

ADVANCING SEXUAL RIGHTS THROUGH THE SUSTAINABLE DEVELOPMENT GOALS

TURKEY

This country brief is part of a series to assist Asia Pacific Alliance for Sexual and Reproductive Health and Rights (APA) members and other advocates in using the Sustainable Development Goals (SDGs) to hold governments accountable to commitments they have made towards protecting and promoting sexual rights. This brief covers an overview of key sexual rights issues within a country and compares them with commitments at the national, regional and international levels, and outlines opportunities for advocates to engage with governments and other stakeholders to strengthen accountability.

I. SEXUAL RIGHTS AND THE SDGs

“Sexual rights” refer to a range of human rights relating to sexuality, reproduction, sexual and reproductive health (SRH) and gender. This includes issues such as comprehensive sexuality education, sexual and gender-based violence, contraception, rights of intersex persons, gender identity, safe and legal abortion, early and forced marriage, same-gender relationships, female genital mutilation, and rights of sex workers.

The SDGs are the cornerstone of an ambitious global agenda for development, known as Agenda 2030, which all United Nations (UN) Member States, including Turkey, have committed to achieving in the next 15 years. With 17 goals and 169 targets, it spans a range of human rights and development issues, including sexual rights.

Certain sexual rights issues are explicitly included in the SDGs:

- Target 3.7 on SRH, and target 5.6 on SRH and reproductive rights;
- Target 3.1 on maternal mortality;
- Target 3.3 on AIDS and other communicable diseases; and
- Goal 5 on gender equality and the empowerment of women and girls.

Other goals and targets have clear links to sexual rights issues that are not directly included:

- Target 4.7 (on education for human rights and gender equality) could encompass comprehensive sexuality education;
- Target 10.3 (on reduction of inequalities, including through law and policy reform) could be used to advance the rights of sex workers and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and others; and

- Target 16.1 (on reduction of violence and related deaths) could include the reduction of sexual and gender-based violence, including violence based on sexual orientation, gender identity and expression.

The SDGs carry significant political weight, and are attracting a large investment of resources. They are expected to affect both policy and programming efforts in Turkey, including national development strategies, international assistance, and budget allocations. Implementation of the SDGs affords important opportunities to advocate for the advancement of the full range of sexual rights in Turkey.

II. TURKEY'S COMMITMENTS AND OBLIGATIONS

Several international and regional level commitments protect and promote sexual rights. Of them, Turkey has ratified the following and is thus legally bound to comply with their provisions:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – acceded
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)
- Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)
- The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Turkey has also endorsed other agreements that provide a blueprint for government action on sexual and reproductive rights, but are not legally binding:

- Programme of Action of the 1994 International Conference on Population and Development, (ICPD) and the outcome documents of its subsequent reviews, the latest of which is the 2013 Asian and Pacific Ministerial Declaration on Population and Development.
- Beijing Platform for Action of the Fourth World Conference on Women, 1995, and the outcome documents of its subsequent reviews, the latest of which is the 2014 Asian and Pacific Ministerial Declaration on Advancing Gender Equality and Women's Empowerment.

Turkey's policies and strategies on SRH issues are not wholly compatible with the human rights obligations contained in the international instruments it has ratified or endorsed. In particular, strategies and policies that promote SRH have not been implemented effectively.

III. SEXUAL RIGHTS POLICY AND LAW IN TURKEY, COMPARED WITH ITS COMMITMENTS¹

SEX WORK

POLICY AND LAW

The sale and purchase of sexual services and operating a brothel are legal. However, the "encouragement" or facilitation of "prostitution" and benefiting from the income of a person engaged in prostitution are punishable by imprisonment and punitive fine (Criminal Code, article 227); this serves to pose restrictions on sex workers. Legislation related to disorderly conduct, tying up traffic and resistance to police, is used to target sex workers.

Sex workers are required to register, undergo mandatory screenings for sexually transmitted infections (STIs) and hold an identification card that states the dates of their health checks. To register, an individual must be a Turkish citizen,

be unmarried, older than 21 and have at least a primary school degree. Mandatory screenings and the requirement to be unmarried are overly restrictive and violate the rights to non-discrimination and privacy.

COMMITMENTS AND OBLIGATIONS

The government considers sex work to be the primary driver of the HIV epidemic. The HIV programme coverage among sex workers is 42 per cent, and condom use is reported to be 33 per cent. Sex workers experience discrimination, violence and stigmatization. The government has an obligation to prevent and redress discrimination and violence against sex workers and ensure their access to health services, as per its obligations as a party to ICCPR (article 26) and ICESCR (article 12). The World Health Organization (WHO) has recommended that all governments eliminate the unjust application of laws and regulations (such as disorderly conducted and resisting the police) against sex workers and establish anti-discrimination and other laws and policies that promote the rights of sex workers.

SEXUALITY EDUCATION

POLICY AND LAW

Sexuality education is not mandated by law or policy. Comprehensive sexuality education is not included in the education curriculum. Both the curriculum and additional Ministry of National Education projects and initiatives focus only on anatomy and puberty. They lack information about gender, relationships and preventing STIs and unintended pregnancies.

In the past few years, SRH-related peer education programmes and web-based distance learning tools have become some of the main resources for young people. However, the Ministry of National Education does not allow peer education interventions on SRH at schools.

COMMITMENTS AND OBLIGATIONS

Children and young people lack comprehensive sexuality education. They even lack basic information that promotes SRH and informed decision-making. Turkey's commitments under the ICPD Programme of Action (including, but not limited to, paragraphs 7.41, 7.46–47) obligate it to provide such information and education. The Committee on Economic, Social and Cultural Rights has interpreted the right to health as extending to access to health-related education and information, including on SRH (in its General Comment No. 14) and stated that the right to SRH "entails a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate" (in its General Comment No. 22). It called on Turkey during its review in 2011 to include in the next periodic report detailed information on SRH education and services. In 2001, the Child Rights Committee urged Turkey to strengthen health education programmes in school, including in relation to reproductive health.

AGE OF SEXUAL CONSENT

POLICY AND LAW

By law, an individual must be aged 18 or older to consent to sexual activity; however, if an individual is younger than 18 and is married (a person can get married at 17, and at 16 with the permission of the court), the person can consent to sexual activity (Criminal Code, article 104 and Civil Code, article 11). Not only does the law deny the sexual autonomy of older adolescents, it might also serve to deter sexually active adolescents from accessing SRH counselling and services and educators and health personnel from serving or assisting them.

COMMITMENTS AND OBLIGATIONS

While there have been no recommendations made directly to Turkey in relation to its age of sexual consent law by the different human rights mechanisms, it is important that the age of sexual consent is not set at a limit that deters adolescents from seeking SRH services. Age of consent need not be linked with the age of majority or the age at marriage. Activists could advocate for the law to be reformed so that it is more cognizant of the evolving capacities of older adolescents to make decisions regarding their sexual and reproductive lives and does not hinder their access to SRH services. It is important to engage with the international human rights mechanisms, including the Universal Periodic Review (UPR), the treaty bodies and the UN Special Procedures and encourage them to develop stronger guidance on the subject of age of sexual consent. Guidance by the Child Rights Committee, for instance, on this subject to date has been protectionist rather than grounded in supporting the agency of adolescents; advocacy is needed to strengthen future guidance on this subject.

IV. ADVOCACY OPPORTUNITIES

Every country has or will have national SDG planning, implementation, monitoring and review processes. The government of Turkey has stated that the Sustainable Development Coordination Commission (SDCC), coordinated by the Ministry of Development, will be strengthened in line with its coordinating role, especially for the SDG implementation and reporting processes. The Turkish Statistical Institution (TURKSTAT) will augment its national sustainable development indicators to incorporate the global SDGs indicators. Advocates could **engage with the SDCC and TURKSTAT, pushing for inclusion of specific rights-based actions** in the SDG implementation plan, such as a review of laws and policies pertaining to sexual rights; a consultative process with marginalized groups, such as sex workers and transgender and intersex persons, to develop robust policies and programmes; and training of teachers and health workers on young people's sexual rights.

Advocates also can **push for inclusion of additional indicators related to sexual rights in monitoring frameworks**, such as:

- annual number of unsafe abortions per 1,000 women aged 10–49 years;
- inclusion of sexuality education in national education policies, curricula, teacher education and student assessment; and
- decriminalization of sex work.

Advocates can **follow up on the voluntary review that Turkey underwent at the UN High-Level Political Forum** in July 2016² and participate in national preparatory processes in advance of future reviews.

Advocates can **encourage new national policies, strategies and action plans or revision of existing ones**. For example, advocating for a gender equality policy or a sexual and reproductive health strategy, if none exists, and advocating for improvements in the AIDS strategy or the human rights action plan during its revision. Elections and processes of constitutional review present other opportunities to advocate for advancements in sexual rights. Advocates in Turkey could engage with the process wherein the Constitution is expected to be reviewed in relation to the roles and responsibilities of the president and the Parliament to ensure that human rights are not undermined.

Advocates can **push for the rights-based implementation of the SDGs during human rights reviews of the situation in Turkey at the United Nations**. These include the Universal Periodic Review (UPR), and reviews by treaty bodies such as the Committee on Economic, Social and Cultural Rights, the Child Rights Committee, and the Committee on the Elimination of Discrimination against Women, among others. Advocates can raise sexual rights issues during national SDG preparatory processes and submit information and recommendations to the UN reviews on the country's human rights situation. Below is a schedule of Turkey's next review at the UPR and its reporting deadlines for the following treaty bodies:

WHAT	WHEN
UPR	January 2020
ICESCR review	June 2016
CRC review	May 2017
GAT review	May 2020
ICCPR review	October 2016
CEDAW review	July 2016
CRPD review	Submitted August 2015
Istanbul Convention	June 2017

It is anticipated that in 2017 or 2018 Turkey will engage in a mid-term review of the outcomes of its most recent UPR.

Advocates could **participate in this process, encouraging the government to report on actions taken to advance sexual rights** and implement the recommendations from the previous UPR. Advocates could also develop their own mid-term reports to use as advocacy tools.

At the 2016 Regional Forum on Sustainable Development,³ the United Nations Economic Commission for Europe Member States continued the process of informal consultations on a future regional review mechanism for the 2030 Agenda, with a decision expected by April 2017 on its establishment. Advocates can **engage with the informal consultations to encourage States to form strong regional and national monitoring and review processes**. At the national level, advocates can work to influence government priorities, strategies and actions for the implementation of the SDGs.

Advocates can also engage with the Asia-Pacific Forum on Sustainable Development, organized by the Economic and Social Commission for Asia and the Pacific, to push for stronger regional and national monitoring and review processes, as well as influence priorities, strategies and actions. Advocates can encourage their government to participate in the Forum's regional review process and support civil society participation as Observers and included in government delegations. Civil society organizations can also engage with the Asia Pacific

Regional Civil Society Engagement Mechanism, for which APA is co-coordinator (with ARROW) of the cross-constituency Thematic Working Group on Gender, Sexuality, and SRHR.

Regional reviews of the ICPD Programme of Action and the Beijing Platform for Action, planned for 2018 and 2019 respectively, also provide opportunities for highlighting gaps in the implementation of commitments made by countries along with recommendations for greater achievement of those commitments and the SDGs, all of these being complementary in nature.

Don't be overwhelmed by all these options! Your organizational mandate and capacity will help determine which opportunities you engage with. Remember, consistent evidence and recommendations can be easily tailored to suit different advocacy opportunities, and working in collaboration can help distribute the burden of engaging with multiple reviews.

¹ Based on information from the Sexual Rights Initiative's National Sexual Rights Law and Policy Database. Accessed 27 June 2016, <http://sexualrightsdatabase.org/countries/385/Turkey>.

² Learn more about the High-Level Political Forum on Sustainable Development at <https://sustainabledevelopment.un.org/hlpf>, <https://sustainabledevelopment.un.org/memberstates/georgia> and <https://sustainabledevelopment.un.org/hlpf/2016/georgia>.

³ Learn more about the 2016 Regional Forum on Sustainable Development at www.unecsc.org/index.php?id=42919#/.



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ABOUT APA

The Asia Pacific Alliance for Sexual and Reproductive Health and Rights (APA) is a network of national, regional and global civil society organizations that advocate for the fulfilment of sexual and reproductive health and rights for all persons in the Asia Pacific region. APA mobilizes civil society advocacy across the region to hold governments and other stakeholders accountable for their obligations and commitments to SRHR. Interested in becoming an APA member? Check out our website or email join@asiapacificalliance.org.

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