

Advance unedited version

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**Committee on the Elimination of Discrimination
against Women****List of issues and questions in relation to the eighth periodic
report of Turkey*****Legislative framework and definition of discrimination against women**

1. In accordance with the obligations of the State party under articles 1 and 2 of the Convention, please provide information about legislative provisions recognizing multiple and intersecting forms of discrimination against women and explain how the legislation in place implements the State party's obligations under the Convention concerning the protection of women against all forms of discrimination. Please also indicate the legal remedies and compensation available to women who are subjected to any form of gender-based discrimination, particularly Kurdish women, women belonging to ethnic or national minorities, migrant, refugee or asylum-seeking women, women with disabilities, older women, and women and girls living in rural areas. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, para. 19), please indicate the steps taken to amend the Penal Code and abolish the provision allowing for genital examinations, including virginity testing, to be performed on a woman or girl without her consent.

Istanbul Protocol

2. With reference to its statement adopted on 1 July 2021, the Committee reiterates its deep disappointment and concern at the decision of the State party, officially notified to the Council of Europe in March 2021, to withdraw from the Council of Europe Convention No. 210 (2011) on Preventing and Combating Violence against Women and Domestic Violence, better known as the Istanbul Convention. There are reports that the implementation of the Istanbul Convention and of relevant national legislation has fallen behind in recent years. The Committee considers that the State party's denunciation of the Istanbul Convention constitutes a deliberately retrogressive measure that reduces the scope of protection of women's human rights and is inconsistent with the State party's due diligence obligation under the CEDAW Convention to prevent and protect women and girls from gender-based violence against women. The Committee invites the State party to reconsider as a matter of highest priority, and by all possible means, its decision to withdraw from the Istanbul Convention, which would further weaken the protection of women and girls during the COVID-19 pandemic, deprive them of acquired rights and stand in contrast to the aforementioned standards and principles of international human rights law. Please inform on measures taken to strengthen legislation and policies to combat gender-based violence against women after the state party's withdrawal from the Istanbul Convention.

Women's rights and gender equality in relation to the pandemic and recovery efforts

3. In line with the Committee's [guidance note](#) on CEDAW and COVID-19 issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-

* Adopted by the pre-sessional working group on 9 July 2021.



standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Access to justice

4. Please describe measures taken to raise women's awareness of their rights and measures taken to raise men's awareness of women's rights, in particular in rural and remote areas and including legal literacy programmes, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice. Please also provide information on the legal remedies available to women to complain about gender-based discrimination. Please provide information on the situation of women's rights defenders, and measures taken to ensure freedom of expression and respect of legal procedures in case of arrest and detention, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). In light of the general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and of the Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, please indicate which measures have been taken to ensure the protection of women against war crimes and violence, and their effective participation in peace processes. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, para. 23), please indicate measures taken to ensure that free legal aid, including aid in Kurdish and Arabic, is made available to women without sufficient means, especially those earning the minimum wage, including through the establishment of legal aid clinics in rural or remote areas.

National machinery for the advancement of women

5. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, para. 25), please provide detailed information on the mandate, status and authority of the General Directorate on the Status of Women (GDSW) of the Ministry of Family, Labour and Social Services (MoFLSS), and on its relationship with relevant ministries and women's institutions. Please also provide information on the human, technical and financial resources from the national budget allocated to the GDSW. Please describe the impact of the implementation of the Strategy Paper and Action Plan on Women's Empowerment (2018–2023) and the level of involvement of civil society in the preparation, implementation and future evaluation of the plan (para. 13) ¹, in line with target 5.5 of the Sustainable Development Goals. Please describe the impact of the implementation of the National Action Plan on Combating Violence Against Women 2016-2020. Please indicate whether gender-responsive budgeting is mandatory for all government departments and whether specific budgetary benchmarks have been defined. Please provide updated information on the level of implementation of the National Development Plan 2019-2023,

¹ Unless otherwise indicated, paragraph numbers refer to eighth periodic report of the State party.

Action Plan on Human Rights 2021-2023 and fourth National Action Plan for Combating Violence Against Women 2021-2025.

National human rights institution

6. Please inform on measures taken to ensure that the Human Rights and Equality Institution of Turkey is in compliance with the Paris Principles, as accepted in 2020 by the State party following its third universal periodic review. Please also inform on steps taken to encourage the Human Rights and Equality Institution of Turkey to apply for accreditation with the Global Alliance of National Human Rights Institutions (GANHRI).

Temporary special measures

7. Please indicate whether the State party has adopted temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, aimed at accelerating the achievement of substantive equality of women and men in all areas in which women are still underrepresented or disadvantaged, in particular in political and public life, education and employment. Please inform on normative or legal measures taken to accelerate women's participation in political life, in line with article 7 of the Convention and the Agreed Conclusions of the 65th Commission on the Status of Women. Please indicate if specific targets and timelines have been set to achieve gender parity in executive, legislative and judicial branches of the government, including in commissions, specialized committees and task forces, including in the Coronavirus Scientific Board and the Human Rights Monitoring and Evaluation Board.

Discriminatory stereotypes and harmful practices

8. Please provide detailed information on measures taken to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society and their impact, including awareness-raising and educational programmes and media campaigns to convey positive images of women as active participants in economic, social and political life. Please indicate measures taken to address discriminatory gender stereotypes, negative portrayals of women, and all forms of objectification of women in the media and advertisements and their results. With reference to the Committee's previous recommendations (CEDAW/C/TUR/CO/7, paras. 29 and 31) and in line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, please provide detailed information on concrete steps taken to:

- (a) Effectively implement the prohibition of child marriage;
- (b) Strengthen awareness-raising efforts regarding the harmful effects of child marriage on the health, education and development of girls.

Gender-based violence against women

9. In line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and with Sustainable Development Goal 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on concrete steps taken to:

- (a) Adopt the necessary legislative amendments, including to Law no. 6284 of 2012, to explicitly criminalize domestic violence, and to enable the prosecution and punishment of perpetrators;
- (b) Ensure that no victim of rape or harassment is forced into marriage with the perpetrator;
- (c) Protection orders are issued immediately and are effectively monitored and enforced in domestic violence cases;
- (d) Monitor protection orders and sanction their violation, and investigate and hold law enforcement officials and judiciary personnel accountable for failure to register

complaints and issue and enforce protection orders. Please also update the Committee on advancements made in the integration of protection orders issued pursuant to Law No. 6284 under a common database system;

(e) Encourage reporting of domestic violence against women and girls and ensure that reports are effectively investigated and victims provided with adequate assistance and protection;

(f) Provide women who cannot safely return to their homes with assistance to build an independent life;

(g) Ensure that irrelevant criteria, such as good conduct in court, do not serve as grounds to reduce the sentences of perpetrators of gender-based violence against women;

(h) Increase the number of “Domestic Violence Crimes Investigation Offices” established within prosecution offices, especially in rural areas;

(i) Exercise due diligence to protect lesbian, bisexual and transgender women against discrimination and violence, by including “sexual orientation and gender identity” in the legislation on hate crimes and among the grounds for prohibited discrimination in Law No. 6701, and ensure that perpetrators of violence against lesbian, bisexual and transgender women do not benefit from the mitigating circumstances provided for in article 29 of the Penal Code;

(j) Support services, shelters, medical and legal assistance, psychosocial assistance and reparations are available to victims of gender-based violence against women;

(k) Ensure that Child Support Centers consistently collect data and provide specialized services to child survivors/witnesses of domestic violence, pregnant children and LGBTI women and girls;

(l) The levels of funding of victim support services from the State budget is sufficient, particularly in rural and remote areas;

(m) Prevent and protect women and girls against the increasing digital/cyber violence during COVID 19 pandemic.

Killings and forced suicide in the name of so-called “honour”

10. Please provide information on concrete steps taken to prosecute and punish all crimes committed in the name of so-called “honour”. Please also inform on steps taken to:

(a) Amend the Penal Code, with a view to excluding explicitly those crimes committed in the name of so-called “honour” from the application of article 29 of the Code;

(b) Ensure that suicides, accidents and other violent deaths of women and girls are effectively investigated, inter alia, by using forensic evidence, such as medical and/or psychological;

(c) Ensure that prosecutors and judges strictly apply article 84 of the Penal Code on forced suicide whenever its application is warranted;

(d) Dismantle the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes and serves to control women and curb their personal autonomy.

Women, peace and security

11. With reference to the Committee’s previous recommendations (CEDAW/C/TUR/CO/7, para. 37), and in line with the Committee’s general recommendations No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, No. 28 on the Core Obligations of States Parties under Article 2 of the Convention and No. 30 on women in conflict prevention, conflict and post-conflict situations, please provide detailed information on concrete measures taken to:

(a) Restore peace negotiations with Kurdish armed groups, including the “Kurdish Workers Party (PKK)”, and affiliated youth factions and ensure that women and women’s rights organizations are included in all peace negotiations and post-conflict efforts for rebuilding and reconstruction;

(b) Investigate, prosecute and adequately punish human rights violations perpetrated by the security and defence forces, as well as by PKK and any other armed group;

(c) Ensure that inquiries are conducted effectively, impartially and transparently, to ensure public trust in such proceedings, and establish an independent and impartial investigation mechanism for this purpose, with international assistance;

(d) Ensure accountability and provide medical, psychological and other support for victims of sexual and other forms of violence, as well as adequate reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, to women who are victims of human rights violations committed in the context of armed conflict and counter-terrorism measures;

(e) Improve access by internally displaced women and girls to education, health and housing for themselves and their children and ensure that displaced women can return to their homes as swiftly as possible and that their homes are rehabilitated to decent conditions of housing.

Trafficking and exploitation of prostitution

12. Please provide information on measures taken to ensure that women who are victims of trafficking and exploitation of prostitution are exempted from any liability and provided with adequate protection, such as witness protection programmes and temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecutorial authorities. Please indicate the number of women and girls identified as victims of trafficking and the rehabilitation and reintegration services provided to them, in line with the Committee’s general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration. Please specify measures taken to dismantle sex tourism networks and investigate reports of trafficking in organs affecting women and girls. Please also provide an update on the numbers of child victims of sale, prostitution and pornography and recent trends.

13. Please clarify whether women in prostitution in the State party are subjected to administrative fines and/or criminal penalties. Please describe measures taken to ensure access to health care, including HIV testing and treatment, and modern contraceptives, including condoms, for women in prostitution and provide exit programmes and alternative income opportunities for women who wish to leave prostitution.

Participation in political and public life

14. Information shows that only 17 per cent of Parliamentarians are women, 3 per cent mayors, and 11 per cent of municipal councillors. Please provide updated information on measures taken, including temporary special measures, to promote equal representation of women in political and public life at all levels. Please provide updated data on the representation of women in political and public life, including in relation to the most recent national, regional and municipal elections, the foreign service and in international organizations. Please provide updated data on the extension of the increased representation of women in the political sphere to all public sectors, particularly in the judiciary, including the police, the public service and the security sector. Please provide information about measures taken to better understand and address the barriers to the representation of women in the political sphere. Please indicate whether concrete goals and timelines have been adopted, including for women belonging to ethnic minority groups, for example, through statutory quotas in the parliament, political parties, senior government positions, public administration and the foreign service. Please also elaborate on the outcomes achieved, supported by data. Please describe the State party’s legal framework with regard to political harassment and measures to promote the political participation of women on an equal basis with men. Please indicate measures implemented by the State party to support women

candidates in campaigning for elections. Please provide information on training provided on gender equality for politicians, journalists, teachers, local officials and civil society leaders.

Education

15. Please describe measures taken, including temporary special measures, to increase school enrolment and completion rates among girls, including migrant and asylum seeking girls and girls with disabilities, at all levels of education, particularly in rural and remote areas. Please provide information on measures taken to continue enhancing women and girls access to non-traditional fields of study and careers, in particular to science, technology, engineering and mathematics, information and communications technology. Please also indicate measures taken to eliminate discriminatory gender stereotypes in school curricula. Please provide updated information on progress made in introducing inclusive education for women and girls with disabilities at all levels of education. Please provide information on specific measures to increase the enrolment and literacy rates of women and girls at all levels of the education system. Please provide information on the delivery of comprehensive and age-appropriate sexuality education at all levels of the education system in the State party. Please provide information on the programmes and budget allocations for developing scholarships and study grants targeting women and the criteria for distributing education grants among women belonging to marginalized groups. Please also provide statistics on the enrolment rates of girls with disabilities in mainstream schools and special schools, and measures taken to ensure their access to good-quality inclusive education. Please provide information about education on sexual and reproductive health and rights in accessible formats, including measures to review school curricula to include awareness-raising on gender equality and to eliminate sexist stereotypes in education. Please also inform on measures taken to reduce absenteeism and school drop-out rates at all levels of education, including for girls with disabilities and Syrian citizens under temporary protection. Please also indicate school dropout rates, disaggregated by sex, race, ethnicity, age, socioeconomic status and geographical location, and measures being taken to address the problem.

Employment

16. Information shows that women's labour force participation rate is only 35 per cent. Please describe measures taken to reduce unemployment among women and enhance their access to formal employment, address occupational segregation and close the gender pay gap. Please indicate measures taken to extend labour and social protection to women working in the informal economy. Please also provide information on measures taken to encourage women to seek employment in traditionally male-dominated professions such as science, technology, artificial intelligence and engineering and in management positions, and provide relevant statistical data. Please provide information on steps taken to incorporate a comprehensive definition of sexual harassment in the State party's labour legislation applicable to both the private and public sectors and to provide for access to effective remedies. Please provide information on the number and outcomes of complaints by women about discrimination and sexual harassment in the workplace and the effectiveness of labour inspections and other oversight mechanisms in the State party.

17. Information shows that the gender wage gap in the State party is 15 per cent. Please provide information on measures taken to reduce the persistent gender wage gap, particularly in the private sector, which, among other things, has an adverse effect on women's pension benefits. Please provide updated information, disaggregated by age, urban or rural area and disability, about:

(a) The nationwide employment rate of women and women's employment across the different sectors of economy; and

(b) The unemployment rate of women compared with that of men, the number of women in the informal sector of economy and measures taken to address unemployment among women, as well as the impact of pregnancy and short-term contracts on job security for women.

18. Please provide information on measures taken to reduce horizontal and vertical occupational segregation and address the concentration of women in part-time and low-paid

jobs. Please provide information on measures taken to eliminate discrimination in the labour market against mothers and pregnant women in relation to hiring, career advancement, conditions of employment, pay and denial of paid maternity leave, particularly in the private sector. Please indicate the current coverage of childcare facilities and support in the community for women and men with parental responsibilities, in rural and urban areas.

19. Please explain the legal framework concerning retirement and disability pensions and specific measures aimed at increasing women's access to social protection schemes, including non-contributory schemes targeting women with disabilities or women from marginalized groups. Please provide information on concrete measures taken to ensure access to formal employment for migrant, asylum-seeking, refugee, Kurdish women, women belonging to minority groups, as well as women with disabilities and other marginalized groups of women. Please also provide data on the number of migrant women employed as domestic workers and information on measures taken to ensure that women migrant domestic workers are guaranteed the same level of protection and benefits as other workers.

Health

20. Please indicate measures taken to enhance access by women and girls to health care, including sexual and reproductive health services, in particular in rural and remote areas. Please provide update information on measures taken to ensure equal and full access to sexual and reproductive health information and services for all women, including Kurdish women and women belonging to minority groups, which respect women's rights to autonomy, privacy, confidentiality, informed consent and choice. Please also inform on measures taken to ensure access to modern forms of contraception, including emergency contraception, in all parts of the State party, including rural and remote areas. Please also indicate whether abortion is legal, at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, and decriminalized in all other cases. Please provide information on measures taken to ensure that women and adolescent girls have access to safe abortion and post-abortion services. Please provide updated information on the availability of age-appropriate sexuality education at all levels of education, including in rural and remote areas. Please indicate measures in place to ensure that women and girls with disabilities are not placed in mental health institutions and that no medical interventions are performed on them without their free, full and informed consent. Please inform on steps taken to increase women's access to vaccination during pregnancy.

Economic empowerment and social benefits

21. Please provide information about:

- (a) Measures taken to ensure access of women to bank loans in rural areas;
- (b) Measures to support women entrepreneurs throughout the State party, start-up businesses owned by women and women beneficiaries of finance schemes for businesses, including microcredits and appropriate technology for establishing and developing small and medium-sized enterprises, disaggregated by urban or rural area, age, disability and migrant, refugee or asylum-seeking status; and
- (c) The levels of poverty affecting women of all ages and measures to combat the social exclusion of women, particularly older women.

Rural women

22. In line with the SDGs and in accordance with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information about:

- (a) Measures adopted with the aim of increasing access by rural women to land ownership;
- (b) Legal and policy frameworks to protect the natural environment and rural women's livelihoods;

(c) Mechanisms to mainstream gender equality and consult rural women organizations regarding the protection and management of natural and other assets and the water supply;

(d) Measures taken to implement legal, financial, media and information literacy programmes for rural women.

Disadvantaged and marginalized groups of women

23. In view of the intersecting forms of discrimination against disadvantaged and marginalized groups of women in the State party, please provide information about the situation of the groups of women outlined below:

(a) *Migrant, refugee and asylum-seeking women.* Please indicate the measures taken to ensure the protection of all migrant women, including undocumented migrant women, who are at particular risk of violence. Please report on the efforts made to strengthen labour inspections of the workplaces of migrant women, including private households. Please mention, and include examples of, efforts to take an inclusive and non-selective approach in upholding the principle of non-refoulement and a gender-sensitive approach to the continuing refugee inflows and asylum claims, including in procedural matters, in line with the rights covered in the Convention and in the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. Please also provide information about:

(i) Measures taken to combat discrimination against migrant, refugee and asylum-seeking women, particularly with regard to their access to education, employment, health care and housing;

(ii) Measures to ensure the accessibility of safe houses, crisis centres and maternal homes and to provide women referred to such facilities with interpretation services;

(iii) Reintegration services set up during the reporting period and about the results achieved; and

(iv) International cooperation programmes at the regional or international levels aimed at addressing the vulnerability of migrant and asylum-seeking women and ensuring the safety of women facing deportation to their country of origin.

(b) *Kurdish women.* Please provide updated and detailed information on concrete measures taken to address the inequalities faced by Kurdish women, which are compounded by the intersecting forms of discrimination to which they are subjected. Please provide information on all measures taken to bridge the gap between Kurdish women and other women in the State party. Please provide information on the steps taken to review laws and policies with the participation of Kurdish women, to ensure that they can fully enjoy their rights to adequate housing, education and family and private life without discrimination and fear of segregation, forced eviction and displacement. Please report on efforts made to establish and enforce a strict code of conduct for police to effectively ensure respect for women's human rights in all police operations.

(c) *Women with disabilities.* Please provide updated information on measures taken to include women and girls with disabilities in all policies and strategies to promote equal opportunities for women and men, in particular with regard to education, employment, access to justice, protection against violence and access to sexual and reproductive health care services and poverty reduction programmes. Please also report on how free and informed consent is ensured for women with disabilities prior to any medical treatment and on any existing exceptions to that universal right. Please indicate the measures adopted to protect women with disabilities living in institutions from violence and abuse and to eliminate practices involving physical and mechanical restraints.

Marriage and family relations

24. Please provide information on measures taken to strengthen enforcement efforts to prohibit polygamy and child and forced marriages, in line with joint general recommendation

No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices. Please inform on steps taken to train legal professionals, including the judiciary, ethnic communities and religious leaders on the Convention and the Committee's general recommendations. Please provide information on steps taken to amend existing legislation so as to ensure that women have equal rights to their names, in line with the ruling of the European Court of Human Rights and with article 16 of the Convention. Please also update the Committee on measures taken to address the stigmatization of and provide support to single mothers, including through social protection and child support schemes, paternity recognition procedures and enforcement of alimony and maintenance obligations of ex-husbands and fathers of their children. Please explain the current legislative framework concerning marriage and family relations, in particular how it guarantees that women and men have equal rights and responsibilities during marriage, at its dissolution and in all family matters, including inheritance, property rights and child custody. Please specify if there is any subsidy available for single-parent families in the absence of child maintenance payments.
