of people? (e.g. age, nationality)

No. Married women need to have the husband's consent. Minors also need consent of their legal guardian.

Is a marriage a state based contract, religious contract or both?

State contract; marriages conducted with a religious contract in the absence of a civil (state) contract are invalid and punishable by law. (Article 230(6) of Penal Code)

Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)?

Divorce is legal. According to the Civil Code, one of the spouses could apply for a divorce or for separation (living apart from 1 to 3 years) on 6 (special and general) grounds:

1. Adultery (special condition)
2. Maltreatment, threat to life, insulting behaviour (special condition)
3. Commitment to a crime, pursuing a dishonourable life (special condition)
4. Deserting domicile (for more than 6 months) (special condition)
5. Mental Illness (special condition)
6. Collapse of the Marriage (general condition)

If the couple has been married for at least one year and a joint application for divorce is made, or the other spouse accepts a court case opened by one spouse, the marriage is considered impaired. In such cases, the judge listens to both sides and approves the agreement reached by the parties regarding the protection of the children and financial affairs. The judge has the authority to make any changes to the arrangements. If both parties consent to these changes, the divorce decision is given.

If the judge rejects a divorce case, when three years have elapsed from the date of the decision and the couple has not lived together, the marriage is considered impaired and a divorce decision is given upon application to the court by either spouse

If divorce is not legal, what are the conditions for separation or annulment?

N/A.

Are there any restrictions to marriage other than the sex of the partners (e.g. nationality, country of origin)?

- Kinship: Those who are related through consanguinity at first degree are not allowed to marry.
- Following the dissolution of a marriage none of the spouses can marry those with whom they have first degree affinity relationship through the marriage. For example, a man cannot marry his ex-mother-in-law; a woman cannot marry her son-in-law.
- A person cannot marry someone he/she has adopted.
- Waiting Period for Women (although not specified as a restriction, it might be considered a temporary restriction working against women). A divorced woman must wait 300 days following the date of her divorce to marry again. If the woman proves that she is not pregnant from her previous union, or if the person she is willing to (re-)marry is her ex-spouse, the Judge might lift the restriction.
- Mental and some Physical Diseases: persons with mental diseases cannot marry unless they prove that their illness does not form an impediment for marriage with an official health certificate. Certain venereal and contagious diseases also constitute a bar to marriage

Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/no+year when introduced):

No, civil partnerships/civil unions/gay marriages are not legal. However, transsexuals can marry with the same rights as heterosexual marriages.

Does it extend to:

- survivors' benefits in pensions? No.
- adoption rights? No.
- parental leave? No.
- assisted reproduction? No.
- Family reunification – have partners the right to settle and be employed in the country where their partners live? No.

Number of registered civil partnerships, annually and in total?

4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out?

There is no national survey on the issue but, sponsored by the Scientific and Technological Research Council of Turkey (TUBITAK), the most recent research on the topic was carried in 2007 by Yeşim Arat and Ayşe Gül Altınay at Boğaziçi University.¹¹

Does it include:

- Domestic violence and violence in partnerships? Yes.
- Sexual assault/violence and rape? No.
- Sexual harassment and stalking? No.
- Trafficking No.
- Prostitution? No.
- Forced marriage? No.
- Honour crimes? No.
- FGM? No.

4.3.1 Domestic violence

What legal devices are available to prevent domestic violence?

The New Turkish Penal Code, adopted in 2005, the Law No: 4320 on the Protection of Family approved in 1998, the Law no: 5636 on the Amendment about the Law on the Protection of Family.

Do they target perpetrators and/or victims? (Yes/no +year when introduced). Devices could for instance include:

- restraining orders Yes, 1997.
- non-molestation orders Yes, 1997.
- occupation orders (question not clear)
- state funded perpetrator programs Yes.
- other devices? Yes, they target both perpetrators and victims.

What is the prevalence of domestic violence against women, in one year? (from the survey)

No data pre 2008.

The prevalence of physical partner violence in the last 12 months (2007-2008) is stated to be 10% by the 2008 survey. The rate of sexual violence was 7.0%.

http://www.ksgm.gov.tr/tdvaw/doc/Main_report.pdf. page 46.

What is the life time prevalence of domestic violence against women? (from the survey)

No data pre 2008.

According to the 2008 survey, 39% of women were exposed to physical partner violence; the prevalence of sexual violence is 15%. http://www.ksgm.gov.tr/tdvaw/doc/Main_report.pdf. page 46.

What is the number of incidents of domestic violence against women, in one year (from the survey)

No data

¹¹ Changes after original report was delivered include: The most recent and the largest nationwide study on violence against women was conducted in 2008 under the title “National Research on Domestic Violence against Women”. The survey was carried out over a period of 15 months by a research team led by Hacettepe University. The target sample size was 24,048 households in 51 provinces across Turkey with a response rate of 88.0 per cent for households and 86.1 per cent for women. The results of the survey were published in 2009. See: TR 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 2009. Ankara. http://www.ksgm.gov.tr/tdvaw/doc/Main_report.pdf and http://www.ksgm.gov.tr/tdvaw/doc/tdvaw_summary.pdf

What is the number of incidents of domestic violence reported to the police (annual)? (If not available, say so)

This is not available but according to the 2006 statistics by the General Directorate of Security, the number of the so-called 'maltreatment of family members' is 17.064. There is no category as domestic violence among the different types of incidents.

What is the number of domestic violence convictions in the courts? (If not available say so)

The number of legal cases regarding the Law no: 4320 on the Protection of Family was 8.966 in 2005 and the number of legal cases concluded regarding the Law No: 4320 on the Protection of Family was 9.132 in 2005.

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? (if not available say so) Not available.

If there is any information on the previous questions broken down by age, class, sexual orientation, race/ethnicity etc, give it here too. No.

4.3.2 Rape & Sexual assault

When was marital rape criminalized?

It was criminalised in 2004 through the reform of the Turkish Penal Code.

What is the number of annually reported incidents to the police?

According to the most recent statistics of 2006 (the General Directorate of Security) the number of annually reported incidents of rape is 1.300 and the number of sexual abuse is 1.026.

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)? (if not available say so) Not available.

What is required for an act to be considered to be rape, e.g.:

- lack of consent (since when)
- physical resistance? (since when)
- Other?

According to the New Turkish Penal Code, rape is defined as the insertion of a sexual organ or object into the body.

Is any characteristic of victim or perpetrator considered relevant (e.g. age, sex), and if so which characteristic? No.

4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the EU convention on human trafficking (date)

No.

Is trafficking primarily seen as a problem of the sending or the receiving country?

According to the general public opinion, it as a problem of the sending country.

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long? (date)

Yes. Victims of trafficking receive residence permits up to six months unconditionally and on their request in order to allow them time to receive medical and psychological support and to testify and cooperate with the police. This permit also allows them access to job market and can be extended for periods of 6 months upon consideration of their medical treatment and trial proceedings.

4.3.4 Intersections

Have specialised policies and practices on gender based violence that address gender as intersecting with race/ethnicity, class, sexual orientation been developed by:

- Police
- NGOs
- Local Authorities / government
- Other

No.

4.3.5 Service provision

Are there refuges and/or sexual assault centres? (dates)

Yes, there are shelters.

How many are there?

According to information provided by the Government, there are 28 shelters that provide services for women subjected to violence.

There are two shelters operated by NGOs for the purpose of supporting trafficked persons. One was established by the NGO Human Resource Development Foundation (HRDF) in Istanbul in 2004, the other was established in Ankara in 2005 by the Women's Solidarity Foundation.

When was the first set up?

Women's shelters: 1990

Shelters for trafficked women: 2004

Are they state funded, to what extent?

Women's shelters: 17 of these institutions are called 'women's guest houses' and are affiliated with the General Directorate of Social Services and the Child Protection Agency. They are thus funded by the state. The remaining 11 shelters are operated by various civil and public entities.

Shelters for trafficked women: They are operated by NGOs with the support provided by the Metropolitan Municipalities of Istanbul and Ankara.

CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

5. Political system

5.1 Is the state unitary or federal?

If federal, are key gender+ equality decisions made at national or provincial/local level?

The state is unitary.

5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

Are there legally binding decision making processes similar to the EU framework agreements (e.g. as the Parental Leave Directive)? NO

Would the political system be possible to describe as corporatist or neocorporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

No. Some organisations (mainly businessmen's associations and unions) are considered effective.

What is the gender composition in the decision making process of agreements made by the social partners (if there are any such agreements)?

Not applicable.

5.3 In which policy environment (ministry) is a decision on the issue predominantly made (for each area: general gender equality policies; non-employment; intimate citizenship; gender-based violence)?

General gender equality policies: the Parliament, government, different ministries (education, labour, justice)

Non-employment: Ministry of Labour and Social Security.

Intimate citizenship: Parliament, Ministry of Justice

Gender-based violence: Parliament, State Minister responsible for women and family.

5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

No, it is not consociational. The state is secular. Yet, one religious group (Muslim) is the dominant majority, one ethnic group (Turkish) is majority.

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

Secularism vs. political Islam

Ethnicity: between Turkish and Kurdish.

Also, there are religious cleavages between the majority sect (Sunnis) and minority sect (Alevi).

5.5 International obligations and links

When, if at all, was CEDAW signed?

CEDAW was ratified in 1985.

When did the country join the EU?

Not yet. The relations between Turkey and the EU have developed as follows¹²:

March 2001: The EU Council of Ministers adopts the EU - Turkey Accession Partnership.

March 2001: The Turkish government presents its National Programme for the Adoption of the Acquis.

December 2002: The Copenhagen European Council resolved that if the European Council in December 2004, on the basis of recommendation from the Commission, decides that Turkey has fulfilled the Copenhagen political criteria, the EU would open the accession negotiations. Meanwhile, EU leaders agree to extend and deepen co-operation on the EC-Turkey Customs Union and to provide the Turkish government with increased pre-accession financial assistance.

December 2004: The European Council defines the conditions for the opening of accession negotiations.

October 2005: Starting of the screening process concerning the analytical examination of the acquis.

December 2005: Adoption by the Council of a revised Accession Partnership for Turkey.

June 2006: Negotiations are opened and closed on the chapter Science and Research

December 2006: Due to the reasons regarding the application of Additional Protocol to the Ankara Agreement to Cyprus, the Council decided that eight relevant chapters will not be opened and no chapter will be provisionally closed until Turkey has fulfilled its commitment. The eight chapters are: free movement of goods, right of establishment and freedom to provide service, financial services, agriculture and rural development, fisheries, transport policy, customs union and external relations.

March 2007: Negotiations are opened on the chapter Enterprise and Industry

June 2007: Negotiations are opened on two chapters: Financial Control and Statistics.

6. Political Representation

6.1 The development of women's political representation, including:

- Date of female suffrage 1934.
- Note any caveats, e.g. age, property qualification, ethnicity, and when removed. NONE
- Date of male suffrage 1876
- Use of quotas: Rare and ineffective / in some political parties.
 - When introduced Late 1990s.
 - What form e.g. party, electoral, constitutional Party.
- What is the numerical representation of women in parliament? (over QUING period)

The Turkish Parliament has 550 seats in total.

General Election Year	Seats (W)	Percentage
1995	13	2.36
1999	22	4
2002	24	4.36
2007	50	9.09

¹² Based on the information from the website of the European Commission > DG Enlargement > Candidate Countries > Turkey > EU-Turkey Relations.

- Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas, 1989.

Women's representation in the parliament has been stationary for a long time (1934: 4.6%; 2002: 4.36%) with some drops (e.g. 1995: 2.6%). In the 2007 elections, the representation of women increased from 4.6% to 9.09%. The increase was mainly a result of increased public and political awareness.

- Other important developments

The first and only woman Prime Minister of Turkey, Tansu Çiller, from True Path Party (Doğruyol Partisi-DYP) was the Prime Minister for three years.

6.2 Political representation for intersecting inequalities:

- Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament) Yes. Originally, limited male suffrage was introduced in 1876 (in what was the Ottoman State). The implementation required that voters owned some property. The property requirement continued in the 1908 elections, but was abolished in the very first election of the Republic in 1923. In all the parliaments of the republic (1923 onwards) all social classes have been represented, albeit the social class background of the majority of the representatives being middle class, educated and professional members.
- ethnicity/religion (what exclusions and when; numerical representation in parliament) There has not been any exclusion on the basis of ethnicity or religion. Different ethnic and religious groups have always been represented, with Kurdish members constituting a sizable number.
- Other important intersecting inequalities, any quotas

6.3 Political parties and gender

- Does women's political representation vary by Party;

Significant differences do not exist. Some marginal differences are there.

- if so, do these Parties tend to represent different class, ethnic, religious or other interests? Centre left parties have generally had a slightly higher representation of women, mainly because of the greater salience they have attached to women's public participation and because they have had more contact with the West. In the Turkish context, these parties have traditionally been associated with modernisation and secularism.

- What is the current Party / Parties in Government:

Justice and Development Party (Adalet ve Kalkınma Partisi (AKP)). Self-defined as centre right with heavy undertones of Islam.

- With which European Parliament political group is this Party / Parties affiliated?

AKP has observer membership status in the Group of the European People's Party and European Democrats (EPP-DP Group-(Christian Democrats)).

What political party / parties have held office during 1995-2007?

No. of Government	Parties	Period
50. Government	True Path Party (DYP) – Social Democratic People's Party (SHP)/Republican People's Party (CHP)	25.06.1993 – 05.10.1995
51. Government	True Path Party (DYP)	05.10.1995 – 30.10.1995
52. Government	True Path Party (DYP) – Republican People's Party (CHP)	30.10.1995 – 06.03.1996
53. Government	True Path Party (DYP) – Motherland Party (ANAP)	06.03.1996 – 28.06.1996
54. Government	True Path Party (DYP) – Welfare Party (RP)	28.06.1996 – 20.06.1997
55. Government	Motherland Party (ANAP) – Democratic Left Party (DSP) – Democratic Turkey Party (DTP)	30.06.1997 – 11.01.1999

56. Government	Democratic Left Party (DSP)	11.01.1999 – 28.05.1999
57. Government	Democratic Left Party (DSP)– MHP – Motherland Party (ANAP)	28.05.1999 – 18.11.2002
58. Government	Justice and Development Party (AKP)	18.11.2002 – 14.03.2003
59. Government	Justice and Development Party (AKP)	14.03.2003 – 22.07.2007
60. Government	Justice and Development Party (AKP)	29.08.2007 – .

6.4 Representation in government

- What percentage of government Ministers are female?

One of the twenty-five (4%) ministers in the current government is female.

To which Ministries do female ministers belong?

The only woman minister is the Minister of State responsible for Women and Family.

7. Civil Society

7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women's organisations.

There is No single national organisation. There are some women's NGOs with national offices and local branches (e.g. Turkish Women's Association (Türk Kadınlar Birliği), Federation of Turkish Women's Associations (Türk Kadın Dernekleri Federasyonu)).

If so,

- is this the same as the body which is affiliated to the European Women's Lobby?

One individual Turkish women's organisation Kadın Adayları Destekleme ve Eğitim Derneği (KADER) (Association for the Support and Training of Women Candidates) serves as the elected general secretariat for the EWL National Coordination for Turkey (EWLNCT) which represents women's NGOs in the EWL. It does so upon the consent of the other NGOs.

- when was it established? KADER was established in 1997 (became an EWL member in 2004).
- how many organisations are affiliated to the national body? There are 56 member organisations under the umbrella of the EWL National Coordination for Turkey.
- how many women are so coordinated? KADER has slightly more than 3000 members. However, there is no clear number for the total target group for all 56 organisations affiliated to the EWL National Coordination for Turkey.
- How many staff work for the organisation (how many paid, how many unpaid)? N/A
- What is its budget? N/A
- What is its range of activities (are these in an annual report)?

Politics and the increase of women's representation on all levels of political decision-making is the KADER's main issue, for example through quotas. KADER is also engaged in increasing the representation of women in non-political decision-making; women and employment; women and the EU; organisation and leadership; education; campaigning and camping strategies.

- Does the national body engage with all or only some of our 3 issues KADER engages with all, with the possible exception of intimate citizenship.¹³
- Are there national coordinating organisations for feminist/women's activities in: employment/non-employment; gender based violence; and intimate citizenship (if so name them)?

Occasionally, women's organisations in Turkey have come together around particular issues or campaigns and formed ad hoc platforms. The trend appears to get stronger with each rising issue.

Employment/non-employment: Initiative for Women's Labour and Employment (Kadın Emeği ve İstihdamı Girişimi - KEİG) since 2006

Gender based violence: Turkish Penal Code Platform (TCK Platformu) 2002-

Intimate citizenship: Turkish Penal Code Platform (TCK Platformu) 2002-

In addition, Flying Broom (Uçan Süpürge), founded in 1996, had the initial aim to establish a network between women's NGOs and to function as an information and documentation centre. It identifies itself as a 'communication centre' in general terms.

¹³ <http://www.womenlobby.org/SiteResources/data/MediaArchive/members/internat/Turkey/kader.pdf>.

List the key women's / feminist civil society organisations and their main methods / activities

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research

Some of the most salient women's/feminist civil society organisations are Türk Kadınlar Birliği (Turkish Women's Association), Kadın Adayları Destekleme ve Eğitim Derneği (KADER) (Association for the Support and Training of Women Candidates), Kadının İnsan Hakları Yeni Çözümler (Women's Human Rights – New Ways), Mor Çatı (Purple Roof), Kadın Dayanışma Vakfı (Women's Solidarity Foundation) and KAMER. Most of these organisations engage in lobbying the state for particular legal reforms and in civil societal awareness raising campaigns. Many organisations have local branches at the provincial level and engage in building institutional bases in places where there are no existing legal chapters. Those NGOs that are particularly engaged in violence against women issues (e.g. KAMER, Mor Çatı, Kadın Dayanışma Vakfı) devote major parts of their work to building and running shelters and providing support services to victims. Women's NGOs have also engaged in research (e.g. Kadının İnsan Hakları – Yeni Çözümler) to uncover data on social attitudes and practices.

- Are they important or marginal to national politics? They are, in general, marginal to national politics. Only at certain instances (e.g. Penal Code and Civil Code Reform) they have appeared on centre stage.
- Are they centralised or dispersed? Centralised.

List the key anti-feminist organisations and their main methods/ activities?

Conservative women's organisations that oppose feminism in principle exist. However, they are not organised under the banner of 'anti-feminism' and do not vocally protest against feminism.

- Building autonomous institutions – They engage in building Islamic women's organisations.
- Public protest e.g. demonstrations – Yes.
- Campaigning – Yes. For example, to protest against the headscarf ban.
- lobbying state – Yes.
- service provision – Yes.
- Research – Yes.
 - Are they important or marginal to national politics? They have become more important during AKP's governmental rule, complementing state policy and raising awareness among conservative/Islamist dimension.
 - Are they centralised or dispersed? Centralised.

Are there any men's groups / organisations that are supportive of women's / feminist organisations?

No, not explicitly so organised. However, there is open and strong support from men's groups for the Islamist women's organisations and their protests on, in particular, the headscarf issue.

Women's / feminist organisations in civil society

- What are the major distinctions in civil society between different types of organisations/projects e.g. feminist, pro-family etc.?
Islamist / secular / feminist.

- Do women's organisations actively engage with other intersecting inequalities (in each area?)
Not very much. The exception includes some feminist organisations' engagement in sexual orientation where there is cooperation with gay and lesbian groups.

- Do they have good alliances with those representing other inequalities or not? (in each area)
Yes, in the case of some feminist organisations and gay and lesbian groups.

- Are there alliances between women's / feminist organisations and men's groups (if these exist in your country)?

No, but disperse men's groups occasionally support certain issues that are important to some women's groups, for example the headscarf ban.

- Are there many organisations of minoritised women? (in each area)

There are some organisations of Kurdish women.

- What links are there with international? / EU level / bilateral bodies? (in each area)

Some women's NGOs in Turkey are the branches of international women's organisations (e.g. University Women, Soroptimist International, etc.). Also, some NGOs are members of international bodies such as UNECOSOC. There is a national level women's organisation affiliated to the European Women's Lobby (see above).

- Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?

Yes, women's NGOs in Turkey (feminists included) are very much engaged with the state. KSGM invites some of the women's NGOs for consultation (e.g. CEDAW reports etc.) on ad hoc basis and tries to maintain good cooperative relations with them. NGOs do not take money from the state on a regular basis, but they receive travel support etc. as well as bidding for and being awarded contracts for research and implementation projects.

- Does this vary between issue areas?

Organised feminism is more engaged with the state, through for example research funding and implementation of projects (see above), in the area of violence against women than the other areas. .

- Has this changed over time?

In the earlier years, research and other projects on diverse areas were commissioned by KSGM and carried out by NGOs. Lately they have become almost exclusively in the area of violence against women.

- When engaging with the state is a coalition form of organising common or not?

It is common for lobbying activities. In other areas, engagement is usually by individual NGOs.

- Does it make sense to talk of a 'women's movement' or not?

Yes. There is a highly vocal and visible women's movement.

- Briefly explain your answer.

Women's organisations have been able to raise a single voice on critical issues such as law reform, get organised and react immediately to developments and lobby for certain causes.

- Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

Tendencies of different components in the movement are different. While the secularist women's movement operates with the vision of sameness, the feminists and the Islamists have both, from very different perspectives, emphasised equal valuation of difference (equity). Thus, within the women's movement as a whole there is a tendency to prioritise sameness in rights and positive discrimination as a recognition of difference. An ultimate aim of transformation (albeit with very different conceptions and ideal states) is shared by all.

- Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

The traditional approach shared by conservative groups (including the constituency of the AKP) is support for a domestic regime. However, a state or market provided public regime has been on the agenda of the state for many years. The present government's attitude on this issue is rather blurred and contains contradictions.

- How closely aligned is feminism with social democracy?

Mutual references can be found, but the two are not really very closely associated.

- Notes on the history of the development of gendered or feminist civil society organisations:
 - Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate?

These organisations are fairly autonomous but they have had a history of cooperation with the state, particularly on women's rights and issues of emancipation. Women's goals have been shared by the republican state, particularly in earlier times (1930s-1940s) leading some to even call the Turkish experience 'state feminism'.

- Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)?

Today, the closest cooperation between the state and all kinds of women's NGOs is seen in the area of violence against women. In the past, general gender equality issues and particularly intimate citizenship (marriage and divorce) matters were jointly pursued by the state and secularist and feminist NGOs.

- Is there a history of divisions as to: socialist, radical, liberal? Yes, but this division is not currently salient.
 - Does this vary by 4 areas? Not really.

- Is there a history of changing engagement with class, ethnic and religious forces?

Yes. Earlier women's movement (secular) was associated with middle class, urban, and educated women. From mid-1990s on, Islamist veins became apparent. There are also signs of some ethnic divisions (Kurdish).

- Does this vary by 4 areas?

Feminist and secular women's movements prioritise general gender equality and intimate citizenship issues. Islamist movement dwells on the headscarf issue (general). Both secular and Islamist women's NGOs emphasise violence against women and women's NGOs with an ethnic (Kurdish) character have focused on honour killings.

- Is feminist research organised in Universities and research institutes? Yes
 - Are there named centres? Yes. They are mostly organised in the form of graduate programmes titled 'Gender and women's studies' and/or in the form of research centres on gender and women's issues, e.g. the Gender and Women's Studies Graduate Programme of Middle East Technical University; the Women's Studies Graduate Programme of Ankara University; and the Women's Studies Graduate Programme of Istanbul University.
 - If yes, are they important? Yes, but feminist research is also conducted in other universities.
 - If not, is important feminist research primarily dispersed or mainstreamed?
 - Are there specific positions, funds or journals within the country (or region e.g. Nordic)?

Yes. There are department chairs for the above named graduate programmes. There is also the *Journal of Woman's Studies* (fairly new). Scholarly work on gender and women's issues are also published in mainstream academic journals.

- Is there a national association for women's studies/gender studies? No.

- Are there feminist lawyers' organisations? Yes, there are women's branches of local Bar Associations in many provinces.
 - Are there radical lawyers' organisations that support justice claims for one or more of the inequalities?

Yes, women's branches of Bar Associations provide support and legal aid for women in violence against women cases as well as divorce and property settlement matters.

7.2 Class

- A short history of the development of organisations representing class interests.

Trade unions in Turkey are organised in the form of confederations which are umbrella organisations of particular groups of trade unions. There are three major confederations: TÜRK-İŞ, DİSK and HAK-İŞ, which can be classified along their liberal, socialist and Islamist orientations respectively.

The Confederation of Turkish Trade Unions (TÜRK-İŞ):

TÜRK-İŞ was established in 1952. Its charter declares the confederation's adherence to the principles of free and pluralistic democracy and states that the basic rights and freedoms embodied in the United Nations Charter of Human Rights must be adapted into actual conditions affecting the lives of workers. TÜRK-İŞ claims to exist to defend and promote the rights and interest of workers as a whole.¹⁴

After the enactment of the Trade Union Act and the Act on Collective Bargaining, Strike and Lockout in 1963, TÜRK-İŞ reorganised itself accordingly, converting some of its member federations into national type of unions.¹⁵ In early 1966, a strike by one of the member trade unions of TÜRK-İŞ brought the ongoing conflicts inside the confederation to surface, and in 1967, some of the unions suspended from TÜRK-İŞ founded DİSK (The Confederation of Revolutionary Workers' Trade Unions).¹⁶

TÜRK-İŞ was the only labour union confederation allowed to function after the military coup in 1980. The confederation was given two seats in the Supreme Council of Arbitration (SCA) that was founded by the new, military driven, regime, although those two members resigned in 1982, opposing the decisions of the SCA. TÜRK-İŞ also took part in the discussion of the new constitution of 1982 and trade union legislation.

At the beginning of the second half of the 1980s, TÜRK-İŞ decided that a dialogue with the government was not possible. Starting in October 1985, the workers were taking action again through various meetings, demonstrations and marches.¹⁷ In those years, there were also some attempts of cooperation and joint action among the confederations. In 1987, TÜRK-İŞ and HAK-İŞ issued a joint declaration expressing their solidarity to each other. In 1992, TÜRK-İŞ, HAK-İŞ and DİSK issued a joint declaration, announcing the First of May as the 'Day of Unity, Struggle and Solidarity' of workers.¹⁸

In the 1990s, TÜRK-İŞ was critical about the privatisation efforts of the new government (1993), stating that 'the aim of the programme was massive firings and the weakening of trade unions', and it organised a series of collective actions in different cities against privatisation and unemployment.¹⁹

In the 2000s, TÜRK-İŞ appreciated the development of the Turkey-EU relations and expressed its full support to Turkey's EU accession process.²⁰

As of January 2008, TÜRK-İŞ has 2.154.132 members organised within its 33 affiliated unions in 28 industrial branches (according to the statistics from the Ministry of Labour). The Confederation has nine regional offices and 81 provincial representatives functioning throughout Turkey.²¹

¹⁴ <http://www.turkis.org.tr/?wapp=turkishinbrief>.

¹⁵ "TÜRK-İŞ" in Trade unions in Turkey / Friedrich Ebert Vakfı. Project team: Filiz Aslan ... Oya Baydar (ed.). - 2. rev. ed., [electronic ed.]- Istanbul, 1998.-Electronic ed.: Bonn: FES-Library, 1998. Available at: <http://www.fes.de/fulltext/bueros/istanbul/00253003.htm#LOCE9E3>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ <http://www.turkis.org.tr/source.cms.docs/turkis.org.tr.ce/docs/file/EUROPEANUNIONANDTURK.pdf>.

²¹ <http://www.turkis.org.tr/source.cms.docs/turkis.org.tr.ce/?wapp=turkishinbrief>

The Confederation of Progressive Trade Unions of Turkey (Devrimci İşçi Sendikaları Konfederasyonu²² - DİSK):

DİSK was founded in 1967, as a result of the splitting of some of the trade unions from TÜRK-İŞ in 1966. At that time, 'relatively broader rights and freedoms had been recognised by the Constitution of 1961, the trade union acts of 1964 accepted the right of the workers to collective bargaining and strike, and revolutionary and socialist movements gained momentum on the politic arena'²³.

The charter of the Federation, which was later termed as the principles of DİSK, included significant emphasis on eliminating the problems of the working class and the development of industrialisation through planned economy (statism) and state control of various sectors. The Charter underlined the necessity of national and international events from the working class point of view as a way to enhance the revolutionary level and the awareness of workers.²⁴

DİSK and its leaders suffered from political crises and military rules in the Turkish political history. After the military intervention of 1971, DİSK leaders were arrested which slowed down the work of the confederation throughout the 1970s.²⁵ In 1977, the First of May demonstration organised by DİSK brought a considerable number of workers together in Taksim, but 'the peaceful demonstration ended with bloody attacks after a fire opened on the crowd at the end of the rally, resulted in the killing of 35 people'²⁶.

After the military coup in September 1980, the National Security Council suspended the activities of DİSK and its affiliated unions. Their leaders were arrested and sent to the court 'with the demand of the death penalty on the grounds that they had attempted to demolish the constitutional regime'²⁷. Only in 1991, DİSK was able to resume its activities after an interval of 12 years.

By 2008, DİSK has 18 affiliate trade unions; 13 representative offices in Turkey and one European Representative Office in Brussels.

The Confederation of Turkish Real Trade Unions (HAK-İŞ):

HAK-İŞ was founded in 1976. Its charter defined the aim of the confederation as 'ensuring respect for moral values and compliance with the rules of the right and law, instituting labour peace by establishing the fraternity of workers and employers ... and enabling partnership at the workplace'.²⁸

Prior to 1980, the Confederation maintained close relations with the Nationalist Salvation Party (Milli Selamet Partisi - MSP) (Islamist) from the time of its founding, which facilitated HAK-İŞ getting organised when the Party was involved in coalition governments.²⁹ After the military coup in 1980, the activities of the confederation were suspended until the February 1981. HAK-İŞ kepted on maintaining good relations with the succeeding Islamic parties, first with the Welfare Party (Refah Partisi - RP) until it was closed down in 1998, and later on with the Justice and Development Party (Adalet ve Kalkınma Partisi – AKP).³⁰

²² www.disk.org.tr

²³ "DİSK" in Trade unions in Turkey / Friedrich Ebert Vakfı. Project team: Filiz Aslan ... Oya Baydar (ed.). - 2. rev. ed., [electronic ed.]- Istanbul, 1998.-Electronic ed.: Bonn: FES-Library, 1998. Available at: <http://www.fes.de/fulltext/bueros/istanbul/00253009.htm#LOCE9E9>

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ "HAK-İŞ" in Trade unions in Turkey / Friedrich Ebert Vakfı. Project team: Filiz Aslan ... Oya Baydar (ed.). - 2. rev. ed., [electronic ed.]- Istanbul, 1998.-Electronic ed.: Bonn: FES-Library, 1998. Available at: <http://www.fes.de/fulltext/bueros/istanbul/00253013.htm#LOCE9E13>

²⁹ Ibid.

³⁰ Doğan, E. (2003) "Sendikalar ve Türkiye'nin Avrupa Birliği Siyaseti", *Akdeniz İİBF Dergisi*, Vol. 6, pp. 19-43.

Although HAK-İŞ was against Turkey's EU membership throughout the 1980s and 1990s, the Confederation radically changed its stance in the 2000s and declared that reforms in the EU accession process are 'an advance stage of modernisation and Westernisation project initiated by Atatürk'.³¹

By 2008, HAK-İŞ had nine affiliated national trade unions, being set up on the basis of industry (sector) principle. Every union is a national organisation composed of local branches and representatives, which cover 126 local branches.

Additionally, national level *confederations of civil servants' unions* flourished in Turkey only by the 1990s. Legal obstacles had prevented unionisation of public employees previously in Turkey. The Law for Public Employees Trade Unions no. 4688 was adopted in the Parliament in June 2001, however it does not recognise the right to strike or to make collective agreements.³²

Like the trade unions, the confederations of public employee unions, as umbrella organisations for civil servants and public employees, are identifiable along ideological/political orientations. The following confederations can be labelled nationalist, socialist/social democrat and conservative/Islamist respectively.

Confederation of Unions of Public Employees of Turkey (Türkiye Kamu Çalışanları Sendikaları Konfederasyonu – Türkiye KAMU-SEN)³³:

KAMU-SEN was founded in Ankara in June 1992. In response to the class-based, leftist unionism concept of KESK and the affinity of MEMUR-SEN to HAK-İŞ, Türkiye KAMU-SEN adopted a policy of 'state unionism'.³⁴ By 2008, it had 12 member unions.

Confederation of Public Employees Trade Unions (Kamu Emekçileri Sendikaları Konfederasyonu – KESK):

KESK was founded by 28 unions in 1995. The Confederation considered labour as 'the most supreme value which is the producer of all material values' and stated that 'union struggle is part of the struggle for democracy and liberation'.³⁵

KESK's aims include the struggle for the right of all workers to collective bargaining; to strike; and the harmonisation of legislation of working conditions in Turkish legislation with the international norms. KESK declares its adherence to the rights and freedoms based on International Human Rights and its intentions for unity and solidarity of labour at the international level through developing relations with the international organisations. KESK also states the need to oppose sexist discrimination in every aspect of social life, to struggle to achieve equality between the sexes especially in working life, to have women participating actively and to provide positive support.³⁶

By 2008, due to the mergers of unions, the number of KESK affiliated unions was 11 and the confederation had 231.987 members in total. The percentage of women in the membership is, according to KESK, 41.02 %. The Executive Committee includes a Women Secretary among other secretaries. In addition, on the website of KESK, there is a special section on 'KESK Women Policies'³⁷, which declares that 'The globalisation of capital and neo-liberal policies

³¹ Çelik, A. (2004) "AB Sürecinin En Uyumsuz Alanı: Sosyal Haklar", *Birikim*, Issue: 184-185, pp. 72-87.

³² "Establishment of KESK", Available at:

http://www.kesk.org.tr/index.php?option=com_content&task=view&id=526&Itemid=132

³³ www.kamusen.org.tr

³⁴ "KAMU-SEN" in Trade Unions in Turkey / Friedrich Ebert Vakfı. Project team: Filiz Aslan ... Oya Baydar (ed.). - 2. rev. ed., [electronic ed.]- Istanbul, 1998.-Electronic ed.: Bonn: FES-Library, 1998. Available at: <http://www.fes.de/fulltext/bueros/istanbul/00253024.htm#LOCE9E24>

³⁵ "Establishment of KESK" by KESK. Available at:

http://www.kesk.org.tr/index.php?option=com_content&task=view&id=526&Itemid=132

³⁶ Ibid.

³⁷ "KESK Women Policies" Available at:

http://www.kesk.org.tr/index.php?option=com_content&task=view&id=525&Itemid=132

have deepened the discrimination and inequality among countries, regions, classes and genders. ...Therefore, the prevention of discrimination and providing equality between women and men in employment is KESK's main demands of collective agreement. It is required to take necessary measures in order to prevent discrimination and achieve the equality between women and men. The demands of public women employees have to be met'.

Confederation of Unions of Civil Servants (Memur Sendikaları Konfederasyonu - MEMUR-SEN):

MEMUR-SEN was founded in 1995 by 32 civil servants. It's main objectives are formulated as 'the attainment of respect for moral values, compliance with the rules of right and law, establishing labour peace, a fair wage system, and increasing work efficiency by solving the problems between the employees and the employer Ministries'³⁸.

MEMUR-SEN's principles are listed as 'the defence of the rights and interests of workers; improvement of social security; ensuring better working conditions; the defence of the rights and interests of employers; the participation of unions in the administration of public bodies; raising efficiency; training of employees to increase their effectiveness (including the expulsion of those members who fail to work efficiently despite training and, if necessary, a change in their positions)³⁹'.

By 2008, MEMUR-SEN had 12 member unions.

The number of affiliated unions and total membership in organisations representing class interests in Turkey:

Workers ⁴⁰ (in 2006)	
TÜRK-İŞ	33 unions, 2.092.694 members
HAK-İŞ	8 unions, 378.095 members
DİSK	18 unions, 403.152 members

Public Employees'/Civil Servants ⁴¹ (in 2006)	
TÜRKİYE KAMU-SEN	327.329 members
KESK	234.336 members
MEMUR-SEN	203.851 members

Employers ⁴² (in 2006)	
TOBB	364 chambers, 1.200.000 members
TİSK	21 unions, 8.300 members

Role of Women in Turkish Trade Unions:

Women and women's participation are almost invisible in the trade unions, both as members and in executive cadres. In 2008, no woman was an executive member of the boards of TÜRK-İŞ, DİSK or HAK-İŞ.⁴³ In 96 sectorial trade unions affiliated to the confederations, there were 93 male executives but only 4 female directors (2 in the DİSK affiliated Bank-Sen and

³⁸ "MEMUR-SEN" in in Trade unions in Turkey / Friedrich Ebert Vakfı. Project team: Filiz Aslan ... Oya Baydar (ed.). - 2. rev. ed., [electronic ed.]- Istanbul, 1998.-Electronic ed.: Bonn: FES-Library, 1998. Available at: <http://www.fes.de/fulltext/bueros/istanbul/00253022.htm#LOCE9E22>

³⁹ Ibid.

⁴⁰ Numbers provided by Turkey-EU Joint Consultative Committee (Türkiye-AB Karma İstişare Komitesi), 25 January 2006. Available at: http://haber.tobb.org.tr/uploads/449_TURKIYE-AB%20KIK%20SUNUM%20-25.01.2006.ppt

⁴¹ Numbers provided by Ministry of Labour and Social Security, 15 May 2006, "Number of Members of Public Employees Unions and Confederations.

⁴² The numbers provided by Turkey-EU Joint Advisory Committee (Türkiye-AB Karma İstişare Komitesi), 25 January 2006. Available at: http://haber.tobb.org.tr/uploads/449_TURKIYE-AB%20KIK%20SUNUM%20-25.01.2006.ppt

⁴³ Nilüfer Zengin, "Eğitim-Sen'e Kadın Genel Başkan" (A Woman General Director to Eğitim-Sen), BİA Haber Merkezi (BİA News Agency), 12 May 2008. Available at: <http://www.bianet.org/bianet/kategori/bianet/106895/egitim-sene-kadin-genel-baskan?from=rss>

Dev-Sağlık-İş; 2 in the KESK affiliated Tüm Bel-Sen and Eğitim-Sen).⁴⁴ Moreover, the invisibility in the executive cadres is not only limited to the sectors which are traditionally dominated by men and industrial workers, but it is also the case in sectors and areas such as banking, trade and office work, where women workers appear in large numbers.⁴⁵ A study conducted within TÜRK-İŞ in 2004 confirmed the invisibility of women at higher posts in the trade unions.⁴⁶ The results of the study have shown that the reasons for why women appear unable to occupy higher and executive posts in the trade unions are linked to the attitudes of the male members (i.e. an unwillingness of male unionists to share decision and authority with female unionists) and insufficient solidarity among women themselves.⁴⁷ It is also stated that the situation of women in the executives is relatively better in public employees' unions. Still, among three confederations of public employees, women executives are only present in the unions affiliated to KESK.⁴⁸

- How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)

- density (proportion of workers that are organised),

In Turkey, unregistered workers constitute approximately 50% of all workers. On the basis of registered employment, the proportion of organised labourers is officially reported as 58% by the Ministry of Labour and Social Security (2007). However, other sources report this figure to be as low as 14%. If unregistered employment is taken into account the proportion of organised labour decreases to 7.5%.

- coverage (what proportion of workers are covered by collective bargaining agreements),

It is officially reported that 304.392 out of the 5.154.948 workers are covered by collective bargaining agreements, i.e. 5.9% (2006).

- centralisation of collective bargaining,
 - is there are national body of trade unions;

There are several national bodies of trade unions. These are called the confederations (e.g. HAK-İŞ, DİSK, TÜRK-İŞ, KESK, MEMUR-SEN, KAMU-SEN). Additionally, these confederations and some other smaller scale labour and professional organisations are loosely organised under a public body called the Labour Platform (*Emek Platformu*).

- what proportion of TU members and unions are affiliated?

Since nearly all of the trade unions are affiliated to one of the confederations, over 99% of trade unions are associated.

- coordination of collective bargaining.
 - Does the national body of trade unions negotiate on behalf of trade unions

Yes, depending on the identities of the specific trade unions involved in collective bargaining at any one time, the relevant umbrella organisation takes part in the collective bargaining. This is the case when trade unions representing public sector workers are concerned. In these cases, it is mainly TURK-IS, but also HAK-İŞ and DİSK, that participate in collective bargaining for public workers on behalf of their member trade unions. There is no such implementation for negotiations with private employers.

⁴⁴ Ibid.

⁴⁵ Aziz Çelik, "Kadınlar ve Sendikalar" (Women and Trade Unions), BİA Haber Merkezi (BİA News Agency), 15 March 2007. Available at: <http://www.bianet.org/bianet/kategori/kadin/93376/kadinlar-ve-sendikalar>

⁴⁶ Uçan Süpürge, "Sendikada Kadının Adı Yok" (Woman has no name in trade unions), 30 August 2004. Available at http://www.ucansupurge.org/index.php?option=com_content&task=view&id=215&Itemid=76

⁴⁷ Ibid.

⁴⁸ Aziz Çelik, "Kadınlar ve Sendikalar" (Women and Trade Unions), BİA Haber Merkezi (BİA News Agency), 15 March 2007. Available at: <http://www.bianet.org/bianet/kategori/kadin/93376/kadinlar-ve-sendikalar>

When the civil servants' trade unions are concerned, the national bodies (KESK, KAMU-SEN, MEMUR-SEN) participate in collective bargaining process – when such bargaining is allowed by law - together with their member unions.

- Can it coerce or discipline member unions to enforce agreement?

No, they normally do not have the right to coerce or discipline member unions to enforce agreement. Negotiations are only binding for the member unions in the case of collective bargaining of civil servants' unions confederations.

- Women and trade unions:

- What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female?

(Use national Labour Force Survey. Website providing links to country LFS available from International Labour Organisation:
<http://www.ilo.org/dyn/lfsurvey/lfsurvey.home>)

Unofficially, it is reported that 10-13% of the total trade union membership is female.

- How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)?

In many of the trade unions, women are mainstreamed (albeit poorly represented). There are specific forms of women's branches and bureaus in some of the civil servants' trade unions such as KESK.

- What proportion of women are in the executive of (major) trade unions?

The percentage of women in executive bodies of the civil servants' trade unions is 7.5%. It is 8 % in workers' trade unions (2007).

No women are appointed to the statutory organs of workers' confederations. In civil servants' confederations, women constitute 10% of the officials in the statutory organs (2007).

- Is gender equality high or low on the bargaining agenda?

It is very low.

- Is it seen as an issue for women, or for all trade unionists?

It is seen as an issue for women and only by some women members of the unions.

- How well organised are employers?

- Do they have a single (or more) national organisation?

TİSK (The Turkish Confederation of Employer Associations) is the umbrella organisation of 22 employers associations covering 8300 workplaces and 1.1 million workers. There are also independent businessmen associations, e.g. TÜSİAD (The Turkish Industrialists' and Businessmen's Association) and MÜSİAD (The Independent Industrialists' and Businessmen's Association).

- Is it powerful or not? E.g. can it control its members? Employers associations function with strong associational settings making them very active and effective in the development of labour market policies at the national level

- Are they indifferent or hostile to gender equality in the workplace? No, they reflect a high awareness of the issue and the need to improve female labour force participation. TİSK has recently convened a national symposium on women's employment.
- Do they oppose the development of gender machinery, gender equality policies and gender equality laws? No.
- Do they support 'diversity management'? (e.g. policies that emphasise the gains associated with the promotion of diversity in the organisation, in contrast to an emphasis on equality / equal opportunities). Yes.
- Did they lobby for a merged rather than separate equalities bodies?

That was not on the agenda of those organisations.

- Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions? Yes. These tripartite bodies include (inter alia) the Work Assembly, the Tripartite Consultation Board, the Economic and Social Council, the Supreme Arbitration Board and the Minimum Wage Board

- Are women represented in such bodies? Yes, if mandated by the relevant stake holders. While women are not represented in the labour unions, several women occupy very important positions, including the Presidency of TUSIAD, in employers' associations.
- Are there EU, bilateral or other international level links for either trade union or employer organisations?

Trade Unions

TÜRK-İŞ (Confederation of Turkish Trade Unions): member of the International Trade Union Confederation (ITUC); the European Trade Union Confederation (ETUC); the International Confederation of Free Trade Unions (ICFTU); the Trade Union Advisory Committee (TUAC); and a partner of the International Programme on the Elimination of Child Labour (IPEC).

DİSK (Confederation of Progressive Trade Unions of Turkey): member of the European Trade Union Confederation (ETUC); the International Trade Union Confederation (ITUC); the International Confederation of Free Trade Unions (ICFTU); the Trade Union Advisory Committee (TUAC); and a partner of the International Programme on the Elimination of Child Labour (IPEC).

HAK-İŞ (Confederation of Real Turkish Unions): member of the European Trade Union Confederation (ETUC); the International Trade Union Confederation (ITUC); the International Confederation of Free Trade Unions (ICFTU); and a partner of the International Programme on the Elimination of Child Labour (IPEC).

KESK (Confederation of Public Employees Trade Unions): member of the European Trade Union Confederation (ETUC); the International Trade Union Confederation (ITUC); and the International Confederation of Free Trade Unions (ICFTU).

Trade unions organised under the confederations listed above also have membership of international trade union confederations that are organised in the sectors that they operate. Also, all those trade union organisations have links with many other trade unions through meetings, agreements and projects throughout the world.

Employer Organisations:

TÜSİAD (The Turkish Industrialists' and Businessmen's Association): 'TÜSİAD International' engages in activities in the 'emerging markets' throughout the globe through investment or trade committees or CEO forums in order to promote Turkish business' interests. It has representative offices in Brussels, Washington, Paris, Berlin and Beijing. It is a member of the Confederation of European Business (BUSINESSSEUROPE) and Union of Mediterranean Confederation of Enterprises (UMCE). It is the only Turkish non-governmental organisation accredited with the WTO.

MÜSİAD: MÜSİAD has to set up extensive links with private business organisations abroad; has focal points in about 30 countries, e.g. Germany (Cologne, Hamburg, Munich, Mannheim, Frankfurt, Stuttgart, Berlin), The Netherlands (The Hague), the U.K. (London), Austria (Wien), France (Paris) and the USA (New York City), Pakistan, Malaysia, Singapore, Egypt, Sudan, Jordan, Saudi Arabia, Iran, Bangladesh, Bosnia-Herzegovina, etc)

TİSK (The Turkish Confederation of Employer Associations): member of the International Programme on the Elimination of Child Labour (IPEC); the International Labour Organisation (ILO); the International Organization of Employers (IOE); the Confederation of European Business (BUSINESSSEUROPE); the Business and Industry Advisory Committee to the OECD (BIAC); and the Union of Mediterranean Confederation of Enterprises (UMCE).

- Are these links important (e.g. in lobbying government at national level) Yes.

7.3 Other intersecting social inequalities

7.3.1 Ethnicised / racialised groupings

- What is the composition of the national population by ethnicity?

There is no official national statistics on the composition of the population by ethnicity in Turkey. According to different research studies, 25% of the population is estimated to be Kurdish.

Over 20 other ethnic groups exist, for example: Circassians, Bosniaks, Georgians, Laz, Abkhazians etc. These groups make up approximately 20% of the population.

- What are considered to be the most important ethnicised, racialised, and linguistic divisions politically (e.g. Roma/non-Roma, Black/White, citizen/migrant, language communities)?

Turkish/Kurdish.

- Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)? Yes, most Turks and Kurds are Sunni Muslim while some Kurds and Turks are Alevi.
- Prioritise the ones that have been the most important in the development of gender+ equality policies. While this is difficult to say and not necessarily always true categorically, Alevis are generally more progressive than Sunnis in terms of gender relations and Turks are more progressive vis-à-vis Kurds with regard to most gender based social practices.
- What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)? No.
- In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

They are organised in associations, foundations, political parties as well as communities. Some Kurdish groups have separatist nationalist organisations. Some of these groups are organised illegally. They use different strategies including demonstrations, campaigning, service provision and research. Underground ethnic nationalist (Kurdish) organisations also exist and are known to use violence and terror.

- In what way are women engaged in these organisations?

Some organisations have women's auxiliaries and in others, women are mainstreamed.

- Do minoritised women organise separately within or outside of such organisations? Both.

-

- Are there any groups organised against certain ethnic groups?

Yes. These are however not formally declared as being organised against ethnic groups. Ultra-nationalist organisations have antagonistic positions regarding minority ethnic groups, particularly those that have an identity agenda.

7.3.2 Religion/belief/faith

- What is the composition of the national population by religion / faith

Nominally, 99.8% of the Turkish population is Muslim, of who over 75% belong to the Sunni branch of Islam. A sizeable minority, about 15-20%, of the Muslim population is affiliated with the Alevi sect. Services to the mainstream Sunni Islam are largely provided by the state and through the Diyanet İşleri Başkanlığı (Presidency of Religious Affairs), which controls all mosques and appointed religious personnel. The remainder of the population has other faiths, including Christianity (Greek Orthodox, Armenian Apostolic, Syriac Orthodox, etc.), Judaism, and Yezidism.

- What proportion of the population are practising members of an organised religion?

Islam does not require formal membership in an 'organised church'. Belief in the five pillars of Islam is seen as sufficient for membership in the Muslim community. Thus it is impossible to clearly know numbers of practising Muslims. What constitutes a practicing Muslim is impossible to determine as different perceptions, practices, rituals may be prioritised by different individuals and groups all of whom may claim Islamic faith.

- What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

The main organisation carrying responsibility for religious services is Diyanet İşleri Başkanlığı (Presidency of Religious Affairs). It is a state organisation responsible mainly for religious services to the population along the requirements of Sunni Islam.

Other legal organisations in civil society (associations and foundations) functioning as religious entities in the context of specific religious groups (Alevis and/or various Sunni orders) exist formally and/or

informally. A number of Sunni orders organised in community based brotherhoods are known to function illegally in society.

In addition, various Christian churches, including the Greek Orthodox Patriarchy, Armenian Church, Assyrian, Catholic and Protestant churches along with the Jewish Rabbinate, function in Turkey

Strategies: While the main strategy of the Presidency of Religious Affairs is to disseminate 'correct' information about Islam in the country and to provide services for people to facilitate and enable their religious practice, other religious organisations, associations and foundations mainly attempt to lobby the state to impact social policies as conservative forces. They also provide charity in communities and propagate Islamic values and teachings, particularly through establishing and operating informal and sometimes illegal religious teaching.

Non-Muslim religious organisations function to represent their congregations and interests vis-à-vis the state, as well as to provide religious services and charity to their respective communities.

- [How are women represented or not within them?](#)

There are 3071 female staff working in the Presidency of Religious Affairs (2008).

Since 1994 the number, assignment, authority and responsibility of women employees working in the Presidency have increased significantly. Currently seven women have been appointed as vice mufti (a high level religious personnel at the province level), the number of women who function as preachers (to female congregations) has also increased lately.

In other Muslim religious organisations, associations and foundations, women are well represented, in particular as Qur'anic teachers for girls and women and as active members of women's auxiliaries of these organisations.

- [Do they oppose gender equality in general and in our three issues?](#)

The position of the Presidency of Religious Affairs on gender equality is based on the Islamic conception of justice between the sexes rather than on equality, This organisation, as part of the secular state, does however not oppose women's presence in public functions and promotes a positive and supportive perception of women's human rights. While some religious orders, associations and foundations, express their position regarding gender equality in terms hostility, the Presidency of Religious Affairs expresses its position in ways that are not in contradiction to the state endorsed ideology of gender equality. In this regard, the Presidency of Religious Affairs is particularly outspoken with regard to condemning violence against women (gender based violence) as a 'sin' according to Islam. It is less vocal on matters of intimate citizenship and non-employment, explaining its position as protective of women's rights within marriage and as supportive of women's freedom to work outside the home to help meet the needs of the family.

- [What is their preferred model of womanhood?](#)

The position of the Presidency of Religious Affairs is a conservative one. Women are mainly seen as mothers and wives but also as community members with equal rights.

- [Do they support or oppose the other equalities issues?](#)

The position of the Presidency of Religious Affairs on various issues can be summarised in the following way:

Sexuality: Conservative opposition to sexuality outside of marriage and silence on sexual orientation issues.

Disability: Support.

Age: Support.

Race/ethnicity: No clear stance but strong undertones of support for Islam as a unifying force.

- [Are they in alliance with any other inequalities or not?](#)

Yes, particularly with Islamic women's groups and organisations for disabilities.

- [Are there any groups organised against certain religious groups?](#)

Yes, there are some groups organised against those perceived as Christian missionaries. Also, there are tensions between some ultra conservative Sunni groups and Alevis.

7.3.3 Sexual orientation

- Are there gay/lesbian/trans/bisexual/queer organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Yes, there are gay/lesbian/trans/bisexual/queer organisations in Turkey. The Turkish LGBT movement became more visible during the 1990s, with the establishment of associations like Lambdaistanbul, KAOS Gay and Lesbian Cultural Research and Solidarity Association (KAOS GL) and Lesbian and Gay Association (LEGATO). Functioning as NGOs these organisations emphasise that despite the lack of legal punishments against homosexuality, LGBTs are marginalised and their sexual identities not recognised. Thus, their aim is to overcome the discriminatory and exclusionary practices towards these groups and to advocate an end to the moral overtone within the presentation of homosexuality as a 'vice' or an act against 'public decency'. In this respect, their main methods are open letters to policy makers at national and EU levels, demonstrations, campaigns, national conferences in which international participants, who support the rights struggle, are occasionally participating. Building autonomous institutions, lobbying at state level, service provision at formal level is limited. Though homosexuality is not banned in the country, these groups' activities are limited in an indirect way.

- Do they have a national organisation? No.
- In what way are women engaged in and represented in these organisations?

Lesbian women are part of these organisations and some feminist women's groups support and cooperate with LGBT organisations.

- Do they work in alliance with other inequalities or not?

There is a link of mutual support between feminist women's NGOs and LGBT organisations.

- Are there any groups organised against gay / lesbian / trans-people?

Various religious and ultra-conservative groups oppose gay, lesbian and transsexuals, however it is not possible to identify any groups exclusively or groups that are openly organised against gay, lesbian and transsexuals.

7.3.4 Disability

- Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Yes, they number up to 200. They are organised on basis of a specific disability and/or locality. Their main strategies are campaigning, lobbying the state, service provision and public awareness raising. A significant number is also engaged in building and operating service institutions such as schools, educational facilities and care centres for the disabled. Some examples are:

Türkiye Körler Federasyonu (Turkish Federation of the Blind)
Ortopedik Özürlüler Federasyonu (Federation for the Orthopedically Disabled)
Türkiye İşitme Engelliler Milli Federasyonu (Turkish National federation of the Hearing Disabled)
Zihinsel Özürlüler Federasyonu (Federation of Mentally Disabled)
Görme Özürlüler Federasyonu (Federation for the Seeing Impaired)
Altınokta Körler Derneği (Six Points Association of the Blind)
Spastik Çocuklar ve Erişkinler Dernekleri Federasyonu (Federation for Children and Adult Cerebral Palsy Patients)
Sağır ve dilsizler derneği (Association for the Deaf and Mute)

- In what way are women engaged in and represented in these organisations?

They are engaged in and represented as founders and active members.

7.3.5 Age

- Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Yes, they number up to 20. Their main strategies are lobbying the state, service provision, awareness raising on realities, needs of the elderly as well as research on medical and social aspects of geriatrics. Some prominent examples are:

Yaşlıları Koruma Derneği (Association for the Protection of the Aged)
Yaşlı Sorunları Araştırma Derneği (Association for Research on Problems for the Aged)

Geriatrici Derneği (Association of Geriatrics)
 Türkiye Geriatrici Vakfı (Turkish Foundation of Geriatrics)
 Alzheimer Derneği ve Vakfı (The Association and Foundation of Alzheimer's Disease)

- o How are women engaged in and represented in these organisations?

They are often founders or active members.

In each case, are there EU, bilateral or other international links.

A few of the disability organisations and organisations of/for elderly people are linked to international organisations with a similar purpose, for example as national branches of international agencies such as the Association of Geriatrics (Geriatrici Derneği) which is a member of the International Association of Gerontology and Geriatrics.

7.4 Hotspots and Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which)? For example is gender/religion or sexuality/religion a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?

The controversy over the headscarf issue and its implications vis-à-vis women's roles is clearly a 'hotspot' and a major public controversy in the country and involves the intersection of gender and religion. There is also an underlying (albeit not much discussed and therefore not really a very vocal public controversy) tension between sexuality and religion. Occasionally, a controversy over the intersection of ethnicity and gender has surfaced as a source of tension. The tension between ethnicity and gender is particularly visible in reference to so called honour crimes (called 'custom killings' in Turkey), which are observed exclusively within the Kurdish communities in the East and South East of Turkey and/or in families that have migrated from these regions to other localities within Turkey or abroad.

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

Feminist women's associations have provided support to and cooperate with gay and lesbian groups in a fairly constant manner in recent years. The support and cooperation come in the form of letters and demands for law reform to recognise sexual orientation as a basis of non-discrimination.

WIDER SOCIAL INSTITUTIONS

8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

Population, economic development, economic inequality and state welfare

	Turkey	EU
GDP per capita PPP (Purchasing Power Parity) 2003 (OECD 2006)	7200	
Population size 2006 (Eurostat 2006)	71,6 m.	
% of workforce in agriculture 2003 (World Bank 2006)	29,6 m.	
Longevity 2005 (World Bank 2005)	71,3 m.	
Gini (measure of economic inequality) 2005 (Eurostat 2007)	:	
% GDP/gov. expenditure on social expenditure 2003 (OECD 2007)	:	
% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)	:	
% GDP/government expenditure on childcare (forthcoming OECD)	:	
% GDP/Government expenditure on military (World Bank 2005)	3,226	

Gender Regime

	Total	Female	Male
Employment rate (2005, Eurostat) ⁴⁹	46	23,8	68,2
Unemployment rate (2005, Eurostat) ⁵⁰	8,8	10,2	
Share of women in adult labour force % (2004, UN) ⁵¹		26	
Women's share of part-time employment % (2004, UN) ⁵²		59	
Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2005 Eurostat) ⁵³		:	
School enrolment tertiary % gross (2004, World Development Indicators) ⁵⁴	29	24,4	33,35
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (UN 2007) ⁵⁵		9.1	
Women's share of legislators and managers % (UN 2005) ⁵⁶		7	
% one parent families (dependent children)			
Mean age at first marriage (Eurostat, 2003) ⁵⁷		:	:
Marriage rate (2003, UN) ⁵⁸		9,05	
Divorce rate (2003, UN) ⁵⁹		1,3	
Fertility rate (2004 , World Development Indicators) ⁶⁰		2,2	

⁴⁹ Employment rates:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em012

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em013

⁵⁰ Unemployment rates:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em072

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em073

⁵¹ Share of women in adult labour force: percentage of the economically active who are women:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

⁵² Women's share part-time employment:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

⁵³ Gender pay gap:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030

⁵⁴ World Development Indicators, World Bank (September 2006)

⁵⁵ Women in parliament:

<http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

⁵⁶ Women's share legislators and managers:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5d.htm>

⁵⁷ Mean age at first marriage:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=n/C/C1/C13/cab11024

⁵⁸ Marriage rate, table 23:

<http://unstats.un.org/unsd/demographic/products/dyb/dybsets/2003%20DYB.pdf>

⁵⁹ Divorce rate:

<http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

⁶⁰ World Development Indicators, World Bank (September 2006)

9. SUMMARY

9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
Issues						
1 Equal pay/equal treatment	N/A*					
2 Sexual harassment and discrimination	N/A*					
3 Equality bodies	N/A*					
4 NGO/civil society dialogue	N/A*					
5 Parental leave	N/A*					
6 Organisation of working time	N/A*					
Gender Machinery						
General Directorate on the Status of Women (KSGM)	N/A	N/A	1990/2004**	Less	No	Limited, more reference to CEDAW

N/A* The relevant Chapter has not yet been opened in EU-Turkey negotiations. So, it is not possible to speak about a formal claim of transposition.

** KSGM was first established in 1990, but the status of the institution changed several times. In 2004 the institution regained its legal status and was attached to the Prime Ministry.

9.2 Plans and programmes

National general gender equality plan (current)					No
Reference to Lisbon targets					NO
Reference to Barcelona targets					NO
Targets and indicators	None NONE	Weak	Moderate	Strong	

National plan: Gender-based violence (current)	Yes (The National Action Plan 2007-2010)				
Targets and indicators	None	Weak	Moderate	Strong	

Focus on gender	No	Yes:	Weak	Moderate	Strong
Employment plan (general assessment)	NO				
Social protection and social inclusion plan (general assessment)	NO N/A				
Reference to gender based violence	N/A				

9.3 Gender machineries

National gender machineries	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister	Yes (KSGM)			General Directorate on the Status of Women (KSGM) functions under the Prime Ministry and the Minister of State in charge of Family and Women's Affairs.
Independent equality body (research, monitoring, and enforcement)			No	
National consultative / representative body linking state and women's NGOs			No	Gender machinery has invited women's NGO's for consultative meetings on an ad hoc basis.
Any other body / bodies: Parliamentary Committees 1. The Grand National Assembly of Turkey - Research Commission on the Status of Women 2. The Grand National Assembly of Turkey - Research Commission on Honour and Custom Killings	Yes Yes			1) Formed at the Turkish Parliament <i>ad hoc</i> in 1998. 2) Formed at the Turkish Parliament <i>ad hoc</i> in 2006.

9.4 Policy

	No -Not at all	Yes / Low	Yes / Moderate	Yes / High
General To what extent is gender mainstreamed throughout policies?	Not at all			
Non-employment (4.1)				
Extent to which mothers can be legitimately non-employed				
Intimate citizenship (4.2)				
Extent to which women have access to abortion (in country of residence)				High
Extent to which state policies are highly heteronormative				High
Gender-based violence (4.3)				
Extent to which policies on GBV go beyond domestic violence		Low		
Strength, resources and co-ordination of GBV policies		Low		

9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)		Low		
Extent to which the women's NGOs participate in policy making			Moderate	
Extent to which women's NGOs are close to state			Moderate	
Extent to which women's NGOs engage with intersecting inequalities		Low		
Extent to which women's NGOs are state funded		Low		
Extent of influence of trade union body on policy making			Moderate	
Extent of power of women within trade union body		Low		