



27/08/2015

RAP/RCha/TUR7/(2015)

EUROPEAN SOCIAL CHARTER

7th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF TURKEY

- Article 7, 8, 16, 17, 19, 27 and 31
for the period 01/01/2010 – 31/12/2013
- Complementary information on Articles 3§4,
11§2, 14§1, 14§2 and 23 (Conclusions 2013)

Report registered by the Secretariat on
27 August 2015

CYCLE 2015



EUROPEAN SOCIAL CHARTER

7th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF TURKEY

(Articles 7, 8, 16, 17, 19, 27 and 31)

for the period

01/01/2010 – 31/12/2013

TABLE OF CONTENTS

ARTICLE 73
ARTICLE 840
ARTICLE 1651
ARTICLE 1767
ARTICLE 1990
ARTICLE 27118
ARTICLE 31130

ANNEXES

Article 7 Paragraph 1.....146
Article 7 Paragraph 2.....149
Article 7 Paragraph 3.....153
Article 7 Paragraph 4.....159
Article 7 Paragraph 5.....162
Article 8 Paragraph 1.....173
Article 16 Paragraph 1.....175
Article 19 Paragraph 1.....176
Article 19 Paragraph 2.....180
Article 19 Paragraph 3.....181
Article 27 Paragraph 1.....182
Article 31 Paragraph 1.....183
Article 31 Paragraph 2.....184
Article 31 Paragraph 3.....186

ARTICLE 7

THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

Article 7§1: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education.

Scope of the provisions as interpreted by the ECSR

Paragraph 1: Minimum age for employment in all sectors of the economy, including agriculture, and all work places, including family undertakings and private households, set at 15 years, subject to exceptions for children employed in prescribed light work with no risk of harm to their health, morals or education.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments on the related legislation are mentioned below:

1.1. Regulations on Occupational Health and Safety Law No. 6331 in relation with the young workers

The following regulations are made, through the Law adopted on 20.06.2012 on Occupational Health and Safety Law No. 6331, in relation with the young workers:

- a) Young worker means a worker who turned the age of fifteen but not the age of eighteen,
- b) The employer shall conduct an assessment of risks to health and safety of workers or get one carried out, taking account the situation of female workers and other workers such as young workers, older workers, disabled, pregnant or breastfeeding workers who need specific policies,
- c) Article 85 on hard and dangerous work, Article 86 on the report for hard and dangerous work and Article 87 on the report for the workers younger than 18 of the Law No. 4857 are abolished.

1.2. The Primary Education and Training Law No. 222

Through the Law, which amends the Primary Education and Training Law No. 222 and Certain Laws and entered into force on 30.03.2012, 12 years of obligatory gradual education is established and 12 years period is composed in three stages, instead of 8 years of obligatory gradual education. The first stage as the primary education (1st, 2nd, 3rd, 4th classes), the second stage as the secondary school (5th, 6th, 7th and 8th classes), and the third stage as the high school (9th, 10th, 11th, 12th classes) organized all of which lasts four years.

1.3. Regulation on Hard and Dangerous Work

Regulation on Hard and Dangerous Work is abolished after the enforcement of the Law on Occupational Health and Safety No. 6331 on 30.07.2012.

1.4. Regulation on the Methods and Principles of the Employment of Children and Young Workers

Regulation on the Methods and Principles of the Employment of Children and Young Workers, prepared in the context of Article 71 of the Labour Law, is amended in the context of the Law on Occupational Health and Safety No. 6331. The amendments are put into force after having been published in the Official Gazette No. 28566, dated 21.01.2013.

1.5. The Circular of Prime Ministry for “Improving the Working and Social Life of Seasonal Traveling Agriculture Workers”

The Circular of Prime Ministry for “Improving the Working and Social Life of Seasonal Travelling Agriculture Workers No. 2010/6, which was prepared by the Ministry of Labour and Social Security, was published on 24.03.2010.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

2.1. Temporal Framework on National Policy and Program to Prevent Child Labour

“Time-bound National Policy and Programme for Preventing Child Labour” has been prepared in 2005 by the Ministry of Labour and Social Security for eliminating the worst forms of child labour in collaboration with all the relevant institutions and organizations in line with the provisions of the Convention No. 182. of ILO. With this programme, it is

targeted to realize the activities for eliminating child labour within the framework of an integrated, participatory and scheduled national programme. Within the scope of the programme, basic strategies and activities as well as implementing institutions and organizations and their responsibilities were determined.

The main objective of this programme is to prevent child labour, particularly the worst forms of it within 10 years (2005-2015) through comprehensive measures such as eliminating poverty, improving the quality and accessibility of education, increasing social awareness and sensitivity which constitute the main reasons for children to enter working life.

The privileged target groups according to the program are determined as “working on streets hard and hazardous work in small and medium size enterprises, in travelling temporal agricultural labour except for family work”.

Public agencies, labour and employer confederations and non-governmental organizations put the projects into effect they prepared to support “Temporal Framework on National Policy and Program to Prevent Child Labour” in several provinces since the beginning of 2005. With the studies, important steps were taken on the fight against child labour and accumulation of knowledge, experience and social conscious were constituted.

2.2. The Project for Activating Local Resources to Prevent Child Labour

The Project which is prepared to ensure the effective application of “Temporal Framework on National Policy and Program to Prevent Child Labour” and to contribute to eradicating child labour and particularly the worst forms of it is taken to the lodgement program of 2012-2014.

The target groups of the project are children working in hard and hazardous work in small and medium size enterprises, children working on streets, children working in travelling temporal agricultural labour except for family work.

Units for monitoring child labour were established primarily in five pilot provinces (Adana, Şanlıurfa, Gaziantep, Kocaeli, Ordu) within the structure of the Provincial Directorates of the Ministry of Labour and Social Security and Turkish Employment Agency. Activities are pursued through these units to prevent child labour and particularly the worst forms of it by means of ensuring cooperation and coordination with other institutions and agencies in the province.

The key feature of this project is the beginning of a new sustainable system which can be disseminated to whole country.

2.3. Improving the Working and Social Life of Seasonal Travelling Agricultural Workers

Important measures are taken to prevent children to work in seasonal travelling temporal agriculture work who were determined as privileged target group in the Prime Ministerial Circular on Improving the Working and Social Life of Seasonal Travelling Agricultural Workers No. 2010/6 prepared by the Ministry of Labour and Social Security and in Temporal Program of the Project for Improving the Working and Social Life of Seasonal Travelling Agricultural Workers and raise the access rate of children to education.

In this context, an Action Plan and a Strategy for Improving the Working and Social Life of Seasonal Travelling Agricultural Workers was prepared. The aim is to ensure the children of the seasonal temporal agriculture workers who are at the age of compulsory education but don't go to school through the mentioned strategy and action plan. To achieve this goal the following measures are envisaged:

- To lead the children to regional boarding schools,
- To ensure the children to benefit from mobile education opportunities,
- To enable the children (who are out of the education age) distance education,
- Raiser Class Education Program (to apply compacted education during the year),
- To open summer school in the area where the children are working.

2.4. Efforts Towards Preventing Child Labour in Hazelnut Agriculture

Children, who are moving with their families to the provinces where seasonal hazelnut agriculture is intensive, are tried to move away from the farms.

As the season of the harvest of the hazelnut coincides with the period when the schools are closed, children do not fall behind the class. However, they are exposed to circumstances inconvenient for their age and development since the families take them to the farms.

Therefore, an "Action Plan for Moving Children Away from the Farms in the Provinces where Hazelnut is Produced" was prepared at the beginning of 2011 with the participation of the related institutions and agencies, producers and non-governmental organizations.

The action plan includes:

- Putting the child labour issue on the agenda of the meetings of the Provincial Employment and Vocational Education Board,
- Application of the Labour Law and the other related legislation in terms of the working principles and conditions of the workers employed in hazelnut harvest,

- Informing the public opinion on child labour,
- Ensuring services for the children of the seasonal agriculture workers in regions where they mostly accomodate.

Studies were carried out in order to increase the capacity of the provinces on fighting child labour producing hazelnut and public awareness during 2011 and they were both strictly checked by the Governorships in harvest season in 2012 and activities were realized for the children within the scope of projects.

The studies in harvest season in 2013 were continued. Particularly, “the Project of Eliminating Child Labour in Hazelnut Agriculture” in Ordu was conducted by the International Labour Organization (ILO) with the support of the Ministry of Labour and Social Security. In addition, the projects carried out by non-governmental organizations in Ordu, Giresun and Düzce were supported both by the Ministry of Labour and Social Security and the Governorships.

2.5. Rural development plan

Rural Development Plan, prepared by the Ministry of Agriculture and Rural Affairs in collaboration with the relevant institutions and organizations and entered into force with the Decree of Higher Planning Council dated 5 August 2010, covers the years of 2010-2013. The issue of “Recovering Living Conditions of Seasonal Travelling Agricultural Workers” was attached particular importance in the said plan. Moreover, specific measures were introduced to ensure the effective implementation of “Time-bound Programme for Preventing Child Labour” in order to prevent the children from working who are working or who have the risk of working in rural areas.

2.6. The studies of the Ministry of National Education

The Ministry of National Education has issued a circular on 20 April 2011 in order to ensure the access of children of seasonal travelling agricultural workers to education.

A protocol has been signed between the Directorate General of Primary Education of the Ministry of National Education and 17 institutions including the Ministry of Labour and Social Security in 2011. Fighting child labour which is among the reasons of absenteeism is also included in the said Protocol.

On the other hand, a cooperation protocol has been signed between the Ministry of National Education and the Ministry of Family and Social Policies on 17.02.2012 involving “the studies on preventing child labour.”

3. STATISTICS AND OTHER RELEVANT INFORMATION

The survey on child labour has been reiterated in October, November, and December in 2012 by the Turkish Statistical Institute. According to the results in April 2013, the children between 6-17 years of age constitute 20,6% of non-institutional population. According to the results of the same survey, the number of children between 6-17 years of age across Turkey is 15 million 247 thousand. 66,5% of them live in urban areas; whereas 33,5% in rural areas. While 91,5% of them go to school, 8,5% do not. As of the age groups, 97,2% of the children between 6-14 years of age go to school and 74,7% of the children between 15-17 years of age go to school.

The number of working children between 6-14 years of age is 292 thousand; whereas the number of those between 15-17 years of age is 601 thousand. The rate of employment of children engaged in an economic activity between 6-17 years of age is 5,9%. While the rate of employment for this group remains at the same level according to the results in 2006, an increase of 3 thousand working children has been realized. The rate of employment of children is 2,6% for the age group 6-14; whereas it is 15,6% for the age group 15-17. 44,8% of the children at the age group 6-17 employed across Turkey live in urban areas; whereas 55,2% of them live in rural areas. 68,8% of them are boys and 31,2% are girls.

While 49,8% of the working children go to school, 50,2% do not. As of the age groups, 81,8% of the children between 6-14 years of age and 34,3% of the children between 15-17 years of age go to school. While 3,2% of the children between 6-17 years of age going to school are engaged in economic activities, 50,2% of them in domestic affairs and 46,6% of them are not engaged in any activity. 34,5% of the children at the same age group but do not go to school are engaged in economic activities and 38,8% of them are engaged in domestic affairs and 26,7% are not engaged in any activity. 44,7% of the working children are in agricultural sector. 44,7% of the working children (399 thousand persons) took part in agricultural sector, 24,3% (217 thousand persons) in industrial sector and 31% (277 thousand persons) in service sector. When the results on the sectoral basis are compared with those in 2006, while the share of agricultural sector within those employed has been increased 8,1 points, the share of industrial sector has been decreased 6,6 points and that of service sector has been decreased 1,5 points.

According to the situation at work; 52,6% (470 thousand persons) of the working children are wage earner or casual, whereas 46,2% (413 thousand persons) are unpaid family workers. The rate of children engaged in domestic affairs is 49,2%. 47,2% of 7 million 503 thousand children between 6-17 years of age assisting their families in domestic affairs have a weekly working hour of two or less (3 million 540 thousand persons); 80,1% of them have a weekly working hour of seven or less (6 million 12 thousand persons). 56,8% of them are girls (4 million 261 thousand persons). The children come first who do shopping for the household with a rate of 29,7% according to the types of housework.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The decision taken by the European Committee of Social Rights on the grounds that the prohibition of employing children younger than 15 years of age is not applied in practice is enclosed in French (Annex: 7/1).

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information on the subjects below:

2.1. The prohibition of employing children younger than 15 years of age

It is requested whether any exception is envisaged in our national legislation on the prohibition of employing children younger than 15 years of age.

There is no exception in our legislation. However, although no exception has been specified for workplaces employing 50 or less workers beyond the scope of the Labour Law, some difficulties are faced in practice since labour inspectors are not able to carry out an inspection.

2.2. Supervision of the prohibition of employing children younger than 15 years of age

Information is requested whether any children were determined during inspections made by labour inspectors except for light duties; if so please give information on the sanctions applied.

The main unit implementing the laws on child labour and/or hazardous child labour, supervising the working environment and circumstances of working children is the Presidency

of Labour Inspection Board of the Ministry of Labour and Social Security. In accordance with Article 91 of the Labour Law, the persons authorized to supervise the implementation of the provisions of Labour Law in the workplaces in the scope of Labour Law No. 4857 on child labour are the labour inspectors.

The Presidency of Guidance and Inspection within the Social Security Institution (SSI) also monitors the implementation of laws concerning the social security of all workers as well as child workers. The inspectors of Social Security Institution, within the framework of their duties of determining those who work uninsured and starting proceedings, check whether the children are insured or not and prevent them from working uninsured.

In addition, for an effective fight with informality, the auditors of general and annexed budget institutions were obliged to determine those who are uninsured and notify them to the Social Security Institution in 1999. Where the labour inspectors determine that the children are informally employed, they also notify them to the Social Security Institution. The coordination on insurance is ensured by the Social Security Institution. Thus, the number of auditors monitoring the insurance of all workers as well as child workers were substantially increased.

2.3. Employing children in light work

The relevant articles of the Regulation dated 6 April 2004 regulating employing children in light work together with its annex is requested in English or French.

The Regulation on the Procedures and Principles of Employing Children and Young Workers is enclosed (Annex: 7/2).

2.4. The control of work done by children at home

The Committee requests information on the work done by children at home.

The domestic responsibilities in our country mean the work done by children at home in the way of “helping their families.” It should not be understood as a type of paid employment in another house.

2.5. Fighting child labour

Information is requested on the effective measures in fighting child labor in our country.

Please see Part A.2 and B.1.

Article 7§2: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy.

Appendix to Article 7§2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

Scope of the provisions as interpreted by the ECSR

Minimum age for employment in prescribed occupations regarded as dangerous or unhealthy, which must be specified in legislation, set at 18 years, though exceptions are allowed if such work is essential for vocational training purposes, subject to strict conditions.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments on the related legislation are mentioned below:

The employment age in “heavy and hazardous work” has been determined as 18 within the scope of the relevant Articles (Articles 85-86-87) of the Labour Law No. 4857 as well as the Regulation on Heavy and Hazardous Work until the Law on Occupational Health and Safety No. 6331, dated 30 June 2012 has entered into force. After the said Law entered into force, the work for the children younger than 18 years of age in “The Regulation on the Procedures and Principles of Employing Children and Young Workers” were rearranged in conformity with abrogated Regulation on Heavy and Hazardous Work.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures for the implementation of the legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Government view on the decisions of violation of ECSR on this paragraph is enclosed in French (Annex: 7/3).

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information on the subjects below:

2.1. The work accepted as heavy and hazardous

The Committee requests the submission of the relevant articles of the Regulation regulating the work accepted as heavy and hazardous as well as by what age group it can be done in French or in English.

The English translation of the annex of the Regulation on the Procedures and Principles of Employing Children and Young Workers indicating the work in which the young workers can be employed at 16 but have not turned 18 dated 21/2/2013, No. 28566 is enclosed (Annex: 2).

2.2. Exceptions for the youth employed in heavy and hazardous work

Information is requested on the exceptional provisions and the supervisions envisaged concerning the employment of the youth younger than 18 years of age.

The above mentioned issues were regulated in the Regulation on the Procedures and Principles of Employing Children and Young Workers.

Accordingly, within the scope of the Law on Vocational Training dated 5/6/1986, No. 3308 semi-skilled young workers at the age of 16 and graduated from vocational and technical education schools and institutions can be employed in the work appropriate to their specialization and profession regardless of the restrictions specified in the annexe of this Regulation provided that their health, safety and morals are guaranteed.

In addition, the workers who have not turned 18 can be employed in the following work:

- preparation, complementation and cleaning,
- production and wholesale of alcohol, cigarette and substances leading addiction
- wholesale and retail of combustible, explosive, harmful and dangerous substances and their production, processing, storing and all sorts of work where there is possibility of exposure to such substances,

- the work in noisy and/or where there is high vibration,
- the work in excessive hot and cold environment,
- the work done with the substances bad for health and leading occupational disease,
- the work where there is possibility of exposure to radioactive substances and harmful rays,
- the work that is demanding and requiring standing continuously,
- the work of piece-rate pay with the system of contribution,
- the work not enabling the person to return to his/her home or parents after work except for educational work,
- the work over physical and psychological competency with the report of workplace physician,
- the work in which there is possibility of lack of confidence in education and experiment and lack of attention on security,
- carrying money and collection of revenues and the night work specified in paragraph 1 of Article 69 of the Labour Law No. 4857.

2.3. Penalties for the employers employing children younger than 16 years of age

It is asked whether there is an upper limit for the penalties for the employers employing children younger than 16 years of age; and if so the amount of it.

The abovementioned penalty was regulated in Article 104 of the Labour Law on the basis of articles on child labour. Article 104-“An employer or his representative shall be liable to a fine of one thousand and two hundred Turkish Liras if he acts contrary to the provisions of Article 71, if he employs boys and the youth under the age of 18 and women of all ages contrary to the provisions of Article 72, if he employs children and young workers on night work contrary to the provisions of Article 73 or acts contrary to the provisions of the regulation mentioned in the same Article.” Furthermore, administrative fine is determined according to revaluation rate every year. The fine imposed for 2013 is 1.293 Turkish Liras.

Article 7§3: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake :

to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education.

Scope of the provisions as interpreted by the ECSR

Prohibition of the employment of children still subject to compulsory education in work that would deprive them of the full benefit of their education. National legislation must limit working hours in school term time and offer sufficient leisure time during school holidays.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments on the related legislation are mentioned below:

Through the Law, which amends the Primary Education and Training Law No. 222 and Certain Laws, entered into force on 30.03.2012, 12 years of obligatory gradual education is established and 12 years period is structured in three stages, instead of 8 years of obligatory gradual education. The first stage as the primary education (1st, 2nd, 3rd, 4th classes), the second stage as the secondary school (5th, 6th, 7th and 8th classes), and the third stage as the high school (9th, 10th, 11th, 12th classes) organized all of which lasts four years.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The Government serves to ensure the right to education and training for all the children at compulsory education arising from the Constitution and international conventions and not to deprive them of these rights and to achieve the goal of 100% schooling in all the stages and takes necessary measures.

Within the scope of “The Law on Primary Education and the Law Amending Some of the Laws” No. 6287 which entered into force by being published in the Official Gazette dated 11 April 2012, No. 28261, compulsory primary education age was expanded covering the children at the age group between 6-13 as a result of raising the compulsory education to 12 years being primary, secondary school and secondary education. This period starts at the end of September when the child is 5 years of age and finishes at the end of school year when the child is 14.

2.1. Children who were not enrolled in a school

Through the instructions of the Ministry of National Education, necessary studies for persuasion are made and other measures are taken for their enrollment in a school via visits to their houses with the teams established by the school managements and legal sanctions are applied for the parents who do not send their children to school.

An administrative fine of fifteen Turkish Liras is imposed for the parents or the curators for each day the child does not go to school inspite of the notification of the headman or the administrative chief. An administrative fine of fivehundred Turkish Liras is imposed for the parents or the curators who do not send their children to school or who do not inform the management about the reasons of not sending their children to school.

Those who are at the age of primary education but do not go to compulsory primary education institutions can not be employed in any paid or free of charge official and private workplaces or in other places under no circumstances.

As for those who certificate their primary education can work in such places except for courses provided that the povisions of law are implemented regulating the employment of children. An administartive fine from four hundred to one thousand Turkish Liras is imposed for those who act contrary to these provisions by the administrative chief.

2.2. The Project of Increasing the Rates of Going to Primary Schools

The objectives of the “Project of Increasing the Rates of Going to Primary Schools” which was put into practice by the Ministry of National Education, financed by European Union and technically supported by the consortium under the leadership of IBF International Consulting are to increase the rates of attending primary schools covering 8 years of 12 years of compulsory education in Turkey and to reduce the absenteeism in primary schools through quality measures and interventions. In this context, the goals are as follows:

- To define the measures and develop policy recommendations,
- To review the legislation,
- To bring the system of Progressive Absenteeism Management Model in compliance with 12 years of obligatory education by referring to E-school data base,
- To improve the basic language skills of the children lacking sufficient level of language skills in primary education,

- To increase the capacity of the staff of the Ministry of National Education and to create awareness for the related parties.

The pilot provinces of the Project which will last 24 months and has the budget of 3.144.000 Euro are Van, Ağrı, Hakkâri, Bitlis, Siirt, Muş, Mardin, Bingöl, Şanlıurfa, Diyarbakır, Batman and Şırnak. The Project is conducted in 120 pilot schools, 10 of them in each pilot province.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistics about the students within the scope of compulsory education is indicated in the table below:

Year	Level of education	Students in Total		
		Total	Boys	Girls
2013-2014	Preschool	1.059.495	555.194	504.301
	Primary	5.574.916	2.850.072	2.724.844
	Secondary	5.026.787	2.586.493	2.440.294
	Secondary education	55.989	25.911	30.078
	TOTAL	11.717.187	6.017.670	5.699.517

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee found the situation in our country contrary to the Charter on the grounds that the national legislation and practices do not guarantee the right to education for children.

The Government opinion on the decision of the Committee is below:

The issue of the employment of children are included not only in the Labour Law but also in several other regulations. To guarantee the right to education was regulated in the Primary Education and Training Law No. 222. Article 59 of the said Law stipulates that those who are

at the age of primary education but do not go to compulsory primary education institutions can not be employed in any paid or free of charge official and private workplaces or in other places under no circumstances.

When violations are determined in the workplaces except for those specified in the Labour Law, the child is enabled to retire via using methods such as administrative measures, raising awareness and rehabilitation of the family and the child. In addition, fine is imposed in some provinces within the scope of the Law of Misdemeanor occasionally.

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information on the following issues:

2.1. Regulating the working hours of the children going to school

The Committee asks whether our legislation enables to work in the mornings before lessons begin and whether it stipulates rest periods on holidays for the working children.

In accordance with Article 59 of the Primary Education and Training Law No. 222, it is specified that the children who have to go to compulsory primary school but who do not, can not be employed neither in private nor in public institutions; on the other hand those who continue their compulsory education can only be employed within the framework of legal legislation regulating the employment of children.

Pursuant to Article 71 of the Labour Law, employment of children who have not completed the age of 15 is prohibited. However, children who have completed the full age of fourteen and their primary education may be employed on light works that will not hinder their physical, mental and moral development, and for those who continue their education, in jobs that will not prevent their school attendance.

The working time of children who have completed their basic education and yet who are no longer attending school shall not be more than seven hours daily and more than thirty-five hours weekly. However this working time may be increased up to forty hours weekly. The working time of school attending children during the education period must fall outside their training hours and shall not be more than two hours daily and ten hours weekly. Their working time during the periods when schools are closed shall not exceed the hours foreseen in the first paragraph above.

2.2. Prohibition of children subject to compulsory education

The Committee requests statistical information on the working children at the age group of 6-17.

Please see Part A.3 of paragraph 1 of Article 7.

Article 7§4: Parties undertake:

to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;

Scope of the provisions as interpreted by the ECSR

Limits, in legislation, regulations, contracts or practice, in the working hours of persons under 18 years of age to take account of their development needs, and particularly their need for vocational training.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments on the related legislation are mentioned below:

Daily working hours have been determined in the Regulation on Secondary Schools of the Ministry of National Education which entered into force by being published in the Official Gazette dated 7 September 2013, No. 28758. Accordingly, a course lasts 40 minutes in secondary education institutions. The breaks between courses cannot be less than 5 minutes; and the lunch break cannot be less than 45 minutes.

The duration of a course in vocational training in undertakings and in apprenticeship work in schools and undertakings through summer practice is 60 minutes.

Vocational training in undertakings should be done in the morning. However, pursuant to Article 73 of the Labour Law dated 22/5/2003, No. 4857, vocational training in other sectors except for the industrial work can be done at night provided that it shall not be later than 22:00 p.m. with the decision of provincial employment and vocational education board taking into account the feature of the type of the sector and the programme along with the climate conditions.

The relevant Article of the Labour Law shall apply in terms of total working hours.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures in order to implement the related legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON DECISIONS OF VIOLATION

The Committee found the situation in our country contrary to this paragraph on the grounds that the children younger than 16 years of age can be employed up to 40 hours a week pursuant to Article 71 of the Labour Law No. 4857. There is no new regulation on working hours.

Article 7§5: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances.

Scope of the provisions as interpreted by the ECSR

Right of young workers and apprentices to a fair wage or other appropriate allowances, determined with reference to the basic or minimum wage paid to adults, after deduction of social security contributions and taxes.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments on the related legislation are mentioned below:

While annual minimum wage was calculated in previous years in our country, it was being calculated for those older and younger than 16 years of age respectively. However, with a regulation realized in 2013, single minimum wage was determined and all the employees were charged on the basis of this minimum wage.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures in order to implement the related legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee has adjourned its decision requesting information on the following subjects.

2. INFORMATION REQUESTED BY THE COMMITTEE

2.1. Wages for the apprentices

The Committee requests information whether apprentices are entitled to at least one third of the minimum wage an adult receives in the beginning and two third of it at the end of training of apprenticeship in practice.

Wages have been regulated in accordance with Article 25 of the Vocational Training Law No. 3308. Accordingly; the candidate for apprenticeship and the apprentice cannot be paid less than 30% of the minimum wage.

2. 2. The amount of penalties

It is requested whether there is an upper limit for penalties on the wages of youth and apprentices; and if so the amount of minimum penalty.

The issue of supervision and punishment was regulated in Article 41 of the Vocational Training Law No. 3308. Accordingly; those are given admonition who do not fulfill the obligations in Articles 9, 10, 12, 13, 14, 15, 17, 20, 22, 25, 26, 28 and 30 of this Law. Those are imposed an administrative fine of six hundred Turkish Liras within 10 days after the notification violating the Articles 9, 10, 25, 26 and 28. If repeated, the fine is reduplicated. In case of continuation, then the person is ostracized from profession temporarily.

Article 7§6: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;

Scope of the provisions as interpreted by the ECSR

Paragraph 6: Right of young persons for time spent in vocational training during normal working hours to be treated, with the consent of the employer, as part of the working day.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

There are no amendments on the related legislation during the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures in order to implement the related legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee has adjourned its decision by requesting additional information.

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information on the number of young workers and apprentices whose wages are not deducted by accepting the periods in vocational training as working hours.

Pursuant to Article 12 of the Vocational Training Law dated 5.6.1986, No. 3308, it is stated that the candidate apprentices and apprentices as well undergo general and vocational training not less than 8 hours a week according to the feature of the profession and they are granted paid leave for attending this training.

Total number of foremen in 2013 was 44.204, total number of apprentices was 99.651. The number of trainees in accordance with vocational courses No. 3308:

Between 6-14 years of age	= 186 trainees
Between 15-22 years of age	=13.837 trainees
TOTAL TRAINEES	= 14.023

Article 7§7 With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay.

Scope of the provisions as interpreted by the ECSR

Employed persons under 18 years to be entitled to a minimum of four weeks' annual holiday with pay, subject to the same arrangements as those applicable to the annual paid holidays of adults (Article 2, paragraph 3).

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

There are no amendments on the related legislation during the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures in order to implement the related legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON DECISIONS OF VIOLATION

Although the Committee has found the situation of our country compatible to this paragraph, it requests information on the following issues:

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information whether young workers and apprentices should take their annual paid leave in one go and whether the right to leave losses due to sickness and accident during the leave can be taken later on.

The practice of annual paid leave has been regulated in Article 56 of the Labour Law No. 4857. Accordingly; “Annual paid leave cannot be divided by the employer. This leave must be granted without interruption in conformity with the days specified in Article 53.”

However, the leaves stipulated in Article 53 may be divided, by mutual consent, into three parts at the maximum provided that one of the parts shall not be less than 10 days. Other types of leave, with or without pay granted by the employer or convalescent or sick leave during the year can not be set off. In calculating the days for annual paid leave, national holidays, weekends and public holidays coinciding annual leave are not included in the annual paid leave. Upon the request of the employees, the employer must grant them leave up to four days without pay who would spend their leave in a place other than where the establishment is located provided that they certificate it. The employer must keep a certificate of registration of leave showing the annual paid leaves of employees.

Article 7§8: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations.

Appendix to Article 7§8

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

Scope of the provisions as interpreted by the ECSR

Persons under 18 years of age shall not be employed in night work, with the exception of certain occupations provided for by national laws or regulations.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

There are no amendments on the related legislation during the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures in order to implement the related legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee rules that the situation of our country is contrary to this paragraph on the grounds that the night work for children younger than 16 years of age is prohibited only in industrial work.

Pursuant to Article 73 of the Labour Law, children and young employees younger than 18 years of age are prohibited to be employed in industrial work at night. The prohibition is for industrial work within the scope of Labour Law only. In accordance with this article, trade, service, agricultural and forestry are excluded. However, in the Regulation on Working in Shifts, as the children and young employees are prohibited to work in shifts at night between 20.00-06.00 hours in Article 69 of the Labour Law No. 4857, they also cannot be employed in the night work except those in industry.

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee indicates that industrial work is prohibited in Article 73 of the Labour Law No. 4857 and with Article 12 of the Law of Police Powers No. 2559, it is prohibited for children younger than 18 years of age and young workers to work in public places such as entertainment, gambling, drinking and suchlike and requests information indicating that there is no information in the national report concerning that whether this restriction is implemented in other employment sectors or not.

The minimum working age for the employees was regulated in Article 71 of the Labour Law No. 4857. Accordingly, employment of children who have not completed the age of fifteen is prohibited. However, children who have completed the age of fourteen and their primary education, may be employed in light work that will not hinder their physical, mental and moral development and the attendance of those who continue their education. The types of work where employment of children and young employees who have not completed the age of eighteen is prohibited and the work where young employees who have not completed the age of eighteen may be permitted to work, as well as the light work and working conditions in which children who have completed the age of fourteen and their primary education may work shall be determined in a regulation of the Ministry of Labour and Social Security to be issued within six months.

Article 7§9: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

Scope of the provisions as interpreted by the ECSR

Persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to compulsory and regular medical examinations.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments on the related legislation are mentioned below:

1.1. The Law on Occupational Health and Safety No. 6331

The health surveillance for all employees is guaranteed in Article 15 of the Law on Occupational Health and Safety No. 6331 which entered into force by being published in the Official Gazette dated 30/6/2012, No. 28339. The said Article is below:

ARTICLE 15 – (1) The employer shall;

a) ensure that workers receive health surveillance taking into account the risks of health and safety which they are subject to in the workplace.

b) and the medical examinations of the employees in the following situations:

1) in recruitment

2)in a job change

3)upon the request of return to work following repetitive absence due to occupational accidents, occupational diseases or health problems

4)at regular intervals determined by the Ministry during employment according to the quality of the employee and the work as well as the hazard group of the enterprise

2)workers to be employed in enterprises classified as hazardous and very hazardous can not start working before taking a medical report

(3)medical reports which should be taken under this Law shall be obtained from an occupational physician working in workplace health and safety unit or joint health and safety where service is offered. Any objection to the medical reports shall be filed to an adjudicator hospital assigned by the Ministry of Health. The decisions are final.

(4)the employer shall cover all expenses and any additional expenses arising from health surveillance. It may in no circumstances bring financial burden to employees.

(5)data on health is confidential in order to ensure the protection of individual privacy and prestige.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures in order to implement the related legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee has adjourned its decision on our country by requesting the following information.

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information on whether some young employees at the age group of 14-18 are exempted from legislation provisions stipulating a medical examination before starting to work and a health certificate.

There is no sector or working group exempted from medical examination.

Article 7§10: With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake :

to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

Scope of the provisions as interpreted by the ECSR

Article 7, paragraph 10, guarantees the right of children to protection against all forms of exploitation and against the misuse of information technologies. This Article covers also the trafficking of human beings since this is a form of exploitation. This Article is interpreted by the Committee akin to the right to life and dignity, similar to the rights guaranteed by the European Convention on Human Rights.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Please see Part B.2.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Please see Part B.2.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistics covering the years 2006-2011 concerning the cases opened and settled within the scope of Articles 77, 103, 104, 226 and 227 of Turkish Penal Code on sexual abuse of children is attached (**Annex:4**).

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Government opinion on the decision of violation of ECSR about this paragraph is attached in English (**Annex: 7/5**).

2. INFORMATION REQUESTED BY THE COMMITTEE

2.1. Child pornography

The Committee requests information whether keeping materials on child pornography constitutes a crime in our country.

The provisions on child pornography in our legislation are regulated in Article 226 of Turkish Penal Code, No. 5237 entitled “Obscenity”. Pursuant to the first sentence of paragraph 3 of this Article, people are sentenced to imprisonment from five to ten years and are imposed administrative fine till five thousand days using children in the production of products involving nasty images, scripts or words; in the second sentence people are sentenced to imprisonment from two to five years and are imposed administrative fine till five thousand days who smuggle, reproduce, offer for sale, sell, transfer, store, export, keep or put the materials into use for others which the children use. As is also understood from this Article, even only keeping the materials involving nasty images, scripts or words is regulated as a crime alone in the Law No. 5237 and sanctions are imposed with imprisonment from two to five years and administrative fine till five thousand days.

In practice, Penal Department No. 5 of the Supreme Court, in its decree dated 01/10/2007, No. 2007/9856, rules that “the act of storing and keeping several photos and videos on child pornography and sexual behaviour in animals in a computer systematically constitute a crime compatible with Article 226/3 via Article 44 of the Law No. 5237 even if it is for individual purposes.

2.2. Measures taken against sexual exploitation of children

The Committee requests information on the implementation of our national legislation and the measures taken against sexual exploitation of children, child pornography, child trade, and forms of sexual exploitation of children as well as the policies in this regard.

a) Legal framework

Turkey is a party to *UN Convention on the Rights of Children* and to *Optional Protocol to the Convention on the Child Sale, Pornography and Prostitution*. In this context, our first country report prepared with the participation of all the relevant public institutions and organizations, universities and non-governmental organizations was submitted to UN Committee for the Rights of Children in 2006 within the scope of the abovementioned Protocol.

The ratification of the Convention of European Council on the Protection of Children Against Sexual Exploitation and Abuse of its ratification was found appropriate with the Law dated 25/11/2010, No. 6084 and which was signed in Lanzarote on 25/10/2007 by Turkey was decided by the Council of Ministers on 18/7/2011. The Convention, which was published in the Official Gazette dated 10 September 2011, No. 28050 has entered into force on 01/04/2012 in respect of our country. The coordinator institution responsible for implementing the abovementioned Convention is the Ministry of Justice.

Through the Law No. 5982 adopted via referendum on 12 September 2010, it is stated in Article 10 of the Constitution that measures taken for children, elderly, the disabled, the orphans and widows of martyrs along with invalid persons and veterans are not deemed contrary to the principle of equality. Therefore, “positive discrimination” has been adopted as a principle for those who have to be privately protected.

Again, in the provision added to Article 41 of the Constitution with the Law No. 5982, the State is responsible for taking protective measures for children against all kinds of exploitation and violence. All legal, administrative, social and educational measures should be taken by the State for protecting children from physical and sexual assault, violence or abuse or maltreatment.

On the other hand, there are regulations involving effective sanctions for preventing children trade and their sexual exploitation in Turkish Penal Code No. 5237.

Pursuant to first paragraph of Article 80 of the Law entitled “Human trade”, Persons who provide, kidnap or shelter or transfer a person (s) from one place to another unlawfully and by force, threat or violence or misconduct of power or by executing acts of enticement or taking advantage of control power on helpless persons in order to force them to work or serve for others or to send them away where he is treated almost like a slave, are sentenced to imprisonment from eight years to twelve years and punished with punitive fine up to ten thousand days; in accordance with paragraph 3 in case of kidnapping, providing, sheltering or transfer of a person(s) who is under the age of eighteen, the offender is subject to the punishments indicated in the first subsection even if he did not execute the acts causing offense. Accordingly, though “using threat, pressure, force or violence, undue influence, seducing or acquiring one’s consent exploiting supervision opportunities or helplessness on

people” expressed as "agent acts” do not exist, it will be adopted that the factors for human trade were formed in terms of actions for those younger than 18 years of age.

In accordance with the first paragraph of Article 103 of the same Law regulating sexual abuse of children, any person who abuses a child sexually is sentenced to imprisonment from three years to eight years, in the second paragraph it is stated that in case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to imprisonment from eight years to fifteen years and in the sixth paragraph it is ensured that in case of deterioration of corporal and spiritual health of the victim as a result of offense, the offender is sentenced to imprisonment not less than fifteen years.

Again, in the first paragraph of Article 227 of the same Law, it is stipulated that any person who encourages a child to become a prostitute, or facilitates prostitution, or shelters a person for this purpose, or acts as go-between during prostitution of the child, is punished with imprisonment from four years to ten years, and also imposed punitive fine up to ten thousand days. In the second sentence of the same paragraph it is stated that preparatory activities for committing this crime unlike adults shall be punished as completed crime. The law-maker enabled that even preparatory activities shall be adopted as completed crime by introducing an exceptional regulation for protecting children against prostitution.

On the other hand, there are prohibitive regulations in our legislation on the crime for child abuse committed by using information technologies. In this context, in Article 8 of the Law on Regulating Broadcasting on the Internet and Fighting Against Crime Committed Through Internet Broadcasting No. 5651 entitled “Decision of Block of Access and its Implementation”, it is enabled that in case of existence of sufficient suspicion reasons on crimes such as leading suicide, sexual abuse of children, facilitating using drugs or stimulant, procurement of hazardous chemical for health, obscenity, prostitution, providing place and opportunity for gambling, the decision for the denial of access shall be taken by the judge, during investigation, by the court during prosecution and in non-delayable cases by the public prosecutor about publications. In sub-paragraph (e) of the fourth paragraph of Article 10, the Presidency of Telecommunications Communication was given the duty and competency of determining the minimum criteria on hardware production or writing a software in accordance with the principles of filtration, screening and monitoring in various public services on the internet.

On the other hand, Article 103 of Turkish Penal Code regulating the crime of sexual abuse of children was regulated in the catalogue in Article 100 of Code of Criminal Procedure where measure for arrest is regulated and in the catalogue in Article 135 where measure for determination, listening and recording of communication. In addition, through the Anti-Terror Law and Code of Criminal Procedure and the Law on Amendment of Some Laws dated 21/02/2014, No. 6526, Article 227 of Turkish Penal Code where “the crime of prostitution” is regulated was added to the catalogue in Article 135 where measure for determination, listening and recording of communication is regulated as well as to the catalogue in Article 140 where measure for monitoring with technical tools is regulated.

b) Activities for implementation

1. Activities carried out by the Ministry of Justice

1.1. Protection of children against sexual abuse on the internet

Although contemporary communication technologies has progressed in political and social fields, it has offered criminals new opportunities. What encourages criminals is the opportunity for communication by hiding their identities. People with similar opinions shared for legitimizing their acts in groups. Furthermore, this has facilitated the production of materials for the abuse of children. For instance; video broadcasting and photo sharing via web cam. In addition, the victims of sexual abuse on the internet experience additional unjust treatments through sharing of the videos by unknown people. There are various channels in distributing these materials such as web pages, open channels like photo sharing platforms, etc. The offenders demand safer and anonymous channels by leaving lesser marks and making identification more difficult. For instance, these persons take some other measures for keeping images in remote servers in jurisdiction where having images of sexual abuse of children is not considered a crime or hiding their activities by using encrypted drives.

No country can keep up with this crime alone. International cooperation is needed. In order to keep up with this challenge 52 countries have come together in Global Alliance Against Sexual Abuse of Children on the Internet. The said alliance has been initiated on 5 December 2012 with the participation of the Ministries of Internal Affairs and Justice.

Member States have taken important steps in the fight against sexual abuse of children for four policy objectives. However, this report does not involve these measures, but it involves commitments for the future.

- Enhancing the efforts for determining the victims and getting access to the necessary support, assistance and protection.
- Investigating the cases on the sexual abuse of children on the internet, determining the offenders and enhancing prosecution efforts.
- Improving the efforts for public awareness for the risks arising from the activities of children on the internet involving the images the children developed themselves resulting in constituting new child pornography on the internet.
- Preventing the online child pornography and the abuse of children whose sexual abuse is depicted as far as possible.

On the other hand, within the scope of the Project conducted by the Ministry of Health and supported by the Ministry of Justice on the psychological and sociological rehabilitation of child victims subject to sexual abuse and trade, a Project was initiated in March 2010 in Ankara, a province selected as a pilot region, for the purpose of minimizing the crumbling of child victims of sexual abuse during their treatment and legal investigation and prosecution for the second time. The Center for Monitoring Children entered into service within Ankara Dışkapı Hospital for the first time as of 1 October 2010. *Then this center has been moved into Yenimahalle State Hospital. These centers were opened in several provinces within the scope of the Project. Detailed information on the latest situation of these centers can be reached at the Ministry of Health.*

1.2. Draft Law on the Amendments in Some Laws

The objective of the Draft Law is to overcome the problems arising from sexual assault, sexual abuse of children, sexual intercourse with a minor and sexual harassment regulated in Articles 102, 103, 104 and 105 of Turkish Penal Code entitled “Offenses Against Sexual Immunity.” The said Law was forwarded to the Prime Ministry on 18/11/2013.

1.3. Psychological and sociological rehabilitation of child victims of sexual abuse and trade

Within the scope of the Project conducted by the Ministry of Health and supported by the Ministry of Justice on the psychological and sociological rehabilitation of child victims subject to sexual abuse and trade, a Project was initiated in March 2010 in Ankara, a province selected as a pilot region, for the purpose of minimizing the crumbling of child victims of

sexual abuse during their treatment and legal investigation and prosecution for the second time. The Center for Monitoring Children entered into service within Ankara Dışkapı Hospital for the first time as of 1 October 2010. *Then this center has been moved into Yenimahalle State Hospital. These centers were opened in several provinces within the scope of the Project. Detailed information on the latest situation of these centers can be reached at the Ministry of Health.*

2. Activities conducted by the Ministry of Internal Affairs

“The Project of Safe School-Safe Education” is implemented within the scope of “Cooperation Protocol on Increasing Preventive Protective Measures in Ensuring Secure Atmosphere at Schools” signed between the Ministry of Internal Affairs and the Ministry of National Education on 20.09.2007. The objective of the Project is to take the necessary measures and to carry out inspections for the children to continue their education far from fear and anxiety.

On the other hand, studies are carried out within the framework of other International Conventions and our national legislation, in particular UN Convention on the Rights of Children, within the duties and working area of the Ministry of Internal Affairs. On-the-job training for the personnel constitutes the essential part of the studies.

A five-day specialist training course is held for the personnel of Branch Office of Children about fighting sexual abuse for the children entitled “The Course of Investigating Sexual Abuse of a Child.” A curriculum is followed involving subjects such as International Conventions and National Legislation, Criminal Profiling, Pedophilia, Communication with the Child, Legal Procedures, Child Protection and psycho-social support mechanisms during the course.

A two-week course is held entitled “Eliminating Juvenile Crime and Violence Against Women” at Gendarmerie Schools Command on the grounds that the personnel engaged in juvenile crime and fighting domestic violence at Provincial, District Gendarmerie Commands and at Gendarmerie Station Command should have specific information and skills. Within the scope of on-the-job training a three-day course has been held for the personnel comprising of 5.126 persons (2.656 non-commissioned officers and 2.470 specialist gendarme) in charge of “Processing Staff of Juvenile and Women Crime” at Provincial, District Gendarmerie Commands and at Gendarmerie Station Command.

In the zone of responsibility of the gendarmerie, proceedings were realized about 61 children working on streets, 6 children living on streets and 12 children being illegally employed between 01 January 2010-31 December 2013. Two child victims were rescued in the event of human trafficking and proceedings were realized about 4.464 children on sexual assault and sexual abuse of children.

Within the scope of Community Security Service, conferences and meetings are held within the scope of information and awareness raising studies in towns, villages and neighbourhood for the purpose of preventing juvenile delinquency by the Provincial Gendarmerie Commands in 81 provinces and brochures are distributed (*about places of application, legal rights, etc.*) In this context, 10.323 brochures and 2.000 posters were distributed in 330 activities by holding information meetings for 7.367 students in 81 provinces.

3. Activities conducted by the Ministry of Family and Social Policies

Necessary social service interventions are made by the Ministry of Family and Social Policies for the children being exploited or having the risk of exploitation and need support and vocational studies are carried out for their access to the type of service they need at the earliest. The objective of these studies under UN Convention on the Rights of Children is to prevent all forms of abuse for children.

3.1.National Strategy Paper on the Rights of Children and Action Plan

“National Strategy Paper on the Rights of Children and Action Plan” entered into force having been published in the Official Gazette dated 14 December 2013, No. 28851 by the Ministry of Family and Social Policies with the participation of all the relevant sectors. Concrete, strategic objectives and actions have been regulated on taking necessary measures for establishing a unique child law, making necessary administrative regulations on implementing duly ratified conventions on the rights of children and fundamental human rights directly at the courts and preventing sexual abuse of children and protecting aggrieved child and his/her family in the said action plan.

Nonetheless, there are various public institutions and organizations for all kinds of negligence and abuse of children in our country. The Ministry gives priority to protective-preventive implementations supporting the family on the basis of existing laws and The Convention on the Rights of Children and the other international conventions we signed. In case of any

sexual abuse and negligence, children can apply to the Provincial Directorates of Family and Social Policies in 81 provinces in safety.

3.2. Alo 183 Social Services Hotline for Families, Women, Children and the Disabled

There is Alo 183 Social Services Hotline for Families, Women, Children and the Disabled offering service 7 days 24 hours a week free of charge across the country. At this hotline members of profession (social worker, psychologist, etc) serve. The calls from all around the country are replied by the Ministry in Ankara province.

The children in Turkey can reach police via telephone at “**Polis İmdat 155**” free of charge and also by sending e-mail at asayiscocuk@egm.gov.tr in case of unjust treatment. And they can also apply to the nearest police station.

In addition, a criminal complaint is filed to the Chief Public Prosecutor’s Office for the child victims handed over to the centers affiliated to the Ministry of Family and Social Policies and the Legal Consultancy Department is involved in the case.

Various training is given within the scope of protective-preventive services at the community and family information centers affiliated to the said Ministry involving several issues such as communication with children, negligence/abuse, pediatric development, etc. The staff are also provided various training regularly. Various training programmes, campaigns and projects are carried out for the purpose of raising awareness of the society, family and the children.

3.3. Protecting Family Service

In addition, within the scope of “**Protecting Family Service**” carried out by the Ministry in accordance with Article 8 (9/d) of the Regulation of Protecting Family the persons/families applied for being a protecting family for the purpose of the protection of the child in general “Considering the high benefit of the child, the persons who will be protecting families and if available, those residing with them are requested criminal record certificate indicating that they are not condemned to the offences against nation, state, society, persons as well as international crime and the crime of abuse of children even the periods specified in Article 53 of Turkish Penal Code dated 26/9/2004, No. 5237 were elapsed and even the person was sentenced to imprisonment for a year or more for intentional crime or was pardoned. The provision has been prepared quite comprehensively. In accordance with Article 20 (1/c) on taking back the child, in case of abuse by the protecting family the child should be taken back; pursuant to Article 22 (1/a) on the cancellation of the status of protecting family, it should be determined that the child is neglected, abused and mistreated; in case of losing the condition

in Article (1/ç) in accordance with subparagraph (d) of paragraph 9 of Article 8, a child should not stay with a protecting family. In case of determination of actions constituting a crime for the children in the process of protecting family service, the issue of filing a criminal complaint to the Public Prosecution Office has been regulated in Article 23 (1). In paragraph (2), there is a provision stating that “legal procedure is followed for the purpose of protecting the rights of the child.” Furthermore, pursuant to Article 16 (2/e) of the same Regulation during the process of Protecting Family, “a research is made taking into account the conditions in the social environment of the protecting family and the child and which shall pose a risk for the child during monitoring in accordance with the principle of confidentiality. Besides, in accordance with the Regulation of Protecting Family, there are some parts in the Levels 1 and 2 of Protecting Family Trainings involving subjects such as negligence, mistreatment and abuse of children in the past, protecting them against repetitive abuse and approach to the abused child. The said trainings are not widespread yet. Studies are going on for enabling all protecting families and candidates to receive these trainings.

3.4. Child Monitoring Centers

“**Child Monitoring Centers**” established in cooperation with public institutions under the coordinatorship of the Ministry of Health for the purpose of protecting children against sexual assault and preventing them from crumpling for the second time have started to offer service as of 2010. The said Center has been constituted allowing all legal and medical procedures to be realized at a single center at once within the hospitals affiliated to the Ministry of Health.

3.5. National Action Plan on Fighting Violence Against Child

One of the strategic objectives in National Action Plan on Fighting Violence Against Child of which its preparations are maintained by the Ministry of Family and Social Policies is determined as “*Strengthening Children Against Violence.*” One of the subgoals of this strategic objective is “*improving the mechanisms of education, supervision, monitoring, supporting and evaluation aimed at preventing violence in the working environment.*” The aim is to protect children against violence in the working environments one of the dangers arising from the work of children.

One of the eight strategic objectives in the draft is “*Considering the High Benefit of the Child on Press and the Internet and Developing Broadcasting Policies Consistent with the Rights of Children.*” Within the framework in the Action Plan, it is planned to deal with steps for adopting an understanding of broadcasting favouring the high benefit of the child by moving

away from broadcasting and approaches involving violence for children at media including internet. Five targets were determined in the Action Plan in order to achieve this goal. These goals are indicated below:

1. To develop a systematical data gathering system in Turkey on following/using the internet and media tools by the children
2. To establish a monitoring mechanism at media which shall make a content follow-up on violence against children
3. To make professional and legal arrangements on how the phenomenon of violence, its offenders and victims as well as the acts of violence shall be made news or the subject of programmes.
4. To raise awareness between families and children about extending the use of secure internet use
5. To extend media literacy.

3.6. Rehabilitation of child victims of sexual abuse and human trafficking

The Committee asks whether the child victims of sexual abuse and human trafficking are the subject of an investigation and whether their psychological and social rehabilitation is guaranteed.

Studies on fighting this crime, namely “modern slavery”, which is the violation of fundamental human rights and has damages in a wide range from individual to State security, are sustained in every field successfully in our country which is the destination country and is receiving foreign-centered human trafficking flows.

Smuggling women, children and men means deforced and forced labour in our country.

A case of child victim of foreign human trafficking has been determined since 01/01/2013 and he has been transferred immediately to the shelter affiliated to the Foundation of Women’s Solidarity in Ankara and has been provided accomodation and legal support as well as social and psychological rehabilitation services.

Nursing and Rehabilitation Centers were established within the Ministry of Family and Social Policies for the children who are in need of psycho-social rehabilitation due to sexual abuse in order to meet their basic needs, to take necesssary measures by determining their physical, sensual, psychological and social needs, to enable their return to their families and relatives or

getting ready for other social service models. In this context, 39 Nursing and Rehabilitation Centers affiliated to the Ministry provide psycho-social support services.

Besides, the Statutory Decree on the Organization and Duties of the Ministry of Family and Social Policies and the Law on Amending Some Laws and Statutory Decrees No. 6518, entered into force by being published in the Official Gazette dated 19 February 2014, No. 28918.

With the amendment of the Law, services for children who were provided with care measure or order of protection due to delinquency, being victim or being face to face with social dangers on the streets will be sustained within **Child Support Centers**. These Centers were defined as boarding social service organizations according to the status of victimhood, delinquency, age and sex of children which are structured separately or specialized.

3.7. Children living on the streets

Information is requested on the impact of measures taken by Turkish Social Services and Child Protection Institution for children on the solution of problem of children living on the streets as well as the measures taken for the protection of street children, for the reintegration of them into the society and for the prevention of this problem.

Child and Youth Centers carry out protective, preventive and supportive services for the children living on the streets whose family ties were ruptured partly or wholly and who are under risk as well as consultancy services for their families. The children are enabled to benefit from social support services who are face to face with social risks and under risk and measures are taken to prevent children from living on the streets via early intervention methods by the said Centers.

Within the framework of “**Service Model for the Children Living/Working on the Streets**” which was developed by the Ministry of Family and Social Policies and put into practice in 2005 with the Prime Ministry Circular, the children who spend 24 hours on the streets and use substances are enabled to withdraw from streets, to go back to their families via their social rehabilitation, to be directed to formal or vocational education, to make their addiction treatment and to meet all their needs such as accomodation, nutrition, clothing, health-care, education, etc.

Street work is carried out at the places where the children are found intensively via mobile teams composed of members of profession and civil police officers affiliated to security child department for the purpose of determining the children under risk on the streets and guiding them to a proper organization. The child and his/her family are both supported through their

social investigation at the residence of families of all children guided by law enforcers or determined via notifications of citizens. In case of determination of the cases where it is possible for the children to return to their families, harmonization studies are carried out on living together of the family and the child. Psycho-social support and awareness raising studies are carried out for the families of the children living on the streets and the families in economic shortage are provided with social assistance services and institutions.

“National Strategy Paper on the Rights of Children and Action Plan”, determining the basic objectives of studies which have to be made in our country for protecting and extending the rights of children, covers the years 2013-2017. The primary aim of this document is to strengthen the family ties of children living on the streets and to ensure their return to their families. The nursing and social support services for the above-mentioned children were decided to be enhanced in cooperation with all the relevant institutions and organizations.

ARTICLE 8

RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

Article 8§1: With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks.

Scope of the provisions as interpreted by the ECSR

Guarantees the right of employed women to maternity leave of at least 14 weeks for all categories of employees. In all cases there must be a compulsory period of postnatal leave of no less than six weeks which may not be waived by the woman concerned. Maternity leave must be accompanied by the continued payment of the individual's wage or salary or by the payment of social security benefits or benefits from public funds. A benefit must be adequate and must be equal to the salary or close to its value

A. DEVELOPMENTS WITHIN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

The amendments in the relevant legislation are mentioned below:

With the Omnibus Bill No. 6111 in 2011 it was ruled that the working periods prior to birth can be used by adding to the periods after birth in case of cast of a female worker.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures for the implementation of the legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data.

B- RESPONSES TO CONCLUSIONS OF THE EUROPEAN COMMITTEE FOR SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Government view on the decision of violation of ECSR on this paragraph is enclosed in English in (Annex: 8/1).

2. INFORMATION REQUESTED BY THE COMMITTEE

2.1. Postnatal compulsory leave

The Committee requests information to confirm whether female workers including those in press sector covered by Labour Law have the right to postnatal leave of 6 weeks as well as the legal regime on maternity (e.g. whether there is a system of parental leave providing paid leave for one of the parents after the end of maternity leave).

Pursuant to the existing first paragraph of Article 74 of the Labour Law “In principle female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement and eight weeks after confinement.”

A similar regulation exists for women in press and public sectors. Hence, pursuant to Article 16 of the Law No. 5953 on Sector Regulations between Press Employees and Employers it is stipulated that “in case of pregnancy of the female journalist she will be deemed to be on leave from the seventh month to the end of the second month of pregnancy.” In accordance with Article 104 of the Law No. 657 entitled Casual Leave it is stipulated that female employees are given maternity leave for a total period of sixteen weeks, eight weeks before confinement and eight weeks after confinement.

On the other hand, both female employees subjected to Law No. 4857 and female civil servants subjected to Law of Civil Servants No. 657 have the right of unpaid leave from the end of maternity leave. Pursuant to the existing first paragraph of Article 74 of the Labour Law it is stipulated that “upon their request female employees are given unpaid leave for a period of six months after the end of sixteen weeks or after eighteen weeks in case of multiple pregnancy.” The provision of “The leave without pay up to 24 months is given to the civil servant who has given birth as of the expiration date of maternity leave as per Article 104 and to the male civil servant whose spouse has given birth as of the date of birth upon their request” has been introduced in Article 108 of the Law of Civil Servants No. 657.

2.2. Maternity allowance for the female employees in the media sector

The Committee asks whether the status of female journalists constitutes an exemption for the general regime as well as it covers other female employees except journalists.

The working conditions of those engaged in journalism are regulated in the Law No. 5953 on Sector Regulations between Press Employees and Employers. In Article 16 of the said Law, the wage for the journalists is ensured in case of military service and pregnancy. This provision applies to all female journalists covered by the Law.

The provisions of the above-mentioned Law apply to the other female employees covered by the Labour Law No. 4857. In this respect, the Law No. 5953 covering female journalists constitutes an exemption for the general regime.

Article 8§2: With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:
to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

A. DEVELOPMENTS WITHIN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments in the related legislation were made in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures for the implementation of the legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data.

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee finds the situation in our country contrary to this paragraph on the grounds that all the female employees do not have the right to reemployment who were wrongfully dismissed during pregnancy and maternity leave in our country.

There are no amendments on the subject in our national legislation.

2. INFORMATIONS REQUESTED BY THE COMMITTEE

2. 1. Article 18 of the Labour Law No. 4857

The Committee notes that the employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with the capacity or conduct of the employee or based on the operational requirements of the establishment or service in Article 18 of the Labour Law No. 4857 entitled “Justification of termination with a valid reason, the leaves of pregnancy and maternity are among the invalid reasons and the skill and attitude of the employee are among the valid reasons and requests detailed information about how the reasons are implemented by reporting that the valid reasons for termination are too general.

The employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with the capacity or conduct of the employee or based on the operational requirements of the establishment or service.

Since “valid reason” is a comprehensive term, a proper content has been brought in consonant to objective measures with this regulation and some samples were given.

The enterprise requirements are the economic, technological, structural and similar requirements. Reorganization, increasing productivity and competitiveness can be given as examples.

Underperforming than the others working in similar jobs, lack of learning and self-education, illness preventing one from doing his/her job permanently, damaging the employer or startling the repetition of the damage, provoking his/her colleagues into the employer, performing incompletely, badly or insufficiently can be given as examples to the reasons emerging from ineligibility of the employee or his behaviours.

Particularly the following issues do not constitute a valid reason for termination:

- a) union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours.
- b) acting or having acted in the capacity of, or seeking office as, a union.
- c) the filing of a complaint or participation in proceedings against an employer involving alleged violations of laws or regulations or recourse to competent administrative or judicial authorities
- d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.
- e) absence from work during maternity leave when female workers must not be engaged in work, as foreseen in Article 74.
- f) temporary absence from work during the waiting period due to illness or accident foreseen in Article 25 of the Labour Act, subsection I (b).

As it is understood from the Article, it is emphasized that sex, pregnancy and absence from work during the periods when female workers are prohibited to work shall not constitute a valid reason for termination.

2.2. Protecting women against unfair dismissal who do not meet the conditions stipulated in Article 17 of the Labour Law No. 4857

There are differences on termination in terms of the Labour Law No. 4857; however there is no difference with regard to sex of the worker. Article 17 of the Labour Law No. 4857 is entitled “Notice of termination”. Pursuant to this Article, it is stipulated that “Before terminating a continual employment contract made for an indefinite period, a notice to the other party must be served by the terminating party.” Increasing notice of termination is stipulated according to the period of labour contract.

In cases where employment contracts of employees who fall outside the scope of Articles 18, 19, 20 and 21 of this Act by definition of subsection I of Article 18 have been ended by the abusive exercise of the right to terminate, the employee shall be paid compensation amounting to three times the wages for the term of notice. Violating the condition for notice of termination also requires compensation.

In the above statement the persons on contract of employment of both definite and indefinite duration are considered together. There are differences in termination in terms of Labour Law No.4857; however there is no difference with regard to sex of the worker.

Article 17 of the Labour Law No. 4857 is entitled “Notice of termination”. Pursuant to this Article; “Before terminating a continual employment contract made for an indefinite period, a notice to the other party must be served by the terminating party.” Increasing notice of termination is stipulated according to the period of labour contract. The party who does not abide by the rule to serve notice shall pay compensation covering the wages which correspond to the term of notice. The employer may terminate the employment contract by paying in advance the wages corresponding to the term of notice.

The employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with the capacity or conduct of the employee or based on the operational requirements of the establishment or service.

In cases where employment contracts of employees who fall outside the scope of Articles 18, 19, 20 and 21 of this Act by definition of subsection I of Article 18 have been ended by the abusive exercise of the right to terminate, the employee shall be paid compensation amounting to three times the wages for the term of notice. If the rule to give notice has not been observed either, the employee must be paid an additional compensation (notice pay) in accordance with subsection 4 above.

In order for the termination of the contract of employment for an indefinite period by the employer, a valid reason should be notified as was determined in ILO Convention No. 158. The said Convention envisages that one category of workers can be left out of the coverage of whole or part of the provisions of job security in terms of private employment conditions of the workers or of size or quality of the enterprise where there are vital problems.

2.3. Protecting women in public sector against dismissal

The Committee requires detailed information about the valid reasons for dismissal stating that the permanent staff benefit from job security except valid reasons for dismissal in accordance with the Civil Servants Law No. 657 and asks how the women employees in public on temporary employment contract are protected.

Being a civil servant is a guaranteed profession. The conditions for removal from public office are stated clearly in Civil Servants Law No. 657. (Paragraph (E) of Article 125 of the Law No. 657). It is not possible to be removed from public office except the situations which are clearly stated in the said Law.

Article 8§3: With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

Scope of the provisions as interpreted by the ECSR

All employed mothers who breastfeed their babies must be granted time off for this purpose. Time off for nursing should in principle be granted during working hours should be treated as normal working-time and remunerated as such. Time off for nursing must be granted at least in principle until the child reaches the age of nine months.

A- DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments in the existing legislation were made in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measures have been taken in order to implement the existing legislation.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

The Committee concludes that the situation in Turkey is in conformity with Article 8§3 of the Charter. The Committee asks for confirmation that breastfeeding breaks both in the private and public sectors are remunerated as part of normal working time.

According to the subparagraph (e) of the Article 66 of the Labour Law No 4857, nursing leave is considered within the daily working time.

According to Section 104 (d) of the Civil Servants Law No. 657, a female civil servant is allowed up to three hours for breastfeeding during the first six months after maternity leave expires and one-and-a-half hours in the following six months. Breastfeeding breaks are remunerated as part of normal working time and deductions cannot be made from the wage. The female worker determines freely how she will use this period. The employee herself decides when and in how many parts she will use the nursing leave.

Article 8§4: With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants.

Scope of the provisions as interpreted by the ECSR

does not require States party to prohibit night work for pregnant women, women who have recently given birth and women nursing their infants, but to regulate it in order to limit the adverse effects on the health of the woman.

A- DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

The amendments made are indicated below:

After The Law on Occupational Health and Safety No. 6331 (“**Law No. 6331**”) entered into force, Regulation on Employing Female Workers in Night Shifts has been revised and published in the Official Gazette No. 28717, dated 24.07.2013. Through this regulation, precautions are taken to protect female workers, The scope of the Regulations is enlarged and instead of the term “female worker”, the term female employee is used. According to the Article 9 of the Regulation, female workers shall not be forced to work for night shifts for six months after the delivery. This period is extended to **one** year. This period can be extended for 6 months further with a medical report.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measures have been taken in order to implement the existing legislation.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

The Committee concludes that the situation in Turkey is in conformity with Article 8§4 and did not request additional information.

Article 8§5: With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining, and all other work which is unsuitable by reason of its dangerous, unhealthy, or arduous nature and to take appropriate measures to protect the employment rights of these women.

Scope of the provisions as interpreted by the ECSR

prohibits the employment of the women concerned in underground work in mines. This applies to extraction work proper. Certain other activities, such as those involving exposure to lead, benzene, ionizing radiation, high temperatures, vibration or viral agents, must be prohibited or strictly regulated for the group of women concerned depending on the risks posed by the work.

A-DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

The amendments made in the legislation are indicated below:

Articles 85 and 86 entitled “Arduous and Dangerous Work” and “Medical report in Arduous and Dangerous Work” of the Labour Act No. 4857 have been abolished as of 20/06/2012. Articles indicated above were repealed with the article 37 of the Occupational Health and Safety Act No. 6331.

Regulation on Arduous and Dangerous Work are also repealed but replaced with The Communique of Hazard Classes Regarding Occupational Health and Safety published in the Official Gazette No. 28509 of 26 December 2012.

According to Law No 6111, known as the Omnibus Law, which was issued in 2011, a female worker who can not use her paid leave before the birth due to the preterm delivery may use her paid leave after giving birth. In such case the unused period of maternity leave is added to the post confinement period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measures have been taken in order to implement the existing legislation.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No statistical information and data exist about the subject.

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

The Committee concludes that the situation in Turkey is not in conformity with Article 8§5 of the Charter on the ground that pregnant women, who have recently given birth or who are breastfeeding are granted only unpaid leave when they cannot be reassigned to another post because of the danger of their usual work.

There has been no change in the legislation during reference period.

3. Information requested by the Committee

The Committee asks whether the pregnant women, the women who have recently given birth and the women who are breastfeeding in the public sector are granted paid leave in case their work poses danger and their employment in another work is not possible.

The provisions on working hours and leave of civil servants are regulated between Articles 99-108 of Chapter 5 of the Civil Servants Law No. 657 entitled “Working Hours, Leave.” In the said Articles there is no provision stating that the pregnant women, the women who have recently given birth and the women who are breastfeeding in the public sector can be granted paid leave in case their work poses danger and their employment in another work is not possible.

ARTICLE 16

THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Scope of the provision as interpreted by the ECSR

Notion of "family" as defined in domestic law.

States party are free to decide how they will provide social, legal and economic protection to their various types of families, particularly one-parent families and vulnerable families, including Roma.

a. Social protection

- there should be an adequate supply of family housing and families' needs should be taken into account in drawing up and implementing housing policies. Housing should be of an appropriate standard and with all the basic amenities. The destruction of accommodation and forced evictions are incompatible with Article.

- There should be effective means of appeal, arrangements for rehousing in decent accommodation and appropriate financial assistance. Vulnerable families should be offered proper protection, including suitable temporary and permanent housing, and evictions should be prohibited unless they comply with the relevant procedural safeguards.

- there should be financially affordable child care facilities of a suitable standard, measured in terms of the number of children aged 0-6 years covered, staff-child ratios, staff training, availability of suitable premises and the cost for parents.

- there should be appropriate family advice services and families' point of view should be taken into account when drawing up family policies.

b. Legal protection

- there must be full equality of rights and responsibilities between spouses, particularly with regard to marital authority, property and the use and administration of assets, and towards children, in terms of parental authority and management of children's property. There should be legal arrangements for settling disputes between spouses and concerning children, and mediation services.

- there should be legal and practical protection from domestic violence (though violence against children is covered by Article 17).

c. Economic protection

- family or child benefits must provide an adequate additional income for a significant number of families, in terms of median net monthly income, as calculated by Eurostat, and may be supplemented by other forms of economic protection.

- vulnerable families must be protected in accordance with the principle of equal treatment.

A. DEVELOPMENTS DURING THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

1.1. Amendments in the Constitution

Amending the article no. 10 of the Constitution by the law no.5982 adopted by referendum on 12 September 2010, the provision that the measures taken for ensuring the equality between men and women can not be interpreted as contrary to the principle of equality was added. In this way, the support was given for the constitutional basis on the principle of positive discrimination against women.

1.2. The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence

The law on approving the ratification of the Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (İstanbul Convention) was adopted in 29.11.2011 and published in the official gazette dated 08.03.2012. Our country is the first country which is party to the concerned Convention.

1.3. Law on the protection of the Family and Prevention of Violence Against Women

Law on the protection of the family and prevention of violence against women no. 6284 which foresees the multiple protection of family members and women who are the victims of violence was adopted on 08.03.2012.

Some significant regulations in the law are stated as below:

- All the women without including any discrimination, children, other members of the family and victims of stalking are included under the scope of the Law.
- The concepts of “violence”, “domestic violence” and “violence against women” was defined so as to covering all types of violence like physical, verbal, sexual, economic and psychological.
- The protective and preventive measures that can be taken for the one who is protected, perpetrator of violence or the one who entail the risk of exhibiting violence have been regulated in detail.
- In this context, besides the judge of family court, administrative chief and law enforcement officers are authorized to take a cautionary decision in the frame of the provisions pointed out in the law. In this frame, it can also be possible to take cautionary decisions at the weekends, holidays besides the working hours.
- It has been pointed out that the addresses and identification card informations of the protected persons will be kept secretly in the all official records if necessary upon request with the cautionary decision or ex officio and other family members by foreseeing the privacy and security of victims.
- It was adjudicated that in order to increase the efficiency and deterrence of the law in case of that the perpetrator of violence acts contrary to the cautionary decision, he shall be subject to the forced imprisonment from 3 to 10 days in each iteration of the violation he shall be subject to the forced imprisonment from 15 days to 30 days.

1.4. Ministerial Circular About the Implementation of the Law no. 6284

Ministerial Circular no. 2012/13 about the implementation of the law on the protection of the family and prevention of violence against women no. 6284 was published in April 2012 in order to clarify the implementation and provide guidance to practitioners in the period until the entry into force of the implementation regulation no. 6284.

1.5. The implementation regulation of the law no. 6284

The implementation regulation of the law on the protection of the family and prevention of violence against women entered into force by publishing in the official gazette dated 18 January 2013 no. 28532.

1.6. Regulation on the opening and operation of the women inns

Regulation on the opening and operation of the women inns was entered into force in the official gazette no. 28519 dated 5 January 2013. With the adoption of this regulation, women inns belonging to the Ministry of Family and Social Policy, municipalities and NGOs are all regulated under one regulation. In this way, it is aimed to ensure unity in the application and opening, operation of the women inns, variety and quality of the service, control, cooperation between institutions and duties and responsibilities of the employees.

1.7. Circular on Duty, Authority and Responsibility of Gendarmerie in Combating the violence at home, violence against women and juvenile crime.

Circular on Duty, Authority and Responsibility of Gendarmerie in Combating the violence at home, violence against women and juvenile crime was published in 2013 in order to protect the family and children and to reveal the principals and procedures of the proceedings for the children in need of protection and pushed to crime due to violence at home for combating the violence at home, violence against women and juvenile crime.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The measures taken in the reporting period for putting into force the legislation concerned have been pointed out below.

2.1. Administrative Structuring

In the context of combating the violence against women and in the framework of national and international developments and regulations made in the legislation, in 16 April 2012 “Branch Office on Combating with Violence at Home and Juvenile” in the headquarters of Gendarmerie General Command and “Section Directorships on Juvenile and Women” in the body of 14 provincial Gendarmerie General Command have been established in order to carry out the procedures for women and children centrally, coordination and diverting troops, placing institutional memory and following the developments.

The studies on placing in the other provincial gendermeries commands have been continuing, the personnel have been given duty as a “petty officer responsible for procedures on juvenile and women crimes” in the district gendermarie commands and gendermerie station commands.

2.2. Protocol on the Development of Institutional Capacity, Cooperating and Enhancing the Coordination

The Protocol between the Gendarmerie General Command and the General Directorate of Statutes of Women in the Ministry of Family and Social Policies has been signed on 12 April 2012 and entered into force.

2.3. International Seminar on combating the violence against women and police force practices.

An International Seminar on Combating the Violence Against Women and Police Force Practices was held in İstanbul with the participation of the related institutions (31 institutions), countries from Europe, Asia, Africa and America Continents (20 Contries), representatives from Gendermerie and police forces with military status.

2.4. Project on the prevention of violence at home against women

Besides, project on the prevention of violence at home against women in the context of 2010 European Union Financial Cooperation Programme was launched in 23 July 2013, opening ceremony was realized on 19 November 2013. It has been foreseen that the project will be finalized in 24 months. With the project it has been aimed to;

- a. Enhancing the institutional capacity of General Command of Gendermerie,
- b. Regulating the educational activities,
- c. Increasing the cooperation between General Command of Gendermerie and the related institutions, encouraging the activities of raising awareness.

2.5. Educational Activities of Gendermerie

The course on “Prevention of the juvenile crimes and violence against women” lasting two weeks in the Command of Gendermerie Schools has been given to the personnel who are responsible for combating violence at home and juvenile crimes in the provincial and district gendermerie and station command of gendermerie in order to equip them with a special knowledge and ability. The personnel who attended the course have given 3 days course to

the 5126 personnel consisting of 2470 specialist gendermerie and 2656 petty officers responsible for procedures on juvenile and women crimes in the provincial and district gendermerie and stational command of gendermerie.

In the context of the “patriot education” , education on “the place and the significance of the women in the society” and “violence against women and prevention of the violence” was given to the petty officers and soldiers under the title of “violence against women”, “protection from the honour crime and killing” and “premarriage education”. Totaly 54.175 soldiers were given education.

In the context of the education of the personnel as an educator who will participate to the courses of “combating violence against women and children” which was given to the officer and petty officer students, 40 personnel were given education on “education of the educator” in the coordination of United Nations Population Fund, General Directorate of Womens’ Statute and Educational Precidency of Gendermerie School Commandership.

2.6. Programme on Premarriage Education

The programme is aimed to prepare the couples being together for establishing family to the marriage life. This programme is for ensuring the couples to know each other well before marriage, establishing real expectations about marriage, knowing the methods for an effective communication and how to tackle with the possible problems and giving opportunity for a good start.

Totally four books one of which is a handbook for educator were prepared for premarriage education. These books are “Communication and Living Abilities in Marriage”, “Family Law”, “Marriage and Health and Handbook for Educator”.

Educatons of regional educators were completed with the participation of 1453 people in totally 9 regions (İstanbul, Erzurum, Van, Ankara, Samsun, İzmir, Antalya, Diyarbakır, Kahramanmaraş) in order to universalize the premarriage education worldwide.

2.7. Family Social Support Programme

Determination of the needs for the social assistance and social services of the family and the individuals, planning and the implementation of the social assistance and social service models according to the needs, ensuring to benefit from the other public services if necessary, introducing guidance and consultation services in all steps of the period, event follow-up and studies on the realization process of the ASDEP programme which aims to promote life conditions has been continuing.

In this context, firstly legislation works and concurrently service regions planning have been done and Social Service Centers have been established in the context of the preparations for the hard infrastructure, work flow process and instructions for the said centers have been prepared, human resources planning has been done and data processing infrastructure works have been continuing.

2.8. Education Coordinated under the scope of the Family Education Programme

188 individuals from the Ministry of Health, Ministry of Education, Presidency of Religious Affairs, Security General Directorate, Ministry of Justice, İstanbul metropolitan municipality, Ankara metropolitan municipality, representatives of the NGOs and academicians have completed their formatter educations. The participation of the 4934 individuals to the 145 educations of the educators given by the Provincial Directorates, 1436 individuals to the Family Education Programme given by formattor and educators, totally 76387 individuals to the 1164 public educations realized for the public have been ensured.

2.9. Activities carried out by the Ministry of Family and Social Policy

In the context of the social assistance policies developed by the Directorate of Social Assistance of the Ministry of Family and Social Policy, the weight of the themed (child, old people, disabled, widow women etc. for the target group) and regular assistances have increased. Examining the quality of the assistance given by the Social Assistance General Directorate in 2013, it was seen that approximately %80 of the resources transferred to the social assistances have been done in the context of the regular assistances. However, in 2012 regular assistances for the widow women (monthly 250 TL) and in 2013 regular assistances for the families of the soldiers in need (monthly 250 TL) have been launched. With the launched new programmes, the inclusion of the parts of the society under the poverty risk to the target group and prevention of them sinking into poverty have been targeted.

Statistics for the regular and periodical assistance made by the General Directorate of Social Assistance in 2013 have been annexed (annex:16/1). In 2013, 3.069.526 household have benefited from social assistances. 2.266.500 of them benefited from regular assistances, 1.999.333 of them benefited from periodical assistances. 1.196.307 household benefited from both regular and periodical assistances. Taking into account the assistances from the Social Assistance and Solidarity Encouragement Fund and General Budget except for the general health insurance premiums, yearly assistance amount per household has been realized as approximately 1.966 TL and monthly 164 TL.

However, studies have been started for the development of holistic family assistance programme for the poor families suitable for their family compositions, minimum level of content enough for their fundamental needs, regular right based and conditional (participation to education and employment etc.).

By combining the social assistance programmes which were severally conducted and unlikely to shape according to the characteristics of the family members under one family assistance programme in the said content and arranging under one social assistance law, it is expected to eradicate the legislation disorder and inconsistency, scattered view in the assistance programmes and to create public view.

Roof family assistance program which will be modelled will not reduce people's enthusiasm for work and job search will, but it will be designed to encourage registered work.

Being registered of the people benefiting from the programme to İŞKUR, setting down conditions like participating in training programs or working for the public interest, people who worked as registered in the past even in one day, the payments in the context of the programme will be differentiated.

Registered work will be encouraged however the beneficiaries will be expected to give a positive response to job offers, terms and conditions of assistance will be prepared in this context. Such studies have been carried out in parallel of the preparatory work of the National Strategy on Fight Against Poverty.

On the other hand, in order to meet the housing requirements of the poor and needy citizens under the law no. 3294, housing assistance which is one of the most basic and essential needs is made by the Social Assistance and Solidarity Foundation from the resources of Social Assistance and Solidarity Incentive Fund.

In the scope of housing assistance, "home construction / repair" assistance are made for the improvement of living conditions of the poor households. 144 million TL were transferred to 14 602 families during the period 2010-2013.

In addition, in the "Social Housing Project" carried out within the collaboration of the General Directorate of Social Assistance (SYGM) and TC Prime Ministry Housing Development Administration (TOKI) social housing is provided for back payment to the poor and needy without social security covered by the Social Assistance and Solidarity Incentive Law no. 3294.

The houses said above were planned as 1 + 1 (45m²) and 2 + 1 (65m²). "Social housing" project funding is met from the Social Assistance and Solidarity Incentive Fund (SYDTF).

10% quota is allocated for the citizens who are 50% disabled under the context of 3294. Guarantor of the rights holders shall not be required and payment or compensation under any name is not required in the project start. Refunds are completed in 270 months. By the end of 2013, the delivery of the 18,686 housing were realized.

3. STATISTICS AND OTHER RELEVANT INFORMATION

3.1. Statistics on Violence Against Women and Domestic Violence

In 2012, in the area under the responsibility of the Gendarmerie; (12,741) domestic violence were occurred, and in these cases (14 119) women became victims, (15,711) violence against women were occurred and in these cases (16.940) women became victims. Protective and preventive measures are decided for (6139) women from (31 059) victims , (701) of these decisions were taken by the law enforcement chiefs and civil authorities and it was provided to be approved by the court.

In 2013 in the area under the responsibility of the Gendarmerie; (13.551) domestic violence were occurred, and in these cases (15.019) women became victims, (15,748) violence against women were occurred and in these cases and (16.883) women became victims. Protective and preventive measures are decided for (5928) women from (31902) victims, (2548) of these decisions were taken by the law enforcement chiefs and civil authorities and it was provided to be approved by the court.

Within the scope of the Community Supported Security Service, conferences and meetings are held in towns, villages and neighborhoods by the (81) Provincial Gendarmerie Command in order to prevent violence against women in the context of information and awareness studies. Brochures are distributed related with the subject. In this context, in (81) provinces and (425) activities, the informative meeting was held for (41 455) citizens (20,500) brochures and (5432) posters were distributed.

3.2. The statistics on Housing for Families

Housing assistance programmes are implemented by the Social Assistance and Solidarity Foundation from the resources of Social Assistance and Solidarity Incentive Fund to meet the housing need which is one of the most basic and essential requirement of the poor and needy who are covered by the law no. 3294 and to provide them housing facility in the humanely framework of life standards.

"House construction / repair» assistance by the Social Assistance and Solidarity Foundation from the resources of the Social Assistance and Solidarity Incentive Fund are made as for the improvement of the living conditions of the poor households residing in their own houses and mostly in rural areas.

In this context, citizens who own land are made housing assistance up to 25.000 TL or resources up to 15.000.-TL per person is transferred for the repair of the houses of people living in unsanitary conditions. In this context, 144 million TL was transferred for 14,602 families in the years 2010-2013.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

1.1. The measures taken to solve the domestic violence problem in our country for women

The Committee found our country's status in violation of the Charter on the grounds that there are insufficient measures taken to solve the domestic violence problem. Government's opinion regarding the violation decision are stated below.

Among the measures taken as a legislation to solve the problem of violence against women and domestic violence, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence and the Law including parallel provisions on Family Protection and Prevention of Violence Against Women no. 6284, implementing regulations and any other arrangements have been mentioned above.

Law No. 6284 was enacted due to the shortcomings of the Law on the Protection of the Family no. 4320.

However, due to the expiry of the National Action Plan on Combating Domestic Violence Against Women covering the period 2007-2010, National Action Plan on Combating Violence against Women (2012-2015) was approved and entered into force on 07.10.2012 and updated in coordination with the Ministry of Social Policy with the contribution and participation of the relevant public institutions and organizations, civil society organizations and universities, women's studies centers of the family.

While in June 2011 77 guest houses gave services with the 1650 service capacity, in January 2014 this number was increased to 125 women guest houses and 3247 capacities. In 2014, the

opening of the guesthouse in the provinces where there is no guesthouse and the studies on increasing the number of women inns will continue in the provinces where it is needed.

In June 2011, the number of the first receiving units with 3 was increased to 25 in January 2014. In this context, in the provinces where is needed the number of the first receiving units are aimed to be increased in 2014.

The opening service of the violence prevention and monitoring centers have been foreseen in the context of the Law on Protection of the Family and Prevention of Violence Against Women no. 6284 and violence prevention and monitoring centers were opened in all 14 pilot provinces determined by the Ministry of Family and Social Policies. Violence Prevention and Monitoring Centers are planned to be open in the provinces where needed in 2014.

On the other hand, educations, various projects, programs and campaigns to increase awareness on gender mainstreaming in the prevention of violence against women have been conducted and many activities were performed to raise awareness, visual materials have been produced to make the distribution and studies have been carried out in order to make the men aware of and involved them in the process.

So far nearly 3,300 public officials have been reached through the gender mainstreaming educations started for them since 2009 and the educations have been continuing.

Within the scope of the project on "Boosting Turkey's efficiency in the implementation of the National Policy on Combating Violence against Women" realized by the Ministry of Family and Social Policy and the British Embassy, in-service training was organized for the staff of 250 people working in the field of violence against women in April 2013 in Ankara.

In the said training, the information was given on the subject of "trauma and trauma intervention strategies, gender mainstreaming and practices on violence Against Women in the Netherlands" by local and international experts.

The handbook where there are outputs of the said education is prepared for the benefit of the staff working in the field of violence against women.

Another project realized within the collaboration of Ministry of Family and Social Policies, UK Embassy and the Ministry of European Union is the "Training of Trainers for Staff Working in the Area of Domestic Violence Project". Under the context of the project, training of trainers for 81 staff working in the area of combatting against domestic violence was organized in Antalya in October-November.

In the said training, education on "trauma and trauma intervention strategies, communication skills and presentation techniques" was given by special experts and the education on "

Family Protection and the Prevention of Violence Against Women and the Law on Implementation Regulation" were given.

The Law on Family Protection and the Prevention of Violence Against Women no.6284 dated 08/03/2012 prepared for women subjected to violence and in the danger of being subjected to domestic violence, protection of children and other family members and the prevention of violence against these people was published in the Official Gazette dated 20/03/2012 and the regulation on *the implementation of this Act entered into force in 18/01/2013 by publishing in the official gazette and various measures were foreseen to protect the persons specified under the Act effectively.*

These measures were determined as ensuring the housing to the people, giving temporary financial assistance, providing guidance and consultancy services, providing temporary protection, changing the workplace of the person with the judicial decision, determining the separate location, the removal of the violent from the house and not approaching to the protected person.

In addition to this, it is understood in the case that the other measures will not be enough for the prevention of the presence of a vital danger and based on the consent of concerned person the Law no. 6284 allowed that according to the Witness Protection Law dated 27.12.2007 no. 5726 the identity and other relevant information and documents of the protected persons can be changed.

1.2. Economic Protection of the Family

Committee found our country's situation contrary to Article no. 16 in its previous conclusions (Conclusions XVIII-1) due to there is no general family benefits regime. Committee reiterated its previous negative opinion for the lack of information of the draft law on non-contributory benefits in the National Report.

The studies have been initiated by the General Directorate of Social Assistance of the Ministry of Family and Social Policies towards the development of an integrated family support programs (education, employment, participation, etc.) to the poor families in parallel with their family composition which are enough to meet their basic needs at a minimum, regular and rights-based and conditional.

By combining the social assistance programmes which were severally conducted and unlikely to shape according to the characteristics of the family members under one family assistance programme in the said content and arranging under one social assistance law, it is expected to eradicate the legislation disorder and inconsistency, scattered view in the assistance

programmes and to create public view. Roof family assistance program which will be modelled will not reduce people's enthusiasm for work and job search will, but it will be designed to encourage registered work.

Being registered of the people benefiting from the programme to İŞKUR, setting down conditions like participating in training programs or working for the public interest, people who worked as registered in the past even in one day, the payments in the context of the programme will be differentiated. Registered work will be encouraged however the beneficiaries will be expected to give a positive response to job offers, terms and conditions of assistance will be prepared in this context. Such studies have been carried out in parallel of the preparatory work of the National Strategy on Fight Against Poverty.

2. INFORMATION REQUESTED BY THE COMMITTEE

2. 1. Family Counseling Services

The Committee wishes to be informed about family counseling services. Information is given below on the subject. In our country, family counseling services are provided by the institutions and organizations below.

i) Social Service Centers

In the context of the policies of strenghtening the protective and preventive services of the Ministry of Family and Social Policies, with the addition to the law on Social Services no. 2828 by the article no. 10 of the decree law no. 662 and dated 11.10.2011, a new day care organization model "Social Service Center" was developed which is responsible for presenting and coordination of the services of the determination of the needy, realization of social work intervention and follow-up, preventive, supportive, developer services for children, young, men, women, the disabled, protecting the elderly and their families, with guidance and counseling services together and in a most easily accessible model and if necessary in collaboration with the public institutions, local governments, universities, civil society organizations and volunteers.

Until the end of 2013, it is aimed to combine protective, preventive, supportive, developing and guidance and counseling services for children, youth, men, women, the disabled, the elderly, their families and for society maintained by day care social service agencies such as Community Centers, Family Counseling Centers, Child Youth and Elderly Services with the human and financial resources in these centers under the social service center roof together

and in most easily accessible format if required to present and coordinate in collaboration with public institutions and organizations, local governments, universities, civil society organizations and volunteers and coordination and it is also aimed to increase the effectiveness and efficiency.

In this context; Regulation on Social Services Centres published in Official Gazette No. 28554 dated 09/02/2013 and entered into force. The necessary arrangements have been made by the Regulation on Amending the Regulation on Social Service Centres no 28725 dated 01.08.2013 and published in the Official Gazette.

The number of social service centers and service areas (areas to be responsible for social services center) issues such as the existence of institutions that can be cooperated in covering all the settlements of the provinces, the geographical location of the county, transportation facilities and the nearest social service center distance, social and the demographic structure and presentation of the service have been determined by taking the opinion of the Provincial Directors of Family and Social Policies and studies are made for meeting the human resources from which the professional groups and staff norms.

In these centers; the service will be given depending on the application of citizens who need social support services, and if needed it is planned to provide service without the need of individual and families' application supply-oriented and compatible with the decentralized service model.

It is paid attention for Social service centers to be open primarily in the service units determined by the Regulation of Social Service Centers, in service buildings convenient to the specified location and physical conditions determined by need programs to the extent allowed and in provinces where sufficient number professional staff are provided.

In this context, it is provided to be informed about the necessary procedures by giving the necessary instructions to all Provincial Directorates on "Social Service Centres Opening Transactions" by the Ministry of Family and Social Policies.

Based on the size of the population, Social Services Centres serving as A, B, C and D type of four different size including starting from less than 50,000 population and in every 50,000 increase different types of projects are planned to be presented to service and employed sufficient number of professionals and civil servants. In addition, in the provinces where needed, some existing day care institutions were ensured to be used as Social Service Centers Additional Service Buildings which were newly opened to service or transformed in order to ensure easily access to the services that will be provided.

In this context, evaluating the coordination works of the concerned General Directorates of the Ministry of Family and Social Policies and the offers of the Provincial Directorates, from 185 institutions which is planned to convert 98 of them to Community Centre, 53 of them to Family Counseling Center, 29 of them to Child and Youth Centre, 5 of them to Older Service Center; total of 112 organizations were completed to be converted to social service centers such as 58 of them converted to Community Centre, 16 of them converted to Children and Youth Center.

The number of Social Service Centers opened to new service is 31. As of the date 31.12.2013 the number of the Social Service Centers provided to be opened to service in 80 provinces have reached to 121. 2 Family Counseling Centers, 5 Community Centers and 4 Children and Youth Centres were closed. 15 Institutions consisting of 10 Community Centres and 5 children and youth centers were deemed appropriate to be used as new Additional Service Buildings of Social Service Centers transformed and/or opened to service.

As of the date 25/12/2013 the remaining number of Community Centers are 23, Family Counseling Centers are 12, the number of children and youth centers are 5. On 12.12.2013, the opening approvals of the existing 5 Elderly Service Centers were cancelled. 3 of them are deemed appropriate to give service as an additional unit affiliated to elderly nursing in the provinces. The services offered in the one elderly Service Center were deemed appropriate to be continued by Social Services Centre in the province where it has been, the other was deemed appropriate to be a social service center additional building in the province.

The subject of the implementation of the provisions of the article no. 8 of the Amendment Regulation on the Social Service Centers Regulation which was entered into force by publishing in the official gazette dated 08.01.2013 and no 28725 for the provision of the service delivery to cover all dwelling units in the provinces and the transitional provision of the article no.4 added to Regulation on Social Service Centers regarding the service provision to the areas of the inactive centers.

In addition to the work on dissemination of Social Service Centers, monitoring of implementation, detection and elimination of the problem areas, the creation of the original database etc. towards the completion of the restructuring process is ongoing.

ii) Private Family Counselling Centers:

The revised regulation in order to increase the effectiveness of private counseling services for families was entered into force by publishing in the official gazette dated 04.09.2012 no 28401 with the name of "Natural Person and Special Legal Entities and Regulation on Family

Counselling Centres that will be opened by Public Institutions." According to the aforementioned regulation, guidance and counseling services opened outside the Ministry were carried out in 2013. By the end of 2013, there are totally 51 private family counseling centers together with the previously opened ones.

iii) Divorce Process Counselling Services

In 2012, in the pilot study carried out in five provinces 450 couples were given counselling services and 75 couples decided to continue their marriage. Totally 329 professional staff were given in service training in order to disseminate this service in 81 provinces from the movement of these positive results. As of June 2013, divorce process consulting services can be provided to every couple in 12 provinces who demand it. In 2013, 932 couples in Ankara, Istanbul, Izmir, Bursa, Istanbul, Adana, Antalya, Samsun, Erzurum and Burdur were given Family and Divorce Process Counselling Services. 316 couples of these, decided to continue their marriage.

ARTICLE 17

THE RIGHT OF CHILDREN AND YOUNG PERSONS TO APPROPRIATE SOCIAL, LEGAL AND ECONOMIC PROTECTION

Article 17§1: With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- b. to protect children and young persons against negligence, violence or exploitation;
- c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;

Scope of the provisions as interpreted by the ECSR

Right of a child to know his or her origins. Prohibition of discrimination between children born outside of marriage, and children born within marriage.

Establishment and maintenance of an accessible and effective education system compulsory until the minimum age for admission to employment for all children and a mechanism to monitor the quality of education.

Establishment of public child care if necessary for the protection and best interest of the child and of an adequate supervision of the child welfare system. Provision of long term public care primarily in foster families and only if necessary in institutions. Provision of conditions promoting all aspects of children's growth and guarantee of fundamental rights and freedoms

for children in institutional care as well as establishment of a procedure for complaining about the treatment in institutions.

Prohibition of all forms of violence against children, including prohibition in law of corporal punishment in the home, in school, in institutions or elsewhere and provision of adequate sanctions in penal or civil law.

Establishment of criminal responsibility and criminal procedure adapted to young offenders as regards age of criminal responsibility, length of procedure as well as length and conditions of detention.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

a) The Primary Education and Training Law No. 222

Through the Law, which amends the Primary Education and Training Law No. 222 and Certain Laws and entered into force on 30.03.2012, 12 years of obligatory gradual education is established and 12 years period is composed in three stages, instead of 8 years of obligatory gradual education. The first stage as the primary education (1st, 2nd, 3rd, 4th classes), the second stage as the secondary school (5th, 6th, 7th and 8th classes), and the third stage as the high school (9th, 10th, 11th, 12th classes) organized all of which lasts four years.

b) The Regulation on Nurseries and Orphanages

It was considered appropriate to repeal the Regulation on Nurseries and Orphanages dated 07.01.199 No. 23576. The studies within the scope of preparing the **Draft Regulation of Care of Organization for Children** are going on.

c) The Regulation on the Implementation of Protective and Supportive Injunctions

Within the framework of Child Protection Law, the duty of coordination at provincial and county level in the field of child protection which was conducted by the Ministry of Justice before along with “*Amendment of the Regulation on the Implementation of Protective and Supportive Injunctions*” which was published in the Official Gazette dated 23 May 2012, No. 28301 prepared to reinforce the cooperation and coordination among all the institutions and

the organizations to plan and conduct the services for children effectively is carried out by the Ministry.

d) Directive on the Working Procedures and Principles of Central, Provincial and County Coordinations Established to Fulfill Protective and Supportive Measures

Within the framework of Child Protection Law, a coordination system was developed at central, provincial and county levels in order to reinforce the cooperation and coordination among all the institutions and the organizations to plan and conduct the services for children effectively. “The Directive on the Working Procedures and Principles of Central, Provincial and County Coordinations Established to Fulfill Protective and Supportive Measures” dated 16.07.2013, No. 815 entered into force.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The measures taken for the implementation of the relevant legislation during the reference period are specified below:

a) Coordination Strategy Paper and Implementation Plans in Child Protection Services

The Strategy Paper which was initiated first within the framework of “the Project of Children First: Modelling Child Protection Mechanisms at Provincial Level” was approved by all institutions in Central Coordination Meeting dated January 2011. The revision of the said Paper was completed and implementation plans were prepared. “The Coordination Strategy Paper and Implementation Plans in Child Protection Services” prepared under the coordinatorship of the Ministry of Family and Social Policies was approved at the 12th Central Coordination Meeting which was realized on 27.11.2013.

The Strategy Paper shows the activities which should be realized to achieve the goal of ensuring cooperation and coordination among both interdisciplinary and employees to ensure coordination in child protection services.

One of the most significant changes stipulated in the Strategy Paper is to identify the risk factors for the child in all fields particularly in education, health, security and social services which touch the child and the early warning system based on forwarding them to provincial/county social services units rapidly and efficiently. Constituting “Pre-Assessment

Teams” is another structure envisaged by the new model which will make a rapid assessment where early risks are noticed.

Realization of risks which could not be realized via early warning system requires taking all kinds of protective and supportive measures rapidly and implementing them efficiently which the child needs protection. The other significant aim of the new child protection model within this framework is to implement the measures in the fields of housing, care, health, education and consultancy within an effective system and to eliminate the obstacles to the participation process of the child to the social life as a healthy individual.

The reaching ways for the implementation of the Strategy Paper have been set forth through establishing Strategy Paper Implementation Plans. The said Plans explain the road map for the responsible institutions how the objectives in the Strategy Paper shall be realized. The said plans introduce the steps for implementation, the period for each step, the responsible units, the work in the calculation of the budget necessary for the implementation and the monitoring indicators for each step for each sub activity of the objectives in the Strategy Paper.

The Strategy Paper is the child protection model which is aimed to be developed in Turkey. 10 strategic objectives for realizing this model which will be followed comprises of objectives constituted to achieve these goals. These objectives are stated below since they give information about the model to be established:

1. Creating awareness
2. Risk scanning
3. Pre-assessment
4. Development and extending preventive measures
5. Arranging Inlet Area to the Child Protection System
6. The Field of Protective and Supportive Measures: The field where the measure is decided
7. The Field of Protective and Supportive Measures: The Field Measures are Implemented and Supervised
8. The Field of Coordinating Child Protection System At Provincial and County Level
9. General Structure of Child Protection System
10. Implementation of Strategic Plan and Monitoring of the Implementation

b) The Research Project on Early Diagnosis and Warning System for the Child

The Research Project on Early Diagnosis and Warning System for the Child” was initiated in cooperation with the Ministry of Family and Social Policies and TÜBİTAK. With this Project, it is aimed to establish an infrastructure which will allow for the determination of children before they become in need of protection and to take relevant protective and preventive measures. The goals of the Project are to obtain hard data which shall be the basis for the policies to protect children from all kinds of risks and to take reformatory measures, to make needs analysis to restore a structure for the child protection system involving protective and preventive measures providing to reach support services needed by determining the risks and to model an early diagnosis and warning system for the child in line with the findings.

In this context, the file info was analyzed that belongs to the children under protection and care within the scope of qualitative field research, the families and the staff working with the children were interviewed and Focus Group Studies were realized in order to determine regional risk factors.

c) The Training Programme Prepared for the Provincial-County Coordinations to Work Effectively

In order for the provincial and county coordinations to offer effective service in the "Directive on the Working Procedures and Principles of Central, Provincial and County Coordinations Established to Fulfill Protective and Supportive Measures”, a training programme was established for training of the members of the coordination and the operational staff assigned in the implementation of protective and supportive measures.

The training programme was realized for 20 provinces determined within the scope of the activity entitled “developing a multi-sectoral training programme at a provincial level and at least with 400 provincial coordination board members in 20 provinces in order to extend the Project of “Justice for Children” and “The Coordination Strategy” with the financing of EU and the technical assistance of UNICEF.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The statistics for the students within the scope of compulsory education is specified in the following table:

School Year	Level of education	Students in Total		
		Total	Boy	Girl
2013-2014	Preschool	1.059.495	555.194	504.301
	Primary school	5.574.916	2.850.072	2.724.844
	Secondary school	5.026.787	2.586.493	2.440.294
	Secondary education	55.989	25.911	30.078
	TOTAL	11.717.187	6.017.670	5.699.517

The Ministry of Family and Social Policies provides care service for the children between 0-18 years of age in need of protection and care as well as the youth who meet the conditions for the continuation of the decision of protection/care over 18 years of age at child houses, love houses, nurseries and youth hostels. 11605 children are actually offered service as of the end of 2013.

Nurseries

Nurseries are social service organizations responsible for ensuring physical, educational, psycho-social development and for gaining a healthy personality and good habits of the children between the age of 0-12 who are in need of protection. Where necessary, the girls can be looked after at nurseries who turned 12 and are in need of protection. 901 children in total are offered service at 21 nurseries as of the end of 2013.

Youth Hostels

Youth hostels are boarding social service organizations responsible for the protection, looking after children between the ages of 13–18 who are in need of protection and educating them in a way that they can be able to find a job and individuals socially beneficial. 1339 children in total are offered service at 42 hostels as of the end of 2013.

In addition, 460 children are offered service at 9 organizations providing service for children between the ages of 0-18 as orphanages.

Love Houses

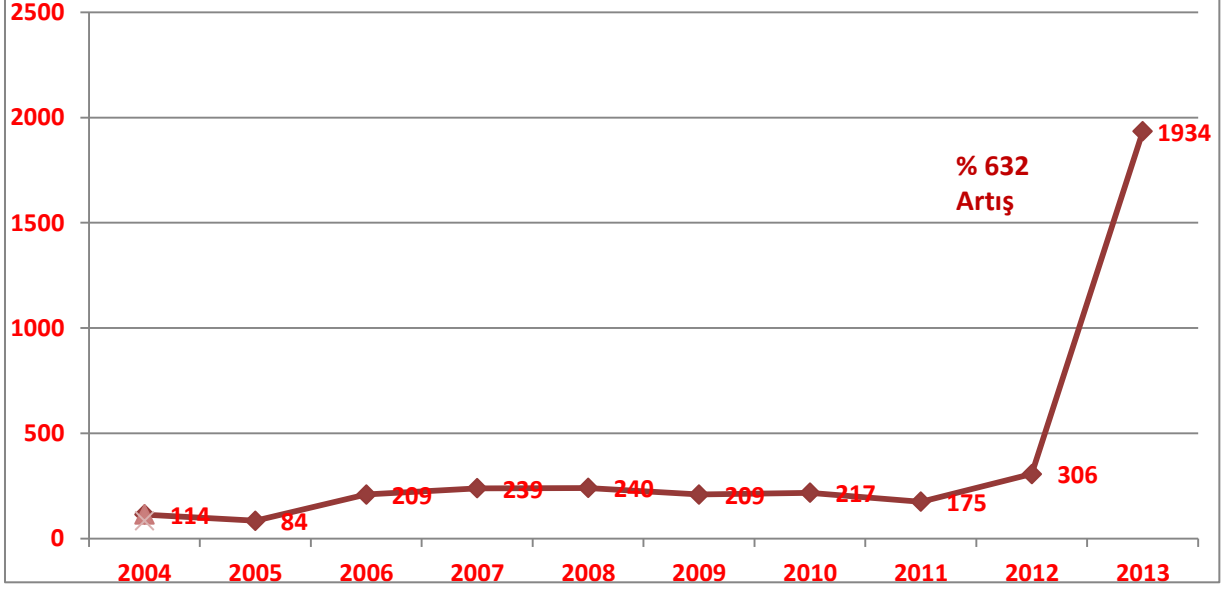
Love houses are boarding social service organizations where 12 children at most stay in rooms for three persons and were constructed taking into account the development needs of the children proper for their age within a site comprised of private villa-type houses giving service in a family atmosphere. 3952 children in total are offered service at 61 love house sites (449 villa-type houses) as of the end of 2013.

Houses for Children

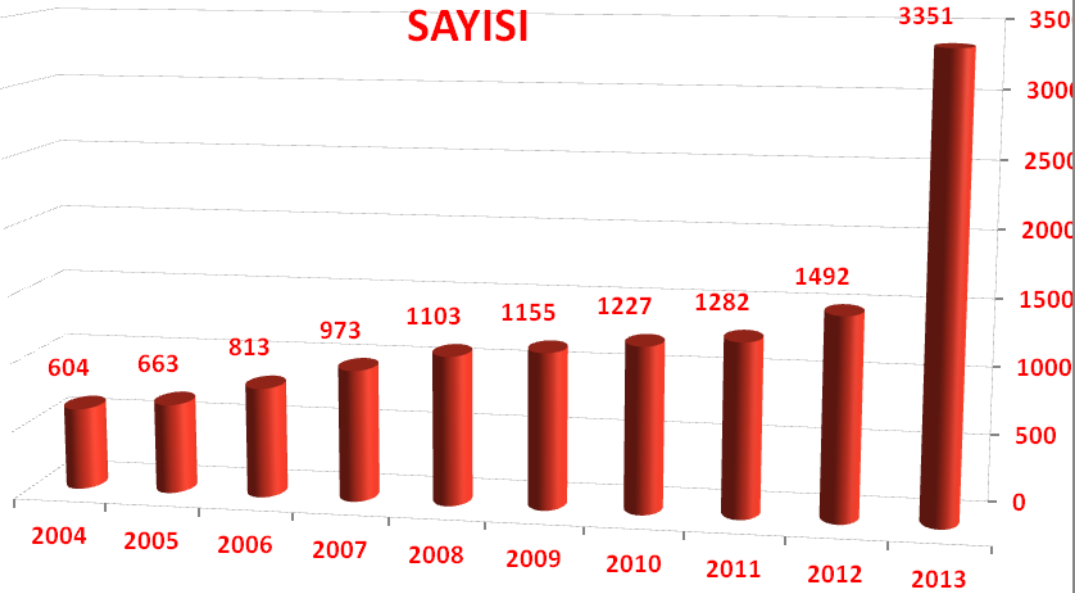
It is a service model where 5-8 children at the age group of 0-18 stay together at appropriate regions, preferably in city centers, at flats or private houses close to schools and hospitals. 4953 children in total are offered service at 906 houses as of the end of 2013.

1,934 children were placed next to foster-parents in 2013. The number of children benefitting from this service has reached 3,351.

CHILDREN PLACED NEXT TO FOSTER-PARENTS IN A YEAR



KORUYUCU AİLE YANINDA BAKILAN ÇOCUK SAYISI



B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

1.1. Protection against ill-treatment

The European Committee of Social Rights (ECSR) finds the situation contrary to the Charter on the grounds that the physical punishment for children in family environment is not prohibited clearly in the New Penal Code which entered into force in 2005.

The Government opinion on decision of violation is below:

The repealed Civil Law dated 17/2/1926, No. 743 stipulates the sanction of violating the responsibility of obeying parents in Article 267 entitled “Jus Patrium”. In this provision there is a statement “the mother and the father have the right to jus patrium of their children”. This right could be interpreted as giving advice, making warnings, punishment and where necessary beating the child in order to discipline the child. This provision is not included in the Turkish Civil Code dated 22/11/2001, No. 4721 as a result of contemporary approach.

On the other hand, the second paragraph of Article 232 of the Law No. 5237 was prepared in line with the modern understanding of law stated above and abusing the authorization of discipline emerging from a particular relation between the offender and the victim was defined as crime.

In the preamble of the Article, it was emphasized that the persons should have particular discipline competences because of the duty of discipline and educate the persons who they are obliged to raise, educate, look after, protect or teach a profession or a skill, otherwise by stating that the duty shall not be fulfilled the authorization of discipline is the natural result of the right to education and without it the right mentioned above shall not be enjoyed. Furthermore, the limits of authorization of discipline were drawn stating that the limit of authorization of discipline can be used at a degree not leading to breakdown both physically and mentally or subjecting to any hazard.

Accordingly, harsh warnings or punishments that are not educational, incompatible with affection and leaving physical and psychological marks on the child shall constitute the offense of exceeding the authorization of discipline and good manners.

As was specified in the preamble of Article 232 of the Law No. 5237, enjoying of the right to education and discipline is not possible without the authorization of discipline. Therefore, the aim of including the regulation in Article 267 of the Civil Law No. 743 also in the Civil Law No. 4721 is to prohibit the bodily sanctions, particularly beating the child which prevent physical and psychological development of the child,. The law-maker preferred to make regulations enabling the enjoyment of the right to discipline within limitations instead of rejecting the authorization of discipline and the right to education totally particularly to prevent beating.

In practices of Supreme Court it was stated that the offense of mistreating to family members involve actions conflicting with mercy and affection such as going around naked, leaving hungry, teasing continuously, frightening except the offenses regulated clearly in the various articles of the Law such as injuring, threat and cursing.

In this connection, Penal Department No. 4 of the Supreme Court, in its decision No. 2008/7248 E.-2008/14702 K., stated that the action of hitting with a wooden stick of deputy headmaster to the sufferer student after breaking up the fight among the students of two classes on the day when he was on duty can not be considered within the scope of the right to education and the authorization of discipline due to the obligation of education and training and that this action constitutes the offense of injuring regulated in the third paragraph of Article 86 of the Law No. 5237 due to being committed by abusing the power of the public officer and that it exceeds the dimension of abusing the authorization of discipline in the second paragraph of Article 232 of the Law No. 5237.

As it is understood from the legislative provisions and the decision of the Supreme Court above, all kinds of bodily punishment for children in family, school or alternative care environment were imposed sanction under the Law No. 5237. Accordingly, the offender shall be punished via implementing the second paragraph of Article 232 of the Law No. 5237 if the action has made an impact on the sufferer requiring simple medical intervention, if it has

made an impact requiring beyond simple medical intervention then the third paragraph of Article 86 of the same Law is implemented.

In this context, all kinds of physical violence against children is defined as “offense” in the Turkish Penal Code No. 5237. The third paragraph of Article 31 of the Turkish Penal Code No. 5237 which was published in the Official Gazette dated 12.10.2004 was repealed with the Law No. 5377 dated 29.06.2005. Accordingly, about the persons who were 15 years of age but did not turn 18 during crime (the age group of 15-18); in cases of crime where life sentence is required the penalty of imprisonment from twelve to fifteen years and in cases of crime where heavy life sentence is required the penalty of imprisonment from eighteen to twenty-four years were stipulated.

1. 2. Young offenders

The Committee, noting that the children between 15-18 years of age who committed a crime requiring life sentence are sentenced to imprisonment of 9-12 years and those who committed a crime requiring heavy life sentence are sentenced to imprisonment of 4-20 years in the Penal Code, finds the situation in our country contrary to the Charter due to sentencing a person for 20 years who is not an adult.

There is no amendment with regard to the third paragraph of Article 31 of the Turkish Penal Code regulating the issue. The ground for contradiction of the Committee has been submitted for the information of the Ministry of Justice.

1. INFORMATION REQUESTED BY THE COMMITTEE

2.1. The right to recognition of the parents of children

The Committee asks how the right to recognition of the parents of children is regulated in our national legislation as well as whether there are situations in which to learn the parents of the child is allowed and what the limitations are.

The provisions on establishing paternity in our legislation were ensured in Article 282 and in the following articles of the Turkish Civil Code No. 4723. The paternity between the child and the father, marriage with the mother is established via recognition or the judicial decision. The paternity can also be established via adoption.

In Article 286 of the Law, it was expressed that the child can also file a rejection of paternity against the mother or the husband. However, the child should file within a year at the latest as of the date of being an adult.

The conditions for paternity suit were determined in Article 301 and in the following articles of the Law. Accordingly, the mother and the child may want the determination of the paternity between child and father by the court. Paternity suit can be opened before or after the birth. While the dismissal of the case of the right to paternity suit of the mother was accepted after one year as of birth, there is no time limit for the child. On the other hand, the last paragraph of Article 314 of the Law No. 4721 regulating the legal results of adopting states that “The records, documents and information on adopting can in no event be declared without a court decision or unless the adopted child wishes”. Besides, in accordance with the sixth paragraph of Article 20 of the Regulation on Conducting Intermediation Activities In Adopting the Minors, in case of request of the adopted child, he/she shall be explained by the social worker under appropriate conditions considering the impact of the existing situation on the psychology of the adopted child. As it can be understood from these provisions, the adopted person can ask for the clarification of the records as well as the information and documents about himself and his parents at any time. Apart from that, there is no provision in our national legislation preventing the children from knowing or recognizing their parents.

2. 2. Criteria of restriction brought to parents’ rights

The Committee requests information about the criteria of restriction brought to parents’ rights in our country, the scope of these restrictions as well as the legal guarantees for taking children from the family only in exceptional cases.

Removing of the custody are regulated in Article 348 and in the following articles of the Turkish Civil Code No. 4721 in our legislation and it is decided only by the judge. In order to remove the custody first it should be decided by the judge that a result could not be obtained from the other measures on the protection of child or that these measures shall fall short.

Where one of these conditions exist, removing of the custody can only be decided in the following situations:

1. Inexperience, sickness, being in another place of the parents or not fulfilling the duty of custody due to similar reasons,

2. Showing no interest to the child or neglecting the responsibilities for the child.

If the custody is removed from both the mother and the father, a guardian is appointed for the child. Unless otherwise specified in the decision, the removal of the custody covers both the existing children and those who will be born.

Remarriage of the parents holding the custody does not require the removal. However, the owner of custody can be changed where the interest of the child so requires, the guardian can be appointed according to the situations and conditions.

In case of removal of custody, the responsibility of the parents meeting maintenance and education costs of their children continues. However, if the parents or the child cannot afford, the above-mentioned costs are covered by the State. If the reason requiring the removal of the custody is removed then the judge awards the custody officially or at the request of the mother and the father.

Article 17§2: With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Scope of the provisions as interpreted by the ECSR

Provision of primary and secondary education free of charge. Reduction of absenteeism at school and dropout rates regarding compulsory education.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

a) The Law of Private Education Institutions

With Article 42 of the Law Amending Some Laws and Statutory Decrees adopted on 04.07.2012, No. Article 12 of the Law of Private Education Institutions No. 5580. was amended. Accordingly, education and training support for the private schools at the amount determined jointly by the Ministry of Finance and the Ministry of Labour and Social Security for the students at vocational and technical schools in organized industrial sites or at vocational and technical schools out of organized industrial sites with the Council of Ministers' Decision.

b) The Regulation of Private Education Institutions

In conformity with the amendment in Article 12 of the Law of Private Education Institutions the regulation on the subject in the Regulation of Private Education Institutions of the Ministry of National Education entered into force by being published in the Official Gazette dated 23.10.2012, No. 28450.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The measures taken for the implementation of the legislation during the reference period are specified below:

a) The Cooperation Protocol Between the Institutions on the Access to Primary Education and Its Follow-up

“The Cooperation Protocol Between the Institutions on the Access to Primary Education and Its Follow-up” was signed between the Ministry of National Education, the Prime Ministry, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Labour and Social Security on 13 January 2011 in order to ensure the continuance of the children to education between 6-14 years of age.

b) Providing free course books

The course books are given to the students and the teachers in a pack (course book, student work book and teacher’s guide book) as of 2003-2004 school year. Moreover, it was stipulated that the students at private schools shall benefit from the application of free course book during 2014-2015 school year.

c) The Project of Increasing the Schooling Rate of Girls-1 (Kep-1) in particular

Within the scope of positive discrimination towards women during EU harmonization process, in line with the policies enabling women to play a further role in social and economic life; the Project prepared to “increasing the quality of education, strengthening the relation between education and labour market and increasing particularly the participation rate of girls to education at all levels” was completed between 2011-2013 financed by IPA Operational Programme of Development of Human Resources-2008 programme.

The general aim of the Project is to increase the schooling rate of girls in particular, as well as the quality of education and also the investment in human resources via strengthening the relation between education and labour market.

The target groups of the Project are as follows:

- The children at the age of primary and secondary education,
- Particularly the parents of girls,
- Teachers offering consultation and guidance service,
- Local opinion leaders, leaders and decision-makers at local level,

- Representatives of mainstream media and the local media representatives in 16 project provinces.

c) The Donation Component of Increasing the Schooling Rate of Girls in Particular

The Donation of Increasing the Schooling Rate of Girls in Particular-1 was realized within the scope of 2008 programme that takes part under Education Priority of the Operational Programme of Development of Human Resources in order to provide the indicators of the measure of 2.1 Raising Awareness on the Significance of Education and Development of Human Resources Particularly the Women and Increasing the Schooling Rate for the Access to Labour Market.

The objectives of this donation component are;

- To increase the schooling rate of girls at primary and secondary education,
- To reduce the dropout rates,
- To increase the vocational skills and competences of labour market,
- To raise awareness of families about the significance of education.

89 donations were supported particularly in The Donation of Increasing the Schooling Rate of Girls in Particular-1. The themes of the Project were focused on 3 priority/theme in principle:

- Directing the students/girls leaving their education to non-formal education; vocational training support
- Supporting the girls, having the risk of leaving the school, with basic courses, social and cultural activities and guidance services
- Directing the girls towards formal education through family visits and various activities; creating awareness about “gender mainstreaming and the education of girls” notably the opinion leaders.

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee finds the situation of our country contrary to the Charter on the grounds that the national legislation entitles the right to access to education only for the children having residence permit and the children who are contrary to legislation can not enjoy the right to access to education.

In accordance with the provisions of the Passport Law No. 5682 and the Law on the Residence and Travel of Foreigners in Turkey No. 5683, the foreigners who have entered in our country illegally should be displaced. In case of having a passport or a travelling pass their disposal is realized immediately. Diplomatic channels are contacted for those who do not have any document in order to provide the necessary documents as soon as possible.

Illegal migrants reside in our country by violating the national laws. Giving these persons residence permit shall disrupt illegal migration and shall mean violation of our national laws and can cause an illusion of encouraging the violation. Besides, this implementation does not belong to our country. It is similar in EU countries.

The situation of foreigners who have arrived in our country legally but has become unpermitted is reformed through giving them a residence permit in order not to prevent them from continuing their education.

Pursuant to Article 2 of the Primary Education and Training Law No. 222, since primary education is compulsory for all children between 6-14 years of age, the children of foreigners who applied for asylum are provided access to education facilities by the Governorships.

There is no obstacle, problem or different application on the access of education facilities of the children in the status of both “Asylum Applicant” and “in the status of Asylum.”

The children of tourists and irregular migrants in our country do not have the right to education. Likewise, both groups do not intend to stay in Turkey for a long time and to make a future. On the other hand, forcing those who stay in the country temporarily to compulsory

education shall mean torture and injustice for them. Because they have to be taught primarily the language, and then the culture and living of the country. These persons do not have too much time and they feel alienated to their country, people and culture though they stay for a long time (illegally).

At first, the situation of the persons at the age of education who have arrived in our country in order to live and reside illegally or have become illegal after having arrived legally is reformed and they are given residence permit and then are provided education opportunity. The minors unaccompanied are placed in hostels. Their situation of education and training are followed by the hostel management.

On the other hand, the children of asylum seekers and refugees at the education age can have the right to education when they are given a residence permit for one year. 1275 asylum-seekers in total still continue their education (1128 in primary education, 142 in secondary education and 5 in higher education).

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information in the following subjects:

2.1. Measures taken for children having absenteeism and leaving school at an early age

Pursuant to the provisions of the Primary Education and Training Law No. 222 and the Regulation of Primary Education Institutions of the Ministry of National Education, “Each parent or guardian or family leader are obliged to ensure their children to continue compulsory primary education and inform the school management within three days at the latest about the excuse why the child cannot go to school; school managements, directorates of national education, provincial education auditors, headmen and administrative chiefs should enable children to continue going to school”.

In line with the paper of the Directorate General of Basic Education of the Ministry dated 05.04.2013, No. 493985 on “Children Who Were Not Enrolled In a School”, persuasion studies and other measures shall be taken for the enrollment of the children in school with the teams established by the school managements by visiting their houses. Legal sanctions shall be imposed about the parents who do not send their children to school.

An administrative fine of fifteen Turkish Liras is imposed for the parents or the curators for each day the child does not go to school inspite of the notification of the headman or the administrative chief. An administrative fine of fivehundred Turkish Liras is imposed for the parents or the curators who do not send their children to school or who do not inform the management about the reasons of not sending their children to school.

An administrative fine of one hundred Turkish Liras is imposed for those refusing to answer the questions duly asked by the school managements and civilian authorities as well as those who made a false statement.

Those who are at the age of primary education but do not go to compulsory primary education institutions can not be employed in any paid or free of charge official and private workplaces or in other places under no circumstances.

As for those who certificate their primary education can work in such places except for courses provided that the povisions of law are implemented regulating the employment of children.

The admission of children at the age of primary education and going to compulsory primary education institutions to the private courses and training centers except those allowed to be opened by the Ministry of National Education in accordance with this Law is prohibited.

Those who act improperly to the provisions above are imposed an administrative fine from four hundred to one thousand Turkish Liras.

An action was taken about 1.528 children at Gendearmerie Region between 01 January 2010- 31 December 2013 concerning their not going to school.

Furthermore, the Project of Increasing the Rates of Attending the Primary Education Institutions has been introduced by the Ministry of National Education.

The objectives of this Project financed by EU and technically assisted by the consortium under the leadership of IBF International Consulting are to increase the participation rates of primary education covering the first eight years of twelve year compulsory education in Turkey and to reduce absenteeism through quality measures and interventions.

Within this framework the objectives are stated below:

- To define the measures to be taken and to develop policy recommendations,
- To review the legislation,
- To bring Progressive Absenteeism Management Model into conformity with the twelve year compulsory education by applying to E-school data base,
- To enable the children to catch up their friends by improving their basic language skills who do not have sufficient language skills in primary education,
- To increase the capacity of the staff of the Ministry of National Education and to raise awareness among the relevant parties.

The pilot provinces of the Project which will last 24 months and has the budget of 3.144.00 Euro are Van, Van, Ağrı, Hakkâri, Bitlis, Siirt, Muş, Mardin, Bingöl, Şanlıurfa, Diyarbakır, Batman and Şırnakr. The Project is carried out in 120 pilot schools.

2. 2. Access of the children of vulnerable groups to education

The measures taken in order to facilitate the access of the children of vulnerable groups to education are specified below:

1. Conditional Educational Aid

Conditional Educational Aid is a cash social benefit programme aimed at sending the children of the families under risk of poverty to school regularly in order to invest in human capital. Conditional Educational Aid Programme, which is carried out by the Directorate General of Social Benefits, continues in a way of providing regular cash benefit on condition that the poor families send their children to school regularly. The controls on attendance are made automatically via systems. Monthly payment amounts pursuant to the Decision of Social Aid and Solidarity Promotion Fund No. 2014/1 are speicified below:

-within the scope of conditional educational aid: 35 TL. for a male student at primary education in a month, 40 TL. for a female student in a month, 50 TL. for a male student at secondary education, 60 TL. for a female student in a month.

Within the scope of conditional maternity benefits: 35 TL. until delivery and during two months after delivery; 75 TL. in case the delivery is realized at the hospital.

When quantitative and qualitative research findings are analyzed within the scope of issues with the Project of “Measuring the Impact of Conditional Cash Transfer Programme on Beneficiaries Qualitatively and Quantitatively Implemented in Turkey” which was completed in 2012;

With regard to education:

Conditional Educational Aid had a significant impact on increasing the level of attendance and reducing absenteeism,

It had significant impact particularly in attending of female students at high school,

- ✓ It raised awareness of the families on attendance to secondary education,
- ✓ It was effective in terms of attending of children to secondary education, supporting formal education, reinforcing the sense of belonging to school, keeping children at school, reducing dropouts,
- ✓ It was effective on sending boys and girls to school across Turkey,
- ✓ It reduced absenteeism both in rural and in urban areas and also showed a greater effect in rural area,

When those who receive conditional educational aid are compared with those who do not;

- ✓ The number of day of absenteeism is reduced approximately at the rate of 50%, the rate of reduction of absenteeism is higher in rural areas,
- ✓ Absenteeism for girls is reduced two fold when compared with boys,
- ✓ The rate of attendance in high school for 2009-2010 school year reached 79.4% for boys and 79.36% for girls, for those who do not receive benefits the rate of attendance in high school for boys remained at the rate of 57.19%, at the rate of 50.08% for girls.

With regard to child labour:

- ✓ The results of the survey puts forth that Conditional Educational Benefits Programme has reduced child labour.

The following table is suggested to be added into the part on statistics and data on the issue:

			Number of household	Number of beneficiaries
Conditional Educational Aid(*)			861.389	1.965.633
Conditional Educational Aid	Primary School	Male student	414.851	504.983
	Conditional Educational Aid	Female student	394.266	489.114
	Secondary School	Male student	416.423	520.964
	Conditional Educational Aid	Female student	393.777	502.111
	High School	Male student	175.025	197.805
	Conditional Educational Aid	Female student	159.692	185.505

Resource: Integrated Social Aid Information System

(*) The number of household and beneficiary represent total figures which are not reiterated.

The benefits provided for the poor families by the Directorate General of Social Benefits are carried out by taking into account the composition of household, particularly giving priority to benefits for the education and health of children. When the expenses of Social Aid and Solidarity Promotion Fund for 2013 are analyzed, it is seen that nearly 30% of the resource transferred is directly allocated to the benefits for the education of children. Within this scope, other social benefit programmes for the education of children carried out by the Directorate General of Social Benefits are as follows:

2. Training Material Aid

At the beginning of each school year, basic school needs of children of poor families at primary or high school, such as school uniform, shoes, bag, stationery are met via Social Aid and Solidarity Promotion Funds. In this context, 65,69 Million TL resource was allocated for 371.571 children in 2013.

3. Lunch Aid

Within the framework of the implementation of mobile education at 8 years of basic education initiated in 1997, this programme including giving lunch for the poor students going to the centers where schools are found has been carried out by the provincial and county directorates for national education since 2003-2004 school year on condition that its resource shall be met by the Fund. In this context, a resource of 250 Million TL was transferred in 2013.

4. Free Book Aid

The books of primary school students are given free of charge as of 2003–2004 school year. The resource allocated in this regard is transferred directly to the Ministry of National Education. In this context, a resource of 275 Million TL was transferred in 2013.

5. Accommodation, Transport and Food Aid for Students

These are the assistance given by Social Aid and Solidarity Promotion Funds for the needs of transport, accommodation etc. of the primary and secondary education students except those in mobile system. In this context, a resource of 228 Million TL was transferred in 2013.

6. The Project of Transportation of Disabled Students to Their Schools Free of Charge

The aid made within the scope of “The Project of Free Transportation of The Students Requiring Special Training”, has been implemented since 2004-2005 school year in cooperation with the Directorate General of Special Training Guidance and Consultancy Services of the Ministry of National Education and the Directorate General of Services for the Disabled and the Poor of the Ministry of Labour as well as Directorate General of Social Benefits. In this context, a resource of 85 Million TL was transferred in 2013.

ARTICLE 19

THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

Article 19§1: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

Scope of the provisions as interpreted by the ECSR

Free assistance and information services should be made available to persons wishing to emigrate and/or immigrate. Steps should be taken to prevent misleading propaganda relating to emigration and immigration.

A. DEVELOPMENTS TAKING PLACE IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments have been made in our related legislation

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The measures taken for implementation of the legislation are explained below

2.1. Activities performed by the Ministry of Labour and Social Security

a) The application of work permits for foreigners

Formalities to be applied as regards work permit applications by foreign employees and employers to employ these foreigners and information and explanations about our national legislation which they are subject to are explained in the website of Ministry of Labour and Social Security in detail and moreover their translation in Arabic, Chinese, Russian and English languages are available. Any kind of information which will help foreigners who come to our country to work including primarily work permit processes, social security, social services and healthcare is provided free of charge by our experts serving in ALO 170 which

operates as the Contact Center of Our Ministry as of 15/11/2010. Between 01.01.2013-31.12.2013, the number of calls to ALO 170 amounted to 101.544 and 98% of these calls were concluded by ALO 170 and the remaining 2% were forwarded to related units.

On the other hand migrant workers, after receiving work permit, will be subject to same legislation as Turkish citizens in terms of rights and liabilities regarding working life; and will benefit from employment services such as informing, guidance and consultancy, employment and vocational education under equal circumstances as Turkish citizens.

There is no restriction in legal and administrative regulations regarding the presentation of these services.

b) Department of Migration and Foreigners' Employment

Increase in foreigners' employment brought about effective administration of labour migration management. For contribution to the determination of policies for application in the area of Labour Migration, Department of Migration and Foreigners' Employment was established within the body of General Directorate of Labour of the Ministry of Labour and Social Security.

2.1. Activities Performed by the Ministry of Family and Social Policies

In Article 1 of the Law on Encouraging Social Assistance and Solidarity No. 3294, the aim of the law has been determined as helping needy citizens in maximum poverty and people who come in and were accepted to Turkey under every circumstance. In this framework, assistance for foreigners was provided and 7.5 million TL was allocated for 110.656 Syrian citizens and 2.5 million TL for 5300 citizens of other nationalities in 2013.

General Directorate of Social Assistances of the Ministry of Family and Social Policies initiated a Project in 2013 which aims to contribute to incorporation of disadvantaged women into labour market and to increase womens' employment. Thanks to the Project, vocational training, guidance, access to public services and rehabilitation supports and increasing employability of disadvantaged women and payment of employment and employers shares to employers on the condition of their employing women in target mass under the project and ensuring the employment of these women is aimed to be achieved. Project is expected to be conducted under the coordination of General Directorate of Social Assistances with Ministry of Labour Social Securiry, the Presidency of European Union Coordination Department TESK, TISK, TOBB İŞKUR, Social Security Institution, Ministry of Justice, General

Directorate of Punishment and Detention Homes, General Directorate of Children Services and General Directorate of Services of Invalid and Old People.

2.3. Activities conducted by the Ministry of Internal Affairs

Gaining priority in the recent years of world agenda and becoming the newest form of slavery in our age, human trafficking is one of the most serious human rights violations.

In terms of its geographical position and its higher economic level when compared with neighbouring countries, our country is target country for the citizens of Former Eastern Block Countries with low average per capita income for crime of human trafficking.

It is inevitable to mention any damage in our country caused by the crime of human trafficking of organized character (border security, public order, stability and security and tourism) is directly related to the human rights, transcending borders will increasingly continue at international level in the future. However, magnitude of financial benefit obtained and its involvement of minimum risk results in activities of human trafficking by international criminal organizations.

Crime of human trafficking is a different type of crime from smuggling immigrants in terms of the way it is committed, where it takes place, characteristics and elements. In our country the crime of human trafficking is observed in the form of exploitation of women for prostitution purposes. Although it seldomly occurs, human trafficking also takes the form of the illegal activities of forced labour and smuggling human organs.

In our country activities carried out for prevention of the crime of human trafficking are performed in the form of elimination of organized crime networks, identification of individuals in status of witness/victims, granting of permission to stay in our country to the foreigners in this status for their provision of protection, psychological support and rehabilitation, encouraging their voluntary cooperation with enforcement authorities for locating the perpetrators of criminal activities and ensuring safe and voluntary repatriation of the victimized back to their countries.

In cases of human trafficking incidents which our Governorates are vested the jurisdiction to address the elements mentioned in Article 80 of Turkish Penal Code No. 5237 are taken into

account and hence victims of human trafficking activities are identified and implementation of related legislation is ensured by enforcement elements, health assistance, psychological support and rehabilitation are provided to the victims as much as possible. To ensure the testimony of the victims identified in this regard, provision of one month residence permit on the condition that they volunteer to do so in the first stage, identification of persons or groups of organized character who commit this crime and obtain benefit in real sense, their capture and taking of legal action in line with newly enacted legal regulations has been regulated officially so far.

Issued in Official Gazette No. 28615 dated 11 April 2013, General Directorate of Immigration Administration and Department of Protection of Human Trafficking Victims assigned with handling procedures on protection of human trafficking victims and addressing the crime of human trafficking within the body of General Directorate of Immigration Administration were established under the Law on Foreigners and International Protection No. 6458.

As known; with related circular issued for increase of high-level effort and success achieved in addressing human trafficking until today, all official insitutions/organizations in Turkey operating in this area and provincial and central administrations of General Directorate of Security were sent Guideline on Human Trafficking and Its Prevention where jurisdictions and responsibilites of human trafficking are determined and procedures in this area were applied under this circular.

As of 11 April 2014 central administration of General Directorate of Immigration Management will be operational. In accordance with the provisions of the protocol between General Directorate of Migration Management and General Directorate of Security under Paragraph 4 of the Interim Article 1 of the Law No. 6458, services and duties carried out until the date of completion of provincial organization of General Directorate of Migration Management will continue to be fulfilled by Provincial General Directorates of Security Departments of Foreigners as in the past.

2.4. Activities run by Presidency of Turks Abroad and Relative Communities

Presidency of Turks Abroad and Relative Communities has been established in 2010 for conducting studies about Turkish citizens living abroad and developing solutions to their

problems. To fulfill its establishment purpose, the Presidency works in cooperation with the institutions of related countries and non-governmental organizations.

a) Social Rights and Legal Issues

To conduct studies about our citizens living abroad and to develop solutions to their problems are among the foremost duties of our Presidency. In this framework, familiarity of our citizens with their rights arising from national and international legislation in country where they reside is aimed to be increased and formulation of solutions to the legal problems experienced by our citizens. Moreover, under ongoing legal ties of our citizens with Turkey, various notifications on legislation and its application in legal issues of international character is deemed useful. Many activities are conducted in this framework.

- A program under the name of “International Law Training” has been held in Ankara between 1-19 September 2012 for our legislators who conduct studies abroad.
- Second version of this program under the name of “Protection of Fundamental Rights at International Level” has been held in Ankara and Istanbul between 25.08-01.09.2013 for our legislators of foreign origin. The Programme was realized with collaboration of Justice Academy, Ankara University European Community Research and Application Center (ATAUM) and Law Faculty of Gazi University.
- For addressing comprehensively under certain issues of rights of our citizens living in Europe arising from national, international and supranational legislation and fostering some level of awareness for their application and ensuring exchange of information about legal procedures and processes with international dimensions and about our legislation meeting were held in Frankfurt, Brussels and Vienna.
- In the first programme held between 26-28 April 2013 in Frankfurt entitled “International Legal Procedures: Turkey-Europe Examination” familiarization, investigation and mutual legal assistance processes were addressed.
- Between 17-19 May 2013, a program entitled “Ankara, Agreement, Judiciary Decisions and Application” was held in Brussels. In the meeting issues like the rights granted by Ankara Agreement, degradation ban rule and sample ABAD decisions were addressed.
- Between 29 November – 1 December 2013, a meeting was held in a program in Vienna to increase familiarity of our citizens living abroad with the rights arising from

national and international legislation in the countries they reside, to address the various legal problems of our citizens and to formulate solutions.

Studies are conducted for the effective protection of the rights of our citizens living abroad under the work of Presidency. In order for the realization of studies in active cooperation with public institutions “Active Cooperation Protocol on Legal Issues for Our Citizens Living Abroad” was signed between Ministry of Justice, Ministry of European Union, Ministry of Foreign Affairs and our Ministry on 28 August 2013 at relevant ministers level. At the same date, for the effective protection of the rights of our citizens living abroad “European Union Leonardo Da Vinci Projects” was signed too.

On the other hand, the Presidency provided financial support to a Project entitled “Informative Project on Social-Economic Rights and Liabilities” undertaken by a non-governmental organization operating in Holland. The Project was displayed in Apeldoorn, Arnhem, Zwolle, Deventer ve Harderwijk cities of Holland between 1 January 2013-21 June 2013. Under the Project, various meetings under the subjects of Social Rights and Social Allowances, Entity Rights, Labour and Labour Market, Fiscal Fiscal Sentence Rights and Liabilities, Education, Health and Family were held for our citizens living in Holland.

b) Family Integrity

In 2012 and 2013 the Project entitled “Material Development for Belgian-Turkish Citizens” was conducted with Ministry of Family and Social Policies. Under the Project our citizens living in Belgium were handed booklets containing information about their rights therein. About the distribution of the booklet, cooperation with Belgian Embassy in Turkey was sought.

A similar Project to “Material Development for Belgian-Turkish Citizens” was launched with Ministry of Family and Social Policies in 2013 and 2014 for France and Holland. Under the Project entitled “Material Development and Education Project for Turkish Citizens Living Abroad”, content formation work was undertaken by relevant legislators in the countries. Education and website are considered as outputs of the Project. Under the project it is aimed that people who will emigrate from Turkey to other countries are provided with accurate information about the life in these countries and misleading propoganda is averted.

i. Youth Departments and Turkish Families Workshop

In 4-5 July 2012 “Youth Departments and Turkish Families” workshop has been carried out with the participation of representatives and experts from non-governmental organizations from Holland, Belgium, Austria and Germany. In the workshop, involvement of youth departments in related countries to Turkish families and proceeding from the question of confiscation of Turkish children from their families scope of the subject, its legal dimension, non-governmental organization works, foster family and homeland subjects were addressed. In pursuant to the workshop, a documentation involving summary about the presentations of the experts providing information about the subject has been prepared and a general action programme comprising dimensions to be taken into account in resolution of the problems experienced after workshop evaluations has been drafted.

ii. Social Policies Workshop for our Citizens Living Abroad

In cooperation of our Presidency with Ministry of Family and Social Policies the said workshop has been realized in Istanbul on 28 and 29 May 2013. In the workshop, foremost problems of Turkish families across Europe in minimizing negative impacts of migration and activities recommendations for these problems have been determined

Experts working active in Germany, France, Holland and Belgium (psychologists, social workers, pedagogs and advocates etc.) as well as representatives of non-governmental organizations, Ministries and universities in Turkey participated in the workshop to address strong aspects of Turkish communities living in the related countries, the steps to be taken in this area, aspects open to improvement and activities that can be done in this area.

iii. A Sample Project on families that are supported

Under the right to provision of help and support to migrant workers and their families, our Presidency supported projects about ensuring familial integrity. With project supports of our Presidency, following projects for migrant families have been realized:

- Under “Family Education and Consultancy Center” Project of a foundation in Austria, consultancy services and education seminars were held to increase social cultural and economic development of its Turkish community and to support active participation. Under the Project, over 1500 Turkish citizens living in and around Vienna were given consultancy services in subjects of health, education, child, family, marriage, psychology and invalid citizens by expert educators.
- Under “Education Support to Turkish Families and Their Children Living in Multilingual Environment” Project in Belgium, subjects of school, mother language, importance of education and role of the family, families’ lack of information on the

job selection were elaborated. Under the Project undertaken in collaboration with Akdeniz University Alanya Education Faculty, activities parents can apply for mother language development of their children, provision of consultancy services to families and students for job selection were regulated.

c) Education and Mother Language

The Presidency upholds high education levels of our citizens living abroad and high mastery level of their mother language as well as high mastery level of the language predominantly spoken in the country they reside in the context of protecting rights of migrant workers and their families. This priority is reflected through the projects supported. Some of the said projects are mentioned below:

- The project named “To Enliven Ataturk School” undertaken by a non-governmental organization operating in the USA aims to increase Turkish reading, speaking and writing skills of Turkish children in the USA and to strengthen the bonds between Turkish families and children there.
- Under the Project “Holland-Wide Turkish Language Education” undertaken by a non-governmental organization in Holland, youngsters between ages of 10 and 30 living in territories of Amsterdam, Arnhem, Beverwijk, Heemskerk, Doordrecht, Eindhoven, Hengelo, Lahey, Nijmegen, Rotterdam and Utrecht sat on lectures in Turkish, History and Geography courses.
- Under a Project lasting from March 2013 to March 2014 entitled “ My main language” undertaken by a foundation operating in Sweden 150 persons between 6-15 ages had lectures on Turkish.

3. STATISTICS AND OTHER RELEVANT INFORMATION

In 2013 a total number of 54.405 applications for work have been made. 30649 of them were made by the migrants of Member Countries to European Council.

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. COUNTRY OPINIONS ON NON-CONFORMITY DECISIONS

1.1. Information and Free Services for Migrant Workers

In this framework, our country opinion regarding non-compliance decision taken by European Social Rights Committee is attached (Annex: 16/1).

1.2. Measures for misleading propoganda against migration into and from the country

Our country situation was considered noncompliant with the Charter by the Committee because no information has been provided about the measures taken against misleading propoganda against migration into and from our country.

The section regarding the subject is in the Chapter A2.

Article 19§2: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey.

Scope of the provisions as interpreted by the ECSR

Measures should be taken to facilitate the departure, journey and reception of migrant workers and their families.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments to our related legislation are mentioned below.

According to Article 21 of the Law on Work Permits of Foreigners No. 4817, will pay 5000 TL administrative fare for every foreigner. In this case, the employer or its deputy must cover the accomodation expenses of the spouse and children of the foreigner and the necessary costs for their return back to their countries and if needed their medical expanses.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists.

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-COMFORMITY DECISIONS

The Committee found our country situation in compliance with this paragraph but asked full, detailed and up-to-date information on the subject.

Article 19§3: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries.

Scope of the provisions as interpreted by the ECSR

Co-operation between social services in emigration and immigration countries should be promoted.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Amendments to our related legislation are mentioned below.

Under the Decree Having The Force Of The Law No. 662 dated 11/10/2011 among the duties of Ministry of Family and Social Policies Department of European Union and Foreign Relations was included the task of “cooperating with international organizations and conducting international case studies to find solutions to problems of persons and families living, working abroad or connected therein stemming from social, cultural, economic and familial reasons.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NONCOMPLIANCE DECISIONS

The Committee found our country situation in compliance with this paragraph but asked detailed and up-to-date information on the existing cooperation between our national social services and social services of the countries which take migrants from our country and from which migrants come to our country.

2. INFORMATION REQUESTED BY THE COMMITTEE

The duty of the Ministry of Family and Social Policies is to formulate, apply and monitor fair, supply-oriented and integrated social policies with a participatory understanding targeting the entire society prioritizing disabled segments to increase individuals, families and society's welfare.

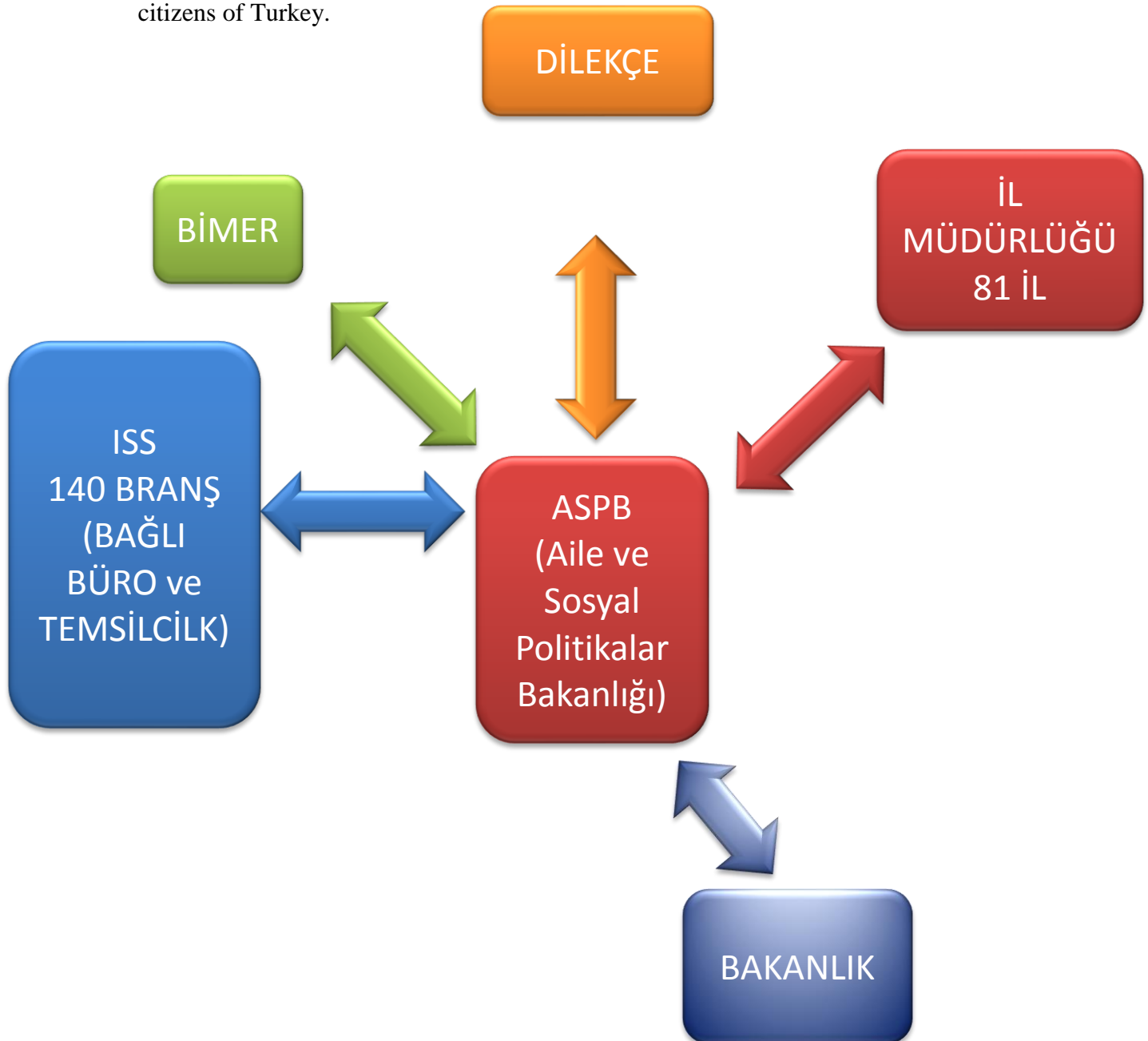
In this context, our Ministry is in cooperation with International Social Services which undertakes international case studies for resolution of social, administrative, psychological and legal problems of citizens of foreign nationality in our country. Cooperation of Turkey with ISS starting in 1963 generally is in social, legal and familial areas. Currently nearly 600 case studies are being conducted. The said cooperation involves all citizens of the country in cooperation with the organization based on the principle of reciprocity of services. Therefore the scope of the services provided is for citizens of the countries parties to the organization and to the Turkish national citizens in related countries.

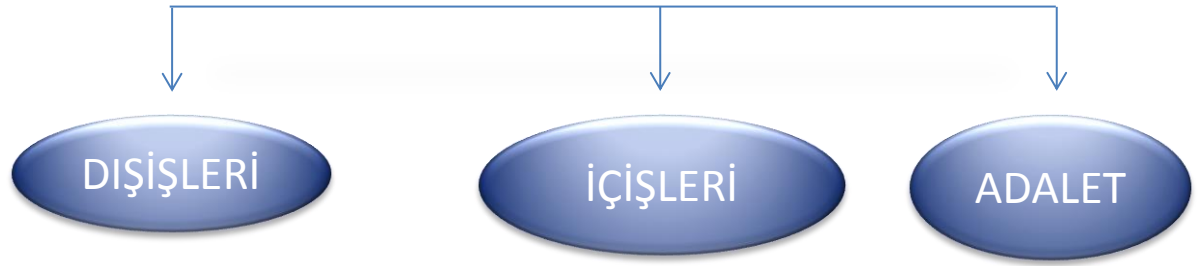
Citizens of foreign nationality residing legally in our country can make application to our Ministry via hardcopy mail or in petition via Prime Ministry Information Center or to Family and Social Policies Provincial Directorates for their social, legal and family problems. With the said application, our Ministry ensures conducting of necessary social analysis at home and abroad and thereby preparation of needed social analysis reports to help resolution of problems of individuals or families stemming from below mentioned reasons and guiding the preparation of reports in such way as to aim service quality by assessing the said social analysis reports and determining social services models to be presented.

- Family Reunion

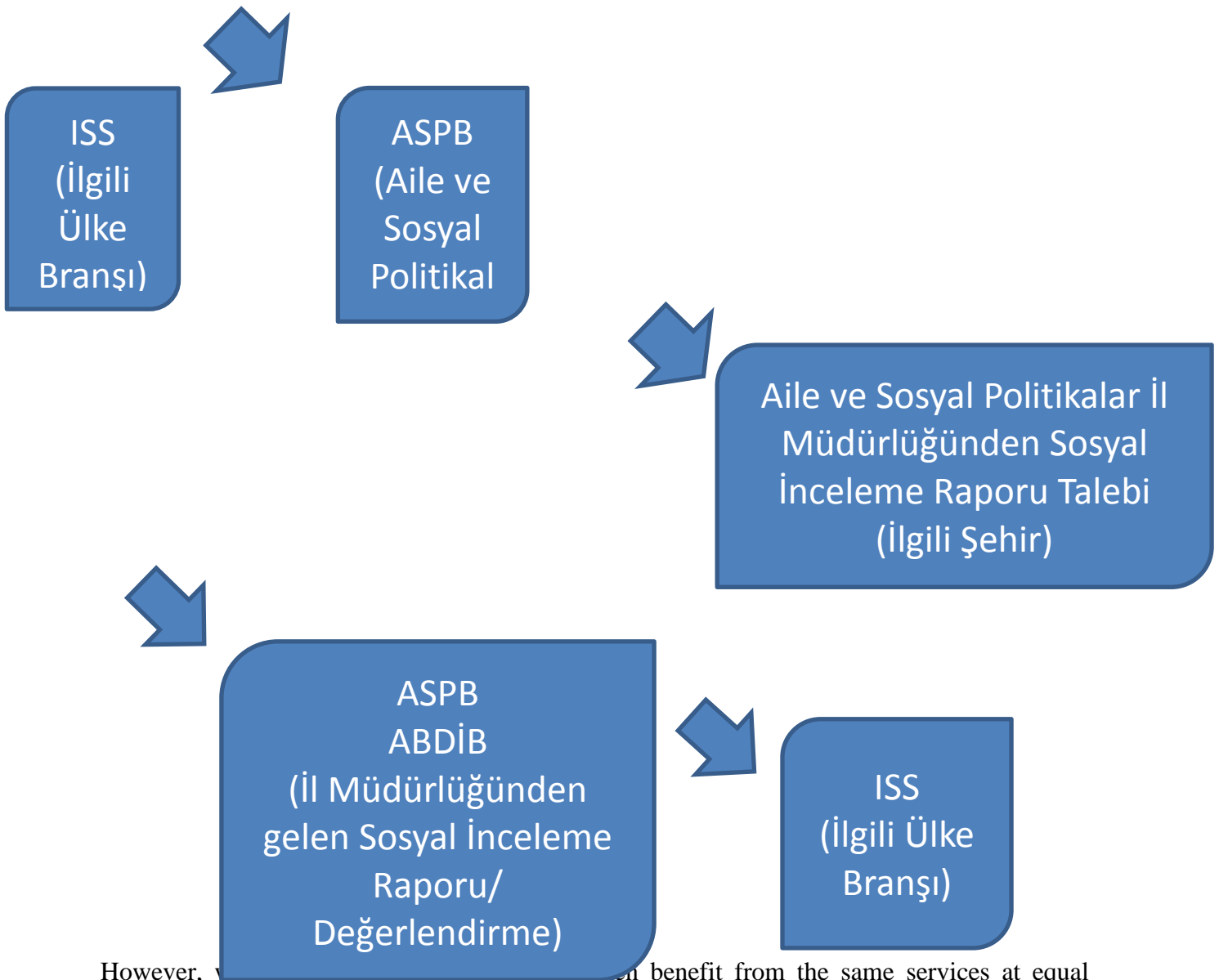
- International Child Abduction
- Divorce
- Child Welfare
- Parenthood Rights
- Custody
- Child Abuse and Negligence
- Reestablishment of Communication
- Investigation of Roots
- Return

Coordination established by the Ministry for provision of social services to Turkish originated citizens residents of foreign countries and citizens of non-Turkish nationality residing as citizens of Turkey.





Coordination between our Ministry and International Social Services:



However, v... en benefit from the same services at equal levels without any discrimination under national and international conventions.

In this framework, children in age group of 0-18 from citizens of Parties to the Convention residing in our country can receive services in institutions connected to our Ministry under the scope described in subparagraphs 1 and 2 of paragraph (a) of Article 3 of Law on Children Protection No. 5395 and paragraph (m) of Article 3 of Law on Foreigners and International Protection No. 6458.

In addition to all these; Article 1 of the Law No. 3294 states “This law aims to help the needy persons accepted to Turkey under whatever means, ensuring fair distribution of income taking measures to promote social justice and to encourage social help and solidarity.”

In this regard, if needy foreign citizens apply to Social Help and Solidarity Foundations, executive body of the related foundation can extend support to them.”

Foreigners in our country can be grouped into two categories in terms of social helps:

a) Foreigners with interim identity number

All Foreigners in Turkey with interim identity number can access to same conveniences as Turkish citizens.

b) Foreigners without interim identity number

Foreigners without interim identity number can benefit from other help programs conducted by our Ministry except for regular helps (Conditional Education Help-Conditional Health Help, Widow Women with Deceased Husbandsetc.)

For instance, a sum amounting to 8.471.225,00.-TL was allocated to Social Help and Solidarity Foundations in 2013 under the Resolution to Enact Social Help and Solidarity Incentive Fund for meeting the needs of Syrians entering our country due to turmoil lingering in Syrian Arabic Republic.

On the other hand, our country signed many Cooperation on Security Agreements envisaging cooperation in organized crimes and fight against terror. All these agreements involve provisions about ensuring cooperation in the fight against human trafficking.

In this regard, to gain functionality to related provisions of the said agreements cooperation protocols have been signed with competent authorities of the countries source of human trafficking (Moldovia, Belarus, Georgia, Ukraine, and Kyrgyzstan).

National contact has been determined as General Directorate of Security Department of Foreginers Border Refuge in terms of activities towards implementing the said protocols and General Directorate of Security Department of Foreginers Border Refuge has until now undertaken exchange of information and active cooperation in multifaceted work conducted in the area of human trafficking and with parties to the Convention. In accordance with Article 17 of a protocol signed between General Directorate of Security and General Directorate of Migration Management, as of protocol's entry into force in 22/01/2014 the General Directorate of Migration Management will be renamed as General Directorate of Migration Management National Contact Point.

While it is not often seen in our country, children can be exploited in the crime of human trafficking and since victims of the crime are children here, utmost sensitivity is shown in the studies conducted.

In our country persons below 18 are considered children even if they reach adulthood in earlier age. Children whose body, mental, moral, social and sentimental development and personal safety are jeopardized and those who are neglected or abused or victimized by crime are protected under the Law on Children Protection No. 5395.

In our country were established within the bodies of Provincial Directorates of Security. In this framework, all the tasks assigned to law enforcement units by the legislation are undertaken through contact with Children Branch Directorates.

Article 19§4: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

- a. remuneration and other employment and working conditions;
- b. membership of trade unions and enjoyment of the benefits of collective bargaining;
- c. accommodation;

Scope of the provisions as interpreted by the ECSR

Migrant workers should not be treated less favourably than nationals in respect of employment, trade union rights and accommodation. States party should prove the absence of discrimination in these areas, direct or indirect, in terms of law and practice, and should inform of the practical measures to remedy it

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

(all statistical data on the number of migrant workers given fiscal housing support especially if possible)

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. COUNTRY OPINIONS ON NON-CONFORMITY DECISIONS

ECSR has considered our country situation non-conform with Paragraph 4 of Article 19 on the grounds that migrant workers are not founding members to trade unions.

Law on Trade Unions and Collective Agreement dated 18.10.2012 No. 6356 grants migrant workers equal rights of being founding members to trade unions as Turkish citizens.

2. INFORMATION DEMANDED BY THE COMMITTEE

Moreover, the Committee demands information on the following matters.

2. 1. Granting of Equal Rights to Migrant Workers in Working Life

Stating that many professions like doctor, dentistry, pharmacy, nursing and ship building are banned to foreigners, the Committee demands provision of information about our national legislation securing equal treatment of migrant workers with Turkish citizens in the working life, measures taken to implement our national legislation and current situation and also information as to whether professions which were formerly only available for Turkish citizens and are not connected to exercise of public force are accessible now by foreigners or not.

Professions and occupations exclusive to Turkish citizens and banned to foreigners in our country are determined by provisions in laws on occupations and provisions. Under recent legislative amendments, health services like doctor and midwifery are excluded from the list of banned professions. In the forthcoming term legislative steps envisaging equal treatment of migrants with Turkish citizens in the professions not related to the exercise of public force and security are planned to be taken.

2. 2. Rights of Migrant Workers to Housing

The Committee demands detailed information on legislation regulating migrant workers' access to private and public housings and its application.

Legislation regulating migrant workers' access to private and public housings and its application is detailed in Article 31.

Article 19§5: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

Scope of the provisions as interpreted by the ECSR

Migrant workers should not be treated less favourably than nationals in respect of employment taxes, dues and contributions.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NONCOMPLIANCE DECISIONS

The committee has considered our country situation compliant with this paragraph but has demanded detailed information as to whether foreigners legally residing in our country are equally treated with Turkish citizens in terms of legislation in the areas of taxes, charges and social security premiums and its implementation.

2. INFORMATION REQUESTED BY THE COMMITTEE

Information requested by the Committee is as follows.

Foreigners legally residing in our country are treated equally with Turkish citizens in terms of legislation and implementation in the areas of taxes, charges and social security premiums

Under Article 3 of the Law on Income Tax No. 193 entitled "Taxpayers" those continuously residing in Turkey for 6 and more than 6 months will be taxed over incomes and revenues obtained inside and outside Turkey in one calendar year and Article 4 states that those continuously residing in Turkey for 6 and more than 6 months and with residence in Turkey will be considered as settled. Under Article 94 of the same Law, charges paid to service provider and payments considered as charges will be subject to taxation.

On the other hand under Paragraph 14 of Article 23 of the same Law, service providers working with employers whose workplaces are not legitimately based in Turkey and are subject to

little taxation are kept exempt from income taxes of charges paid as exchange over incomes employer obtained outside Turkey.

Article 19§6: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

Appendix to Article 19§6

For the purpose of applying this provision, the term “family of a foreign worker” is understood to mean at least the worker’s spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.

Scope of the provisions as interpreted by the ECSR

Migrant workers, who have been permitted to establish themselves in the territory, have the right to be (re)joined by their family. The ‘family of a foreign worker’ is understood to mean at least the worker’s spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

Changes Applied in the Related Legislation are below.

Under Article 34 of the Law on Foreigners and International Protection No. 6458, wives and children of foreigners with residence permit are given residence permit of maximum 2 years for every time. However, family residence permit can never exceed provider’s residence permit. Under Article 27 of the Law on Foreigners and International Protection No. 6458, work permit document also can be used as residence permit. Since foreigners with work permit have also residence permit, their families will too have residence permit.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NONCOMPLIANCE DECISIONS

The Committee considered our country situation compliant with this paragraph on the grounds that health conditions imposed on migrant workers are reasonable and family reunion has not been facilitated as much as possible. An opinion on the matter is presented below in (**Annex:19/2**).

2. INFORMATION REQUESTED BY THE COMMITTEE

Information requested by the Committee is as follows.

2.1. Equal treatment to migrant workers in working life

Committee demands information on any legislative amendment (law, bylaw, regulation and directive) on family reunion.

MINISTRY OF INTERNAL AFFAIRS any legislative amendment (law, bylaw, regulation, directive) on family reunion should be submitted.

2.2. Equal treatment to migrant workers in working life

The Committee demands statistical information on family reunion applications denied based on income and housing criterion, health situation and legal framework with respect to family reunion conditions.

MINISTRY OF INTERNAL AFFAIRS is demanded statistical information on family reunion applications denied based on income and housing criterion, health situation and legal framework with respect to family reunion conditions.

Article 19§7: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article.

Scope of the provisions as interpreted by the ECSR

Migrant workers should not be treated less favourably than nationals in respect of legal proceedings.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists.

B- RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-COMPLIANCE DECISION

The Committee has delayed its decision demanding additional information.

2. INFORMATION DEMANDED BY THE COMMITTEE

The Committee demands to know if there are provisions of a national legislation regulating that migrant workers parties to judicial and administrative cases and have no lawyers are informed that they have the right to hire lawyer free of charge and those who have no adequate economic possibilities are provided with a lawyer and are provided with translator and all relevant documents in native language are translated for them unless they can understand native language and if so, demand to be informed about the said legislation.

Article 19§8: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

Scope of the provisions as interpreted by the ECSR

States party are prohibited to expel migrant workers lawfully residing within their territories unless they endanger national security or offend against public interest or morality.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

a) Law on Foreigners and International Protection No. 6458

Law on Foreigners and International Protection No. 6458 has been issued on Official Gazette dated 11 April 2013 and entered into force on 11 April 2014.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-CONFORMITY DECISION

In this framework our country opinion regarding non-compliance decision taken by European Social Rights Committee is attached. (Annex:19/3)

Article 19§9: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire.

Scope of the provisions as interpreted by the ECSR

Migrant workers have the right, within legal limits, to transfer to their country of origin such parts of their earnings and savings as they may desire.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-COMFORMITY DECISION

The Committee has considered our country situation compliant with this paragraph, demanding additional information.

Article 19§10: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.

Scope of the provisions as interpreted by the ECSR

States party must extend the protection and assistance provided for in this Article to selfemployed migrant workers, insofar as such measures apply.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-COMPLIANCE DECISION

The Committee has considered our country situation noncompliant with paragraphs 1, 2, 6 and 8 of this Article and therefore noncompliant with this paragraph but there was no discrimination between migrant workers and waged migrant workers.

Article 19§11: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

Scope of the provisions as interpreted by the ECSR

States party should promote and facilitate the teaching of the national language of the receiving State to migrant workers and their families.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-COMPLIANCE DECISION

The Committee has delayed its decision demanding additional information.

2. INFORMATION DEMANDED BY THE COMMITTEE

The Committee demands information as to our national legislation which regulates migrant workers' children being taught Turkish at adequate level and language education for migrant workers and their families with existing applications like giving additional support to Turkish education and number of children and adults benefiting from such education, whether this education is given with or without delay and if it is free of charge or not.

Article 19§12: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Scope of the provisions as interpreted by the ECSR

Paragraph 12: States party should promote and facilitate, as far as practicable, the teaching of the migrantworker's mother tongue to the children of the migrant worker.

A. DEVELOPMENTS IN THE REPORTING PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No ammendments were applied to our related legislation in the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

No measure has been taken to put related legislation into practice in the reporting period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

No data exists

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-COMPLIANCE DECISION

The Committee has delayed its decision demading information.

2. INFORMATION DEMANDED BY THE COMMITTEE

The Committee has demanded information as to how many students have education in their mother tongue through schools or cultural/voluntary organizations in our country and as to amount of subsidy the Government provides in this area.

B-RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. NON-COMPLIANCE DECISION

The Committee has considered our country situation noncompliant with paragraphs 1, 2, 6 and 8 of this Article and therefore noncompliant with this paragraph but there was no discrimination between migrant workers and waged migrant workers.

ARTICLE 27

THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT

Article 27§1: With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake to take appropriate measures:

- a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
- b. to take account of their needs in terms of conditions of employment and social security;
- c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements;

Scope of the provisions as interpreted by the ECSR

- a. Persons with family responsibilities must be provided with equal opportunities in respect of entering, remaining and re-entering employment, in particular in the field of vocational guidance, training and re-training.
- b. The needs of workers with family responsibilities must be taken into account in terms of conditions of employment and social security. Legislation or collective agreements shall regulate the length and organisation of working time, as well as how non-working periods due to family responsibilities are taken into account for pension rights.
- c. Child day care services and other childcare arrangements must be available and accessible to workers with family responsibilities.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

The information on the amendments in the relevant legislation during the reference period is given below:

1.1 New regulations in the Labour Law No. 4857 and in the Civil Servants Law No. 657

“Restructuring of Some Assets and the Social Insurance Law and the Law on Amending Some Laws and Decree Laws No. 6111” has entered into force on 25.02.2011 by being published in the repeating Official Gazette No. 27857.

The amendments in the Law No. 6111 and in the Labour Law No. 4857 are stated below:

i) Amendments in the Labour Law No. 4857

Pursuant to the existing first paragraph of Article 74 of the Labour Law “In principle female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement and eight weeks after confinement. In case of multiple pregnancy, an extra two week period shall be added to the eight weeks before confinement during which female employees must not work. However, a female employee whose health condition is suitable as approved by a physician’s certificate may work at the establishment if she so wishes up until the three weeks before delivery. In this case the time during which she has worked shall be added to the time period allowed to her after confinement. With the Law No. 6111 the statement of “In case of preterm delivery, the non working periods before delivery is used by being added to the post-natal period” has been added.

ii) Amendments in Civil Servants Law No. 657

The statement of “However, the female civil servants can not be assigned night watch and night shift before the twenty-fourth week and as of the twenty-fourth week of pregnancy in any case and for a period of one year after delivery in case it is specified in the medical report. The handicapped civil servants can not be assigned night watch and night shift against his/her will” has been added as paragraph 2 to Article 101 of the Civil Servants Law No.657.

Article 104 of the Civil Servants Law No. 657 has been amended as follows:

The term of 16 weeks (8 weeks before delivery, 8 weeks after delivery) “monthly pay” has been named as “maternity leave”. While there is no provision about preterm delivery in the Turkish Civil Code; a new regulation has been realized about this issue by adding “Due to preterm delivery, the period of maternity leave which could not be taken before delivery is added to the maternity leave after delivery. In case of the death of mother during delivery or maternity leave, the father, who is a civil servant, can take a leave as the period stipulated for the mother.”

The provision of “The male civil servant can take a leave of 3 days due to his wife’s delivery” in the previous Law has been amended as “In case of delivery of his spouse, 10 days of paternity leave is given upon his request”.

The period of breast-feeding leave has been reformulated. In the previous regulation the provision of “The mother is given a leave of 1,5 hours a day to breastfeed her child younger than one year of age” has been amended and the statement of “The female civil servant is given a leave of 3 hours a day in the first six months and 1,5 hours a day in the second six months as of the date of expiration of maternity leave to breastfeed her child. It is up to the female civil servant at what time and how many times a day the breast-feeding leave shall be used” has been introduced.

The provision of “The leave without pay up to 24 months is given to the civil servant who has given birth as of the expiration date of maternity leave as per article 104 and to the male civil servant whose spouse has given birth as of the date of birth upon their request has been introduced in article 108 of the Civil Servants Law No. 657.

About the leaves the civil servants can take who adopt, the provision of “In case the civil servants who adopt a child younger than 3 years of age with his/her spouse or individually as well as in case of adoption of a spouse who is not a civil servant individually, their spouses who are civil servants are given leave without pay till 24 months upon their request as of the approval date of the will of the parents of the child or as of the date of permission of probate departments. In case of both spouses being civil servants who adopt, this period can be used by the spouses as in two consecutive parts upon the request of the spouses not exceeding 24 months.”

1.3. Prime Ministry Circular on “Promoting Woman Employment and Ensuring Equal Opportunities”

The Prime Ministry Circular on “Promoting Woman Employment and Ensuring Equal Opportunities” No. 2010/14 prepared for the purpose of strengthening socio-economic status of women, ensuring equality between women and men, promoting woman employment to achieve the objectives of sustainable economic growth and social development and to enable equal pay for equal work has entered into force on 25 May 2010.

1.4. Regulation on the Conditions of Employing Woman Employees at Night Shifts

The Regulation on the Conditions of Employing Women Employees at Night Shifts prepared by the Ministry of Labour and Social Security has entered into force by being published in the Official Gazette dated 24.07.2013 No. 28717. With the enactment of the Regulation, the Regulation on the Conditions of Employing Woman Employees at Night Shifts which was published in the Official Gazette dated 9.8.2004, No. 25548 has been repealed.

With the new Regulation, the prohibition of not employing nursing women at night shifts for 6 months starting from the date of birth has been extended to 1 year. Furthermore, this period for nursing women can be extended for further 6 months in case it is certificated with a physician's report in the workplace that it is necessary in terms of the health of mother or child.

1.5. The opportunity of voluntary insurance for housewives

Within the scope of the Law which entered into force in 2011, the insured housewives as per paragraph 1 of article 4 of the Law No. 5510 on a service contract by one or more employer have been provided voluntary insurance who work less than 30 days a month or do not work full-time and were not put on salary due to her own insurance.

1.6. The Law on the Protection of the Family No. 4320

The Law, apart from the measures in the Turkish Civil Code, regulates the protection order involving the measures for protecting the injured party upon the notification of one of the spouses or their children or one of the family members living together or one of the family members who has divorced or having the right to live apart from his/her spouse legally or one living separated actually though they are married that they are subject to domestic violence themselves or the chief public prosecutor's office and the penalty if the order is not obeyed.

The implementation of the Law is not only for physical violence. It involves any kind of violence including obstruction of freedom, endamaging physically, financially and psychologically and sexual harassment.

1.7. The UN Convention on the Elimination of All Forms of Discrimination Against Women

Turkey became a party to the UN Convention on the Elimination of All Forms of Discrimination (CEDAW) in 1985, the only binding legal document at international level in the field of equality between women and men. The main objective of the abovementioned Convention is to eliminate the prejudice based on the stereotyped roles of women and men as well as all traditional and similar practices involving violence in order to ensure equality between women and men in social life.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The measures taken for the implementation of the legislation during the reference period are stated below:

2.1. Promoting Woman Participation in Labour Market and Employment

Within the framework of 10th Development Plan (2014-2018) which entered into force by being published in the Official Gazette dated 6 July 2013, 25 “Primary Transformation Programmes” have been prepared to achieve the objectives of the Plan. In carrying out the programme, “Activating Labour Market” which is among the Primary Transformation Programmes, the Ministry of Labour and Social Security has been determined as the general coordinator institution.

The Action Plan with regard to the component of “Promoting Woman Participation in Labour Market and Employment” taking place under the programme of “Activating Labour Market” is being prepared by the Ministry of Labour and Social Security through taking the views, recommendations and evaluations of the relevant institutions and organizations.

Within this framework, the item of measures such as eliminating bureaucratic obstacles on extending child care services, making encouraging regulations on preventing women having children from leaving the labour market, arranging vocational training courses promoting woman employment and awareness raising studies for the relevant groups of the society to reduce the cultural obstacles to woman participation in labour market and to employment have been included in the abovementioned action plan.

2.2. Promoting Women Access to Economic Opportunities

The Project entitled “Promoting Women Access to Economic Opportunities” with a budget of 4.500.000 Dollars covering the years 2012-2016 is carried out in cooperation with the World Bank with the financial support of Swedish International Development Cooperation Agency (SIDA) by the Directorate-General on the Status of Women. Within the scope of this Project, it is aimed to increase the capacity of creating data based policies in the field of woman employment, to ensure information sharing, to raise awareness and to support the limited number of pilot woman cooperatives.

2.3. Cooperation Protocol Among the Ministeries

With the cooperation protocol signed between the Ministry of Family and Social Policies and the Ministry of Science, Industry and Technology on 10.02.2012, it was found proper to encourage the opening of nurseries for the women working in the organized industrial zones and to make necessary regulations. In this context, cooperation protocol has been signed between the parties on 21 January 2013 with the aim of opening nurseries and day care centers in the Organized Industrial Zones in 10 provinces between MoLSS, the Ministry of Science, Industry and Technology and Borusan Inc. The duration of the Protocol is 6 years. Within the scope of the Project it is planned to establish nurseries in 10 Organized Industrial Zones in total in the first four years.

2.4. National Action Plan of Gender Mainstreaming (2008-2013)

“National Action Plan of Gender Mainstreaming (2008-2013)” has been prepared on the basis of critical fields determined in Beijing Action Platform with the contribution and participation of all the relevant partners in coordination with the Directorate-General on the Status of Women. The objectives and strategies are included in the Chapters entitled “Woman and Economy” and “Woman and Poverty” within the scope of promoting woman employment, supporting woman entrepreneurship and fighting woman poverty. Responsible and cooperation organizations were determined and the Action Plan was followed via semi-annual meetings and reports.

2.5. The Protocol Signed Between the Ministry of Family and Social Policies, the Ministry of Food, Agriculture and Livestock and the Union of Turkish Agricultural Chambers

With the Protocol signed on 14 May 2012 between the Ministry of Family and Social Policies, the Ministry of Food, Agriculture and Livestock and the Union of Turkish Agricultural Chambers, it is aimed to train women living in rural areas and dealing with agriculture about agriculture, gender mainstreaming, violence against women, individual rights and freedoms and to improve the cooperation among institutions. Within the scope of Protocol, 771 woman farmers received training in Kayseri, İzmir, Gaziantep, Sakarya and Diyarbakır which were determined as pilot provinces.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Total number of children in 1673 private nurseries, day care centers and child clubs across Turkey is 54.232. Total capacity is 109.674.

B-RESPONSES TO THE FURTHER INFORMATION REQUEST AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON DECISIONS OF VIOLATION

The Committee adjourned its decision by requesting information on the following subjects.

2. INFORMATION REQUESTED BY THE COMMITTEE

2.1. Reconciliation of family and professional responsibilities

There is no national policy or strategy for enabling persons having family responsibilities to work without being subject to discrimination in our country.

2.2. Specific employment measures for the persons having family responsibilities

There are no programmes on vocational guidance, consultation, informing and job placement for women and men having family responsibilities in our country.

The woman employee or civil servant fulfilling the necessary conditions during maternal leave can benefit from social insurance services.

2.3. Control of the quality of child care services

Private nurseries and day care centers as well as private child clubs which operate by getting start-up permit from the Ministry of Family and Social Policies are inspected once a year in line with the provisions of the *Regulation on Principles of Establishment and Operating of Private Nurseries and Day Care Centers and Private Child Clubs* which entered into force by being published in the Official Gazette dated 08/10/1996, No. 22781.

In the said Regulation, the qualifications of the staff in private nurseries and day care centers as well as private child clubs and the qualifying qualifications in conducting the services were determined. Accordingly, if the private nurseries and day care centers as well as private child care centers do not have the necessary qualifications penal sanctions are imposed for being warned, temporarily or permanently closed.

As is included in the *Strategic Objectives of the Ministry for 2013-2017*, it is targeted to establish the system of self-assessment and reporting for the implementation of minimum standards and for effective and result-oriented monitoring so as to enhance the satisfaction of the beneficiaries.

Within this scope, the *Project of Strengthening Internal Audit and Establishing Self-Assessment System in Child Care Services* has been carried out during 2013 for realizing the Self-Assessment System and preparing Implementation Guidance in child care organisations in coordination with the Ministry of Family and Social Policies, in consultation with the Internal Audit Unit of the Ministry and with the technical assistance of UNICEF. The new system for the processes in the implementation of the “Programme of Monitoring and Evaluation of Minimum Standards” has been put into service on 03.06.2013.

Article 27§2: With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice.

Scope of the provisions as interpreted by the ECSR

Legislation, collective agreements or the practice shall regulate the possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

With the amendment introduced with Omnibus Bill No. 6111 in 2011 in Civil Servants Law No. 657, the male civil servant was entitled unpaid leave.

Accordingly, in article 108 of Civil Servants Law No. 657, regulating the conditions for unpaid leave, with the amendment introduced with Omnibus Bill No. 6111 in 2011, as per article 104 upon the request of the civil servant whose wife gave birth he is entitled unpaid leave until 24 months.

Again in accordance with subparagraph (c) of article 108 of the same Law, “In case the civil servants who adopt a child younger than 3 years of age with his/her spouse or individually as well as in case of adoption of a spouse who is not a civil servant individually, their spouses who are civil servants are given leave without pay till 24 months upon their request as of the approval date of the will of the parents of the child or as of the date of permission of probate departments. In case of both spouses being civil servants who adopt, this period can be used by the spouses as in two consecutive parts upon the request of the spouses not exceeding 24 months.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures for the implementation of the legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data about the matter.

B-RESPONSES TO THE FURTHER INFORMATION REQUEST AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON DECISIONS OF VIOLATION

The Government view on the decision of violation of ECSR on this paragraph is enclosed (Annex: 27/1).

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information whether the women taking unpaid maternity leave is employed in their previous work after they return.

There is no regulation stipulating the employment of women in their previous work taking unpaid maternity leave after they return.

Article 27§3: With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Scope of the provisions as interpreted by the ECSR

Family responsibilities must not constitute a valid ground for termination of employment or hampering career development. Courts or other competent bodies should be able to award a level of compensation that is sufficient both to deter the employer and proportionate the damage suffered by the victim

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

There are no amendments in the relevant legislation during the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures for the implementation of the legislation during the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data about the matter.

B-RESPONSES TO THE FURTHER INFORMATION REQUEST AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON VIOLATION DECISIONS

The Committee adjourned its decision by requesting information on the following subjects.

2. INFORMATION REQUESTED BY THE COMMITTEE

2.1. Reconciliation of family and professional responsibilities

In accordance with article 18 of the Labour Act No. 4857, “The employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with the capacity or conduct of the employee or based on the operational requirements of the establishment or service.” Paragraph (d) of the same article stipulates that race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin shall not constitute a valid reason for termination.

2.2. Reconciliation of family and professional responsibilities

In accordance with article 5 of the Labour Act No. 4857, if the employer violates the above provisions in the execution or termination of the employment relationship, the employee may demand compensation up his (her) four months’ wages plus other claims of which he (she) has been deprived. Request for unlimited compensation is not possible.

As per article 20 of the same Act on the procedure of appeal against termination, “The employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not valid to justify the termination

shall be entitled to lodge an appeal against that termination with the labour court within one month of receiving the notice of termination. (...) If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period of time. (...) The court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month.

ARTICLE 31

THE RIGHT TO HOUSING

Article 31§1: With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures to promote access to housing of an adequate standard;

Scope of the provisions as interpreted by the ECSR

Paragraph 1: States party must guarantee to everyone the right to adequate housing, in particular to vulnerable groups. The notion of adequate housing must be defined in law. Adequate housing means a dwelling which is structurally secure, safe from a sanitary and health point of view and not overcrowded, with secure tenure supported by the law. It is incumbent on the public authorities to ensure that housing is adequate through different measures, as well as that waiting periods for access to adequate housing are not excessive.

The effectiveness of the right to adequate housing implies its legal protection. Adequate procedural safeguards are requested. Tenants or occupiers must be given access to affordable and impartial judicial remedies.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. THE GENERAL LEGAL FRAMEWORK

No amendments were made in the existing legislation during the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The measures taken for the implementation of the legislation are indicated below:

Renovation of shanty settlements in our country, population growth, trend in increase of costs of housing and renting, including housing mobilization maintained by Housing Development Administration of Turkey (TOKİ) as an implementing agency to the Prime Ministry in the Government programmes of the Republic of Turkey, played an active role in this process. In addition, nearly 15 million citizens or 3,7 million households in the householder status and over 2 million of low and middle income households led the increase of housing mobilization and of requests for house construction from 81 provinces and nearly 800 districts across Turkey.

“Planned Urbanization and Dwelling Production Mobilization” has been initiated together with the 58th Government of the Republic of Turkey formed in 2002. The target is to construct 500 thousand houses at first step. In order to achieve this goal, first of all TOKİ has been made ready in terms of institutional, legal, financial and human resources. In this sense, 25 different legal regulations have been realized; TOKİ has been restructured both financially and in terms of being able to work rapidly and to become organized.

In “Council Housing Project” conducted by the Ministry of Family and Social Policies and Housing Development Administration of Turkey (TOKİ), payoff council houses are being constructed for the poor and indigent citizens deprived of social security within the scope of the Law of Encouraging and Social Aid and Solidarity No. 3294. The aforementioned houses are planned in a form of 1+1 (45m²) and 2+1 (65m²). This Project is financed by the Social Aid and Solidarity Promotion Fund.

TOKİ delivers “Council Houses” to the Directorate-General of Social Aid within 30 months at the latest following the site delivery. Social Aid and Solidarity Promotion Fund pays the costs to TOKİ within 5 years. 10% quota is allocated to the citizens who are 50% disabled within the scope of the Law No. 3294. No guarantor, advance payment or price is requested in the beginning of the project. Reimbursement is completed within 270 months. 18.686 houses have been delivered until the end of 2013.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The size of housing credit extended across Turkey in 2012 is approximately 86.04 billion TL. This figure is predicted to reach 166,8 billion in case there is 5% growth. This means a significant contribution to the sector.

Nearly 90% of housing production in Turkey is realized by the private sector. The average number of building license between 2004-2012 is 596 thousand. The public can produce 10% of this figure. The size of construction sector in Turkey in 2012 was 70,6 billion Dollars and 65% of this figure has been realized again by the private sector.

633.295 houses were constructed between 2003-2014 by TOKİ (as of August 2014). This size means 24 provinces which is equal to 100 thousand population. Nearly 535 thousand (85.39%) of the applications in 2,991 construction sites are social qualified projects.

518.338 houses were sold. 481.575 out of 491.453 houses that are going to be finished with their social reinforcement and environment planning were delivered to the beneficiaries. 5.264 contracts were concluded at the amount of 66,3 billion TL (VAT included) at the stage of construction and project work.

Within the scope of urban renewal programme made jointly with local administrations, 283.020 shanty transformation work has been designed in 340 projects. Contract work with 104.885 houses has been made in 229 different regions. 93.286 houses began to be constructed in 212 projects and 56.354 houses were delivered to the beneficiaries in 128 regions.

Through the abovementioned TOKİ projects, 900 thousand persons were employed directly and indirectly. A progress payment of 42,7 billion TL was made in total.

The housing projects developed by TOKİ in order to own a house across Turkey at sufficient standards (as of 29/04/2014) are summarized in the table in Annex: 31/1.

B-RESPONSES TO THE FURTHER INFORMATION REQUEST AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON DECISIONS OF VIOLATION

1.1- The right to housing of the Roman citizens

The Committee finds the situation in our country contrary to this paragraph on the grounds that the measures taken by public authorities in order to enhance the houses of several Roman citizens that are in quite poor condition are insufficient. The country opinion on the contradiction is presented in French in Annex: 31/2.

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee requests information on the following subjects:

2.1. Access of adequate housing of foreign nationals

The Committee asks whether the right of access of adequate housing for foreign nationals who are legal residents in our country and work regularly are guaranteed.

The information on the subject is presented below:

The application of reciprocity stipulation of foreign real persons in having real estate in our country has been abrogated with the Law No. 6302 which entered into force on 18.05.2012 making amendments in the Law on Land Registry and Cadastre No. 2644 known as Law of Reciprocity and under article 35. Thus, foreigners can buy real estate to use as a workplace or a house in Turkey provided that they obey legal restrictions.

The regulation extending 3 months of residence permit to 1 year granted for the foreigners was put into effect as of 12 April 2013 following the Law of Reciprocity allowing real estate selling to foreign nationals.

The aforementioned regulations have a legal infrastructure parallel with the developed countries that are compatible with EU legislation.

2.2. Adequate housing

The Committee requests information by indicating that in accordance with the Charter adequate housing means a dwelling having basic comfort elements such as water, heating, electricity, collecting garbage and health equipment, offering a strong construction and are not overcrowded and that the concept of adequate housing should be defined in domestic law.

The information on the subject is presented below:

In accordance with Articles 17, 56 and 57 of the Constitution of the Republic of Turkey dated 1982; the right of living and housing of individuals in a healthy environment has been guaranteed. In accordance with Article 17 of the Constitution everyone has the right to life and the right to protect and improve his/her corporeal and spiritual existence.

Although the right to housing is a basic right for everyone, it is more important particularly for the poor. Therefore, the poor and the low-income regions are especially included in the

documents on human rights. For instance, Article 49 of the Constitution of the Republic of Turkey dated 1961 states that “the State takes measures to meet the housing needs of the poor and the low-income families convenient to the health conditions.”

2.3. Statistics on the convenience of the houses

The Committee requests statistical information on the convenience of the houses in our country, how the measures are financed for providing appropriate housing as well as the measures taken or predicted to be taken in order to restore the situation of those in poor condition.

The information on the subject is presented below:

a) Official information on the quality of the housing status in our country is not produced by TOKİ. However, according to the data of Turkish Statistics Institute (TÜİK), there are 19 million 209 thousand 928 buildings across Turkey (approximately 20 million) and 40% of them are unlicensed and 67% is uninhabited.

Furthermore, when taken into consideration that the number of housing between 2000-2011 was nearly 215 thousand apartments and that 90 thousand houses shall need restoration every year and that the number of houses at the age of 50 and older will be 3,1 million until 2023, Turkey should increase its housing production every year. Within this framework, the amount of houses needed is approximately 7,56 million.

Nearly 6,5 million houses should be pulled down within 20 years against the risk of natural disaster in our country and they should be rebuilt and a stock of 14 million houses should be handled.

b) TOKİ, with the housing projects it has developed on the appropriate lands on its own portfolio and on the lands free of charge or over the market price from the Treasury (lands free of charge are used for public housing applications and those over the market price for the high income group housing applications) meets nearly a proportion of 5-10% of the housing need in Turkey.

Nearly 85% of the houses TOKİ constructed are social qualified and are sold to the low and medium income families with payable monthly instalments and advance payments who can

not have a house at market conditions in the long run. The beneficiaries are offered new living environments (convenient houses) where all the social reinforcement exist such as education, health, trade. The construction of social reinforcement is realized by TOKİ. TOKİ also invests much in infrastructure (roads, water lines, etc.). Landscaping is provided for the projects.

TOKİ also creates innovative models in order to implement the Government decisions for the existing housing and settlement policies. The most significant model is the financing model including housing offer for the high income groups called income (revenue) sharing model. TOKİ cashes up for the housing projects of the low and middle income groups with this method. This model is based on house construction and on sharing of sales revenue with the private shareholder on valuable land in large cities such as Istanbul and Ankara in particular in cooperation with the private sector.

TOKİ sells the land except those on which it makes constructions to the shareholders, contributors and public institutions through direct sale and to the private persons and companies through auction land sales contract for resource procurement.

c) TOKİ also realizes urban renewal projects in cooperation with local administrations since 2003 due to the problem of shanty and illegal housing violating planned housing development.

Urban renewal projects in Turkey have become a government policy today. With the Law on Transformation of the Areas Under the Risk of Disaster No. 6306 prepared by the Ministry of Environment and Urban Planning and entered into force on 31.05.2012, the importance and priority of the issue of renewing or strengthening of the construction stock including unlicensed constructions has been put forward once again.

TOKİ and as well as Urban Transformation implementations conducted under Municipalities pursuant to Article 73 of the Municipal Law No. 5393, Provincial Private Administrations, Metropolitan Municipalities, District Municipalities will also carry out the work in conducting the Law No. 6306 together with the relevant Ministry.

With these implementations, shanty and illegal housing areas are transformed on one hand and on the other forming new shanty areas with the houses constructed for low-income families are tried to be prevented.

In these projects, the main objective is to make out and to rehabilitate bedraggled regions of the city.

2.4. Checking the convenience of the houses

The Committee, asks whether checking the convenience of the houses are among the duties of Housing Development Administration of Turkey and the Ministry of Public Work and Settlement.

Checking of the houses by the contractor companies by TOKİ is provided by consultant companies and the control engineers of TOKİ. Therefore, the construction in housing projects of TOKİ is carried out by passing off multi-staged and cross supervision systems.

2.5. Legal protection of the right to housing

The Committee requests information on the legislation and the implementation regulating the right to housing in our country.

The information on the subject is presented below:

In accordance with Articles 17, 56 and 57 of the Constitution of the Republic of Turkey dated 1982; the right of living and housing of individuals in a healthy environment has been guaranteed. In accordance with Article 17 of the Constitution everyone has the right to life and the right to protect and improve his/her corporeal and spiritual existence. Although the right to housing is a basic right for everyone, it is more important particularly for the poor. Therefore, the poor and low-income regions are especially included in the documents of human rights. For instance Article 49 of the Constitution of the Republic of Turkey dated 1961 states that, “the State takes measures to meet the housing needs of the poor and the low-income families convenient to the health conditions.”

2.6. The right to housing of vulnerable groups

The Committee asks how the right to housing for vulnerable groups such as low-income, unemployed and single parent families, children, the disabled, mentally handicapped, persons shifted within the country due to war or disasters and is provided and requests information on the legislation and implementation. Furthermore the Committee requests detailed information

on the measures taken to guarantee the right to housing of Roman citizens and the persons shifted within the country.

The information on the subject is presented below:

The production of housing is realized across the country appropriate for the ability to pay of the poor in order to show that urbanization is possible with qualified and cheap investment opportunities with the Protocol signed between TOKİ and the Directorate-General of Social Aid of the Ministry of Family and Social Policies.

In addition, TOKİ supports housing production via credit facility in its implementations with the Law on Mass Housing Law No. 2985 across the country. In this context;

- The Turkish citizens are given housing and workplace loan who suffered from disasters via cooperatives they will establish;

1. Draft Law prepared on “Amending Some of the Laws on Natural Disasters” (Law No. 4864 dated 29.05.2003) – Articles 7, 8, 9, 10.

2. The regulations have been confirmed on accrediting housing and workplace for the victims of disaster via cooperatives they will establish in the regions affected by the disaster with the Regulation published in the Official Gazette dated 15.10.2003, No. 25260.

- To the martyr families, the invalid, the widows and orphans;

“The Regulation on Noninterest Housing Loan Accredited for the Martyr Families, the Invalid, Widows and Orphans from Housing Development Fund” entered into force by being published in the Official Gazette dated 21.09.1991, No. 20998. Accordingly, 73.000,00 TL noninterest loan is given to the martyr families, the invalid as well as to the widows and orphans. To benefit from this loan, the person should apply to Ziraat Bank with the beneficiary document taken from Retirement Fund. It shall be enough for the deed to be taken a year ago at most.

- Emergency temporary and permanent housing applications are made to the provinces damaged by natural disasters in coordination with TOKİ and AFAD.

Modern social service facilities were initiated to be established suitable for the new service understanding needed in the country with the joint action programme with the Protocol signed

between the Directorate-General of Child Services of the Ministry of Family and Social Policies and TOKİ. It is also important to design and construct physical places appropriate for the disadvantaged groups. These are;

- Living environments are formed suitable to the development needs of the children at the age groups of 0-6, 7-12 and 13-18 with “Love Houses”, a new model stipulating the care of children in appropriate physical places.
- “Accessible Living Centers” are being established for the persons in need of physical aid.
- “Rehabilitation Centers”, having different service units, set an example in terms of activities carried out in this field in order to enable the disabled individuals benefit from treatment services, to upskill these individuals according to various disability groups and to improve their physical and mental functions.
- The implementation of “Nursing Homes” for the old-age population has been increased

Article 31§2: With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures to prevent and reduce homelessness with a view to its gradual elimination;

Scope of the provisions as interpreted by the ECSR

Action to prevent categories of vulnerable people from becoming homeless and gradually reduce homelessness, towards its elimination. Reducing homelessness implies the introduction of emergency and longer-term measures, such as the provision of immediate shelter and care for the homeless as well as measures to help such people overcome their difficulties and to prevent them from returning to a situation of homelessness.

Existence of procedures to limit the risk of evictions and to ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned.

1. THE GENERAL LEGAL FRAMEWORK

No amendments were made in the existing legislation during the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are no measures to implement the relevant legislation in the reference period.

3. STATISTICS AND OTHER RELEVANT INFORMATION

There is no statistics and data on the subject.

B-RESPONSES TO THE FURTHER INFORMATION REQUEST AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON DECISIONS OF VIOLATION

The Committee finds the situation of our country contrary to this paragraph on the grounds that the Roman citizens were evacuated contrary to the rules of procedure necessary to protect the human dignity of each individual. The country opinion on contradiction is presented in French in Annex: 31/3.

2. INFORMATION REQUESTED BY THE COMMITTEE

The Committee also requests information on the following issues:

2.1. The problem of homeless living on streets

The Committee requests exact statistics on the homeless, whether urgent requests for housing were met and indicate the measures to solve this problem if these requests are not met.

The information on the subject is presented below:

There is no quantitative study on this issue in our country. Besides, there is also no comprehensive research about the homeless. Existing researches are based on narrow-scoped samples. Although they make important determinations, they do not reach a conclusion on the number of the homeless. According to the predictions of the volunteers of Şefkat Der, the only non-governmental organization making regular studies about the homeless, which were made on the basis of 15 years of work, there are 7-10 thousand homeless citizens in Istanbul, whereas more than 70 thousand across Turkey.

2.3. The right to housing of the homeless living on streets

The Committee requests information whether the urgent housing facilities offered for the homeless in our country fulfill security, health and hygiene conditions, whether the urgent housing opportunity is provided also for the foreigners regardless of residence permit and whether the persons offered urgent housing are restricted to be removed.

The information on the subject is presented below:

There is no study about this issue in our country. However, service is provided in coordination with some municipalities and NGO's (e.g. the volunteers of Şefkat Der, Association of Umut Çocukları).

Article 31§3: With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures to make the price of housing accessible to those without adequate resources.

Scope of the provisions as interpreted by the ECSR

An adequate supply of affordable housing must be ensured: through the appropriate measures for the provision of housing of an adequate standard, and through housing allowances, which is an individual right. Legal remedies must be available in case of refusal of the allowance.

1. THE GENERAL LEGAL FRAMEWORK

No amendments were made in the existing legislation during the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In “Council Housing Project” conducted by the Ministry of Family and Social Policies and Housing Development Administration of Turkey (TOKİ), payoff council houses are being constructed for the poor and indigent citizens deprived of social security within the scope of the Law of Encouraging and Social Aid and Solidarity No. 3294. The aforementioned houses are planned as 1+1 (45m²) and 2+1 (65m²). This project is financed by the Social Aid and Solidarity Promotion Fund.

TOKİ delivers “Council Houses” to the Directorate-General of Social Aid within 30 months at the latest following the site delivery. Social Aid and Solidarity Promotion Fund pays the costs to TOKİ within 5 years. 10% quota is allocated to the citizens who are 50% disabled

within the scope of the Law No. 3294. No guarantor and advance payment or price is requested in the beginning of the project. Reimbursement is completed within 270 months. 18.686 houses have been delivered until the end of 2013.

Within the scope of the project it is targeted to build 100.000 houses until 2023 in line with 2023 Vision. As of March 2014, 18.814 council houses were completed and delivered to the beneficiaries. The construction of 1.848 houses are still going on and nearly 40.000 houses are planned to be built.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The housing policy enabling our citizens long term and having a house as if paying a rent having low and middle income particularly in housing production of the public in Turkey produces effective and useful results. In the last decade nearly 528 thousand of the houses TOKİ produces are social qualified. About 144 thousand of them are the houses produced for the citizens from low-income group who can be defined as poor.

B-RESPONSES TO THE FURTHER INFORMATION REQUEST AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

1. GOVERNMENT OPINION ON DECISIONS OF VIOLATION

The Committee adjourned its decision by requesting information on the following subjects.

2. INFORMATION REQUESTED BY THE COMMITTEE

2.1. Request for council house

The Committee requests detailed information about the request for council houses with “Large Programme of House Construction”.

The information on the subject is presented below:

Offering council house is a privileged issue in Turkey. As of the end of 2013, Turkey’s population is approximately 76,7 people demographically. The annual population growth rate in 2013 was 13,7 per thousand. 91,3% of the total population resides in city and county centers with the establishment of metropolitan municipalities in 14 provinces and with the

important effect of joining of towns and villages to the municipalities as districts in 30 provinces. Despite the decrease in population in recent years, the increase in urbanization has created pressure emerging from low-income group virtually and caused shanty areas in big cities. This situation has also created pressure on infrastructures such as water, sanitation, housing and health.

The facility for having a house via banking system is limited due to insufficient income and saving levels to meet the housing loan payments of the low-income groups.

Articles 56 and 57 of the Constitution of the Republic of Turkey declare that each Turkish citizen has the right to convenient housing and that the State has the responsibility of assisting to meet these needs and promoting mass housing projects.

Mass Housing Law (Law No. 2985) is a framework law defining the fundamental principles directing the solution of housing problem in Turkey. This Law also describes the duties of TOKİ.

TOKİ, a leading organization dealing with housing and settlement issues in Turkey, has won important knowledge and experience for developing different financing models on house production over 30 years. The target group of TOKİ in mass housing projects is the families of low and middle income having no house within the framework of the existing market conditions in Turkey.

After November 2002, TOKİ has been assigned as the only responsible application organization in house production, particularly for the target groups in need across the country who they determined with the Urgent Action Plan which is expected to solve the social, economic and administrative problems of the country in parallel with the Governmental Programme.

Nearly 85% of the houses TOKİ constructed are social qualified and are sold to the low and medium income families with payable monthly instalments and advance payments who do not have a house at market conditions in the long run. The beneficiaries are offered new living environments (convenient houses) where all the social reinforcement exist such as education,

health, trade. The construction of social reinforcement is realized by TOKİ. TOKİ also invests much in infrastructure (roads, water lines, etc.). Landscaping is provided for the projects.

The beneficiaries from the council house projects of TOKİ (which were built on the land TOKİ owns) pay ready money in the beginning of the construction (no money is taken in the projects for low-income groups) and then they continue monthly payments according to a single indexed repayment schedule. This index for most of the projects is the salary index of the civil servants (announced by the Ministry of Finance of the Republic of Turkey). Monthly instalments for the projects for the poor citizens are increased twice a year by implementing the lowest one of either the salary raise index for civil servants, Producer Price Index or Consumer Price Index. Repayment tenor of TOKİ was determined as approximately 8-10-15-25 years depending on the financial opportunities of the target groups.

Low and middle income groups constitute 40% of the council housing projects. 23% of the projects is for the low income groups. The urban transformation projects in recent years have a proportion of 15%.

2.2. Request for council house

The Committee requests information how the regulations aiming council house aid for the low-income persons operate as well as the number of persons benefiting from this aid, on the other hand whether the respective ones shall have the right to resort to the jurisdiction in case the period for request of housing is excessively long and the legislation on the right to exercise this right.

The information on the subject is presented below:

With the alternative practices TOKİ realized, first of all the persons in need and the low-income groups were enabled to have a house in the long run as if paying rent. 85% of the houses TOKİ constructed is social qualified housing projects. Shanty transformation work carried out successfully within the scope of comprehensive urban renewal programme which was initiated in cooperation with the local administrations is included in these projects.

Within this framework, housing development is made in 81 provinces, 800 counties and in towns and villages of Turkey. The target group of TOKİ in mass housing projects is the

families of low and middle income having no house within the framework of the existing market conditions in Turkey.

With the work TOKİ carries out, 633.295 houses were constructed in 2.991 construction sites in 81 provinces and 800 counties from the beginning of 2003 till 25 August 2014. 535.051 of the houses mentioned above (85,39%) are social qualified. 144.604 of them (23,08%) are for low-poor income groups.

2. 3. Housing benefit

The Committee requests information on whether “Council Housing Programme” implemented among low-income persons in Turkey covers financial aid, how many persons fulfilled the anticipated conditions to benefit from this aid, how many persons actually benefit from this aid, the criteria about how these houses are accessible for the low-income groups via this aid and whether the persons, who have demanded council housing programme aid shall have the right to resort to the jurisdiction in case their request is refused.

The information on the subject is presented below:

TOKİ, within the scope of project support to show that urbanization is possible with qualified and cheap investment opportunities, with the “Council Housing Protocol” signed with the Directorate-General of Social Aid of the Ministry of Family and Social Policies on 15.04.2009 and the additional Protocol on 03.02.2011, the payback housing development is realized for the poor citizens (10% quota is allocated to the citizens who are 50% disabled) within the scope of the Law No. 3294 on Encouraging Social Aid and Solidarity.

In these implementations TOKİ undertakes only the construction work of the houses.

All the houses of which their construction is maintained by TOKİ are purchased by the related Directorate General and the completed houses are delivered to the Directorate General of Social Aid. The applications for these houses, conditions of sale and reimbursement, determination of beneficiaries are determined by the related Directorate General. The houses are distributed to the poor citizens by the related Directorate General in line with the relevant legislation.

2.4. Non-discrimination in housing benefit

The Committee asks whether the foreign nationals benefit from housing benefits on equal footing.

The information on the subject is presented below:

Pursuant to Articles 56 and 57 of the Constitution of the Republic of Turkey, TOKİ puts up the house under construction for sale by using variable price index appropriate for the citizens' ability to pay and completes the missing part of the system with its limited resources.

Council housing programme of TOKİ aims at low and middle income individuals having no house in the existing market conditions.

The applicants, particularly those in the mass housing projects of TOKİ, are entitled to housing in case they meet five basic criteria: having no house, having not received housing loan from the administration before, to reside in the province the project is constructed, to notify the ID and the taxpayer identification numbers and to submit an official document showing that they have adequate income level to be entitled to housing also for some other projects.

TOKİ also creates innovative models in order to implement the Government decisions for the existing housing and settlement policies. The most significant model is the financing model including housing offer for the high income groups called income (revenue) sharing model.

TOKİ also constructs container cities for the Syrian asylum-seekers in coordination with the Prime Ministry Disaster and Emergency Management Presidency (AFAD).

ANNEXES

Article 7 Paragraph 1

Le Comité Européen des droits sociaux (CEDS) estime que la situation de notre pays n'est pas conforme à la Charte au motif que l'interdiction d'employer des enfants de moins de 15 ans ne s'applique pas dans la pratique.

Les commentaires de notre gouvernement sur la conclusion de non-conformité sont présentés ci-dessous.

La conclusion de non-conformité du Comité est fondée sur le motif qu'un nombre considérable des enfants travaille encore dans notre pays malgré l'interdiction juridique. C'est pourquoi, après avoir indiqué brièvement la législation concernée, on va aborder le problème du travail des enfants dans notre pays, les mesures prises contre le travail des enfants et les résultats obtenus dans cette lutte.

L'article 71 de la loi n° 4857 sur le travail adopté le 10 juin 2003 dispose que l'emploi des enfants moins de 15 ans est interdit et que l'emploi des enfants de 14 ans n'est permis que pour les travaux légers sous la condition qu'ils aient achevé leur scolarité primaire.

Le contrôle de l'application de la législation relative au travail des enfants est assuré par les inspecteurs du travail. Les inspecteurs contrôlent tout d'abord si les enfants qui travaillent sont en âge légal de travailler. Ils infligent une amende de 1 200 TL aux employeurs, qui emploient des enfants moins de 15 ans. Lors de ces contrôles, on a relevé 13.278 cas en 2010 et 8.443 cas en 2011 concernant les enfants employés en dessous de 15 ans.

Le nombre des enfants qui travaillent diminue continuellement grâce aux dispositions législatives et l'application efficace que l'on vient mentionner ci-dessus.

Pour suivre de plus près ce problème, l'Office des Statistiques de Turquie fait régulièrement l'enquête sur l'emploi des enfants. Ces enquêtes ont pour but de constituer une base de données, de déterminer les secteurs de l'emploi, les conditions du travail ainsi que les

caractéristiques démographiques, sociales et économiques des enfants qui travaillent. Jusqu'à maintenant, trois enquêtes ont été réalisées 1994, 1999 et 2006.

Si l'on compare les données des enquêtes, l'on constate une diminution significative des taux des enfants qui travaillent. Alors que la proportion des enfants âgés de 6 à 17 ans était de 15,2 % en 1994 et de 10,3 % en 1999, elle est tombée à 5,9% en 2006. En une décennie, la proportion des enfants employés a diminué presque de deux tiers.

Selon l'enquête de 2006, le taux d'enfants âgés de 6 à 14 ans qui travaillent est de 2,6 %, c'est-à-dire 320 000 personnes.

Pourtant, il faut tenir compte que les dernières données sur l'emploi des enfants datent de 2006. Ces données sont anciennes et loin de refléter correctement la situation actuelle. Depuis 2006, plusieurs projets ont été mis en œuvre pour lutter contre le travail des enfants. Nous espérons que la prochaine enquête sur l'emploi des enfants qui sera réalisé à la fin de cette année confirmera la tendance à la baisse et montrera que le travail des enfants n'est plus un problème grave dans notre pays.

Néanmoins, sur la base des données présentées ci-dessus, notre gouvernement estime également comme le Comité que le travail des enfants constitue un problème important dans notre pays et qu'il faut faire davantage d'efforts.

A cet égard, la lutte contre le problème du travail des enfants se poursuit dans le cadre du programme international de l'OIT pour l'élimination du travail des enfants (IPEC) depuis 1992. On vise à prévenir le travail des enfants, en particulier les plus pires formes du travail des enfants.

Dans ce cadre, notre pays a élaboré une politique nationale et un programme-cadre pour la période de 2005-2015 pour éliminer le travail des enfants. Ensuite certains projets spécifiques ont été élaborés et mis en œuvre telle que :

- “Projet de l'élimination des pires formes du travail des enfants” destiné aux enfants travaillant dans la rue, l'industriel et l'agriculture
- “Projet d'action pour développer la capacité nationale” menée dans l'IPEC

- ‘le Projet de prévention du travail des enfants dans l’agriculture saisonnière par l’éducation(intitulé ‘des Champs à l’école’)

D’autre part, notre gouvernement a élaboré en commun avec l’UNICEF un plan d’action nationale intitulé ‘le renforcement et de protection de la jeunesse’ pour la période de 1er janvier 2011- 31 décembre 2015 Ce plan d’action vise notamment à réaliser des améliorations durables dans l’égalité d’accès à l’éducation pour les filles et les garçons du groupe d’âge de 14-18 ans. Dans le cadre ce plan d’action, on mène des activités telles que :

- Faire l’enquête de terrain pour déterminer les raisons du départ précoce d’école et du redoublement de classe et élaborer les propositions d’actions,
- déterminer les caractéristiques, les besoins et les attentes des enfants de groupe d’âge de 14 et 18 ans afin de préparer les politiques pour y remédier,
- étudier la situation d’éducation et d’emploi des enfants de ce groupe d’âge afin de pouvoir faire des propositions afin qu’ils puissent bénéficier des possibilités de l’enseignement

Dernièrement, on tient a signaler que la durée de la scolarité obligatoire se trouve allongée de 8 ans à 12 ans. Ainsi les enfants moins de 18 ans sont désormais en âge de l’instruction obligatoire. Par conséquent, l’emploi des enfants moins de 15 ans sera plus difficile.

Article 7 Paragraph 2

With the amendment made on 21/2/2013 in Article 5 and Annex: 3 of the Regulation of Employment Procedures and Principles of Children and Young Workers which entered into force by being published in the Official Gazette dated 06.04.2004, No. 25425, some amendments were made on the work which children and young workers are allowed to do. In line with this regulation, the light work for child workers, work for young workers and work for young workers at the age of 16 but did not turn 18 were specified. The relevant parts of the Regulation are given below:

Employment Principles of Children and Young Workers

Article 5 — The safety, health, physical, mental, moral and psychosocial development, personal inclination and the abilities are taken into account during the employment of the child and the young worker.

The children and young workers can be employed in a way that the work shall not prevent them going to school and their success at school as well as their participation to the preparations for choice of profession or to the vocational training by competent authorities. Employers shall guarantee the protection of children and young workers against any risks which will endanger their development, health and safety with regard to lack of experience, present or possible risks depending on ignorance or having not developed completely.

(Alternative paragraph: RG-21/2/2013-28566) Light work for child workers was specified in Annex: 1, the work for young workers in Annex: 2 and the work for young workers at the age of 16 in Annex: 3.

(Additional paragraph: RG-21/2/2013-28566) Child workers can not be employed in the work except those in Annex: 1, young workers can not be employed in the work except those in Annex: 1 and 2 and the young workers at the age of 16 but did not turn 18 can not be employed in the work except those in Appendix: 1, 2 and 3. (Additional sentence: RG-25/10/2013-28802) However, young workers having a profession at the age of 16 who were graduated from vocational and technical training schools and institutions within the scope of Vocational Training Law dated 5/6/1986, No. 3308 can be employed in the work consonant to

their specialization and profession notwithstanding the limitations in the Annexe of the Regulation on condition that their health, safety and moral are guaranteed.

(Additional paragraph: RG-21/2/2013-28566) In addition, the workers who did not turn 18 can not be employed in the following work depending on the age records though they are allowed to:

- preparation, completion and cleaning work,
- the production and wholesale of alcohol, cigarette and addictive substances,
- the production and wholesale of combustible, explosive harmful and dangerous substances and their production, processing and storing as well as any work where it is likely to be subject to these substances
- the work in the environment where there is noise and/or high vibration,
- the work in excessive hot and cold environment,
- the work made with the substances that are unhealthy and leading occupational disease,
- the work where there is possibility of exposure to radioactive substances and harmful rays,
- the work requiring too much demanding and continuously standing,
- the work in which wage is paid on piecework and with premium system,
- the work not allowing the person to return to his/her home or family after work except educational work,
- the work above one's physical and psychological qualifications with the physician's report,
- the work leading attention deficit in education, lack of experiment and security,
- money transmission and collection and the night work specified in the first paragraph of Article 69 of the Labour Law No. 4857.

Light work for child workers

1. Picking fruit, vegetable, flower except those requiring danger of falling and wounding,
2. Ancillary work in poultry breeding and silkworm breeding,
3. Trading near tradesmen and artisans,
4. Ancillary work in office,
5. Distributing and selling newspaper, magazine or printed media (except freightage and hoarding),
6. Working as komi and salesperson in bakery, patisserie, buffet and non-alcoholic restaurants
7. Labelling goods and packing by hand,

8. Ancillary work in library, fair and exhibition (except freighting and hoarding)
9. Ancillary work in sports facilities,
10. Flower selling and designing.

Work which young workers can be employed

1. Canning fruit and vegetable, manufacturing vinegar, pickle, sauce, marmalade, fruit and vegetable juice,
2. Drying and processing fruit and vegetable,
3. Manufacturing halva, wax, pekmez,
4. Ancillary work in butchers',
5. Tea processing,
6. Preparing assorted nuts,
7. Work in sheep and goat breeding,
8. Manufacturing broom and brush,
9. Xylography by hand, manufacturing bone, horn, amber, sepiolite, Erzurum stone, and ornament from other materials, button, comb, photograph, mirror, frame, glass and similar goods,
10. Selling, labelling and packing in wholesale and retail stores and shops,
11. Office work and ancillary work at offices,
12. Growing flowers except disinfection and fertilisation,
13. The work in service sector except public houses and cooking services,
14. Manufacturing other garment, walking stick and umbrella,
15. Manufacturing foodstuff and their exposure to various processes,
16. Quilting, manufacturing tent, sack, canvas and similar goods and other ready goods without weaving,
17. Manufacturing chest, box, barrel and similar packing materials, basket and similar materials made of cork, rushes and cane,
18. Manufacturing pottery, ceramics, porcelain (except bakery work, work scattering silisium and quartz dust),
19. Distributing leaflet,
20. Production work in manufacturing shops of glass, bottle, optics and similar materials (except bakery work, work scattering silisium and quartz dust, thermal processing, colorization and chemical work),

21. Production of vegetable and animal fat and manufacturing products made of them (except extraction stages in oil production through extraction of oily substances made with combustible or irritating solvents such as CS-gas),
22. Preparing spinning mill and weaving separated with a chamber from cotton, linen, wool, silk benches and benches of their cuttings and,
23. The work in fish market,
24. Ancillary work for preparation to production at sugar factories,
25. Bagging, barrelling and hoarding not requiring lifting load more than 10 kg. without a vehicle,
26. Manufacturing water-based glue, gelatine and dressing,
27. Manufacturing of rowboat, boat and similar small sea vehicles and their repair, (except painting and varnishing).

Work Allowed for Young Workers at the age of 16 but did not turn 18 yet

(Alternative with its title: RG-21/2/2013-28566)

1. The work of tile, brick, firebrick manufactured by cooking soil as well as pipe, cupel, pipe drain and similar construction and architectural material.
2. Drying and gumming, manufacturing of plywood, blockboard, chipboard produced from chipping wood and chipboard PVC surface coating as well as impregnation.
3. Manufacturing good from paraffin.
4. Cleaning, teasing out, separating feathers of birds and animals and similar work.
5. Shaping of plastics and manufacturing of plastic goods (except PVC manufacturing and goods made up of PVC)
6. Manufacturing ready goods from textile (Curtain, home textile, automotive products, etc.).
7. Manufacturing paper and wood pulp.
8. Manufacturing cellulose.
9. Manufacturing any goods and equipment made up of paper and paper products.
10. Work in store rooms and in flourpaddy factories.
11. Manufacturing any kind of ink and material involving ink.

Article 7 Paragraph 3

Le Comité européen des Droits sociaux a jugé la situation de la Turquie non conforme à l'article 7§2 pour deux motifs:

1. L'âge auquel est fixée l'admission à l'emploi pour les occupations dangereuses et insalubres est moins de 18 ans,

2. La non-protection de fait des jeunes de moins de 18 ans contre les travaux dangereux et insalubres

1) L'Âge d'admission à l'emploi pour les travaux dangereux et insalubres

L'opinion de notre gouvernement contre le motif de non-conformité avancé par le Comité est exprimée comme suit:

Comme on le sait, la Turquie a signé plusieurs conventions internationales en ce qui concerne les droits des enfants et l'emploi des enfants. Elle s'est rapidement soumise à une multitude de résolutions prises en la matière. La Turquie a respectivement ratifié l'une des plus importantes conventions sur le droit de l'homme, la Convention internationale sur les Droits de l'Enfant des Nations Unies en 1994, l'une des conventions essentielles de l'Organisation internationale du Travail (L'OIT), la Convention no138 sur l'Âge minimum d'Admission à l'Emploi en 1998 et une autre convention essentielle de l'OIT, la Convention no182 sur l'Élimination des pires formes du Travail des Enfants en 2001.

Tout d'abord, l'article 50 de la Constitution qui dispose « Nul ne peut être tenu d'effectuer les tâches inadaptées à son âge, son sexe ou ses capacités » est le premier pas fait pour prévenir la présence des enfants et des jeunes dans le marché du travail et leur emploi à des travaux pénibles et dangereux. En vertu de cet article, il est clairement compréhensible que les enfants et les jeunes ne puissent pas être employés à des travaux n'étant pas appropriés à leur âge et leur force.

La disposition de l'article susmentionné de la constitution est aussi confirmée par l'article 85 intitulée "Travaux pénibles et dangereux" du Code de Travail no4857 adopté en 2003. Celui-ci signale qu'il est interdit d'employer des enfants et des jeunes de moins de 16 ans aux occupations pénibles et dangereuses. L'alinéa 2 dudit article affirme aussi que c'est la réglementation secondaire qui encadre quels types de travail sont considérés comme pénibles

et dangereux et à quels types de travail pénible et dangereux des jeunes de plus 16 ans et de moins 18 ans peuvent être employés.

Dans l'article 4 du règlement relatif aux travaux pénibles et dangereux mis en vigueur conformément à l'article susmentionné, il a été interdit d'employer les jeunes de moins de 16 ans à des travaux pénibles et dangereux. On affirme aussi qu'ils peuvent être employés aux occupations pénibles et dangereuses adaptées à leur profession à condition que l'on garantisse la santé et la sécurité au travail et la protection physique, mentale et morale des jeunes de plus 16 ans ayant la profession du métier qu'ils exercent après avoir achevé la formation professionnelle et d'expertise.

Aux termes de l'article 5 dudit règlement intitulé "Rapport médical", au moment de l'admission à l'emploi des jeunes âgés d'entre 16 et 18 ans, il est obligatoire de prouver qu'ils sont physiquement robustes et adaptés aux conditions et particularités des travaux à exercer, par un traitement corporel et au cas échéant par un rapport médical basé sur les résultats de laboratoire et que l'exercice du travail ne porte aucune atteinte à leur santé pendant la durée du travail, par un rapport médical du moins 6 mois. Par ailleurs, l'annexe 1ère intitulée « Tableau des travaux dangereux et pénibles » du règlement définit les occupations dangereuses et statue que les jeunes sont autorisés à être employés aux 10 types de travail parmi les 153 en total. Conformément au règlement, les jeunes âgés d'entre 16 et 18 ans peuvent effectuer les travaux considérés comme dangereux comme suit:

- 1) Les travaux concernant la fabrication des objets en terre cuite tels que la tuile, la Brique, la brique réfractaire, le tube, le tuyau, le tuyau en poterie , coupelle (potasse) ainsi que d'autres travaux pareils sur la construction et l'architecture,
- 2) Les travaux concernant la fabrication des céramiques, porcelaine et faïence,
- 3) Les travaux concernant la fabrication des verres, bouteille, lentille (optique) et les autres éléments pareils ainsi que les travaux relatifs à leur ciselure (işlemme)
- 4) Les travaux de dessèchement, collage, contreplaqué, contreplaqué latté (contrtabla) et les travaux de fabrication des produits en bois et des planches artificielles et couvertes de polychlorure de vinyle (PVC) et ainsi que les travaux d'imprégner.
- 5) Les travaux concernant la fabrication de la graisse végétale et animale et des autres matières produites de celles-ci.
- 6) Travaux concernant la fabrication des produits en plastique et de la formation des matières en plastiques.

- 7) Travaux de l'égrenage
- 8) Travaux concernant la fabrication de pâte à papier et à bois
- 9) Travaux concernant la fabrication de cellulose
- 10) Travaux concernant la fabrication de toute sorte d'encre

Comme on voit ci-dessus, même si l'emploi des jeunes de plus de 16 ans à des travaux pénibles et dangereux est autorisé, on a statué en droit qu'ils peuvent effectuer seulement les 10 types de travail pénible et dangereux. Il faut donc signaler que lesdits travaux sont considérés comme dans les catégories de travail plus léger.

L'article 105 du Code de Travail intitulé "Infraction aux Dispositions relatives à la Santé et Sécurité au Travail" dispose qu'une amende de 1250 livres turcs est infligée aux employeurs ou représentants d'employeur mettant en emploi des jeunes de moins de 16 ans ou bien des travailleurs contrairement aux indications des tranches d'âge, pour chaque travailleur employé. C'est ainsi que d'une part les jeunes de plus de 16 ans ne peuvent être employés qu'aux 10 activités fixées et d'autre part, les employeurs employant les travailleurs de façon informelle encourent un sanction administrative.

Comme on le sait, la Présidence du Conseil de l'Inspection relevant du Ministère du Travail et de la Sécurité sociale est une organisation centrale dont le rôle est de procéder à des inspections, interrogations et examens. Lors des inspections de nature générale où l'ensemble de la législation de travail est pris en compte, le conseil veille à tous les sujets requis par la législation, des conditions de travail des enfants et des jeunes et à leur âge d'emploi. Au terme des inspections accomplies en 2011, on a parvenu aux enfants dont leur situation n'est pas adaptée à l'emploi et donc entamé les processus administratifs nécessaires en l'espèce.

Conformément à l'article 10 de la loi no 3308, relative à la formation professionnelle, intitulé "Conditions d'apprentissage", le Ministère du Travail et de la Sécurité sociale détermine le niveau d'instruction et l'âge des apprentis pour l'admission à des occupations pénibles et dangereuses ou ayant de nature particulière après avoir reçu l'avis des autres institutions concernées. En plus, le Ministère prend en considération les conventions internationales au moment de cette détermination. Quant à l'article 19 de ladite loi intitulé "Programmes de formation", elle dispose aussi que le Ministère détermine les programmes de formation professionnelle à organiser pour les travaux pénibles et dangereux exercés dans les entreprises parallèlement à l'avis du Conseil pour le Formation professionnelle.

Pour ce qui est de l'article 196 du règlement no24804 mis en vigueur en 3.7.2002, relatif à la formation professionnelle et technique, intitulé "Obligations et Responsabilités des Entreprises pour la Formation professionnelle", il est interdit d'employer les coursiers et apprentis aux activités contraires au Règlement relatif aux travaux pénibles et dangereux. L'article 293 dudit règlement, intitulé "Ceux qui ne respectent pas à leurs obligations" dispose les amendes pécuniaires administratives infligées à ceux qui emploient les apprentis aux activités pénibles et dangereuses ainsi qu'aux activités de nature particulière contrairement aux conditions fixées par le Ministère.

En conclusion, on a pris des dispositions extensives et détaillées dans le cadre des lois et règlements précités ci-dessus.

2) La non-protection des jeunes de moins de 18 ans contre les travaux dangereux et Insalubres

L'opinion de notre gouvernement contre le motif de non-conformité avancé par le Comité est exprimée comme suit:

Les critiques faites dans le rapport de l'an de 2009 des États-Unis ont été appréciées par notre direction générale.

En Turquie les enfants, d'une part, travaillent en zones urbaines, dans les secteurs industriels, commerciaux et du service, ainsi qu'à la rue à cause des effets néfastes de la migration interne. D'autre part, au milieu rural, ils travaillent intensivement comme travailleurs agricoles saisonniers ou travailleurs familiaux non rémunérés dans le secteur agricole.

Dans notre pays, étant donné que les enfants ne travaillent pas officiellement en présence de la législation nationale et des conventions internationales conclues, ils sont plutôt employés dans les travaux informels. Le Ministère du Travail et de la Sécurité sociale prend des dispositions permettant aux enfants d'exercer les travaux qui ne nuisent pas à leur propre développement physique, mental et moral et il prend aussi de diverses mesures pour éliminer les pires formes de travail des enfants en Turquie. À cet égard, en élaborant un cadre de politique et de programme temporaire, on a formulé les stratégies et activités essentielles dans un cadre d'un programme national intégral et participatif à fin d'éradiquer le travail des enfants. Sur le plan de ce programme, les travaux effectués à la rue et dans les petites et

moyennes entreprises, les travaux pénibles et dangereux, les travaux agricoles provisoires ambulants rémunérés et non familiaux ont été fixés comme groupes prioritairement ciblés.

Dans le but de prévenir l'emploi des enfants, tous les efforts se poursuivent au niveau des ministres dans les domaines en cause. Par exemple, on a accordé une importance particulière à l'amélioration des conditions de vie des travailleurs agricoles saisonniers ambulants sur le plan du développement rural formulé par le Ministère de l'Agriculture, la Nourriture et l'Élevage pour la période de 2010-2013.

Par ailleurs, le Programme temporaire pour l'Élimination du Travail des Enfants (ÇİÖİZBP) comprend la prise des mesures nécessaires à prévenir le travail des enfants employés ou exposés au risque de travailler dans les zones rurales.

On a pris des mesures pour assurer l'accès et la présence à la scolarité aux enfants des travailleurs agricoles saisonniers ambulants conformément à l'ordonnance du Ministère de l'Éducation nationale publié en 20.04.2011.

Les enfants des travailleurs agricoles saisonniers ambulants ont été choisis comme groupe cible prioritaire aussi bien par ÇİÖİZBP que par le Projet sur l'Amélioration de la Vie sociale et du Travail des Travailleurs agricoles saisonniers ambulants (METIP) élaboré par le Ministère du Travail et la Sécurité sociale et mis en oeuvre conformément à l'ordonnance du Ministère premier no2010/6 publié le 24.03.2010, relative à l'amélioration de la vie sociale et du travail des travailleurs agricoles saisonniers ambulants. Par conséquent, on a pris des mesures considérables pour prévenir l'emploi de ces enfants aux activités agricoles et accroître leur accès à la scolarité.

La stratégie et le plan d'action pour l'amélioration de la vie sociale et du travail des travailleurs agricoles saisonniers ambulants visent à assurer l'accès à l'instruction à l'ensemble de leurs enfants en âge de scolarité obligatoire, mais loin de celle-ci.

Par ailleurs, le Ministère du Travail et de la Sécurité sociale planifie aussi la mise en application d'un projet financé par les fonds de l'Union européenne en 2013 dans le but d'éradiquer l'emploi des enfants aux activités agricoles. Dans le cadre dudit projet, dans les villes choisies, on a pour but de rendre les services des réhabilitations, consultations,

instructions et orientations aux enfants et de formuler une stratégie qui vise à donner la conscience à l'opinion publique, aux familles, aux employeurs, aux médiateurs et aux médias pour avoir la conscience et qui entamerait un dialogue pour la création d'une politique.

Enfin, pour atteindre l'objectif d'éradiquer les pires formes du travail des enfants jusqu'à 2015, on a besoin de financer les efforts par les sources locales et c'est pour cette raison qu'il faudrait constituer les unités dans les villes. À cet effet, un projet élaboré par le budget du Ministère du Développement a été encadré dans le programme d'investissement propre à l'an de 2012 dans le but d'assurer l'application efficace du cadre du programme de politique temporaire pour l'élimination du travail des enfants. Dans le cadre de ce projet, on a défini comme son groupe cible, les enfants employés aux travaux pénibles et dangereux au sein des petites et moyennes entreprises, ceux qui travaillent à la rue et effectuent les travaux agricoles saisonniers comme travailleurs ambulants non familiaux.

Article 7 Paragraph 4

Tableau 1: Le nombre des délits dans les procès ouverts et le nombre des décisions prises conformément aux articles 77,103,104,226 et 227 du Code Pénal Turc N° 5237.

	Loi N°	L'Article	Le nombre de délits	Le nombre des décisions prises concernant les accusés						Le nombre d'accusés
				12-18 ans		18 ans et plus		Ressortissant étranger		
				Homme	Femme	Homme	Femme	Homme	Femme	
2009	5237	103	12094	2764	55	8375	834	25	4	12092
	5237	104	1718	181	7	1453	70	1	0	1715
	5237	226	582	48	1	520	10	1	0	580
	5237	227	815	24	16	540	228	3	4	815
2010	5237	103	15632	3527	79	10852	1111	34	5	15832
	5237	104	1609	208	8	1316	69	8	1	1609
	5237	226	669	49	1	802	15	2	0	669
	5237	227	765	30	9	495	225	0	5	765
2011	5237	103	16675	3882	105	11456	1037	36	4	16575
	5237	104	1759	210	7	1460	77	3	0	1759
	5237	226	512	31	3	449	18	9	1	511
	5237	227	672	19	22	446	173	0	11	672

Tableau 2: Le nombre des dossiers ouverts et des décisions prises relatives aux accusés conformément aux articles 77,103, 104, 226 et 227 du Code Pénal Turc N° 5237.

Années	Loi N°	L'Article	Le nombre de procès ouverts	Les décisions prises concernant les accusés						
				12 -18 ans		18 ans et plus		Total		
				Homme	Femme	Homme	Femme	Homme	Femme	Total
2006	5237	103	2414	733	18	2520	193	3253	211	3464
	5237	104	1234	145	2	1503	96	1648	98	1746
	5237	226	1731	379	0	1491	126	1870	126	1996
	5237	227	1896	82	36	2414	1014	2496	1050	3546
2007	5237	103	3129	860	24	3480	282	4340	306	4646
	5237	104	721	92	3	835	54	927	57	984
	5237	226	1477	120	0	1607	81	1727	81	1808
	5237	227	2172	98	66	3099	1231	3197	1297	4494
2008	5237	103	4061	1303	27	4442	354	5745	381	6126
	5237	104	934	173	8	1120	44	1293	52	1345
	5237	226	1330	73	3	1457	82	1530	85	1615
	5237	227	2701	68	20	3656	1345	3724	1365	5089

Tableau 3: Le nombre d'affaires jugées et des décisions prises relatives aux accusés conformément aux articles 77,103, 104, 226 et 227 du Code Pénal Turc N° 5237.

			Le nombre de procès	Le nombre des décisions										
Années	Loi N°	L'Article		Condamnation						Acquittement				
				Personne réelle						Personne réelle				
				Ressortissants turcs						Ressortissants turcs				
				12-18 ans		18 ans et plus		Nombre total d'accusés	12-18 ans		18 ans et plus		Nombre total d'accusés	
H	F	H	F	H	F	H	F							
2006	5237	103	2337	207	5	1329	66	1607	88	4	984	95	1151	
	5237	104	2373	21	6	850	86	953	59	11	902	101	1073	
	5237	226	1424	76	1	709	30	818	31	0	195	40	286	
	5237	227	1789	26	4	1162	365	1537	16	14	669	227	926	
2007	5237	103	2701	286	5	1643	109	2043	98	10	970	113	1191	
	5237	104	1071	35	3	408	18	464	22	3	298	30	353	
	5237	226	1603	43	0	958	113	1114	17	1	339	40	397	
	5237	227	2089	29	11	1372	562	1974	35	18	783	256	1042	
2008	5237	103	3437	387	8	1773	82	2645	160	11	934	111	1387	
	5237	104	824	24	2	329	16	397	19	3	259	23	326	
	5237	226	1452	33	0	665	31	762	18	1	303	33	374	
	5237	227	2239	10	15	1330	453	1833	9	8	931	293	1258	

Tableau 4: Le nombre d'affaires jugées et de décisions prises relatives aux accusés conformément aux articles 77,103, 104, 226 et 227 du Code Pénal Turc N° 5237.

			Le Nombre de procès	Le nombre des décisions prises pour les prévenus										
Années	Loi N°	L'Article		Impunité						Autre				
				Personne réelle						Personne réelle				
				Ressortissants turcs						Ressortissants turcs				
				12-18 ans		18 ans et plus		Nombre d'accusés	12-18 ans		18 ans et plus		Nombre d'accusés	TOTAL
H	F	H	F	H	F	H	F							
2006	5237	103	2337	14	0	39	2	55	194	14	675	82	985	3778
	5237	104	2373	12	3	23	2	40	154	19	1165	95	1423	3489
	5237	226	1424	12	0	2	1	15	119	6	562	17	704	1801
	5237	227	1789	0	0	17	14	31	24	19	484	183	710	3204
2007	5237	103	2701	19	1	15	1	36	245	30	789	88	1149	4419
	5237	104	1071	7	0	10		17	73	14	533	31	651	1485
	5237	226	1603	0	0	4		4	84	1	354	9	448	1963
	5237	227	2089	2	1	6	3	12	58	19	727	159	833	3991
2008	5237	103	3437	9	0	20	2	40	512	15	1089	101	2224	6296
	5237	104	824	2	1	7		13	68	6	469	35	633	1369
	5237	226	1452	0	0	6		6	91	1	670	17	671	2013
	5237	227	2239	0	0	8	9	17	38	5	1023	368	1476	4583

Tableau 5: Le nombre d'affaires jugées et de décisions prises relatives aux accusés conformément aux articles 77,103, 104, 226 et 227 du Code Pénal Turc N° 5237.

			Nombre de décisions prises concernant d'accusés																							
Années	loi N°	L'Article	Nombre de délits	Condamnation										Acquitment						Autre						Total
				Personne réelle										Personne réelle						Personne réelle						
				Ressortissant turc				Ressortissant étranger		Le nombre total d'accusés	Ressortissant turc				Ressortissant étranger		Le nombre total d'accusés	Ressortissant turc				Ressortissant étranger				
				12-18 ans		18 ans et plus		H	F		12-18 ans		18 ans et plus		H	F		12-18 ans		18 ans et plus		H	F			
				H	F	H	F				H	F	H	F				H	F	H	F					
2008	5237	103	6685	607	3	2566	62	10	0	3265	267	14	1198	200	3	0	1708	965	23	1954	274	6	2	3246	8218	
	5237	104	1658	27	0	429	8	0	0	464	12	1	84	9	0	0	106	129	5	963	58	1	0	1175	1746	
	5237	226	525	19	0	300	0	0	0	318	5	0	144	2	0	0	151	29	1	279	7	3	0	320	790	
	5237	227	565	4	8	474	154	0	6	646	9	8	112	52	0	1	181	7	6	107	42	0	2	164	991	
2010	5237	103	8070	818	8	3382	113	4	0	4113	297	18	1646	308	58	3	2278	1193	35	2636	406	10	1	4283	10683	
	5237	104	1830	32	0	385	1	2	0	418	8	0	100	12	0	0	121	172	8	1161	76	1	0	1424	1965	
	5237	226	633	7	0	346	0	0	0	353	12	1	138	6	1	0	157	34	0	275	6	0	0	317	827	
	5237	227	664	8	6	317	133	0	0	485	7	5	110	60	0	0	182	15	7	113	39	0	1	175	822	
2011	5237	103	11988	887	10	4676	118	12	2	6892	402	16	2348	395	4	0	3173	1543	52	3123	513	18	7	5271	143	
	5237	104	2100	22	2	458	2	0	0	484	11	1	119	12	0	0	143	242	5	1338	96	3	0	1682	2308	
	5237	226	575	3	0	270	4	2	0	278	5	0	124	8	1	0	137	37	1	286	6	4	0	344	761	
	5237	227	763	11	2	463	196	1	2	675	10	5	218	67	0	2	324	13	6	137	54	0	8	218	1217	

Article 7 Paragraph 5

European Committee of Social Rights concluded that the situation in Turkey is not in conformity with Article 7§10 of the Charter on the ground that sufficient measures to protect children from trafficking and all forms of sexual exploitation have not been established.

Our country's response related to the nonconformity claimed by the Committee is presented below.

1-Legislation

1.1- International Conventions

Turkey is one of the first countries which signed United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. As a result, the crime of human trafficking became a part of Turkish Penal Code.

Although in its Report, The Committee stated that "Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" was not ratified by our country, Turkey signed this Convention on 25/10/2007 in Lanzarote and on 25/11/2010 it's agreed to be ratified without reservation. The Council of Ministers decided on ratification of the Convention on 18/07/2011. The Convention, which was published in the Official Gazette No: 28050 dated 10/09/2011, came into effect on 01/04/2012 in Turkey.

On the other hand, "Convention on Action against Trafficking in Human Beings" which was signed by Turkey in 2009, is not ratified yet.

1.2- National Legislation

a) Turkish Penal Code

There are regulations including effective sanctions to protect children against sexual assault, harassment actions and sexual abuse within Turkish Penal Code No: 5237 which was published in the Official Gazette on 12/10/2004 and entered into force afterwards. These regulations take part especially in Article 77 titled as "crimes against humanity", Article 80 titled as "human trafficking", first paragraph of Article 103, third paragraph of Article 226 and third paragraph of Article 227 of the aforesaid Code.

More effective sanctions were imposed to the crimes related to sexual abuse of children, child pornography and child prostitution with the amendments to Turkish Penal Code No: 5237 in 2005. Abuse of children in prostitution is not incorporated into the scope of the crime “sexual abuse” under Article 103 of Turkish Penal Code and regulated as a distinct crime within Article 227 of the Code. In case of victimizing children in the crime of trafficking, some of the factors that constitute a crime are not required for it to be defined as a crime, in accordance with the third paragraph of Article 80 of the Code. According to first paragraph of Article 227 of the Code encouraging a child to become a prostitute, facilitating prostitution, sheltering a child for this purpose or taking part in child prostitution is punished with a more severe penalty than mediation in prostitution of adults.

In the third paragraph of Article 226 of the same Code, as well as engaging in import of products including indecent scenes, words or articles in which the children are used, duplication, transportation, storage and export of these products or presenting them to others’ use, intentional individual keeping and stocking is counted as crime as reducing demand for these products will provide protection to children.

b) Draft Law on Fighting against Human Trafficking and Protecting the Victims

The draft law is being prepared with contribution and cooperation of the related institutions (Ministry of Interior). Special provisions related to protection of children are given place within the draft law.

c) Statutory Decree on Organization and Functions of Ministry of Family and Social Policies

Coordinating determination of national policies and strategies, undertaking social services and welfare activities for children, providing coordination and cooperation between related state institutions and voluntary agencies on this issue to provide healthy development of children by protecting them from all kinds of neglect and exploitation is counted among functions of Ministry of Family and Social Policies within Statutory Decree No: 633 on Organization and Functions of Ministry of Family and Social Policies.

d) The Law No: 5651 on Regulation of Publications on the Internet and Suppression of Crimes Committed By Means of Such Publications

The prohibitive provisions on child abuse crimes committed by use of information technologies are regulated within Articles 8 and 10 of the Law No: 5651.

2- Criminal Offences:

a) Offences against sexual impunity

The 6th Section of Turkish Penal Code is titled as “offences against sexual impunity” and penalties that will be imposed to the offences of sexual violation (Article 102), child molestation (sexual abuse of children) (Article 103), sexual intercourse with persons not attained the lawful age (Article 104) and sexual harassment (Article 105) are specified under this section. “Guidebook of Investigation on Offences Against Sexual Impunity” is prepared by Ministry of Internal Affairs with the aim of effectively combating these types of offences and raising awareness of its staff. 5000 of this guidebook is published and distributed to Directorates of Security in 81 provinces, it’s planned to organize 4 terms of trainings in 2012 and first term of these trainings was realized with participation of 46 staff members as well.

b) The offence of Human Trafficking

The book “Investigation Techniques on Offence of Human Trafficking” is published in an effort to more effectively combat the offence of human trafficking, protecting and saving the aggrieved which takes place in Article 80 of Turkish Penal Code. It is also planned to train staff through 2 terms of trainings to be organized in 2012. First term of the trainings was realized with participation of 25 staff members.

c) Preventing the incidents of child molestation (sexual abuse of children)

Chiefs of Child Branch Offices in 81 provinces were trained on “Investigation on Child Molestation” in between 9-13 January 2012, 20-24 February 2012 and 7-11 May 2012, with the aim of preventing the incidents of child molestation and raising effectiveness of investigations carried out by these Offices.

d) “Star of Hope Project”

Studies for the “Star of Hope Project” was started within the scope of the protocol signed between Ministry of Internal Affairs, Ministry of Labor and Social Security and Union of Chambers and Commodity Exchanges of Turkey on 13.05.2009. The project was designed for children aged between 16-18 who are at risk and have behaviors towards offence in all provinces. The aim of the project is to determine the children who are supposed to be in risk, provide them vocational skill trainings and ensure them being away from crime through providing appropriate jobs for them. 14.049 children are determined to be in risk throughout

the country since the beginning of the project. 408 of these children are continuing their trainings on various vocational issues currently. 3492 children completed their trainings and received their certificates. 744 of them were employed in jobs relevant to trainings they received. The budget of the project is 7.356.472 TL.

e) Social Protection and Support Program for Children and Young People for a Secure Life and Future

“Social Protection and Support Program for Children and Young People for a Secure Life and Future” (ÇOGEP) aims to take measures for social protection of children and young people within the frame of providing personal development of them, contribute to their growing as socially beneficial individuals through providing necessary support for them in this context, incorporate groups who migrated from rural and have problems of social adaptation or other disadvantageous groups into urban life and reduce deprivations that indirectly and negatively affect secure life.

ÇOGEP is planned to be a 5-year program that will last in between 2012-2016. This program will be applied in three-steps and extended to countrywide gradually. The program, which will be applied in 17 provinces in 2012 (especially in Eastern and Southeastern provinces), 37 provinces in 2013 and 81 provinces by the end of 2014, will continue until the end of 2016.

A budget of 120.000.000 TL has been allocated for the above mentioned 5-year program.

19 projects that were approved in this context have been put into effect throughout 5 cities in 2012.

f) Studies Conducted on the Subject of Internet in Our Country

In scope of the Law No: 5651 on “Regulation of Publications on the Internet and Suppression of Crimes Committed By Means of Such Publications”, an electronic crime line (www.ihbarweb.org.tr) which enables citizens to report illegal web content through the internet has become available. These reports, evaluated by the Information Technologies and Communication Institution are electronically transferred to a database according to the subject of crime and the situation of the perpetrator. These reports are then analyzed in detail and subsequently are presented to judicial authorities.

Within the context of the Law No: 5651 on “Regulation of Publications on the Internet and Suppression of Crimes Committed By Means of Such Publications” preventive studies are

carried out. For this purpose, in order to eliminate and prohibit access to illegal web contents another crime line (www.bim.org.tr) has been created in coordination with Information Technologies and Communication Institute. This line has enabled law enforcement officers to report the detected illegal contents.

Moreover; within the scope of combating child molestation and child pornography through internet, efforts are made in coordination with Information Technologies and Communication Institute (BTK) and Interpol Europe Sirene Unit to prohibit access to web pages including child pornography and apprehend the related perpetrators.

“Secure Internet Service” has been implemented by Information Technologies and Communication Institute on 22/11/2011 with the aim to protect individuals from the harmful contents of internet. The use of this service is up to the user’s choice. In the “Secure Internet Service” two options called “child” and “family” are available. In the family profile there are three categories (social networks, gaming sites and chat sites) which may be filtered if wanted. Users can choose the suitable profile for their purposes and they can turn off Secure Internet Service at will.

According to information gathered from Directorate of Telecommunication and Communication there are a total of 25.900 registered internet cafes in Turkey. The inspection of internet cafes is being regulated by the Directorate of Telecommunication and Communication within the framework of Law No: 5651 on “Regulation of Publications on the Internet and Suppression of Crimes Committed By Means of Such Publications” and this law’s regulations (Regulation No: 26687).

The authorization to carry out inspections is given to Governor’s Clerical Directorates in city centers and to District Governor’s Clerical Directorates in districts. In several cities commissions have been formed by local authorities. Delegates from city hall, police headquarters, universities and Ministry of National Education may participate in these commissions. However in some cities, provisions of the law and its regulations are not in effect and the authorization to inspect internet cafes are given to police forces as these cafes are considered as public place within the provisions of the Law of Police Powers. Due to the related provisions of this above mentioned law police officers always have the authorization to inspect internet cafes.

It can be seen that the authority of police forces to inspect internet cafes are just for the aspects of “public peace and security” (Article 9 of Law of Police Powers). When the law and its regulations are examined, it can be observed that there are no provisions which state that police forces have a right to inspect elements unrelated to “public peace and security” such as warrant controls, filtration, permanent IP, internal IP logs, recording systems etc. However due to the absence of a commission or on account of indifference of Governor’s and District Governor’s Offices, these elements are also monitored by police officers.

Collaborations between public institutions and establishments are being carried out for studies that aim to secure and knowledgeable use of the internet.

Steps Taken by Department of Public Order (Information Systems Branch Department of Crimes Committed by Information Technologies) on Child Molestation and Child Pornography between 2011 and 2012:

By examining the inquiries of child pornography and child molestation sent from Interpol member countries, victims and suspects who are thought to be in the country are found, crimes are solved and the inquiries are sent to judicial authorities.

Generally in case of solving crimes of child molestation and pornography through the internet, collaborations with National Center for Missing and Exploited Children, USA – FBI, Child Exploitation and Online Protection Centre, USA Immigration Customs Enforcement, Germany Bundeskriminalamt are made.

Through Interpol, in 2011, inquiries of child pornography have been sent from Germany, Austria, USA, England, France, Luxembourg, Canada, Spain, Italy and New Zealand. With technical investigations all of these inquiry files have been sent to related cities detected by the IP addresses.

From these above mentioned cities, it is reported that suspects of some of the inquiry files are determined and procedural acts have been carried out.

For other files, it is mentioned that related research and investigations are being carried out, authorities have been notified and necessary directives are being waited for. Through Interpol, in 2012, inquiries of child pornography have been sent from Germany, Austria, the Netherlands, Canada, Spain, Italy and England and all of these inquiry files have been sent to related cities detected by the IP addresses.

Similar for files from 2011, research and investigations are being carried out for these above mentioned files.

In 2012, as a result of dialogues carried out through Facebook files related to child molestation and child pornography has been sent, with technical studies carried out information related to these suspects has been evaluated and files for suspects whose IP numbers have been detected have been prepared and sent to relevant cities. These cities are continuing the inquiry procedures.

In addition, through Facebook, investigations about files sent from FBI are continuing and efforts are made to complete missing materials.

g) Child Victims of Human Trafficking

Although not very common in our country, it is observed that children can also be victims of human trafficking. In studies that are made for child victims, more sensitivity is shown for the child's benefit.

As a known fact, a child is someone who has not yet reached the age of eighteen. A child whose physical, mental, moral, social or emotional development and personal security is under danger, who has been neglected or abused and who is a victim of a crime is under protection. (Child Protection Law No. 5395)

Procedures carried out for child victims of human trafficking are conducted in line with Child Departments of Provincial Security Directorates.

Single child victims of human trafficking located in our country are lodged in hostels of Ministry of Family and Social Policies while women victims with children are lodged in shelter homes which operate within the frameworks of protocols signed between Ministry of Interior and Women's Solidarity Foundation and Human Resource Development Foundation.

In 2006, 14 (3 Russian, 4 Ukraine, 3 Azerbaijan, 2 Moldova, 1 Uzbekistan and 1 Kazakhstan), in 2007 7 (2 Russian, 2 Azerbaijan, 1 Romanian), in 2008 12 (3 Moldova, 5 Uzbekistan, 2 Romanian, 1 Bulgarian and 2 Azerbaijan), in 2009 1 (Uzbekistan), in 2010 1 (Nigerian), in 2011 5 (2 Uzbekistan, 1 Syrian, 1 Turkmenistan and 1 Azerbaijan) child victims of human trafficking has been located in our country. Their safe and voluntary returns to homelands have been provided.

h) National Action Plan on Fight against Human Trafficking

The National Action Plan on Fight against Human Trafficking entered into force on March 6, 2003 was published. The so called action plan defines tasks of Ministries in terms of administrative regulations and protection measures for victims. Second National Action Plan targeting to attain international standards on fight against human trafficking was approved on June 18, 2009.

The action plan prepared in the framework of EU Twinning Project aims at attaining minimum standards for elimination of human trafficking, strengthening the capacity of concerned institutions, and adopting a strategy against human trafficking and implementing action plans of sectors. The action plans of sectors include goals such as drawing an institutional framework for aids and support to the victims, improving information and consultancy services together with psychological and social services, providing repatriation and re-adaption of victims, participating nongovernmental organizations into protection period.

In line of these goals,

1. The subject of foreign victims' residence permits was regulated under a separate article in "Draft Law on Foreigners and International Protection" sent to Grand National Assembly of Turkey on 3/5/2012. When the draft is legalized, without any condition, 6 month residence permit is envisaged to be provided for foreigners suspected of being human trafficking victims or suspected to become potential human trafficking victims in order to help them to get over the impacts of incidents they experienced.

- 2- Moreover, with the aim of converting fight against human trafficking and protection of victims into an institutional structure, Ministry of Internal Affairs continues to work in order

to prepare Draft law on Fight against Human Trafficking and Protection of Victims. The draft law has been prepared on the basis of Council of Europe Convention on Action against Trafficking in Human Beings and a transparent period is followed taking opinions of all partners.

The main aim of the draft law is to prevent human trafficking, implement an effective combat against it and protect and support human trafficking victims in terms of human rights and gender equality. There are some special provisions for children in draft law. According to these provisions high interest of children will be pursued, the persons encouraging, facilitating, meditating child prostitution or the persons forcing children to prostitute will be punished and their preparation activities directed at this crime will be considered as a committed crime

Furthermore “forcing children for begging” is considered in the scope of human trafficking. In draft law, protection of victims is set out under a separate part, victim support periods are defined in details, and institutional structure is constructed. Considered that human trafficking is a dynamic and complex type of crime, it is aimed that a set of amendments in article 80 of Turkish Penal Code ,regulating human trafficking thus rendering combat against human trafficking more effective.

3- In October 2002 acting as National Coordinator, a National Task Force on Human Trafficking in the Ministry of Foreign Affairs was established. The task force has ensured coordination among institutions by pursuing human trafficking combat of Turkey to date.

i) Services for Children living and/or working on street

Youth and Child Centers are boarding and day institutions of social services established in order to provide temporary rehabilitation and reintegration services for children and young people facing social risk or living /working on street because of reasons such as disagreement between couples, negligence, illness, bad habit, poverty, abandonment.

Psycho-social support and awareness raising activities have been carried out for families of children working/living on street. Also, families determined to have lived in poverty are provided with social assistance and services. Works on Adaptation of child to live with

his/her family have been fulfilled in case of possibility of child's return to family. In the framework of society oriented works, raising social sensitivity and awareness activities have been conducted.

In this context, on 12 June, World Day against Child Labour, in provinces which have Child and Youth Centers, some activities were carried out in order to raise social awareness and sensitivity on risks of working, begging children on street. These activities aimed to introduce related services in institutions, inform on features of children working/living on street, encourage to voluntary contribution in and participation to services.

By "the Model for Service On Children Working/Living On Street" developed by the Department of Child Service and put into practice with the Circular of Prime Ministry in 2005, children working on street, available for all types of abuses because of living on street and drug addicted children have been withdrawn from streets, returned to their families with assistance of social rehabilitation, directed to formal or vocational education, received a treatment and their requirements on housing, dressing, health and education have been met.

Moreover, reintegrating children into society, measures to prevent them to head for streets have been taken. Responsibilities and tasks of all institutions providing related services have been defined and services have been made to be conducted in coordination. The Model for Service has been implemented in provinces, which have widely faced with the problem, such as İzmir, Ankara, Antalya, Diyarbakır, Adana, Mersin and Bursa but It is foreseen to be implemented country wide.

j) Children in Penitentiaries

Given a particular attention to the quality and quantity of personnel working in Children and Youth closed penitentiaries and education houses, more qualified personnel in a greater number are appointed to work in these institutions. Especially considering developmental features, requirements and interests of young detainees and convicts, new institutions have been established to provide services exclusive to children. In line with this, Child Education Houses are planned to be established in Ankara, İstanbul, Erzurum and Diyarbakır and Child and Youth Closed Penitentiaries are planned to be established in Tarsus, Kayseri and Diyarbakır. In this new institutions children could sleep on their own, they will have an

opportunities to shelter in rooms where they can meet their self care requirements thus risks of exploitation by roommates will be eliminated.

Furthermore, in order to protect young convicts and detainees in penitentiaries, a new execution process has been implemented in which they are enabled to stay in one person room and they are provided with improving activities in common social areas and classrooms during the day. Therefore in each department, rehabilitation staffs are assigned to stand by the detainees and convicts. 7 Psycho-social intervention programmes peculiar to children have been developed and continued to be implemented for children in institutions, their parents and staff of institutions. Sexual Abuse Approach Programme is one of the so-called programmes. With the technical support of UNICEF and under the coordination of the Ministry of Justice Directorate General of Penitentiaries and Execution of Sentences “Justice for Children Project” will be carried out between the years of 2012-2014. This Project aims to establish and make standards for, interview rooms in courts peculiar to children, make a handbook on approach of staffs to child victims of abuse and train staffs on this issue.

k) Child victims of sexual abuse

a Project was initiated to be carried out in May 2010 in Ankara, as a pilot province, in order to minimize secondary disturbance of child victims of sexual abuse during rehabilitation and the judicial period of investigation and prosecution in the framework of the Project on psychological and sociological rehabilitation of child victims of sexual abuse and trafficking, conducted by Ministry of Health with the support of Ministry of Justice,

For the first time Child Monitoring Center became operational within Ankara Dışkapı Hospital in October 1, 2010 and the center was moved in Yenimahalle State Hospital. In scope of this Project such centers are planned to become operational in 12 hospitals.

Article 8 Paragraph 1

Our response to the conclusions made by the European Committee of Social Rights (ECSR), regarding that the maternity benefits provided to women employed in the private sector is not adequate is as follows:

In accordance with the Social Insurance and Universal Health Insurance Act No. 5510, the period of illness and discomfort between the beginning of the pregnancy and the first 8 weeks after giving birth or 10 weeks in case of multiple pregnancy is regarded as the maternity period.

Accordingly, during the period of temporary incapacity due to maternity, the insured women are granted daily temporary incapacity allowance for each non-worked day for 8 weeks prenatal period, and 2 weeks are added to this period. Temporary incapacity allowance is granted to the insured woman in case of preterm labor for the period she can not work before delivery as well as in case she works for 3 weeks until delivery upon the wish of the insured woman and approval of the physician for the period added to the rest period after delivery.

The daily income limits are taken into account in the calculation of the daily temporary incapacity allowance. In practice, in case of maternity of the insured women, temporary incapacity allowance for outpatient treatment is calculated by taking 2/3 ratio of the gross daily income limit for 10 days.

In accordance with Act No. 5510, the daily income is the basis for the calculation of the premiums collected and the allowances granted. The lower limit of the daily income is 1/30 of the minimum wage and the upper limit is 6.5 times of the lower limit of daily income.

As the gross monthly minimum wage is 886.50 TL for the period between 01/01/2012 - 30/06/2012 for the workers over 16, lower limit of the daily income (basis for the calculation of the premiums collected and the allowances granted) is 29.55 TL and the upper limit is 6.5 times of the lower limit. ($29.55 \times 6.5 = 192.07$ TL)

The net monthly minimum wage of an insurance holder working with minimum wage is $701.14 / 30 = 23.37$ TL after the legal deductions (insurance premium, employee's share, income tax, and stamp tax) are made, in the period mentioned above.

The amount of temporary incapacity allowance for 16 weeks to be paid to the insured women, working with minimum wage and in a state of temporary incapacity due to maternity is calculated over the gross daily minimum wage amount, 29.55 TL.

Accordingly, daily amount of temporary incapacity allowance granted to the insured women during the maternity period is $29.55 \times 6.5 = 192.07$ TL.

An insured woman whose daily net income is 23.37 TL during this period is paid net 19.07 TL daily in case of temporary incapacity. The difference between the daily income that the insured women is gaining during work and the daily allowance she gets during the outpatient treatment without working is 4.3 TL ($23.3-19.07=4.3$ TL)

As explained above, the daily allowance amount received by the insured women for outpatient treatment due to maternity is 83% of the daily income she gets during work. In other words, the working women receives 83% of the income she earns during work with minimum wage, as temporary incapacity allowance for each day for the time she doesn't work due to maternity.

This situation is in conformity with the provision regarding that the maternity benefits are adequate and at least equal to 70% of the employee's previous salary according to the Charter. Thus, the situation in Turkey is in conformity with Article 8/1.

Article 16 Paragraph 1

Quality of the Assistance	Assistance	Total Number of Households	Total Amount (TL)
Termed Assistance	Food Assistance	658.681	180.708.088 TL
	Fuel Assistance	2.106.015	2.142.316 TONE
	Housing Assistance	19.722	62.685.697 TL
	Education Assistance	354.123	88.588.092 TL
	Health Assistance	27.937	11.972.844 TL
	Disabled Need Assistance	748	812.010 TL
	Special Purpose Assistance	7.068	8.678.810 TL
	Other Family Assistances and one-time assistance	587.936	347.691.617 TL
Regular Assistance	Provisional Education Assistance	862.323	476.018.105 TL
	Provisional Health Assistance	583.544	224.978.280 TL
	Provisional Pregnancy Assistance	65.216	9.100.660 TL
	Assistance for Widow Women	281.465	727.447.500 TL
	Assistance for Families of Soldiers in need	50.583	62.830.500 TL
	Old age pensions in the context of the law no. 2022	690.071	991.335.998 TL
	Disabled Pensions in the context of the law no. 2022	579.703	2.035.753.228 TL
	Pensions of the relative of the disabled in the context of the law no 2022	82.684	237.489.350 TL
	Silicosis Disease Pensions in the	205	1.455.397 TL

	context of the law no 2022		TL
--	----------------------------	--	----

Article 19 Paragraph 1

The committee concluded that the situation in Turkey is not in conformity with the Social Charter on the ground that the information regarding free services established to provide accurate information to migrant workers is not adequate. Our country's response is presented below.

Yurt-Danış Bürosu (Home-Info Office)

Home-Info Office was established in 2001, within the administrative organisation of the General Directorate of External Relations and Services for Workers Abroad of the Ministry of Labour and Social Security to provide services, for the Turkish citizens who are still living abroad but temporarily staying in Turkey, and the Turkish citizens who have returned Turkey permanently and the members of their families.

Those citizens can apply to Home-Info Office either in person, by phone, fax or by e-mail to receive information and inquire about the solutions to the problems they encounter as well as issues concerning the labour and social security are enlisted below:

- a) Of the foreign countries;
 - Residence and work permits
 - Family unification
 - Sickness insurance
 - Industrial accidents and occupational diseases
 - Child benefits and family benefits
 - Recruitment and leaving employment
 - Unemployment insurance
 - Vocational education, career development, change of occupation
 - Legislation regarding retirement
- b) Rights arising from international law,
- c) Issues caused by integration to the societies they live in.

The citizens who apply to Home-Info Office receive information from the experts who have foreign language skills, their questions on several issues are replied, their documents written in foreign languages are examined, they are informed on their rights, their petitions are typed if appropriate, they receive help on the issues which fall under the responsibility of the Ministry of Labour and Social Security and regarding other issues, they are guided to the competent persons and organisations that can help them.

796 by phone and 608 in person out of a total of 1,404 applications were made to the Home Info Office in 2010. The total number of applications was 1,679, 1,081 of which were by phone and 598 of which were in person in 2011.

An Annual Report that includes quantitative data regarding Turkish citizens working abroad, the services provided to them and the detailed information on the changes in relevant legislation concerning them is published by the Ministry of Labour and Social Security every year.

Providing services to the Turkish citizens both living abroad and permanent returnees through the web site published by the General Directorate of External Relations and Services for Workers Abroad to enable them to have access to more detailed and updated information more quickly is being carried out.

23 Attaché's offices and 15 Consultancies (in addition, two consultancies in the presence of EU and UN, one for each) provide services to the Turkish citizens abroad to help them to solve the issues they encounter regarding their working lives, social security, family unification/starting, residence fees/documents, recent integration approaches and tax applications, together with the competent authorities of the countries where they live in and better benefit from the rights and services they are entitled to.

The foreign representatives, the staff of which is fluent in at least one foreign language, having good knowledge of both Turkish legislation and the legislation of the country where they are appointed to, expertise in International Law (Immigration Law), wide experience in the subjects of UN, CoE, ILO and OECD, are as follows:

Germany (1 Consultancy, 13 Attaché's offices), France (1 Consultancy, 2 Attaché's offices), the Netherlands (1 Consultancy, 2 Attache's offices), Austria (1 Consultancy, 2 Attaché's offices), Switzerland (2 Consultancies, one of them before the UN, 1 Attaché's office), Belgium (2 Consultancies, one of them before the EU), Saudi Arabia (1 Consultancy, 1 Attaché's office), Denmark (1 Consultancy), Sweden (1 Consultancy), Australia (1 Consultancy), Kuwait (1 Consultancy), Libya (1 Consultancy), Turkmenistan (1 Consultancy), Azerbaijan (1 Consultancy), Kazakhstan (1 Consultancy), Turkish Republic of Northern Cyprus (1 Consultancy) and United Kingdom (1 Attaché's office).

Along with the nationals of Turkey, foreigners who want to work in Turkey or who had worked in Turkey and returned to their countries also can benefit from the services of the foreign representatives of the Ministry. They can gather information about following issues (preferably in their own language):

- Legal legislation of Turkey
- Application process for work and residence permit
- Issues related to social security
- Their rights related to their previous work in Turkey.

As per Article 19.1 of the Charter that envisages providing free services and information for the migrant workers, there are detailed information and explanation about the formalities related to the work permit application of migrant workers and national legislation in the website of the Ministry of Labour and Social Security (www.yabancicalismaizni.gov.tr). The website, which has been designed in line with the languages of the migrant workers applying officially for work permit in Turkey, offers service in English, Russian, Arabic and Chinese together with Turkish.

On the other hand, the experts working in ALO 170 service (the call centre of the Ministry of Labour and Social Security) provide free, instant and exact information on the frequently asked questions to the workers willing to come Turkey as migrants, specifically on the issues such as the social security and trade union rights of foreigners, information on the access to social and medical services, etc..

Besides, legally employed migrant workers enjoy on an equal basis with the Turkish citizens from the services of Turkish Employment Agency such as providing information, guidance and consultancy services, placement and occupational training. The legal and administrative

regulations do not have any limitation for migrants regarding the presentation of these services.

There is ongoing cooperation with the countries of origin, transit and destination for preventing illegal migration. One of the most important instruments in this regards is readmission agreements. Furthermore, in order to inform and raise the awareness of the persons vulnerable in terms of illegal human trafficking and to save the victims of this crime, banners, pamphlets, hand books, free and easily accessible telephone lines (155,156, 157 etc.) are being used for (beginning from entrance point).

The measures taken in order to prevent smuggling of migrants and to fight against illegal migration are as follows:

- In line with the results of analyses on the methods of migrants' and smugglers' illegal entrance into our country, the investigations in the maritime and land borders are being intensified. The staff employed in passport and document control departments are being trained on the issue of identification of forged documents. The samples of the official documents of countries are sent to border gates in order to make it possible to efficiently check the originality of the documents used by comparing them.
- The surveys on the domestic routes of the illegal migrants and smugglers are also being made, and necessary measures are being taken accordingly.
- In the events of instant illegal transition into/from our country, coordination and intelligence sharing with the related countries' border units is ensured. The personnel employed in these areas are informed about up-to-date developments with the help of on-the-job-trainings activities.
- Repatriation Centres are established in order to keep a close watch on the detained illegal migrants until they are being deported.
- In order to prevent illegal migration originated from our country by bottoming out illegal entries and exits, the measures taken in land, maritime and airport borders are intensified and the staff working in these departments together with the staff of the foreigners and passport branches are trained in advanced specialization training programs.
- In addition to the legal reforms, 873,576 illegal migrants have been detained between the years 1995-2011 thanks to the efforts of the law enforcement officers and 12,074

smugglers have been brought in to court between the years 1998-2011 as a result of operations against illegal human trafficking organizations.

Article 19 Paragraph 2

Family is provided cover on the article 41 of our constitution. From this point of view, the needful performance is delivered for protecting the unity of family to a foreigner married to a Turkish citizen or a foreigner who entitled to the right of legal residence in Turkey. Pursuant to Article 8 of the Passport Law No. 5683, those people carrying a disease jeopardizing the public health and the health of family are not allowed to enter Turkey. However those providing evidence that they are healed and those who are acknowledged to undergo the treatment in company with a hospital attendant in Turkey are allowed to enter the country.

Article 8 (2) entitled as “Persons restricted to enter Turkey” comprises “persons disabled through insanity or contagious diseases” and regulates those people detected to be contagious are not allowed to enter Turkey.

The mentioned diseases acknowledged as contagious are indicated below:

- 1) Sexually transmitted diseases (Gonorrhea, BV, NGS, Candida, etc.)
- 2) Diseases transmitted by blood transfusion (HIV, AIDS, A.HCV)
- 3) Diseases transmitted by respiration.

By taking into consideration whether she/he jeopardizes the public health or not, its decided on not giving the foreigner permission to enter our country or whether making she/him leave from country or not.

In this context, the foreigner is given the permission for entry within the scope of Act No. 5682, if it is determined that he/she has a contagious disease with the research and doctor’s report carried out at the border crossings, as explained above.

The foreigners who are subject to deportation process as a result of the above mentioned contagious diseases or not allowed to enter the country have the right for judicial remedy against this administrative act.

In addition to these, the persons who are caught because of prostitution and deported but entered the country again by changing their personal identity information and passport are not allowed when they try to enter the country once again, through marriage with a Turkish citizen as a last ditch.

Article 19 Paragraph 3

The committee concluded that the situation in Turkey is not in conformity with the Social Charter on the grounds that Article 19 of Act No. 5683 regarding Residence and Travel of the Foreigners gives broad authority to the Ministry of Interior because the list of reasons for deportation is not mentioned in the Act, and the information requested has not been sent. Our government's response is presented below.

The authority given to the Ministry of Interior with Article 19 of Act No. 5683 consists of the lawful use of authority of taking measures and deportation, described in the first three articles of the European Convention on Establishment and in Article 2 of Protocol no. 2 of European Convention on Human Rights.

It is also observed that the conclusions regarding the indefiniteness of the reasons for deportation are lacking, as Article 8 of Act No. 5683 describes the scope of the foreigners who are not allowed to enter the country and Article 7 of the same act describes the foreigners who are not to be given residence permit.

During the process of decision making for deportation for foreigners, the factors of situation of residence permit, attendance in education, work permit and family togetherness are considered and the decision for deportation is not taken immediately for the foreigners who fulfill one of these conditions, in other words, the foreigners who have had a residence permit for a long time in our country and they are let using their residence permits.

Besides, every foreigner has the right for judicial remedy in the court, against the decision of deportation taken by the Ministry of Interior.

In the scope of the protection of the social rights of the migrant workers, the residence permits of these workers are not cancelled or they are deported unless they commit a crime requiring penal servitude, their work contracts are cancelled or their work permits expire/cancelled.

Article 27 Paragraph 1

European Committee of Social Rights (ECSR) concludes that the situation in Turkey is not in conformity with Article 27§2 of the Charter because:

Male civil servants whose wives are giving birth are not entitled to parental leave.

Turkey's response regarding the issue is as follows:

In Turkey, civil servants (employees) are not entitled to the right to parental leave with pay. Nevertheless, the Law No.6111 which was entered into force on 2011, brings new arrangements regarding maternity leave for civil servants.

Article 104 of the Act no. 657, indicating three days of leave to be given to male civil servant on his own request owing to his wife's giving a birth, was amended by the Act no. 6111 and dated 13/02/2011. As a result of the amendment, the duration of paid paternal leave is extended to ten days.

Besides, Article 108 of the Act no. 657 was amended by the Act no. 6111. The amendments are as follows:

- 1- The non-paid leave of 12 months which was given to the civil servants is extended to 24 months on their own requests,.
- 2- The civil servants whose wives are giving birth is entitled with an unpaid leave up to twenty-four months as of the date of birth upon their own request.
- 3- Civil servants who adopt a child younger than three years old together with his wife or individually and civil servant spouses whose non-civil servant spouses adopt individually can be granted with an unpaid leave up to twenty-four months as of the definite consent date of the parents of the child or consent date of the probate administration. If both of the spouses adopting the child are civil servants, the spouses may be entitled with the said leave period upon their request in two consecutive periods provided that such shall not be longer than twenty four months.

These afore-mentioned arrangements do not cover employees covered by the Labour Law no.4857. However, Works to harmonise the arrangements in these issues and to take these rights into scope of Labour Law are being continued.

Article 31 Paragraph 1

GENERAL TOTAL OF REGIONS	Number of total houses	Houses for middle-income groups	Houses for low-income groups	Houses for the poor	Shanty transformation practices	Post-disaster house production	Fund raising house production	Projects of agricultural village	Roman Houses	Schools /High-school	Schools/primary education	Schools/Nursery	Mosque	Trade Center	Sports Halls	Hospital	Library	Health Center
Mediterranean	35.589	15338	10040	3698	4866	145		626	876	48	48	4	38	44	16	31	2	8
Eastern Anatolia	80.240	28887	5068	6880	12514	25261		1630		53	72	5	88	65	12	39	4	8
Aegean	41.458	15729	10146	1166	8090	1910	3707	518	192	29	52	4	51	58	8	30	2	7
Southeastern	47.466	24176	8360	3148	8711	1363		1356	352	47	83	8	55	54	11	26	3	12
Central Anatolia	150.353	76368	24730	6821	34715	1139	5196	1192	192	62	122	38	119	115	34	46	12	25
Black Sea	51.886	30636	9014	1734	7295	2258		140	809	31	56	6	62	73	13	45	8	9
Marmara	187.895	58839	28546	3863	14212	1146	78455	122	2712	57	105	21	76	85	29	35	10	23
Pakistan	4.620					4620					8		6	12	3			2
Somalia										1			1			1		
General Total	599.507	249.973	95.904	27.310	90.403	37.842	87.358	5.584	5.133	328	546	86	496	506	126	253	41	94

Number of houses constructed by TOKİ: =599.507+15.980 servant's apartment
=615.480 (as of 29 April 2014)

Article 31 Paragraph 2

1- Le droit au logement des citoyens d'origine Rom

Dans notre pays les citoyens turcs d'origine rom bénéficient au même titre que d'autres citoyens turcs et sans aucune discrimination de tous les types de service public offert par l'État. En outre, cette communauté est considérée comme l'un des groupes les plus désavantagés. En tenant compte de leurs situations et de leurs besoins spécifiques, plusieurs projets et programmes sont élaborés et mis en œuvre tant au niveau national qu'au niveau des collectivités locales pour améliorer leurs situations par l'égal accès aux droits sociaux surtout au droit de logement.

Pour nos citoyens roms comme pour ceux à faible revenu qui résident dans des conditions difficiles, l'Administration de Logement collectif (TOKI) et les collectivités locales s'efforcent de construire des logements sociaux d'un nombre suffisant et avec des standards adéquats dans le cadre de travaux de " la transformation et la rénovation urbaine ".

Pour résoudre les problèmes des Roms, assurer leurs intégrations sociales, développer leurs statuts sociaux, en particulier améliorer les conditions de vie dans différents domaines, notamment dans le domaine de logement, les divers projets sont élaborés et les mesures sont prises dans différents départements de notre pays.

Avec ces projets mis en œuvre, nos citoyens d'origine rom bénéficient de l'aide et des services proposés ci-dessous.

- Projet de construction de logement collectif réalisé et en cours de réalisation destinée aux citoyens d'origine rom par l'Administration de logements collectifs (TOKI).
- Les prestations d'emploi telles que la mise en place d'emplacement réservé aux Roms dans la place du marché où seuls ces derniers peuvent faire des ventes, l'embauche des Roms dans les travaux temporaires résultant des besoins des municipalités et organisé avec la collaboration de l'Agence national de l'emploi (İşKur).
- L'ouverture des cours de formation professionnelle ainsi que la délivrance de certificat

de maître dans afin que les Roms acquièrent une profession,

- La mise en valeur de l'identité musicale des Roms dans la fanfare, les chorales municipales et dans les activités culturelles et artistiques locales.
- L'allocation de logement, l'attribution d'emplacement, la fourniture des services tels que l'eau, la route pour les associations et les maisons de culture créées pour perpétuer la culture Rom,
- Les festivités reflétant la culture Rome (la fête de Roman du 8 avril, Dudelange, le festival de Kakava, etc.), le mariage officiel de couples romans vivant en concubinage, l'organisation de la circoncision collective pour leurs enfants dont ils ont besoin, l'ouverture de cours de danse reflétant la culture Rome par les municipalités.
- L'ouverture de centre de jeunesse, de complexes sportifs et des aires de jeux pour enfants dans les zones où les Roms sont majoritaires.
- Des aides alimentaire, vestimentaire, de charbon, de santé, de médicaments, de matériel de cours, de papeterie et d'école destinées à l'éducation.

Les travaux entrepris pour faire bénéficier les Roms de logements plus moderne et plus salubre, avec des conditions de paiements abordables ne pourrait quelquefois aboutir en raison que nos citoyens d'origine Rome ne veulent pas quitter l'endroit où ils vivent et que l'on ne trouve pas d'endroit convenable dans leur lieu de vie habituel et que même si l'on en trouve l'expropriation représente des coûts élevés .

2 - Les gens qui ne peuvent pas ou ne veulent pas retourner dans leurs villages

Dans les grandes villes comme Istanbul, Ankara et Izmir, les projets spécifiques ont été élaborés et mis en œuvre ou en cours d'élaboration pour répondre aux problèmes des gens qui ne peuvent ou ne veulent pas retourner dans leurs villages tels que la pauvreté, l'exclusion sociale, les logements insalubres, le chômage, l'inadaptation à la vie urbaine et pour assurer leur intégration à la culture urbaine.

Article 31 Paragraph 3

1) l'expulsion des Romans de leurs maisons

Les droits au logement et à un environnement sain sont protégés par la Constitution dans ses articles 17, 56 et 57.

Nous ne pouvons être en accord avec la critique selon laquelle les citoyens turcs d'origine romane dans notre pays auraient été expulsés par la force de leurs maisons et que leurs dignités humaines ne seraient pas respectées.

Comme il est mentionné dans les explications faites dans le cadre du paragraphe 2 de cet article, les Roms bénéficient sur un pied d'égalité avec d'autres citoyens turcs de tous les services publics et ils ne sont exposés à aucun traitement discriminatoire sur le plan juridique et administratif.

Toutefois, il peut arriver quelquefois les violations de droit de logement en raison des projets et des travaux de transformation urbaine mise en place pour réaménager les zones urbaines anciens, les rendre de nouveau habitables et résoudre les problèmes sociaux, économiques et culturels de la ville. Mais ce problème ne concerne pas que les citoyens turcs d'origine rom, mais toutes les personnes qui habitent dans les zones de transformation urbaine. Il n'existe pas une discrimination propre aux Roms dans ce domaine.

Dans le cadre des projets de transformations urbaines mis en place pour résoudre les problèmes résultant d'une urbanisation désordonnée et sans plan, le réaménagement des zones d'habitations insalubres habitées majoritairement par les Romans et la transformation de ces zones les plus pires en nouveau terrain de logement collectif en les améliorant sont en cours dans les villes et les arrondissements où les Romans vivent. Ces travaux visent à détruire les bâtiments à risque et de types de bidonvilles et créer des villes modernes et saines en améliorant notamment les zones d'habitation des Roms et d'autres zones de problèmes.

D'autre part, l'expression du Comité Européen des Droits sociaux selon laquelle "les Roms seraient confrontés avec les mauvaises conditions de vie et de santé suite à la démolition du quartier rom et à la distribution obligatoire partout dans notre pays" résulte d'une l'approche

qui ignore la discrimination positive appliquée par notre gouvernement à l'encontre des Roms ». En outre, suite aux instructions du premier ministre, avec le soutien de la Direction générale de l'assistance sociale on a fait appels d'offres pour la construction de logements pour 5106 citoyens d'origine rom et cette construction se poursuit.

2) La démolition de Sulukule, le quartier historique d'Istanbul

Le quartier de Fatih situé dans la péninsule historique a été foyer de nombreuses civilisations à travers de l'histoire. Il constitue un patrimoine unique pour notre pays et pour le monde entier avec des échantillons de l'architecture civile et des œuvres monumentales d'art de l'architecture civile.

Le plus important de ces espaces, le plus bel endroit dans la ville, et le meilleurs emplacement topographie sont Fevzipaşa - les quartiers historiques de Haticesultan et de Neslişah (Sulukule) entre les boulevards de Vatan-adjacent aux remparts de terre historique. En plus des remparts historiques, la région abrite la Mosquée de Mihribah Sultan, la mosquée du sultan Neslişah et de nombreuses œuvres monumentales comme l'Église orthodoxe grecque de Sarmaşık.

Toutefois, cette région historique et culturelle, en raison du manque d'intérêt et d'entretien qui a persisté pendant de nombreuses années, n'a pas pu achever son développement et son changement. Ces lieux dans le centre d'Istanbul sont désormais devenus des débris confrontés à l'extinction. La vie économique, sociale, culturelle et environnementale dans la région n'est plus possible depuis long temps.

Cette agglomération ne constitue pas seulement des zones d'affaissement physique, mais aussi le lieu des problèmes socio-économiques. Dans une zone restreinte à forte concentration humaine qui ne cesse d'augmenter, l'accroissement du chômage et de la pauvreté, les violences et les problèmes de sécurité font qu'il est impossible de vivre en paix pour les habitants de ce quartier.

En outre, la non-résistance des bâtiments en débris à des séismes constitue un autre problème important. Cette région se trouve dans une zone de risque sismique de deuxième niveau. Il existe un risque de dommages même lors d'un tremblement de terre de magnitude moyenne.

En juillet 2005, la municipalité de Fatih a réalisé dans cette zone une étude sur le tissu sociale et la faisabilité. Dans ces études, tous les locataires et les propriétaires vivant dans l'agglomération ont été identifiés. Avec les diverses données démographiques, la population vivant dans chaque maison est enregistrée. Avec cette étude qui est terminée le mois de novembre 2005, il est déterminé le nombre de maisons dans chaque parcelle, les surfaces des bâtiments, la situation des maisons, le statut de leur reconstruction, les personnes y vivants et les informations semblables.

Les résultats de cette étude ont permis de déterminer qu'il y a 383 locataires et 620 résidences, ainsi que 45 lieux de travail et 3430 personnes qui y vivent. Certains propriétaires n'habitent pas dans leurs maisons, certains ne savent même pas qui vit dans leurs maisons. Selon ces enquêtes, 80% de la population vivant dans la région étaient locataire.

L'avant-projet est élaboré en tenant compte de ces chiffres, on s'est efforcé de produire pour chaque résidence une résidence et pour chaque lieu de travail un lieu de travail. Le nombre actuel de résidences et des lieux de travail coïncident avec les chiffres figurant dans l'avant-projet.

À la suite de l'enquête réalisée par la municipalité de Fatih concernant les ménages dans la zone de projet, les données suivantes ont été rapportées.

- environ 17% de la population est composée de citoyens d'origine rom. Le reste de la population a migré depuis diverses régions du pays. Ce sont en générale les gens à faible revenue et qui travaille dans le secteur de service peu qualifié. Cette situation montre qu'il n'existe pas un group de culture homogène dans cette zone.
- En ce qui concerne le niveau de l'éducation, 31% sont analphabètes, 34% diplômé des écoles primaires, 5% diplômé des écoles secondaires, 4% diplômé du lycée. Dans les familles, 17% n'ont pas d'emploi, 13% des travailleurs sont des enfants, 8% sont des femmes qui généralement mendient.
- En ce qui concerne la situation de l'emploi, 77% n'ont pas un emploi qui leurs apporte des revenue, 64% ne sont pas couverts, 16%-bénéfice de l'assistance de santé, 51% ne veulent pas recevoir une formation professionnelle et 37% veulent bénéficier d'une

formation professionnelle.

- 91% sont informés du projet, 9% ne le savent pas, 65% pense que leurs habitats vont être démolis pour être reconstruits, 15% pense qu'ils vont devoir aller ailleurs. Toutefois, 74% veulent vivre ici, 26% veulent aller ailleurs. 79% veulent des changements structurels dans leurs quartiers, 21% ne veulent pas. 40% de ces résidents sont propriétaires, 60% sont des locataires et des occupants clandestins. Les problèmes dans la région se composent de 41% de violence et d'insulte, 21% de la pauvreté, 14% de la drogue, %56 voit leur quartier différent d'Istanbul, %44 ne voit aucune différence.

Suite à ces études, d'une part les remparts historiques d'Istanbul, d'autre part, la surface de 91 mille mètres carrés dans le parti intérieur de la Bande de Protection des Remparts sont désignées comme zone de projet.

Dans cette zone du projet, il y a au total 46 échantillons d'architecture civile immatriculée. La restauration de 25 échantillons se fera dans le cadre du projet de restauration, et 18 échantillons seront restaurés par leurs propriétaires.

Le projet n'est pas élaboré selon un seul groupe, mais selon les attentes et habitudes des de tous les habitants du quartier. La zone de projet se compose d'environ 20% des citoyens d'origine rom. Il est également en conformité avec les structures culturelles et les conditions de vie des citoyens d'origine rom. Les Roms qui sont propriétaires reçoivent aussi des terrains au sein du projet et restent dans la zone.

Conformément aux demandes et souhaits des habitants roms, les maisons sont souvent sous forme de deux étages avec une cour interne. Les coûts des maisons ont été procurés par avance avec la valeur des terrains que possèdent les propriétaires et s'ils doivent des dettes restantes, le paiement est autorisé sur une durée de 180 mois soit 15 ans une fois installés dans leur nouvelle demeure. Si le propriétaire est créancier, la somme est payée en avance.

Pour le quartier, le projet protège les silhouettes des rues historiques et les habitudes de vie des habitants.

Lors de la conception du projet de transformation, les analyses sur la propriété et sur la

situation socio-économique des habitants sont menées, les plans antérieurs appartenant sur la presque île historique et son entourage et les caractéristiques des bâtiments dans la zone sont étudiés afin de les intégrer dans projet de rénovation. Le projet institue aussi des standards permettant d'améliorer la qualité de vie urbaine. Au lieu des espaces intérieurs étroits, les cours intérieures spacieuses facilitant les relations sociales et culturelles sont formées. Ces zones sont aussi des lieux de respiration dans la densité de la ville, de la lumière du jour et de l'espace. Les cours antérieurs ont été conçus non seulement pour les espaces des rez de chaussées, mais pour toutes les espaces. En outre, les rues sont conçues pour être de 10-15 m au lieu de 3-5 m.

Les Roms de Fatih ont une vie sociale différente et ont un mode de vie particulier par rapport aux autres habitants du quartier. Dans le projet élaboré en prenant en compte ces facteurs, le mode de vie actuel est reflété dans l'espace. En fonction des espaces communs conçus (les portes avant, l'utilisation de cours intérieures, etc.) les cours, les portes, et des espaces à utilisation commune sont développés.

On a réalisé un projet conforme au droit de propriété, aux droits culturels, aux droits de l'homme et au droit de la ville. On a agi en sorte que personne ne soit victime et que personne ne soit exclu. Les options présentées aux propriétaires et aux locataires rendent l'aspect social de ce projet très puissant parmi tous les autres exemples réalisés dans le monde.

L'intérêt pour cette zone et ces habitants a commencé grâce à ce projet pour la première fois. C'est aussi avec ce projet qu'on a pris des mesures qui vont contribuer au développement physique, socio-économique et socioculturel du quartier et des habitants du quartier et améliorer et renforcer les espaces de vie, les conditions de vie.

Le projet lancé en 2006 concerne 673 logements (620 résidences, et 53 lieux de travail),

Le projet en question vise;

- la protection des structures historiques et culturelles (immatriculées)
- l'amélioration des conditions de vie des personnes vivant dans le quartier.
- l'arrêt de la destruction physique et l'animation de la vie économique en assurant la durabilité de la structure historique et l'identité originale de la ville

- l'augmentation de la qualité de vie urbaine et la mise en route des dynamiques basées sur la culture
- l'encouragement de la participation
- le soutien du développement socioculturel
- l'intégration de la population du quartier avec la ville et avec les citoyens
- la création des espaces et des zones habitables modernes intégrées à l'histoire et la culture du quartier.

En vertu de la loi No: 5366 du 16/06/2005 sur la rénovation des biens immobiliers culturels et historiques détériorés et leur protection par la restauration, la déclaration de la zone de projet comme l'espace de rénovation a été acceptée par le conseil municipal de la mairie de Fatih et l'Assemblée municipale métropolitaine d'Istanbul. Elle est en suite approuvée par le Conseil des ministres et le Président de la République. Elle est finalement acquise la force de loi par la publication dans Journal officiel du 24 avril 2006.

Un protocole sur le projet de rénovation urbaine et de ses applications du quartier de Fatih de 1^{ère} groupe de numéro 2 est signé le 13/07/2006 entre l'Administration de logements collectifs (TOKI), la mairie métropolitaine d'Istanbul et la mairie de Fatih.

Le but de ce protocole est de limiter les problèmes et de trouver les solutions pour les ayants droit dans la zone de rénovation, qui est devenue une zone de dépression en raison des bidonvilles, de la construction non planifiée, des bâtiments de faible niveau de standards et de créer un espace urbain possédant les standards contemporains en liquidant les zones d'habitation non planifiée.

Les projets d'application sont approuvés par le Conseil régional de la protection des biens culturels et historiques des zones de rénovation d'Istanbul. Ces projets sont présentés à l'offre le 10.09.2009 par TOKI et le contrat a été signé avec la firme qui a emporté l'offre. Cette firme a obtenu le 22.12.2009 le permis de construction et a commencé les travaux de soubassement sous le contrôle de la Direction de l'archéologie et des musées d'Istanbul.

Une fois que les propriétaires avec lesquels on a fait un accord dans le cadre du projet ont évacué les maisons et ont demandé leurs destructions, et que la zone est devenue vide et les maisons ont été détruites. Tous les bâtiments détruits sont des bâtiments non immatriculés et

non qualifiés.

90% des bâtiments dans la région (y compris des bâtiments immatriculés) est sans qualité et composé de baraquements. Il a eu des interventions dans la plupart des bâtiments immatriculés, qui sont devenus des bâtiments de ruines et d'épaves difficiles même de tenir debout. Alors qu'il y avait 24 bâtiments immatriculés avant le projet, ce nombre s'élève à 46 avec le Projet.

Aucun locataire n'a pas été considéré comme ayant droit dans un aucun projet de renouvellement urbain (conversion des bidonvilles) réalisé jusqu'à ce jour. Mais dans le cadre du projet de Renouvellement urbain de Fatih de numéro 2, la définition de l'ayant droit a été élargie et on a reconnu le droit de bénéficier des logements sociaux réalisés par le projet de Taşoluk aux locataires vivant dans cette zone de renouvellement.

Dans ce contexte, on a offert la possibilité aux locataires aussi de devenir propriétaire de logement social à Istanbul Gaziosmanpaşa Taşoluk sans tirage au sort avec la possibilité de versements à échéance raisonnables de 180 mois (15 ans). Les locataires qui ont accepté cette option ont tiré au sort en trois étapes pour identifier le numéro de porte de leur maison. Par conséquent, on a pris des mesures pour que nos citoyens qui vivent dans la zone de rénovation puissent acquérir un logement socioculturel à nouveau dans le même lieu. En outre, une aide au logement a été faite pendant l'application du projet pour les propriétaires et les locataires qui résident dans la zone (jusqu'à ce qu'il déménage dans leur nouvelle demeure), 400 TL par mois pour les propriétaires, 300 TL par mois pour les locataires. Cette allocation continue à être versée aux propriétaires seulement, parce que les locataires ont déménagé dans leurs nouveaux logements.

La totalité des projets d'application est discutée et acceptée par le Conseil régional des projets des espaces de rénovations d'Istanbul.

L'information que 95% de la population installée Taşoluk est retournée à Sulukule n'est pas vraie. Cependant, une très petite partie (environ 10%) de la population a vendu au comptant à un prix de 40 000 et 50000 TL leur logement acheté à une valeur de 50 000 à 60000 TL ou en crédit d'une échéance de 180 mois (15 ans). Et une partie a donné à location leur logement. Il s'agit de la volonté libre des intéressés. Ils peuvent habiter où ils veulent, comme ils le

veulent. En outre, conformément au Code civil turc le droit de propriété est sacré, et les personnes peuvent utiliser les biens immobiliers dont ils sont propriétaires comme ils le souhaitent.

Pour renforcer la dimension sociale du projet, il a mené de plusieurs travaux. Le premier de ces travaux est de donner des cours de couture à 45 jeunes femmes. Dans le travail mené en collaboration avec l'école des filles professionnelle de Sultan Selim, 45 jeunes femmes dont 13 mariés ont reçu un certificat à la fin des cours de couture de 160 heures. Des initiatives de placement dans l'emploi sont entreprises à la fin de ces cours. Pour que ces femmes continuent leur programme de cours, un soutien financier est assuré par le versement de 8 – 10 TL par jours par l'Agence nationale de l'emploi (İŞKUR).

En outre, 20 jeunes hommes vont recevoir des cours de maîtrise de bois dans un atelier de la Municipalité métropolitaine d'Istanbul à Zeyrek. Pendant et après leur formation, ces jeunes travailleront dans les travaux de rénovation et de restauration des maisons en bois à Zeyrek et Süleymaniye.

Une troisième initiative est de donner des cours de formation aux volontaires de la région pour avoir une profession avec le soutien de l'union des exportateurs des vêtements prêts et de la confection d'Istanbul (İHKİB).

Il n'y a eu aucun problème jusqu'à ce jour avec les propriétaires et les locataires dans la zone du projet. Malgré cela, le projet est reflété dans les médias avec des informations négatives. Ces informations négatives sont produites par les personnes occupant qui n'ont aucun droit de propriété dans la zone, mais qui veulent profiter d'une manière ou d'une autre de la situation et les personnes qui abusent les conditions de vie des habitants pour rester à l'ordre du jour.

RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

3-3: Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

“Measures to reduce the excessive rate of fatal accidents are inadequate.”

National action that strengthens national policies, systems, programmes and strategies to improve occupational safety and health

National Occupational Health and Safety Council

The Council was established with the participation of Government, employer and employee representatives in order to develop and recommend policies and strategies on OSH. Entrusted with the responsibility of advising on the formulation of national occupational health and safety strategy and monitoring its implementation, the Council convenes twice a year.

One of its main functions is to develop “National Occupational Health and Safety Policy Document and Action Plan” in line with ILO norms and EU standards. Turkey’s objectives and targets on occupational health and safety are determined by this document. National Occupational Health and Safety Policy Document and Action Plan prepared by the Council for 2014-2018 were published in December 2014. Objectives set in the document as follows:

- Improving the quality of the activities carried out in the field of OSH and standardizing the activities.
- Improving the occupational accident and disease statistics and recording system.
- Reducing the rate of accidents per hundred thousand workers for metal, mining and construction sectors.
- Determining the occupational diseases which are likely to be encountered and collecting preliminary diagnosis for them.
- Increasing the OSH improvement activities for public sector and agricultural sector.
- Enhancing occupational health and safety culture among the society.
- Vocational Training Certificates will be compulsory for workplaces in hazardous and very hazardous classes.

National action that supports international collaboration and development, sharing and application of knowledge on OSH

- 19th World Congress on Occupational Health and Safety at Work was organized in Istanbul on 11-15 September 2011 in cooperation with ILO and ISSA. The Congress created opportunities for the participants to present and share experiences, explore new directions and debate topics as well as exchanging information with experts from across the globe. In the scope of the Congress, Summit of the Ministers of Labour for a Preventative Culture was organized for the first time and İstanbul Declaration was signed by Labour Ministers from 33 countries.
- A protocol was signed in 2007 with German Professional Association of the Construction Industry Organization (Berufsgenossenschaft der Bauwirtschaft-BGBAU). The purpose of the cooperation is improving OSH conditions in

construction sector by increasing knowledge of workers, developing qualifications of employers, experts, instructors and by conducting joint projects.

- A protocol was signed with Netherlands Ministry of Social Affairs And Employment for supporting the quality of OSH services in Turkey for 2009-2011.
- Cooperation with German BGAG Dresden academy on OS. Cooperation aims at improving Directorate General of Occupational Health and Safety (DGOSH) experts' and instructors' qualifications by conducting effective trainings.
- Cooperation with German Social Accident Insurance Institution (DGUV) on occupational health and safety. The purpose of the cooperation is achieving proper use of personal protection equipment (PPE), introduction of new products in the field of PPE, receiving technical support for market surveillance of PPE.
- Cooperation with German Social Accident Insurance Institution (DGUV) about scaffoldings (2013-2015).
- Participation to European Union Occupational Safety and Health Agency (EU-OSHA) Campaigns. In order to raise awareness on OSH, seminars are held in various cities; EU-OSHA publications are translated into Turkish and widely distributed. Good Practice Awards Competitions are organized countrywide. The selected two best practices are sent as a nominee for The European Good Practice Awards Competition.
- Cooperation with Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). Trainings were provided in Occupational Health and Safety Institute (İSGÜM) to 8 experts from 7 countries. Turkish experts gave trainings in Oman and Malaysia. Organization of Islamic Cooperation - Network for Occupational Safety and Health (OIC-OSHNET) was set up with Turkey's initiative for systematic sharing of information on OSH.
- 7th International Conference on OSH was held on 5-7 May 2014, with participation of academicians, experts, bureaucrats, and professionals. International organizations such as ICOH, WHO CC/SEENWH, ENETOSH and OIC-OSHNET also had meetings during this Conference.

National action that targets measures to improve OSH conditions for priority safety and health hazards, high risk sectors, SMEs, supply chains and vulnerable workers.

Projects for SMEs with High Work Accident Rates

According to statistics of Social Security Institution (SSI) of Turkey, top three sectors that occupational accidents occur are mining, metal and construction sectors in Turkey. Therefore, projects were conducted for SME's in these sectors. Occupational Health and Safety Management Systems were adapted to Turkey and risk assessment guidelines were prepared at the end of the projects. Between 2010 and 2012, İSGİP Project (Improvement of Occupational Health and Safety Conditions Project) was conducted. With this project, SMEs in metal mining and construction sectors were targeted. Consultancy service regarding OSH management system, risk assessment, performance monitoring etc. were provided to 128 workplaces. 2000 people (OSH professionals, physicians, employers, workers, social partners etc.) were trained about OSH regulations and the outputs of the project. 54.000 guidelines about 10 different subjects, such as OSH management system, risk assessments, healthcare services, occupational diseases etc., were prepared and distributed free of charge. Based on the outputs of İSGİP, İSGİP-2 has been conducted. It started in 2013 and it will end in 2015. In 2014, trainings were organized for OSH professionals working in mining, metal and

construction sectors. The subjects of these trainings were legislation, OSH management systems, risk assessment, performance monitoring, and emergency plans.

In 2015, same activities will be performed for SMEs in textile, leather, furniture, food and chemical products production sectors.

Legislations for high risk sectors, SMEs and vulnerable workers

Regulation on Working Conditions at Night Shift for Female Employees Regulation on Working Condition of Pregnant and Nursing Women, Establishing Breast Feeding Room and Day-Care Dormitories Regulation of Occupational Health and Safety in the Mining Workplace Regulation of Occupational Health and Safety in Construction Regulation of State Subsidies to Occupational Health and Safety apart from those listed, studies are being pursuing for OSH services in micro-scale workplaces in less hazardous class.

- A. National action that fosters a culture of consultation, collaboration and collective action with social partners to improve occupational safety and health**

National Protocols

A couple of protocols have been signed with social partners including National Productivity Center, Union of Chambers of Turkish Engineers and Architects, Turkish MoNE, the Chamber of Turkish Naval Architects & Marine Engineers, the Ministry of Environment and Urbanization, the Turkish Standardization Institute, the Turkish Employers Association of Construction Industries, Turkish Ministry of Health, Turkish Ministry of Food, Agriculture and Livestock, and Hacettepe University Public Health Institute in order to improve OSH from several aspects since 2006.

Occupational Health and Safety Week

4-10 May has been celebrated as Occupational Health and Safety Week since 1987 in order to raise public awareness on OSH and improve OSH culture. In 2015, 29th OSH week was celebrated with organization performed in Ankara. This year, “Good Practice Award Competition” was performed first time in the scope of the Week.

On the other hand, promotional activities are being performed in the whole country and training programs for SME’s still continues. Also, with the purpose of supporting and guiding enterprises, application samples are being prepared for different sectors.

RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

3.4. Right to safe and healthy working conditions

Paragraph 4 - Occupational health services

“It has not been established that there is a strategy to institute access to occupational health services for all workers in all sectors of the economy”

Monitoring Progress: Tracking Policy Developments

Safer and healthier workplaces

Key indicators	2013 (base)	2015	2017	2019	2021
General indicators					
Occupational injury and disease rates (frequency rate or incident rate)					
• Occupational fatal injuries	1360				
• Occupational non-fatal injuries	191389				
• Occupational disease	371				
Policy indicators					
Workers covered by OSH legal protections (% of workers)	100 % (15.307.513 Total number of employees *)	100 % (16.641.756 Total number of employees *)			
Workers covered by employment injury insurance or program (% of workers)	100 % (15.307.513 Total number of employees *)	100 % (16.641.756 Total number of employees *)			
Inspectorate responsible for OSH enforcement (number of “full time equivalent” OSH inspectors)	590 (directly responsible) 566 (indirectly responsible)	548 (directly responsible) 566 (indirectly responsible)			
Enterprises with health and safety committees, established consistent with national law (% of enterprises)	%1,99 The ratio of the number of 31.550 workplaces that have 50+ employees to the number of total workplaces which is 1.579.942 **	%2 The ratio of the number of 33.673 workplaces that have 50+ employees to the number of total workplaces which is 1.667.556 **			
Enterprises implementing occupational health and safety management systems (% of enterprises)	NA	216287 13 % (as of May 2015)			

Workers covered by basic occupational health services (% of workers)	15.307.513 Total number of employees *	16.641.756 Total number of employees *
OSH training integrated in to job training and skills development programmes (% of training programmes)	NA ***	NA ***

*** Public officers and workers have been included in the scope of Occupational Health and Safety Law with No.6331. The exceptions are listed as below:**

- Activities of the Turkish Armed Forces, the police and the Undersecretary of National Intelligence Organisation except for those employed in workplaces such as factories, maintenance centres, sewing workshops and the like.
- Intervention activities of disaster and emergency units.
- Domestic services.
- Persons producing goods and services in their own name and on their own account without employing workers.
- Prison workshop, training, security and vocational course activities within the framework of improvements carried out throughout the enforcement services for convicts and inmates.

**** It is obligatory to establish an OSH committee at the workplaces where there is a main-contractor and sub-contractor relation with 50+ worker. However any statistical data is not kept because of lack of a separate declaration for this situation. Since it is same for also public institutions, ratios could not been given for them either.**

***** Based on the Law, all employees shall take OSH training regularly. Moreover the employees who are working in hazardous and very hazardous works (i.e. welding, electrical maintenance, drilling, etc.) should also get vocational trainings.**

In order to reduce work accidents and occupational diseases, it has been targeted that occupational health and safety legislation is to be arranged as a separate law, covering all employees, including preventive and protective measures in the scope of harmonization with ILO norms and EU standards. Within this scope a new separate law enacted in 2012 on OHS having the following features;

- A proactive approach rather than a reactive one has been adapted.
- Workplaces are categorized by three hazard levels according to the nature of their main activity.
- Every workplace by the legislation has obligation to provide occupational health and safety.
- The expenses in micro enterprises arising from receiving OHS services are to be covered by the State.
- Risk assessment is carried out in advance in order to prevent occupational accidents and occupational diseases.

- Workers are to receive regular medical surveillance.
- Emergency plans are to be prepared in workplaces.
- Employers have to inform all workers on occupational health and safety issues.
- Workers can actively participate in decision making process on occupational health and safety activities in the workplace.

Operation may be ceased in whole or any part of the premises in case of any vital danger.

In order to reduce work accidents and occupational diseases, a separate occupational health and safety law was prepared and came into force in 2012. This law is mainly based on risk assessment covers all employees whether in private or public sector. It is prepared in the scope of harmonization with ILO norms and EU standards including preventive and protective measures.

In addition to the above mentioned developments;

- Projects were conducted for SME's in metal, mining and construction sectors, in which work accidents and occupational diseases mostly occurred, Occupational Health and Safety Management Systems were adapted to Turkey and risk assessment guidelines were prepared at the end of the projects. Promotional activities are being performed in the whole country and training programs for SME's still continues. Also, with the purpose of supporting and guiding enterprises, application samples are being prepared for different sectors.
- ILO Convention No. 187 was approved on May 15, 2013.
- Ratification process for ILO Conventions No. 167 and 176 has recently initiated by the MOLSS as well.

Turkey also conducts projects for SME's in metal, mining and construction sectors in which work accidents and occupational diseases mostly occur. There are also many promotional activities and trainings performed in the whole country.

ILO Conventions No. 167 and 176 were ratified at the end of 2014 (Convention No 167 Safety and Health in Construction Convention was ratified on 20.11.2014 and Convention No 176 Safety and Health in Mines Convention was ratified on 04.12.2014)

National Occupational Health and Safety 2014-2018 has been published.

The aim is formation of a labour market in Turkey where decent job opportunities are delivered to all sections of society -not limited to financial support- and to groups who are in difficulty in access to employment such as youth, older people, disabled, and women. By means of these programmes, increasing labour force qualifications and using the acquired qualification to be used actively; harmonized work and family life, enhanced gender equality, enhanced occupational health and safety are targeted.

National Employment Strategies (2014-2023)

In Turkey's National Employment Strategies for 2014-2023, OSH is especially targeted for both construction sector and textile and ready-made garment sector. The reason why these two sectors were especially targeted is because;

Construction is a high-risk sector in terms of occupational health and safety. The sector is classified in the category of very hazardous industries. In Turkey, the sector accounts for 10 percent of the whole occupational accidents where 32 percent of these accidents result in death.

Textile and ready-made garment sector in Turkey has an important share within production, export and employment. Textile and ready-made garment sector together corresponds to

Moreover, the share of textile and ready-made export in total export is 16,7 percent in Turkey and Turkey is one of the leading textile and ready-made garment exporter in the world, having the share of 3,4 percent.

Main objective for both sectors is disseminating OSH awareness in industries.

Action Plans of National Employment Strategy (2014-2016)

MAIN POLICY PILLARS

Increasing The Employment of Vulnerable Groups:

Labour force participation and employment of people with disabilities will be increased.

Physical environment of the workplaces will be arranged considering people with disabilities, employers will be supported technically and financially for ergonomic design of tools and equipment to be used

SECTOR STRATEGIES

Construction Sector

Awareness of occupational health and safety in the sector will be promoted.

The employers respecting the occupational health and safety regulations which have low numbers of work accidents and occupational diseases will be supported by the State through decreasing their occupational health and safety premiums gradually and paying them by the State budget.

The occupational health and safety consultancy and guidance services targeting the sector will be developed.

In the Action Plans of National Employment Strategy (2014-2016), there are four «Main Policy Pillars» and one of them is «Increasing The Employment of Vulnerable Groups». Item 3.3 of action 3 is assigned to DGOHS of MoLSS and it is about supporting employers technically and financially for arranging office environment considering people with

disabilities. DGOHS will work in coordination with Ministry of Finance, Ministry of Family and Social Policies, Local Administrations and Related NGOs.

In the Sector Strategies Section of Action Plans of National Employment Strategy (2014-2016), 3rd action for construction sector is disseminating OSH awareness. There are two measures for this action: one of them is reducing occupational accidents and diseases premiums for employers who take measures for OHS and meets low number of occupational accidents and occupational diseases. For this measure, MoLSS will work in coordination with Ministry of Finance, Undersecretariat of Treasury, SSI and Related Institutions. Other measure is to increase compliance assistance and advisory services on OHS and Ministry will work closely with related institutions.

Action Plans of National Employment Strategy (2014-2016)

SECTOR STRATEGIES

Textile and Ready-Made Garment Sector:

Occupational health and safety awareness will be raised in the sector.

The employers respecting the occupational health and safety regulations which have low numbers of work accidents and occupational diseases will be supported by the State through decreasing their occupational health and safety premiums gradually and paying them by the State budget.

Counselling and guidance services on occupational health and safety will be developed.

Health Sector:

Working times and conditions in sector will be reformed.

The necessary regulations on occupational health and safety will be made and the awareness raising activities will be implemented.

The other sector especially mentioned in National Employment Strategy is textile and ready-made garment sector and in the Sector Strategies Section of Action Plans of National Employment Strategy (2014-2016), 4th action for the sector is disseminating OSH awareness same as construction sector. There are again two measures for this action and they are also the same as construction sector: one of them is reducing occupational accidents and diseases premiums for employers who take measures for OHS and meets low number of occupational accidents and occupational diseases. Other measure is to increase compliance assistance and advisory services on OHS.

RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

11.2: Right to protection of health Paragraph 2 - Advisory and educational facilities

Non-conformity: on the ground that it has not been established that counselling and screening of the population at large as well as of children and adolescents, through school medical check-ups, are adequate.

The system related to the presentation of health care has changed in our country in recent years so that; Socialization of Health Services has changed to Family Medicine Practice. The conduct of school health services emerges as an important point in Family Medicine Practice. In the 2011 – 2012 education periods, there are seventeen million students in primary, secondary and pre-school education periods in Turkey and this figure is 22.5% of the population. More than 800.000 teachers and school employees should be evaluated within the scope of school health. In this review, school health services and the legal status in the world and in Turkey are examined and presenting proposals for the improvement of school health services is aimed. School health services are shared between family physicians and Community Health Centers in our country. There are some legal arrangements about “School Health Services” in Turkey.

The Ministry of Education, the Ministry of Health and the Ministry of Agriculture conduct health programs in schools together with the non-governmental organizations. In this context the Ministry of Education and the Ministry of Health signed “Cooperation Protocol on School Health Services”. The health situation of the students in primary and secondary schools is controlled throughout the country.

A circular dealing with the school canteens is published and their regularly inspections are organized through the common efforts of the General Directorate of Protection and Control affiliated to the Ministry of Agriculture.

The Ministry of Health conducts “The Action Plan for Struggle Against Tobacco Products”, “The Action Plan for Struggle Against Obesity”, efforts for struggle against toxicomania and aware raising studies dealing with HIV/AIDS to prevent toxicomania and to improve individual responsibility on the issues healthy nutrition, sexual education and environment.

The education programmes called as “Healthy nutrition in primary schools” still continues in 81 provinces. The efforts aiming at renewing the parts of the health knowledge book dealing with AIDS, which studied in 9th class, continues with the support of the Ministry of Health and the Universities and health education is provided throughout all school life. On the other hand teachers are given trainings on adolescent and genital health in provinces.

The coverage of Green Card has been widened for low-income groups. The health care services and pharmaceutical expenses of the Green Card holders within the scope of “outpatient services” are also covered by the state now. The VAT of the pharmaceuticals has been reduced, and the medicine pricing system has been changed. In this way, a big discount has been made in pharmaceuticals’ prices. The burden of pharmaceutical expenses both on the public and on the citizens was reduced a lot. Those arrangements have played an important role in spreading the access to pharmaceuticals. “112 Emergency Health Care Services” are delivered not only in cities but also in villages. The numbers of stations are increased and the

ambulances are equipped with the state of-art technology. Sea and air transportation vehicles are added to the system. Primary care services, particularly preventive health care and mother-child health care services, are strengthened; and Family Medicine implementation, which is an element of modern health understanding, has been introduced and spread out to the whole country.

Comprehensive programs have been implemented to prevent ill-health and premature deaths associated with non-communicable diseases. In this scope, national programs have been planned and implemented for certain diseases such as cardiovascular diseases, cancer, diabetes, chronic respiratory track diseases, stroke, and kidney failures.

In the last nine years, a total of 2.021 new health facilities including 554 independent hospitals and new hospital buildings were put into service. In the same period, the number of personnel working in the public health institutions has increased by 226 thousand people and reached 482 thousand people with service procurements.

Preventive and Basic Health Services: We ensure that all people get free primary health care services with the 'Law on Social Security Organisation no: 5502.

We increased the preventive and basic health services budget which was 928 Million TL in 2002 to 6 Billion 425 Million TL in 2011 and at real terms this meant an increase by 2,7 times. We made the 112 Emergency Services completely free of charge. We rolled out the free mobile health services to all the rural areas.

We enabled people to receive services at private hospitals and medical centres by their health insurance within the framework of the Social Insurance and Universal Health Insurance Law no: 5510.

We started to provide emergency and intensive care treatment for free in all the public and private hospitals. We ensured free-of-charge treatment for burns, cancers, new-born care, organ transplantation, congenital abnormalities, dialysis and cardiovascular surgical procedures at private hospitals.

We ensured that no additional payment is charged for emergency cases, epidemics and job accidents regardless of an available insurance coverage.

By the Law no: 5222 on State Coverage of Treatment Costs of Citizens Who Lack the Ability to Pay By Granting Them Green Card and Social Insurance and Universal Health Insurance Law no: 5510, we ensured the following : We ensured that poor people benefit from the public health services just like other citizens, their costs of examination, test, drug, tooth extraction and prosthesis, eyeglasses and emergency treatment in outpatient services are covered by the payment system, they get the tooth, root canal and filling treatment services for free and the retrospective expenditures of those who had an illness but did not get a Green Card although they were entitled to, are covered by the payment system.

We covered the outpatient pharmaceutical costs of the poor Green Card holders. We allowed the intake of pharmaceuticals from any pharmacies for the poor Green Card holders. We ensured that the hospitals provide the drugs and medicinal products free of charge for the inpatients as per the Health Implementation Circular.

The premium payment period required for SSK (Social Insurances Agency) and Bağ-Kur (Social Insurances Agency for Merchants, Artisans and Self-Employed) beneficiaries to utilize health services were 120 days and we decreased it to 30 days with the “Social Insurance and Universal Health Insurance Law no: 5754”.

We have opened minimum one Oral and Dental Health Centre (ODHC) in each province and totally 107 ODHC's and dental hospitals. We established 124 KETEMs (Cancer Early Diagnosis, Screening and Training Centres) in 81 provinces.

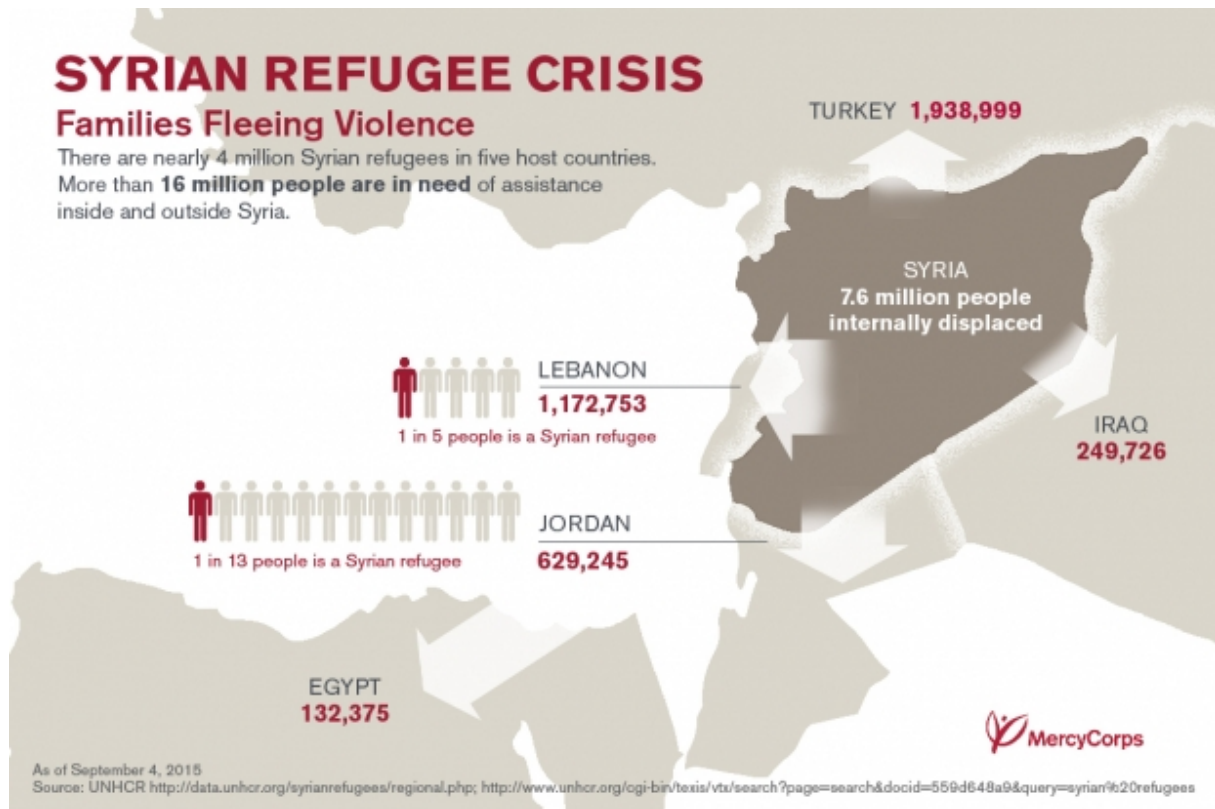
We introduced the “Health Promotion” system. Our aim is to make the people adopt correct health behaviours. Within this scope, we have been developing the following programs: Increasing physical activity, prevention of obesity, prevention of tobacco use, prevention of alcohol use, personal hygiene, oral and dental health, prevention of accidents, rational drug use, mental health, female health and reproductive health, healthy birth giving, employee's health and healthy workplaces, healthy schools, healthy environment, health literacy, healthy aging.

We have developed programmes for combat against chronic diseases: Turkey Cardiovascular Diseases Prevention and Control Program, Global Alliance Program Against Respiratory Diseases, Obesity Counteracting and Control Program of Turkey, Diabetes Control Program of Turkey, Mental Health Policy Strategy of Turkey.

We introduced contemporary screening programs for maternal and child health: “Iron-Like Turkey Program”, “Program for the Prevention of D Vitamin Deficiency”, “Program for Iodization of Salt”, “Hypothyroid Screening Program”, “Hearing Screening Program”, “Biotinidase Screening Program”, “Hemoglobinopathy Control Program”.

We provided monetary aid to the poorest 6% part of the society on condition that the pregnant women and children are followed up. Through the Guest Mom Project, in areas where transportation is a problem, we provided accommodation for the pregnant women until they gave birth and thus ensured that they have a healthy delivery. We provided reproductive health education to 500 thousand conscripts in the Turkish Armed Forces within the scope of the Reproductive Health and Family Planning Program of Turkey. We have prepared the National Influenza Strategic Plan. Diagnostic and Curative Services. We introduced community based mental health services. We have been undertaking this service in order to provide psychosocial support to patients with severe mental disorders and perform their treatment and follow-up at home if required. We initiated the implementation of “Home Care Services” to decrease the duration of hospital stay and ensure that medical care and rehabilitation of the bedridden patients are performed at home, if possible. We introduced the “Directly Observed Therapy” for TB patients. Through ALO SABİM 184 hotline service, we ensured our citizens to convey their requests directly to the Ministry, 24/7 uninterruptedly.

We implemented the Family Medicine System which we initiated in 2005 with determination and rolled it out across the country as of 2010. Currently, we are serving a population of 75 million with 20.236 family physicians. Now, people have their own family physicians whom they can visit any time and consult on the phone whenever they need without being charges. Thus, health records of every citizen can be followed-up regularly. We are still continuing to develop this new structure which can be integrated with our hospitals and consequently a proper referral chain can be established. Through this implementation, we found out that satisfaction of citizens and health professionals increased significantly.



RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

14.1: Right to benefit from social services Paragraph 1 - Promotion or provision of social services

Non conformity on the ground that it has not been established that there exists an effective and equal access to social services.

According to article 2 of Turkish Constitution, social state is a character of Republic of Turkey. The mission of Turkish state is to ensure a minimum standard of living that is human honourly to people so as to social state.

According to article 60 of Turkish Constitution everybody has the right of social security and the state takes measures for it and makes organization on social security. Besides, according to article 61 of Turkish Constitution the state protects handicapped persons, takes measures for they participate to social life, protects and helps old persons, protects needy children.

Turkey has become party some bilateral and multilateral international convention on social security. In this convention as a rule, citizens and foreigners are accepted equal status on the right of social security. For example, Turkey becomed party the Convention Concerning Equality of Treatment of Nationals and Non-Nationals in Social Security. Similarly, the European Social Charter and the Revised European Social Charter, the International Convention on Economic, Social and Cultural Rights and the Convention Relating to the Status of Refugees were ratified by Turkey too.

Provisions on Social Aids

The Foundations Regulation: The Foundations Regulation includes provisions on social aids like utilization from communal kitchens, needy salary, education aid, free cure service and etc. According to article 67 of the Regulation, people who has no the right of social security and whose income doesn't exceed net minimum wage may utilize from communal kitchens. Similarly, the Foundations Regulation regulates needy salary that is put needy handicapped persons and orphans. According to article 73 of the Regulation, the state puts needy salary to the needy orphan children and minimum 40 per cent needy handicapped persons provided that they have no social security, salary, income, movable good and real property that is income yielding. Besides, according to article 82 of the Regulation, the state helps to needy and poor students who are at primary or high school for their education. Moreover, according to article 89 and 94 of the Regulation, the state helps to poor and needy ills that have no health insurance for free cure and if it is urgent, may cover travel expenses, funeral expenses and the other expenses. And, according to article 95 of the Regulation, the state grants the right of examination and cure to poor foreigners who reside in Turkey.

The Code on Free Resident Student or Beneficiary Student Teaching at Primary and High Scholl and Social Aids (Law No. 2684) :

This Code is a kind of social aid to successful and poor students who major at primary and high schools of the Ministry of Education. The Code doesn't set up citizenship condition with respect to rightful students. Thus both citizen students and foreigner students can be free resident student or beneficiary student at primary and high schools of the Ministry of Education.

Turkey Red Crescent Association Statute:

Red Crescent Association is a humanitarian aid institute whose aim are to help to needy and unprotected people and to fight against to disaster. In this context, Red Crescent Association extends help social aids for such aims. According to Red Crescent Association Statute, it doesn't discriminate people by nationality, ethnic group, religious belief, category, political belief and helps all them. As can be seen, Red Crescent Association grants the right of social aid to both citizens and foreigners

Provisions on Social Services:

Procedure and principles of discharging of social services in Turkey are regulated by Social Services and Society for the Protection of Children Code No. 2828. According to the Code, Social Services and Society for the Protection of Children serves social services to unprotected and needy family, child, handicapped, old and the other people.

In practice, social services are discharged by different legal ways. For example, needy babies and children are cared and grown in the nursery school, parenting homeland, baby nursery and rescue home. Similarly, these neediest are taken up a profession. Besides, they are educated. All these examples are a kind of social service.

Correspondingly, care of needy handicapped or old people is a social service too. And, the nursing home for protection of needy old people is a kind of social service. Social Services and Society for the Protection of Children Code has no regulation that discriminates between citizens and foreigners. So citizenship is not a distinctive mark with respect to social services.

As a conclusion; the valid rule is territorial principle with respect to social aids and social services in private international law currently. According to this, as a rule both citizens and foreigners get benefit equally from the right of social aid and social service. There is no difference on the right of social aid and social service between Turkish citizens and foreigners in Turkey too. According to article 60 of Turkish Constitution everybody has the right of social security. Similarly some provisions of the codes and regulations accept equality principle too. In context of social services, the Social Services and Society for the Protection of Children Code has no regulation that discriminates between citizens and foreigners.

Foreign tourists that are not covered by any insurance system specifically designed for purposes of their visit can access healthcare services for free in emergencies. In accordance with Circular No. 2010/16 issued by the Prime Minister emergency healthcare services for all individuals are free without any distinction of private or public healthcare institutions.

Social insurance that includes short and long term insurance branches is regulated by the Law No.5510, dated May 31, 2006 titled Social Insurance and Universal Health Insurance Law. Article 4 of this Law, provisions regarding the individuals deemed to be insurance holders are also be applicable to foreigners who work on service contracts, excluding the citizens of countries with which international social security contract is entered based on reciprocity principle. Individuals who are work in Turkey for short time periods on behalf of non-resident establishments or under their own name and account who are still subjects of their own social security legislations are also not deemed to be insurance holders in Turkey. Consequently, foreign individuals, who are employed with service contracts excluding the international social security, are regarded as insurance holders; for whom social security and health-care premiums shall be paid by their employees. Naturally such expatriates are eligible to use all healthcare services subject to their employment under payroll of a resident company.

Turkey has signed and executed international social security contracts with many countries. These bilateral contracts determine the legislation applicable to foreign individuals who are employed in a foreign country and implementation of equal treatment between national workers and workers of the sending country. Issues related with the protection of acquired rights and consolidations for the duration of the insured services are promoted by these contracts. Accordingly if a foreign national of a bilateral contract party State with Turkey comes to Turkey for work under payroll of a Turkish resident company, he/she will be eligible to obtain social security and healthcare benefits in Turkey and in addition the social security continuity will be maintained in their home State subject to reciprocity.

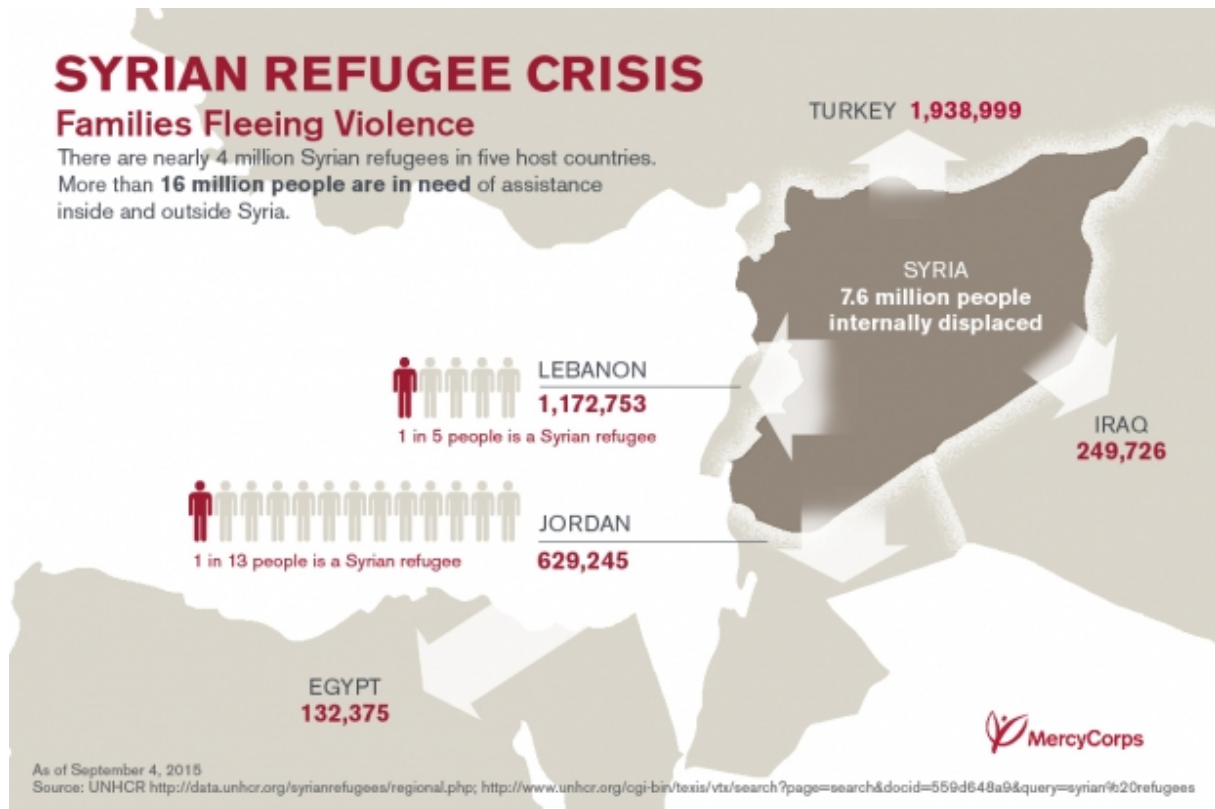
Universal health insurance means the insurance which ensures maintenance of healthcare status of individuals and the financing of costs arising when the individuals experience health risks. Individuals who are deemed to be holders of universal health insurance are listed in Article 60 of the Social Insurance and Universal Health Insurance Law. According to such Article: provided that principle of reciprocity is taken into consideration, individuals of foreign countries who have residence permit in Turkey and are not insurance holders under legislation of a foreign country are deemed to be holders of universal health insurance. In such a case a foreigner residing for more than one year in Turkey could apply to benefit from such universal health insurance in Turkey subject payments of insurance premium.

There are many private hospitals and clinics and a wide range of Turkish and international companies offering insurance plans covering health-care in Turkey in addition to government insurance systems. Private health insurance plans provide citizens and foreigners access to private hospitals and clinics selected by insurance companies. Foreigners are also eligible to access such coverage systems.

One of the fundamental requirements of the General Health Insurance is to have a residency in Turkey. Effective January 1, 2012, general health insurance became compulsory. According to this new implementation, those who reside in Turkey are included in the compulsory general health insurance except prisoners, soldiers, students at non-commissioned officer school, those who are holders of social insurance in a foreign country and their health expenses are covered in a contracting state, foreigners who don't reside in Turkey continuously for more than a year.

The foreigners who have resided in Turkey continuously for a year, and who are not health insurance holders under legislation of a foreign country, the foreigner is considered to be a holder of General Health Insurance by law (60/d) starting from the completion of the above mentioned time frame. Thus, those foreigners can register with the General Health Insurance within one month of the completion of one year continuous residency period in Turkey at their nearest Social Security Provincial Directorate Office.

In addition to the information given above, it is a reality that Turkey is now the largest refugee-hosting country in the world with more than 2 million refugees on its soil. It has built a network of 24 camps to house more than a quarter of million refugees. Turkey is a country currently hosting two million refugees, 1.9 million Syrians and around 200,000 Iraqis. All registered Syrians are entitled to an AFAD card by the government, which guarantees them free health care and education for their children. Turkey spent more than \$6 billion in the last four years for refugees.



The new Ministry is one of the most important public institutions in the field of social policy dealing with key social issues affecting notably disabled persons, the elderly, persons in need, women, children, families or veterans. The recent establishment of the Ministry enables the single application of social benefits and services in Turkey.

The ministry features following branches of service:

- Family and Public Services
- Children Services
- Disabled and Elderly Services
- Status of Women
- Social Assistancess
- Services for Causality Relatives and Veterans

The following services are free of charge for persons who are in need:

- Homes for the Elderly and the Elderly Care and Rehabilitation Centres;
- Centres for Disabled Persons;
- Private Nurseries and Day Care Centres.

Local authorities are also well placed to identify and address the needs and issues of people in need of social support.

Main Social Assistance Programs in Turkey in order to fight against poverty:

Conditional Cash Transfer Program
 Payments for elderly people

Payments for disabled people
Family Assistances
Cash transfers for vulnerable groups
Education assistance
Project supports

Management Information System in the field of social assistances:

- 1- Social assistance information system (SAIS)
2. Integrated social assistance services project (ISAS)

1.Social assistance information system is an indigenous G2G e-government application carried out by General Directorate of Social Assistances in 2009 (in 6 months) It is an examination system for end users that enables online Access to 15 different institutions' 28 data (civil registration etc.) which provides social assistance applicant's personal information.

Main goals:

- Obtain and detect social assistance applicants' personal information (including assets, civil registration and etc.) for eligibility.
- Provide inter institutional online data sharing for preventing duplications and misuses.

Achievements:

- Social assistance application process shortened (Social inclusion)
- Documents needed from social assistance applicants became only 1 (only identity card with ID number)
- Misuses blocked and duplications decreased.
- Other government institutions workload decreased and public resources saved
- Substructure of database establishment started for development of new effective social assistance programs.
- General Directorate of Social Assistance adds its own contribution to e-transformation of Turkey.

Current Status:

- Award winning project from esteemed organizations has been completed.
- Now actively using by social assistance and solidarity foundations and other governmental institutions for access accurate data about social assistance applicants.
- System also embedded into integrated social assistance services system and accessible for everyone everywhere in Turkey.

2. Integrated social assistance services Project (ISAS Project)

It is an management information system that enables all social assistance process such as application, investigation, payments, monitoring, accounting and audit can carried out in an electronic platform.

System's Project still continue with the collaboration of the scientific and technological council of Turkey (TUBİTAK).

Main Goals:

- Transfer all workflows of General Directorate of Social Assistances and also Social Assistances and Solidarity Foundations into electronic platform.
- Enable data sharing with local authorities and Turkish Red Crescent (NGO)
- Create a common data base which includes all information about social assistances provided by other governmental institutions.

Current Status:

- 11 Modules have been completed since 2008. (Such as conditional cash transfer, fund management, human resources management, general health insurance)
- System development processes still continue. Additional 6 modules planned to be completed in the last quarter of 2015.
- As of March 2014, 28.2 million people registered in the system.
- Average 4500 users instantly using system in the work hours across Turkey via secure connection.
- As of March 2014; 17,4 million assistance completed via system, total amount of payment made via system is 20.6 billion TL (such as CCT payments and other cash transfers.)
- Total cost of the program is approx. 35 million TL (52 web service established.)

Achievements:

- After the project put into practice, savings on time and resources have been made in service delivery of social assistances.
- Period and process for accessing to assistances to were reduced.
- Substructure for efficient control and auditing mechanism were provided.
- With the household based approach of income, wealth and social data of people:
 - Poor parts that are unreached could be reached and
 - enough information provided for tailor made assistances
- Bureaucracy was minimized by providing efficient integration between public institutions (paper work reduced)
- Accurate targeting (group based or geographic) was provided with current socio-economic data of 28,2 million people
- Giving duplicated assistances was thwarted.
- Reliable statistical information required for developing efficient

RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

14.2: Article 14 - Right to benefit from social services Paragraph 2 - Public participation in the establishment and maintenance of social services

Not in conformity with Article 14§2 of the Charter on the ground that it has not been established that the conditions under which non-public providers take part in the provision of welfare services are adequate.

The participation of the individuals and voluntary organizations to the establishment and maintenance of such services is foreseen in the Decree Law No. 633. Responsible Ministry is the Ministry of Family and Social Policy.

Under the framework of the Decree Law No:633, Ministry is identifying principles, methods, and standards for providing social services and assistance activities by governmental bodies and institutions, voluntary organizations, natural and legal persons, develop qualities that governmental bodies and institutions need to employ and programs guiding these qualities. On the other hand, The Ministry is also responsible from carrying out inspection of social services and assistance activities by governmental bodies and institutions, voluntary organizations, natural and legal persons, and ensuring their compliance with predefined principles, methods, and standards.

Decree Law No.633 is based on human rights and enables the voluntary contribution and participation of the community and also allows for the supervision of the civil society in addition to the supervision of the central authority. All services managed by the private sector are effective and are accessible on an equal footing to all regardless of race, ethnic origin, religion, disability, age, sexual orientation and political opinion. According to article 2 of Turkish Constitution, social state is a character of Republic of Turkey. The mission of Turkish state is to ensure a minimum standard of living that is human honourly to people so as to social state. And also according to article 60 of Turkish Constitution everybody has the right of social security and the state takes measures for it and makes organization on social security. Besides, according to article 61 of Turkish Constitution the state protects handicapped persons, takes measures for they participate to social life, protects and helps old persons, protects needy children.

Tax-exempt statute may be granted by the Council of Ministers to foundations which pursues public benefit. Public benefit association statute is also granted by the Council of Ministers upon the advice of the relevant Ministry and the Ministry of Finance and on the proposal of the Ministry of Internal Affairs. In order to obtain public benefit statute, an association must be operating at least for a year and must pursue public benefit (Art.27, Law No. 5253).

RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

Article 23 - Right of the elderly to social protection.

Not in conformity with Article 23 of the Charter on the ground that it has not been established that there is legislation protecting elderly persons from discrimination on grounds of age.

The situation of the elderly people in Turkey

The issue of ageing in Turkey remains behind that of industrialized western societies on account of demographic, economic and socio-cultural structure related reasons. The fact that the attachment between family members is still strong in Turkey arises as a distinction compared to especially developed countries, as far as elderly people's preferences in determining their living quarters are concerned. In rural and urban areas, although families live in separate domiciles, mutual assistance and support is counted on between relatives. Besides financial support, assistance in child care is sought from parents, while older children assume the responsibility for caring for and sustenance of elderly parents. Survey results indicate that 7 out of every 10 elderly persons live in the same house, building, street or neighbourhood with their children. While no major distinctions exist between sexes in this respect, it is evident that the general tendency is to live with the children or very close to them. It may be considered that such preference would be quite advantageous socially and economically both for the elder person and his or her children.

Nevertheless, this does not mean that there are no problems in this respect and it is required that measures have to be taken before ageing becomes a major problem of the society.

The issue of ageing is first of all qualified as a medical and social issue. In order to overcome any current challenges regarding ageing, ample importance must be placed upon the field of preventive medicine. One of the major problems of gerontology is how to make a distinction between the changes deriving from ageing and the changes deriving from diseases. To meet the challenges in this area, preventive medicine should be promoted further.

In 2013, proportion of elderly population in the total population increased to 7.7%

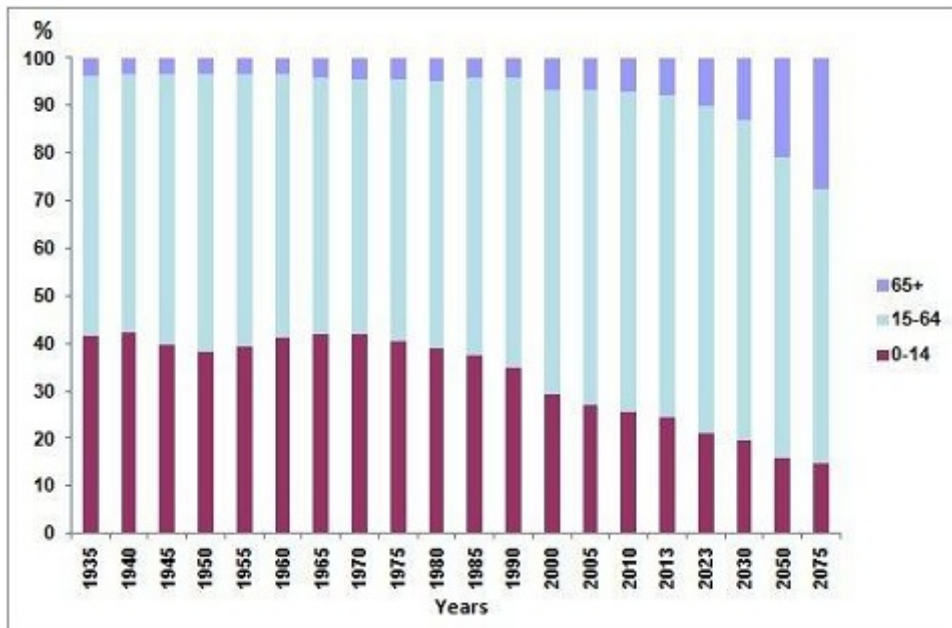
While proportion of elderly population (65 years and over) was 7.7% in 2013, it is expected that this proportion will rise to 10.2% in 2023, 20.8% in 2050 and 27.7% in 2075 according to the population projections. The three countries that had highest proportion of elderly population in 2012 were Japan with 24.4%, Germany with 21.1% and Italy with 20.8%, respectively. Turkey was in the 91st rank in the order.

In 2023, Turkey will take place among the countries which have “too old” population structure

According to the definition of the United Nations, proportion of elderly population between 8% and 10% means that the population of the relevant country is “old”, proportion that is over 10% means “too old”. According to the population projections, proportion of elderly

population in Turkey will reach to 10.2% in 2023 and Turkey will be among the countries which have “too old” population.

Proportion of Population by Age Groups, 1935-2075



Source: TurkStat, Population Censuses, 1935-1990
 TurkStat, Population Estimates, 2000-2007
 TurkStat, Address Based Population Registration System (ABPRS) Results, 2008-2013
 TurkStat, 2013 Population Projections, 2023-2075

Population growth rate of elderly population realized as 36.2 per thousand in 2013

In the country, elderly population has higher growth rate than growth rates of the other age groups. While the growth rate of total population in Turkey was 13.7‰ in 2013, growth rate of elderly population was almost triple with 36.2‰.

Old age dependency ratio was 11.3% in 2013

Old age dependency ratio is number of elderly persons per 100 people at working age groups. While the number of elderly persons that were needed to be taken care of per 100 working people was 11 in 2013, this number is expected to be 19 in 2030.

Poverty ratio increased to 18.7% for elderly people in 2012

In 2011, poverty ratio for elderly people increased from 17% to 18.7%. When analyzed the poverty of the elderly population by sex, females were found to be poor than males. According to 2012 data, while the proportion of poor elderly men was 17.7%, the proportion of poor elderly women was 19.4%. For Turkey, poverty ratio which was calculated by using 60% of equalized household disposable median income was 22.6%.

The proportion of persons who had no capacity to afford a meal with meat, chicken or fish every second day was 56.1% in 2012, this proportion was 57.3% for elderly persons.

The most important income source of elderly was social transfers

While the proportion of people that benefit from social transfers was 74.7% in 2011, this proportion was 76.6% in 2012. This proportion was 71.8% for elderly men, 86.3% for elderly women. The proportion of elderly population that benefit from old-age and widow-orphan pensions was 75.5%. While the proportion of elderly men that benefit from old-age and widow-orphan pensions was 70.7%, this proportion was 85% for elderly women.

In accordance with Law No.2022 of July 1976, elderly people who are of 65 years of age or over, in a dependent capacity with no relatives and no financial income have been entitled for pension since 1977. In 2012, 668.000 elderly persons with no financial income receive pensions and approximately 160.000 women who have lost their husbands receive a bimonthly financial aid of 250 TL (approx. € 105,00) within the scope of Law no 2022. Besides, if elderly people in need of care (aged 60 years or over) receive care support from one of their relatives, a financial aid of 700 TL (approx. €300,00) is paid monthly to the care providing relatives.

Financial aids paid by Ministry of Labour and Social Security within the scope of Law No. 2022 on Retirement Pension Pays for Elderly Turkish Citizens who are of 65 years of age or over, in a dependent capacity with no relatives and no financial income, have been transferred to the Ministry of Family and Social Policy with the related provisions of Decree Law No. 633 of 2012.

General Directorate of Services for Persons with Disabilities and Elderly People carries out the following activities with the purpose of fulfilling its responsibilities on social policy implementations toward elderly persons; to plan, monitor, coordinate or audit services which aim at determining socially or economically disadvantaged elderly people or providing them care or protection; to plan, implement, monitor or coordinate for the audit of related activities on establishing and systematically extending rest homes and social service institutions of the same kind with an equal distribution nationwide in line with needs; to plan or to ensure implementation of activities aiming at protecting elderly people in social life; to determine the procedure and rules of establishment, operation or audit of institutions for elderly people to be operated by public institutions, natural or legal entities, and to provide guidance, coordination or monitoring for these institutions.

In the event that elderly persons at the age of or over 60 years old, who do not have any contagious diseases or any physical or mental disabilities but need social, physical or psychological support, do not prefer receiving care services at a nursing home, they can benefit from care services at home.

Home care services are provided by “Service Centres for Elderly Persons” that also provide day care services to elderly persons with chronic illnesses such as Alzheimer’s or dementia or give support to family members with the purpose of eliminating the feeling of despair.

Day Support/Solidarity Services aim to provide support services to elderly persons without any physical or mental disabilities or illnesses at home in order to help them enjoy spare times, strengthen social relationships and activities and lead a healthy life.

Day Support/Solidarity Services include following activities: Consultancy Services (on social security, law, health care etc.), Cultural Activities (cinema, theatre and celebration of Older

People's Week, 1 October International Day of Older Persons), Social Activities (excursions, picnic, recreational activities, camps etc.), Courses (chorus, handicraft, painting courses etc.), Conferences (on various issues), Besides, members of centers are visited at home.

Day services are currently rendered in 5 public Elderly Care Centres (affiliated with General Directorate of Services for PwD's and Elderly People) located in provinces of Ankara, İzmir, Eskişehir, Çanakkale and Kırıkkale. 1100 members (584 female and 516 male) benefit from Day Support/Solidarity Services in these centres. There is currently 1 private elderly care center operated in Istanbul with a capacity of 15 beds.

Day Care Services aim ensuring the safety of elderly Alzheimer or Dementia patients who live at home with or without a relative through improving living conditions, carrying out activities at spare times, providing support in fulfilling social, psychological or health related needs, enriching social activities in various activity groups and orienting of families to day-care centres and providing support to them.

Within the context of Day Care Services, the following activities are carried out: Occupational and recreational activities that aim ensuring independent living of elderly persons through improving daily life skills and hand & eye coordination, Physiotherapy, daily reminding/memory exercises, Wood – ceramics and glass painting, molding, handwriting, puzzle – toy blocks or beadwork activities, Participation to games, picnic or excursion, Allocating time for sleeping and resting, Periodical health checks and medicine/blood pressure controls, Orientation of family members.

In nursing homes located in Izmir-Buca and Muğla-Fethiye, elderly persons with Alzheimer's and/or Dementia receive day care and rehabilitation services together with other elderly residents.

Life Support Service At Home is provided to the relatives or household of elderly persons without any mental disabilities or medical needs, in the event that they cannot respond to care needs despite the support of various supporters (such as neighbours, relatives etc.). This service includes improving living conditions and assisting daily activities.

Life Support Service At Home includes following activities: Technical Services (technical work such as basic repairs, wall painting, any kind of modifications/replacement of furniture etc.), Health care (injection, blood pressure/glucose measuring etc.), Psychological Support and Guidance Services (includes teamwork and individual services), Guidance and Vocational Consultancy (guidance on providing medical equipment such as air-beds, wheelchairs, disposable under pads etc.), Social Support Service (shopping, physical assistance etc.), Personal Care (body cleansing, haircut etc.), House cleaning, Cooking.

Among these, the most demanded services are house cleaning, cooking and care of bedridden elderly persons.

Besides, services such as accompaniment for the elderly, personal care, ironing of clothes, preparing breakfast etc. are also remain one of the most demanded services.

Services at boarding houses

a) Rest Homes: Rest homes provide services to elderly persons over 60 years old who do not have any chronic illnesses but are in need of special care.

Rest homes provide following services; sheltering, health care, helping residents solve psychological and social problems within the scope of psycho-social support, improving social relations, using spare times efficiently, nutrition, cleaning, social activities and other forms of social services.

Elderly care services are rendered by staff who received certificate from a course specialized on care or by personnel graduated from secondary or higher education. Physical conditions and service standards of public and private elderly care institutions have been enhanced and the buildings have been transformed to liveable environments. The number of beds in existing institutions has been minimized and ultimate attention is given to increase the number of single rooms in newly built rest homes. Furthermore, healthy residents of rest homes are encouraged to participate in social and cultural activities such as excursions, cinema or handicrafts. On the other hand, meals in institutions are provided by private catering companies. Thus, meals for residents are prepared with more quality in more hygienic conditions. Lastly, Medical examination and treatment of rest home residents are performed in organized healthcare institutions; only general health controls are made in care institutions or rest homes.

b) Nursing and Rehabilitation Centres for Elderly Persons: These centres provide services to elderly persons over 60 years old who do not have any chronic illnesses but are in need of rehabilitation and special care.

Rehabilitation for elderly people is the entire efforts at determining current functional capacities, providing treatment services, improving the remaining functional capacities, supporting current physical, psychological, social and economic capacities of elderly people with permanent or temporary physical or mental disabilities at varying levels, either congenital or that arose as a result of a disease or accident, with the purpose of making them independent in their daily lives.

Accordingly, special care units were integrated to nursing homes, with the purpose of providing care and protection to bedridden elderly people (bedridden or disabled) over 60 years of age, who do not suffer from contagious or malignant tumour involving diseases that require continued treatment and who are mentally and psychologically healthy.

The fact that there elderly individuals who become bedridden or who require continued control due to physical or mental declines after they start to stay at nursing homes and, also, those who are in such situation at their homes and whose care has become difficult for their families required the provision of special care services. So; elderly persons in such conditions receive special care and rehabilitation services either in Nursing Homes and Rehabilitation Centres or in special rehabilitation units established in rest homes as a legal obligation.

The units in question admit bedridden elderly people over 60 years of age with visual, hearing or physical disabilities, who do not suffer from contagious or diseases that require continued treatment and who are mentally and psychologically healthy. Elderly persons who need continuous and special care services have priority in special care units and the units are, if applicable, designed as independent areas and located in the first floor of rest homes. Capacities of such units are designated by General Directorate of Services for PwD's and Elderly Persons by taking into consideration the most appropriate conditions for the provision of health care services.

At the end of 2012, a total of 10.899 elderly persons (4.762 female – 6.137 male) benefited from the services provided by 107 Nursing Homes and Rehabilitation Centres for the Elderly that have a total bed capacity of 11.717.

This total figure is consisted of; 41% female, 59% male, 49% free, 51% pay patient, 67% rest home resident and 33% elderly resident in private care institutions.

c) Life Homes for Elderly Persons

The Project titled “Life Homes for Elderly Persons” was initiated with the purpose of rendering care services to elderly persons in homes named “Life Homes” taking into consideration the personal differences and in order to diversify the service models for the elderly.

In Life Homes, care services are provided to elderly persons who can fulfil their psychological, social or physical needs by themselves in Rest Homes, Nursing Homes and Rehabilitation Centres and are eligible for admission. Services in Life Homes aim improving living standards of elderly persons without isolating them from the rest of the society.

The first Life Home was opened in the district of Yenimahalle (Ankara) affiliated with the Directorate of Ankara Demetevler Fatma Üçer Elderly Rest Home, Care and Rehabilitation Center. In a short period of time, 3 Life Homes were established in the provinces of Sivas, Trabzon and Karaman (Ermenek). There is currently a strong effort to extend the project to other provinces. Establishment of 8 more homes has recently been approved by the General Directorate and once the procedures are completed, the provinces of Sakarya, Isparta and Eskişehir will also have Life Homes.

A Novel Model for Rest Homes: Small and Cosy Homes

“Small and Cosy Homes” were built in the garden of Adana Rest Home, Care and Rehabilitation Centre as twin buildings with one floor. Only two elderly persons live at each home.

Started to be built by donations in 1997, the number of Small and Cosy Homes for the elderly reached up to 40 by 2013. Currently, 72 elderly persons benefit from the services provided in these comfortable homes.

A Novel Model for Rest Homes: Detached Houses

Lodging buildings of Ankara Süleyman Demirel Rest Home, Care and Rehabilitation Centre was arranged as detached buildings in which 20 elderly persons reside by 2013.

d) Rest Homes affiliated with other public institutions and organizations:

Rest Homes affiliated with other public institutions are guided and monitored in order to ensure that they operate in line with the related legislation and contemporary understanding of service provision.

The number of Rest Homes affiliated with other Ministries and Municipalities is 22 that have 2579 beds. This indicated the fact that local governments and other ministries are also sensitive to issues related with elderly persons.

e) Private Rest Homes and Care and Rehabilitation Centres:

Elderly people at and over the age of 55 who suffer from social and/or economic deprivation and need the care services of an organization are settled in private rest homes for elderly people and those who are in need of special care are settled in nursing homes or long-term care facilities for elderly people.

The number of private rest homes for elderly people operated by establishments of associations or foundations, minorities and real persons is 168 and the number of persons receiving service in these rest homes is 9898.

Total number of rest homes operated by public or private organizations in Turkey is 297. In total, 24190 elderly persons reside in these rest homes.

Moreover, in Turkey an Equality Charter has been set up covering all care models including home care, day care, residential care, nursing homes, palliative and hospice care and is based on the care criteria as set out in the *"The International Classification of Functioning, Disability and Health"*.

The new Turkish care system is designed also to provide care for older people especially Turkish migrants returning in Turkey.

The anti-discrimination legislation in order to protect the elderly people:

The draft Law on Combating Discrimination and Establishing an Equality Body is prepared but has still not been adopted yet. However, in Turkey, there are anti-discrimination clauses in the constitution and various criminal, administrative and civil laws, which provide protection on varying grounds.

The constitutional basis of legal framework on equality and anti-discrimination rests in Article 10 of the 1982 Constitution, which provides an open-ended list of enumerated protected grounds. An amendment made to this clause in 2010 allows positive measures to be adopted for the elderly and persons with disabilities and to ensure equality between men and women. Article 10 of the Turkish Constitution provides a non-exhaustive list of protected grounds allows positive measures for the elderly and for persons with disabilities and entrusts the state with the task of ensuring equality between men and women.

ACTIONS TO BE TAKEN IN ACCORDANCE WITH NATIONAL PLAN OF ACTION ON AGEING

There are 3 priorities of national plan of action on ageing, which are namely; elderly people and development, increasing health and wellbeing at old age and provision of a supportive environment with adequate facilities. In line with these priorities, current implementations of Turkey that can be considered to be good practices within the context of Draft Recommendation of CoE Committee of Ministers to Member States on Improving the Rights of Elderly Persons are as follows:

Key Action: Work and Ageing Workforce

Goal: Employment Opportunities for All Elderly People Who Wish to Work

- Supporting of elderly people who work in the agricultural sector through teaching of new agricultural techniques and technologies and sustaining of access to structural and financial services,
- Spending efforts to eliminate the adverse aspects of working after retirement such as pension problems, and problems related to disability and healthcare rights,

Key Action: Active Participation in the Society and the Development Process

Goal 1: Provision of Elderly People's Social, Cultural, Economic and Political Participation

- "Boards of Alderman" will be established at provinces, districts or villages and participation of women to these boards will be promoted.

Key Action: Negligence, Abuse and Violence

Goal 1: Elimination of All Kinds of Negligence, Abuse and Violence against Elderly People

- Vocational training will be provided to Specialists working with elderly persons in order to help detecting abuse and negligence of elderly people and taking measures in this respect.
- Legal arrangements will be finalized with the purpose of eliminating violence, negligence or abuse of elderly persons.

Goal 2: Provision of Support and Consultancy Services against Abuse of Elderly People

- Programs will be prepared and implemented in order to raise awareness on negligence, abuse and violence against elderly people and a denouncement mechanism will be established.

Key Action Elimination of Poverty

Goal 1: Reducing Poverty among Elderly People

- Social benefits paid to elderly persons who do not receive institutional care in accordance with Law no. 2022 will be increased.

Key Action Dwellings and Living Places

Goal 1: Encouraging individuals to "aging in their own environments" within the society, also taking into consideration their personal preferences.

- Legislation arrangements will be made with the purpose of ensuring that physical conditions of dwellings are designed to facilitate daily lives of elderly persons.
- Economically deprived elderly persons will be given the opportunity to live in affordable social dwellings.

Key Action Developing Policies to Prevent Old Age Diseases

Goal 1: Lifelong sustainability of functional capabilities at optimum level and ensuring full participation of disabled elderly people

- Physical and environmental conditions of dwellings will be improved in order to facilitate daily lives and security of elderly persons.
- Cities will be rendered "senior friendly"

- Programmes will be developed on active ageing, prevention and protection from chronic diseases, effects of diseases and elimination of dependency. All policies and activities on this issue will take into account the differences springing from social and biological gender distinctions.

Goal 2: Provision of Access to Alimentary Products and Adequate Nutrition for All Elderly Persons

- Promoting an adequate and balanced diet for elderly people, preferably consisting of the food products of the area, providing the required level of energy and not causing insufficiency for micro or macro alimentary products, and conforming to the national nutrition goals,

Key Action Palliative Care

- Elderly persons with mental health problems, contagious diseases or addiction to drugs, alcohol or tobacco will be provided care services in institutions affiliated with public hospitals
- Qualified interdisciplinary staff will be employed in the field of ageing (geriatrics, gerontology etc)
- Occupational standards for the staff employed in care services will be prepared and trainings will be held in accordance with these standards. Qualified personnel will be employed for the care of elderly persons at a sufficient number

Key Action Provision of Full and Equal Access to Health Care and Nursing Services

Goal 1: Ensuring Sustainability of Health Care and Nursing Services in Order to Meet the Needs of Elderly People

- Nursing indigence (in parallel to ICF) and care service standards will be established.
- Planning surveys and receiving results concerning the service offered to elderly people and their relatives so as to conduct performance assessment (number of patients, number of complaints received, number of commendations received).

Key Action Training of Health Care Providers and Health Care Personnel

Goal 1: Providing Information and Training Opportunities to Health Care Personnel and Other Health Care Providers that Serve Elderly People

- Conducting training programs and campaigns to increase awareness of elderly people and the society at large; encouraging local governments and volunteer organizations in this respect,

Key Action Support for Care Services and Care Providers

Goal 1: Ensuring Sustainability of Services Offered to Elderly People and Supporting Care Providers

- Supporting family members providing home-based care for elderly people on social, psychological and economic terms and providing them educational and consultancy services,

- Improving the integration of healthcare and nursing services, education and palliative treatment standards, and supporting multidisciplinary approaches to all palliative treatment service providers, establishing special centers for palliative care in hospitals.

VARIOUS GOOD PRACTICES

Goal 1: Ensuring the Society's Awareness of Elderly People's Authoritative, Wise and Productive Qualities and Other Contributions

- With the purpose of using leisure time affectively and improving communication and relations between generations; social, cultural and artistic activities by means of utilizing technology and transportation will be encouraged.
- Awareness raising activities regarding ageing and elderly persons will be encouraged both in written and visual media.
- Issues such as ageing, psychology of elderly persons, abuse of the elderly will be included in formal and informal education programs in order to achieve intergenerational solidarity and respect for elderly persons.
- Elderly persons will be encouraged to visit national parks, museums, state theaters. Concerned institutions and organisations will also be encouraged to make required arrangements for elderly persons.
- Preparing preparatory programs for retirements in order to increase knowledge and skills of individuals to enable them to pursue their activities and productive efforts following their active professional life and to ensure their adaptation to the retirement period,
- "National Ageing Institute" will be established.

Goal 2: Decreasing the Cumulative Effects of Risk Increasing Factors for Diseases and Dependence

- With the purpose of improving and developing health at old age, regular health checks will be made at home on demand and transportation to hospitals will be made without any charges.
- A database will be created on ageing and elderly persons in order to plan and implement all services aimed at elderly persons affectively. The concerned database will be designed to include gender specific data and gender sensitive indicators.
- The model of home care service for elderly persons will be defined, standards of service provision will be established and home care services will be expanded.
- Emergency call centres will be set up in order to provide emergency services to elderly persons living at their own home. The system will be designed to operate through electronic assistance equipment

RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

12.1: Right to social security Paragraph 1 - Existence of a social security system

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Turkey under the Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

Turkish Social Security System

The social security system in Turkey went through a major transformation in 2007, resulting in a more efficient and fast functioning system, based on centralizing the control of different social security funds in a single institution.

The three insurance funds, namely SSK, Emekli Sandığı and Bag-Kur, were merged under a sole body called the Social Security Institution (SSI) in 2007. The three insurance funds together cover around 81% of the population as of 2008. The system started to be fully operational at the beginning of 2008.

The primary aim of the social security reform is to create an equitable, easily-accessible and financially sustainable social security system that provides more effective protection from poverty.

The social security reform consists of 4 complementary components:

1. Universal Health Insurance providing an equitable, protective and quality healthcare services for the entire population
2. An aid system which enables all needier to access the services with the combination of non-contributory payments
3. A single retirement regime including short and long term insurance branches apart from health insurance,
4. A new institutional structure facilitating daily life of our citizens through modern and efficient services.

The social security reform particularly includes the regulations regarding the enhancement of the retirement system and expenses. From this point of view, a set of changes have been made on pension replacement rate, updating coefficient, number of paid premium days and age parameters and a transition period has been envisaged. As the previous rules continue to be followed until the completion of transition period, the effect of these parametric changes on social security deficit cannot be seen exactly in the short term until the 2040s.

The reforms made up to now aim at increasing the services for insurance holders as well as removing defects in the social security system. In this context, various regulations have been made in the field of both health and retirement so that insurance holders can receive services at the shortest time. A number of implementations have been put into practice to facilitate insurance holders' access to hospital services and the relevant procedure requiring a long wait has started to be made on internet.

The primary objective in a people-oriented system is to provide services at local levels. For this reason, the system where services are provided from centre has been left and Social Security Centres have been built in many districts with a view to enable insurance holders at local levels to receive services easily.

Pre and Post Reform Status of Insurance Holders Working on Service Contract

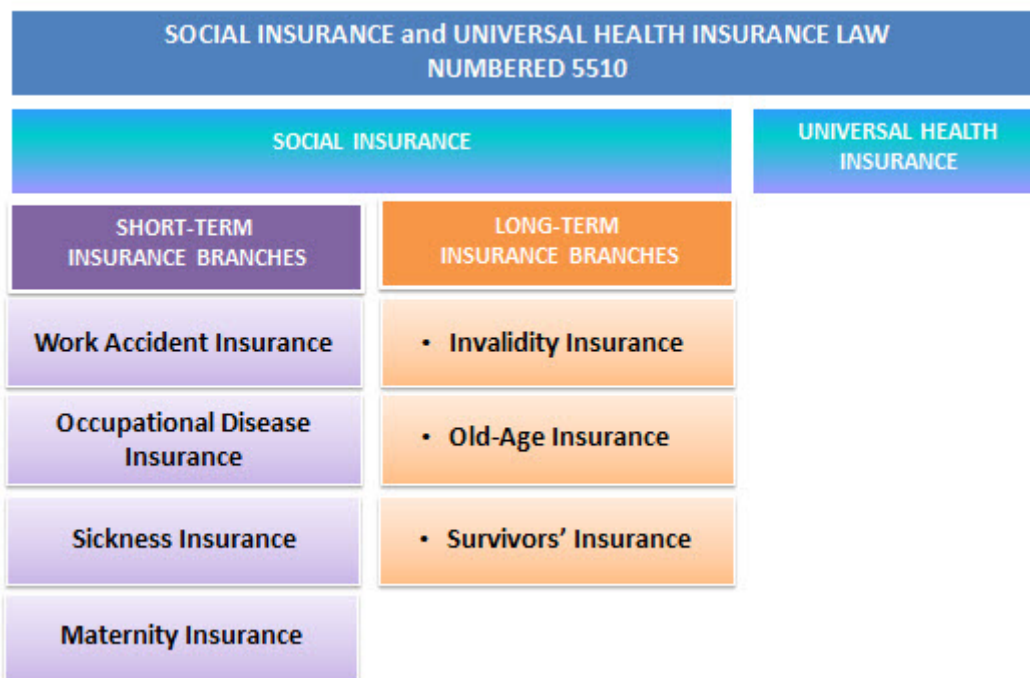
SUBJECT	PRE-REFORM PERIOD	POST-REFORM PERIOD
Pension Replacement Rate	<ul style="list-style-type: none"> - For the first 10 years: 3,5 % - For the next 15 years: 2 % - For each year after 25 years: 1,5% 	<ul style="list-style-type: none"> - For each year: 2%; for every 360 days completing the number of premium days to 3600 for the present insurance holders after the effective date of the Law: 3% - Old-age pension has been increased after 25-years of service.
Breastfeeding Allowance	- Lump-sum 50 TL	<ul style="list-style-type: none"> - It shall be payable to employees and pensioners over the tariff determined by the Board of Directors of the Institution and approved by the Minister. It is 89 TL for 2012; 94 TL for 2013.
Funeral Benefit	- 247,43 TL	<ul style="list-style-type: none"> - It shall be payable to employees and pensioners over the tariff determined by the Board of Directors of the Institution and approved by the Minister. It is 328 TL for 2011; 363 TL for 2012 and 386 TL for 2013.
Benefiting from Health Insurance (Internship Period)	- It is obligatory to pay 90 days of premium for insurance holders and 120 days of premium for their dependants.	- 30 days of universal health insurance premium is enough for benefiting from health insurance.
Workers Posted to the Countries without Social Security Agreement with Turkey	<ul style="list-style-type: none"> - Workers shall benefit from long term insurance provided that premiums are paid by their employers via group insurance or on a voluntary basis. - Employers shall pay long term insurance premiums. - Workers and their relatives shall not benefit from healthcare services. 	<ul style="list-style-type: none"> - Employers shall pay short term and universal health insurance premiums. - Workers shall pay long term insurance premiums on a voluntary basis. Universal health insurance premium shall not be paid separately. - Workers and their relatives have the right to benefit from healthcare services.

Pre and Post Reform Status of Insurance Holders Working on Own Names and Accounts

SUBJECT	PRE-REFORM PERIOD	POST-REFORM PERIOD
Step System	<ul style="list-style-type: none"> - It ranks from 1 to 24. - One step is taken forward every 2 years. - Premium increases even if income remains stable. 	<ul style="list-style-type: none"> - Notification procedure is followed. - Notified income cannot be less than minimum wage. - "The higher the income, the higher the premium"
Premium Rate	<ul style="list-style-type: none"> - 20% for health, 20% for long-term. - Total: 40%. 	<ul style="list-style-type: none"> - For short-term insurance branches: 2%. - For invalidity, old-age and survivors' insurance: 20%. - For universal health insurance: 12.5%.
Benefiting from Health Insurance (Internship Period)	<ul style="list-style-type: none"> - It is obligatory to pay 240 days of premium for the individuals being insured for the first time; 120 days of premium for the individuals being reinsured. 	<ul style="list-style-type: none"> - 30 days of universal health insurance premium is enough for benefiting from health insurance.
Benefiting from Health Insurance (Premium Debt)	<ul style="list-style-type: none"> - It is obligatory that the entire premium or any kind of debts related premiums should be paid for benefiting from health insurance. 	<ul style="list-style-type: none"> - The individuals who have more than 60 days of debt shall not benefit from health insurance. - Time limitation shall not be applied for premium debts in emergency cases and work accidents.
Right to Benefit from Healthcare Services of Children under 18	<ul style="list-style-type: none"> - In case the Bağ-Kur insurance holder has premium debts or any kind of debts related premiums, their children shall not benefit from health insurance. 	<ul style="list-style-type: none"> - Citizens under the age of 18 shall benefit from universal health insurance without any condition.
Breastfeeding Allowance	<ul style="list-style-type: none"> - No regulation is available in this matter. 	<ul style="list-style-type: none"> - It shall be payable to self-employed persons and pensioners over the tariff determined by

		the Board of Directors of the Institution and approved by the Minister. It is 89 TL for 2012 and 94 TL for 2013.
Funeral Benefit	- 247,43 TL	- It shall be payable to self-employed persons and pensioners over the tariff determined by the Board of Directors of the Institution and approved by the Minister. It is 328 TL for 2011, 363 TL for 2012 and 386 TL for 2013.
Pension Replacement Rate	- For the first 10 years: 3,5% - For the next 15 years: 2 % - For each year after 25 years: 1,5%	- For each year: 2%; for every 360 days completing the number of premium days to 3600 for the present insurance holders after the effective date of the Law: 3% - Old-age pension has been increased after 25-year service.
Temporary Incapacity Allowance	- No regulation is available in this matter.	- It shall be payable in cases of work accident, occupational disease and maternity. -It shall be payable during inpatient treatment. - It is amounted to the half of daily earning subject to premium.
Marriage Allowance	- No regulation is available in this matter.	- It shall be payable to only fatherless daughters at the amount of two years of pension or income they receive.
Social Security Support Premium	- It shall be paid at the rate of 10% of the pension they receive.	- It shall be paid at the rate of 12% on the effective date of the Law. - It shall be reached to 15% by increasing every year.
Status of Individuals Working on Their Own Name and Account in Agriculture (Bağ-Kur)	- Premium shall be paid at the rate of 40% from the bottom step.	- Individuals whose income is less than an amount 15 times of minimum daily wage shall be excluded from insurance. - 30-day service shall be gained by paying 15-day premiums.

Our Social Security System



Insurance Holders and Insurance Branches

Insurance Holders/ Insurance Branches	Invalidity Old-age Survivors'	Work Accident- Occupational Disease Maternity	Sickness	Universal Health Insurance
Individuals working on service contract	+	+	+	+
Individuals working on their own names and accounts	+	+		+
Civil Servants	+			+
Optional Insurance Holders	+			+

The following table indicates insurance branches and rate of premiums paid under these branches:

Insurance Branches	Worker	Employer	TOTAL	State Contribution
Work Accident Occupational Disease Sickness Maternity	-	2%	2%	
Invalidity Old-age Survivors'	9%	11%	20%	1/4 of Collected Premiums
Universal Health Insurance	5%	7,5%	12,5%	
TOTAL	14%	20,5%	34,5%	
Unemployment Insurance	1%	2%	4%	1%

Short Term Insurance Branches

Regarding work accident and occupational disease, sickness and maternity insurance branches, treatment benefits are provided under Universal Health Insurance while cash benefits fall within the Short Term Insurances.

The provisions relating to short term insurance branches shall not apply to the insurance holders who are civil servants during the period when they remain in this status.

	WORK ACCIDENT INSURANCE	OCCUPATIONAL DISEASE INSURANCE	SICKNESS INSURANCE	MATERNITY INSURANCE
RIGHTS PROVIDED UNDER SHORT TERM INSURANCE	1. Temporary incapacity allowance 2. Permanent incapacity income 3. Survivors' income 4. Marriage allowance for daughters who were granted income 5. Funeral allowance	1. Temporary incapacity allowance 2. Permanent incapacity income 3. Survivors' income 4. Marriage allowance for daughters who were granted income 5. Funeral allowance	1. Temporary incapacity allowance (as of the third day)	1. Temporary incapacity allowance (Last 1 Year/90 days) 2. Breastfeeding benefit <ul style="list-style-type: none"> • (Last 1 year/120 days) • (Birth in 300 days / Last 15 months/ 120 days)

1. Work Accident and Occupational Disease Insurance

Work accident is the incident which occurs;

- When the insurance holder is at workplace,
- due to the work carried out by the employer or by the insurance holder if he/she is working on behalf of own name and account,
- for an insurance holder working under an employer, at times when he/she is not carrying out his/her main work due to the reason that he/she is posted to another place out of the workplace,
- at times allocated for breastfeeding as per labour legislation,
- During insurance holder's shuttling between the workplace and home by a vehicle provided by the employer

And which causes, at short notice or later, physical or mental handicap in the insurance holder.

It is obligatory that work accident shall be reported,

- by employers, for the insurance holders subject to service contract, to local law enforcement agencies immediately and to the Institution no later than 3 workdays after accident occurs
- by the insurance holders who are self-employed, to the Institution directly or through certified mail with work accident and occupational disease notification within 3 workdays after their health status are good enough to report, provided that this recovery period does not exceed one month.

Occupational disease refers to the temporary or permanent disease, physical or mental handicapped status, caused by a reason reiterated due to the quality of the work carried out by the insurance holder or by working conditions.

a) Temporary Incapacity Allowance

Based on the rest report granted by medical doctor or health committees authorized by the Institution, temporary incapacity allowance shall be paid;

- Each day to the insurance holders suffering from temporary incapacity due to work accident or occupational disease

- each day, starting from the third day of the temporary incapacity, to the insurance holders working on service contract and those subject to sickness insurance, in case they suffer from temporary incapacity due to sickness and provided that minimum 90 days of short term insurance premium is notified within one year before the starting date of the temporary incapacity
- during the period of inpatient treatment or the period of rest report granted due to such treatment, to the insurance holders working on his/her own name and account, in cases of work accident or occupational disease or maternity and provided that any kind of premiums or debts related with premiums including universal health insurance are paid.

Temporary incapacity allowance to be paid in cases of work accident, sickness and maternity shall be half of daily earning for inpatient treatments and two thirds of the same for outpatient treatments. Where an insurance holder suffers from more than one of the cases of work accident, occupational disease, sickness and maternity, temporary incapacity benefit shall be payable at the highest level.

b) Permanent Incapacity Income

The insurance holder whose earning power in the profession is determined to be reduced by 10% due to the disease or disabilities caused by work accident or occupational disease shall be entitled to receive permanent incapacity income.

Permanent incapacity income shall be calculated based on the loss rate of earning power in profession of the insurance holder. In case of permanent full incapacity, the insurance holder is put on an income amounting to 70% of the monthly earning. Income to be granted to the insurance holder in case of permanent partial incapacity shall be calculated as full incapacity income and of the amount corresponding to the degree of incapacity shall be payable. Where the insurance holder is in need of permanent care of another person, income replacement rate shall be calculated as 100%.

c) Survivors' Income

The right holders of the insurance holder, who passed away due to work accident, occupational disease or similar reasons, shall be put on survivors' income at a rate of 70% of the monthly earning.

It is obligatory that the entire premium or any kind of debts related premiums, including the universal health insurance, should be paid so that the right holders of insurance holder, working on their own name and account, receive income.

Where the insurance holders passed away due to work accident or occupational disease, funeral and marriage allowance shall also be paid to his/her right holders.

d) Marriage Allowance

Marriage allowance shall be payable in advance, for once, at the amount of two years of pension or income they receive, upon marriage and request of the daughters, whose income or pensions should be terminated due to marriage.

In case a right holder who receives marriage allowance becomes right holder for the second time within two years following the termination date of the pension, no income or pension

shall be payable until the end of two - year period; however such individuals shall be deemed to be universal health insurance holders.

e)Funeral Allowance

Funeral allowance shall be payable to the right holders of the insurance holder who deceased when receiving incapacity

income due to work accident or occupational disease or permanent incapacity income, invalidity, duty disability or old – age pension and when his/her minimum 360 days of invalidity, old-age and survivors insurance premiums are notified for himself/herself.

2. Sickness Insurance

Sickness refers to discomfort causing the incapacity of the insurance holders, who work on service contract and on their own name and account, due to the reasons other than work accident or occupational disease.

a) Temporary Incapacity Allowance

Based on the rest report, in case the insurance holders working on service contract and those subject to sickness insurance suffer from temporary incapacity due to sickness, temporary incapacity allowance shall be paid to them for each day, starting from the third day of the temporary incapacity, and provided that minimum 90 days of short term insurance premium is notified within one year before the starting date of the temporary incapacity.

3. Maternity Insurance

Sickness and invalidity statuses of

- A female insurance holder or uninsured spouse of a male insurance holder working on service contract and on their own name and account,
- A female who receives income or pension due to her own works or uninsured spouse of a male insurance holder who receives income or pension,

Caused by the pregnancy or maternity status, starting from the date of pregnancy up to the first eight weeks or, in case of multi delivery, up to the first ten weeks following delivery, shall be considered as maternity status.

a) Temporary Incapacity Allowance in Maternity Status

In case the insured women working on service contract and those working on their own names and accounts (except partners of company) do not work actually and receive rest report during maternity period, temporary incapacity allowance shall be payable -provided that minimum 90 days of short term insurance premium is notified within one year before the birth-

- For eight - week periods before and after birth,
- For each day of not working calculated by, adding another two weeks to the said eight weeks before the birth in cases of multiple birth,
- For each day added to the rest period after birth in case she works until three weeks before birth upon her request and approval of medical doctor.

b) Breastfeeding Benefit

Breastfeeding benefit shall be payable for each newborn -provided that the newborn lives-

- to the women who are maternity insurance holders or to the male insurance holders of uninsured spouse giving birth,
- to the female insurance holders receiving income or pension due to their works on service contract and on their own names and accounts or to the uninsured spouse of the male insurance holders receiving income or pension due to their works.

In order to pay breastfeeding benefit to female insurance holder or to male insurance holder of uninsured spouse giving birth, it is obligatory

- for the insurance holders working on service contract to notify minimum 120 days short term insurance branches premium within one year before birth,
- for the insurance holders working on their own names and accounts to deposit minimum 120 days short term insurance branches premium and to pay any kind of premiums or debts related with premiums including universal health insurance.

In case female insurance holders, who are granted the right to receive breastfeeding benefit but whose insurance status is terminated, give birth to a children within 300 days starting from the termination date, these women or their spouses shall receive breastfeeding benefit provided that minimum 120 days premium is paid within fifteen months before the date of birth.

Long Term Insurance Branches

Long term insurance branches include the services relating to invalidity, old-age and survivors' benefits.

1. Old-Age Insurance

Old age insurance is a mandatory and contributory social insurance that allows insurance holders to have an old age pension when they reach a specific age. Old age pension and old age single payment are the rights provided under this type of insurance.

a) Old age pension

For the individuals who are deemed to be insured according to the Law No: 5510 for the first time; old - age pension shall be granted provided that the individual is over 58 if the individual is woman or over 60 if the individual is male and that minimum 9000 days of invalidity, old - age and survivors insurance premiums are notified. However, the conditions necessary to receive old age pension have softened for the insurance holders working on service contract. The number of premium days shall be applied as 7200 premium days for these insurance holders at the above-mentioned ages.

It is envisaged that the age condition stated in Law No: 5510 shall be raised to 65 gradually starting from 2036 until 2048 for both male and female insurance holders.

Apart from specified in the law by general regulations, there are some special arrangements brought into use of older aged pensioners, those who cannot benefit from the invalidity pension due to the existing disability during his/her first work, the severely disabled,

mineworkers and those with early ageing disease. Based on these arrangements, the insurance holders can receive old age pension provided that minimum 5400 days of invalidity, old - age and survivors insurance premiums are notified and 3 years are added to the above –mentioned age limits without exceeding the age of 65.

The Law stipulates different conditions for awarding old age pension to some exceptional insurance holders who became invalid at the starting date of working, whose invalidity rate between 40% and 59%, mineworkers and those with early ageing disease.

In case the female insurance holders with an invalid child permanently in need of another person request for retirement or old-age pension, one fourth of premium days paid after the effective date of the Law shall be added to the total number of premium days and the added days shall be deducted from the age limit of retirement.

b) Old age single (lump-sum) payment and revival

Among the insurance holders working on service contract and working on their own names and accounts and the individuals who become insurance holders for the first time under civil servant status pursuant to the Law No: 5510, the insurance holders, who quits work or closes workplace for whatsoever reason and who does not have the right to receive invalidity and old -age pension although the age condition for receiving old-age pension is met, shall receive the sum of invalidity, old -age and survivors' insurance premiums of each year paid for those working on their own names and accounts and notified for the name of those working on service contract and civil servants as single payment, being updated with the update coefficient realized each year, for the years from the year of the premium up to the date of written request.

In case the individuals whose services are eliminated by making single payment in accordance with the Law No:5510 and whose invalidity, old - age and survivors' insurance premiums are notified by again being subject to this Law submit a written application,- provided that they pay the amount, found by updating with the update coefficient realized each year for the years between the date of single payment and the date of written request, by the end of the month following the date of notification of such to the concerned party- these services shall be revived and considered in the execution of this Law.

2. Invalidity Insurance

The invalidity insurance is a mandatory social insurance with premiums that allows insurance holders to have invalidity pension provided that the status of invalidity is determined and certain conditions, are met.

a) Invalidity pension

In case the insurance holders who are subject to service contract and those subject to work on their own names and accounts and civil servants are determined to have lost working power or earning power in profession minimum at 60% or at a degree which does not allow him/her to carry out his/her duties due to work accident or occupational disease by Health Committee of the Institution as a result of reviewing the reports and the medical documents prepared duly by the healthcare service providers authorized by the Institution upon request of insurance holders or employers, they shall be deemed to be invalid. However, if it is determined in

advance or afterwards that the insurance holder has lost 60% of the working power or earning power in profession at a degree not to allow him/her to carry out his/her duties before the date of first start to work under insurance, then the insurance holder shall not benefit from invalidity pension due to such disease or handicap.

In order to put an insurance holder on invalidity pension, the insurance holder should;

- be deemed to be disabled as per the Law No. 5510
- be holding insurance for a period of minimum ten years and should have paid totally 1800 days or in case the insurance holder is disabled to the extent of being in need of permanent care of another person, should have notified 1800 days of invalidity, old -age or survivors' insurance premiums, without seeking any insurance period,
- have submitted a written request to the Institution after quitting the work he/she was working under insurance or closing or transferring the workplace due to his/her invalidity. However, it is obligatory that the individuals who work on their own names and accounts should have paid entire premiums or any kind of debts related with premiums, including the universal health insurance.

3. Survivors' Insurance

The insurance holders' death poses a social danger for their relatives he/she had been looking after and left behind. One of the long term insurance branches, the survivors' insurance is a compulsory and contributory insurance branch which provides a monthly pension to survivors including spouse, children and parents in case the insurance holders deceased due to a reason other than work accident and occupational diseases. The rights provided under survivors' insurance are survivors' pension, death grant, marriage allowance for the girls who are receiving monthly pension and funeral allowance.

a) Survivors' pension

Survivors' pension shall be payable to the right holders upon written request in case;

- minimum 1800 days of invalidity, old age and survivors' premiums are notified or there is an insurance status of minimum 5 years, excluding any kind of debt periods, and totally 900 days of invalidity, old - age and survivors' premiums are paid for the insurance holders working on service contract,
- the individuals suffering from war invalidity or duty disability are entitled to invalidity, duty disability or old - age pension while already receiving invalidity, duty disability or old - age pension, however the relevant process is not completed,
- the invalidity, duty disability or old - age pensions were terminated due to the fact that the pensioner had started to work as insured.

However, in order to award pension to the right holders of individuals working on his/her own names and accounts it is obligatory that the entire premium or any kind of debts related premiums, including the universal health insurance, should be paid.

Of the pension to be calculated for the deceased insurance holder in accordance with the Law No. 5510;

a) 50% shall be payable to the widow spouse; and 75% to the childless widow spouse, who is put on pension, in case such individual is not put on income or pension due to working under this Law or under legislation of a foreign country or due to her own insurance status,

b) Among the children, who are not put on income or pension due to working under this Law or under legislation of a foreign country or due to their own insurance status;

- the ones who have not completed the age of 18, the age of 20 in case receiving education in high school or equivalent, or the age of 25 in case receiving higher education; or whose insurance premiums are notified or

- the ones who are found to be disabled by losing minimum 60% of working power based on the decision of Health Committee of the Institution; or

- the daughters, whatever the ages are, not married, divorced or widow,

shall receive 25% each.

c) If there are shares left over from spouse and children who are right holders, 25% totally to mother and father, provided that the figure is less than the net amount of the minimum wage of the income obtained from any kind of earnings and revenue and that they are not put on income and/or pension excluding the income and pension rights granted due to other children; if the mother and father is over 65 years of age, they shall be entitled to totally 25%, under the above conditions, without considering the left over share,

d) 50% shall be payable to each of the children stated in item (b), who are left both motherless and fatherless or suffer such status at a later date due to death of insurance holder; whose mothers and fathers do not have marriage connection or whose fathers and mothers have marriage connection at the time of decease but mother or father is married later on and the ones who are the sole right holders receiving pension.

Children who are adopted or recognized or whose lineage connection is corrected or fatherhood is ruled on, and the children of the insurance holder born after decease shall benefit from the pension under the abovementioned principles.

The total of the pensions payable to the right holders cannot exceed the amount of the pension of an insurance holder. If necessary, proportional reductions shall be applied to the pensions of the right holders in order to observe this limit.

b) Death Grant and Revival

In case the right holders of the deceased insurance holders, who work on service contract and on their own names and accounts and who became civil servants for the first time pursuant to the Law No. 5510 are not put on survivors pension, the amount calculated as per the Law No. 5510, shall be payable to the right holders in single payment, considering the provisions of this Law and taking the date of decease as basis.

c) Marriage and Funeral Allowance

Marriage allowance shall be payable in advance, for once, at the amount of two years of pension or income they receive, upon marriage and request of the daughters, whose income or pensions should be terminated due to marriage.

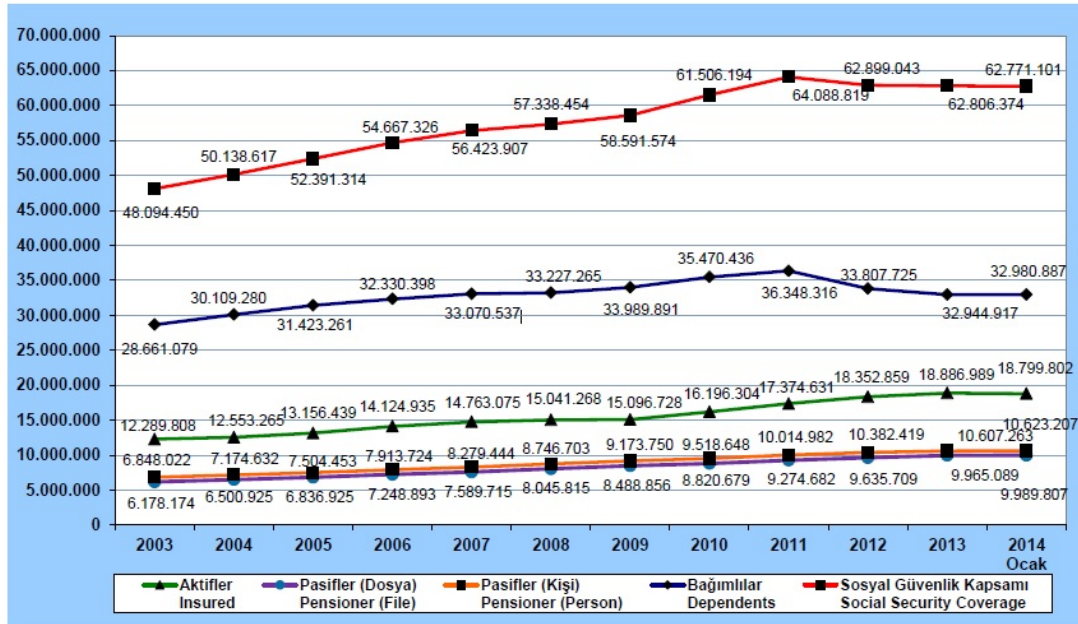
In case a right holder who is receiving marriage allowance becomes right holder within two years following the termination date of the pension, no income or pension shall be payable until the end of two-year period however such individuals shall be deemed to be universal health insurance holders.

Funeral allowance shall be payable to the right holders of the insurance holder who deceased when receiving permanent incapacity income due to work accident or occupational disease, invalidity, duty disability or old - age pension or when minimum 360 days of invalidity, old - age and survivors insurance premiums are notified for himself/herself.



SİGORTALI İSTATİSTİKLERİ (4/a, 4/b, 4/c) INSURANCE STATISTICS (4/a,4/b,4/c)

Yıllar Years	Aktifler Insured	Pasifler (Dosya) Pensioner (File)	Pasifler (Kişi) Pensioner (Person)	Bağımlılar Dependents	Sosyal Güvenlik Kapsamı Social Security Coverage	Aktif-Pasif Oranı Insured/Pensioner
2003	12.289.808	6.178.174	6.848.022	28.661.079	48.094.450	1,99
2004	12.553.265	6.500.925	7.174.632	30.109.280	50.138.617	1,93
2005	13.156.439	6.836.925	7.504.453	31.423.261	52.391.314	1,92
2006	14.124.935	7.248.893	7.913.724	32.330.398	54.667.326	1,95
2007	14.763.075	7.589.715	8.279.444	33.070.537	56.423.907	1,95
2008	15.041.268	8.045.815	8.746.703	33.227.265	57.338.454	1,87
2009	15.096.728	8.488.856	9.173.750	33.989.891	58.591.574	1,78
2010	16.196.304	8.820.679	9.518.648	35.470.436	61.506.194	1,84
2011	17.374.631	9.274.682	10.014.982	36.348.316	64.088.819	1,87
2012	18.352.859	9.635.709	10.382.419	33.807.725	62.899.043	1,90
2013	18.886.989	9.965.089	10.607.263	32.944.917	62.806.374	1,90
2014 Ocak January	18.799.802	9.989.807	10.623.207	32.980.887	62.771.101	1,88



Who are in the scope of unemployment insurance?

- Insured people included in the item (a) of the first paragraph, and in the second paragraph of the article no. 4 of Social Insurances and General Health Insurance Law no.5510 and work in accordance with an employment contract,
- Insured people subject to the funds specified in the provisional article no. 20 of Social Security Law no. 506
- Foreign workers employed with a working visa in our country

are within the scope of unemployment insurance.

What are the requirements for benefiting from unemployment insurance services? Which documents to be submitted to where?

In accordance with the Unemployment Insurance Law no. 4447, those who lose their job out of their will and fault despite their desire, skill, health, and competence to work during their employment in a workplace within the scope of unemployment insurance can benefit from the unemployment insurance services on the condition that they have paid unemployment insurance contribution within the last 120 days before the termination of employment contract and paid unemployment insurance premium for at least 600 days within the last three years and applied to the nearest İŞKUR unit in person or online on www.iskur.gov.tr and reporting that they are ready for a job within 30 days of the termination of employment contract. In case of a failure of application within 30 days except force majeure, the delay of application is deducted from the total duration of right ownership.

From which earning and in what rate the unemployment insurance premium is collected?

In accordance with the premium specified in the articles 80 and 82 of Social Security and General Health Insurance Law no. 5510, unemployment insurance premium consists of 1% insurance holder, 2% employer, and 1% State shares.

Which institution should improperly-received unemployment insurance premiums be claimed from?

Social Security Institution is charged with, authorized and responsible for collecting unemployment insurance premiums, and Turkish Employment Agency is for all other services and procedures.

Social Security Institution is charged with, authorized, and responsible for collecting unemployment insurance premiums, keeping the records on the basis of insurance holder and workplace, transferring to the Fund the collected premiums, late fee, interests and fines, holding reserves for premium debts of guarantees and progress payments, and returning the premiums that are collected improperly.

Social Security Institution should be contacted for returning improperly-collected premiums.

What services are provided for the insured unemployed people?

In accordance with the basis and principles specified in the Law, the payments and services below are provided to the insured unemployed people by İŞKUR;

1. Payment of general health insurance premiums in accordance with the Law no. 5510.
2. Distribution of unemployment compensation,
3. Finding a new job,
4. Provision of vocational development and training course.

What is the duration of unemployment insurance payments?

Following unemployment insurance payments are made for the following premiums settled within three years before the termination of employment contract (on the condition that other terms of the law are met);

- 180 days for insured unemployed people who have worked under insurance and paid unemployment insurance premiums for 600 days,
- 240 days for insured unemployed people who have worked under insurance and paid unemployment insurance premiums for 900 days,
- 240 days for insured unemployed people who have worked under insurance and paid unemployment insurance premiums for 900 days,

How is the unemployment insurance allowance calculated?

Daily unemployment insurance payments is calculated as forty per cent of daily average gross earning which is calculated with the earnings of the last four months taken basic to premium. The sum of unemployment insurance payments calculated this way may not exceed eighty per cent of the gross sum of monthly minimum wage for the employees older than sixteen years of age in accordance with the article 39 of the Labor Law no. 4857.

Also, deduction of stamp duty is made from the unemployment insurance payment.

The Calculation of Monthly Unemployment Insurance payment for the 1st Term of 2011 in Three Different Circumstances is given below.

	Monthly Average of Earnings Basic to Premium for the Last 4 Months	Calculated Sum of Unemployment Insurance Payment	Stamp Duty
Employed for minimum wage for the last 4 months	796,50	318,60	2,10
Employed for TRY 1000/month for the last 4 months	1000,00	400,00	2,64
Employed for TRY 2500/month for the last 4 months	2500,00	637,20	4,21

(*)As Calculated Sum of Unemployment Insurance Payment will not exceed Eighty per cent of the Gross Amount of Minimum Wage, Monthly Unemployment Insurance Payment to Be Paid is calculated this way.

The Calculation of Monthly Unemployment Insurance Payment for the 1st Term of 2011 in Three Different Circumstances is given below.

	Monthly Average of Earnings Basic to Premium for the Last 4 Months	Calculated Sum of Unemployment Insurance Payment	Stamp Duty
Employed for minimum wage for the last 4 months	837,00	334,80	2,21
Employed for TRY 1000/month for the last 4 months	1000,00	400,00	2,64
Employed for TRY 2500/month for the last 4 months	2500,00	669,60	4,42

(*) As Calculated Sum of Unemployment Insurance Payment will not exceed Eighty per cent of the Gross Amount of Minimum Wage, Monthly Unemployment Insurance Payment to Be Paid is calculated this way.

Where, when, and how can insured unemployed people holders receive their unemployment insurance payments after applying to İŞKUR?

Payment of first unemployment insurance is made until the end of the month following the date of entitlement to the payment. Insured unemployed people can receive their unemployment insurance payments by applying to a branch of PTT with their Identity Card that includes their TR ID No.

Under which conditions is the payment of unemployment insurance payment suspended?

While receiving unemployment insurance payment:

- Payment of insured unemployed people who reject, without any rightful reason, a suitable job offered by the Agency, which is close to the salary and working conditions of their last job, and inside the urban area of the municipality of residence are suspended permanently.
- Payment of insured unemployed people who are found to be working for income or receiving old age pension from a social security institution is suspended permanently.
- Payment of insured unemployed people who reject vocational development training courses offered by the Institution without any rightful reason or do not continue their training despite accepting it, do not answer the calls made by the Institution without any rightful reason, and who fail to submit requested information and documents within specified time is suspended. However, if these circumstances end in some time, payments are restarted. Period of the payment to be made in this respect cannot exceed the end of the total duration of right ownership determined in the beginning.

Can the payment surplus of a deceased Insured Unemployed People be collected?

Payment surplus of a deceased unemployed insurance holder cannot be collected.

Will a deduction be made from unemployment insurance payment?

Unemployment insurance payment cannot be subject to a taxation or deduction except the stamp duty, nor can be transferred or levied to anyone except maintenance debts.

What are the conditions that are not considered as deduction in the last 120 days?

In case the operation in the workplace is stopped or suspended for any of the reasons below,

- * Disease,
- * Unpaid leave,
- * Disciplinary penalty,
- * Detention,
- * State of arrest without the result of conviction,
- * Partial employment,
- * Strike,
- * Lockout,
- * Circumstances that affect life in general,
- * Economic crisis,
- * Natural disasters,

are not considered as deductions for the failure of premium payments in the last 120 days before the termination of the employment contract, as long as the employment contract was in force for the last 120 days, shall be made from insured unemployed people whose employment contracts have expired in accordance with the article 4447/51.

Is it possible for the insured unemployed people to benefit from healthcare services while receiving unemployment insurance?

In accordance with the Law no. 5510, those who receive unemployment insurance payment are included in the scope of general health insurance, and their dependents can also benefit from healthcare services.

What should be done if an unemployed insurance holder is recruited during the time he/she receives unemployment insurance payment?

Those who are recruited to a wage-earning job (even for one day) while taking unemployment insurance payment should report this to the nearest unit of İŞKUR within 15 days starting on the day that follows the date of recruitment. Payments of those who notify our Institution are restarted by the date of their application (if they quit the job as in a way that would not enable them be entitled for another payment).

In failure of notification within 15 days despite being recruited in a wage-earning job, the payment is stopped and the remainder of the payment is not made in case of quitting the job without entitlement to another payment. Payment surplus is collected with legal rate of interest.

Job Loss Compensation

1. Scope

The Law no. 4046 dated 24.11.1994 on the Regulation of Privatization Practices and Amendment of Some Laws and Statutory Decrees, insured unemployed who lost their jobs due to privatization are entitled to receive job loss compensation.

2. Purpose

Provision of temporary income and social security those employment contracts of whom terminated due to privatization or preparation of their organization for privatization, downsizing or suspension of the operations of their organization partially or completely, their organization being closed down or liquidated temporarily or permanently, and entitled to compensation as required by the labour laws or collective labour agreements.

3. Relevant Institutions

- Turkish Employment Agency Directorate General is responsible for paying job loss compensations and carrying out the procedures related to other services provided,
- Directorate of Privatization Administration is responsible for carrying out all kind of procedures related to privatization of organizations, as well as directing them in preparation of privatization and following up and coordinating their activities.

4. Benefit Conditions and Periods

People who lost their job because of privatization, they have to apply to the nearest unit of Turkish Employment Agency within maximum 30 days by the termination of their employment contracts to be entitled to job loss compensation.

A job loss compensation of

- 90 days for 550 days of uninterrupted employment contract,
- 120 days for 1100 days of uninterrupted employment contract,
- 180 days for 1650 days of uninterrupted employment contract,
- 240 days for 2200 days of uninterrupted employment contract, is paid to those whose employment contract is terminated while being employed in privatized organizations.

5. Services Provided

- Payment of job loss compensation,
- Finding a new job,
- Provision of vocational trainings,
- On behalf of right owners, payment of social security deductions to relevant institutions.

6. Calculation of Payment Job loss compensation is two times of the net daily minimum wage on the date labour contract is terminated.

The handicapped personnel (1st, 2nd, and 3rd degree designated by relevant laws) is paid four times of the net daily minimum wage as job loss compensation.

Wage Guarantee Fund

1. Scope

Three-month wages of employees that arise from the employment relation in case an employer that employs individuals insured in accordance with the Unemployment Insurance Law no. 4447 has difficulty in making payments due to arrangement of bankruptcy, issue of a certificate of insolvency, bankruptcy, postponement of bankruptcy,

2. Purpose

Guaranteeing the three-month wage arising from the employment relation of the employees in case the employer has difficulty in payments,

3. Application

The employees with receivable wages from the employer in insolvency by 01.06.2003 should apply in person or through a representative (who bears a notarized letter of attorney) with at least one of the documents listed below to a unit of the Agency.

- Certificate of Insolvency or Lien Minute equivalent to the Certificate of Insolvency acquired from Office of Execution,
- Announcement of the resolution of bankruptcy in the Commercial Registry Gazette or one of the five newspapers with the highest national circulation above 50.000
- Announcement of the resolution of postponement of bankruptcy in the Commercial Registry Gazette or one of the five newspapers with the highest national circulation above 50.000
- Attested copy of the resolution of concordatum time given by the Court of Enforcement or announcement of time published in one of the five newspapers with the highest national circulation above 50.000 or document of concordatum issued by Trade Registration Office.

4. Payment

After the claimant of wage applies to the unit of the Agency with the documents listed above, the Agency carries out the necessary investigations, and makes the payment until the end of the following month if the documents are complete.

Regarding Pensions;

As of January 2013

Pension of Person retired from SSK : 922,55 TL

Pension of Person retired from Bağ-Kur : 717,28 TL

Pension of Person retired from Bağ-Kur (Farmer): 530,36 TL

Pension of Person retired from Government: 1086,52 TL

RESPONSES TO THE FURTHER INFORMATION REQUESTS AND CRITICISMS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

Article 30 - Right to be protected against poverty and social exclusion

The absence of the information required amounts to a breach of the reporting obligation entered into by Turkey under the Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

Social Protection Statistics

Expenditure on social protection accounted for 219 billion 894 million TL in 2013 by increasing 12.5% according to the expenditure in 2012. Expenditure on social protection consisted 98.2% of payments for social protection benefits (215 billion 924 million TL). The largest expenditure on social protection benefits was the old age function with 104 billion 139 million TL followed by those related to the sickness/health care function with 65 billion 859 million TL. The lowest expenditure on social benefits was the unemployment function with 2 billion 616 million TL.

Social protection expenditures, 2012-2013

	(Million TL)			
	2012 ^(r)		2013	
	Expenditure	%	Expenditure	%
Total social protection expenditure	195 419	100.0	219 894	100,0
Administration costs and other expenditure	4 576	2.3	3 970	1.8
Total social protection benefits	190 843	97.7	215 924	98.2
Sickness/health care	59 047	30.2	65 859	30.0
Disability	6 794	3.5	7 798	3.5
Old age	91 805	47.0	104 139	47.4
Survivors	22 414	11.5	25 587	11.6
Family/children	5 669	2.9	6 738	3.1
Unemployment	2 395	1.2	2 616	1.2
Social exclusion n.e.c.	2 719	1.4	3 186	1.4

(r) 2012 data have been revised due to the update of the administrative registrations.

Expenditure on social protection benefits accounted for 13.8% of gross domestic products (GDP) in 2013. When the expenditures on risks or needs were considered, the expenditure on old age function was the largest with 6.7% of GDP followed by those related to the sickness/health care function with 4.2 % of GDP and survivors function with 1.6 % of GDP.

Expenditures on social protection, as % of GDP, 2012-2013

	(%)	
	2012	2013
Total social protection expenditure	13.8	14.0
Administration costs and other expenditure	0.3	0.3
Total social protection benefits	13.5	13.8
Sickness/health care	4.2	4.2
Disability	0.5	0.5
Old age	6.5	6.7
Survivors	1.6	1.6
Family/children	0.4	0.4
Unemployment	0.2	0.2
Social exclusion n.e.c.	0.2	0.2

Figures in the table may not add up to totals due to the roundings.

*The total social protection expenditure is composed by the total social protection benefits plus administration costs and other expenditures. The total social protection benefits are the sum of the social benefits provided within the 8 risks/needs (sickness/health care, disability, old age, survivors, family/children, unemployment, housing and social exclusion n.e.c.)

Income Distribution Statistics

According to 2014 results, Gini coefficient was estimated at 0.391 with a decrease of 0.009 points compared with 2013.

Quintiles ordered by equivalised household disposable income, 2013-2014

Quintiles	2013	2014
Total	100.0	100.0
First 20%	6.1	6.2
Second 20%	10.7	10.9
Third 20%	15.2	15.3
Fourth 20%	21.4	21.7
Fifth 20%	46.6	45.9
Share ratio (S80/S20)	7.7	7.4
Gini coefficient	0.400	0.391

Reference period of income information is the previous calendar year.
Figures in table may not add up to totals due to rounding.

The percentage of the population below the poverty threshold was 15%

In 2014, the at-risk-of-poverty-rate according to poverty threshold set at 50% of median equivalised household disposable income remained stable from 2013 to 15%.

27.7% of illiterates and 1.3% of university graduates were poor

27.7% of illiterates and 25.1% of literates with no degree were poor. The figures for less than high school and high school graduates were 12.5% and 5.7% respectively. The group with lowest poverty rate was higher education graduates with 1.3%.

Persistent at-risk-of-poverty-rate was 15.1%

The persistent at-risk-of-poverty rate shows the percentage of the population living in households where the equivalised disposable income was below the at-risk-of-poverty threshold set at 60% of median equivalised household income for the current year and at least two out of the preceding three years. Its calculation requires a longitudinal instrument, through which the individuals are followed over four years. In 2014 the persistent at-risk-of-poverty-rate was 15.1%.

Living conditions based on economic situation got better

A recovery was monitored at the living conditions indicators. In 2014, 37.2% of the population had some problems with their dwellings such as “leaking roof, damp walls/floors/foundation, rot in window frames/floors” while 38.7% had “heating problem with their dwellings due to isolation.

66.5% of the population had instalments and loans/arrears (other than mortgage -for the main dwelling- and housing cost). In addition, 68.7% hadn't have the capacity to afford paying for “one week (annual) holiday away from home”, whereas 29% hadn't have the capacity to afford paying for “unexpected expenses“ and 68.4% hadn't have the capacity to afford paying for “replacing worn-out furniture“ due to economic reasons.

29.4% of the population suffered material deprivation

Severe material deprivation rate, which is defined as the percentage of population with an enforced lack of at least four out of nine material deprivation items.

These items are arrears on mortgage or rent payments, utility bills or other loan payments, etc., capacity to afford paying for one week's annual holiday away from home, capacity to afford a meal with meat, chicken, fish every second day, capacity to face unexpected financial expenses, households cannot afford a telephone (including mobile phone), a colour TV, a washing machine, a car and ability of the household to pay for keeping its home adequately warm.

Material deprivation rates were updated according to Eurostat arrangements for 2006-2014.

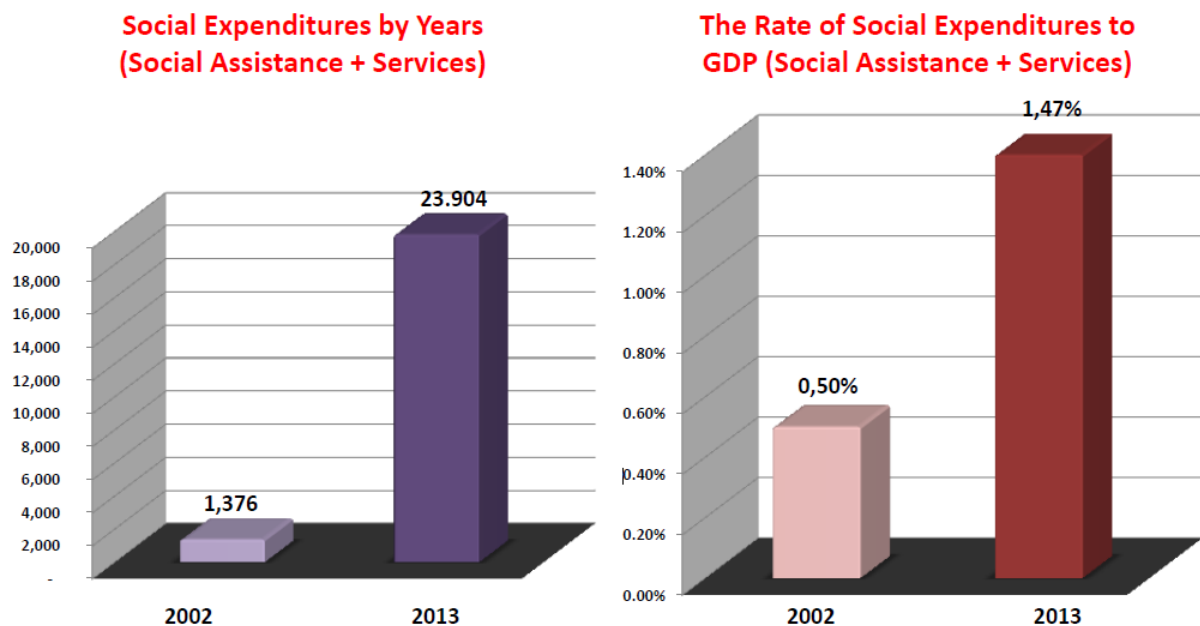
Material deprivation rate, 2006-2014

	2006	2007	2008	2009	2010	2011	2012	2013	2014
Material deprivation rate (%)	60.4	58.8	57.7	56.7	59.4	57.9	55.0	43.8	29.4

In 2014 the material deprivation rate decreased to 29.4% as compared with the 43.8% in 2013.

Social Expenditures

Both the amount of social expenditures and their share in GDP have increased significantly in Turkey in the last decade. The graphs below show this increase:



Source: Ministry of Family and Social Policy

Establishment of the Ministry of Family and Social Policy (MoFSP) in 2011 created a unified system in which the division of tasks and functions are clearer and the problem of ambiguity that diffuses the responsibilities have been over come.

Main Social Assistance Programs in Turkey comprises of the following which aim to fight against poverty:

Conditional Cash Transfer Program

Payments for elderly people

Family assistances

Project supports

Education assistances

Cash transfers for vulnerable groups

Payments for disabled people

In order to ensure coordinated approach to combating poverty and social exclusion a computer-based Managing Information Systems (MIS) is created as a part of “e-Transformation Turkey Project”, which aim to use information and technology as an efficient tool for all policy-making and implementation processes of the Government. Within this scope, Social Assistance Information System (SAIS) was launched in 2009; an integrated Management Information System (MIS) that enables all social assistance processes (application, decision making, payments, etc) to be carried out in an electronic platform. This includes active management, monitoring and control of 11 different social assistance ‘services’ (CTs, health insurance, etc). It is integrated with 16 public institutions via web service and incorporates information from 1001 local social assistance offices. It thus serves as a poverty inventory, with socio-economic data of 31 million citizens (social assistance and income test applicants). It is also integrated to an e-government portal that allows for exchange of data directly with citizens (web and SMS), Municipalities (pilot) and the Turkish Red Crescent (testing). The system serves an average 4500 concurrent users with instant access, ensuring transparency and active management (e.g. instant statistics and updated information for fair distribution of resources). As of March 2014 17,4 million assistance completed via system and the total amount of payment made via system is 20.6 billion TL. Total cost of the program is approx. 35 million TL (52 web service established)