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# GLOBAL INFORMATION SOCIETY WATCH 2016

*Economic, social and cultural rights  
and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)  
AND INTERNATIONAL DEVELOPMENT RESEARCH CENTRE (IDRC)

# Global Information Society Watch

## 2016



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Economic, social and cultural rights and the internet

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# TURKEY

## GENDER INEQUALITY: WHEN THE INTERNET REINFORCES SOCIAL BARRIERS TO PARTICIPATION BASED ON CLASS



KEYWORDS: **gender, labour**

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### Introduction

According to research and statistics from various private and public institutions,<sup>1</sup> conventional working styles and modes of employment have been changing in Turkey due to the internet, changes that have been described through concepts such as “social entrepreneurship”, “digital investment”, and the more familiar “online start-ups”. The common perception is that these new ways of working online enhance gender equality when it comes to labour rights and eliminate barriers that previously excluded vulnerable groups from accessing the job market. Although there is some statistical data showing that this perception is true, as explained briefly below, these new concepts and the progressive discourse created around them also foster an illusion of “gender equality”, “gender balance” and the “empowerment of women” and may pave the way towards losing our current legal gains favouring the fundamental rights of women in the workplace.

We would like to discuss whether or not new ways of online self-employment and other employment opportunities offered by the internet have the potential to have an impact on the right to work and access the labour market for vulnerable groups, especially women, and whether they trivialise significant principles such as “affirmative action” or the application of quotas in the private sector.

### Policy background

The right to work in a safe, productive and fair environment is a globally accepted economic right guaranteed under the International Covenant on Economic, Social and Cultural Rights (ESCRs). In Article 7 it says in relation to gender:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

Turkey signed the Covenant on 15 August 2000 and ratified it on 4 June 2003 with Law No. 4867. The cabinet confirmed the Covenant under decree No. 2003/5923 on 10 July 2003. The Covenant became a part of the domestic law when a translated version was published in the official gazette on 11 August 2003, and became internationally enforceable for Turkey as of 23 December 2003. However, Turkey put a reservation on the 3rd and 4th paragraphs of Article 13 of the Covenant on the grounds that they are in conflict with Articles 3, 14 and 42 of the Turkish Constitution.

Turkey also recognises the right to work in its constitution, in Article 49, not only as a right but as a positive duty of the state as well. However, affirmative action and quotas in the workplace are not specifically given constitutional protection, but are indirectly mentioned in Article 10 of the constitution under the general principle of equality. If one considers all written codes of the Turkish legal order it may be said that the state may apply affirmative action and quotas only for these groups of people: elderly people, women, children, people with disabilities, and the families of martyred<sup>2</sup> and veteran soldiers of the Turkish army.

### The internet as a tool promoting privilege

If one looks into norms regulating employment in Turkey there is no article explicitly guaranteeing affirmative action and quotas. However, Article 5 of the Code of Employment prohibits discrimination

<sup>1</sup> Unfortunately, this issue has been seldom researched in Turkey and we could only consult a few reports while writing this report: Reports of Women Entrepreneurs Association in Turkey (KAGIDER) titled “Graduate Young Women’s Employment in Turkey” and “KAGIDER Annual Report 2015” ; academic field research prepared by Batum, Takay and Tuzun in 2014 titled “Women Entrepreneurship in Ankara: Examples and Road Map” and a report on Global Entrepreneurship Monitor (GEM) disseminated through the Turkish Women’s International Network.

<sup>2</sup> Martyrdom is a very important concept due to ongoing internal armed clashes between the state and the PKK, Kurdish armed fighters. Families of martyred soldiers have had a privileged legal status in various areas such as employment and property law.

based on gender in the process of employment and in the workplace. There are also some protective measures in the Code of Employment<sup>3</sup> for these three groups: people with disabilities,<sup>4</sup> pregnant women<sup>5</sup> and mothers nursing children.<sup>6</sup> While these are welcome steps for women, they exclude women generally, with the result that gender equality in participating in the work force is still not attained. While the difference between the participation of men and women in higher education is relatively low (16.2 % and 11.7 %, respectively, have access to higher education institutions),<sup>7</sup> the population of illiterate women is five times more than the illiterate male population.<sup>8</sup> This suggests that in Turkey, gender equality is more attainable as social class and economic income rise.

However, the relatively small gap between educated populations does not reflect in gender employment numbers. According to the Turkish Statistical Institute, the employment rate for men between the ages of 15 and 64 is 68.4% and for women it is 29.6%.<sup>9</sup> Moreover, the disparity between labour force participation rates was also very large at 75.8% for men and 34.1% for women in 2015. In the political realm, there is also a massive difference in participation between males and females, which partly results in a lack of women's issues being prioritised.

The question as to whether new forms of employment or doing business when it comes to the internet empower women across different social backgrounds remains. When looked at more broadly, and not just limited to the problem of "gender equality" and "gender balance" in online working environments, the question of which groups of women from which cities can access the online labour market and be active in internet work, compared to which groups of women cannot do this, is an important factor in terms of social and economic inequalities.

Here, we want to look very briefly at the big picture of women's entrepreneurship in Turkey.

We would like to question the progressive and egalitarian discourse that surrounds online "entrepreneurship" and suggest it has the potential to reproduce not just gender inequality but also social and economic class-based gender inequality.

According to a report titled "Graduate Young Women's Employment in Turkey",<sup>10</sup> most of the studies regarding women in the workplace are concentrated on agricultural employment or household work, as these are the most commonly unrecorded forms of work in which women participate much more than men. There are micro loans available, particularly for women that live in rural areas and are from disadvantaged backgrounds. However, as mentioned in the report, these credits fail to provide women with sustainable business opportunities because of both faulty implementation and harsh loan conditions. Despite seemingly available seed funding offered by public institutions, women from disadvantaged backgrounds, and particularly women living in rural areas, have very limited access to new means of entrepreneurship such as online businesses.

This is supported by the Women Entrepreneurs Association's 2015 annual report on Turkey,<sup>11</sup> which finds that the dominant profile of women entrepreneurs is young, educated, from the middle or upper class, urban, and mostly active in e-commerce in the textile, cosmetics, organic food and health sectors – sectors that are generally regarded as being "left" to women entrepreneurs. Since there is no specific legislation in Turkey regulating these new forms of employment and self-employment, there is no mechanism to monitor inequalities and to adjust gender, social and economic class balances among self-employed and "employer" entrepreneurs.

According to a report<sup>12</sup> looking into women's entrepreneurship in Ankara, the capital city of Turkey, and prepared by Batum, Takay and Tuzun for the Ankara Development Agency in 2014, women may be *drawn* or *pushed* towards entrepreneurship for several reasons. These include the general unemployment problem as well as gender biases in workplaces and the inconvenient work environment for women, such as inflexible hours or male-dominated workplaces. On the other hand, on top of all these common problems, in Turkey the major obstacles women face in terms of entrepreneurship are

3 [www.mevzuat.gov.tr/MevzuatMetin/1.5.4857.pdf](http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4857.pdf)

4 Article 30 of the Code of Employment stipulates that it is obligatory to employ people with disabilities in the public and private sector.

5 Article 18 of the Code of Employment states that pregnant women have the right to take unpaid leave of eight weeks during the pregnancy before giving birth.

6 Article 74 of the Code of Employment establishes that nursing mothers have the right to take unpaid leave of up to six months after giving birth.

7 Turkish Statistical Institute. (2016, 7 March). Women in Statistics, 2015 (press release). [www.turkstat.gov.tr/PreHaberBultenleri.do?id=21519](http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=21519)

8 Ibid.

9 Ibid.

10 [www.kagider.org/docs/default-source/Raporlar-ve-Sunumlar/genckadinistihdamiarastirma.pdf?sfvrsn=2](http://www.kagider.org/docs/default-source/Raporlar-ve-Sunumlar/genckadinistihdamiarastirma.pdf?sfvrsn=2)

11 [www.girisimhaber.com/post/2015/07/06/Kadin-Girisimciligi-Arastirmasi-2015.aspx](http://www.girisimhaber.com/post/2015/07/06/Kadin-Girisimciligi-Arastirmasi-2015.aspx)

12 Batum U., Takay B. A., & Tuzun, I. K. (2014). *Women Entrepreneurship in Ankara: Examples and Road Map*. Ankara Development Agency.

given as a lack of experience, a lack of initial capital, and the absence of the necessary network to develop their businesses. However, the most commonly stated difficulty given by the women who participated in this study is simply “being a woman”, which is interestingly the highest for both the lowest *and* the highest education groups, as well as for the single women.

In order to overcome obstacles such as a lack of networks, mentoring and managerial or business-related knowledge, there are several NGOs established and run by women. The same report mentions the Turkish Women’s International Network (Turkish WIN)<sup>13</sup> as the most prominent NGO advocating for and promoting women entrepreneurs. The aim of this network, established in 2010, is to connect businesswomen and women entrepreneurs around the world that have ties with Turkey. They also provide mentoring services to women entrepreneurs in Turkey. However, the fact that their website is available only in English is a good indicator that they aim to reach certain groups of women in Turkey that can speak English, which shows a massive lack of diversity.<sup>14</sup>

According to a Global Entrepreneurship Monitor (GEM) report,<sup>15</sup> between 2006 and 2012 there was a massive change in the number and the “quality” of entrepreneurs in Turkey. In particular, the demographic make-up of early-stage entrepreneurs had changed in that they tend to be relatively older, from a higher income group, and better educated. As for women early-stage entrepreneurs, although there was a slight increase after the 2009 crisis, the GEM report mentions that the overall profile of entrepreneurs tends to be clearly from the more privileged parts of the society. While the report emphasises the large gap between male and female entrepreneurs, it also argues that the increase of entrepreneurs from the higher income group indicates the need for more diverse finance mechanisms in order to increase access to the market for entrepreneurs from a broader spectrum of social and economic groups.

## Conclusions

In order to enable a more diverse female work force, and for the internet to stimulate participation in new forms of business, NGOs should target women who lack the necessary technical and networking skills. If the sole target groups of these NGOs continue to be women from privileged backgrounds with higher education and social capital, disadvantaged groups will continue to be deprived of opportunities. Moreover, as mentioned above, the loan or seed funding systems that particularly target women from disadvantaged backgrounds and in rural areas, such as micro-credits, need to have many adjustments in their implementation and application. In order to create more sustainable business opportunities, women need more access to mentoring and networking at a much more diverse level.

## Action steps

The following actions steps should be considered for Turkey:

- NGOs and institutions such as universities should define gender barriers that impact on the right to work online as a social and economic problem. This will increase the qualitative and quantitative data available, which is necessary to develop effective public policies.
- The state should amend the relevant legislation in order to protect vulnerable groups and to empower them.
- NGOs should focus on developing the technical skills of rural and disadvantaged women.
- Advocacy is also necessary to challenge the prohibitive terms attached to micro loans aimed at disadvantaged women so that they can have a real impact on entrepreneurship at the grass-roots level.

13 [login.turkishwin.com/public/Default2.aspx](http://login.turkishwin.com/public/Default2.aspx)

14 According to a policy paper dated 2011, Turkey ranked 44th on the Global English Language Competence Index. [www.tepav.org.tr/upload/files/1329722803-6.Turkiye\\_nin\\_Ingilizce\\_Acigi.pdf](http://www.tepav.org.tr/upload/files/1329722803-6.Turkiye_nin_Ingilizce_Acigi.pdf)

15 [www.gemconsortium.org/country-profile/116](http://www.gemconsortium.org/country-profile/116)

# Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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