

3<sup>rd</sup> speech by the head of delegation  
deputy prime minister Bülent Arınç

### ÜÇÜNCÜ ARA KONUŞMA GAYRİ RESMİ TERCÜME

(27 OCAK 2015, CENEVRE)

Honorable President, Esteemed Ambassadors and Distinguished Participants,

I would like to thank the States who took the floor at the third and final session. In this speech, also as a response to some advance questions asked, I would like to give information about the latest developments in Turkey about women's rights, the rights of the child and the disabled, occupational safety, immigration, asylum and combating human trafficking.

Equality between women and men before the law is one of the basic principles of the Turkish Constitution. The State is responsible for ensuring that this equality is upheld in practice". A new definition has been introduced in our constitution through an amendment in 2010 which allows for positive discrimination for women so as to strengthen equality in practice.

In recent years, legal **articles which include discriminatory provisions against women** have been eliminated. In an effort carried out in cooperation with the UN and the Commission for Equal Opportunities for Women and Men of the Turkish Parliament, 31 laws have been reviewed from a gender perspective and all discriminatory provisions in laws have been identified. Raising awareness is one of the most important ways to prevent discrimination against women. In this context, training activities are being provided for law enforcement officials, medical professionals, judges, public prosecutors, religious officers, students at communication faculties and other public officials on gender equality and combating violence against women.

Special importance is attached to **combating violence against women**. During the course of her Chairmanship of the Committee of Ministers of the Council of Europe, Turkey led the efforts of drafting the Istanbul Convention which is the first international instrument on violence against women and was the first to sign and ratify it. Following the ratification of the Istanbul Convention by Turkey, the Law 6284 on the Protection of Family and Prevention of Violence against Women has been put in force with provisions compatible with the said Convention.

An impact analysis is being carried out to determine the effect of the protective and preventive orders issued under the said law on the prevention of incidents of violence and protection of victims. The "National Action Plan on Combating Domestic Violence" has been updated for the period 2012-2015. 131 women's shelters are operational as of December 2014 in Turkey. Violence Prevention and Monitoring Centers (known as ŞÖNİM in Turkish) provide services in 14 provinces to support female victims of violence.

Turkey considers honor killings abhorrent violations of human rights which cannot be justified on social, cultural or religious grounds. We are fully committed to displaying utmost effort to prevent these murders in the society. The Turkish Penal Code penalizes honor killings with aggravated life imprisonment.

An important rise has been witnessed in **women's representation rate in the Turkish Grand National Assembly** in recent years. This rate was 4.4% in 2002, then it rose to 9.1% in 2007 and finally to 14.4% in 2011 which is the highest representation rate so far. Moreover, while there were no women serving as metropolitan municipality mayors in 2009, female

candidates won 10% of metropolitan municipalities and became mayors as a result of the local elections of 2014.

As a result of the policies and projects regarding **women's employment** in the recent years, the rate of women's participation in the labor force has risen to 30.8% while employment rate became 27.1% in 2013. Within the framework of the National Employment Strategy, the aim is to raise the rate of women's participation in the labor force to 41% by 2023. The "Women Employment Action Plan" is being prepared in cooperation with the ILO. Thanks to the legal amendments made in 2013, the ban on wearing headscarves for women who are civil servants and members of parliament has been lifted and women whose employment opportunities were restricted due to their headscarves are now able to return to their jobs by the decisions of the Council of State.

**As to the rights of the child**, significant steps have been taken in recent years to ensure that domestic laws are compatible with the UN Convention on the Rights of the Child. As a result of the Constitutional amendment in 2010, legal arrangements were made allowing positive discrimination in respect of children. Rights of the child were thus mentioned in the Constitution for the first time. One of the Ombudsman at the Ombudsman Institution which was established at the end of 2012 has been given responsibility in the field of children's and women's problems. The **Turkey Strategy Document on the Rights of the Child 2013-2017** is aimed at ensuring the welfare of all children, raising quality of life and their enjoyment of fundamental rights such as the right to life, development, protection and participation at the highest level.

Turkey has taken significant steps in terms of legislation and practice for the elimination of the worst forms of **child labor** and prevention of child and youth employment in heavy and dangerous works as well as for the improvement of the working conditions of children and young persons who are employed in light works which do not hinder their healthy development and education. Supplementary information will be presented by the representative of the relevant institution shortly.

Preparations are underway for the National Strategy Document on Combating Violence against Children and the Action Plan for the years 2015-2018 for the **prevention of violence against children**. The Action Plan is aimed at reinforcing the legal framework for the prevention of violence against children, strengthening institutional services for children who are victims of violence, ensuring regular follow-up of the levels of violence and raising awareness in the society.

The Law on **the Persons with Disabilities** has been revised in accordance with the approach and the obligations envisaged by the UN Convention on the Rights of Persons with Disabilities. **In response to the advance written question by Spain**, within the framework of the Turkey Strategy Document on the Rights of the Child and Action Plan 2013-2017, the practice of integrating children with disabilities in education has been widely implemented to ensure equal opportunities in education. Moreover, improvements have been made in schools for children with disabilities. The "Educational Workshop for Roma Children" and "Preparatory Meeting for Roma Children and Education Action Plan" were organized for the determination of the needs of **Roma children**.

In response to advance written questions by the USA and the UK, Turkey has signed the ILO conventions no 167 "Safety and Health in Construction Convention" on November 20, 2014 and no. 176 "Safety and Health in Mines Convention" on December 4, 2014. Both conventions are at the final stage of ratification. In addition, the Law on Occupational Health and Safety which was put in force in 2012 has been drafted in conformity with the EU Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. New provisions were enacted in the mining law in September 2014 for the purpose of improving the working conditions for miners. Inspections are carried out in respect of occupational accidents to determine the measures to be taken to avoid further accidents at that workplace. Irregularities identified as a result of the inspections are communicated to the employer. Judicial investigations on occupational accidents are carried out by the judicial authorities.

The **Law on Foreigners and International Protection** entered into force on 11 April 2014 following a transparent and participatory process together with all national and international stakeholders. As a result of the new Law, **the principle of non-refoulement** which was already respected by Turkey has gained legal basis with respect to those who have the risk of facing torture or similar inhuman treatment. The procedure relating to **humanitarian residence permit** and **subsidiary protection mechanisms** have been defined and **"temporary protection"** to be provided in cases of massive influx has been codified for the first time.

The new law regulates the establishment, management and services to be provided at the removal centers in conformity with international law. The process and duration of administrative custody in respect of foreigners who will be subject to administrative detention with a view to their deportation has gained legal ground. Moreover, the appeal procedure and legal remedies regarding the orders taken in respect of foreigners have been clarified. Legal safeguards have been provided to ensure that such persons reside in Turkey until the "final decision" on appeals. Applicants for international protection are provided with fair access to accommodation, justice, labor market, education and health services and the international protection procedure.

By acceding to the "Convention relating to the Status of Refugees" of 1951 and the Protocol of 1967, together with a **geographical reservation**, Turkey has declared that it shall only recognize those who come from European countries and request international protection as refugees under the Convention. Foreigners coming from a non-European country are recognized as **conditional refugees** and placed under international protection until their resettlement in a third country. Despite this dual distinction, all asylum applications are considered without discrimination as to asylum procedures. Both groups are entitled to social aid, health aid, work, employment and education rights in the same manner. Lifting of the geographical reservation is an issue to be considered within the full membership perspective to the European Union.

The **issue of combating human trafficking** remains among the issues we attach high priority to. Work is underway for drafting the Law on the Prevention of Human Trafficking and Protection of Victims. Moreover, the ratification procedure of the Council of Europe Convention on Action against Trafficking in Human Beings is in progress.

Mr. President,

Now, I would like to give the floor to the representative from the Ministry of Family and Social Policies for supplementary information on the rights of women and children and to the representative from the Ministry of Foreign Affairs on the Syrian refugees who are under temporary protection in Turkey.

Thank you Mr. President.