



DATA UPDATE – Women, Business and the Law 2022

Turkey

Ministry of Treasury and Finance

1. Entrepreneurship

Comment received from Government:

1. Does the law prohibit discrimination in access to credit based on gender?

Although there is no special legal regulation regulating this issue in Turkey; Article 90 of the Constitutional Law states that "International Treaties duly put into effect have the force of law...". Therefore, in accordance with Article 13 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) approved by Turkey, it is not possible to discriminate on the basis of gender in access to credit.

Suggested data modification: The response should change from no to yes in order to reflect Turkey's current situation.

Legal basis (if applicable): Constitutional Law article 90

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if the law prohibits discrimination by creditors based on gender or prescribes equal access for both men and women when conducting financial transactions, or entrepreneurial activities or receiving financial assistance; or if the law prohibits gender discrimination when accessing goods and services (and services are defined to include financial services). The answer is "No" if the law does not prohibit such discrimination or if the law does not provide effective remedies.

No applicable provisions could be located that explicitly prohibits discrimination in access to credit based on gender. According to WBL methodology, this question requires a codified law or legally binding regulation that also includes effective remedies. Provisions under the constitution or international treaties, even when ratified by the country, are not sufficient to trigger a "Yes" answer. Therefore, according to *Women, Business and the Law* methodology, the answer to this question is "No."

2. Pension

Comment received from Government:

1. Is the age at which men and women can retire with full pension benefits the same?

Old-age pension shall be granted to the insured if the individual is female at the age of over 58 and if male at the age of over 60 pursuant to Act No. 5510. The Act does not envisage any change in retirement age until 2036. But for the persons who will retire later than the year 2036, a gradual increase for the retirement age is envisaged; the retirement age will be 65 for males in 2046 and for females in 2048 [Article 28 of Act No. 5510]

Suggested data modification: The response should change from no to yes.

Date of entry into force: 01/10/2008

Legal basis (if applicable): Article 28 of Act No. 5510

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if the statutory age at which men and women can retire and receive irrevocable minimum old-age pension is the same. The answer is "No" if there is a difference in the statutory age or if there is no national law on pension benefits. Note that this question only looks at workers employed in the private sector. If transitional provisions gradually increase, decrease or equalize the statutory retirement age, the answer will reflect the retirement age as of October 1, 2021, even if the law provides for changes over time.

Article 28 of Act No. 5510 of 31 May 2006 does not envisage any change regarding the statutory age at which men and women can retire until 2036. Further, the retirement ages are not set to equalize until 2048. Therefore, the answer remains "No." The team will keep monitoring application of the legal texts above, based on *Women, Business and the Law* methodology and will make adjustments in the future as required.

Communications

For questions on this note, please contact:

Tea Trumbic
Women, Business and the Law
Global Indicators Group – Development
Economics
World Bank Group
2121 Pennsylvania Avenue NW
Washington D.C. 20433
Tel: +1 (202) 473-0577
E-mail: ttrumbic@worldbank.org

Marina Elefante
Women, Business and the Law
Global Indicators Group – Development
Economics
World Bank Group
2121 Pennsylvania Avenue NW
Washington D.C. 20433
Tel: +1 (202) 473-5556
E-mail: melefante@worldbank.org