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EUROPEAN SOCIAL CHARTER

12th National Report on the Implementation
of the European Social Charter (Revised)

submitted by
**THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**

Thematic Group 1:
Employment, training and equal opportunities
&
Thematic Group 3: Labour Rights
Articles 4.3, 22 and 26

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ARTICLE 1 - THE RIGHT TO WORK

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

Paragraph 1

to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- Two paragraphs were added to Article 13 of the Labour Law no. 4857 titled “Part-time and full-time labour contract” on 29/1/2016:

“Following the expiry of the leaves envisaged in Article 74 of this Law, one of the parents may request working as a part-time employee according to this article, until the beginning of the month following the date on which the child starts his/her compulsory primary school education. This request shall be met by the employer and shall not be considered as a justified reason of termination. Within the scope of this paragraph, a worker who starts working as a part-time employee may start to work as a full-time employee provided that he/she does not exercise this right for the same child again. In cases where the worker who initially works as a part-time employee but starts to work as a full-time employee, the labour contract of the worker employed in his/her place shall be terminated ipso facto. The worker who wants to benefit from this right or to return to full-time work shall notify the employer of this situation in writing, at least one month in advance. In cases where one of the parents does not work, the spouse working shall not request working as a part-time employee. Those who adopt a child under three years of age, together with his/her spouse or individually, shall benefit from this right as of the date on which the child is delivered de facto.”

“It shall be determined what sectors and businesses will be available for part-time employment within the scope of the fifth paragraph as well as the principles and procedures regarding the implementation, in a regulation to be issued by the Ministry of Labour and Social Security.”

In this way, it is aimed to eliminate some of the obstacles that prevent the establishment of work and home balance, and to prevent women workers to leave labour market after their maternity leave.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The National Employment Strategy (2014-2023) prepared with the contribution of all stakeholders of the working life is carried out by the Ministry of Family, Labour and Social Services in order to address the structural problems of the labour market and increase the contribution of growth to employment in the medium and long term.

The strategy is implemented through three-year action plans. The National Employment Strategy and Action Plans are monitored by meetings held twice a year (June and December) by the National Employment Strategy Monitoring and Evaluation Board.

The Action Plan of the Strategy for the period of 2017-2019 was carried out and 47 targets, 51 policies and 165 measures were included in the Action Plans.

Within the framework of the Tenth Development Plan covering the years 2014-2018, a total of 25 priority transformation programs are included. "8. Workforce Market Activation Program" and "19. Basic and Professional Skills Development Program" are prepared for the purpose of activating the labour market, increasing the qualified and decent employment required by a competitive economy, reducing unemployment and increasing labour productivity, and providing the knowledge and skills required by individuals. Monitoring and evaluation of the Action Plans prepared within the scope of the Priority Transformation Programs were made through quarterly information entries to the action monitoring system.

Regarding the activities of the Turkish Employment Agency (ISKUR), job and vocational counsellors carry out the following tasks in order to ensure full and sustainable employment by referring to the appropriate vocation, and providing training and rehabilitation services:

- a. Providing counselling services for job seekers, employers, educational and training institutions
- b. Conducting promotional and cooperation activities related to counselling services
- c. Reporting job and vocational counselling activities
- d. Conducting labour market researches
- e. Continuous cooperation with employers, educational and training institutions, relevant institutions and organizations
- f. Directing the counselee to the services provided by the Agency or relevant institutions/organizations in accordance with his / her personal situation and needs and monitoring the outcomes
- g. Cooperating with other Job and Vocational Counsellors and the other internal units in order to provide services to counselee in a short time and following the results
- h. Preparing monthly individual work programme in accordance with the work plan
- i. Transferring data related to their studies to the portal in time and properly
- j. Creating an individual action plan when necessary considering the personal characteristics of counselee

The projects carried out by ISKUR are as follows:

a) First Step to Work Project

Through the project, it is aimed to ensure the permanent employment of young people having bachelor's degree, in the labour market and to support employers, who demand qualified labour force, to recruit employees having the qualifications they require.

Thanks to the project, it is ensured that college and university graduate young people between the age of 18 and 29 gain vocational experience through on-the-job training programmes up to 6 months. After the programme, the employers should employ them at least for the duration of the programme and not less than 60 days like current on-the-job training programmes. After compulsory employment period, on the condition that employer commits to employ them for 12 months and signs a new contract with the Provincial Directorate of ISKUR, an amount of 50% of net minimum wage during the compulsory employment period and an amount of 25% of net minimum wage in the committed employment period will be covered by the Unemployment Insurance Fund. Thus, these young people can be in employment for 1.5 years after on-the-job training programme. The project was conducted between 1 August 2018 and 31 July 2019 and 21.003 people benefitted.

b) Cooperation Protocol on Vocational Training and Skills Development (MEGIP)

Cooperation Protocol on Vocational Training and Skills Development (MEGIP) has been signed between ISKUR and TOBB, which will combine theoretical and practical trainings with cooperation of public-private sector with the aim of raising labour force with the qualifications demanded by the labour market.

MEGIP, which was launched in June 2018, has been designed as a new vocational training programme that will deliver theoretical and practical training at the same time in vocational training courses in order to meet the qualified labour force requirement of employers.

Within this context, a daily allowance of 77,70 TL (13,70 \$) (38,85 TL [6,85 \$] for those receiving unemployment benefit) is paid to the persons participated in vocational training courses to be delivered not over 160 actual days and their General Health Insurance Premiums and Compensation Insurance Premiums are covered by ISKUR.

Minimum 50% of the trainees are employed for a period as long as the actual vocational training period, not less than 120 days in the workplaces of employers who demand or other workplaces.

By the end of October 2019, 30.025 people in total benefitted from the project.

c) Child Care Support

In order to increase participation of women, who are disadvantaged in the labour market and meet the qualified labour force required by employers in the industry and manufacturing sectors, child care support is provided to the women participating in vocational training courses and on-the-job training programmes in the industry and manufacturing sectors.

Since 1 April 2018, women who participate in vocational training courses in industry sector and on-the-job training programmes in manufacturing sector, are given 400 TL (70,55 \$) (at maximum) care support monthly, if they have a child between the age of 2 and 5 (ages of 2 and 5 are included) and going to care centres (private or public). They can benefit from this support for only one child during the course period.

By the end of October 2019, 455 women in total benefitted from the project.

d) Mothers at Work Project

With the project launched in September 2018, women in the target group are directed to employment-guaranteed vocational training courses or on-the-job training programmes organised by ISKUR benefitted from the project. They are paid a daily allowance of 80 TL (14,11 \$) as trainees and also participants' necessary expenses are covered for the days they attend.

Particularly women receiving social benefit or social and economic support, women benefiting from the institutions of Ministry of Family, Labour and Social Services, which render services in combating domestic violence against women and the other women who are in the vulnerable groups determined by ISKUR can benefit from the project. Only women having children between the age of 0 and 15 (age of 15 included) can benefit from the project; they also have right to benefit from the support for the children they adopt. By the end of October 2019, 19.975 women in total benefitted from the project.

e) On the Job Trainings for Future Works /Vocations

On-the-job training programmes in the fields envisaged as future's professions such as cyber security, coding, cloud computing, etc. can be delivered for young people between the age of 18 and 29 up to 9 months. A daily allowance of 85 TL (15 \$) is paid to the participants for the days they attend during the programme and General Health Insurance premiums and Compensation Insurance premiums are covered by our Agency.

On-the-job training programmes are applied in the workplaces, which have minimum two insured employees and carry on business in "Technology Development Zones" (techno-parks) and carry on business as "technology centres (technology centres enterprises)", "Research-Development centres" and "Design centres". Workplaces in information and communication sectors, which have minimum twenty insured employees can also benefit from on-the-job training programmes to be organised within this scope. The project was launched in August 2018 and by the end of October 2019, a total number of 1.667 people benefitted from the project.

On the other hand, Job and Vocational counselling services help systematically people to solve the problems related to job placement, adaptation to the job, choice of the most compatible job and vocation with their wishes and conditions by comparing their qualifications with the qualifications and conditions required by the vocation and job, and benefitting from educational opportunities concerning the selected vocation.

Job and Vocational Counsellors are the individuals who help systematically students to choose a vocation, job seekers registered to ISKUR to find a job, solve vocational adaptation problems, develop their vocational skills, change their vocations/jobs and inform employers within the framework of legislation and meet their demands.

At the same time, through workplace visits, employers are provided with employer counselling in the field of introducing ISKUR services, receiving labour demand, and carrying out work related to ISKUR. Competencies and capacities of Job and Vocational Counsellors are improved through various trainings provided. Within this scope, trainings were provided between 2015 and 2018.

f) Uni-Veri Project

- Uni-Veri is a national study conducted by the Human Resources Office of the Presidency of the Republic of Turkey that reveals the performances of the departments of the universities in Turkey on the basis of employment rates of graduates within 12 months after graduation, average initial wages of the graduates, quality mismatch (*whether the graduates are working in occupations appropriate to their level of education*) and rate of employment in public sector.
- The website can be accessed through <https://www.cbiko.gov.tr/en/projects/uni-veri> and information about the methodology of the study can be found here: https://www.cbiko.gov.tr/cms-uploads/2019/09/method_univeri.pdf
- The main purpose of Uni-Veri Project is to facilitate the career choices of Turkish youth. In this respect, it aims to assist the university candidates during their decision-making processes by providing information about the employment rates, wages, the average time spent looking for employment after graduation, qualification mismatch and rate of employment in public sector.
- Uni-Veri is prepared by combining the data of graduates from the Higher Education Institution and employment data from the Social Security Institution and covers the period of 2014-2018.
- It is a resource that can be directly benefited from by university graduates, current and future students and professionals.
- At the same time, Uni-Veri brings the needs of higher education to the attention of policy makers with its detailed results.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Table 1. The data on those who were in employment between 2015- 2018

The data on those who were in employment between 2015- 2018 (thousand)			
Year	Male	Female	Total
2015	18.562	8.058	26.621
2016	18.893	8.312	27.205
2017	19.460	8.729	28.189
2018	19.720	9.018	28.738

TURKSTAT

Table 2. The people provided employment by the services of the Turkish Employment Agency (ISKUR)

Year	Number of Women Employed	Number of Women Employed	Total
2016	246.949	542.184	789.133
2017	357.210	700.039	1.057.249
2018	435.317	811.871	1.247.188
2019	488.569	1.001.707	1.490.276

Figure 1. Unemployment and employment rate %, 2014-2019

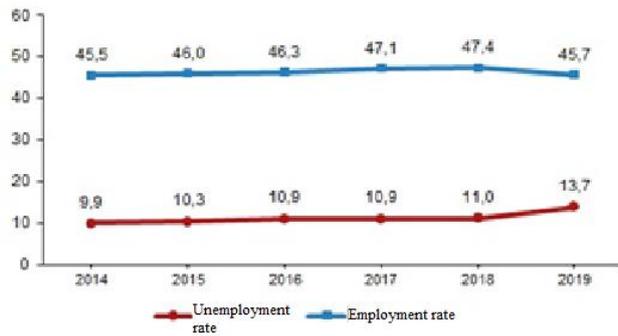
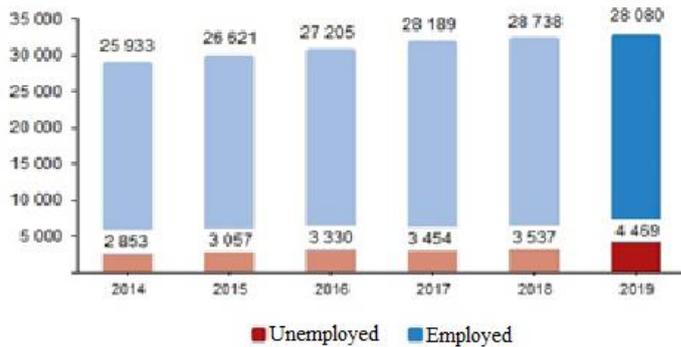


Figure 2. Number of persons unemployed and employed (thousand persons), 2014-2019



Paragraph 2

undertake to protect effectively the right of the worker to earn his living in an occupation freely entered upon.

1. LEGAL FRAMEWORK

Article 48 of the Constitution of the Republic of Turkey titled "Freedom of work and contract" reads *"Everyone has the freedom to work and conclude contracts in the field of his/her choice. Establishment of private enterprises is free."*

On the other hand, Article 117 of the Turkish Penal Code No. 5237 titled "Violation of freedom of work and work" is as follows:

"(1) Any person who violates freedom of work and labour by using violence or threat or performing an act contrary to the law, is sentenced to imprisonment from six months to two years and imposition of punitive fine upon complaint of the victim.

(2) Any person who employs helpless, homeless and dependent person (s) without payment or with a low wage incomparable with the standards or forces him to work and live inhumanly conditions, is sentenced to imprisonment from six months to three years or imposed punitive fine not less than hundred days.

(3) The same punishment is imposed also to a person who provides or transfers a person from one place to another to have him live and work under the above mentioned conditions.

(4) Any person who unlawfully increases or decreases the wages, or forces employees to work under the conditions different than that of agreed in the contract, or causes suspension, termination or re-start of the works, is sentenced to imprisonment from six months to three years.”

The following legislative changes have been made, in the context of Article 1.2:

- On 15.01.2016, the “Regulation on Work Permits for Foreigners with Temporary Protection” was published in the Official Gazette and entered into force and provided access to the labour market for foreigners (Syrians) under temporary protection.
- On 26.04.2016 “Regulation on the Work of Persons with International Protection Application or Status” was published in the Official Gazette and entered into force, providing foreigners who have applied for international protection or have received international protection status have access to the labour market.
- On 13.08.2016, The “International Labour Law” No. 6735 was published in the Official Gazette and entered into force and the foreigners' access to the labour market was regulated.
- With the same law, the General Directorate of International Labour force was established and started its activities. The work and procedures related to international labour policy and foreigners' access to the Turkish labour market and applications for work permits to be given to foreigners are evaluated by the General Directorate of International Labour Force.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

According to Article 5 of the Labour Law no. 4857 titled “Principle of equal treatment”,

“No discrimination shall be made in the business relation, based on language, race, colour, sex, disability, political thought, philosophical belief, religion and sect and similar grounds.

The employer shall not treat a part-time worker differently than a full-time worker and a fixed-term worker differently than a permanent worker unless on founded reasons.

The employer shall not treat a worker differently, directly or indirectly, while concluding the labour contract, establishing the conditions thereof, implementing and terminating it, due to sex or pregnancy, unless biological reasons or those pertaining to the work quality oblige. A lower wage shall not be decided for an equal or comparable job on the grounds of sex.

Implementation of special protective provisions due to the sex of the worker shall not justify the application of a lower wage.”

With the inspections made by Labour Inspectors within the framework of Labour Law No. 4857 and related legislation to prevent discrimination and equal pay, it is aimed to prevent and not repeat the issues contrary to the legislation. In addition, as a result of the inspections made by the Work Inspectors at the workplaces, administrative fines can be applied.

In the Articles 24 and 25 of the Law No. 6356 on Trade Unions and Collective Bargaining Agreements, trade union representation and trade union freedom are guaranteed, and discrimination due to union activities for all workers is prohibited.

In Article 19 of the same Law, "*No worker or employer shall be forced to maintain as a member or resign his membership in a trade union.*" In case of violation of the relevant provision, an administrative fine is envisaged in accordance with the provision in the paragraph (c) of Article 78.

In the inspections carried out by the Directorate of Guidance and Inspection on whether there is discrimination in the workplaces and whether there is a union pressure, in case it is determined that the relevant provisions are not complied with, it is required to apply administrative fines in violation of liabilities in accordance with Article 5 of the Labour Law and the Trade Unions and Collective Labour Agreement Law. Also, if the issue takes place in the form of blocking union activities, the matter is also submitted to the judiciary.

In the inspections carried out between 01.01.2015 and 31.12.2018, within the scope of Article 5 of the Labour Law no. 4857, a total amount of 100.727 TL (17.764,90 \$) administrative fine for 544 persons in accordance with the paragraph (a) of Article 99 of the same Law was requested to be applied. Since Article 99 that regulates the enforcement of Article 5 is regulated as "*who acts against the principles and obligations set forth in the Article 5*", the administrative penalty to be applied includes all the violations listed in Article 5.

During the period between 01.01.2015 and 31.12.2018, 101 applications on "Trade Union Pressure" were submitted to the Directorate of Guidance and Inspection and in the inspections made on the subject, a total amount of administrative fine of 1.789.663 TL (315.637,21 \$, 2019) was issued for employers or their representatives, who have been found to be violating Article 19 of the Trade Unions and Collective Bargaining Law No. 6356, in accordance with paragraph (c) of Article 78 of the same Law.

New technologies may cause employers to attempt keeping their employees' lives under control and to work at anytime and anywhere, thereby weakening the boundaries between work and private life. In cases where employers intervene in private life, these situations can be revealed during the determination of the working time of the employees in the inspections made. Accordingly, it is checked whether daily, weekly working hours and night-time working hours are within the legal limits in the inspections carried out by the labour inspectors. In inspections, especially provisions of Articles 63 and 69 of the Labour Law No. 4857 are taken into consideration.

In the inspections carried out in 2015-2018, a total amount of 7.775.671 TL (1.371.370 \$, 2019) administrative fines were requested for 2.783 employers who were found to violate Article 63 of the Labour Law no. 4857, titled "Working period". A total amount of 1.626.75 TL (286,90 \$, 2019) administrative fines were requested for 935 employers who were found to violate Article 69 of the Labour Law no. 4857, titled "Night period and night time working".

Regarding the employment services provided by Turkish Employment Agency (ISKUR), registration is the first step to benefit from the services. Job seekers who want to register can apply to ISKUR units in person as well as register online.

Following conditions must be provided for the registration:

- Having completed the age of 14,

- Having an Identity Number for the citizens of the Republic of Turkey or foreigner identification number given by the Ministry of Interior for foreigners.

For the most part, the registration is based on the statement. Presenting a certificate that shows the person's Identity Number is adequate, and in case the statements are unreal, the responsibility belongs to job seekers.

Job seekers desiring to register in the following statuses are supposed to submit the following documents;

- "Medical Board Report" received from authorized hospitals, if they are disabled,
- "Ex-convict certificate" received from relevant units, if they are ex-convict,
- "Medical report" and "command report", if they are injured who cannot be deemed as wounded in struggle against terrorism,
- The document indicating their status under the relevant legislation, if they are among the groups who are prioritised, such as the relatives of martyrs or veterans.

There are no other registration requirements apart from these.

There is no obstacle for anyone who wants to receive services from ISKUR to register to the Agency and apply for job notices.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Table 3. The data on those who were in employment between 2015- 2018

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Year	Male	Female	Total
2015	18.562	8.058	26.621
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2017	19.460	8.729	28.189
2018	19.720	9.018	28.738

TURKSTAT

According to the relevant legislation and practices, information on work permits issued by the General Directorate of International Labour Force between the years 2016-2018 is provided below:

Table 4. Number of Work Permits Issued

Number of Work Permits Issued	2016	2017	2018
	29.751	87.182	117.463

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

Prohibition of discrimination in employment

1. The Law on the Human Rights and Equality Institution of Turkey and Information on Combatting Discrimination in the Field of Employment

Human Rights and Equality Institution of Turkey (TIHEK) was established as an institution affiliated to the Prime Ministry, with administrative and financial autonomy, special budget and having a public entity, by the Law no. 6701 published on the Official Gazette numbered 29690, dated 20.04.2016. With the adoption of the Presidential Government System in July 2018, with Article 149 of Decree no. 703, TIHEK was given administrative and financial autonomy, a private budget and public legal personality and became associated to the minister to be appointed by the President. According to the Presidential Circular No. 2018/1, TIHEK is associated with the Ministry of Justice.

The Institution was established in order to work on the basis of human dignity, towards protection and promotion of human rights, guaranteeing individuals' right to equal treatment, prevention of discrimination in the exercise of legally recognized rights and freedoms and which will carry out actions in line with these principles, effectively fight against torture and mistreatment and act as National Preventive Mechanism. The institution functions at the national level in the field of protection and promotion of human rights, in the framework of the Paris Principles adopted at the UN General Assembly on 20 December 1993. On the other hand, within the framework of the ongoing negotiation process with the European Union (EU), TIHEK was also given the task of equality to meet the criteria set out in Council Directive 2000/78/EC and Council Directive 2000/43/EC. The task of the National Prevention Mechanism, another function of the institution, is given in the framework of the Additional Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

In the preamble of the TIHEK Law, it is stated that one of the most important goals pursued in the preparation of the Law is "regulation of the basic legal framework and institutional structure regarding the prohibition of discrimination and equal treatment". In the preparation process of the law, international human rights conventions prepared by the UN and Council of Europe to which Turkey is a party and regulations of the EU Acquis related to the prohibition of discrimination were taken into consideration.

In the Law no. 6701, under Article 3 titled "the principle of equality and the prohibition of discrimination", the principle of equality is regulated in paragraph 1, the prohibition of discrimination in paragraph 2, the obligations of public institutions and organizations in the context of the prohibition of discrimination in paragraph 3, and the obligations of natural persons and private legal entities in paragraph 4.

In the Article, an open-ended approach in terms of the scope of the prohibition of discrimination was adopted with the provision "*All are equal in the exercise of legally recognized rights and freedoms.*" In this context, with the provision prohibiting discrimination not only in the context of certain rights but also in all rights legally recognized, the regulation is in line with Appendix No. 12 to the European Convention on Human Rights, which Turkey is not a party to.

In the first paragraph of Article 3 of Law No. 6701, the scope of the principle of equality is drawn. Accordingly, "*All are equal in the exercise of legally recognized rights and freedoms.*" Under the Law, the list of the basis of discrimination is regulated in the second paragraph of Article 3 of the Law: "*It is prohibited under this Law to discriminate against persons based on*

the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age.”

Within the scope of Law No. 6701, both public institutions and organizations and professional institutions accepted as public institutions, as well as real and private legal entities are obliged to combat discrimination and take necessary measures in this context. Paragraphs 3 and 4 of Article 3 of Law No. 6701 are as follows:

“(3) Where the principle of non-discrimination is violated, relevant competent and responsible public institutions and agencies and professional organizations with public institution status shall take necessary actions with a view to putting an end to the violation, remedying its consequences, preventing its repetition and ensuring the launch of administrative and judicial proceedings into it.

(4) Natural persons and legal persons created under private law who bear responsibility in respect of non-discrimination shall take necessary measures for detection of discrimination, elimination thereof and ensuring equality in respect of matters falling under their mandate.”

The types of discrimination covered by the Law No. 6701 are listed in Article 4.

“Types of Discrimination

ARTICLE 4 – (1) Types of discrimination falling into the scope of this Law are as follows:

- a) Segregation.*
- b) Instruction to discriminate and implementing such instructions.*
- c) Multiple discrimination.*
- ç) Direct discrimination.*
- d) Indirect discrimination.*
- e) Mobbing.*
- f) Failure to make reasonable arrangements.*
- g) Abuse.*
- ğ) Discrimination based on an assumed ground.”*

The second paragraph of the same Article is as follows: *“Unfavourable treatments sustained by persons who launch administrative or judicial proceedings or take part in such proceedings in order to ensure the respect of the principle of equal treatment and prevent discrimination as well as by representatives of such persons on account of such proceedings also constitute a discrimination.”* Thus although the word “victimization” is not included in the wording of the article, it has been stated that the negativities that a person suffering from due to resorting to judicial or administrative processes will also constitute discrimination.

The definitions such as segregation, multiple discrimination, direct discrimination, indirect discrimination, reasonable regulation are given in the Article 2 of the same Law as follows:

“Segregation: Separation of persons from others for reason of one or more of the grounds cited in this Law as a result of an action or inaction,

Instruction to Discriminate: An instruction given by a person to other persons authorized to act on his behalf or account or by a public officer to other persons to discriminate,

Multiple discrimination: A discriminatory practice based on more than one grounds of discrimination,

Direct discrimination: Any kind of different treatment that prevents or makes difficult, on grounds of discrimination cited in this Law, the exercise of legally recognized rights and freedoms by a natural person or legal person in an equal manner as compared to comparable persons,

Indirect discrimination: any kind of seemingly non-discriminatory act, procedure or practice which puts a natural person or legal person at an objectively unjustifiable disadvantage in terms of exercise of legally recognized rights and freedoms in connection with the grounds of discrimination described in this Law,

Mobbing: Deliberate actions intended for alienating, excluding and putting-off a person from his/her job on grounds of discrimination cited in this Law,

Reasonable arrangement: Proportional, necessary and appropriate modifications and measures taken to the extent allowed by financial means and needed in a given circumstance to enable the disabled to fully exercise and benefit from their rights and freedoms and in an equally manner to other individuals,

Abuse: Any kind of intimidating, humiliating, degrading or embarrassing behaviour including any behaviour of psychological or sexual nature intended for degrading a person or having a degrading consequence based on any of the grounds cited in this Law,

Discrimination based on an assumed ground: Instances where a natural person or legal person who, although not really bearing one of the grounds of discrimination cited in this Law, is subject to a discriminatory treatment in terms of exercise of legally recognized rights and freedoms based on the assumption that s/he bears one of these grounds.”

The scope of the prohibition of discrimination is regulated very broadly in Article 5 of the Law on Law. Accordingly:

“ARTICLE 5 – (1) Public institutions and agencies, professional bodies with public institution status, natural persons and legal persons established under private law providing services of education and training, judiciary, law enforcement, health, transportation, communication, social security, social services, social assistance, sports, accommodation, culture, tourism and similar services shall not discriminate, in respect of their activities, against persons who use or have applied to use or wishing to be informed of such services. This provision also covers access to buildings and spaces where public services are provided.

(2) Persons and institutions who are responsible for the planning, provision and inspection of the services cited in the first paragraph shall have to take into account the needs of groups with different disabilities and make reasonable arrangements.

(3) When offering movable and immovable property to public; public institutions and agencies, professional bodies with public institution status, natural persons and legal persons established under private law and those authorize by them shall never discriminate against those who wish to acquire or rent such property and wish to receive information thereon at any stage during the lease of such property, formulation of the conditions of the contract of lease, renewal of the contract of lease or termination thereof, sale or assignment.

(4) There shall be no discrimination against any person in terms of joining associations, foundations, labour unions, political parties and professional organizations, being elected to their bodies, benefiting from membership opportunities, termination of membership as well as participating in and benefiting from their activities.”

With the TIHEK Law No. 6701, discrimination issues related to the labour market are regulated in a separate article, and all of the hiring, working and termination processes are included in the prohibition of discrimination. Within the scope of the prohibition of discrimination, the relations between all social sectors, including public and private, are included. The Law prohibits discrimination in all work-related processes, including information, application, selection criteria, recruitment conditions, work processes, and termination processes. In addition, according to the fifth paragraph of Article 6 of the Law, the prohibition of discrimination includes all kinds of employment contracts that are not covered by the Labour Law No. 4857.

Article 6 titled "Employment and self-employment" is as follows:

“(1) An employer or a person authorized by an employer; shall not discriminate against an employee or a person applying to be employed, a person acquiring practical work experience at an undertaking or a person applying for this purpose or against a person wishing to receive information on the undertaking or the work for the purpose of working or acquiring practical work experience there in any stage of the work including getting information, application, section criteria, hiring criteria and working and termination of the employment.

(2) First paragraph shall also cover vacancy announcements, work place, working conditions, access to all levels and kinds of occupational guidance, occupational training and retraining, promotion and access to all levels of professional hierarchy, in-service training, social benefits and similar issues.

(3) An employer or a person authorized by an employer shall not reject an employment application for reason of pregnancy, maternity or child care.

(4) There shall be no discrimination in terms of admission into, license, registration, discipline and similar issues of self-employment.

(5) This Article also covers all kinds of contracts of work and performance not falling into the scope of the Labour Law dated 22/5/2003 and no 4857.

(6) Employment in public institutions and agencies is subject to the provisions of this Article. “

In the Article 7 of the TIHEK Law, the cases where the claim of discrimination cannot be claimed are listed as follows in line with the EU Acquis:

“a) Different treatment which is fit for purpose and proportional and necessitated by imperative professional requirements in employment and self-employment.

b) Cases making it imperative to employ a certain sex.

c) Determining and applying age limits during admission into work and employment due to the necessities of the service, different treatment based on age provided that it is necessary and proportional.

ç) Special measures and protective measures pertaining to children and persons who have to be kept at a certain place.

d) Employment at a religious establishment of persons who are members of that religion for the purpose of religious service or delivering training and education on that religion.

e) Requirement of certain conditions and qualifications related to persons wishing to join associations, foundations, trade unions, political parties and professional organizations based on purposes, principles and values mentioned in their relevant legislation and statutes.

f) Different treatment which is intended for eliminating inequalities and which is necessary, fit for purpose and proportional.

g) Different treatment towards non-citizens arising from conditions pertaining to their entry into and residence in the country and from their legal status.”

Investigating violations of anti-discrimination prohibition on file or application, adjudicating and monitoring the results of the decision, providing guidance for applicants to the Institution, who claim to be a victim due to a violation, about the administrative and legal process they can follow and ensuring that they follow the applications are among the most important tasks of the Human Rights and Equality Institution, working for the prevention of all forms of discrimination. Within the framework of this task, applications and review procedures have been regulated in the 17th and the following articles of the TIHEK Law. Accordingly, *“each and every natural person and legal person who claim to have suffered from violations of non-discrimination can apply to the Institution.”* Applications to the Institution may be filed via governorates in provinces and sub-provincial governorates in sub-provinces. There shall be no fee charged for applications. Before applying to the Institution, those concerned shall demand that the relevant party remedy the practice they allege as contrary to the Law. In cases where such demands are turned down or are not replied within thirty days, then they may apply to the Institution. However, where it is likely that damages arise which are irremediable or difficult to remedy, the Institution may accept applications without seeking such condition. Applications

filed at the Institution within the legal period for filing a court case shall suspend such period. Applications on alleged discriminations covered by the Law no. 4857, Article 5 can be filed in cases where procedures of complaint mentioned in the Law no. 4857 and related legislation have been followed but no decision of sanction has been issued.

Article 18 of the Law regulates Inquiries into violations as follows:

“The Institution shall conclude applications and its ex officio inquiries within at latest three months following the date of application and ex officio inquiry decision. Such period may be extended by the Chairman by at most three months for once.

The Institution shall ask the interlocutor of the alleged violation to submit an opinion in writing. The opinion in writing shall be communicated to the Institution within fifteen days following the communication of request. The opinion in writing shall then be communicated to the applicant who shall be asked to submit his/her opinion to the Institution within at latest fifteen days following such communication. Upon request, the Head may extend these periods by fifteen days for once only. When requested by the parties, they may be allowed to make verbal explanations before the Board separately.

Depending on the nature of the inquiry, the Chairman may invite the parties to conciliation of its own initiative or upon request after the opinions have been received. The conciliation may involve the cessation of the alleged practise of violation of human rights or discrimination or solutions that will bear such consequence for the victim or be in the form of payment of a certain compensation to the victim. Conciliation shall be concluded within at latest one month. Findings, statements or explanations obtained during negotiations of conciliation cannot be used as evidence in any investigation and prosecution or in any court case.

Minutes of reports on applications and inquiries that could not be settled through conciliation shall be submitted to the Board within twenty days, upon which the Board shall decide whether a violation of human rights or non-discrimination has been committed or not.

In cases where the Board finds any violation of human rights or non-discrimination of a criminal nature, it shall file a criminal complaint thereon.”

In accordance with Article 19 of the TIHEK Law, the examination, inquiry, visiting and report drafting duties and other duties given to the Institution by the Law and other legislation shall be carried out by Human Rights and Equality Experts and Assistant Experts and also by other staff members assigned by the Chairman. Where authorized by the Chairman, such personnel listed in the paragraph one shall have the authority to request necessary information and documents from all public institutions and agencies and other natural and legal persons, to examine and take copies of the same, to receive written and oral information from relevant persons, to undertake visits to places where those deprived of liberty and those under protection are housed and to carry out examinations in such places and draw up necessary reports and to interview person(s) alleged to have been mistreated. It is imperative that the information and documents requested by the Institution by indicating the reason thereof concerning the matter

under inquiry or examination be submitted within thirty days following the date of communication of such request.

Shift in the burden of proof is regulated in Article 21 of the Law. Article 21 titled “Burden of proof” reads, *“In applications filed at the Institution exclusively on the basis of an alleged violation of non-discrimination, if the applicant exhibits the presence of strong signs and presumptive facts relating to the veracity of his/her allegation, then the other party shall be required to prove the non-violation of the non-discrimination and principle of equal treatment.”*

The details of **the administrative fine to be imposed if the prohibition of discrimination is violated** is also provided in Article 25 as follows:

“In case of violation of non-discrimination principle, an administrative fine ranging from one thousand Turkish lira to fifteen thousand Turkish lira [176-2.645 \$] depending on the gravity of the effects and consequences of such violation, financial situation of the perpetrator and aggravating effect of the multiple discrimination, shall be imposed on the relevant public institutions and agencies, professional organizations with public institution status, natural persons and legal persons established under private law responsible for the violation.

In cases where the administrative fine cited in the paragraph one is imposed on public institutions and agencies and professional organizations with public institution status; such institutions, agencies and organizations shall seek recourse, for the administrative fine paid, from those civil servants and other public agents or employees who have committed the discriminatory practise.

According to Article 22 of the Law, *“A consultative committee shall be set up with the participation of public institutions and agencies, non-governmental organizations, unions, social and professional organizations, higher education institutions, printed and audio-visual media, researchers and relevant persons, agencies and organizations so as to discuss problems and proposed solutions pertaining to non-discrimination issues and to exchange information and opinions on these matters.”*

2. Information on the Turkish Armed Forces Discipline Law, regarding provisions about sexual orientation

Article 20 of the Turkish Armed Forces (TAF) Discipline Law No. 6413 entitled "Actions against discipline that require separation from the Armed Forces" includes the provision of “(ğ) *To make an inappropriate intimacy or to have him do it with his consent*”

The main purpose of the disciplinary penalties set by the TAF Disciplinary Law is to protect and maintain military discipline. The sanctions imposed on military people are brought in order to provide and maintain the public order, to continue to work efficiently, quickly and effectively, to ensure the establishment and continuity of the discipline, and to protect the dignity of the profession. For the protection of military discipline and ensuring the proper functioning of the public service, the punishment of removal from the TAF is based on a legitimate purpose for military persons.

Military personnel, whose status is established by law and who are employed in the profession accordingly, have different rights or obligations than other public officials. The military profession is based on discipline and self-control. Therefore, it is common for those who perform this task to be subject to strict professional principles. As people choose the military profession, they accept that some restrictions that can no longer be brought to civilians are applied for the establishment of military discipline for themselves.

It is considered that accepting sexual orientation as a reason for expulsion from the TAF cannot be considered within the scope of "Prohibition of all kinds of discrimination in employment" and this is necessary to ensure discipline, which is the basic structure of the army and public order.

3. Further information on the protection against discrimination in employment

In Article 3 of the Law on the Human Rights and Equality Institution of Turkey, no. 6701, the bases of discrimination are stated as "*gender, race, colour, language, religion, belief, sect, philosophical and political view, ethnicity, wealth, birth, marital status, health status, disability and age*". Therefore, it is important to note that sexual orientation is not considered among the bases of discrimination under the Law.

The 4th paragraph of Article 3 of the Law includes the provision that "*Natural persons and legal persons created under private law who bear responsibility in respect of non-discrimination shall take necessary measures for detection of discrimination, elimination thereof and ensuring equality in respect of matters falling under their mandate.*"

Prohibition of discrimination has been regulated by the Law in its Article 6 titled "Employment and Self-Employment", and the article includes the following provisions:

"(1) An employer or a person authorized by an employer; shall not discriminate against an employee or a person applying to be employed, a person acquiring practical work experience at an undertaking or a person applying for this purpose or against a person wishing to receive information on the undertaking or the work for the purpose of working or acquiring practical work experience there in any stage of the work including getting information, application, selection criteria, hiring criteria and working and termination of the employment.

(2) First paragraph shall also cover vacancy announcements, work place, working conditions, access to all levels and kinds of occupational guidance, occupational training and retraining, promotion and access to all levels of professional hierarchy, in-service training, social benefits and similar issues.

(3) An employer or a person authorized by an employer shall not reject an employment application for reason of pregnancy, maternity or child care.

(4) There shall be no discrimination in terms of admission into, licence, registration, discipline and similar issues of self-employment.

(5) This Article also covers all kinds of contracts of work and performance not falling into the scope of the Labour Law dated 22/5/2003 and no. 4857.

(6) Employment in public institutions and agencies is subject to the provisions of this Article.”

Within this framework, various applications are made to the Institution and there is an ex officio examination made by the Institution, i.e. TIHEK. For example, on the application of H.D., a female citizen who applied to the Institution with the claim of violation of non-discrimination as she experienced a different treatment during the job application process due to pregnancy, the subject has been examined fundamentally within the scope of discrimination in employment and gender.

As a result of the inquiry, it was decided that the relevant company violated the prohibition of discrimination guaranteed in Article 3 of Law No. 6701, and it was decided to apply an administrative fee of 10.000 TL (1.763,67 \$) to the company and fee of 5.000 TL (881,83 \$) to the intermediary human resources company.

The decision taken by the Human Rights and Equality Board after an ex officio inquiry is a precedent in terms of combating discrimination in employment. Namely, the following statements were included in a job announcement by a company named D.Y. for the recruitment of accounting and financial personnel as of 21 June 2018: “female (CV’s of male candidates and candidates with headscarves will not be taken into consideration)”

After this announcement and on the reactions from the public, the Institution (TIHEK) started an ex officio inquiry and Human Rights and Equality Board, decided that D.Y. company violated the prohibition of discrimination guaranteed by Article 3 of Law No. 6701 and to impose an administrative fine of 3.000 TL (529,10 \$) on D.Y. and 1.000 TL (176,37 \$) on the consulting firm, and this decision was shared with the public.

Furthermore, with a view to exchange best practices, the “International Conference on Combating Discrimination in Working Life” was organized with the participation of high level representatives from the International Labour Organization (ILO), Global Alliance of National Human Rights Institutions, European Network of National Human Rights Institutions, public institutions that assumed important duties in combating discrimination in working life in Turkey, and the presidents of the trade unions of workers, civil servants and employers and academicians in Ankara on 17 April 2019.

In the sessions held within the scope of the conference, the phenomenon of combating discrimination in working life was evaluated in terms of vulnerable groups such as individuals with disabilities, women and immigrants. The roles in the protection of human rights in the working life, the principle of equality and the fight against the prohibition of discrimination in employment were handled as multi-faceted and multi-actor, and strategies to be pursued for the development of egalitarian policies and social dialogue in working life were studied.

In the scope of combating discrimination in employment the Institution cooperates closely with the relevant public institutions and non-governmental organizations and contributes to various panels and conferences and training programs, including the subject of mobbing, considered as a form of discrimination in Article 4 of Law No. 6701.

4. Shift in the burden of proof in favour of the plaintiff in discrimination cases

In the first paragraph of the Article 5 of the Labour Law no. 4857 titled “The principle of equal treatment”, *“There can be no discrimination based on language, race, colour, gender, disability, political thought, philosophical belief, religion and sect and similar reasons.”* According to the last paragraph of the same article, the employee is obliged to prove that the employer has violated the provisions of the above paragraph, without prejudice to the provisions of Article 20. However, if the employee shows a strong likelihood of such a violation, the burden of proof that the alleged violation has not materialised shall rest on the employer. In Article 20, it is stated that *“The burden of proving that the termination was based on a valid reason shall rest on the employer. However, the burden of proof shall be on the employee if he/she claims that the termination was based on a reason different from the one presented by the employer.”*

The Labour Courts Law No. 7036, dated 12/10/2017, did not make any changes to the evidence in the discrimination lawsuits in question. However, as seen in the provisions of the article mentioned above, if the worker demonstrates a situation that strongly indicates the possibility of a violation, the defendant is obliged to prove that such a violation does not exist. The obligation to prove that the termination is based on a valid reason is also imposed on the employer.

In addition, shift of the burden of proof is regulated in Article 21 of the TIHEK Law. *“In applications filed at the Institution exclusively on the basis of an alleged violation of non-discrimination, if the applicant exhibits the presence of strong signs and presumptive facts relating to the veracity of his/her allegation, then the other party shall be required to prove the non-violation of the non-discrimination and principle of equal treatment.”*

5. Information regarding compensation granted to victims of discrimination and limits of compensation

According to Article 5 of the Labour Law no. 4857, titled the Principle of Equal Treatment, no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. In case 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.

According to the Article 21 of the Labour Law No. 4857 titled "Consequences of termination without a valid reason" it is stated that if the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him/her in work, compensation to be not less than the employee's four months' wages and not more than his/her eight months' wages shall be paid to him/her by the employer.

In its verdict ruling the termination invalid, the court shall also designate the amount of compensation to be paid to the employee in case he/she is not re-engaged in work. The employee shall be paid up to four months' total of his/her wages and other entitlements for the

time he/she is not reengaged in work until the finalization of the court's verdict. In addition to 4 to 8 months' compensation, wages and other rights are also paid during the period of up to 4 months.

In cases of discrimination, the employee may request the compensation not only on the basis of the Labour Code but also the Code of Obligations. The provisions in Civil Code and Code of Obligations should be taken into account also in the employment relations. Since compensation is not a means of enrichment, the damage of an illegal behaviour is compensated once. Therefore, compensation for discrimination cannot be demanded together with compensation for job security. But it is possible for the employee to demand financial and moral compensation due to the attacks arising from the employment relationship to his/her personal rights within the framework of general provisions of the Civil Code and Code of Obligations. The employee who was exposed to discrimination can demand compensation according to the general provisions.

In this regard, the ceiling calculations stipulated in Articles 17 and 21 of the Labour Law are not valid for material and moral damages. It also means that there is no upper limit for the compensation for financial and moral damages under the framework of the Civil Code and Code of Obligations.

Another law in the field of anti-discrimination is Law on the Human Rights and Equality Institution of Turkey, no. 6701, accepted in 6 April 2016. It is prohibited under this Law to discriminate against persons based on the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age. According to Article 6 titled "Employment and Self-Employment", *"An employer or a person authorized by an employer; shall not discriminate against an employee or a person applying to be employed, a person acquiring practical work experience at an undertaking or a person applying for this purpose or against a person wishing to receive information on the undertaking or the work for the purpose of working or acquiring practical work experience there in any stage of the work including getting information, application, section criteria, hiring criteria and working and termination of the employment."*

In case of violation of non-discrimination principle, an administrative fine ranging from one thousand Turkish lira to fifteen thousand Turkish lira (176-2.645 \$) depending on the gravity of the effects and consequences of such violation, financial situation of the perpetrator and aggravating effect of the multiple discrimination, shall be imposed on the relevant public institutions and agencies, professional organizations with public institution status, natural persons and legal persons established under private law responsible for the violation.

6. Information on the categories of employment which foreigners are not permitted to perform

Although the International Labour Force Law No. 6735 does not prohibit the execution of any profession by foreigners, it is not permitted for foreigners to perform the following professions, since some occupational laws in force contain the provision that that profession can be exercised by Turkish citizens. There has been no recent amendment in these laws, regarding the categories of employment which foreigners are not permitted to perform.

"Medical doctor" and "nursing" professions, which were previously prohibited from the execution of foreigners, can be performed by foreigners, following the enactment of the Decree Law No. 663 on the Organization and Duties of the Ministry of Health and its Affiliated Institutions, the amendment made in the Article 1 of the Law on Mode of Execution of Medicine and Medical Sciences No. 1219 and Law on Nursery No. 6283.

7. Access of citizens with Roma origin and other disadvantaged people in employment

The Ministry of Family, Labour and Social Services carries out studies to provide employment opportunities to all segments of the society, especially disadvantaged people, to minimize unemployment, and to implement employment policies that will positively change the structure and quality of employment.

The National Employment Strategy (2014-2023), which is implemented in this direction, is built on four main policy axes and seven sectors with high employment flexibility of growth. Mainstream Policy Axe for Increasing the Employment of Groups Requiring Special Policy includes policies and measures to remove obstacles to the labour force and employment participation of groups requiring special policy

The Ministry issued a "Strategy Document for Roman Citizens (2016-2021)" to improve the living conditions of Roma citizens, especially education, health, housing, employment and social services. In addition, in order to contribute to the creation of employment policies for Roma citizens, the "Supporting the Employment of Roma Citizens Project" was launched.

"Project for Improving Employability of Disadvantaged Persons and Employability" was carried out between 2016-2017, in order to ensure the integration of people who require special policies into the labour market and to combat all forms of discrimination in the labour market.

Project's target groups include individuals with disabilities, people who are in poverty or at risk of poverty, including people living in slum areas, Roma, ex-prisoners/prisoners and prisoners/detainees, parents of working children, displaced persons, women victims of violence, substance addicts and other disadvantaged people (other groups that face discrimination and common prejudices in the labour market, etc.)

Within the scope of the project, 23 million Euros of grant support was provided to 137 projects in 48 provinces. Among these projects, 5.381.000 Euros were granted to 46 projects in 20 provinces in order to increase the employment and social integration of Roma citizens.

In the scope of employment services provided by the Turkish Employment Agency (ISKUR), Registration is the first step to benefit from ISKUR services. Job seekers who want to register can apply to ISKUR units in person as well as register online.

Following conditions must be provided for the registration:

- Having completed the age of 14
- Having an Identity Number for the citizens of the Republic of Turkey or foreigner identification number given by the Ministry of Interior for foreigners.

Job seekers desiring to register in the following statuses are supposed to submit the following documents;

- “Medical Board Report” received from authorized hospitals, if they are disabled,
- “Ex-convict certificate” received from relevant units, if they are ex-convict,
- “Medical report” and “command report”, if they are injured and deemed as wounded in the struggle against terrorism,
- The document indicating their status under the relevant legislation, if they are prioritised, such as the relatives of martyrs or veterans.

There are no other registration requirements apart from these. There is no obstacle for anyone who wants to receive services from the ISKUR and apply for job notices.

8. Examples of cases in the context of prohibition of discrimination in employment (Section 5 of the Labour Code), brought before the judicial authorities, the outcome of such cases, the remedies granted and sanctions imposed.

Examples of Supreme Court decisions are given below:

“... Furthermore, the prohibition of discrimination based on trade union related causes mentioned in the subparagraphs (a) and (b) of the first paragraph of Article 18 of Law No. 4857 should be considered within the scope of the absolute prohibition of discrimination. The conditions listed in Article 5 and the third paragraph of Article 18 of the Law are not restrictive. The prohibition of discrimination because of the worker’s sexual preference, which does not lead to negativities in the workplace, can be added to these. Likewise, discrimination based on factors such as political reasons and worldview should not be protected.... In case of termination of employment due to pregnancy, conditions of discrimination compensation arise.” (Supreme Court 9. HD. Date of 07/03/2012, 2009/46881 E. - 2012/7621 K.)

“Compensation should be accepted as it is understood that despite the increase in the number of female workers, the number of married female workers has decreased and discrimination is applied against women giving birth, the rights deprived of the change of duty should also be paid.” (Supreme Court 9. HD. 29/11/2011 date, 2009/19835 E.-2011/46440 K.)

“Payment of immigration benefits to the workers who come to Turkey for work, as they return to their country cannot be considered discriminatory” (Supreme Court 9. HD. Date of 23/02/2012, 2009/46706 E. - 2012/5738 K.)

“In accordance with the third paragraph of Article 5 of the Labour Law, discrimination is prohibited in terms of gender and pregnancy in hiring.” (Supreme Court 9. HD. Date of 17/03/2009, 2008/32183 E.- 2009/7045 K.)

9. Activities, task and authorities of the Human Rights and Equality Institution and the procedure of selecting its members

Human Rights and Equality Institution of Turkey (TIHEK) was established as an institution associated to the Minister to be charged by the President, with administrative and financial autonomy, special budget and having a public entity, by the Law no. 6701. According to Article 9 of the Law no. 6701, the duties of the Institution are as follows:

“a) Working to protect and promote human rights, prevent discrimination and remedy violations.

- b) Raising public awareness on human rights and non-discrimination through providing information and education including by use of mass media.*
- c) Contributing to the preparation of the parts of the curriculum of the Ministry of National Education relating to human rights and non-discrimination.*
- ç) Carrying out joint activities with universities with a view to protecting human rights, eliminating discrimination and promoting an understanding of equality in society, contributing to the establishment of human rights and equality-related departments at universities in coordination with the Council of Higher Education and to determining the curriculum for human rights and equality education.*
- d) Contributing to the development of principles of pre-service and in-service human rights and equality trainings of public institutions and agencies and to the delivery of such training programs.*
- e) Following and assessing development of legislation on issues falling under its mandate and submitting its opinions and proposals thereon to relevant authorities.*
- f) Inquiring into, examining, taking a final decision on and monitoring the results of violations of human rights - ex officio.*
- g) Inquiring into, examining, taking a final decision on and monitoring the violations of non-discrimination principle – ex officio or upon an application*
- ğ) Guiding persons applying to the Institution based on a claim of being victim of an alleged violation of non-discrimination principle about administrative and legal remedies they may seek to remedy the violation and helping them to follow their applications.*
- h) Fighting against torture and mistreatment and taking actions for this purpose.*
- ı) Acting as the National Preventive Mechanism within the framework of the provisions of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*
- i) Inquiring into, examining, taking a final decision on and monitoring the results of applications filed by persons deprived of their liberty or placed under protection falling into the scope of the national preventive mechanism.*
- j) Undertaking regular visits, with or without prior notice, to places where those deprived of their liberties or those under protection are held; delivering the reports related to such visits to relevant agencies and organizations, and disclosing such report to the public when considered necessary by the Board; examining and evaluating the reports regarding visits made to such places by boards/ committees that monitor prisons and detention houses, provincial and sub-provincial human rights boards and other relevant individuals, agencies and organizations.*
- k) Preparing annual reports related to the protection and promotion of human rights, fight against torture and mistreatment and fight against discrimination which will be submitted to the Office of the President of the Republic, Bureau of the Turkish Grand National Assembly and Prime Ministry.*

- l) Providing information to the public opinion, publishing special reports on matters falling under its mandate in addition to regular annual reports when deemed necessary.*
- m) Following and assessing international developments in areas of human rights and non-discrimination, cooperating with international organizations working in the field within the framework of relevant legislation.*
- n) Cooperating with public institutions and agencies, non-governmental organizations, professional organizations and universities working in the field of protection of human rights and fight against discrimination*
- o) Supporting other institutions in their work for prevention of discrimination.*
- ö) Monitoring the implementation of international human rights conventions to which Turkey is a party to. Submitting opinions during the process of preparation of the reports which the State is under the obligation to submit to review, monitoring and supervisory mechanisms established by these conventions, by also making use of relevant nongovernmental organizations; and participating in the international meetings where such reports are to be submitted, via sending a delegate.*
- p) Carrying out other tasks given by the law.”*

In addition, the Institution shall brief the Human Rights Inquiry Committee and the Committee on Equality of Opportunity for Women and Men (KEFEK) of the Turkish Grand National Assembly (TBMM) in relation to the exercise of its duties and mandate at least once a year.

Provisions regarding the Human Rights and Equality Board, the decision-making body of the institution, are included in Article 10 of the TIHEK Law. The mentioned item is as follows:

“(1) The Board is the decision-making body of the Institution. The Board shall exercise its duties and powers given by this Law and other legislation under its own responsibility and independently. No body, authority, office or individual shall give orders nor instructions nor recommendations or suggestions to the Board on matters falling under its mandate.

(2) (Amended: 2/7/2018 – KHK/703/149 art.) The Board consists of eleven members appointed by the President, one of whom is the Chairman and one is the Second Chairman.

(3) According to the second paragraph, two months before the term of office of the members appointed by the President, the situation is announced to the public by appropriate means of communication. Applications and candidate notifications are made to the Presidency. The newly elected members start their duties after the term of the members they are elected, in accordance with the procedure specified in the second paragraph. ⁽¹⁾

(4) The following conditions are sought to become a member of the Board:

a) (Abolished: 2/7/2018 - KHK / 703/149 art.)

b) To have the qualifications specified in sub-paragraphs (1), (4), (5), (6) and (7) of the first paragraph of the first paragraph of the article 48 of the Civil Servants Law No. 657 dated 14/7/1965.

c) Not having a duty or authority in the management and control bodies of any political party.

ç) Having at least four years of higher education at the undergraduate level.

d) (Abolished: 2/7/2018 - KHK / 703/149 art.)

(5) (Abolished: 2/7/2018 - KHK / 703/149 art.)

(6) (First and second sentences abolished: 2/7/2018 - KHK / 703/149 art.) In case of any vacancy for any reason before the term of office expires, a new member is selected within the same method within one month. The member elected in this way completes the remaining period of the member he / she has been elected in, and those who serve two years or less from these are not considered as the election period.

(7) (Abolished: 2/7/2018 - KHK / 703/149 art.)

(8) The Head, Deputy-Head and members cannot be dismissed from office for any reason before their office terms expire. However, in cases where the Board determines that the member;

a) has lost or never fulfilled the eligibility criteria for membership,

b) fails to sign board decisions within due time,

c) has not attended five Board meetings in total during a calendar year without a justifications acceptable to the Board,

ç) is certified by a medical board as incapable to work due to heavy illness disability,

d) is definitely convicted of an offence committed as part of his function,

e) has had more than three months of temporary incapability to work,

f) has been convicted of an offence mentioned in the Law no 657, Article 48, paragraph one, sub-paragraph (A), sub-section (5) and has started to serve his sentence,

his membership shall be terminated through the approval of the President or the Minister designated by the President.

9) Member's previous function shall be severed during their term of office in the Board. Unless based on a specific law, members shall take no official or private office other than their office in the Board, shall not serve as manager or supervisor at associations, foundations, cooperatives and similar entities, shall not engage in commerce, shall not perform a self-employed activity or shall nor act as arbitrator or expert witness. However, members can make scientific publications, give lectures or conferences in a way that does not disrupt their main duty, and can receive related copy rights and lecture and conference payments.

(...)

(13) Under the Law no 4483 and dated 2/12/1999 on the Prosecution of Civil Servants and Other Public Agents, investigation to be launched against the Chairman and members shall be subject to the permission of the President or of the Minister delegated by the President. Appeals against decisions permitting or not the launch of investigations shall be heard and finalized by the Council of State.

(14) The Chairman, members and Institution staff cannot disclose any confidential information belonging to the public, relevant persons or third persons, any personal data, or any confidential data regarding the Institution, any commercial secrets or the documents thereof, to persons other than the bodies authorized by laws in this matter, and cannot use such information for their own interests or for the interest third parties. This obligation shall continue even after end of office.

Activities

Combating discrimination in working life is one of the issues that are given the greatest importance by the Institution. Two cases are mentioned above as examples of the inquiries and decisions by the Institution regarding discrimination in working life and where the prohibition of discrimination was violated. (The application of a citizen named H.D., with the claim of violation of non-discrimination as she experienced a different treatment during the job application process due to pregnancy and an ex officio inquiry for a job announcement by the company named D.Y. and the related decision.)

Cooperation studies are carried out with non-governmental organizations operating in the field of fighting against mobbing in the workplace, which is one of the most current aspects of discrimination in working life and which is accepted as a type of discrimination in the TIHEK Law No. 6701.

According to Article 22 of the Law, an Advisory Committee on Combating Discrimination was established in order to discuss problems and solution suggestions on issues related to the prohibition of discrimination and to exchange information and opinions on these issues. Participation of public institutions, non-governmental organizations, unions, social and professional organizations, higher education institutions, press and broadcasting organizations, researchers and other related persons, institutions and organizations was considered in the formation of the Commission. Special attention was paid to the presence of trade union representatives and non-governmental organizations operating in the field of employment and right to work. The first meeting of the Commission was held on 22 October 2018 in Ankara.

Furthermore, with a view to exchange best practices, the “International Conference on Combating Discrimination in Working Life” was organized with the participation of high level representatives from the International Labour Organization, Global Alliance of National Human Rights Institutions, European Network of National Human Rights Institutions, public institutions that assumed important duties in combating discrimination in working life in Turkey, and the presidents of the trade unions of workers, civil servants and employers and academicians in Ankara on 17 April 2019.

TIHEK is also cooperating with the officials of ALO 170 Line (Family, Labour and Social Services Hotline) to find better solutions for mobbing applications made to the two separate application mechanisms.

In addition, during the visits to detention centres, carried out within the framework of the National Mission of Prevention Mechanism of the Institution, the physical conditions and working conditions and measures taken within this framework are particularly emphasized. In this context, the issues related to the working conditions in detention centres are observed during the visit and they are evaluated in the context of international standards and reported.

In the context of both national and international standards, it is shared to the authorities that working in prison is considered as a positive element of the prison regime and that the work should never be used as a punishment tool, the work given should be qualified to ensure that the prisoners can acquire additional skills to survive after the release or increase their ability in this regard.

The determinations and recommendations regarding the physical conditions of the workplaces and the working conditions of those deprived of their liberty are shared with the relevant Institutions and the public on the website of the Authority. In this context, some of the visits in the reporting period, made by TIHEK regarding the workplaces in the penitentiary institutions during the reporting period are as follows:

- Rize Province L Type Closed Penal Institution Visit (16.10.2017)
- Trabzon Province E Type Closed Penal Institution Visit (17.10.2017)
- Ankara Province Sincan Open Penal Institution Visit (17.05.2018)
- İstanbul Province Maltepe No. 3 L Type Closed Penal Institution Visit (01.06.2018)
- Sivas Province E Type Closed Penal Institution Visit (25.09.2018)

The institution published its peer-reviewed journal “TIHEK Academic Journal” in order to contribute to the academic aspect of human rights, to promote academic studies in the field of human rights and anti-discrimination, including discrimination in working life, and to create a new ground for researchers where they can express their views and thoughts. Articles that show the current situation in the field of human rights or include criticisms and suggestions regarding the current situation are accepted to the journal. The first issue of the journal, in which Turkish, English, French and Arabic refereed articles can take place, was published on 25.12.2018.

Prohibition of forced labour

10. The Martial Law, No. 1402, dated 13.05.1971, was repealed by the Law Amending Some Laws and Decree Laws, no. 7145, dated 25.07.2018.

The Martial Law, No. 1402, dated 13.05.1971 was repealed by the Law Amending Some Laws and Decree Laws, no. 7145, dated 25.07.2018.

11. Social protection of prisoners working during detention

Workshops

The modern criminal execution system involves not only restricting the freedom of criminals but also preparing them for the times after execution. Preparation of convicts and detainees in penal institutions for the period after their punishment and their reintegration into society by gaining a profession have always been an important priority for the Ministry of Justice and the

Penal Institutions and the Detention Workshops Institution. Vocational education and training processes of detainees and convicts in penal institutions are carried out within the body of the Workshops Institution. Within the scope of restorative justice, vocational training programs and social responsibility projects are implemented for rehabilitation of convicts and detainees in the penal institutions.

In 306 penal institution workshops, more than 1.700 workshops and facilities, professional activities are carried out in more than 289 professions, from furniture to textile, agriculture and animal husbandry to souvenirs.

Within the scope of these activities, convicts and detainees can be employed in four different ways:

- Within the Scope of Workshop Activity,
- Service Sales to the Private Sector by the Workplace Directorate,
- Service Protocol with Public Institutions,
- Joint Production Cooperation Agreement

According to the place where the work activities are carried out, there are two different implementations, in or outside the institution:

- *Employment in the Institution:* In the workshops created with the own capital of the workshop or in the framework of the private sector cooperation activity and in accordance with the contract signed between the workshop management and the private company, persons can work in private sector in the place shown by the workshop management
- *Employment outside the Institution:* Persons can work in facilities and workshops created by the workshop management outside the institution with its own means or in the workplaces belonging to public institutions and organizations.

Convicts and detainees graduate with the skills of "master teaching", "mastery", "journeyman" in different professions after their vocational education and on-the-job trainings and certificates are issued accordingly.

Convicts and detainees participating in these professional activities, which are carried out on a voluntary basis, are paid for their participation in the activities, and at the same time, they are given the opportunity to benefit from social rights such as work accident, occupational disease and maternity insurance and dividends.

Information on fees paid to convicts and detainees working in penal institutions for fiscal 2019 is as follows:

- Working prisoners (master 17,50 TL [3,08 \$], journeyman 15,25 TL [2,69 \$], apprentice 14,00 TL [2,47 \$]) are paid daily for the number of days they work.
- The subsistence allowance (8,50 TL [1,50 \$]), which is required to be collected as per the law, is not collected until the day of employment.
- The prisoner receives a dividend if the workplace he works for makes a profit. (217,50 TL [38,36 \$] per month)

The maximum monthly fee paid to a prisoner (master) working in penal institutions is as follows:

Daily wage 17,50 TL x 22 days = 385,00 TL (68,03 \$)

Unpaid subsistence 8,50 TL x 30 days = 255,00 TL (44,97 \$)

Monthly upper limit profit share = 195,00 TL (34,39 \$)

Insurance (2% of the gross minimum wage) = 51,17 TL (9,02 \$)

Total = 886,17 TL (156,295 \$)

The daily employment fees of convicts to be employed with the protocols within the scope of private sector cooperation in penal institutions were updated in 2019.

Prisoners and convicts working in workshop activities started to be insured in occupational accident, occupational disease and maternity insurance branches as of 01/01/2004 in accordance with Article 2 of the Social Insurance Law No. 506, amended by Law No. 4958 of 29/07/2003. In accordance with Article 4 of the Social Insurance and General Health Insurance Law No. 5510, this practice continues.

The insurance is short-term and is made in the fields of occupational accident, occupational disease and maternity insurance.

Other issues related to the work of convicts and detainees are as follows:

1. Convicts and prisoners are not employed more than 45 hours a week and 8 hours a day.
2. If convicts and detainees are to be employed for 6 days, they work maximum 7,5 hours per day.
3. The daily payments of convicts and detainees are determined by the decision of the board every year.
4. Overtime pay and is determined each year by the decision of the board of higher enterprises.
5. All personnel assigned in the workplace, convicts and trainees benefit from the dividend, if they are assigned by the Workshop Management.
6. In addition, Article 34 of the Penal Institutions, Detention Houses and Workshop Administration and Tenders Regulation states that "*The premiums can be given to convicts and detainees in order to ensure their more efficient work and contribute economically.*"

Social protection convicts and detainees

According to subparagraph (a) of the first paragraph of Article 5 of the Law No. 5510, the provisions of occupational accident and occupational disease and maternity insurance are applied to the convicts and detainees who work in the facilities, workshops and similar units established within the detention centres and penal institutions.

In this context, persons who have work accidents or occupational diseases, or their right holders are provided incapacity benefit, funeral allowance, marriage allowance and permanent incapacity or death income benefits.

Within the scope of maternity insurance, temporary incapacity benefit and breastfeeding allowance benefits are given to insured women who give birth.

The periods of those who are insured according to Law No. 5510, and arrested or detained for any crime while they are insured, who are acquitted for this crime can be indebted if they or their right holders make written requests. The premiums to be calculated on the demand date are debited within one month from the date of notification of the debt and their debited periods are included within their insured period.

Regarding to the situation of civil servants, according to the Civil Servants Law No. 657, two-thirds of their monthly salaries are paid to civil servants who are dismissed or suspended and arrested or detained for any crime, whether or not related to their duties. Such people continue to benefit from the social rights and benefits provided by this Law. In cases where the conditions listed in Article 143 occur, a third of their pensions are paid to them, the time they spend away from duty is reflected to the gradual progress in their degree.

12. Legislation and penalties related to forced labour

Article 117 of the Turkish Penal Code No. 5237 titled “Violation of freedom of Work and Labour” reads:

“(1) Any person who violates freedom of work and labour by using violence or threat or performing an act contrary to the law, is sentenced to imprisonment from six months to two years and imposition of punitive fine upon complaint of the victim.

(2) Any person who employs helpless, homeless and dependent person(s) without payment or with a low wage incomparable with the standards or forces him to work and live inhumanly conditions, is sentenced to imprisonment from six months to three years or imposed punitive fine not less than hundred days.

(3) The same punishment is imposed also to a person who provides or transfers a person from one place to another to have him live and work under the above mentioned conditions.

(4) Any person who unlawfully increases or decreases the wages, or forces employees to work under the conditions different than that of agreed in the contract, or causes suspension, termination or re-start of the works, is sentenced to imprisonment from six months to three years.”

In this regard, the implementation of the current legislation continues.

Other aspects of the right to earn one’s living in an occupation freely entered upon

13. Information on minimum period of service in the armed forces and the impact of studies or training courses followed by soldiers on the duration of their service

The Military Recruitment Law No. 7179 entered into force by being published in the Official Gazette dated 26 June 2019 and numbered 30813, and made essential changes such as the duration of service according to educational level, paid military service, reserve officer corps. Detailed information will be provided on the subject in the following reporting period.

14. The remedies that may be used to challenge the decision to suspend or withdraw unemployment benefits

The reasons for suspending unemployment benefits are included in Article 52 of the Unemployment Insurance Law No. 4447.

Appeals against all kinds of works and proceedings out of the field of responsibility of the Social Security Institution are lodged to General Directorate of Turkish Employment Agency in accordance with the Article 54 of the same law titled “Appeals against administrative fines and administrative proceedings”. Therefore, appeals made about the unemployment benefit are examined by ISKUR and the result is notified to the related person. Those concerned have the right to resort to legal remedy against the transactions carried out by ISKUR. Making an appeal does not exclude the right of those concerned to apply for a judicial remedy.

On the grounds that the unemployment allowance has been cut unfairly and unlawfully, pursuant to Article 52 of the Law No. 4447, it is possible to open a case before the first instance court for jurisdiction and to file a lawsuit against the decision given by the first instance court.

15. Amendment in the Labour Law and provisions regarding on-call work, in the context of emergence of new technologies

The additional paragraphs 4, 5 and 6 of the Article 14 of the Labour Law No. 4857 titled "*On-call employment and remote employment*" are as follows:

(Paragraph added on 6 May 2016 by Article 2 of the Law No. 6715) “*Remote employment is a labour relation based on the principle of performing the action of working at home or by means of technological communication tools, within the scope of the work organization formed by the employer and established in writing.*”

(Paragraph added on 6 May 2016 by Article 2 of the Law No. 6715) “*In the labour contract to be signed according to the fourth paragraph; the definition of work, the form of performance, the term and place of the work, the matters concerning the wage and its payment, the equipment provided by the employer and the obligations regarding the protection of such equipment, the provisions about the communication between the employer and the worker and the special working conditions shall be included.*”

(Paragraph added on 6 May 2016 by Article 2 of the Law No. 6715) “*In the remote employment, workers shall not be subjected to any procedure different than a comparable worker, due to the nature of his/her labour contract, unless a reason justifying discrimination exists. The employer shall be liable to inform the employee of the occupational health and security measures, in consideration of the nature of the work performed by the employee through a remote employment relation, provide necessary training, ensure health monitoring and take necessary measures of occupational security relating to the equipment provided.*”

(The title of this article previously being "On-call employment" was amended as in the text by Article 2 of the Law No. 6715 dated 6 May 2016.)

Paragraph 3

to establish or maintain free employment services for all workers.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- With the amendment to the Labour Law no. 4857 on 06/05/2016, establishing a temporary employment relationship through private employment agencies have become legal in Turkey. Article 7 titled "Temporary labour relation" includes provisions regarding private employment agencies as:

“A temporary labour relation may be established in case of assignment by means of private employment agency or within a holding or at another business connected with the same group of companies

Temporary labour relation may be established by means of a private employment agency, when a temporary worker procurement contract is signed between the private employment agency empowered by the Turkish Employment Agency and an employer and upon the turnover of one of its workers to this employer by signing a temporary;

a) In cases stipulated in the fifth paragraph of Article 13 and Article 74 of this Law, during the military service of the worker and in other cases where the labour contract remains suspended,

b) In seasonal agricultural works,

c) In domestic services,

d) In works which are not considered as the daily business of an enterprise and which the enterprise has the workers carry out intermittently,

e) In urgent works due to occupational health and safety or in case of the emergence of compelling reasons significantly affecting the production,

f) In cases where the average capacity of the goods and services production of the enterprise increases in a manner that will require the establishment of a temporary labour relation and at an unforeseen scale,

g) In case of increase in periodic job opportunities except for seasonal works.

A temporary worker procurement contract may be signed as far as the cases listed in the subparagraph (a) of the second paragraph continue; without any time limit in cases stipulated in the subparagraphs (b) and (c) and in cases stated in the other subparagraphs. This contract may be renewed twice at most provided that it will not exceed eight months in total, except for the subparagraph (g) of the second paragraph. The employer who employs temporary workers shall not employ temporary workers again for the same work, unless there is a period of six months in between.

A temporary labour relation shall not be established for a period of eight months at the business places where workers are made redundant collectively within the scope of

Article 29 of this Law and in public institutions and organizations and at the business places where mines are extracted from the ground, within the scope of the second paragraph of this article.

The employer who employs temporary workers shall not have them work during strikes and lockouts, without prejudice to the provisions of Article 65 of the Law No. 6356 dated 18 October 2012 on Trade Unions and Collective Labour Contract.

The number of workers employed through temporary labour relation within the scope of the subparagraph (f) of the second paragraph shall not exceed one fourth of the number of workers employed at the business place. However, a temporary labour relation may be established for five workers at the business places where the number of workers employed is ten or less. While determining the number of workers, those who are employed through part-time labour contracts shall be converted to full-time workers, with regard to the working period. The worker employed through temporary worker procurement contract shall not be included in the number of workers of the private employment agency and of the employer employing temporary workers, in the application of Article 30.

The employer who employs temporary workers shall not employ a worker, whose labour contract has been terminated, within the scope of a temporary labour relation, unless it has been six months since the date of termination.

A temporary worker shall not receive any advance or debt, to be set off from the employer who employs temporary workers to the service fee of the private employment agency.

The employer who employs temporary workers shall;

- a) be empowered to instruct its temporary worker as required by the work and in compliance with the temporary worker procurement contract.*
- b) be liable to notify the temporary worker of the vacancies at its business place and to preserve the documents to be requested by the Turkish Employment Agency for the determined periods.*
- c) be liable to notify immediately the private employment agency of the work accident and occupational illness of the temporary worker, and the relevant authorities according to Articles 13 and 14 of the Law No. 5510 dated 31 May 2006 on Social Security and General Health Insurance.*
- d) allow temporary workers to benefit from the social services of the business in accordance with the principle of equal treatment, in the periods where temporary workers are employed. Temporary workers shall be allowed to benefit from educational and child care services in the private employment agency when they are not employed.*
- e) be liable to provide the union representative of the business place with the information regarding the state of employment of the temporary workers at the business place.*
- f) be liable to provide training envisaged in the sixth paragraph of Article 17 of the Law No. 6331 dated 20 June 2012 on Occupational Health and Safety, to take necessary*

measures in terms of occupational health and safety and the temporary worker shall be liable to attend these trainings.

The principal working conditions of the temporary worker shall not be below the conditions to be met in case of direct employment by the same employer for the same work, during the working period of the temporary worker at the business place of the employer who employs the worker.

The private employment agency shall be the employer in a temporary labour relation. A temporary labour relation shall be established in writing, by means of the private employment agency, by signing a temporary worker procurement contract with the employer who employs temporary workers. In the temporary worker procurement contract to be signed between the private employment agency and the employer who employs temporary workers, the beginning and ending date of the contract, the nature of the work, the service fee of the private employment agency, the special obligations of the employer who employs temporary workers and the private employment agency, if any, shall be included. No provisions shall be included to prevent the temporary worker from receiving services from the Turkish Employment Agency or another private employment agency or from working at the business place of the employer who currently employs him/her as a temporary worker or of another employer, after carrying out the action of working. The period, after which the worker will be able to terminate the labour contract for justifiable reasons since he/she is not called to work, shall be stated in the labour contract to be signed with the temporary worker. This period shall not exceed three months.

In the temporary labour relation established within the scope of the subparagraph (f) of the second paragraph, the employer who employs temporary workers shall be liable to control whether the salaries of temporary workers employed for longer than one month are paid each month during the period in which the workers are employed and the private employment agency shall be liable to submit the documents showing that the salaries have been paid to the employer who employs temporary workers monthly. If there are unpaid salaries, the employer who employs temporary workers shall not pay its debt owed to the private employment agency until these salaries are paid and shall deposit the salaries of at most three months directly to the bank accounts of workers provided that this amount is set off from the debt owed to the private employment agency. The workers whose salaries are not paid and the amount of unpaid salaries shall be notified by the employer who employs temporary workers to the provincial directorate of labour and labour institution.

In cases where the temporary labour relation continues despite the expiry of the period stated in the contract, a permanent employment contract shall be deemed to be concluded between the employer who employs temporary workers and the worker as of the ending date of the contract. In this case, the private employment agency shall be in charge of the payment of the wage arising from the temporary labour relation of the worker, the debt of surveillance of the worker and the social security contributions provided that it is limited to the term of the contract.”

- “Regulation on the Work of the International Protection Applicant and International Protection Status Owner” was published on the Official Gazette on 26/04/2016. Article 22/1 titled “Vocational Training” reads: *“Applicants or conditional refugees can receive vocational training and on-the-job training at a workplace, in the context of active labour force service provided by Turkish Employment Agency. If these people will work at the same workplace at the end of the training period, the relevant employer must apply for a work permit.”* Applicants for international protection and conditional refugees can participate in vocational training organized by ISKUR. They can also register for as job seeker.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Turkish Employment Agency services are provided free of charge. In addition, private employment offices that act as intermediaries to find jobs and workers in the private sector by obtaining permission from the Authority are real or legal entities for profit within the framework of private sector dynamics. It is regulated by the relevant legislation that the said offices can charge wages from employers for service, but they do not demand any wages from jobseekers.

Regarding the employment services provided by Turkish Employment Agency (ISKUR), registration is the first step to benefit from the services. Job seekers who want to register can apply to ISKUR units in person as well as register online.

Following conditions must be provided for the registration:

- Having completed the age of 14
- Having an Identity Number for the citizens of the Republic of Turkey or foreigner identification number given by the Ministry of Interior for foreigners.

For the most part, the registration is based on the statement. Presenting a certificate that shows the person’s Identity Number is adequate, and in case the statements are unreal, the responsibility belongs to job seekers.

Job seekers desiring to register in the following statuses are supposed to submit the following documents;

- “Medical Board Report” received from authorized hospitals, if they are disabled,
- “Ex-convict certificate” received from relevant units, if they are ex-convict,
- “Medical report” and “command report”, if they are injured who cannot be deemed as wounded in struggle with the terror,
- The document indicating their status under the relevant legislation, if they are prioritised, such as the relatives of martyrs or veterans.

There are no other registration requirements apart from these.

There is no obstacle for anyone who wants to receive services from ISKUR to register to the Agency and apply for job notices.

Foreigners can be directed to ISKUR's vocational and on-the-job training within the scope of projects carried out with international organizations in cooperation with the General Directorate of International Labour Force. In this context, Employment Support for Syrians and Host Communities Project, implemented by the World Bank was launched in 2018. General

Directorate of International Labour Force and Turkish Employment Agency were the beneficiaries of the project. The number of people who benefited from the on-the-job training program within the scope of this project was 11.479. The number of people who received Turkish language education was 1.478.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The figures regarding the people who have been employed by the services provided by ISKUR since 2016 are available in the table below.

Table 5. Job Placement Data between 01.01.2015 - 31.12.2018

Job Placement Data Between 01.01.2015 - 31.12.2018				
Year	2015	2016	2017	2018
Men	628.792	542.184	700.039	811.871
Women	260.848	246.949	357.210	435.317
Total	889.640	789.133	1.057.249	1.247.188

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

1. Information on job placement statistics regarding ISKUR services:

When the data of 2011 and 2014 are analysed, the number of job placements through ISKUR was 363.672 in 2011, whereas this number increased by 48% in 2014 and 701.435 people were employed through ISKUR.

2. The respective market shares of public and private employment services:

In the reference period, private employment services (placements made by Private Employment Agencies) are as follows;

Table 6. Placements made by Private Employment Agencies

	2016	2017	2018
Job Placement	20.589	22.957	16.321

Table 7. Number of people placed in public and private sector

Number of people placed in Public and Private sector between 01.01.2015-and 31.12.2018				
Year	2015	2016	2017	2018
Job Placement Total	889.640	789.133	1.057.249	1.247.188
Male	628.792	542.184	700.039	811.871
Female	260.848	246.949	357.210	435.317
Female Private Sector	259.692	246.236	356.402	434.225
Male Private Sector	620.502	538.331	696.572	806.083
Female Public Sector	1.156	713	808	1.092
Male Public Sector	8.290	3.853	3.467	5.788
Public Sector	9.446	4.566	4.275	6.880
Private Sector	880.194	784.567	1.052.974	1.240.308

Source: ISKUR

Paragraph 4

provide or promote appropriate vocational guidance, training and rehabilitation.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

- **Vocational Training of the Employees**

Vocational training courses are delivered by ISKUR for the employees in order to develop their vocational knowledge and skills and assist them to adapt to new technologies. Courses on the vocational training of employees are organized depending on requests from employers or the labour market. Employees of a workplace may participate in these courses delivered in the workplace in order to develop their vocational knowledge and skills and adapt to new technologies. In the vocational trainings organized for the employees, the lack of experience is eliminated, the employees are qualified and their adaptation to the labour market is ensured. Employers can train the employees they employ without incurring any costs; thus, they can overcome the shortage of qualified personnel through up-skilling of their existing workers.

Pursuant to paragraph 1(e) of Article 5 of the Law No. 5510, the occupational accident and disease and general health insurance premiums are covered during the course period. In accordance with the provisions of the legislation, course completion certificate is awarded to those who complete the courses successfully.

- Job and vocational counselling services are offered by ISKUR. Job and Vocational Counsellors are people who systematically help jobseekers registered with ISKUR to find a job, solve their professional compliance problems, improve their professional skills, change their professions / jobs, inform their employers within the framework of legislation and meet their demands, and students to choose their jobs systematically. With the job and vocational counselling service, the characteristics of the people and the qualifications as well as the conditions required by the vacant positions are analysed and the individual is assisted in choosing the job and profession that best suits his/her wishes and conditions, benefiting from the training opportunities related to the chosen profession, and placing them in the right job. In this context, all of the consultancy services are provided for the employees nationwide free of charge.
- On the other hand, regarding the services provided in the context of education, the procedures and principles regarding the education, training, management and operation of the formal and private formal secondary education institutions affiliated to the Ministry of National Education are carried out in accordance with the provisions of the “Regulation on Secondary Education Institutions of the Ministry of National Education”. The provisions of the “Special Education Services Regulation” and other relevant legislation provisions are carried out on the issues about individuals with special education needs to enjoy their

education rights. Students with special educational needs continue their education in secondary education institutions in order to develop their life skills and meet their learning needs, taking into account their individual differences and competencies, interests, wishes and abilities, and development characteristics.

Students with special education needs who continue their education through full-time integration/mainstreaming follow the education program implemented at the school where they are registered. At the same time, it is compulsory to prepare an individualized education program (IEP) in accordance with the provisions of the “Special Education Services Regulation” and to establish an individualized education program development unit in these schools based on the programs followed by the students. Students' success is determined in accordance with the provisions of the “Ministry of National Education Regulation on Secondary Education Institutions” regarding passing the exams and grades.

Also, transition of students who continue their education through full-time integration to the education fields is carried out in accordance with the e-Guide published by the Ministry on 02.04.2019.

In addition, according to the provisions of Article 26 of the “Special Education Services Regulation”, in the case of opening special education classes that implement a special education program in secondary education institutions providing vocational education in line with the Special Education Evaluation Board Report, the special education programs prepared under the coordination of the General Directorate of Special Education and Guidance Services are implemented.

3. STATISTICS AND OTHER RELEVANT INFORMATION

From 2009 until the end of September 2019, a total number of 3.249 vocational training courses were delivered for employees, 70.111 people in total (58.508 men and 11.603 women) participated in these courses. In the period after 2015 until the end of September 2019, i.e. the reporting period, 44.948 people in total benefitted from vocational training courses, out of which 37.135 men and 7.813 women.

Table 8. Vocational training courses and beneficiaries

Years	Number of Courses	Men	Women	Total
2009	34	387	0	387
2010	297	2.134	416	2.550
2011	430	3.918	1.060	4.978
2012	370	7.410	1.043	8.453
2013	166	3.274	706	3.980
2014	252	4.250	565	4.815
2015	536	11.595	2.266	13.861
2016	409	8.486	1.601	10.087
2017	461	10.915	2.082	12.997
2018	212	5.072	1.385	6.457
September 2019	83	1.067	479	1.546
Total	3.249	58.508	11.603	70.111

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

1. Information on the vocational training, guidance and rehabilitation services for the disabled:

The main priority of ISKUR is to increase employment and fight against unemployment. For this reason, it is crucial to match job seekers to job vacancies properly. ISKUR engages in various activities for the disabled people included among the groups who need specific policies. The main purpose of these activities is to help the social integration of disabled people, increase their socialization and contribution to the production process by including them in working life and increase permanently the employment of disabled people based on the principle that disability does not pose not an obstacle to work.

Job and vocational counselling is one of the fundamental services rendered by ISKUR. Job and Vocational Counsellors are the individuals who help systematically students to choose a vocation, job seekers registered to ISKUR to find a job, solve vocational adaptation problems, develop their vocational skills, change their vocations/jobs and inform employers within the framework of legislation and meet their demands. In order for job and vocational counsellors to provide services more effectively to all job seekers, employers and students registered to ISKUR, it was ensured that each Job and Vocational Counsellor would be assigned for job seekers, employers and a school portfolio to provide them with services by portfolio management and enable every job seeker, employer and school to have an assigned counsellor.

Job and Vocational counselling services help people to choose the most compatible job and vocation with their preferences and conditions by comparing their qualifications with the qualifications and conditions required by the vacant vocations and jobs, and to benefit from educational opportunities concerning the selected vocation and to be employed. At the same time, through workplace visits paid within the scope of employer counselling, employers are provided with some services such as promotion of ISKUR's services, labour demand, information on incentives and realisation of their works related to ISKUR.

The target group of Job and Vocational Counselling services is a group that includes women, youth, the disabled, ex-convicts, long-term unemployed, etc., those who need specific employment policies. Just like other clients, disabled individuals also meet with their Job and Vocational Counsellors, receive information about ISKUR services and they are referred to jobs/vocations compatible with their situation. Moreover, work-force trainings and programmes are provided for disabled individuals who have no vocation to enable them to acquire information and skills for vocations compatible with their interests, needs and abilities.

ISKUR submitted an investment project proposal of "Increasing Disabled Individuals' Employment and Participation in Social Life (**Job Coaching for the Disabled**)" to Presidency of Strategy and Budget of the Presidency of the Republic of Turkey and it was accepted and included in 2018-2020 Investment Programme. Studies for infrastructure of the model have been started in 8 pilot provinces (*Antalya, Aydın, Bursa, Denizli, Eskişehir, İzmir, Malatya, Tekirdağ*) since 2018. Studies for expanding the model with respect to training, method and

implementation in all 81 provinces will be conducted and sustainable employment of disabled individuals will be supported.

A number of studies were carried out to put into effect the model of “Job Coaching for the Disabled”. This model is an effective method used for transition of disabled individuals to employment, adaptation of them to occupation during employment and accordingly sustainable employment of them. Implementation of the model should be evaluated as a process with various stages. The main stages of this process are field visits, trainings, information infrastructure studies, change in general perception/approach, establishment of individual support mechanisms and finally realisation of a matching system based on skills and qualifications rather than disability by increasing general awareness.

The main targets of the Project are to reveal the working potential of disabled individuals by measurement and evaluation instruments, prepare Individual Action Plans (IAP), contact with employers, refer disabled individuals to jobs/vocations depending on their information, skills and competencies and then give them support for adaptation to job in line with their needs through the agency of the “Job Coaches for the Disabled”. Therefore, the aim is to support disabled people to maintain their lives by themselves by including them in social production process, facilitate their transition to employment, enable their social integration and thus help them to create added value for the society.

Activities for the Disabled:

Projects specific to the disabled can be developed in order to ensure the employment of the disabled and facilitate their entry into the labour market, and the content of courses and programmes applied are continuously improved by considering needs of the disabled.

Furthermore, projects enabling the disabled and ex-convicts to set up their own businesses, support technology projects which will enable the disabled to find jobs, projects for the job placement of the disabled and their adaptation to workplace, protected workplace projects and vocational and rehabilitation projects which aim to increase the employability of the disabled are supported through the Commission that is authorised to use the administrative fines collected from employers that do not employ the disabled and ex-convicts.

Information on vocational courses and on-the-job training programmes organised for the disabled that are registered to ISKUR are in the following table.

Table 9. Distribution of the disabled benefitting from vocational training courses and on-the-job training programmes by years and gender

Years	Vocational Training Courses			On-the-job Training Programs		
	Male	Female	Total	Male	Female	Total
2015	2.605	1.846	4.451	500	178	678
2016	1.468	1.090	2.558	738	194	932
2017	1.389	1.079	2.468	900	302	1.202
2018	1.091	824	1.915	1.962	617	2.579
Total	6.553	4.839	11.392	4.100	1.291	5.391

Source: ISKUR

Vocational Training and Rehabilitation Projects:

Within the scope of the Project, the rehabilitation of the disabled by acquiring vocations through vocational training courses and then their integration to labour market are aimed.

Projects can be submitted by legal entities registered to ISKUR, and it is required that legal entities which will submit the project are established in the province in which the project will be implemented (as central office or branch).

The disabled who are unemployed and registered to ISKUR, certify that their workforce loss is minimum 40% through “Medical Board Report for the Disabled” because of losing their physical, mental, psychological, emotional and social capabilities with various degrees, and are not students in formal education (including special trainings and rehabilitation) can participate in the project.

The disabled participating in the courses organised within the scope of project are paid daily allowance of 40 TL (7,05 \$) for courses with employment guarantee and daily allowance of 30 TL (5,29 \$) for the days they attend courses. ISKUR covers general health insurance premiums and compensation insurance premiums from short term insurance branches.

In addition, 474 vocational training and rehabilitation projects were supported by ISKUR between 2015-2018.

Services Provided by the Ministry of National Education

According to the “Special Education Services Regulation”, special education classes that implement a special education program can be opened in preschool, primary, secondary and vocational education institutions. In addition, vocational training schools can be opened for individuals with special educational needs, pursuant to Article 32 of the Regulation.

Also, 43.209 disabled people benefited from lifelong learning courses in 2018.

ARTICLE 9- THE RIGHT TO VOCATIONAL GUIDENCE

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- The promotion of vocational and technical education, orientation and guidance to vocational and technical education, carried out in accordance with the Circular of the Ministry of National Education dated 30.03.2007 and numbered 2007/30 and the Circular of the General Directorate of Vocational and Technical Education dated 15.05.2017 and numbered 2017/16 and the document dated 02.06.2016 and numbered 6108689 are monitored. In this context, "Monitoring and Evaluation Report of the Activities for Promotion of Vocational Education, Orientation to Vocational Education and Guidance" was prepared in December 2018.
- "Regulation on Guidance Services of the Ministry of National Education" was published in the Official Gazette on 10 November 2017. The purpose of this Regulation is to regulate the procedures and principles regarding guidance services at the provincial and district level, the functioning and duties of the guidance services in the guidance and research centres and educational institutions where these services are provided, and the staff working in these institutions.
- The Ministry of National Education "Directive on the Amendment of the Directive Regarding the Recognition of Previous Learning, Equivalence and Measurement and Assessment Procedures" study was carried out and entered into force with the Authority Consent No. 7134043 dated 8.4.2019.
- According to the "Directive on the Procedures and Principles Regarding the Recognition of Previous Learning, Equivalence and Measurement and Assessment Procedures", legislation studies have been completed for the exams to be carried out as e-exams.

Vocational Education Centre students, besides being entitled to obtain the certificate of mastership in order to obtain a diploma, should succeed in the difference courses to be determined by the Ministry through face-to-face education programs or open secondary education institutions to be organized in vocational education centres. Their diplomas are arranged by the institution where they complete the difference courses according to the relevant legislation.

Job and Vocational Counselling Standards

Within the scope of the right to vocational guidance, the national occupational standard and national qualifications prepared in 2011 regarding the job and vocational counselling profession were revised. In this context:

Revision no. 1 of Job and Vocational Advisor National Occupational Standard (11UMS0143-6, Level 6) have been prepared by Turkey Human Resource Management Association and Turkish Employment Agency (ISKUR), in coordination of Vocational Qualifications Authority (MYK) and verified by MYK Business Management Sector Committee. The revised standard entered into force after being published on the Official Gazette No. 30255, dated 29.11.2017.

Revision no. 2 of Job and Vocational Advisor National Occupational Standard was prepared by Turkey Human Resource Management Association and Turkish Employment Agency (ISKUR) and entered into force by the approval of MYK Board of Directors, no. 2018/27 dated 21.02.2018

2023 Education Vision

An integrated structure for vocational and technical education is planned to be established in order to form a system compatible with the 2023 Education Vision objectives, aiming to change the existing social perception towards vocational and technical education, determining the professional interests and abilities of the students and directing the children and their families accordingly, reducing academic course intensity, updating the contents of the vocational courses, increasing on-the-job training opportunities of teachers, making the infrastructure and equipment of schools compatible with the rapidly changing and developing technology through the use of national and international sector and public financial resources, providing graduates with priority in employment and applying different wage policies, making the sector more involved in vocational and technical education processes, increasing the opportunities of cooperation with sector leaders, implementing sectoral cooperation protocols at national and international level and projects that may be good practice models, and enabling the graduates' transition to higher education in their fields.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Lifelong Guidance

- One of the priorities of the “Lifelong Learning Strategy Document (2014-2018)” is the development of the Lifelong Guidance system. In this context, the Development of Lifelong Learning II Project was launched. In order to develop a Web-Based LLL Guidance Information System, an International Conference on LLL Guidance has been organized, competencies for LLL Guidance Experts have been determined and studies to develop a Web-Based System have been initiated.
- The lifelong guidance system will continue with public and private sector cooperation. It is planned to develop lifelong guidance materials and tools and to establish lifelong guidance desks. The development of the system will continue based on collaborations. The Lifelong Learning Web Portal was completed in the strategy document period, 2014-2018.

Lifelong Learning Portal

- It allows the people who want to develop a new profession or skill, to access to lifelong learning activities from a single point. With the Lifelong Learning Portal, individuals can get information in the sections of "Learning Opportunities", "Employment Opportunities" and "Career Guidance", and they are informed about the employment opportunities offered by ISKUR.

- The Lifelong Learning Portal can be reached at www.hbo.gov.tr as of 01.01.2018, with information on over 3.000 free courses and training programs, formal and non-formal education and guidance institutions for every age group offered by public education centres.
- The portal was visited by 280.268 people between 01.01.2018 and 09.07.2018, and a total of 534.962 page views were made. In addition, e-learning content that enables distance learning, which is the necessity of the era, has been broadcast under LLL TV, and new content is added to the portal every day.
- In this context, the following services have been provided:
 - In cooperation with the State Personnel Presidency, access to all public personnel recruitment announcements has been provided.
 - Access to support and services provided in cooperation with the Small and Medium Enterprises Development and Support Administration (KOSGEB), under the title of Employment Opportunities, aiming to improve the competitiveness of small and medium sized enterprises and entrepreneurs who want to start their own business.
 - Entrepreneurship and professional development opportunities provided in cooperation with the Turkey Union of Chambers and Commodity Exchanges (TOBB), under the in title of Employment Opportunities.
 - Information on foreign education opportunities such as PLOTEUS, Erasmus, and Eurodesk, provided in cooperation with the National Agency.
 - Training videos prepared within the scope of the Literacy Campaign were broadcasted on LLL TV.
 - In cooperation with the Vocational Qualifications Authority (MYK), information on National Qualifications, National Vocational Standards Vocational Qualification Certificate have been provided under the title Career Guidance.
 - In cooperation with the Ministry of Culture and Tourism, e-Materials (video, audio, e-book) for the Vocational Tourism Education program are provided on the portal, under the title of Learning Opportunities.
 - Access to the Turkish Language Teaching Portal, prepared by Anadolu University, is provided.
 - The e-Government integration of the Lifelong Learning Portal with the cooperation of the Prime Ministry, the Ministry of Transport, Maritime Affairs and Communications has been achieved as of 26.06.2018.

Uni-Veri Project

- Uni-Veri is a national study conducted by the Human Resources Office of the Presidency of the Republic of Turkey that reveals the performances of the departments of the universities in Turkey on the basis of employment rates of graduates within 12 months after graduation, average initial wages of the graduates, quality mismatch (*whether the graduates are working in occupations appropriate to their level of education*) and rate of employment in public sector.
- The website can be accessed through <https://www.cbiko.gov.tr/en/projects/uni-veri> and information about the methodology of the study can be found here: https://www.cbiko.gov.tr/cms-uploads/2019/09/method_univeri.pdf

- The main purpose of Uni-Veri Project is to facilitate the career choices of Turkish youth. In this respect, it aims to assist the university candidates during their decision-making processes by providing information about the employment rates, wages, the average time spent looking for employment after graduation, qualification mismatch and rate of employment in public sector.
- Uni-Veri is prepared by combining the data of graduates from the Higher Education Institution and employment data from the Social Security Institution and covers the period of 2014-2018.
- It is a resource that can be directly benefited from by university graduates, current and future students and professionals.

At the same time, Uni-Veri brings the needs of higher education to the attention of policy makers with its detailed results.

“My profession is my life” Portal

“My profession is my life” portal has been created by the Ministry of National Education to bring together the work done in order to contribute to the training of qualified workforce in areas needed by the business world and to ensure that the education-employment-production connection is carried out on a solid ground.

Occupational Guidance Days

With the "Occupational Guidance Days" activities launched by ISKUR in 2015; it is aimed to help students before their university choices, to eliminate the negative effects of wrong choice of profession, to increase the awareness and recognition of the Institution and to stand by the young people in their career path.

In the Occupational Guidance Days, occupations, including the 9 most preferred professions at the university level are presented to students by the professionals themselves. Since its start, more than 100 thousand students have participated in these events.

Table 10. Participants in the Occupational Guidance Days

Year	Participants (students)
2015	31.150
2016	16.102
2017	34.442
2018	20.246
Total	101.940

Journal of Support for Choice of Profession

1 million issues of the Journal of Support for Choice of Profession are distributed in schools during seminars in the scope of job and vocational counselling services to improve the employability of the workforce, to support the unemployed and those who are at the stage of career choice to the profession and job and career planning, and to improve the knowledge of the students, parents and teachers on career options. The journal can also be accessed through the official website of ISKUR at <https://www.iskur.gov.tr/yayinlarimiz/> .

Vocational Information Centres

Vocational Information Centre is a place where information about professions and training places can be accessed, and provide information to those who are at the stage of choosing an occupation and training place.

The following groups can benefit from the Occupational Information Centres:

- Those who are in the profession selection stage,
- Those who want to learn about the professions taught in vocational training centres and vocational courses,
- Adults who want to progress in their profession and change their profession,
- Counsellors, school administrators, parents and anyone who wants to get to know about professions and education opportunities.

Vocational Orientation Battery

Some assessment and evaluation instruments are used within the scope of counselling services to help individuals to identify their personal characteristics. The Agency (ISKUR) uses the Vocational Orientation Battery as a complementary instrument of this service.

The purpose of applying Vocational Orientation Battery is to support individuals about realizing and developing their interests, tendencies, and skills, thus help them to clear up their options visualizing their vocational alternatives. This instrument aims at helping individuals to learn about different vocations and their own personal traits, and find the most appropriate vocation for themselves. People can come to the Agency to try out this test and evaluate its results with job and vocational counsellors of the Agency.

Table 11. Vocational orientation battery counselees

Years	VOB Counselees
2015	6.465
2016	7.075
2017	8.420
2018	5.863
Total	27.823

Professional Information Booklets

Aiming to support students in their career choice processes and other career development paths, ISKUR has added updated vocational information booklets to its service portfolio. In this context, 8 vocational information booklets have been designed to provide information about 250 occupations. Occupational information in the booklets is summarized from occupational information files.

The vocational information booklet was illustrated according to the characteristics of the target audience, and a spot sentence was added for each profession.

It is planned to publish online versions of vocational information booklets and distribute the printed versions to schools, students and guidance teachers. Job and Vocational Counsellors will also benefit effectively from the booklets during the consultancy services for students. (https://media.iskur.gov.tr/17257/mbk_5.pdf 1-8)

3. STATISTICS AND OTHER RELEVANT INFORMATION

Promotion of Vocational Education, Orientation to Vocational Education and Guidance Studies

According to the “Monitoring and Evaluation Report of the Activities for Promotion of Vocational Education, Orientation to Vocational Education and Guidance” prepared by the Ministry of National Education in December 2018, the following activities were carried out by provincial/district and school/institution directorates within the scope of vocational education, orientation to vocational education and guidance, in the 2016-2017 academic year:

- 660 programs were conducted in 48 provinces to promote vocational and technical education on national and local televisions in order to inform middle school students and their parents.
- 18.603 visits were made in 78 provinces (out of all 81) to vocational and technical secondary schools/institutions in order to inform secondary school seniors and their parents. A total number of 603.665 people, including 487.231 (41%) of secondary school seniors, 76.639 (7%) of parents and 39.795 (12%) of teachers, participated in these visits.
- 3.256 sector trips were organized in 60 provinces to inform middle school seniors. 343.797 (29%) of the middle school seniors attended the sector trips organized.
- Vocational and Technical Education Promotion Film (*also on the website of the General Directorate of Vocational and Technical Education of MoNE*) was watched by 1.406.382 people in 79 provinces with activities organized in 9.606 (54%) secondary schools and 3.253 (90%) vocational and technical secondary schools. 493.404 (42%) of secondary school senior students, 581.795 (34%) of vocational and technical secondary school students, 119.297 (10%) of secondary school senior students' parents, 107.762 (%6) of vocational and technical secondary school students' parents, 53.478 (16%) of secondary school teachers, 50.646 (38%) of general knowledge, workshop and laboratory teachers working in vocational and technical secondary education institutions watched the film.
- 93.199 posters, 859.074 brochures, 89.290 magazines/newspapers and 7.723 billboards were prepared in 71 provinces to promote vocational and technical education.
- 13.497 conferences, panels and/or seminars and 1.499 competitions were organized in 69 provinces to promote vocational and technical education for middle school seniors and their parents. A total of 607.840 people, 467.491 (40%) of secondary school senior students, 98.973 (8%) of parents, 41.376 (13%) of teachers attended the conferences, panels or seminars organized.
- 5.125 conferences, panels and/or seminars were organized in 67 provinces in order to introduce the required professional fields, business lines, employment status, wages, job opportunities, developed and potentially developing sectors for secondary school students and their parents.

- 5.199 conferences, panels and/or seminars and 2.322 contests were organized in 67 provinces in order to introduce the professional fields, business lines, employment status, wages, job opportunities, developed and potentially developing sectors for the vocational and technical secondary education students and their parents.
- 5.855 conferences, panels and/or seminars have been organized in 67 provinces in order to introduce vocational and technical secondary education students and their parents on vocational and technical education programs in Turkey and abroad.
- The number of students attending the Vocational Training Centre Program is 111.546, 1.993 of whom are foreign nationals.
- The number of schools/institutions implementing the Vocational Training Centre Program is 323.
- 154.371 people applied to Vocational Training Centres within the scope of Previous Learning Recognition. 102.736 of them received their certificates.

As of 4 November 2019, 838 National Professional Standards and 485 National Qualifications were approved and entered into force within the scope of Vocational Qualifications Authority (MYK) activities. A total number of 791.159 MYK Professional Competence Certificates were issued through 213 Authorized Certification Bodies authorized by MYK to conduct exams and certification.

In addition, there are 5 Authorized Certification Bodies to conduct exams and certification in the National Qualification of Job and Vocational Counsellor. The total number of MYK Vocational Qualification Certificates issued for the Job and Vocational Counsellor national qualification is 21.601.

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

1. Equal access of foreign nationals to vocational guidance within the education system.

Vocational guidance services applied in schools within a program are offered to all students without discrimination.

Foreign citizens in the higher education system also have equal access to vocational guidance and career services at universities.

In addition, 200 posters and 5.000 brochures were printed in Turkish and Arabic languages for the promotion of the apprenticeship training system, within the scope of the Project for Orienting Syrians under Temporary Protection to Apprenticeship Training Programs by ILO. 5.000 more brochures, 3.500 of which were in Turkish and 1.500 of which were in Arabic, have been distributed to the provinces participating and not participating in the project.

Within the scope of the Protocol signed between the Ministry of National Education and UNICEF, in line with the program titled "Child Rights and Work Principles", studies have been carried out to make Psycho-Social Support Modules, guide teachers' manuals and the documents used by guide teachers in guidance services in schools, suitable for the needs of

students studying at Vocational Education Centres, through workshops held in Istanbul (29) and Mardin (30) with the participation of guide teachers.

2. Information on the guidance services and providers.

- Job and Vocational Counselling Services by Turkish Employment Agency

Job and vocational counselling is one of the primary services offered by Turkish Employment Agency (ISKUR).

Job and Vocational Counsellors provide the following services within a program:

- The counsellors help job seekers registered at ISKUR to find a job, solve their professional compliance problems, improve their professional skills, change their professions/jobs,
- They provide information to the employers within the framework of the legislation and meet their demands,
- Help the students choose the most appropriate profession.

Each consultant is assigned with a portfolio of job seeker, employer and school and consultants provide this service through portfolio management, in order to reach out all job seekers, employers and students and so that every unemployed person, employer and school has a consultant.

With the job and vocational counselling service, the capabilities/skills of individuals are compared with the qualifications and conditions required by the occupation and the job, and the individual is assisted to choose the job and profession that best suits his/her preferences and position, to benefit from the training opportunities related to the chosen profession, and to place them in the right job. At the same time, within the scope of employer consultancy, through workplace visits, ISKUR services are introduced, labour demand is received, information is given about incentives, and assistance is provided in conducting ISKUR related tasks.

Job and Vocational Counsellors provide information about vocational counselling services by visiting schools, interviewing school administrators and guidance counsellors, and discussing cooperation to enable students to benefit from these services. Promotional activities are also supported by posters and brochures.

Institutional services are provided to the students who will choose a field/branch, who need information and assistance in the post-secondary education program preferences, and to university students who are at the career planning stage, during their visits to the institution's service centres and educational institutions. Individual interviews in the scope of vocational counselling are held with students who want to know better themselves, professions and educational opportunities and to have more detailed information about professional orientation.

Vocational counselling group interviews are held with students in meeting halls of educational institutions, vocational information centres etc., with the aim of providing information on the importance of the choice of the profession and the points to be considered in this phase, professions, vocational education opportunities, higher education options etc. group talks are held.

The students are explained the importance of the choice of profession and the points to be considered in the choice of profession, detailed information about vocational education opportunities and higher education options is given and students are informed about the professions. In addition, parents are informed about the importance of career choice through group interviews at schools.

- In addition to the services of the Turkish Employment Agency (ISKUR), guidance services are provided by guidance teachers and classroom guidance teachers working at schools.

A guidance service is established to carry out guidance services in public and private, formal and non-formal education institutions.

“Guidance teacher” is the staff who performs guidance services in educational institutions as well as guidance and research centres. (*The classroom guide teacher carrying out the guidance services of a class, the classroom teacher in primary schools, the branch guide teacher in secondary schools and the classroom guide teacher in high schools.*)

- Regarding the guidance services in universities, Career Centres at universities provide services in the fields of Career Counselling, Assessment and Evaluation, Education Programs, Career Information System, Relations with Business Life, Research and Publication, Student Clubs and Internships, in line with the general purpose of developing career planning skills of students and graduates. Activities such as Personal Development Days, Business Areas Promotion Days, Career Fairs, Corporate Promotion Days and some other type of fairs are organized by these centres. In the transition period to higher education, during the preference period, publicity days are organized by the universities for candidate students, and services are provided to students for vocational guidance outside the university.
- Although not directly responsible for providing vocational guidance, Vocational Qualifications Authority (MYK) National Europass Centre shares information on job search methods, identifying career goals and roadmap for access to the profession, developing resumes suitable for the skills and competencies, and how to access vocational guidance, with students, teachers and school managers, job seekers, employees, and employers, in cooperation with public institutions in various provinces of Turkey.

3. Vocational guidance services provided by teachers/counsellors within the education system.

Within the scope of vocational guidance services, individual and group guidance services are carried out for students to get to know themselves, to recognize the professions, to better coordinate their personal characteristics and the qualifications required by the professions.

Guidance services according to educational levels:

(1) There are five categories of guidance services according to the education level:

a) *Guidance services in preschool period:* It is carried out within the scope of educational, vocational and personal/social guidance services for the socialization of the child, adaptation studies for the child to be ready for primary school, gaining social skills to express themselves,

developing positive self-perception and positive attitudes towards the professions and family guidance.

b) Guidance services at the elementary school level: the student's adaptation to the school, developing a positive attitude towards educational environments and learning; acquire cognitive skills to learn how to learn and to convey what they have learned; develop social skills such as developing strategies for effective learning, recognizing emotions, expressing themselves and coping with difficult life events. It is carried out within the scope of educational, vocational and personal/social guidance services to support personality development and professional development.

c) Guidance services at secondary school level: The student's orientation towards elective courses, educational and social clubs and hobbies in line with their interests, abilities and personality characteristics; recognize her strengths and weaknesses and recognize the aspects that need improvement. It is carried out within the scope of educational, vocational and personal/social guidance services in order to recognize and adapt the developmental period features.

d) Guidance services in high school education: Preparing the student for maturity by evaluating the individual characteristics of the student, realize their values and establish a link between their own values and social values. It is carried out within the scope of educational, vocational and personal/social guidance services in order to be willing to continue to higher education institutions and to turn to a suitable area, prepare for business life and acquire a profession.

e) Guidance services in non-formal education: the pre-vocational education, preparation for business life, acquiring a new profession, the importance of transferable skills in business and professional life, supporting life-long learning by considering the characteristics, needs, expectations, environmental conditions, socio-economic and cultural characteristics of the individual. It is carried out within the scope of educational, vocational and personal/social guidance services.

4. Information on the staff providing counselling services at schools

Guidance teachers work at schools/institutions affiliated to Ministry of National Education (MoNE) and provide free services in the scope of the programs explained above. In addition, all other teachers at schools/institutions affiliated with MoNE take duties and responsibilities in the implementation of vocational guidance services.

Table 12. Number of Teachers and Psychologists Working in Guidance Services at Public Schools Between 2015-2018

Year	Teachers
2015	29.457
2016	31.458
2017	32.237
2018	32.138

5. Guidance counsellors' qualifications and activities to improve the qualifications.

Job and Vocational Counselling services consist of services provided by qualified people after the qualifications are determined under certain conditions.

In general, comprehensive services are provided for jobseekers, employers and students in the labour market, and apart from the educational guidance services, they carry out informative activities on the labour market (vocational information and guidance).

The National Qualification of Job and Vocational Counsellor (Level 6) has been prepared in accordance with the provisions of the "Regulation on the Preparation of National Occupational Standards and National Qualifications" enacted in accordance with the Law no. 5544 by the Vocational Qualifications Authority (MYK). According to the Job and Vocational Consultant National Qualification, the validity period of the qualification certificate is 5 years from the date of issue. At least 2 times in the validity period of the document, professional competency performance report/service notification form for the ones working independent, are requested. In the renewal of the document, a theoretical exam including specific updated information is made.

At the end of the document validity period, the performance of the document owner is evaluated by using at least one of the methods described below and the document validity period is extended for another 5 years:

- a. As a job and vocational consultant within the validity period of the document;
 - Offering official records that he/she has been working for at least 2 years in total, or official records that he/she is currently working in the past 6 months
 - To present a portfolio containing at least 5 client interviews, 5 employer interviews and 3 educational institution interviews,
- b. Taking the A1 qualification unit theoretical exam and performance based exams defined within the A2 and A3 qualification units and completing the processes successfully.

Table 13. Information on the trainings provided for Job and Vocational Counsellors working in ISKUR

Training Title	Duration (Hours)	Number of Participants
Job and Vocational Counselling Vocational Training Course	360	2.705
Orientation Training of Job and Vocational Counsellors	320	1.987
Model Office Plan Preparation Training	24	60
Training on "Quality Measurement for Lifelong Guidance; Monitoring and Tracking Systems"	12	8
Job Consultancy Training / Women Employment Support Operation	40	11
Vocational Orientation Test Battery Training / UMEM Project	8	13
Labour Force Analysis Report and Demand Research Newsletter Preparation Training	16	182
Programme for the International Assessment of Adult Competencies (PIAAC) Pilot Study Training	14	175

Training for the Preparation of the Labour Market Research Report at the Local Level	40	169
Active Workforce Programs Monitoring Model	16	105
Basic Education of Child Labour with a Child Rights Perspective	6	6
Vocational Orientation Battery, Vocational Research and Class Interview Training	14	199
Where are we in lifelong guidance services: European Resource Kit Training	12	48
Communication Strategy Document Training	16	25
Socioeconomic Indicators System Training	12	36
Labour Market Research Reporting Training	40	175
Youth Employment Training	40	100
Effective Consultancy Service Training / Development of Public Employment Services Project	40	696
PIAAC Main Field Study Training	17	290
Sign Language Basic Education	56	360
Training of Trainers for the Green Crescent: Substance Abuse and Substance Addiction Career Planning	12	120
Training of Trainers for Vocational Orientation Battery	9	122
AFAD Training Trainers Basic Disaster Awareness	30	114
Training of Trainers: Group Meetings	18	60
Entrepreneurship Training Program Application Evaluation and Selection Training / More and Better Jobs for Women Project	7	30
Training of Trainers: Employer Consultancy	24	375
Increasing Employability of Individuals with Disabilities Project	40	75
Women's Employment Action Plan Training / More and Better Jobs for Women Project	14	175
Job Clubs Leadership Training	30	90
Education on the Metal Industry / METAD Project	18	73

ARTICLE 10 – THE RIGHT TO VOCATIONAL TRAINING

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

Paragraph 1

to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Turkey has made some reforms in both vocational secondary education and vocational and technical higher education, in order to improve vocational education. In this context, amendments have been made in Vocational Education Law no. 3308 and other laws, with the Law no. 29913 dated 9.12.2016. With these regulations, the term “internship” was defined for the first time, it was decided that at least 30% of the minimum wage would be paid to all students who do vocational education and internship, and it was decided that 1/3 or 2/3 of these fees would be paid to the enterprises by the State. In addition, all students doing vocational training and internships in the companies were insured against work accidents and occupational diseases under the umbrella of the national social security system managed by the Social Security Institution (SGK).

In order to encourage vocational education, graduates of vocational and technical secondary education institutions were able to study in the associate degree programs as a continuation of their graduation areas, in accordance with the subparagraph of article 45 of Law No. 2547 since 2002.

However, since as expected outcomes could not be achieved, with the Law No. 6764 published in the Official Gazette no. 29913 dated 9.12.2016, the application without exam was eliminated in the placement of graduates of high schools who applied a vocational program in higher education to the associate degree programs.

In line with the criteria set by the Higher Education Council in accordance with paragraph 1 of Article 46 of the Law No. 2547, education support has been provided per student outside the general school budget in order to further improve the vocational skills of Vocational School students established in Organized Industrial Zones, since 2018.

With this support, it is aimed to strengthen university-industry cooperation by increasing the profile of Vocational High School graduates in the industry and business world, increasing students' job skills and getting to know the job market, improving applied education and workplace education in Vocational High Schools.

According to the Additional Article 37 of the Law No. 2547, "Associate Vocational Schools Coordination Board" has been established in vocational and technical higher education, in order

to increase the university-industry coordination. The Associate Vocational Schools Coordination Board makes opinions and suggestions regarding the determination of standards for the opening of vocational schools and programs, the development and monitoring of existing programs, the employment of graduates and the completion of undergraduate degrees. The Coordination Board is composed of a school principle selected by the Inter-university Council among associate vocational school principals, and four members at least the general director level representing Ministry of Industry and Technology, Ministry of National Education, Vocational Qualifications Authority (MYK) and Turkish Union of Chambers and Commodity Exchanges (TOBB).

According to the Additional Article 36 of the Law No. 2547, “Higher Education Programs Advisory Board” was established to provide opinions and suggestions in the processes regarding the establishment and development of employment oriented policies in the field of higher education (undergraduate) and the planning of new educational programs and quotas. Under the chairmanship of the President of the Higher Education Board (YÖK), the board consists of seven members at least the general director level, representing the Presidency Strategy and Budget Office of the Presidency of the Republic of Turkey, Ministry of Industry and Technology, Ministry of Treasury and Finance, Ministry of National Education, Ministry of Health, Social Security Institution (SGK) and Turkish Union of Chambers and Commodity Exchanges (TOBB).

With the regulation published in the Official Gazette No. 30091 dated 9.06.2017, it has become possible to open double major programs between associate degree diploma programs and other associate degree programs carried out in the same higher education institution and to have the opportunity to study in the second major diploma program. It is aimed at increasing the demand for Vocational Schools, having a positive effect on student quality.

Pursuant to the Provisional Article 74 of the Law No. 2547, students who are trained at the undergraduate level in science and engineering are supported and encouraged to have one-semester practical training in private sector enterprises, technocities, research infrastructures, R&D centres or industrial organizations.

National occupational standards and national competencies for 48 occupations in the "Communiqué on Occupations with the Vocational Qualification Authority Vocational Qualification Certificate Requirement" have been matched with the programs that were taught in the previous years in vocational and technical secondary schools and with field/branch education programs still in education.

The following provisions are included in the Articles 252, 254 and 255 of the “Presidential Decree No. 4”.

Regarding the harmonization of secondary and higher education programs related to vocational and technical education and training with national occupational standards:

- Article 252- (4) Secondary education and higher education programs related to vocational and technical education and training are harmonized with the relevant national occupational standards within one year by the Ministry of National Education and universities, and education and training are provided according to these programs.

Regarding the accreditation of education and training programs, which are among the duties of MYK, as specified in Article 240:

- Article 254- (1) Accreditation of education and training institutions and programs in the field of national occupational qualifications is carried out by the institutions.
(2) Professional Competency Certificate is given to the graduates from accredited education and training institutions in accordance with the professional qualifications they have gained.
(3) The procedures and principles regarding the accreditation of education and training institutions and programs in the field of national occupational qualifications and the determination of educational accreditation institutions, and the certification of graduates from accredited educational institutions are regulated by the regulation issued by the Authority.

Secondary legislation studies for the accreditation of education and training institutions are ongoing. Therefore, activities on the subject have not been initiated yet.

As regards Turkey Qualifications Framework:

- Article 255- (1) Transactions relating to the establishment, development and updating of Turkey Qualifications Framework are carried out by the Authority. (Authority stands for the Vocational Qualifications Authority, i.e. MYK in short)
(2) All qualifications with quality assurance are included in the Turkey Qualifications Framework. The criteria for ensuring quality assurance of qualifications are determined by the Authority. Advisory, decision making and implementation boards, commissions and working groups can be formed consisting of representatives of the Ministry, Ministry of National Education, Higher Education Council (YÖK), MYK and other related parties, for the formation and implementation of Turkey Qualifications Framework. Principles and procedures for the establishment and operation of these units, the quality assurance criteria, determination of institutions and organizations that will determine the quality assurance and implementation of Turkey Qualifications Framework will be determined by the regulation which will be put into effect by the decision of the President.
- Turkey Qualifications Framework entered into force with the publication of the Regulation on Principles and Procedures for the Implementation of Turkey Qualifications Framework in the Official Gazette No. 29.537, dated 19.11.2015, by the Council of Ministers Decision No. 2015/8213.

Vocational Training Examinations

In line with the Directive Regarding the Procedures and Principles for Recognition of Previous Learning, Equivalence and Measurement and Assessment Procedures, studies have been initiated to conduct the journeymanship and mastery theoretical exams as e-exams. In this context, the pilot application was carried out on 28.04.2019 in Ankara e-exam centre in the field of Food and Beverage Services (Cookery, Cake and Dessert Making, Service branches).

After the pilot application was completed, 25.282 questions were prepared and their entries into the system were completed for the e-exam to be conducted in 142 branches and 27 fields in vocational education centres. E-exam system started to be implemented in December 2019.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

• Special Education Vocational Schools

Vocational education service is provided in special education vocational schools in order to provide students with mild mental disability and autism with special educational needs in order to gain skills related to work and occupation.

Special Education Vocational Schools have been established in order to improve the basic life skills of individuals who have completed primary education, are unable to attend general and vocational secondary education programs, and who need special education and younger than 23 years of age, to ensure their adaptation to society, and to provide them with knowledge and skills for work and profession. The program duration of these schools is four years, and it is aimed that individuals in need of special education will be prepared for life by learning the necessary knowledge, skills and behaviours, and working together, and they will have a profession that will both make them happy and contribute to the society.

15 vocational programs prepared in 2015-2016 academic year in Special Education Vocational Schools have been put into practice. After 2015, programs for 3 occupational fields were prepared and the program for 18 fields started to be implemented in the schools. In addition to these, programs related to 2 professions have been prepared for students with intellectual disability and visual impairment.

The programs are of great importance in terms of being the first systematic programs for the disabled, aimed at training professional staff with professional qualifications in the field of vocational education.

• 10th Development Plan (2014-2018)

The 10th Development Plan was accepted by the Grand National Assembly of Turkey on 01.07.2013 and covers the period 2014-2018. The main titles of the 10th Development Plan are “Qualified person, strong society”, “Innovative production, stable high growth”, “Liveable spaces, sustainable environment” and “International cooperation for development”.

The related Articles of the plan are as follows:

15. The harmony between the education system and the labour market will be enhanced by gaining the skills and competencies required by business life with the perspective of lifelong learning, the acquisition of the entrepreneurship culture, and strengthening the school-business relationship in the vocational and technical education, taking into account the medium and long-term sector projections,

17. In vocational and technical education at secondary and higher education levels, program integrity will be ensured and applied education will be emphasized in raising qualified workforce.

- **Ministry of National Education Strategic Plan (2015-2019)**

Strategic Purpose:

It is another priority of the Government to increase the quality of vocational education in order to train qualified personnel in the professions and fields required by the business World and to ensure that the education-employment-production connection is carried out robustly.

Strengthening vocational and technical education

The management structure and curriculum of vocational and technical education institutions will be developed in such a way as to intensify cooperation with the sector in the fields of skills needed by the business world.

- In vocational and technical education, proficiency based modular teaching programs are implemented. The programs are prepared and updated by commissions formed with the participation of the sector, relevant non-governmental organizations, university representatives, field experts and professional staff. Framework education programs, weekly course schedules and annexes for 53 fields and 199 branches have been implemented starting from the 9th grade.
- In line with the updated and implemented curriculum, issues related to occupational health and safety, values are reflected in the individual learning material.
- In 2017, the changing needs of the special education vocational programs were analysed and studies for updating were carried out in line with these needs.
- In the inspections of provincial and district education directorates carried out by the Ministry of National Education, studies to ensure and develop the vocational and technical education-employment relationship at local level and to carry out the works and processes related to apprenticeship education are supervised, and suggestions are made for the efficient and appropriate execution of the works and procedures.

Uni-Veri Project

- Uni-Veri is a national study conducted by the Human Resources Office of the Presidency of the Republic of Turkey that reveals the performances of the departments of the universities in Turkey on the basis of employment rates of graduates within 12 months after graduation, average initial wages of the graduates, quality mismatch (*whether the graduates are working in occupations appropriate to their level of education*) and rate of employment in public sector.
- The website can be accessed through <https://www.cbiko.gov.tr/en/projects/uni-veri> and information about the methodology of the study can be found here: https://www.cbiko.gov.tr/cms-uploads/2019/09/method_univeri.pdf
- The main purpose of Uni-Veri Project is to facilitate the career choices of Turkish youth. In this respect, it aims to assist the university candidates during their decision-making processes by providing information about the employment rates, wages, the average time spent looking for employment after graduation, qualification mismatch and rate of employment in public sector.

- Uni-Veri is prepared by combining the data of graduates from the Higher Education Institution and employment data from the Social Security Institution and covers the period of 2014-2018.
- It is a resource that can be directly benefited from by university graduates, current and future students and professionals.

At the same time, Uni-Veri brings the needs of higher education to the attention of policy makers with its detailed results.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Table 14. Number of Students in Vocational and Technical Schools

Number of Students in Vocational and Technical Schools			
Years	Total	Number of Students (public and private)	Number of Students with Disability (public and private)
2015-2016	1.881.127	1.854.318	26.809
2016-2017	1.848.720	1.824.090	24.630
2017-2018	1.795.188	1.769.706	25.482
<i>Vocational open high school students not included.</i>			

In 2018-2019 academic year, a total of 1.476.169 students study in vocational and technical secondary education schools/institutions (*Vocational and Technical Anatolian High Schools, Multi-Program Anatolian High Schools and Vocational Education Centres*) affiliated to the Ministry of National Education, 26.213 of whom are inclusive (special education) students. 130.774 teachers work at these schools/institutions.

There are special education classes in 1.649 branches of 539 schools (*Vocational and Technical Anatolian High School and Multi-Program Anatolian High School*) affiliated to the Vocational and Technical Education Directorate in the 2018-2019 academic year. In these classes, a total number of 4.417 students are studying.

By taking into consideration the average employment rates of the graduates of vocational schools in recent years, quota reduction has been made in some programs and the quota has been increased in some of the associate programs, considering the demands of the labour markets. The increase in occupancy rates in vocational schools continued this year and reached 91%, as this increase was made according to a plan in line with the goals set.

A total of 5.159 students enrolled in science and engineering undergraduate programs were provided scholarship for training in the industry; 1.998 students studying at 12 state universities for the fall semester of the 2018-2019 academic year; and 3.161 students studying at 21 state universities for the spring semester. With the support of ISKUR, students were paid 35% of the net amount of the minimum wage in return for each month of education in the industry in order to increase the applied workplace training.

Table 15. Budget allocated from the central government budget for the General Directorate of Vocational and Technical Education (Ministry of National Education) by years

Years	Budget (TL)
2015	8.227.095.186
2016	11.003.296.670
2017	13.250.426.335
2018	12.463.432.000

Table 16. Budget allocated to the General Directorate of Lifelong Learning

Years	Budget (TL)
2015	1.667.287.938
2016	1.870.983.400
2017	2.381.585.897
2018	1.895.299.000

Table 17. Higher Education Institutions General Placement Rates of Students Studying in Vocational and Technical Secondary Schools / Institutions According to Program Types

Program Type	2015	2016	2017	2018
Associate Degree (Without Exam) **	24,13	20,50	-	-
Associate Degree (With Exam)	5,69	6,03	15,09	17,08
Associate (Total)	29,82	26,53	15,09	17,08
License (Undergraduate)	6,82	6,08	6,05	4,97
Distance education faculty	9,92	8,74	5,51	6,39
Total	46,56	41,35	26,65	28,45

Vocational and technical secondary education schools / institutions affiliated to Vocational and Technical Education General Directorate, General Directorate of Special Education Institutions, General Directorate of Special Education and Guidance Services, and the Lifelong Learning Directorate General are included.

Since 2017, placement of vocational high school graduates in higher education associate degree programs without an examination has been abolished.

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

1. Information about the outcome of the implementation of Turkish Vocational and Technical Training Strategy Paper and Action Plan (2014-2018)

- Measures to make general secondary education and general higher education qualifications relevant from the perspective of professional integration in the job market.

In line with the updated/newly prepared framework curriculum, standard equipment lists, needs analyses and architectural layout plans are prepared for equipping branch offices and laboratories of vocational and technical school institutions, as well as application hotels, pensions, and kindergartens in accordance with sectoral and technological developments were shared on the website of the Ministry of National Education.

(<http://mtegm.meb.gov.tr/TR/mimari/index.html>,
<http://mtegm.meb.gov.tr/TR/standartdonatim/index.php?s=listeler.2020-02-07>)

The programs are constantly updated. Furthermore; for the technological equipment, which comply with the standards of the branches, schools and institutions; allowance is sent in line with the needs and financial resources. In order to increase the fund production capacity in vocational and technical education and to ensure that more students are trained in the real business environment, allowance is also sent to schools/institutions with Fund Management to strengthen the funded workshops in line with the needs and financial resources.

“Higher Education-to-Industry Qualified Labour Force Project” has been initiated by the Council of Higher Education for university students who study in departments in line with industrial sector to receive applied training and it will continue in the 2019-2020 term. The project, which is of great importance in terms of “University-Industry” cooperation, involves the training of people with the qualifications required by the industry, with high application and skill competence, and the creation of employment-oriented policies in higher education. Within the scope of the project education support is provided to the relevant higher education institutions per student from the allowance allocated to the budget of the Council of Higher Education (YÖK) for vocational schools established in Organized Industrial Zones.

Collaborations and protocols are signed with universities, Scientific and Technological Research Council of Turkey (TÜBİTAK), technocities, science and arts centres and R&D centres to better prepare students for business life.

The qualifications that are aimed to be acquired at secondary education level in the process of competence type determinants conducted under the coordination of the Vocational Qualification Authority (MYK) and the Strategy Development Department of the Ministry of National Education were determined.

In collaboration with Small and Medium Industry Development Organization (KOSGEB), contribution was made to the studies entitled "Entrepreneurship for Youth and Women".

- Introducing mechanisms for the recognition/validation of knowledge and experience acquired in the context of training/working activity in order to achieve a qualification or to gain access to general, technical and university higher education.

In vocational and technical education, modular educational programs based on qualification are implemented for the diploma. Modular curriculum and weekly course schedules applied in vocational and technical secondary education are prepared and updated by commissions formed with the participation of the sector, relevant non-governmental organizations, university representatives, field experts and professional staff taking as reference the European Qualifications Framework, Turkey Qualifications Framework, international developments, developments that have occurred in business and the professions, national occupational

standards and national competencies, the feedback received from training institutions and practitioners, international classifications and standards, training policies, protocols, R & D reports, data provided by Turkish Statistical Institute (TURKSTAT) and other institutions. Framework education programs, weekly course schedules and annexes for 53 fields and 199 branches have been implemented starting from the 9th grade.

Vocational and technical secondary education programs are prepared based on achievements in line with national vocational standards and national qualifications published by Vocational Qualifications Authority (MYK). Programs are prepared on the basis of competencies in Turkey Qualifications Framework Level 4. Higher education programs correspond to the competencies in the levels higher than Level 4 in Turkey Qualifications Framework. Accordingly, secondary and higher education programs are continuation of each other.

Within the scope of transition from vocational and technical secondary education to higher education, additional points are awarded to vocational and technical secondary education graduates who continue their programs as a continuation of their fields in associate degree programs with the legal regulation made in 2016.

Vocational Qualifications:

National Occupational Standards (NOS) and National Qualifications (NC), the documents that define the minimum knowledge, skills and competencies and measurement-evaluation principles that should be included in the professions are approved and carried out by Vocational Qualifications Authority (MYK). Examination and certification activities based on NOS and NC are carried out by certification institutions with international accreditation authorized by MYK.

Through the national qualification system operated by the Vocational Qualifications Authority (MYK), the education-employment relationship is strengthened, qualifications are determined through the learning outcomes approach, quality assurance is provided in education and training, lifelong learning is supported and individuals with the qualifications required by the labour market are provided documents. Therefore, within the scope of the MYK activities, mechanisms are developed to verify the knowledge and experience gained in the context of working activities to achieve a professional qualification.

Turkey Qualifications Framework (TQF), prepared in cooperation with the public institutions, mainly Ministry of National Education and Council of Higher Education (YÖK), trade unions and employers unions, professional organizations and with relevant civil society organizations, provides an integrated structure in which qualifications with quality assurance acquired in all learning environments are identified and categorized, transition relationship between qualifications is determined and lifelong learning is supported.

In TQF, each level is defined according to the common learning outcomes of the competences at that level. Level identifiers are the tools used to define learning outcomes for the relevant level, to determine the level to which the qualifications belong, and to refer TQF to international frameworks, primarily the European Qualifications Framework. Therefore, TQF acts as a bridge in order to ensure the comparability of qualifications gained and quality assured in all learning environments. In this context, Turkey Referencing Report prepared to prove the

compatibility of TQF with European Qualifications Framework was evaluated in the meeting of EQF Advisory Group on 29.03.2017 and as a result of the negotiations, it was decided that TQF refers to EQF.

2. Total spending on vocational and technical secondary education as a percentage of GDP

Table 18. Total spending on vocational and technical secondary education as a percentage of GDP

Year	Total spending on vocational and technical secondary education as a percentage of GDP (%)
2015	0,35
2016	0,42
2017	0,43
2018	0,33

3. The completion rate of young people enrolled in vocational training courses

Table 19. Certificate Acquisition Rates of Trainees at Vocational and Technical Courses

Certificate Acquisition Rates of Trainees at Vocational and Technical Courses Organized Between 01.01.2015 - 31.12.2018			
Year	Number of Trainees	Number of Trainees who acquired certificate	Rate (%)
2015	2.874.954	2.179.010	76%
2016	2.718.404	2.065.881	76%
2017	3.078.369	2.336.414	76%
2018	3.225.611	2.439.256	76%

4. Number of students enrolled in higher vocational education.

Four stages from the 5th level of EQF and Turkey Qualifications Framework ("short cycle") to the 8th level is carried out in higher education institutions. Education (associate degree education) at vocational schools in Turkey corresponds to the 5th level of EQF. The number of students enrolled in associate degree programs in higher education at the relevant dates is as follows:

Table 20. Number of students enrolled in associate degree programs in higher education

Academic Year	Number of Students in Associate Degree Schools	Number of Associate Degree Students in Open Education and Distance Education	Total
2015-2016	1.013.609	1.271.797	2.285.406
2016-2017	1.109.626	1.446.300	2.555.926
2017-2018	1.096.421	1.672.336	2.768.757

Table 21. Number of Students with Disability in Associate Degree Schools

Academic Year	Number of Students with Disability in Associate Degree Schools
2015-2016	5.268
2016-2017	15.614
2017-2018	18.951

The number of students enrolled in associate degree programs within Vocational Schools in vocational and technical higher education was 955.081 as of 2018-2019 academic year.

In addition, the number of students enrolled in open education associate degree programs is 1.874.349 as of 2018-2019 academic year. Therefore, the total number of students enrolled in associate degree programs in Turkey is 2.829.430.

Paragraph 2

to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- On 9.12.2016, apprenticeship education was included in compulsory secondary education with the amendment made in the National Education Basic Law No. 1739. In this context, there is no age limit to enrol in apprenticeship training, and those who are working and want to continue their education can receive training within this system. In apprenticeship education, students attend their theoretical education at school one day of a week and continue their practical education at workplaces where they have signed contracts on the other days of the week.
- Within the scope of the same law, harmonization studies of fields/branches taught in vocational and technical secondary schools and fields/branches applied in vocational education centres were carried out. A new structure to provide diploma for those who want to obtain a “vocational high school diploma” was established. Curriculum development studies in 27 fields and 141 occupations were completed and put into practice.
- With this amendment, incentive mechanisms have been developed to ensure that individuals are included in the system. In this context, there is no age limit for enrolling in apprenticeship training, those who already work and want to continue their education can receive training within this system.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Following the amendment made in the National Education Basic Law No. 1739 in 2016, including apprenticeship education in compulsory secondary education, incentive mechanisms were developed in order to ensure that individuals are included in the system. In this context, depending on the scale of the company, one-third or two-thirds of the minimum wage to be paid by the employers they sign contracts with, are covered by the State.

Social security premiums of the candidate apprentices, apprentices and students / trainees who receive vocational training in enterprises, are covered by the Ministry's budget over 50% of the minimum wage, without separating the shares of the insured and the employer.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistical information available is given in section B.

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

1. Total number of apprentices:

Table 22. Number of Trainees and Apprentices in Vocational Training Centres

Number of Trainees and Apprentices in Vocational Training Centres		
Years	Number of Trainees	Number of Apprentices
2014-2015	209.236	69.988
2015-2016	224.399	63.394
2016-2017	182.912	55.152
2017-2018	183.147	44.502

As of January 2017, Vocational Training Centres have been included in the scope of compulsory education and the general vocational training of candidate apprentices, apprentices, journeymen and masters has been transferred to the General Directorate of Vocational and Technical Education with the law numbered 6764 dated 09.12.2016.

Non-formal Education Trainee information is received as of the end of the academic year.

2. Information contracts concluded between the employer and the apprentice.

A copy of the contract to be signed by the employer and the apprentice includes the following information:

A. Form to be filled by the apprentice

Personal information (Name, address, contact information), starting date of the vocational training in the enterprise, information on the enterprise (Name, address, contact information, social security information, bank account), contact information of the vice – principal in the school/institution, information on the parents/guardians (Name, address).

B. General Provisions

Legal grounds of the contract, related articles of the legislation (Wages, social insurance, attendance, responsibilities of the enterprises, responsibilities of the schools, responsibilities of the students, benefits to be provided for the students, termination of the contract etc.).

C. Signatures

Signatures of the school principal, employer and the student (or the guardian if he/she is under 18 years old).

3. The division of time between theoretical and practical learning during apprenticeship

Students who are trained in vocational education centres receive theoretical training one day of the week, maximum 2 days a week, and practical training 4 or 5 days a week.

One academic year is 36 weeks, but students of vocational education centres receive practical training for 11 months.

Paragraph 3

to provide or promote, as necessary:

- a. adequate and readily available training facilities for adult workers;**
- b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;**

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Vocational Training Courses:

Vocational training courses are organized to improve the employability of the unemployed persons registered at Turkish Employment Agency (ISKUR), who do not have any occupation, who have an occupation but cannot find a job in their occupation or are not sufficient in their occupation.

The main targets of vocational training courses are to help improve the professional qualifications of the unemployed, to reduce unemployment and to bring groups that require special policy into the labour market.

The vocational training courses are organized with a minimum 50% employment guarantee, excluding exceptional cases. In other words, it is ensured that at least half of the people who successfully complete the course are employed for not less than 120 days.

After the course, the participants attending courses in professions that can be granted a professional qualification certificate receive Vocational Qualification Authority certificate and others receive a certificate approved by the Ministry of National Education or a university.

Trainees are paid 30 TL (5,29 \$) daily for courses without employment guarantee, 35 TL (6,17 \$) daily for courses organized in traditional occupations, 40 TL (7,05 \$) daily for courses with employment guarantee and 50 TL (8,82 \$) daily for courses with employment guaranteed in the industry sector. The amounts are determined by the Board of Directors of ISKUR. In addition, trainees' occupational accidents and diseases and general health insurance premiums are covered by ISKUR.

On the other hand, women who are attending courses with employment guarantee in the industry sector and having children between the ages of 2-5, going to nursery school, are paid

a monthly maximum of 400 TL (70,55 \$) as childcare support. This provides young mothers more opportunity to ensure family-work balance and to enter into the labour market or return to work with additional skills.

On-the-Job Training Programs:

The main purpose of the program is to increase the employability of the people who do not have professional experience or work experience by providing them with professional experience and facilitate their entry into the labour market. Another aim is to provide employers who have difficulties in finding qualified workforce, to observe the people they will hire for a certain period of time at the workplace and by providing training, to make an accurate decision about hiring new employees.

The employer benefiting from the program must give at least 50% employment commitment. At the end of the program, the trainees in a program with duration of less than 60 days must be employed for at least 60 days and in other programs for the duration of the program by the employer.

On-The-Job Training Program is applied in workplaces and professions in the IT and manufacturing sectors for a maximum of 6 months and in other sectors for a maximum of 3 months.

The participants are paid 77.70 TL (13,70 \$) per day (58.27 TL [10,27 \$] for students, 38.85 TL [6,85 \$] for those receiving unemployment benefits) by ISKUR. In addition, during the program, the occupational accident and occupational disease and general health insurance premiums of the participants are covered by ISKUR.

Within the scope of the program launched in 2009, a total of 540.086 programs were organized until September 2019, and a total of 1.477.083 participants, 755.698 women and 721.385 men, benefited from the program. From 2015 to September 2019, the number of beneficiaries of the programs is 1.299.845, of which 639.447 are women and 660.398 are men.

Entrepreneurship Training Program:

Entrepreneurship Training Programs have been organized since 2009, in order to help those who are registered at ISKUR to establish and develop their own businesses and to apply to the Small and Medium Enterprises Development Administration's (KOSGEB) New Entrepreneur Support.

The main goal of this program is to provide entrepreneur candidates to gain the necessary knowledge and experience to prepare and implement a business plan related to their business ideas.

Entrepreneurship training programs are carried out within the framework of the principles set out in the "Applied Entrepreneurship Training Cooperation Protocol" between KOSGEB and ISKUR. The duration of the programs are at least 32 hours and the programs can be organized in cooperation with universities, special education institutions, professional chambers and unions, public institutions and associations and foundations in line with their purpose of establishment.

As a result of this training, anyone who successfully completes the program is entitled to receive a participation certificate, and with this certificate, he/she can apply for the "New Entrepreneur Support" provided by KOSGEB.

Participants are paid 20 TL (3,53 \$) per day. At the same time, during the program, the work accident and occupational disease and general health insurance premiums of the participants are covered by ISKUR.

Within the scope of the program, a total of 18.227 programs were organized from 2005 to September 2019, and a total of 444.907 participants, 230.450 of whom were men and 213.361 women, benefited from the program. During the reporting period, from 2015 until the end of September 2019, the number of beneficiaries of the programs is 316.728, of which 165.188 are men and 151.540 are women.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Lifelong learning programs are constantly updated to increase individuals' access to lifelong learning. Below is a list of updated and newly added program numbers.

Table 23. Lifelong learning programs

Year	2014	2015	2016	2017	2018
General	42	37	317	319	170
Occupational and Technical	308	835	64	372	797
Total	350	872	381	691	967

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

1. Information on the types of continuing vocational training and education available for the employed persons.

Vocational training courses for employees are organized depending on requests from employers or the labour market. Vocational training courses are organized as a minimum of 5 and a maximum of 8 hours a day, and a minimum of 30 and a maximum of 40 hours a week, not exceeding 6 days. The total course duration cannot exceed 160 days. Those who are successful in the courses are given course completion certificate or certificate in accordance with the provisions of the legislation.

In addition, Continuing Education Centres within the universities provide education services in social, cultural, scientific, economic and technological fields other than associate, undergraduate and graduate education programs. These centres offer continuing education programs within the framework of lifelong learning and help conveying the knowledge and experience of the universities to the society at an individual and institutional level.

Table 24. Number of People Benefiting from Vocational Training Courses

Years	Men	Women	Total
2011	8.271	455	8.726
2012	6.849	1.029	7.878
2013	3.015	628	3.643
2014	4.277	564	4.841
2015	11.338	2.254	13.592
2016	8.793	1.601	10.394
2017	10.915	2.082	12.997
2018	5.072	1.385	6.457

2. Number of people benefiting from active workforce programs between 2011 and 2014

Table 25. Number of people benefiting from active workforce programs (2011-2014)

	Number of Courses	Men	Women	Total number of trainees
2014	33.064	94.951	105.819	200.770
2013	31.385	107.001	113.074	220.075
2012	22.329	131.999	140.648	272.647
2011	14.170	96.675	89.256	185.931
Total	100.948	430.626	448.797	879.423

3. Number of people benefiting from active workforce programs between 2015 and 2018

Table 26. Number of people benefiting from active workforce programs (2015-2018)

	Number of Courses	Men	Women	Total number of trainees
2018	104.772	214.285	284.649	498.934
2017	116.624	229.343	279.508	508.851
2016	112.027	207.784	212.854	420.638
2015	86.227	167.946	202.439	370.385
Total	419.650	819.358	979.450	1.798.808

4. Total number of unemployed persons having participated in vocational training courses, and percentage of those who found a job afterwards. (2018)

Table 27. Number of unemployed persons having participated in vocational training courses

Number of VTC beneficiaries	110.782
Number of Registered Unemployed Persons (2018 December)	3.509.603
Number of VTC Employment (within 1 year after the course)	39.645
Rate	%3,2

Paragraph 4

to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;

A. DEVELOPMENTS IN THE REFERENCE PERIOD**1. LEGAL FRAMEWORK**

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Although ISKUR does not have a specialized program that only long-term unemployed can benefit from, the Public Work Programs have been implemented since 2007 for disadvantaged groups (*women, ex-convicts, men over a certain age, etc.*) when they can be employed, including long-term unemployed. In recent years, these programs are being used more to bring these groups back to the labour market. Number of those benefiting from the Public Work Programs between the years 2016-2019 are given in the table below.

Table 28. Number of persons benefiting from the Public Work Programs (2016-2019)

Year	Number of Programs	Participants		
		Men	Women	Total
2019	6.322	127.067	182.306	309.373
2018	6.974	153.002	202.480	355.482
2017	5.160	122.793	144.131	266.924
2016	3.372	91.895	81.100	172.995

In addition, the condition of being unemployed for 3 or 6 months is included in the conditions of benefiting from the employment incentives, in order to make people refrain from being unemployed for a long time and additional benefits are provided for the disadvantaged groups, namely women, youth and the disabled persons.

Project on Impact Assessment of Active Labour Force Programs mentioned in the previous report has not been implemented.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistical information is given in section B.

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS**1. The total number of long-term unemployed during the reference period.**

Table 29. Number of long-term unemployed persons (2015-2018)

Number of Long-Term Unemployed (Between 01.01.2015-31.12.2018*)			
Year	Men	Women	Total
2015	546.893	435.695	982.588

2016	417.873	307.624	725.497
2017	307.600	255.108	562.708
2018	80.295	99.998	180.293

Source: ISKUR

* Unemployed for 12 months or more.

2. Measures taken to fight long-term unemployment through retraining and reintegration.

Vocational training courses, on-the-job training programs and public work programs offered by ISKUR aim at:

- providing unemployed people without an occupation with an occupation,
- improving the skill levels of people with occupation,
- in cases where existing occupations are no longer valid, providing individuals with the opportunity to have a new occupation and their integration into the labour market.

These programs include the long-term unemployed and designed to be in line with labour market needs.

Also, the Job Clubs service, an intensive job and vocational counselling which aims to provide job search methods and motivation support for groups that require special policies, such as long-term unemployed people, is provided by ISKUR.

In addition, with the Uni-Veri Project, by showing the up-to-date status of the current professions / jobs to the young people who will choose departments in a profession and / or a university, it is aimed to channel them into professions with high employability in the future, thus preventing their long-term unemployment. Uni-Veri is a national study conducted by the Human Resources Office of the Presidency of the Republic of Turkey that reveals the performances of the departments of the universities in Turkey on the basis of employment rates of graduates within 12 months after graduation, average initial wages of the graduates, quality mismatch (*whether the graduates are working in occupations appropriate to their level of education*) and rate of employment in public sector.

3. Information on equal treatment with respect to access to training and retraining for long-term unemployed persons is guaranteed to nationals of other States Parties lawfully resident in the national territory.

Within the scope of Article 104 of Active Labour Services Regulation; in order to provide integration to the labour market in Turkey, foreigners who have one of the following documents, can benefit from the courses and programs within the scope of this Regulation (except public work programs) with the conditions of being approved by the provincial directorate and being registered to ISKUR: a residence permit pursuant to subparagraphs (a), (b), (c) and (ç) of the Article 30/1 of Foreigners and International Protection Law no. 6458 dated 04.04.2013, an identity number given to foreigners according to Population Services Law No. 5490, an international protection applicant registration document, an international protection applicant identity document, an international protection status holder ID, a temporary protection identity document, or a document or number that is considered as the mentioned

documents. Therefore, foreigners lawfully residing in Turkey as well as foreigners under temporary protection can benefit from the services provided by ISKUR at equal terms with the Turkish citizens.

Paragraph 5

to encourage the full utilisation of the facilities provided by appropriate measures such as:

- a. reducing or abolishing any fees or charges;**
- b. granting financial assistance in appropriate cases;**
- c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;**
- d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.**

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The vocational training courses of the employees, organized by ISKUR in order to improve the professional knowledge and skills of employees and to adapt to new technologies, are carried out within the scope of the Active Labour Services Regulation and Active Labour Services Circular published in the Official Gazette on 12.03.2013.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Courses on the vocational training of employees are opened depending on requests from employers or the labour market. The employees of the workplace can attend these courses, which are opened in the workplace, in order to improve their professional knowledge and skills. Those who are successful in the courses are provided with a Vocational Qualifications Authority (MYK) certificate, certificate approved by the Ministry of National Education or a university. In accordance with Law No. 5510, general health insurance and work accident and occupational disease premium payments are covered by ISKUR.

In the courses organized within the scope of the vocational training of the employees, ISKUR is able to cover up to twice the gross additional course hour fee. In exceptional cases, the practicing expense, as much as 10% of the trainee's essential expenses, can be paid. In vocational training for employees, the lack of experience of employees is eliminated, employees gain qualifications and their adaptation to the labour market is ensured. Employers can raise the people they employ without incurring any costs and they can eliminate the lack of qualified personnel.

Inspection

This issue is regulated under the Labour Law No. 4857 and the Occupational Health and Safety Law No. 6331. The subject is evaluated by the Presidency of Guidance and Inspection within

the scope of the Article 66 of the Law no. 4857 entitled “Periods Considered as Hours of Work” and it is controlled by being associated with the Article 63 of the said Law.

In the inspections carried out in 2015-2018, a total of 7.775.671 TL (1.371.370,55 \$, 2019) administrative fines were requested for 2.783 employers who were found to violate Article 63 of the Labour Law no. 4857, "Working Time".

In addition, according to the paragraph 7 of Article 17 of the Occupational Health and Safety Law No. 6331, the time spent in training is considered as the working time. Thus, the subject of “including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment” is supervised by the Presidency in accordance with the provisions of Article 63 of the Labour Law No. 4857 and Article 17 of the Occupational Health and Safety Law No. 6331.

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

1. Students of vocational training receiving of assistance and the total cost.

159.045 of the students receiving Conditional Education Assistance, Education Material Assistance, Student Housing Assistance, Dormitory (Operated by Foundations) Assistance, Education Assistance from Conditional Donations, Other Education Assistance, Student Transportation Assistance, Student Meal Assistance and University Preparation Aid are enrolled in vocational high schools. Within the scope of these programs, a total of 87.367.115,39 TL (15.408.662,33 \$) was provided to 159.045 students.

2. Information on whether nationals of other States Parties lawfully resident or regularly working in Turkey are equally treated in access to vocational education.

Article 29 of the Ministry of National Education Regulation on Secondary Education Institutions reads:

“(1) In the enrolment of foreign students

a. They are required to have a passport and a student visa in accordance with the procedure.

b. Education visas are not required from the children of foreigners whose country is not certain or who are asylum seekers/refugees. In this case, residence permits issued by law enforcement authorities, valid for at least six months, are deemed sufficient and the students are enrolled.

c. Education visa is not requested from the children of foreigners with work and residence permit in Turkey. However, they must certify that the mother, father or guardian has obtained a work permit or has a residence permit for at least six months.

ç. The condition of having a duly required passport is required for enrolment of children of personnel working in foreign missions or representatives of international organizations in Turkey.

d. Enrolment of the persons who have acquired citizenship of the Republic of Turkey and quit citizenship with the permission of the Council of Ministers and acquired citizenship of another country, and their children is made.

(2) Registration and admission conditions of the schools are also sought in registration.

(3) For issues not covered by this Regulation, the provisions regarding the Education of Migrant Workers' Children published in the Official Gazette dated 14/11/2002 and numbered 24936, and the provisions of the Ministry of National Education's Equivalence Regulation are implemented.

(4) Foreign students coming from abroad are placed in the school or vocational education centres taking into account the admission requirements of the schools; according to the equivalence documents and program compatibility, preferences in secondary education registration area, by the student placement and transfer commission. The provisions of this paragraph shall apply to the transfer of these students from one school to another.”

Accordingly, at the request of the parents, the procedures of registration, placement and transfer of the students to the secondary education schools/institutions they meet the conditions of, are carried out.

Pursuant to Article 34/4 of the same Regulation, “A guardian among the school administrators is appointed by the national education directorates, within the knowledge of the police departments, limited to the education and training matters, for the foreign students who do not have a parent.”

Thus, upon the demand of the parents, foreign students can benefit from the education and training services provided to Turkish citizens, without any discrimination.

3. Information regarding training during working hours

Applied training of Vocational Training Centre students is carried out in a business environment with the support of master teachers. The title of master teacher is given to those who have a certificate of mastery and completed their pedagogical education. Some of the large scale enterprises have training units where theoretical training can also be provided in the workplace environment.

Pursuant to Article 3/h of the Vocational Education Law No. 3308, "vocational education in enterprises" is the skills education of the students of vocational and technical schools and institutions in their vocational and technical schools and institutions or in the education units established by enterprises or institutions.

In order to increase the workplace experience of the students in vocational schools and to train professional staff according to labour market demand, in some vocational schools, education and training period is 2 years and applied as 2+1 in 6 semesters. This training model takes place in the form of lessons in 2 semesters and practical training in 1 semester. The implementation of this model in Vocational Schools is encouraged by Higher Education Council (YÖK).

On the other hand, in some vocational schools, students attend courses at school for 3 semesters and attend applied training as full-time in enterprises for 1 semester, in order to ensure that students are trained for employment.

In addition, according to the Provisional Article 74 of the Law on Higher Education no. 2547, students who are trained at the undergraduate level in science and engineering are supported and encouraged to have one-semester practical training in private sector enterprises, technocities, research infrastructures, R&D centres or industrial organizations.

According to the article 3/r of the Law No. 3308, “internship” refers to the professional work of the students in enterprises apart from the theoretical and applied courses specific to the field at each level in higher education institutions, in order to develop professional knowledge, skills, attitudes and behaviours, adapt to business life, get to know the sector, and train in the real production and service environment.

4. Information regarding monitoring of the efficiency of training.

The decision on the continuation of the support for vocational schools established in Organized Industrial Zones is made within the framework of performance criteria. The performance evaluation of the programs is made by taking into consideration the criteria such as the employment rate of graduates, the number of projects carried out to improve the sector, the satisfaction rate of the enterprises where the education is given and especially the studies aimed at increasing the applied education and employment.

Information on the conditions for selection and support of the universities, departments and students who will receive industry education support for science and engineering students is reported to universities by Higher Education Council (YÖK). The most important of these conditions is the commitment of the student, who will receive industrial education support, to continue education in the industry for a term and the designation of the private sector enterprise or industry.

ARTICLE 15- THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community,

Paragraph 1

The Parties undertake, in particular; to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Turkey would like to summarize the legal framework in order to take the necessary measures to provide persons with disabilities with guidance, education and vocational training.

The principle of equality and non-discrimination also in terms of the disability policies are regulated within the scope of the Constitution and other related Laws in Turkey.

The Turkish Constitution provides that everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds (Constitution, Art. 10). As per an amendment made in the Constitution in 2010, the measures to be taken to ensure the equality exist in practice shall not be considered as violation of the principle of equality.

On the other hand, there are several International Conventions Ratified By Turkey on the Rights of Disabled such as ILO Convention No:159 “Vocational Rehabilitation and Employment (Disabled Persons) Convention (1983)”, “The UN Convention on the Rights of Persons with Disabilities”, “The UN Declaration on the Rights of Persons with Disabilities”, “International Covenant on Economic, Social and Cultural Rights”, “International Covenant on Civil and Political Rights”, ILO Recommendation No:168 “Vocational Rehabilitation and Employment (Disabled Persons) Recommendation” and “Council of Europe Directive No. 2006/54 / EC”. Turkey has adopted a set of regulations in recent years to improve the lives of the disabled. Turkey was one of the first countries to adopt the United Nations Convention on the Rights of Persons with Disabilities in 2007 and launched affirmative action policies for the disabled in 2010.

According to Article 90 of the Constitution, international agreements duly put into effect bear the force of law. No appeal to the Constitutional Court can be made with regard to these agreements on the grounds that they are unconstitutional. In the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements prevail. As such, the provisions of international human rights and disabled rights conventions ratified by Turkey may be directly invoked before Turkish courts.

The First Turkish Disability Law No. 5378 was restructured on 6 February 2014 in line with the obligations stipulated by the UN Convention on Rights of Persons with Disabilities (CRPD). First and foremost, the principles of the CRPD are strongly reflected to the Law.

'Person with disability' is redefined based on human rights approach of the CRPD. According to this re-definition, persons with disability refer to persons who have various levels of physical, intellectual, mental or sensory impairments which in interaction with attitudes and environmental conditions may hinder their full and effective participation in society on an equal basis with others (Art.4). Besides, various terms including "disability-based discrimination, types of discrimination, reasonable accommodation and accessibility" were also defined in accordance with the CRPD.

It is important to note that the Republic of Turkey was one of the first countries to sign CRPD that includes measures to facilitate providing persons with disabilities (PwDs) full and equal rights within the scope of anti-discrimination principle. Since the date of ratification, 26 March 2015, the Convention and the protocol have been taken as the basis in developing policies towards PwDs in Turkey.

As of the content and status of the CRPD in domestic law; its ratification by Turkey brought forth significant opportunities for protection, promotion and enhancement of rights of PwDs in Turkey. Besides, it has attributed to enhancement of rights of PwDs, carrying national implementations to the level of internationally accepted standards, promotion of monitoring the implementation processes, activation of disability laws and policies in Turkey and elimination of possible shortcomings in the implementation of such policies.

Turkish Disability Act (TDA) provides that the State shall develop social policies against all kinds of abuse of disability in general and all PwDs on the basis of the immunity of human honour and dignity; state shall not discriminate against PwDs and fighting against discrimination shall form the basic principle of policies towards PwDs (Art. 4).

Another significant legislative arrangement made in terms of ban on disability discrimination is 2005 dated amendment made in the Turkish Penal Code (TPC). By means of this amendment, the term "disability" was added to the conditions of discrimination which shall be deemed to be offensive action and thus disability discrimination became a crime (Art. 122). Within this scope, any person who perpetrates any one of the actions deemed as offense in TPC and thus makes discrimination between individuals in terms of disability shall be sentenced to imprisonment from six months to one year or imposed punitive fine.

The developments for a more inclusive education increased rapidly in 1990s. For example, First Special Education Committee was gathered in 1991 and significant decisions about inclusive education were taken. One of the most important decisions was to prepare individual education plan (IEP) for every disabled child. In addition, it was decided to employ special education teachers for children with Special Education Needs (SENs) National Education Congress Report, 1999).

The most important development was Special Education Regulation (No. 573) which was published in 1997. The principles determined in this law are as following;

(1) special education is considered an indispensable branch of general public education;

- (2) all children with special education needs should be provided with special education services irrespective of the severity of their disabilities;
- (3) early intervention is a crucial step for special education provision;
- (4) children with special needs should receive individualized educational programs addressing to their unique needs;
- (5) children with special needs should be educated in the least restrictive environment with their non-disabled peers;
- (6) vocational education and rehabilitation services should be provided without interruption for children with special needs; and
- (7) for all levels, education services for children with special needs should be planned by relevant institutions.

More recent regulation about special education was published in July 2018. This official paper which is 46 pages long has regulations on many issues about special education such as the aims of special education services, educational evaluation and diagnosis procedures, early childhood education, education of children who have more than one disability, education at home and hospitals, parenting education, individualized education programs, mainstreaming and integration practices and so on. This is a very comprehensive regulation and so it might be seen a very positive development on special education in Turkey.

National Education Basic Law No. 1739 underlines the principle that education institutions are open to everyone without discrimination. According to the provisions of this law, all Turkish citizens hold the right to primary education. Equal opportunities and chances are provided for all persons including both men and women. The law also provides some provisions on applying special measures for ensuring children in need of special education and social protection exercise their right to education. Labour Law No. 4857 bans discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons within employment relationship. Turkish Disability Act (TDA) also underlines the ban on disability discrimination in its provisions regarding education (Art. 15) and employment (Art. 16).

Together with the enforcement of TDA, ratification of CRPD has also been one of the most significant steps taken in improving anti-discrimination legislation. In line with the provisions of Article 90 of the Constitution, the internationally accepted definitions of “disability discrimination” and “reasonable accommodation” have become directly applicable in Turkish Legislation.

Additionally, Article 14 of European Convention on Human Rights for which the procedure of individual communication was recognized by the Republic of Turkey also prohibits discrimination. Although the term “disability based discrimination” is not mentioned openly in the related article, there are court decisions that deem the concerned article to include disability based discrimination. As a result of the right of individual communication to European Court of Human Rights (ECHR), the court has the function of higher monitoring for Turkish citizens. For this reason, all Turkish citizens including the ones with disabilities who exhausted domestic remedies have the opportunity of applying to ECHR for violation of their rights. In addition,

Protocol No. 12 of the European Convention on Human Rights was signed by Turkey on 18 April 2001.

Turkish legislation provides constitutional guarantee for the measures to be taken by the state for all kinds of abuse and violence against children staying in children's homes and protection of all children including those with disabilities (Constitution, Art. 41). Besides, safeguarding the interest and well-being of juveniles was set as a legal basis by Juvenile Protection Law and was accepted to be a basic principle to be followed in implementation processes (Art. 4).

The position of children with disabilities in decision making processes can be deemed in parallel with provisions promoting and supporting the participation of all children into decision making processes. With regards to participation of children with disabilities to decision making processes, Turkish Civil Code provides that: Parents shall allow the child to set his/her life the extend of his/her maturity; they shall take his/her opinions on important matters into consideration as much as possible (Art. 339).

Juvenile Protection Law aims for regulating the procedures and principles with regard to protection of juveniles who are in need of protection or who are pushed to crime, and ensuring their rights and wellbeing also provides as one of the basic principles of protection that children with disabilities and their families should be included in decision making processes by means of informing them and children's opinion should be sought while taking measures about them (Art. 4). Additionally, Associations Law includes the following provision on children; *“Minors over 15 having the necessary sensibility may either found child associations or be a member in order to enhance their psychical, mental and moral capabilities, to preserve their rights of sport, education and training, social and cultural existence, structure of their families and their private lives with a written permission given by their legal representatives. Minors over 12 years old may become members of child associations however, they cannot be commissioned in executive and auditing boards”* (Art. 3).

Education system in Turkey is based on Article 42 of the Constitution which states that no one shall be deprived of the right of education and primary education is compulsory for all citizens of both sexes and is free of charge in state schools. Education policy is based upon the principle that all citizens have the right to education without facing any discrimination on the basis of language, race, colour, sex, political opinion, philosophical belief, religion or sect and conducted along the lines of contemporary scientific and educational principles.

Decree Law No. 573 on Special Education Services which was enacted in 1997 ruled that pre-school education starting from early childhood period is obligatory for all children with special needs and it regulated the principles regarding primary, secondary, higher and non-formal education. Educational environments for children with disabilities were also regulated in line with contemporary approaches. In addition, as per Primary Education and Training Law No. 222, all parents or guardians are obliged to ensure regular attendance of their children to compulsory education institutions (Art. 52).

Ministry of National Education (MEB) which is responsible for providing equal education opportunities to all children also ensures that all children with disabilities use their right to education. Basic Law No. 1739 on National Education provides for special measures to be taken

in order to create equal opportunities for persons with special education needs (Art. 8). TDA clearly underlines that the right of education of PwDs cannot be prevented by any reason and that children, youth and adults with disabilities shall be provided with education in equal terms with others and in inclusive environments by taking special conditions and varieties of individuals into consideration (Art. 15). In addition, an amendment made in Social Services Law No. 2828 in 2011 ruled that equality of opportunities shall be taken as one of the basic principles of education/training services provided to PwDs at all ages, including pre-school and school ages and adults. On the other hand, parents were given the opportunity to participate in all levels of education of their children (Decree Law No. 573 - Art. 4; TDA - Art. 16).

With the enactment of Law No. 6287 on Amendments in Law on Primary Education and Certain Other Laws in 2012, duration of compulsory elementary education was increased to 12 years and this brought about a need for reform in the structure and names of existing special education schools and institutions. In this context, by means of amendments made in Regulation on Special Education Services, existing education rights of persons with special education needs were maintained together with introduction of new rules on the use of these rights. As per this regulation, educational assessment and evaluation of persons with special education needs are performed through assessment tools that are appropriate to the characteristics of the individual. Guidance during the transfer of students with special education needs to higher education institutions, determination of the type of supportive education, preparation of Individualized Education Programme (IEP) are among the issues regulated by this regulation. When necessary, opinions of parents and individuals are taken during education process or placement of such students to education institutions (Art. 8). All procedure regarding guidance, placement or monitoring of students with special education needs is performed by guidance services of schools and counselling and research centers (Art. 11, 12, 13, 22). Guidance and psychological consultation services for persons with special education needs are rendered in accordance with Regulation on Guidance and Psychological Consultation Services.

Vocational guidance and consultancy services are rendered by MEB and ISKUR. MEB provides these services through special education assessment commissions of Counselling and Research Centers at provinces or districts; or through Psychological Counselling and Guidance Services established within the bodies of public education institutions. MEB provides vocational trainings to PwDs in formal or non-formal education institutions in inclusive environments, private vocational training schools, and apprenticeship training centers or in public education centers. In addition, ISKUR also holds vocational training courses for PwDs.

Vocational Training Law No. 3308 that was enacted in 1986 imposed the obligation of holding orientation courses or special vocational courses for persons with special needs (Art. 39). As a result of rearrangement and amendment of Regulation on Vocational and Technical Training in 2002 and 2008, it was stipulated that necessary physical arrangements shall be made in the vocational education environments for students with disabilities and physical barriers shall be eliminated as much as possible.

In accordance with the By-Law on Invalidity Assessment (Official Gazette No. 28727 of 3 August 2013), the scope of invalidity was extended, the conditions for determining invalidity that include different groups of illnesses were made clear, and a number of arrangements were

made by taking into account human body as a whole system. The scope of the disability has been expanded in parallel with the By-Law on the Detection of Procedures related with Disability” published on 3 August 2013. The conditions were materialised and classified into categories in terms of the illnesses under the By-Law on the Detection of Procedures related with Disability which covers different illness categories. The effects of certain illnesses were examined and some arrangements were made, considering the health of the body as a whole.

Turkish Disability Act (TDA) No. 5378 of 2005 defines a person with a disability as follows: *“Disabled is the person who has difficulties in adapting to the social life and in meeting daily needs due to the loss of physical, mental, psychological, sensory and social capabilities at various levels by birth or by any reason thereafter and who therefore need protection, care, rehabilitation, consultancy and support services”*. The same definition was used together with a definition of “severely disabled person” in Regulation Regarding the Criterion and Classification of Disability, and the Health Committee Reports to be issued to the PwDs. The definition of the “severely disabled” in this regulation is as follows: *“persons that are medically assessed to have 50% disability rate and difficulty or inability in performing daily activities without assistance of other people”* (Art. 4).

Although definitions used in CRPD are not directly included in National Legislation, measures to be taken with regard to the content of the concerned definitions are embedded in the legislation to a large extent. In terms of communication and language, National Legislation includes various measures for promoting special procedures and/or means of communication for PwDs with the purpose of making communication possible for all individuals at all fields of life.

The term “disability based discrimination” was included in Turkish Penal Code (TPC) No. 5237 (TPC) and thus, as per the related provisions of this law, discriminatory actions based on disability became subject to penal sanctions.

Any discriminatory expressions which may aggrieve the persons with disabilities such as “handicapped”, “faulty” or “impaired” were removed from the relevant legislation as of 3 May 2013 and the expression “persons with disabilities” was introduced to all relevant legislation in order to have a terminological harmonization. With the 2010 Constitutional Amendment, it was indicated that the implementation of the measures towards the persons with disabilities would not be regarded as a violation of the equality principle and the principle of “positive discrimination” was based on the Constitution.

As per an amendment made in the Constitution in 2010, the measures to be taken to ensure this equality exist in practice shall not be considered as violation of the principle of equality. Besides, the constitutional amendment of 2010 also guaranteed that measure to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality. Infants and persons who are in a state of disability or lack of distinguishing power are regarded non sui juris (Art. 14). At this point, power of discernment comes to the front as a significant issue with regards to legal capacity of PwDs. The law explains: *“every person who is not minor, or mentally defective or suffering from mental illness, or intoxicated, or beyond self-control by similar reasons, is deemed to possess distinguishing power”* (Art. 13). Besides, *“provided that the cases*

specifically indicated in the Law are being reserved, any act by a person lack of distinguishing power may not lead to legal consequences” (Art. 15).

Furthermore, Turkish Civil Code also provides that any adult who cannot handle his/her affairs due to mental illness or mental impairment or who needs assistance for protection and care or who jeopardizes the safety of others shall be restricted (Art. 405). Infants and disabled persons with distinguishing power may not undertake any obligation by their own will unless they receive the consent of their legal representatives. Such consent is not necessary for uncovered earnings and use of rights strictly bound to that person. Infants and disabled persons with distinguishing power are deemed responsible from a tort arising out of a wrongful act (Art. 16).

Restriction of legal capacity can be applied with or without personal consent. A guardian may be appointed over an adult at the latter’s request provided he/she proves that he/she is unable to manage his/her affairs properly as a result of senility or some other infirmity or because of inexperience (Art. 408). However, restriction can be applied only in accordance with an officially approved medical board report. Judge may hear the person whose legal capacity is to be restricted in line with the medical board report before rendering a judgment (Art. 409). Guardianship ordered on grounds of mental illness or learning disabilities may be revoked only after obtaining expert opinions from specialists which establish that such grounds no longer obtain (Art. 474).

Guardianship mechanism was regulated in Turkish legislation with the purpose of protecting the rights of persons. Guardians are liable for protecting the interest of persons with mental disabilities or infirmities (including interests on assets) and representing them in legal actions. On the other hand, in case a guardian cannot protect the best interest of the concerned person, reassignment of another guardian can be demanded at any time. Besides, Article 426 of Turkish Civil Code stipulates that if the legal representative cannot conduct its duty due to an obstacle, then a trustee will be appointed ex officio or upon a request of the person concerned. Turkish Criminal Code regulates that the conditions of mental illnesses, hearing disabilities or deafness are among the reasons of incapacity or lessening the effects of legal capacity (Art. 32 and 33).

Legislative arrangements for the notary transactions of persons with visual, hearing or speaking disabilities are included in Notary Law No. 1512. Before the amendment of 2005 in Notary Law, notaries were obliged to fulfil such transactions in presence of 2 attesters. Presence of attesters is currently optional. Moreover, in cases where persons with speaking or hearing disabilities cannot communicate in written, two attesters and sworn translators shall attend the proceedings (Art. 73).

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Turkey adopted a rights-based approach to disabilities and regarded the measures taken for persons with disabilities not as a privilege or blessing, but as a human rights requirement.

The focal point is the Ministry of Family, Labour and Social Services, which works in cooperation with national and international stakeholders, and especially the organizations of persons with disabilities. The 11th National Development Plan covering 2019-2023, therefore, espoused a more inclusive approach to persons with disabilities, in light of an overreaching aim of attaining the Sustainable Development Goals. The preparation of the national strategy and

action plan on the rights of persons with disabilities - a human rights-based roadmap for all sectors of the society – is initiated, and the legislative framework is revised to ensure equality of persons with disabilities. The Law on Persons with Disabilities as amended in 2005 now constituted the framework for policy and practice in the field of disability. The Government is studying the development of community-based services for persons with mental and psychosocial disabilities, while the practice of the so-called “hope houses” is expanding. It allows persons with disabilities, including those with mental and psychosocial disabilities, to live with others in the communities, in houses designed to meet their needs and their choices.

With the enactment of Law No. 6287 on Amendments in Law on Primary Education and Certain Other Laws in 2012, duration of compulsory elementary education was increased to 12 years and this brought about a need for reform in the structure and names of existing special education schools and institutions. In this context, by means of amendments made in Regulation on Special Education Services, existing education rights of persons with special education needs were maintained together with introduction of new rules on the use of these rights. As per this regulation, educational assessment and evaluation of persons with special education needs are performed through assessment tools that are appropriate to the characteristics of the individual. Guidance during the transfer of students with special education needs to higher education institutions, determination of the type of supportive education, preparation of Individualized Education Programme (IEP) are among the issues regulated by this regulation.

When necessary, opinions of parents and individuals are taken during education process or placement of such students to education institutions (Art. 8). All procedure regarding guidance, placement or monitoring of students with special education needs is performed by guidance services of schools and counselling and research centers (Art. 11, 12, 13, 22). Guidance and psychological consultation services for persons with special education needs are rendered in accordance with Regulation on Guidance and Psychological Consultation Services.

Vocational guidance and consultancy services are rendered by MEB and ISKUR. MEB provides these services through special education assessment commissions of Counselling and Research Centers at provinces or districts; or through Psychological Counselling and Guidance Services established within the bodies of public education institutions. MEB provides vocational trainings to PwDs in formal or non-formal education institutions in inclusive environments, private vocational training schools, and apprenticeship training centers or in public education centers. In addition, ISKUR also holds vocational training courses for PwDs.

Vocational Training Law No. 3308 that was enacted in 1986 imposed the obligation of holding orientation courses or special vocational courses for persons with special needs (Art. 39). As a result of rearrangement and amendment of Regulation on Vocational and Technical Training in 2002 and 2008, it was stipulated that necessary physical arrangements shall be made in the vocational education environments for students with disabilities and physical barriers shall be eliminated as much as possible in vocational education.

As per Decree Law No. 573 on Special Education, special education support at each level and type of education shall be rendered to individuals who are in need of special education in order to realize the goals of educational programs, and individual and group education possibilities are provided to meet this goal.

Persons with special education needs receive education in mainstreaming/inclusive classes together with their peers without disabilities, in special education classes, in special education schools for separate types of disabilities or in private special education schools established by natural and legal persons or special education and rehabilitation centers. These education services, including early childhood period, are provided at pre-school, primary and secondary education levels and in non-formal education. Education costs of persons with special education needs whose disabilities were certified to be at least 20% with a medical board report and who were found eligible for special education and rehabilitation services upon an assessment of special education assessment boards are covered by MEB budget at a certain rate to be set each year (Law No. 3797, Additional Art. 3).

The General Directorate of Special Education, Guidance and Counselling Services under the Ministry of National Education is the main responsive unit for special education in Turkey. It supervises 228 regional Guidance and Research Centers across Turkey which are charged with the diagnosis and placement of students with special education needs (SENs). These centers are located in all cities and big towns of Turkey and include qualified teachers and experts. Inclusion of students with SENs in regular schools is the most common way of special education practices with 70%. These students are the ones who diagnosed and had their official diagnostic statements. Children with SENs in regular schools are included as full day and half day students according to their individual needs. The ones who are included as half day students take educational support in private rehabilitation centers.

Rehabilitation centers are charged with educational support for children with SENs in mainstream schools. They are all private funded institutions. However, children go to these centers do not pay any money for services they take. Because, Turkish government gives 632 TL (Turkish Liras) (111,46 USD) per month per child for private sessions in rehabilitation centers and 153 TL (Turkish Liras) (26,98 USD) for group sessions in 2019.

There is a huge number of private rehabilitation centers in almost every city of Turkey. There may be two main reasons for this; strong attention and support from the Ministry of National Education for special education and the guarantee payment provided by the Turkish government. Education and rehabilitation services in these centers are provided by special education teachers, preschool teachers, general education teachers with special education certificate, nurses, physical and speech therapist, etc.

In the 11th National Development Plan 2019-2023, humanity and physical opportunities will be strengthened so that individuals who need special education can benefit from educational services.

Provincial-based surveys will be carried out and need maps will be created for the identification of individuals who need special education.

Mobile platforms will be established in order to expand the special education service.

Special education needs of persons with disabilities are being addressed from a holistic perspective and there are capacity-building programmes for inclusive education teachers. Home-based learning is also available, according to the curricula used in schools.

Teachers and families are critical for early detection of disabilities, therefore the Government has developed information and education activities to raise their awareness on the issue. Children in rural areas, including children with disabilities, are provided with free transportation to the nearest school.

In the process of preparing statements for children with disabilities, these steps are followed; firstly, parents go to a hospital to get the reports that show their children's disabilities. Then, they apply to the nearest Guidance and Research Centre with the reports. Afterwards, children are examined with some tests by special education experts and the statements showing children's individual needs are prepared within one or two weeks. At the end of this process, children are sent to regular schools or sent to special schools related to their disabilities. Children who are sent to regular schools are followed closely and regularly by counselling experts in regional Guidance and Research Centers in coordination with guidance and counselling teachers within schools.

TDA stipulates establishment of Turkish Sign Language System by Turkish Language Association, with the aim of enabling PwDs benefit from their educational rights and public services effectively (Art. 15).

Within this scope, a regulation on establishment of the Turkish sign language and training of sign language interpreters and instructors was issued in 2006. The Regulation initiated the work towards preparing National Sign Language under the chairmanship of Turkish Language Association and with the participation of related institutions. Science and Approval Board of Turkish Sign Language was established affiliated with Turkish Language Association with the aim of preparing grammar rules and a dictionary of sign language. After specification of Turkish Sign Language Finger Alphabet, all words in Online Turkish Dictionary of Turkish Language Association were illustrated in finger alphabet. Besides, the website of Turkish Language Association includes a voice dictionary of Turkish, which is indeed the audio version of Updated Turkish Dictionary. There are currently efforts to print this dictionary in Braille Alphabet.

With the purpose of providing a common use of symbols in sign language and eliminating discrepancies, MEB prepared the Turkish Sign Language Dictionary.

One of the most important issues in the continued development of special education is the training of professionals. There are forty undergraduate programs in special education in the universities in Turkey. In addition to train general education teachers in special education field, regional Guidance and Research Centers provide one week courses for all elementary school teachers who will have students with SENs in their classrooms. There were four undergraduate programs for special education teacher candidates in Turkish universities till 2016. These were Teacher Education for Hearing Impaired, Mentally Handicapped Teacher Education, Visually Handicapped Teacher Education and Gifted and Talented Teacher Education. Beginning from 2016-2017 academic year, Higher Education Council in Turkey (YÖK) made a decision to unify all four programs of teaching children with special education needs under a single department named "Special Education Teacher Education Program".

General Directorate of Special Education Institutions and General Directorate of Life Long Learning affiliated with MEB carry out joint activities for PwDs whose ages are not eligible for compulsory education. The courses demanded by persons with special education needs are opened within the body of Adult Education Centers. Besides, literacy courses are opened every year in July and August for illiterate adults with visual or hearing disabilities whose ages are over the compulsory education age.

MEB has some supportive practices for persons with special education needs such as free transportation to public institutions of special education, free provision of lunches, education materials and course books in accessible formats.

MEB also prepares various publications with the purpose of finding solutions to problems faced in inclusive education practices. For instance, a guide book for managers, teachers and families with the title “Why, What for and How of Inclusive Education in Our Schools” and a book for pre-school education teachers with the title “Guide Book on Pre-School Special Education and Inclusion” were prepared and published on the official website of MEB.

MEB has been communicating to its provincial organizations that measures should be taken as much as possible in order to plan educational environments for students with physical disabilities in the ground floors of all pre-existing schools.

Measures to ensure accessibility of secondary or higher education exams are taken on the basis of personal needs. In this respect, persons with special education needs who attend to inclusive classes and persons with special education needs who attend to primary education, general education or vocational/technical training programs in special education schools/institutions can take central exams or other exams held in provinces on request.

There are special measures for students with disabilities in exams such as allocation of a class for the person (if required by the type of disability), granting of extra time, assignment of assistants for reading questions or coding answers and replacement of some questions with its equivalent. The sign language interpretation of the guidebook was also recorded in video format for the use of applicants with hearing disabilities. Besides, audio format of the exam booklets as well as code sheets or a reader and a code sheet are provided to persons with visual impairments on request or extra time is given.

Pre-school, primary, secondary and high-school education of persons with special education needs who receive inpatient treatment in public or private health-care institutions and/or have a chronic illness is provided in 53 hospital classrooms which were opened within the framework of Regulation on Special Education Services and in line with protocols signed between MEB and Ministry of Health or universities.

Special education services and inclusive education practices have increased rapidly in the last decade, especially after the publishing of Special Education Regulation in 1997. In the last decade, the Ministry of National Education has emphasized the importance of inclusive education and the implementations of inclusion have been wide spread. At the same time, the number of special schools has been increasing rapidly to educate every disabled child who has the right of getting education like other children with no disabilities.

Work on infrastructure and capacity building continue as well as the efforts to improve the quality of vocational and professional education of individuals with special learning needs and the services provided in Guidance and Research Centres. Within the context of non-formal education, Ministry of National Education, in collaboration with the Turkish Employment Agency and relevant units of municipalities, offers certified trainings on care services for disabled and elderly people in Community Education Centres, which are affiliated to the Directorate-General for Lifelong Learning. As regards formal education, 4 years Patient and Elderly Care Programmes have been opened in Anatolian Vocational High Schools in 31 provinces, which are affiliated to Directorate General for Vocational Education.

Efforts are on-going to promote lifelong learning, which is of great importance in terms of improving educational quality. “Promoting Lifelong Learning in Turkey” Project (TR07H2.01) was finalized on 26 September 2013. Awareness raising activities continue on the educational role and importance of lifelong learning. National Lifelong Learning Web Portal (www.hayatboyuogrenme.gov.tr) was launched and provided access to the content including all kinds of trainings, learning opportunities, open postings on ISKUR system, learning opportunities in European countries throughout the European Space through PLOTEUS and Vocational Information System which offers guidance and counselling services. Monitoring and evaluation process of lifelong learning was finalized through Recognition of Prior Learning (RPL). Lifelong Learning Strategy Paper 2009-2013 was revised and that of 2014-2018 has been drafted. Furthermore, Provincial Action Plans for Lifelong Learning were developed for pilot provinces.

Since 2008, “Fair of Barrier Free Life” has been organized in Turkey as a platform where national and international companies providing services, products or technology to the elderly and/or persons with special needs or disabilities can exhibit their products. The Directorate General of Services for Disabled and the Elderly of MoFLSS gave support to the organization in 2011. Within the scope of project “Barrier Free Turkey” that was carried out by the ex-Department of Handicapped Administration (OZIDA) (defunct) with the aim of increasing public awareness and consciousness on the rights of PwDs; 150 panels and conferences were held in 72 provinces with the participation of local government administrators such as governors, deputy and district governors and mayors; representatives of relevant CSOs, PwDs and their families. In cooperation with General Directorate of Post and Telegraph Organization (PTT), memorial postage stamps and envelopes were printed with the theme of “Accessible and Barrier Free Turkey for All”.

Higher Education General Assembly decisions for the application of programs for the students with the special ability examination of the disabled students. Firstly, for the disabled in terms of physically, visually, hearing and autism candidates who are gifted in certain sports and arts branches but cannot pass the university entrance threshold score has been reduced from 140 to 100 score. Later on, the decision was updated on various dates within the scope of needs. In 2017, the mentally disabled persons are also included to the disability groups that will benefit from this decision and the candidates with disabilities are evaluated according to a separate special aptitude test result among them. It is decided that the students who win the aptitude exam will be registered and their exam score will be valid for 2 years.

TDA stipulates establishment of Consulting and Coordination Centers for Persons with Disabilities in universities within the body of the Higher Education Council (YOK) with the tasks of providing education materials, preparing special education materials, planning for and ensuring environments appropriate for education, sheltering or study of PwDs (Art. 15).

University students with disabilities are given priority in public dormitories and state grants. However, due to the fact that non-refundable grants are subject to the condition of academic achievement, students with disabilities are also supposed to meet this condition for continuing their grants. This provides motivation for success among them and also prevents any abuse.

Additionally, newly built dormitories for university students are required to meet accessibility criteria. Old buildings, on the other hand, have to make additional accessibility arrangements.

It is approved by the Higher Education Council at the Higher Education General Assembly meeting on 08/02/2018 that special quotas (10% quota) for disabled persons are reserved at the Student Selection and Placement Exam (ÖSYS) only valid for programs that accept students with a special aptitude exam.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Some additional statistics for persons with disabilities in terms of guidance, education and vocational training are given below:

Figure 3. Turkish National Education System

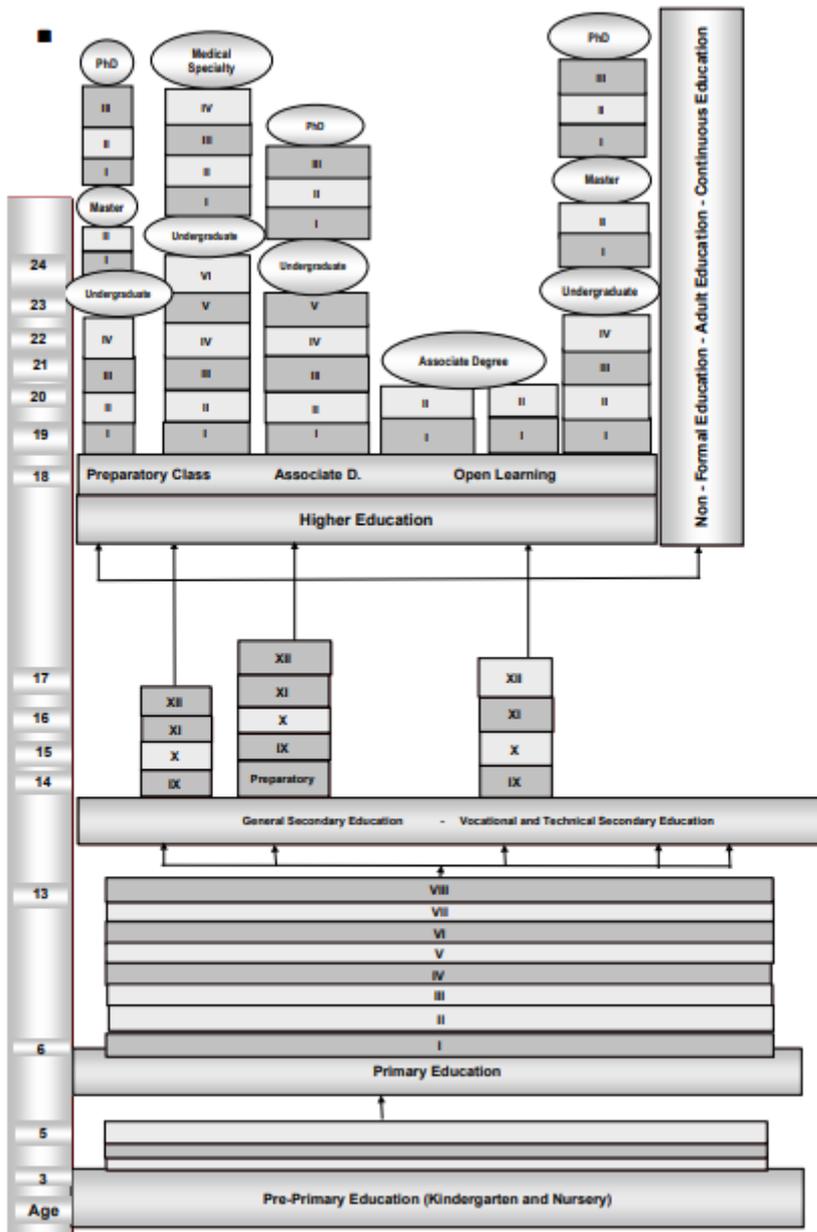


Table 30. Number of schools, students, teachers and classrooms in Special Education Institutions

Eğitim Göstergeleri

Education Indicators

1.15 Özel eğitim kurumlarında okul, öğrenci, öğretmen ve derslik sayısı

Number of schools, students, teachers and classrooms in Special Education Institutions

[2018/19 öğretim yılı - The educational year 2018/19]

Okul Türü Type of school	Okul/ Sınıf/ Kurum School/ Class/ Institution	Öğrenci Sayısı Number of Students			Öğretmen Teacher			Derslik Classroom	
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female		
Özel Eğitim Örgün Eğitim Toplamı Total of Special Education, Formal Education		1 489	398 815	252 835	145 980	14 043	6 005	8 038	9 361
Bünyesinde Anasınıfı Olan Özel Eğitim Okulu Special Education Schools with Nursery Classes	161	1 351	862	489	321	39	282	289	
Kaynaştırma Eğitimi (Okulöncesi) Inclusive Education (Pre-primary)	-	1 260	795	465	-	-	-	-	
Özel Eğitim Anaokulu Special Education Kindergarten	44	2 110	1 308	802	455	95	360	297	
Özel Özel Eğitim Anaokulu Private Special Education Kindergarten	6	50	33	17	25	8	17	92	
İlkokul (İşitme Engelliler) Primary School (Hearing-Impaired)	32	674	419	255	193	72	121	302	
Ortaokul (İşitme Engelliler) Lower Secondary School (Hearing-Impaired)	32	1 068	640	428	458	245	213	299	
İlkokul (Görme Engelliler) Primary School (Visually-Impaired)	17	511	295	216	165	61	104	68	
Ortaokul (Görme Engelliler) Lower Secondary School (Visually-Impaired)	17	668	389	279	289	160	129	261	
İlkokul (Bedensel Engelliler) Primary School (Physically-Impaired)	3	274	148	126	50	9	41	51	
Ortaokul (Bedensel Engelliler) Lower Secondary School (Physically-Impaired)	3	309	171	138	55	13	42	25	
İlkokul (Hafif Düzeyde Zihinsel Engelliler) Primary School (Light Levels of Educable Mentally-Impaired)	32	814	536	278	182	56	126	237	
Ortaokul (Hafif Düzeyde Zihinsel Engelliler) Lower Secondary School (Light Levels of Educable Mentally-Impaired)	40	1 408	874	534	508	214	294	83	
Özel Eğitim Uygulama Okulu (I. Kademe) Training School of Special Education (I. Grade)	321	9 772	6 480	3 292	1 895	778	1 117	3 135	
Özel Eğitim Uygulama Okulu (II. Kademe) Training School of Special Education (II. Grade)	320	8 670	5 477	3 193	2 353	1 035	1 318	558	
Araştırma ve Geliştirme ve Uygulama Merkezi Ortaokulu-Özel Yetenek	1	81	42	39	3	2	1	-	
Özel (Özel) Eğitim İlkokulu Private Special Education Primary School	12	66	35	31	202	39	163	303	
Özel (Özel) Eğitim Ortaokulu Private Special Education Lower Secondary School	4	37	19	18	13	3	10	46	
Özel Eğitim Sınıfı (İlkokul) Special Education Class (Primary School)	-	25 836	16 813	9 023	-	-	-	-	
Özel Eğitim Sınıfı (Ortaokul) Special Education Class (Lower Secondary School)	-	23 468	14 598	8 870	-	-	-	-	

Özel Eğitim Sınıfı (İlkokul) Special Education Class (Primary School)	-	25 836	16 813	9 023	-	-	-	-
Özel Eğitim Sınıfı (Ortaokul) Special Education Class (Lower Secondary School)	-	23 468	14 598	8 870	-	-	-	-
Kaynaştırma Eğitimi (İlkokul) Inclusive Education (Primary School)	-	115 556	74 091	41 465	-	-	-	-
Kaynaştırma Eğitimi (Ortaokul) Inclusive Education (Lower Secondary School)	-	130 624	81 819	48 805	-	-	-	-
Özel Eğitim Meslek Lisesi (Bedensel Engelliler) Special Education Vocational Upper Secondary School (Physically-Impaired)	2	77	47	30	37	18	19	28
Özel Eğitim Meslek Lisesi (İşitme Engelliler) Special Education Vocational Upper Secondary School (Hearing-Impaired)	20	1 690	1 022	668	498	264	234	256
Özel Eğitim Uygulama Okulu (III.Kademe) Training School of Special Education (III. Grade)	272	11 436	7 468	3 968	3 322	1 501	1 821	1 695
Özel Eğitim Meslek Okulu (Görme Engelliler III. Kademe) Special Education of Vocational High School (Visually-Impaired III. Grade)	2	35	24	11	15	8	7	-
Özel Eğitim Meslek Okulu (Zihinsel Engelliler III. Kademe) Special Education of Vocational High School (Mentally-Impaired III. Grade)	147	12 629	8 140	4 489	3 001	1 384	1 617	1 313
Araştırma Geliştirme Eğitim ve Uygulama Merkezi Lisesi-Özel Yetenek	1	84	42	42	3	1	2	23
Kaynaştırma Eğitimi (Ortaöğretim) Inclusive Education (Upper Secondary Education)	-	48 257	30 248	18 009	-	-	-	-

National Education Statistics, Formal Education 2018/19

(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 31. Number of schools, students, teachers and classrooms in primary schools by types of school

**Temel Eğitim
(İlkokul)**

Basic Education
(Primary Education)

2.4.a İlkokullarda okul türlerine göre okul, öğrenci, öğretmen ve derslik sayısı
Number of schools, students, teachers and classrooms in primary schools by types of school
[2018/19 öğretim yılı - The educational year 2018/19]

Okul Türü Type of school	Okul/ Kurum School/ Institution	Öğrenci Sayısı Number of Students			Öğretmen Sayısı Number of Teachers			Derslik Classroom	
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female		
İlkokul Primary School		24 739	5 267 378	2 708 089	2 559 289	300 732	108 195	192 537	256 989
İlkokul (Resmi) Primary School (Public)		22 931	5 005 214	2 569 800	2 435 414	268 065	102 202	165 863	227 694
Temel Eğitim Genel Müdürlüğü (İlkokul) (Resmi) General Directorate of Basic Education (Primary School) (Public)		22 521	4 993 118	2 561 903	2 431 215	265 580	101 226	164 354	223 901
İlkokul Primary School		22 521	4 993 118	2 561 903	2 431 215	265 580	101 226	164 354	223 901
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü (Resmi) General Directorate of Special Education and Guidance Services (Public)		405	12 045	7 878	4 167	2 485	976	1 509	3 793
İlkokul (İşitme Engelliler) Primary School (Hearing-Impaired)		32	674	419	255	193	72	121	302
İlkokul (Görme Engelliler) Primary School (Visually-Impaired)		17	511	295	216	165	61	104	68
İlkokul (Bedensel Engelliler) Primary School (Physically-Impaired)		3	274	148	126	50	9	41	51
İlkokul (Hafif Düzeyde Zihinsel Engelliler) Primary School (Light Levels of Educable Mentally-Impaired)		32	814	536	278	182	56	126	237
Özel Eğitim Uygulama Okulu (I. Kademe) Training School of Special Education (I. Grade)		321	9 772	6 480	3 292	1 895	778	1 117	3 135
Müzik ve Bale İlkokulu (Konservatuar) Music and Ballet Primary School (Conservatory)		5	51	19	32	-	-	-	-
İlkokul (Özel) Primary School (Private)		1 808	262 164	138 289	123 875	32 667	5 993	26 674	29 295
Müzik ve Bale İlkokulu (Konservatuar) Music and Ballet Primary School (Conservatory)		5	51	19	32	-	-	-	-
İlkokul (Özel) Primary School (Private)		1 808	262 164	138 289	123 875	32 667	5 993	26 674	29 295
Özel Türk İlkokulu Private Turkish Primary School		1 736	257 743	135 956	121 787	31 854	5 819	26 035	28 268
Özel Özel Eğitim İlkokulu Private Special Education Primary School		12	66	35	31	202	39	163	303
Özel Milletlerarası İlkokulu Private International Primary School		40	3 274	1 770	1 504	315	90	225	551
Özel Azınlık İlkokulu Private Minority Primary School		19	1 070	525	545	288	45	243	167
Özel Yabancı İlkokulu Private Foreign Primary School		1	11	3	8	8	-	8	6

National Education Statistics, Formal Education 2018/19

(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 32. Number of schools, students, teachers and classrooms in lower secondary schools by types of school

**Temel Eğitim
(Ortaokul)**

Basic Education
(Lower Secondary Education)

2.4.b Ortaokullarda okul türlerine göre okul, öğrenci, öğretmen ve derslik sayısı

Number of schools, students, teachers and classrooms in lower secondary schools by types of school

[2018/19 öğretim yılı - The educational year 2018/19]

Okul Türü Type of school	Okul/ Kurum School/ Institution	Öğrenci Sayısı Number of Students			Öğretmen Sayısı Number of Teachers			Derslik Classroom	
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female		
Ortaokul									
Lower Secondary School		18 935	5 627 075	2 857 143	2 769 932	354 198	147 532	206 666	187 572
Açıköğretim Ortaokulu									
Open Lower Secondary School	1	189 754	71 279	118 475	-	-	-	-	-
Ortaokul (Resmi)									
Lower Secondary School (Public)		16 874	5 099 275	2 604 908	2 494 367	312 761	134 507	178 254	160 603
Ortaokul (Özel)									
Lower Secondary School (Private)		2 060	338 046	180 956	157 090	41 437	13 025	28 412	26 969
Temel Eğitim Genel Müdürlüğü (Ortaokul) (Resmi)									
General Directorate of Basic Education (Lower Secondary School) (Public)		13 053	4 324 393	2 238 176	2 086 217	265 983	114 061	151 922	134 467
Ortaokul									
Lower Secondary School		12 749	4 253 956	2 201 177	2 052 779	260 370	110 823	149 547	129 410
Yatılı Bölge Ortaokulu									
Regional Boarding Lower Secondary School	304	70 437	36 999	33 438	5 613	3 238	2 375	5 057	5 057
Din Öğretimi Genel Müdürlüğü (Ortaokul) (Resmi)									
General Directorate of Religious Education (Lower Secondary School) (Public)		3 394	761 785	358 859	402 926	43 112	18 777	24 335	24 853
İmam Hatip Ortaokulu									
Imams and Preachers Lower Secondary School		2 847	653 860	314 326	339 534	43 112	18 777	24 335	24 853
İmam Hatip Lisesi Bünyesinde İmam Hatip Ortaokulu									
Imams and Preachers Lower Secondary School physically dependent to Imams and Preachers Upper Secondary School		547	107 925	44 533	63 392	-	-	-	-
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü (Resmi)									
General Directorate of Special Education and Guidance Services (Public)		413	12 204	7 593	4 611	3 666	1 669	1 997	1 226
Ortaokul (İşitme Engelliler)									
Lower Secondary School (Hearing-Impaired)		32	1 068	640	428	458	245	213	299
Ortaokul (Görme Engelliler)									
Lower Secondary School (Visually-Impaired)		17	668	389	279	289	160	129	261
Ortaokul (Bedensel Engelliler)									
Lower Secondary School (Physically-Impaired)		3	309	171	138	55	13	42	25
Ortaokul (Hafif Düzeyde Zihinsel Engelliler)									
Lower Secondary School (Light Levels of Educable Mentally-Impaired)		40	1 408	874	534	508	214	294	83
Özel Eğitim Uygulama Okulu (II. Kademe)									
Training School of Special Education (II. Grade)		320	8 670	5 477	3 193	2 353	1 035	1 318	558
Araştırma Geliştirme Eğitim ve Uygulama Merkezi Ortaokulu-Özel Yetenek									
	1	81	42	39	3	2	1	-	-
Müzik ve Bale Ortaokulu (Konservatuar)									
Music and Ballet Lower Secondary School (Conservatory)		14	893	280	613	-	-	-	57
Ortaokul (Özel)									
Lower Secondary School (Private)		2 060	338 046	180 956	157 090	41 437	13 025	28 412	26 969
Özel Türk Ortaokulu									
Private Turkish Lower Secondary School		1 995	334 103	178 932	155 171	40 856	12 816	28 040	26 380
Özel Özel Eğitim Ortaokulu									
Private Special Education Lower Secondary School		4	37	19	18	13	3	10	46
Özel Milletlerarası Ortaokulu									
Private International Primary School		42	2 845	1 494	1 351	303	127	176	455
Özel Azınlık Ortaokulu									
Private Minority Lower Secondary School		19	1 061	511	550	265	79	186	88

Not. Açıköğretim öğrenci sayıları 2018-2019 eğitim öğretim yılı 1., 2. ve 3. dönem yeni kayıt yaptıran ve kayıt yenileyen aktif öğrencileri kapsar.

Note. The number of open education students include the active students who are new entrants or who have renewed registration as of 1., 2. and 3. semester in the educational year 2018-2019.

National Education Statistics, Formal Education 2018/19

(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 33. Number of schools, divisions and students in primary schools by grade and settlement place

Temel Eğitim
(İlkokul)

Basic Education
(Primary Education)

2.6.a Number of schools, divisions and students in primary schools by grade and settlement place according to Statistical Regions Level 3
[The educational year 2018/19]

İBBS 3. Düzey		Toplam - Total				Özel Eğitim ⁽¹⁾ Special Education ⁽¹⁾			
		Okul School	Şube Division	Öğrenci - Student			Şube Division	Erkek Male	Kadın Female
				Toplam Total	Erkek Male	Kadın Female			
TR Türkiye	Toplam	24 739	243 481	5 267 378	2 708 089	2 559 289	13 418	16 813	9 023
	Şehir	19 008	217 776	4 974 568	2 558 059	2 416 509	12 980	16 439	8 824
	Köy	5 731	25 705	292 810	150 030	142 780	438	374	199
TR100 İstanbul	Toplam	1 583	33 617	915 210	470 984	444 226	3 138	3 954	2 177
	Şehir	1 583	33 617	915 210	470 984	444 226	3 138	3 954	2 177
	Köy	-	-	-	-	-	-	-	-
TR211 Tekirdağ	Toplam	169	2 507	59 006	30 353	28 653	236	303	135
	Şehir	169	2 507	59 006	30 353	28 653	236	303	135
	Köy	-	-	-	-	-	-	-	-
TR212 Edirne	Toplam	108	916	16 304	8 413	7 891	34	45	24
	Şehir	63	722	14 005	7 222	6 783	30	41	23
	Köy	45	194	2 299	1 191	1 108	4	4	1
TR213 Kırklareli	Toplam	83	731	14 475	7 522	6 953	31	38	30
	Şehir	46	564	12 471	6 473	5 998	31	38	30
	Köy	37	167	2 004	1 049	955	-	-	-
TR221 Balıkesir	Toplam	333	2 991	54 413	28 021	26 392	169	167	90
	Şehir	333	2 991	54 413	28 021	26 392	169	167	90
	Köy	-	-	-	-	-	-	-	-
TR222 Çanakkale	Toplam	124	1 210	22 820	11 598	11 222	138	114	61
	Şehir	61	817	16 925	8 581	8 344	93	79	43
	Köy	63	393	5 895	3 017	2 878	45	35	18
TR310 İzmir	Toplam	799	10 506	224 810	115 681	109 129	865	988	529
	Şehir	799	10 506	224 810	115 681	109 129	865	988	529
	Köy	-	-	-	-	-	-	-	-
TR321 Aydın	Toplam	338	3 052	54 826	28 245	26 581	168	201	104
	Şehir	338	3 052	54 826	28 245	26 581	168	201	104
	Köy	-	-	-	-	-	-	-	-
TR322 Denizli	Toplam	283	2 768	54 115	27 933	26 182	172	166	80
	Şehir	283	2 768	54 115	27 933	26 182	172	166	80
	Köy	-	-	-	-	-	-	-	-
TR323 Muğla	Toplam	325	2 689	47 425	24 627	22 798	203	228	79
	Şehir	325	2 689	47 425	24 627	22 798	203	228	79
	Köy	-	-	-	-	-	-	-	-
TR331 Manisa	Toplam	472	4 146	76 765	39 674	37 091	283	345	180
	Şehir	472	4 146	76 765	39 674	37 091	283	345	180
	Köy	-	-	-	-	-	-	-	-
TR332 Afyonkarahisar	Toplam	364	2 414	42 059	21 636	20 423	63	53	48
	Şehir	134	1 269	26 931	13 939	12 992	43	37	33
	Köy	230	1 145	15 128	7 697	7 431	20	16	15
TR333 Kütahya	Toplam	212	1 556	26 807	13 718	13 089	54	51	16
	Şehir	101	1 084	21 957	11 176	10 781	44	43	15
	Köy	111	472	4 850	2 542	2 308	10	8	1
TR334 Uşak	Toplam	120	1 034	18 381	9 563	8 818	60	59	40
	Şehir	49	712	14 864	7 751	7 113	48	51	34
	Köy	71	322	3 517	1 812	1 705	12	8	6
TR411 Bursa	Toplam	493	7 660	185 697	95 893	89 804	589	797	419
	Şehir	493	7 660	185 697	95 893	89 804	589	797	419
	Köy	-	-	-	-	-	-	-	-
TR412 Eskişehir	Toplam	154	1 986	41 274	21 465	19 809	102	122	67
	Şehir	154	1 986	41 274	21 465	19 809	102	122	67

	Köy	-	-	-	-	-	-	-	-
TR413 Bilecik	Toplam	56	499	10 691	5 386	5 305	15	14	8
	Şehir	39	427	9 838	4 980	4 858	15	14	8
	Köy	17	72	853	406	447	-	-	-
TR421 Kocaeli	Toplam	340	4 883	120 235	61 872	58 363	262	449	220
	Şehir	340	4 883	120 235	61 872	58 363	262	449	220
	Köy	-	-	-	-	-	-	-	-
TR422 Sakarya	Toplam	275	2 683	56 880	29 394	27 486	131	166	73
	Şehir	275	2 683	56 880	29 394	27 486	131	166	73
	Köy	-	-	-	-	-	-	-	-
TR423 Düzce	Toplam	111	1 045	20 476	10 413	10 063	48	53	40
	Şehir	52	712	15 386	7 813	7 573	38	45	33
	Köy	59	333	5 090	2 600	2 490	10	8	7
TR424 Bolu	Toplam	70	735	14 698	7 588	7 110	71	63	44
	Şehir	48	602	13 098	6 726	6 372	53	51	34
	Köy	22	133	1 600	862	738	18	12	10
TR425 Yalova	Toplam	62	662	13 851	7 134	6 717	52	63	34
	Şehir	36	496	10 836	5 602	5 234	39	47	30
	Köy	26	166	3 015	1 532	1 483	13	16	4
TR510 Ankara	Toplam	833	13 512	312 444	160 536	151 908	798	1 036	498
	Şehir	833	13 512	312 444	160 536	151 908	798	1 036	498
	Köy	-	-	-	-	-	-	-	-
TR521 Konya	Toplam	729	6 817	147 326	75 780	71 546	311	417	223
	Şehir	729	6 817	147 326	75 780	71 546	311	417	223
	Köy	-	-	-	-	-	-	-	-
TR522 Karaman	Toplam	90	796	14 328	7 380	6 948	47	57	29
	Şehir	42	571	11 610	6 032	5 578	38	49	25
	Köy	48	225	2 718	1 348	1 370	9	8	4
TR611 Antalya	Toplam	539	6 326	141 951	73 346	68 605	568	639	364
	Şehir	539	6 326	141 951	73 346	68 605	568	639	364
	Köy	-	-	-	-	-	-	-	-
TR612 Isparta	Toplam	165	1 257	21 747	11 208	10 539	55	54	33
	Şehir	68	824	17 071	8 789	8 282	47	47	30
	Köy	97	433	4 676	2 419	2 257	8	7	3
TR613 Burdur	Toplam	90	684	12 636	6 649	5 987	32	25	13
	Şehir	45	488	10 063	5 276	4 787	28	25	11
	Köy	45	196	2 573	1 373	1 200	4		2
TR621 Adana	Toplam	502	6 681	163 601	84 024	79 577	255	424	200
	Şehir	502	6 681	163 601	84 024	79 577	255	424	200
	Köy	-	-	-	-	-	-	-	-
TR622 Mersin	Toplam	468	5 536	126 808	65 474	61 334	228	309	168
	Şehir	468	5 536	126 808	65 474	61 334	228	309	168
	Köy	-	-	-	-	-	-	-	-
TR631 Hatay	Toplam	576	6 043	140 602	72 455	68 147	342	441	237
	Şehir	576	6 043	140 602	72 455	68 147	342	441	237
	Köy	-	-	-	-	-	-	-	-
TR632 Kahramanmaraş	Toplam	473	4 324	95 445	48 866	46 579	217	286	179
	Şehir	473	4 324	95 445	48 866	46 579	217	286	179
	Köy	-	-	-	-	-	-	-	-
TR633 Osmaniye	Toplam	174	1 871	43 013	22 288	20 725	56	93	57
	Şehir	79	1 375	35 269	18 252	17 017	50	86	54
	Köy	95	496	7 744	4 036	3 708	6	7	3
TR711 Kırıkkale	Toplam	78	794	13 958	7 203	6 755	40	37	31
	Şehir	55	699	13 241	6 809	6 432	39	37	30
	Köy	23	95	717	394	323	1		1
TR712 Aksaray	Toplam	198	1 383	27 215	13 987	13 228	43	57	29
	Şehir	81	843	19 827	10 258	9 569	30	42	21
	Köy	117	540	7 388	3 729	3 659	13	15	8
TR713 Niğde	Toplam	165	1 159	22 315	11 415	10 900	35	48	17
	Şehir	47	575	13 678	7 041	6 637	34	47	17
	Köy	118	584	8 637	4 374	4 263	1	1	-
TR714 Nevşehir	Toplam	130	991	17 059	8 798	8 261	74	74	33
	Şehir	45	568	11 767	6 034	5 733	59	60	28
	Köy	85	423	5 292	2 764	2 528	15	14	5

TR715 Kırşehir	Toplam	73	662	11 987	6 134	5 853	25	33	8
	Şehir	54	568	11 017	5 623	5 394	23	30	8
	Köy	19	94	970	511	459	2	3	-
TR721 Kayseri	Toplam	393	4 332	96 144	49 715	46 429	175	220	118
	Şehir	393	4 332	96 144	49 715	46 429	175	220	118
	Köy	-	-	-	-	-	-	-	-
TR722 Sivas	Toplam	293	2 119	34 341	17 711	16 630	121	119	88
	Şehir	119	1 382	28 437	14 721	13 716	104	110	78
	Köy	174	737	5 904	2 990	2 914	17	9	10
TR723 Yozgat	Toplam	184	1 352	22 417	11 557	10 860	58	64	30
	Şehir	89	940	17 561	9 038	8 523	57	64	28
	Köy	95	412	4 856	2 519	2 337	1	-	2
TR811 Zonguldak	Toplam	212	1 713	28 952	14 918	14 034	124	134	75
	Şehir	84	1 022	21 113	10 901	10 212	79	88	51
	Köy	128	691	7 839	4 017	3 822	45	46	24
TR812 Karabük	Toplam	62	535	10 679	5 432	5 247	13	7	9
	Şehir	52	488	9 859	5 057	4 802	13	7	9
	Köy	10	47	820	375	445	-	-	-
TR813 Bartın	Toplam	65	532	8 711	4 513	4 198	66	62	28
	Şehir	21	245	4 824	2 541	2 283	23	25	9
	Köy	44	287	3 887	1 972	1 915	43	37	19
TR821 Kastamonu	Toplam	116	947	16 218	8 363	7 855	74	58	36
	Şehir	58	686	13 621	7 013	6 608	68	56	35
	Köy	58	261	2 597	1 350	1 247	6	2	1
TR822 Çankırı	Toplam	57	459	8 669	4 453	4 216	38	46	24
	Şehir	37	384	8 227	4 230	3 997	36	45	23
	Köy	20	75	442	223	219	2	1	1
TR823 Sinop	Toplam	57	536	9 220	4 718	4 502	81	72	30
	Şehir	30	388	7 579	3 876	3 703	60	63	18
	Köy	27	148	1 641	842	799	21	9	12
TR831 Samsun	Toplam	434	3 755	70 879	36 367	34 512	147	200	98
	Şehir	434	3 755	70 879	36 367	34 512	147	200	98
	Köy	-	-	-	-	-	-	-	-
TR832 Tokat	Toplam	296	1 879	29 653	15 299	14 354	28	25	15
	Şehir	106	1 091	22 962	11 848	11 114	25	23	14
	Köy	190	788	6 691	3 451	3 240	3	2	1
TR833 Çorum	Toplam	206	1 513	27 793	14 396	13 397	79	101	64
	Şehir	84	1 079	24 512	12 707	11 805	79	101	64
	Köy	122	434	3 281	1 689	1 592	-	-	-
TR834 Amasya	Toplam	119	952	16 670	8 593	8 077	31	47	24
	Şehir	60	696	14 046	7 256	6 790	28	43	23
	Köy	59	256	2 624	1 337	1 287	3	4	1
TR901 Trabzon	Toplam	205	2 084	41 407	21 155	20 252	138	183	85
	Şehir	205	2 084	41 407	21 155	20 252	138	183	85
	Köy	-	-	-	-	-	-	-	-
TR902 Ordu	Toplam	201	1 923	37 130	19 079	18 051	123	134	81
	Şehir	201	1 923	37 130	19 079	18 051	123	134	81
	Köy	-	-	-	-	-	-	-	-
TR903 Giresun	Toplam	115	1 025	18 539	9 530	9 009	58	64	21
	Şehir	50	740	15 198	7 795	7 403	58	64	21
	Köy	65	285	3 341	1 735	1 606	-	-	-
TR904 Rize	Toplam	91	906	15 995	8 175	7 820	86	99	55
	Şehir	48	716	13 789	7 043	6 746	77	93	49
	Köy	43	190	2 206	1 132	1 074	9	6	6
TR905 Artvin	Toplam	52	467	6 972	3 542	3 430	58	49	27
	Şehir	27	358	6 072	3 074	2 998	49	46	25
	Köy	25	109	900	468	432	9	3	2
TR906 Gümüşhane	Toplam	57	391	5 440	2 755	2 685	23	20	9
	Şehir	23	247	4 377	2 219	2 158	19	15	8
	Köy	34	144	1 063	536	527	4	5	1
TRA11 Erzurum	Toplam	654	3 649	51 262	26 385	24 877	39	51	26
	Şehir	654	3 649	51 262	26 385	24 877	39	51	26
	Köy	-	-	-	-	-	-	-	-

TRA12 Erzincan	Toplam	91	681	11 787	5 969	5 818	29	18	14
	Şehir	59	547	10 551	5 375	5 176	28	18	13
	Köy	32	134	1 236	594	642	1	-	1
TRA13 Bayburt	Toplam	45	280	4 184	2 144	2 040	12	10	8
	Şehir	17	158	2 915	1 502	1 413	12	10	8
	Köy	28	122	1 269	642	627	-	-	-
TRA21 Ağrı	Toplam	588	3 307	52 298	26 757	25 541	30	22	16
	Şehir	93	1 184	29 547	15 051	14 496	29	21	16
	Köy	495	2 123	22 751	11 706	11 045	1	1	-
TRA22 Kars	Toplam	350	1 684	21 204	10 914	10 290	34	34	10
	Şehir	53	458	9 498	4 902	4 596	28	29	10
	Köy	297	1 226	11 706	6 012	5 694	6	5	-
TRA23 Iğdır	Toplam	138	963	15 867	8 175	7 692	42	38	21
	Şehir	35	434	9 407	4 854	4 553	27	28	15
	Köy	103	529	6 460	3 321	3 139	15	10	6
TRA24 Ardahan	Toplam	76	393	5 448	2 832	2 616	11	8	9
	Şehir	16	146	2 739	1 394	1 345	11	8	9
	Köy	60	247	2 709	1 438	1 271	-	-	-
TRB11 Malatya	Toplam	306	2 591	52 259	26 874	25 385	127	131	71
	Şehir	306	2 591	52 259	26 874	25 385	127	131	71
	Köy	-	-	-	-	-	-	-	-
TRB12 Elazığ	Toplam	187	1 827	35 190	18 128	17 062	86	102	52
	Şehir	86	1 353	29 248	15 041	14 207	82	99	50
	Köy	101	474	5 942	3 087	2 855	4	3	2
TRB13 Bingöl	Toplam	201	1 253	19 070	9 729	9 341	61	72	26
	Şehir	45	598	13 281	6 776	6 505	52	63	23
	Köy	156	655	5 789	2 953	2 836	9	9	3
TRB14 Tunceli	Toplam	28	211	2 861	1 491	1 370	20	19	8
	Şehir	16	156	2 431	1 264	1 167	16	18	5
	Köy	12	55	430	227	203	4	1	3
TRB21 Van	Toplam	878	5 644	103 854	53 006	50 848	166	205	125
	Şehir	878	5 644	103 854	53 006	50 848	166	205	125
	Köy	-	-	-	-	-	-	-	-
TRB22 Muş	Toplam	417	2 372	38 401	19 605	18 796	28	27	18
	Şehir	64	703	16 547	8 504	8 043	28	27	18
	Köy	353	1 669	21 854	11 101	10 753	-	-	-
TRB23 Bitlis	Toplam	435	2 281	30 173	15 563	14 610	45	60	22
	Şehir	77	759	16 066	8 337	7 729	33	40	17
	Köy	358	1 522	14 107	7 226	6 881	12	20	5
TRB24 Hakkari	Toplam	212	1 233	21 343	10 935	10 408	94	117	64
	Şehir	61	630	12 792	6 511	6 281	71	85	58
	Köy	151	603	8 551	4 424	4 127	23	32	6
TRC11 Gaziantep	Toplam	531	7 563	210 535	107 474	103 061	189	352	199
	Şehir	531	7 563	210 535	107 474	103 061	189	352	199
	Köy	-	-	-	-	-	-	-	-
TRC12 Adıyaman	Toplam	429	2 824	49 158	25 336	23 822	95	126	77
	Şehir	85	1 414	36 235	18 723	17 512	91	123	76
	Köy	344	1 410	12 923	6 613	6 310	4	3	1
TRC13 Kilis	Toplam	90	767	17 588	9 004	8 584	38	75	39
	Şehir	29	496	14 646	7 529	7 117	34	72	36
	Köy	61	271	2 942	1 475	1 467	4	3	3
TRC21 Şanlıurfa	Toplam	1 260	9 716	246 673	125 921	120 752	278	487	301
	Şehir	1 260	9 716	246 673	125 921	120 752	278	487	301
	Köy	-	-	-	-	-	-	-	-
TRC22 Diyarbakır	Toplam	870	6 897	153 203	78 572	74 631	208	347	192
	Şehir	870	6 897	153 203	78 572	74 631	208	347	192
	Köy	-	-	-	-	-	-	-	-
TRC31 Mardin	Toplam	602	3 974	79 126	40 618	38 508	117	148	83
	Şehir	602	3 974	79 126	40 618	38 508	117	148	83
	Köy	-	-	-	-	-	-	-	-

TRC31 Mardin	Toplam	602	3 974	79 126	40 618	38 508	117	148	83
	Şehir	602	3 974	79 126	40 618	38 508	117	148	83
	Köy	-	-	-	-	-	-	-	-
TRC32 Batman	Toplam	391	2 756	54 485	27 800	26 685	62	111	59
	Şehir	98	1 573	44 306	22 659	21 647	62	111	59
	Köy	293	1 183	10 179	5 141	5 038	-	-	-
TRC33 Şırnak	Toplam	294	2 304	51 577	26 542	25 035	55	62	31
	Şehir	64	1 167	31 742	16 351	15 391	54	61	30
	Köy	230	1 137	19 835	10 191	9 644	1	1	1
TRC34 Siirt	Toplam	294	1 765	30 350	15 388	14 962	21	18	18
	Şehir	59	767	19 281	9 801	9 480	21	18	18
	Köy	235	998	11 069	5 587	5 482	-	-	-

Note 1. In cases where separate classes for students in need of special education is not available, figures for the said students are included in regular enrollment.

Note 2. It only includes divisions with active students.

(1) Includes also new entrant students.

National Education Statistics, Formal Education 2018/19

(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 34. Number of schools, divisions and students in lower secondary schools by grade and settlement place

Temel Eğitim
(Ortaokul)

Basic Education
(Lower Secondary Education)

2.6.b Number of schools, divisions and students in lower secondary schools by grade and settlement place according to Statistical Regions Level 3
[The educational year 2018/19]

İBBS 3. Düzey		Toplam - Total					Özel Eğitim Special Education		
		Okul School	Şube Division	Öğrenci - Student			Şube Division	Erkek Male	Kadın Female
				Toplam Total	Erkek Male	Kadın Female			
TR Türkiye	Toplam	18 935	228 069	5 627 075	2 857 143	2 769 932	10 668	14 598	8 870
	Şehir	16 076	211 549	5 329 772	2 705 988	2 623 784	10 226	14 227	8 621
	Köy	2 859	16 520	297 303	151 155	146 148	442	371	249
TR100 İstanbul	Toplam	1 730	34 291	973 589	493 428	480 161	2 309	3 385	2 046
	Şehir	1 730	34 291	973 589	493 428	480 161	2 309	3 385	2 046
	Köy	-	-	-	-	-	-	-	-
TR211 Tekirdağ	Toplam	169	2 413	62 842	32 210	30 632	170	212	126
	Şehir	169	2 413	62 842	32 210	30 632	170	212	126
	Köy	-	-	-	-	-	-	-	-
TR212 Edirne	Toplam	91	894	18 014	9 143	8 871	40	45	32
	Şehir	59	747	15 682	7 997	7 685	37	43	31
	Köy	32	147	2 332	1 146	1 186	3	2	1
TR213 Kırklareli	Toplam	77	739	16 058	8 206	7 852	30	47	23
	Şehir	47	591	13 820	7 004	6 816	28	45	23
	Köy	30	148	2 238	1 202	1 036	2	2	-
TR221 Balıkesir	Toplam	256	2 853	61 268	31 106	30 162	138	141	111
	Şehir	256	2 853	61 268	31 106	30 162	138	141	111
	Köy	-	-	-	-	-	-	-	-

TR222 Çanakkale	Toplam	107	1 199	24 583	12 446	12 137	145	127	92
	Şehir	63	856	18 644	9 384	9 260	92	88	62
	Köy	44	343	5 939	3 062	2 877	53	39	30
TR310 İzmir	Toplam	669	9 860	242 500	122 018	120 482	689	886	480
	Şehir	669	9 860	242 500	122 018	120 482	689	886	480
	Köy	-	-	-	-	-	-	-	-
TR321 Aydın	Toplam	244	2 741	60 926	31 016	29 910	124	135	99
	Şehir	244	2 741	60 926	31 016	29 910	124	135	99
	Köy	-	-	-	-	-	-	-	-
TR322 Denizli	Toplam	256	2 832	60 971	31 001	29 970	132	123	75
	Şehir	256	2 832	60 971	31 001	29 970	132	123	75
	Köy	-	-	-	-	-	-	-	-
TR323 Muğla	Toplam	249	2 502	51 390	26 323	25 067	140	154	78
	Şehir	249	2 502	51 390	26 323	25 067	140	154	78
	Köy	-	-	-	-	-	-	-	-
TR331 Manisa	Toplam	330	3 847	85 298	43 667	41 631	311	433	243
	Şehir	330	3 847	85 298	43 667	41 631	311	433	243
	Köy	-	-	-	-	-	-	-	-
TR332 Afyonkarahisar	Toplam	291	2 240	46 881	23 851	23 030	52	70	40
	Şehir	134	1 385	31 568	16 156	15 412	40	57	32
	Köy	157	855	15 313	7 695	7 618	12	13	8
TR333 Kütahya	Toplam	173	1 495	30 461	15 452	15 009	45	47	26
	Şehir	111	1 190	25 622	13 046	12 576	37	38	22
	Köy	62	305	4 839	2 406	2 433	8	9	4
TR334 Uşak	Toplam	94	905	20 376	10 435	9 941	40	50	21
	Şehir	48	688	17 042	8 737	8 305	38	48	21
	Köy	46	217	3 334	1 698	1 636	2	2	-
TR411 Bursa	Toplam	516	7 701	192 305	97 661	94 644	425	710	415
	Şehir	516	7 701	192 305	97 661	94 644	425	710	415
	Köy	-	-	-	-	-	-	-	-
TR412 Eskişehir	Toplam	138	1 927	45 325	22 782	22 543	80	118	50
	Şehir	138	1 927	45 325	22 782	22 543	80	118	50
	Köy	-	-	-	-	-	-	-	-
TR413 Bilecik	Toplam	54	507	11 765	6 030	5 735	15	14	10
	Şehir	42	451	10 963	5 637	5 326	14	13	10
	Köy	12	56	802	393	409	1	1	-
TR421 Kocaeli	Toplam	348	4 940	128 081	64 947	63 134	179	316	218
	Şehir	348	4 940	128 081	64 947	63 134	179	316	218
	Köy	-	-	-	-	-	-	-	-
TR422 Sakarya	Toplam	267	2 844	63 414	32 223	31 191	147	201	105
	Şehir	267	2 844	63 414	32 223	31 191	147	201	105
	Köy	-	-	-	-	-	-	-	-
TR423 Düzce	Toplam	108	1 134	23 681	11 879	11 802	44	64	43
	Şehir	67	879	19 825	9 884	9 941	39	60	42
	Köy	41	255	3 856	1 995	1 861	5	4	1

TR424 Bolu	Toplam	74	783	16 128	8 265	7 863	74	69	48
	Şehir	58	670	14 579	7 475	7 104	57	58	40
	Köy	16	113	1 549	790	759	17	11	8
TR425 Yalova	Toplam	68	709	14 786	7 511	7 275	46	57	31
	Şehir	44	543	11 746	5 984	5 762	39	50	29
	Köy	24	166	3 040	1 527	1 513	7	7	2
TR510 Ankara	Toplam	808	13 514	338 066	171 036	167 030	739	1 026	656
	Şehir	808	13 514	338 066	171 036	167 030	739	1 026	656
	Köy	-	-	-	-	-	-	-	-
TR521 Konya	Toplam	594	6 648	159 748	80 925	78 823	286	429	289
	Şehir	594	6 648	159 748	80 925	78 823	286	429	289
	Köy	-	-	-	-	-	-	-	-
TR522 Karaman	Toplam	79	739	16 396	8 351	8 045	39	48	31
	Şehir	54	593	13 723	7 008	6 715	30	42	23
	Köy	25	146	2 673	1 343	1 330	9	6	8
TR611 Antalya	Toplam	607	6 560	153 550	77 804	75 746	469	583	356
	Şehir	607	6 560	153 550	77 804	75 746	469	583	356
	Köy	-	-	-	-	-	-	-	-
TR612 Isparta	Toplam	140	1 258	24 228	12 432	11 796	61	67	36
	Şehir	80	965	20 052	10 294	9 758	52	64	33
	Köy	60	293	4 176	2 138	2 038	9	3	3
TR613 Burdur	Toplam	88	687	13 802	7 061	6 741	27	32	18
	Şehir	57	545	11 335	5 859	5 476	25	31	17
	Köy	31	142	2 467	1 202	1 265	2	1	1
TR621 Adana	Toplam	377	6 071	167 762	85 252	82 510	180	324	192
	Şehir	377	6 071	167 762	85 252	82 510	180	324	192
	Köy	-	-	-	-	-	-	-	-
TR622 Mersin	Toplam	415	5 316	131 618	66 925	64 693	211	301	190
	Şehir	415	5 316	131 618	66 925	64 693	211	301	190
	Köy	-	-	-	-	-	-	-	-
TR631 Hatay	Toplam	453	5 383	140 552	71 353	69 199	178	224	158
	Şehir	453	5 383	140 552	71 353	69 199	178	224	158
	Köy	-	-	-	-	-	-	-	-
TR632 Kahramanmaraş	Toplam	323	3 754	100 972	51 627	49 345	149	199	145
	Şehir	323	3 754	100 972	51 627	49 345	149	199	145
	Köy	-	-	-	-	-	-	-	-
TR633 Osmaniye	Toplam	128	1 800	44 761	22 892	21 869	59	77	56
	Şehir	78	1 444	37 333	19 128	18 205	48	70	41
	Köy	50	356	7 428	3 764	3 664	11	7	15
TR711 Kırıkkale	Toplam	77	818	16 182	8 224	7 958	50	67	43
	Şehir	63	748	15 435	7 820	7 615	47	62	43
	Köy	14	70	747	404	343	3	5	-
TR712 Aksaray	Toplam	138	1 236	29 258	14 898	14 360	33	41	19
	Şehir	73	882	21 789	11 140	10 649	25	31	18
	Köy	65	354	7 469	3 758	3 711	8	10	1
TR713 Niğde	Toplam	135	1 117	25 338	13 020	12 318	31	47	35
	Şehir	51	623	15 705	8 053	7 652	27	44	33
	Köy	84	494	9 633	4 967	4 666	4	3	2
TR714 Nevşehir	Toplam	108	959	18 977	9 638	9 339	62	64	48
	Şehir	49	635	13 546	6 818	6 728	57	63	42
	Köy	59	324	5 431	2 820	2 611	5	1	6
TR715 Kırşehir	Toplam	69	635	13 337	6 789	6 548	10	12	5
	Şehir	48	550	12 205	6 222	5 983	10	12	5
	Köy	21	85	1 132	567	565	-	-	-
TR721 Kayseri	Toplam	347	4 287	104 830	53 068	51 762	151	246	144
	Şehir	347	4 287	104 830	53 068	51 762	151	246	144
	Köy	-	-	-	-	-	-	-	-
TR722 Sivas	Toplam	208	1 924	40 130	20 275	19 855	119	150	79
	Şehir	128	1 520	33 744	17 094	16 650	105	139	72
	Köy	80	404	6 386	3 181	3 205	14	11	7
TR723 Yozgat	Toplam	205	1 421	26 384	13 398	12 986	61	69	37
	Şehir	105	1 004	20 613	10 496	10 117	50	59	34
	Köy	100	417	5 771	2 902	2 869	11	10	3

TR811 Zonguldak	Toplam	132	1 541	33 226	16 672	16 554	139	173	116
	Şehir	69	1 003	23 736	11 914	11 822	75	115	68
	Köy	63	538	9 490	4 758	4 732	64	58	48
TR812 Karabük	Toplam	75	618	12 391	6 343	6 048	11	8	4
	Şehir	63	564	11 591	5 930	5 661	9	6	3
	Köy	12	54	800	413	387	2	2	1
TR813 Bartın	Toplam	47	508	9 885	5 040	4 845	74	69	36
	Şehir	21	264	5 849	3 032	2 817	26	25	18
	Köy	26	244	4 036	2 008	2 028	48	44	18
TR821 Kastamonu	Toplam	108	963	19 265	9 669	9 596	73	87	50
	Şehir	73	766	16 278	8 179	8 099	65	82	43
	Köy	35	197	2 987	1 490	1 497	8	5	7
TR822 Çankırı	Toplam	55	469	9 480	4 828	4 652	42	62	28
	Şehir	47	437	9 108	4 652	4 456	41	62	27
	Köy	8	32	372	176	196	1	-	1
TR823 Sinop	Toplam	50	565	10 418	5 208	5 210	83	107	54
	Şehir	37	468	9 033	4 535	4 498	60	83	44
	Köy	13	97	1 385	673	712	23	24	10
TR831 Samsun	Toplam	337	3 673	80 815	40 971	39 844	120	178	101
	Şehir	337	3 673	80 815	40 971	39 844	120	178	101
	Köy	-	-	-	-	-	-	-	-
TR832 Tokat	Toplam	194	1 680	35 171	17 661	17 510	18	22	18
	Şehir	105	1 218	28 387	14 313	14 074	13	20	12
	Köy	89	462	6 784	3 348	3 436	5	2	6
TR833 Çorum	Toplam	155	1 462	31 095	15 778	15 317	92	131	90
	Şehir	102	1 233	27 793	14 212	13 581	92	131	90
	Köy	53	229	3 302	1 566	1 736	-	-	-
TR834 Amasya	Toplam	105	912	18 561	9 430	9 131	24	52	30
	Şehir	75	750	16 077	8 132	7 945	20	49	28
	Köy	30	162	2 484	1 298	1 186	4	3	2
TR901 Trabzon	Toplam	231	2 253	45 581	23 205	22 376	158	208	112
	Şehir	231	2 253	45 581	23 205	22 376	158	208	112
	Köy	-	-	-	-	-	-	-	-
TR902 Ordu	Toplam	210	2 038	42 529	21 710	20 819	133	164	102
	Şehir	210	2 038	42 529	21 710	20 819	133	164	102
	Köy	-	-	-	-	-	-	-	-
TR903 Giresun	Toplam	137	1 104	21 553	10 869	10 684	36	34	22
	Şehir	71	835	17 729	8 910	8 819	36	34	22
	Köy	66	269	3 824	1 959	1 865	-	-	-
TR904 Rize	Toplam	100	1 008	19 018	9 764	9 254	80	76	52
	Şehir	61	820	16 398	8 279	8 119	70	69	48
	Köy	39	188	2 620	1 485	1 135	10	7	4
TR905 Artvin	Toplam	60	495	8 209	4 122	4 087	47	37	28
	Şehir	34	385	7 154	3 598	3 556	43	36	25
	Köy	26	110	1 055	524	531	4	1	3
TR906 Gümüşhane	Toplam	66	376	6 299	3 188	3 111	16	16	16
	Şehir	31	257	4 892	2 480	2 412	13	13	16
	Köy	35	119	1 407	708	699	3	3	-
TRA11 Erzurum	Toplam	333	2 748	57 426	28 958	28 468	38	44	30
	Şehir	333	2 748	57 426	28 958	28 468	38	44	30
	Köy	-	-	-	-	-	-	-	-
TRA12 Erzincan	Toplam	73	633	12 771	6 454	6 317	22	14	18
	Şehir	54	549	11 530	5 800	5 730	21	14	17
	Köy	19	84	1 241	654	587	1	-	1
TRA13 Bayburt	Toplam	59	293	4 747	2 369	2 378	6	11	7
	Şehir	29	188	3 410	1 695	1 715	6	11	7
	Köy	30	105	1 337	674	663	-	-	-
TRA21 Ağrı	Toplam	261	2 468	54 828	28 186	26 642	22	25	13
	Şehir	112	1 534	36 706	18 848	17 858	21	25	12
	Köy	149	934	18 122	9 338	8 784	1	-	1
TRA22 Kars	Toplam	171	1 155	23 561	11 969	11 592	9	9	6
	Şehir	59	591	13 382	6 809	6 573	9	9	6
	Köy	112	564	10 179	5 160	5 019	-	-	-

TRA23 Iğdır	Toplam	94	825	16 777	8 600	8 177	23	18	15
	Şehir	39	474	10 626	5 408	5 218	15	12	12
	Köy	55	351	6 151	3 192	2 959	8	6	3
TRA24 Ardahan	Toplam	54	352	6 647	3 396	3 251	7	6	4
	Şehir	19	192	3 888	2 006	1 882	6	5	4
	Köy	35	160	2 759	1 390	1 369	1	1	-
TRB11 Malatya	Toplam	245	2 401	57 823	29 093	28 730	69	69	59
	Şehir	245	2 401	57 823	29 093	28 730	69	69	59
	Köy	-	-	-	-	-	-	-	-
TRB12 Elazığ	Toplam	141	1 625	39 717	20 219	19 498	50	69	56
	Şehir	87	1 283	33 307	17 047	16 260	46	65	54
	Köy	54	342	6 410	3 172	3 238	4	4	2
TRB13 Bingöl	Toplam	103	1 028	21 440	10 758	10 682	52	39	43
	Şehir	57	688	15 251	7 654	7 597	45	35	38
	Köy	46	340	6 189	3 104	3 085	7	4	5
TRB14 Tunceli	Toplam	25	191	2 926	1 518	1 408	11	14	5
	Şehir	17	154	2 542	1 302	1 240	9	12	5
	Köy	8	37	384	216	168	2	2	-
TRB21 Van	Toplam	402	4 633	113 080	57 844	55 236	118	163	97
	Şehir	402	4 633	113 080	57 844	55 236	118	163	97
	Köy	-	-	-	-	-	-	-	-
TRB22 Muş	Toplam	211	1 932	41 234	21 292	19 942	12	15	3
	Şehir	69	893	21 428	10 752	10 676	11	14	3
	Köy	142	1 039	19 806	10 540	9 266	1	1	-
TRB23 Bitlis	Toplam	195	1 611	33 248	17 207	16 041	40	37	24
	Şehir	90	924	20 327	10 912	9 415	21	21	12
	Köy	105	687	12 921	6 295	6 626	19	16	12
TRB24 Hakkari	Toplam	108	1 099	25 937	13 286	12 651	63	68	59
	Şehir	57	655	16 045	8 193	7 852	32	37	34
	Köy	51	444	9 892	5 093	4 799	31	31	25
TRC11 Gaziantep	Toplam	368	6 715	202 583	102 261	100 322	137	300	166
	Şehir	368	6 715	202 583	102 261	100 322	137	300	166
	Köy	-	-	-	-	-	-	-	-
TRC12 Adıyaman	Toplam	248	2 265	52 500	26 741	25 759	67	82	57
	Şehir	112	1 483	37 320	18 977	18 343	64	80	57
	Köy	136	782	15 180	7 764	7 416	3	2	-
TRC13 Kilis	Toplam	44	563	16 414	8 204	8 210	17	43	22
	Şehir	29	430	13 115	6 599	6 516	13	37	22
	Köy	15	133	3 299	1 605	1 694	4	6	-
TRC21 Şanlıurfa	Toplam	689	7 566	226 419	115 870	110 549	171	362	172
	Şehir	689	7 566	226 419	115 870	110 549	171	362	172
	Köy	-	-	-	-	-	-	-	-
TRC22 Diyarbakır	Toplam	511	5 883	160 958	82 099	78 859	158	208	95
	Şehir	511	5 883	160 958	82 099	78 859	158	208	95
	Köy	-	-	-	-	-	-	-	-
TRC31 Mardin	Toplam	345	3 117	82 470	41 513	40 957	67	83	58
	Şehir	345	3 117	82 470	41 513	40 957	67	83	58
	Köy	-	-	-	-	-	-	-	-
TRC32 Batman	Toplam	193	2 250	61 126	31 128	29 998	38	49	33
	Şehir	95	1 691	50 245	25 518	24 727	38	49	33
	Köy	98	559	10 881	5 610	5 271	-	-	-
TRC33 Şırnak	Toplam	254	2 239	58 318	29 688	28 630	3	6	4
	Şehir	73	1 172	34 498	17 576	16 922	3	6	4
	Köy	181	1 067	23 820	12 112	11 708	-	-	-
TRC34 Siirt	Toplam	138	1 329	34 096	17 464	16 632	32	30	16
	Şehir	63	828	22 465	11 594	10 871	30	28	16
	Köy	75	501	11 631	5 870	5 761	2	2	-

Note 1. In cases where separate classes for students in need of special education is not available, figures for the said students are included in regular enrollment.

Note 2. The number of open education students include the active students who are new entrants or who have renewed registration as of 1., 2. and 3. semester in the educational year 2018-2019.

Note 3. It only includes divisions with active students.

National Education Statistics, Formal Education

2018/19(http://sgb.meb.gov.tr/meb_ıys_dosyalar/2019_09/30102730_meb_ıstatistikleri_orgun_egitim_2018_2019.pdf)

Table 35. Number of special education students/trainees transported

Temel Eğitim (İlkokul+Ortaokul) Basic Education (Primary Education+Lower Secondary Education)

2.8.b İstatistikî Bölge Birimleri Sınıflaması 3. düzeye göre öğrenci taşıma uygulaması kapsamında taşınan özel eğitim öğrenci / kursiyer sayıları

The number of special education students / trainees transported within the framework of student transportation implementation according to Statistical Regions 3. Level

[2018/19 öğretim yılı - The educational year 2018/19]

İBBS - 3. Düzey SR - Level 3	Taşınan Merkez Okul Sayısı ⁽¹⁾ Number of Transporting Central Schools ⁽¹⁾	Taşınan Özel Eğitim Öğrenci Sayısı (Örgün Eğitim) The Number of Transported Special Education Students (Formal Education)			Taşınan Özel Eğitim Kursiyer Sayısı (Yaygın Eğitim) The Number of Transported Special Education Trainees (Non-Formal Education)		
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
TR Türkiye TR Turkey	6 908	93 326	55 997	37 329	3 204	1 928	1 276
TR100 İstanbul	1 374	20 799	12 266	8 533	66	40	26
TR211 Tekirdağ	141	1 531	916	615	31	19	12
TR212 Edirne	33	416	240	176	54	30	24
TR213 Kırklareli	26	313	220	93	16	10	6
TR221 Balıkesir	106	1 080	655	425	76	52	24
TR222 Çanakkale	51	299	172	127	28	11	17
TR310 İzmir	384	4 044	2 478	1 566	806	514	292
TR321 Aydın	90	1 144	697	447	27	17	10
TR322 Denizli	77	983	624	359	171	106	65
TR323 Muğla	86	791	490	301	74	45	29
TR331 Manisa	121	1 464	876	588	100	56	44
TR332 Afyonkarahisar	32	448	252	196	38	21	17
TR333 Kütahya	34	624	378	246	-	-	-
TR334 Uşak	36	337	179	158	29	18	11
TR411 Bursa	297	4 772	3 027	1 745	264	188	76
TR412 Eskişehir	57	827	504	323	32	15	17
TR413 Bilecik	17	248	158	90	-	-	-
TR421 Kocaeli	132	2 326	1 427	899	44	11	33
TR422 Sakarya	116	1 196	786	410	55	33	22
TR423 Düzce	36	677	346	331	37	19	18
TR424 Bolu	49	306	173	133	46	27	19
TR425 Yalova	35	372	243	129	6	6	-
TR510 Ankara	459	7 716	4 580	3 136	288	160	128
TR521 Konya	153	2 700	1 587	1 113	266	173	93
TR522 Karaman	33	354	194	160	38	20	18
TR611 Antalya	281	2 777	1 669	1 108	-	-	-
TR612 Isparta	35	313	185	128	60	25	35
TR613 Burdur	33	312	183	129	21	9	12
TR621 Adana	127	1 690	1 080	610	-	-	-
TR622 Mersin	160	2 383	1 454	929	61	45	16
TR631 Hatay	118	1 612	879	733	-	-	-
TR632 Kahramanmaraş	117	1 357	798	559	6	1	5
TR633 Osmaniye	31	612	379	233	-	-	-
TR711 Kırıkkale	35	774	466	308	14	4	10
TR712 Aksaray	25	474	330	144	-	-	-
TR713 Niğde	26	383	189	194	30	11	19
TR714 Nevşehir	40	348	224	124	-	-	-
TR715 Kırşehir	17	141	93	48	-	-	-
TR721 Kayseri	124	1 614	972	642	34	25	9

TR723 Yozgat	26	224	144	80	-	-	-
TR811 Zonguldak	77	906	556	350	3	1	2
TR812 Karabük	17	266	162	104	13	7	6
TR813 Bartın	22	164	110	54	-	-	-
TR821 Kastamonu	39	417	202	215	-	-	-
TR822 Çankırı	22	164	110	54	-	-	-
TR823 Sınop	35	334	198	136	9	5	4
TR831 Samsun	96	1 825	1 172	653	7	4	3
TR832 Tokat	30	600	379	221	15	9	6
TR833 Çorum	65	814	512	302	9	2	7
TR834 Amasya	30	470	272	198	3	2	1
TR901 Trabzon	107	1 481	851	630	63	47	16
TR902 Ordu	93	971	615	356	35	7	28
TR903 Giresun	44	371	235	136	13	8	5
TR904 Rize	52	538	325	213	32	17	15
TR905 Artvin	35	194	105	89	-	-	-
TR906 Gümüşhane	17	119	61	58	10	7	3
TRA11 Erzurum	34	346	199	147	-	-	-
TRA12 Erzincan	8	185	109	76	-	-	-
TRA13 Bayburt	9	129	72	57	-	-	-
TRA21 Ağrı	10	341	177	164	-	-	-
TRA22 Kars	5	28	16	12	-	-	-
TRA23 Iğdır	12	116	21	95	-	-	-
TRA24 Ardahan	7	78	33	45	-	-	-
TRB11 Malatya	44	790	503	287	62	38	24
TRB12 Elazığ	42	473	284	189	13	12	1
TRB13 Bingöl	41	298	180	118	-	-	-
TRB14 Tunceli	17	66	42	24	2	1	1
TRB21 Van	107	1 191	752	439	-	-	-
TRB22 Muş	13	196	122	74	6	3	3
TRB23 Bitlis	33	296	186	110	-	-	-
TRB24 Hakkari	61	467	263	204	58	29	29
TRC11 Gaziantep	82	1 789	894	895	-	-	-
TRC12 Adıyaman	49	711	476	235	-	-	-
TRC13 Kilis	17	315	208	107	-	-	-
TRC21 Şanlıurfa	89	1 529	1 000	529	-	-	-
TRC22 Diyarbakır	90	1 300	801	499	-	-	-
TRC31 Mardin	68	476	284	192	12	8	4
TRC32 Batman	33	473	277	196	-	-	-
TRC33 Şırnak	17	101	63	38	-	-	-
TRC34 Siirt	6	247	129	118	-	-	-

(1)Taşınan Merkez Okul : Çevredeki yerleşim birimlerinden öğrencilerin eğitim öğretim görmek amacıyla taşındıkları okul.

(1) Central transporting school: School to which students from nearby areas are transported in order to receive education

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(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 36. Number of schools, students, teachers and classrooms in secondary education institution by general directorate

Ortaöğretim

Upper Secondary Education

2.9 Ortaöğretim kurumlarının genel müdürlüklere göre okul, öğrenci, öğretmen ve derslik sayısı

Number of schools, students, teachers and classrooms in secondary education institutions by general directorate

[2018/19 öğretim yılı - The educational year 2018/19]

Eğitim kademesi (Level of education)	Okul/ Kurum School/ Institution	Öğrenci Sayısı Number of Students			Öğretmen Sayısı Number of Teachers			Derslik Classroom
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	
Ortaöğretim (Genel+Mesleki Ortaöğretim) Secondary Education (General + Vocational and technical secondary education)	12 506	5 649 594	3 014 072	2 635 522	371 234	182 754	188 480	214 487
Ortaöğretim (Resmi) Secondary education (Public)	8 914	3 677 964	1 875 451	1 802 513	296 662	152 002	144 660	163 153
Ortaöğretim (Özel) Secondary education (Private)	3 589	581 693	331 006	250 687	74 572	30 752	43 820	51 334
Açıköğretim lisesi Open secondary education	3	1 389 937	807 615	582 322	-	-	-	-
Genel ortaöğretim toplamı Total of general secondary education	6 242	3 250 334	1 662 454	1 587 880	175 275	83 711	91 564	103 324
Genel ortaöğretim (Resmi) General secondary education (Public)	3 066	2 775 869	1 400 962	1 374 907	109 981	56 498	53 483	60 984
Ortaöğretim Genel Müdürlüğü General Directorate of Secondary Education	3 065	1 668 086	754 682	913 404	109 981	56 498	53 483	60 984
Özel Öğretim Kurumları Genel Müdürlüğü (Özel) General Directorate of Private Education Institutions (Private)	3 176	474 465	261 492	212 973	65 294	27 213	38 081	42 340
Açıköğretim lisesi Open secondary education	1	1 107 783	646 280	461 503	-	-	-	-
Mesleki ve teknik ortaöğretim toplamı Total of vocational and technical secondary education	4 640	1 793 391	1 084 926	708 465	149 147	75 791	73 356	76 696
Mesleki ve teknik lise (Resmi) Vocational and technical high school (Public)	4 227	1 686 163	1 015 412	670 751	139 869	72 252	67 617	67 702
Mesleki ve Teknik Eğitim Genel Müdürlüğü General Directorate of Vocational and Technical Education	3 769	1 485 328	880 043	605 285	132 993	69 076	63 917	64 337
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü General Directorate of Special Education and Guidance Services	444	25 951	16 743	9 208	6 876	3 176	3 700	3 315

Yükseköğretim ve Yurt Dışı Eğitim Genel Müdürlüğü General Directorate of Higher Education and Study Abroad	13	597	193	404	-	-	-	50
Mesleki Açıköğretim Lisesi Open Upper Vocational Secondary Education	1	174 287	118 433	55 854	-	-	-	-
Özel Öğretim Kurumları Genel Müdürlüğü (Özel) General Directorate of Private Education Institutions (Private)	413	107 228	69 514	37 714	9 278	3 539	5 739	8 994
Din Öğretimi Toplamı (Resmi) Total of religious education (public)	1 624	605 869	266 692	339 177	46 812	23 252	23 560	34 467
İmam Hatip Lisesi - Anadolu İmam Hatip Lisesi Imam and Preacher High School - Anatolian Imam and Preacher High School	1 623	498 002	223 790	274 212	46 812	23 252	23 560	34 467
Açıköğretim İmam Hatip Lisesi Open education religious high schools	1	107 867	42 902	64 965	-	-	-	-
Not. Açıköğretim öğrenci sayıları 2018-2019 eğitim öğretim yılı 1., 2. ve 3. dönem yeni kayıt yaptıran ve kayıt yenileyen aktif öğrencileri kapsar.	Note. The number of open education students include the active students who are new entrants or who have renewed registration as of 1., 2. and 3. semester in the educational year 2018-2019.							

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(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 37. Number of schools, students, teachers and classrooms in secondary education institution by school type

Ortaöğretim

Upper Secondary Education

2.10 Ortaöğretim kurumlarında okul türlerine göre okul, öğrenci, öğretmen ve derslik sayısı (devam)

Number of schools, students, teachers and classrooms in secondary education institutions by school type (continued)

[2018/19 öğretim yılı - The educational year 2018/19]

Okul Türleri (Type of school)	Okul/ Kurum School/ Institution	Öğrenci Sayısı Number of Students			Öğretmen Sayısı Number of Teachers			Derslik Classroom
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	
Mesleki ve Teknik Ortaöğretim Toplamı Total of Vocational and Technical Secondary Education	4 640	1 793 391	1 084 926	708 465	149 147	75 791	73 356	76 696
Mesleki ve Teknik Ortaöğretim (Resmi) Vocational and Technical Secondary Education (Public)	4 226	1 511 876	896 979	614 897	139 869	72 252	67 617	67 702
Mesleki ve Teknik Ortaöğretim (Özel) Vocational and Technical Secondary Education (Private)	413	107 228	69 514	37 714	9 278	3 539	5 739	8 994
Mesleki Açıköğretim Lisesi Open Upper Vocational Secondary Education	1	174 287	118 433	55 854	-	-	-	-

Mesleki ve Teknik Eğitim Genel Müdürlüğü (Resmi) General Directorate of Vocational and Technical Education (Public)	3 769	1 485 328	880 043	605 285	132 993	69 076	63 917	64 337
Çok Programlı Anadolu Lisesi	797	187 614	100 114	87 500	17 110	8 375	8 735	11 083
Güzel Sanatlar Lisesi	82	15 502	6 329	9 173	2 439	1 298	1 141	937
Mesleki Eğitim Merkezi	323	92 266	76 870	15 396	5 014	3 719	1 295	2 090
Mesleki ve Teknik Anadolu Lisesi	2 490	1 172 973	684 523	488 450	107 098	54 833	52 265	49 380
Spor Lisesi	77	16 973	12 207	4 766	1 332	851	481	847
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü (Resmi) General Directorate of Special Education and Guidance Services (Public)	444	25 951	16 743	9 208	6 876	3 176	3 700	3 315
Araştırma Geliştirme Eğitim ve Uygulama Merkezi	1	84	42	42	3	1	2	23
Özel Eğitim Meslek Lisesi (İşitme Engelliler)	20	1 690	1 022	668	498	264	234	256
Özel Eğitim Meslek Lisesi (Bedensel Engelliler)	2	77	47	30	37	18	19	28
Özel Eğitim Meslek Okulu (Görme Engelliler-III. Kademe)	2	35	24	11	15	8	7	-
Özel Eğitim Uygulama Okulu (III. Kademe)	272	11 436	7 468	3 968	3 322	1 501	1 821	1 695
Özel Eğitim Meslek Okulu (Zihinsel Engelliler-III. Kademe)	147	12 629	8 140	4 489	3 001	1 384	1 617	1 313
Özel Öğretim Kurumları Genel Müdürlüğü (Özel) General Directorate of Private Education Institutions (Private)	413	107 228	69 514	37 714	9 278	3 539	5 739	8 994
Özel Eğitim Uygulama Okulu (Zihinsel Engelliler- III.Kademe)	2	36	24	12	7	1	6	87
Özel Eğitim Mesleki Eğitim Merkezi (Okulu) (Zihinsel Engelliler- III.Kademe)	4	16	10	6	7	1	6	134
Özel Mesleki ve Teknik Anadolu Lisesi	407	107 176	69 480	37 696	9 264	3 537	5 727	8 773

Not 1. Açıköğretim öğrenci sayıları 2018-2019 eğitim öğretim yılı 1., 2. ve 3. dönem yeni kayıt yaptıran ve kayıt yenileyen aktif öğrencileri kapsar.

2. 01.05.2014 tarih ve 2014/8 sayılı genelge ile Mesleki ve Teknik Eğitim Genel Müdürlüğü'ne bağlı olarak faaliyet gösteren 22 okul türü 2014/15 eğitim öğretim yılından itibaren 3 okul türü adı altında yeniden yapılandırılmıştır..

Note 1. The number of open education students include the active students who are new entrants or who have renewed registration as of 1., 2. and 3. semester in the educational year 2018-2019.

2. 22 school types dependent on General Directorate of Vocational and Technical Education were restructured under 3 school types as of 2014/15 educational year according to the circular dated 01.05.2014 and numbered 2014/8.

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(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 38. Number of institutions, participants, teachers and classrooms by kind of non-formal education institutions

Yaygın Eğitim

Non-Formal Education

2.17 Yaygın eğitim kurumlarının türlerine göre kurum, kursiyer, öğretmen ve derslik sayısı

Number of institutions, participants, teachers and classrooms by kind of non-formal education institutions

[2018/19 öğretim yılı sonu - End of the educational year 2018/19] ⁽⁵⁾

Kurum Türü Kind of Institution	Kurum Institution	Kursiyer Sayısı ⁽⁵⁾ Number of participants ⁽⁵⁾			Öğretmen Teacher			Derslik Classroom
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	
Genel Toplam General Total	15 679	10 783 964	5 020 504	5 763 460	83 124	43 047	40 077	99 113
Yaygın Eğitim (Resmi) Non-Formal Education (Public)	1 427	8 244 635	3 364 360	4 880 275	15 149	7 439	7 710	6 987
Mesleki Eğitim Merkezi ⁽¹⁾ Vocational Training Center ⁽¹⁾	-	183 147	147 380	35 767	-	-	-	-
Kız Teknik Olgunlaşma Enstitüsü Girls Mature Technical Institute	24	6 307	296	6 011	501	65	436	96
Halk Eğitim Merkezi Public Training Center	992	7 977 448	3 175 351	4 802 097	8 895	4 038	4 857	5 355
Bilim ve Sanat Merkezi (Üstün veya Özel Yetenekliler) Science and Art Center (Superior or Special Talented)	160	41 257	19 381	21 876	2 302	1 248	1 054	1 331
Rehberlik Araştırma Merkezi ⁽²⁾ Counseling and Research Center ⁽²⁾	242	739 572	457 228	282 344	3 451	2 088	1 363	205
Meslek Kursları (3308 say.yasaya göre) ⁽³⁾⁽⁴⁾ Vocational Courses (by law of 3308) ⁽³⁾⁽⁴⁾	-	36 476	21 952	14 524	-	-	-	-
Yetişkinler Teknik Eğitim Merkezi ⁽³⁾ Adults Technical Education Center ⁽³⁾	9	-	-	-	-	-	-	-
Yaygın Eğitim (Özel) Non-Formal Education (Private)	14 252	2 539 329	1 656 144	883 185	67 975	35 608	32 367	92 126
Özel Öğretim Kursları Special Education Courses	2 851	205 363	97 169	108 194	8 332	4 648	3 684	18 820
Motorlu Taşıt Sürücüler Kursu Motor Vehicles Drivers Course	3 624	1 447 051	978 154	468 897	22 386	16 802	5 584	11 578
Muhtelif Kurslar Various Courses	5 236	467 036	323 465	143 571	11 342	5 340	6 002	24 292
Özel Eğitim ve Rehabilitasyon Merkezi Special Education and Rehabilitation Center	2 505	415 785	254 853	160 932	25 915	8 818	17 097	37 436
Özel Eğitim Okulu (Yaygın Eğitim) Private Special Education School (Non-Formal Education)	36	4 094	2 503	1 591	-	-	-	-

Not 1. Toplam öğretmen, kadrolu ve sözleşmeli öğretmenleri kapsar.

Note 1. Total of teachers includes permanent and contractual teaching staff.

(1) Mesleki eğitim merkezleri, 2017 Ocak ayından itibaren Mesleki Eğitim Merkezleri zorunlu eğitim kapsamına alınmış ve aday çırak, çırak, kalfa ve ustaların genel mesleki eğitimleri 09.12.2016 tarihli ve 6764 sayılı Millî Eğitim Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararname ile Bazı Kanun ve Kanun Hükmünde Kararnamelerde değişiklik yapılmasına dair kanun ile Mesleki ve Teknik Eğitim Genel Müdürlüğüne devredilmiştir.

(1) Vocational Training Centers, Since January 2017, Vocational Training Centers have been included in compulsory education, and general vocational trainings of candidate apprentices, apprentices, assistants and masters with the changes on Decree Law on the Organization and Duties of the Ministry of National Education dated 09.12.2016 numbered 6764 and Certain Laws and Decree Laws were transferred to the General Directorate of Vocational and Technical Education by law.

(2) Rehberlik araştırma merkezindeki öğrenci sayıları toplam sayıya dahil edilmemiştir. Öğrenci sayıları rehberlik araştırma merkezine başvuranların sayısıdır. (1 Ocak 2018 - 31 Aralık 2018)

(2) Number of students studying at the Guidance Research Center are not included in the total. Number of students are the number of applicants to the Guidance Research Centers. (1 January 2018- 31 December 2018)

(3) Bağlı buldukları meslek lisesinde gösterilmiştir.

(3) Shown in their vocational high schools.

(4) Bu kurslar, mesleki ve teknik okullar ile yaygın eğitim kurumlarında açıldığından kurum ve öğretmen sayısı verilmemiştir.

(4) Since vocational courses opened in their institutions, number of institutions and teachers are not shown.

(5) Yaygın eğitim kursiyer bilgileri, biten eğitim ve öğretim yılı itibarıyla alınmaktadır, 2017/18.

(5) Non-formal education trainee information are given by the end of educational year, 2017/18.

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(http://sgb.meb.gov.tr/meb_ys_dosyalar/2019_09/30102730_meb_istatistikleri_organ_egitim_2018_2019.pdf)

Table 39. Number of scholarship students by General Directorate/Department (2013-2018)

Burslu Öğrenciler ve Öğrenci Pansiyonları

Scholarship Students and Student Boarding Houses

3.1 Öğretim dairelerine göre burslu öğrenci sayısı, 2013-2018

Number of scholarship students by General Directorate/Department, 2013-2018

Öğretim daireleri General Directorate/Department	2016						
	2013	2014	2015	(1.dönem)	2016	2017	2018
Genel toplam General total	254 833	243 114	242 351	258 192	207 445	258 281	270 423
Temel Eğitim Genel Müdürlüğü General Directorate of Basic Education	84 150	65 803	64 968	81 015	80 963	91 757	99 125
Ortaöğretim Genel Müdürlüğü General Directorate of Secondary Education	143 017	145 815	142 186	142 813	99 581	136 818	138 545
Mesleki ve Teknik Eğitim Genel Müdürlüğü General Directorate of Vocational and Technical Education	15 516	16 112	15 556	13 153	9 479	7 769	6 007
Öğretmen Yetiştirme ve Eğitimi Genel Müdürlüğü⁽¹⁾ General Directorate of Teacher Training and Education ⁽¹⁾	-	-	-	-	-	-	-
Din Öğretimi Genel Müdürlüğü General Directorate of Religious Education	11 908	15 107	19 309	20 874	17 138	21 534	26 319
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü General Directorate of Special Education Guidance and Counselling Services	242	277	332	337	284	403	427

(1) 2011-2012 öğretim yılından itibaren Anadolu Öğretmen Liseleri Ortaöğretim Genel Müdürlüğüne bağlanmıştır.

(1) Since the Educational Year 2011-2012 Anatolian Teacher High Schools are connected to General Directorate of Secondary Education

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(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 40. Number of scholarship students by in primary and secondary education institutions

3.2 İlköğretim ve ortaöğretim kurumlarında burslu öğrenci sayısı

Number of scholarship students in primary and secondary education institutions

[2018/19 Öğretim yılı - The educational year 2018/19]

Öğretim daireleri General Directorate/Department	Burslu öğrenci sayısı - Scholarship student		
	Toplam Total	Erkek Male	Kadın Female
Genel toplam - General total	270 423	120 435	149 988
Temel Eğitim Genel Müdürlüğü General Directorate of Basic Education	99 125	46 548	52 577
Ortaöğretim Genel Müdürlüğü General Directorate of Secondary Education	138 545	59 854	78 691
Mesleki ve Teknik Eğitim Genel Müdürlüğü General Directorate of Secondary Education	6 007	3 172	2 835
Din Öğretimi Genel Müdürlüğü General Directorate of Religious Education	26 319	10 628	15 691
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü General Directorate of Special Education Guidance and Counselling Services	427	233	194

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(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 41. Number of student boarding houses, capacities and students in boarding houses by General Directorate/Department

Burslu Öğrenciler ve Öğrenci Pansiyonları

Scholarship Students and Student Boarding Houses

3.3 Öğretim dairelerine göre pansiyon sayısı, pansiyon kapasitesi ve pansiyonlarda kalan öğrenci sayısı

Number of student boarding houses, their capacities and students in boarding houses by General Directorate/Department
[2018/19 Öğretim yılı - The education year 2018/19]

Öğretim dairesi General Directorate/Department	Pansiyonlu Okul Sayısı Number of Schools with Boarding Houses	Pansiyon Kapasitesi Capacity of Boarding Houses	Paralı Yatılı Öğrenci Sayısı Number of Boarding Students Subject to Payment	Parasız Yatılı Öğrenci Sayısı Number of Boarding Students Exempt From Payment	Pansiyonda Kalan Öğrenci Sayısı Number of Students in Boarding Houses		
					Toplam Total	Erkek Male	Kadın Female
Genel Toplam - General Total	3 062	547 760	15 274	338 067	353 341	176 690	176 651
Temel Eğitim Genel Müdürlüğü General Directorate of Basic Education	304	86 728	-	44 008	44 008	24 075	19 933
Ortaöğretim Genel Müdürlüğü General Directorate of Secondary Education	982	188 044	11 641	128 587	140 228	60 625	79 603
Mesleki ve Teknik Eğitim Genel Müdürlüğü Directorate of Vocational and Technical Education	832	133 757	1 395	84 714	86 109	41 957	44 152
Din Öğretimi Genel Müdürlüğü General Directorate of Religious Education	909	136 105	2 237	79 676	81 913	49 350	32 563
Özel Eğitim ve Rehberlik Hizmetleri Gen. Müd. Directorate of Special Education and Guidance Services	35	3 126	1	1 082	1 083	683	400

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(http://sgb.meb.gov.tr/meb_iys_dosyalar/2019_09/30102730_meb_istatistikleri_orgun_egitim_2018_2019.pdf)

Table 42. Number of Disabled Students at Universities

Number of Disabled Students at Universities in Turkey	Education Year 2018/2019
Male	32.944
Female	14.807
Total	47.751

Source: YÖK / Higher Education Council (<https://istatistik.yok.gov.tr/>)

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

1. The Committee requests clarification of the figures supplied in particular concerning the number of persons with disabilities

The United Nations, in order to obtain comparable statistics on the population, suggests the countries to done "census and housing census" in the years near to the years end with 0. In Turkey, in order to determine the exact and correct population size, to obtain information about demographic and economic characteristics of the population and occupied dwellings by administrative division, a total of 14 general population censuses had been conducted between 1927 and 2000.

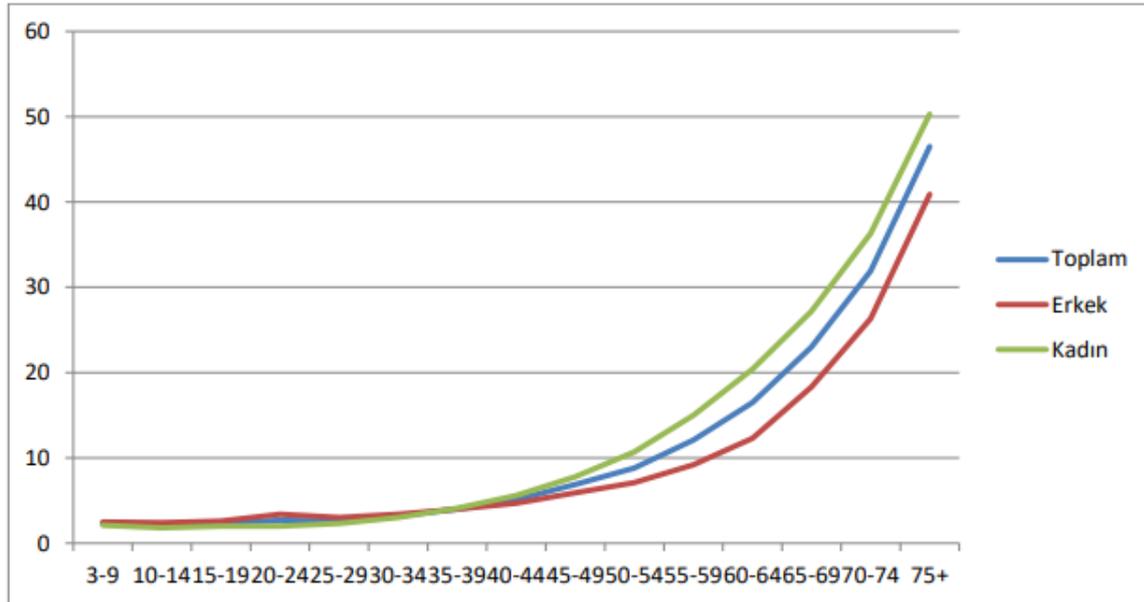
In 2007, Address Based Population Registration System (ABPRS) was established for obtaining up-to-date information on population size of localities and monitoring the population movements. After the establishment of ABPRS, information based on registers on population size by administrative division, and basic characteristics of population such as age, sex, educational attainment, marital status, etc. is announced to the public annually by TurkStat.

2011 Population and Housing Census (PHC) was conducted in order to compile information which cannot be derived from Address Based Population Registration System, such as; labour force, employment, unemployment, reason for migration, disability and building and dwelling characteristics etc. at province level.

In the census, the reference date was “2 October 2011”. The field application was carried out between 3 October and 31 December 2011. The field study was realized by interviewing about 2,2 million households in selected enumeration areas and conducting a complete enumeration in institutional places. Information was collected by face to face interviewing method from about 9 million people during the field study.

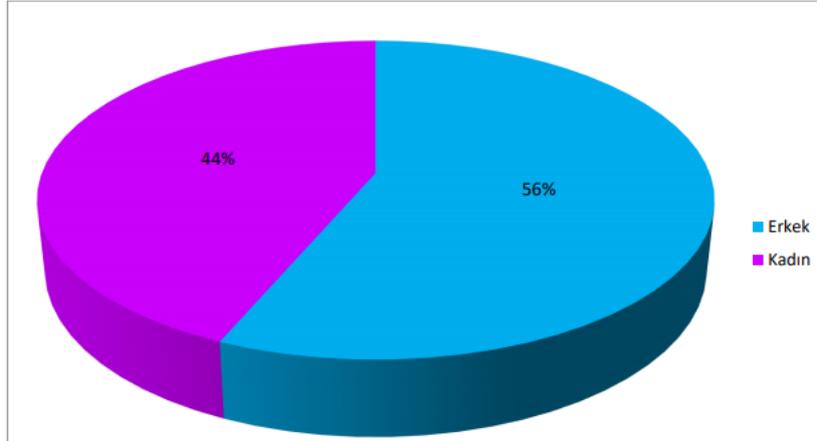
The field study of the census was carried out in 81 provinces, by 26 Regional Offices of TurkStat. Substantial contribution was aimed to be procured for plans and programs at national, regional and local levels, while making a basic information source for social and economic characteristics of population. Therefore, the figures supplied in particular concerning the number of persons with disabilities broken down by province and the number broken down by age may be different in some statistics done by TurkStat and local institutions and Social Security Institution. Nevertheless, we would like to give some statistical information below in order to clarify figures supplied and would like to read given statistics in the light of the explanation given above.

Figure 4. Disability by age group and gender



* Population ratio with at least one disability by age group and gender ___ Total / ___ Male / ___ Female

Figure 5. Disabled Registered at the National Data System — Male — Female (Total number of Disabled: 2.527.609)



*Distribution of registered and survived disabled by gender according to the national disabled data system (Disabled who has not applied to Hospitals in order to get Disabled Health Report and not applied to the State in order to get social services are not included in this table)

<https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Table 43. Disabled Registered at the National Data System

Age Groups	Male	Female	Total
0-4	20.928	15.041	35.969
5-9	61.943	37.572	99.515
10-14	76.435	50.131	126.566
15-19	82.620	56.577	139.197
20-24	86.234	59.524	145.758
25-29	82.424	50.688	133.112
30-34	88.879	55.476	144.355
35-39	108.464	72.215	180.679
40-44	121.779	80.209	201.988
45-49	136.913	85.964	222.877
50-54	119.417	77.391	196.808
55-59	109.851	80.377	190.228
60-64	95.549	71.273	166.822
65-69	71.558	60.888	132.446
70-74	54.891	57.550	112.441
75-79	41.511	54.663	96.174
80-84	29.745	54.461	84.206
85+	34.523	83.945	118.468
Total	1.423.664	1.104.045	2.527.609

*Distribution of registered and survived disabled by age and gender according to the national disabled data system (Disabled who has not applied to Hospitals in order to get Disabled Health Report and not applied to the State in order to get social services are not included in this table)

<https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Table 44. Population with at least one disability in the general population by age group and gender in 2011

Disabled Person Age groups	Population Rate (%)	Men (%)	Women (%)
3-9	2,3	2,5	2,1
10-14	2,1	2,4	1,8
15-19	2,3	2,6	2,0
20-24	2,7	3,4	2,0
25-29	2,6	3,0	2,3
30-34	3,2	3,4	3,0
35-39	4,0	4,0	4,1
40-44	5,1	4,7	5,6
45-49	6,9	5,9	7,8
50-54	8,8	7,1	10,7
55-59	12,1	9,2	15,0
60-64	16,5	12,3	20,4
65-69	23,0	18,3	27,2
70-74	31,9	26,3	36,3
75+	46,5	40,9	50,3

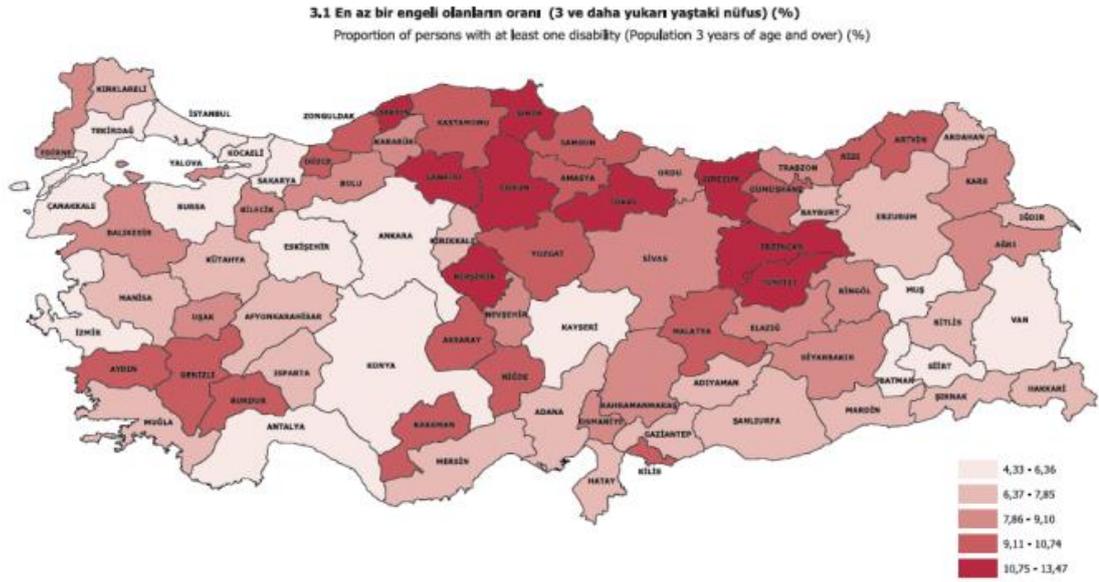
<https://ailevecalisma.gov.tr/media/34054/istatistik-bulteni-aralik2019.pdf>

Table 45. Disabled population by disability group in the general population, 2011

Cause of Disability	Total Population rate (%)	Men (%)	Women (%)	Total Number (Disabled)	Number of Men (Disabled)	Number of Women (Disabled)
Visual difficulties	1,4	1,3	1,5	1.039.000	478.000	561.000
Hearing difficulties	1,1	1,1	1,2	836.000	406.000	429.000
Speaking difficulties	0,7	0,8	0,6	507.000	278.000	229.000
Walking, climbing difficulties	3,3	2,4	4,1	2.313.000	861.000	1.452.000
Carrying and holding difficulties	4,1	3,2	5,1	2.923.000	1.136.000	1.787.000
Learning and remembering difficulties	2,0	1,6	2,4	1.412.000	565.000	847.000

<https://ailevecalisma.gov.tr/media/34054/istatistik-bulteni-aralik2019.pdf>

Figure 6. Proportion of persons with at least one disability



<https://ailevecalisma.gov.tr/media/34054/istatistik-bulteni-aralik2019.pdf>

Table 46. Number of disabled persons in the population

Disabled Person	Population Rate (%)	Men (%)	Women (%)
4.882.841	6,6	42,8	57,2

TUIK: 2011 Population and Housing Census (PHC)

Table 47. Percentage of registered disabled individuals by sex, place of residence, proportion of disability, age group, educational status and type of disability

Kayıtlı olan engelli bireylerin cinsiyet, yerleşim yeri, engel oranı, yaş grubu, eğitim durumu ve engel türüne göre dağılımı, 2010

Percentage of registered disabled individuals by sex, place of residence, proportion of disability, age group, educational status and type of disability, 2010

		(%)							
	Toplam Total	Görme engelli Visual disability	İşitme engelli Hearing disability	Dil ve konuşma engelli Language and speech disability	Ortopedik engelli Orthopedic disability	Zihinsel engelli Intellectual disability	Ruhsal ve duygusal engelli Mental and emotional disability	Süreçen hastalık Chronic illness	Çoklu engellilik Multiple disability
Toplam-Total	100,0	8,4	5,9	0,2	8,8	29,2	3,9	25,6	18,0
Cinsiyet-Sex									
Toplam-Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
Erkek-Male	58,6	67,0	57,5	67,0	56,2	61,1	67,9	56,2	53,5
Kadın-Female	41,4	33,0	42,5	33,0	43,8	38,9	32,1	43,8	46,5
Yerleşim yeri - Place of residence									
Toplam-Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
Kent-Urban	62,4	59,2	67,1	70,6	59,8	61,1	61,0	64,6	62,8
Kır-Rural	37,6	40,8	32,9	29,4	40,2	38,9	39,0	35,4	37,2

Engel oranı - Proportion of disability

Toplam-Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
%20 - %39	15,2	28,3	16,6	52,3	33,8	6,7	12,3	17,1	10,8
%40 - %69	42,4	28,1	78,8	37,1	49,4	43,3	25,8	40,0	39,5
%70 +	42,4	43,6	4,6	10,5	16,9	50,0	61,9	43,0	49,7

Yaş grubu - Age group

Toplam-Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
0 - 6	4,9	1,4	9,6	25,1	3,7	7,4	2,0	3,6	3,7
7 - 14	16,2	5,1	17,4	37,1	5,1	36,1	10,5	4,6	11,5
15 - 24	17,2	16,1	20,9	14,9	13,1	27,5	9,3	9,2	14,9
25 - 44	27,7	36,2	32,4	11,7	39,2	23,3	49,5	23,6	25,0
45 - 64	18,9	25,5	12,0	7,5	22,1	4,9	22,1	33,1	18,4
65 +	15,2	15,8	7,7	3,7	16,7	0,8	6,6	25,9	26,4

Eğitim durumu [6 ve daha yukarı yaştakiler]

Educational status [6 years old and over]

Toplam-Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
Okur-yazar değil									
Illiterate	41,6	32,1	31,6	33,6	26,4	57,5	24,0	32,2	48,5
Okur-yazar olup bir okul bitirmeyen									
Literate without a diploma	18,2	11,8	23,0	38,6	10,9	28,9	12,7	12,8	15,3
İlkokul									
Primary school	22,3	29,0	17,9	10,7	32,9	4,6	33,0	34,9	22,9
İlköğretim/ ortaokul ve dengi									
Primary education/ secondary school and equivalent	10,3	12,5	16,4	11,0	13,4	8,2	15,2	10,2	8,0
Lise ve daha üstü									
High school and over	7,7	14,6	11,1	6,1	16,4	0,7	15,1	9,9	5,3

Kaynak: TÜİK, Engellilerin Sorun ve Beklentileri Araştırması, 2010

Source: TurkStat, Survey on Problems and Expectations of Disabled People, 2010

Not: Rakamlardaki yuvarlamadan dolayı sütun toplamı 100'ü vermeyebilir.

Note: Sum of column percentages may not be equal to 100 due to rounding of the numbers.

Table 48. The percentage of disability groups by sex and age group

Engel gruplarının cinsiyet ve yaş grubuna göre dağılımı, 2012, 2014, 2016									
The percentage of disability groups by sex and age group, 2012, 2014, 2016									
[15+ yaş - age] (%)									
Yaş grubu Age group	2012			2014			2016		
	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
Görme sorunu olan bireylerin cinsiyet ve yaş grubuna göre dağılımı									
The percentage of individuals having vision problem by sex and age groups									
Toplam-Total	5,5	4,0	6,9	6,9	5,1	8,6	6,9	5,3	8,6
15-44	1,7	1,3	2,1	2,3	1,6	3,0	2,1	1,7	2,5
45-54	6,9	5,0	8,8	10,3	7,7	13,0	9,4	7,8	11,1
55-64	9,5	6,8	12,0	13,2	10,6	15,6	13,3	9,4	17,0
65-74	18,3	13,8	22,0	17,6	15,1	19,8	18,5	16,4	20,2
75+	33,1	28,3	36,3	28,8	23,1	32,5	31,9	23,8	37,2
İşitme sorunu olan bireylerin cinsiyet ve yaş grubuna göre dağılımı									
The percentage of individuals having hearing problem by sex and age groups									
Toplam-Total	2,2	1,9	2,5	5,3	4,8	5,8	4,5	3,9	5,0
15-44	0,6	0,7	0,5	1,8	1,8	1,9	1,1	1,1	1,1
45-54	1,4	1,2	1,6	5,4	4,4	6,4	4,1	3,4	4,9
55-64	2,9	1,8	4,0	7,7	7,0	8,3	5,4	4,6	6,2
65-74	7,8	7,4	8,1	14,7	15,4	14,1	15,0	15,5	14,5
75+	22,0	22,4	21,7	35,8	37,7	34,6	34,7	33,0	35,8

Table 49. Distribution of disabled individuals by age group and sex (2012-2016)

Engelli bireylerin yaş grubu ve cinsiyete göre dağılımı, 2012-2016									
Distribution of disabled individuals by age group and sex, 2012-2016									
[15+ yaş - age] (%)									
Yaş grubu Age group	2012			2014			2016		
	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
Toplam-Total	11,6	8,3	14,9	17,4	12,6	22,1	17,5	12,1	22,8
15-44	4,2	3,3	5,0	7,6	6,0	9,2	6,5	4,8	8,3
45-54	13,2	9,0	17,4	22,3	15,0	29,6	21,8	14,8	28,9
55-64	21,1	12,7	29,2	31,0	20,9	40,8	30,0	18,2	41,6
65-74	38,6	29,0	46,6	48,4	37,7	57,3	50,5	40,2	59,3
75+	63,3	57,7	67,1	73,6	65,5	79,0	72,5	60,0	80,7

Kaynak: Türkiye Sağlık Araştırması, 2012-2016

Source: Turkey Health Survey, 2012-2016

Table 50. Indicators related with disability and old-age (2012-2016)

Engellilik ve yaşlılıkla ilgili göstergeler, 2012-2016									
Indicators related with disability and old age, 2012-2016									
[15+ yaş - age]									
(%)									
Yaş grubu Age group	2012			2014			2016		
	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
Görme sorunu olan bireylerin cinsiyet ve yaş grubuna göre dağılımı									
The percentage of individuals having vision problem by sex and age groups									
Toplam-Total	5,5	4,0	6,9	6,9	5,1	8,6	6,9	5,3	8,6
15-44	1,7	1,3	2,1	2,3	1,6	3,0	2,1	1,7	2,5
45-54	6,9	5,0	8,8	10,3	7,7	13,0	9,4	7,8	11,1
55-64	9,5	6,8	12,0	13,2	10,6	15,6	13,3	9,4	17,0
65-74	18,3	13,8	22,0	17,6	15,1	19,8	18,5	16,4	20,2
75+	33,1	28,3	36,3	28,8	23,1	32,5	31,9	23,8	37,2
İşitme sorunu olan bireylerin cinsiyet ve yaş grubuna göre dağılımı									
The percentage of individuals having hearing problem by sex and age groups									
Toplam-Total	2,2	1,9	2,5	5,3	4,8	5,8	4,5	3,9	5,0
15-44	0,6	0,7	0,5	1,8	1,8	1,9	1,1	1,1	1,1
45-54	1,4	1,2	1,6	5,4	4,4	6,4	4,1	3,4	4,9
55-64	2,9	1,8	4,0	7,7	7,0	8,3	5,4	4,6	6,2
65-74	7,8	7,4	8,1	14,7	15,4	14,1	15,0	15,5	14,5
75+	22,0	22,4	21,7	35,8	37,7	34,6	34,7	33,0	35,8
Herhangi bir yardım almadan ya da yardımcı bir araç kullanmadan yürüyemeyenler ve merdiven inip çıkamayanların cinsiyet ve yaş grubuna göre dağılımı									
The percentage of individuals having difficulty in walking and walking up or down stairs without using any aid or assistance by sex and age groups									
Yürüyemeyenler Not able to walk	4,5	2,7	6,3	7,3	4,1	10,4	6,5	4,0	8,9
15-44	2,3	2,0	2,5	1,7	1,3	2,1	1,3	1,4	1,1
45-54	3,2	2,2	4,3	6,8	3,4	10,4	5,1	2,7	7,6
55-64	8,1	3,9	12,1	12,9	5,2	20,5	10,8	4,3	17,1
65-74	20,3	11,7	27,5	24,3	15,3	31,9	23,4	15,4	30,2
75+	39,9	29,9	46,8	51,2	38,3	59,7	48,0	36,0	55,8
Merdiven inip çıkamayanlar Not able to walk up and down stairs	5,3	3,1	7,4	9,0	5,1	12,8	8,7	5,0	12,4
15-44	2,8	2,2	3,5	2,4	1,7	3,2	1,9	1,7	2,2
45-54	3,5	2,1	4,9	9,0	3,9	14,2	8,8	4,2	13,4
55-64	10,8	5,2	16,1	16,3	7,1	25,2	15,4	6,5	24,1
65-74	22,8	13,2	30,6	30,7	19,6	40,1	29,3	18,6	38,5
75+	44,5	34,7	51,2	53,6	42,1	61,3	55,4	39,8	65,7

Yaşlılarına göre öğrenmekte ve hatırlamakta zorluk çeken bireylerin cinsiyet ve yaş grubuna göre dağılımı
The percentage of individuals having difficulty in learning and remembering events by sex and age groups

Öğrenmede zorluk çekenler Having difficulty in learning									
	1,9	1,1	2,7	5,0	2,5	7,5	5,1	2,4	7,8
15-44	0,9	0,8	1,0	1,4	0,8	2,0	1,8	1,0	2,6
45-54	1,5	0,8	2,2	5,2	2,6	7,8	4,6	1,7	7,5
55-64	2,6	0,8	4,2	8,0	3,0	12,8	7,2	1,9	12,3
65-74	6,1	3,2	8,5	16,1	8,5	22,5	15,1	8,9	20,4
75+	12,2	6,6	16,1	34,2	22,0	42,2	33,1	20,2	41,5
Hatırlamada zorluk çekenler Having difficulty in remembering	2,5	1,7	3,2	3,7	2,3	5,1	3,5	2,2	4,8
15-44	1,1	0,9	1,4	1,6	1,2	1,9	1,5	1,2	1,9
45-54	2,4	1,5	3,3	4,1	2,1	6,2	3,1	1,5	4,7
55-64	3,8	1,8	5,7	5,0	2,9	7,0	4,1	2,2	5,9
65-74	7,2	5,5	8,7	9,4	6,3	12,0	9,5	5,7	12,7
75+	14,3	11,3	16,4	22,6	15,6	27,3	22,5	17,8	25,6

Kaynak: Türkiye Sağlık Araştırması, 2012-2016
Source: Turkey Health Survey, 2012-2016

2. The Committee asks for information in the next report on the measures taken to ensure effective remedies in cases of alleged discrimination in education and training on the ground of disability (including examples of relevant case law and its follow up)

The right of education of the disabled people cannot be prevented by any reason. The disabled children, youngsters and adults are provided with equal education opportunities with the non-disabled people and in inclusive environments by taking the special conditions and differences into consideration.

Counselling and Coordination Centre for Disabled People is established in order to carry out works within the Higher Education Council (YOK) on the procurement of tools and equipment, preparation of special class material, enabling the preparation of education, research and accommodation environments suitable for the disabled people in order to facilitate the education life of the disabled university students.

The operation methods and principles of the Counselling and Coordination Centre for Disabled People are arranged by the regulation which is prepared jointly by the Ministry of Health, the Ministry of National Education, Higher Education Council and the then Administration on Disabled People.

Turkish sign language is created by the Turkish Language Institution in order to provide the education and communication of the hearing impaired people. The methods and principles of the works for creating and implementing this system are determined by the regulation to be issued jointly by the Ministry of National Education, General Directorate of Social Services and Protection of Children Agency and the then Administration on Disabled People under the coordination of the Turkish Language Institution.

The required procedures in order to provide the production of relief, audio and electronic books, subtitled film and similar material to meet all kinds of educational and cultural needs of the disabled people are carried out jointly by the Ministry of National Education and the Ministry of Culture and Tourism.

Equal rights of persons with disabilities are now guaranteed in the law and discriminatory language has been taken out of the legislation. Article 122 of the Penal Code has been amended to increase prison sentences for disability-based discrimination from six months to three years; the amendment has also added the qualifiers of intent and hate in order to strengthen the prohibition of discrimination against persons with disabilities. Committing a crime against a person with disabilities is an aggravating factor.

A national human rights institution, the Human Rights and Equality Institution of Turkey (TIHEK), has been set up in 2016. The Office of the Ombudsman is a constitutional institution in charge of monitoring public institutions; all its decisions are public and could be accessed through the Ombudsman's website (<https://www.ombudsman.gov.tr/English/index.html>). It has the competence to receive complaints of discrimination, including on the grounds of disability, and to issue recommendations to the parties concerned. Each and every citizen has a constitutional right to address the Office, in person or in writing and in languages other than Turkish, and it works with representative organizations of persons with disabilities to enable children with disabilities to directly address the Ombudsman.

In terms of access to justice for persons with disabilities, persons with disabilities, both victims and perpetrators, are entitled to interpreters and free legal aid. If they are victims, that added more aggravation to the crime committed. Turkey is making a significant investment in improving technical infrastructure to allow people to provide testimonies via video conferences, and over 60 million Turkish Liras (10.582.010.- USD) has been allocated over the last several years to improve the accessibility of courts and other buildings. Accessibility is one of the most important conditions in tenders for the construction of new court buildings. Notaries would soon become active around the clock and the requirement of two witnesses for a statement by a blind person would be amended as soon as the required infrastructure is in place. Sign language interpretation is the key priority, therefore, different departments in the Ministry of Justice are provided with related training to enable them to assess the quality of sign interpretation and pre-empt defense on the ground of inadequate sign interpretation.

According to the priorities set out in the national e-Government strategy, Turkey would revise its e-government services and make them accessible to all the citizens. Additionally, there are communication centers that employed officials with sign language skills who assisted individuals who have hearing impairments. Sign language interpretation is provided in the civil service. Accessibility to all public spaces and mass transportation is obligatory and a commission has been set up in 2012 to monitor accessibility of the Government offices. Accessibility standards have been adopted and non-compliance is sanctioned, while international standards are being applied in all modes of transportation. There are measures to enable prisoners with disabilities to access legal aid and medical services.

About half of the schools in the country, have entrance ramps, while all special needs educational institutions have ramps, elevators and special needs toilets. Turkey has developed an action plan to retrofit all the schools and make them accessible over the next three years and has allocated 3 billion Turkish Liras (529.100.529 USD) for the purpose. All new constructions, including schools, had to comply with all accessibility standards.

In the light of the information given in the legal framework and the implementation of related legislation, it can be concluded that there is no discrimination in education and training on the ground of disability. Turkey takes the measures in order to ensure effective remedies in cases of alleged discrimination in education and training on the ground of disability.

3. The Committee requests clarification of the figures supplied. In the light of the information available, it cannot conclude that mainstreaming in education is effectively established.

In addition to the statistical information related with the education for disabled given above, regarding the mainstreaming education some statistical information are also given below.

*Table 51. Distribution of the number of mainstreaming students studying in schools / institutions (excluding vocational education centres) affiliated to the General Directorate of Vocational and Technical Education in the 2018-2019 academic year **

Type of School	Number of Integrated Students
Vocational and Technical Anatolian High School	23.065
Multi-Program Anatolian High School	3.148
Fine Arts High School	272
Sports High School	116
Total	26.601

(*): Data are taken from MEİS Query Module on June 14, 2019.

Table 52. Disabled student with transportable education by years

Years	Number of Disabled Students
2018-2019	106.379
2017-2018	95.886
2016-2017	86.836
2015-2016	81.121
2014-2015	69.954
2013-2014	60.901
2012-2013	47.737
2011-2012	41.088
2010-2011	36.245

Table 53. Distribution of disabled students receiving formal education in special education institutions by years

Academic Year	Number of Schools	Number of Teachers	Number of Students			
			Special Education Schools	Special Education Classes	Mainstreaming Education	Total
2018-2019	1.489	14.043	53.814	49.304	295.697	398.815
2017-2018	1.395	12.846	50.025	45.815	257.770	353.610
2016-2017	1.362	12.009	48.212	42.900	242.486	333.598
2015-2016	1.268	11.595	49.206	36.742	202.541	288.489
2014-2015	1.254	10.596	43.796	32.265	183.221	259.282
2013-2014	1.248	9.733	40.505	29.094	173.117	242.716
2012-2013	1.261	10.344	33.877	25.477	161.295	220.649
2011-2012	814	7.607	42.896	20.968	148.753	212.617
2010-2011	753	6.843	40.189	18.576	93.000	151.765

Source: <http://sgb.meb.gov.tr/www/resmi-istatistikler/icerik/64>

Data: Ministry of National Education

Table 54. Number of Disabled students and teachers in special education and rehabilitation centers (non-formal education) by years

Years	Number of Disabled Students	Number of Teachers	Number of special education and rehabilitation centers
2017-2018	415.785	25.915	2.505
2016-2017	403.104	24.396	2.437
2015-2016	373.942	22.264	2.074
2014-2015	349.681	20.872	1.950
2013-2014	326.081	18.847	1.902
2012-2013	298.794	17.791	1.795
2011-2012	262.818	15.076	1.692
2010-2011	241.746	13.448	1.605

Data: Ministry of National Education

In addition, according to the data received from the Department of Information Technologies of the Ministry of Education on the date of 13 February 2019, in the 2018-2019 academic year, there are special education classes in 1.649 branches of 539 Vocational and Technical Anatolian High Schools and Multi-Program Anatolian High Schools which are affiliated to the Vocational and Technical Education Directorate of Ministry of Education. In these classes, a total number of 4.417 students are taking education. On the other hand, 43.209 disabled people benefited from lifelong learning programs in 2018.

In the lights of the all information given above, it can be concluded that Turkey has established that the right of persons with disabilities to mainstream education and vocational training is effectively guaranteed.

Paragraph 2

The Parties undertake, in particular; to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

In the Constitution; everyone has the right and duty to work. The State shall take the necessary measures to raise the standard of living of workers; and to protect workers and the unemployed in order to improve the general conditions of labour, to promote labour, to create suitable economic conditions for prevention of unemployment and to secure labour peace (Art. 49). No one shall be required to perform work unsuited to his/her age, sex, and capacity. Minors, women, and persons with physical and mental disabilities, shall enjoy special protection with regard to working conditions (Art. 50).

International Conventions Ratified By Turkey on the Rights of Disabled such as ILO Convention No. 159 “Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983”, “UN Convention on the Rights of Persons with Disabilities”, “UN Declaration on the Rights of Persons with Disabilities”, “International Covenant on Economic, Social and Cultural Rights”, “International Covenant on Civil and Political Rights”, “ILO Recommendation No. 168 on Vocational Rehabilitation and Employment (Disabled Persons)” and “Council of Europe Directive 2006/54 / EC”. Turkey has adopted a set of regulations in recent years to improve the lives of the disabled. Turkey was one of the first countries to adopt the United Nations Convention on the Rights of Persons with Disabilities in 2007 and launched affirmative action policies for the disabled in 2010. Turkey was one of the first countries to sign United Nations Convention on the Rights of Persons with Disabilities (PwDs) that includes measures to facilitate providing persons with disabilities full and equal rights within the scope of anti-discrimination principle. Since the date of ratification, 26 March 2015, the Convention and the protocol have been taken as basis in developing policies towards PwDs in Turkey.

Being an international agreement duly put into effect as per Article 90 of the Constitution, the CRPD - like all other conventions on human rights - has the same force with the Constitution in the hierarchy of norms. Within this scope, the CRPD not only forms a basis for all legal and administrative arrangements, but also constitutes a principle of law to which independent Turkish courts can directly refer.

Disability policy in Turkey was shaped by Turkish Disability Act (TDA) No. 5378 of 2005 that can be defined as a framework law on disability. The First Turkish Disability Law No. 5378 was restructured on 6 February 2014 in line with the obligations stipulated by the UN Convention on Rights of Persons with Disabilities (CRPD). First and foremost, the principles of the CRPD are strongly reflected to the Law.

With the relevant provisions of Turkish Disability Act (TDA), discriminative practices against PwDs in any stages of the employment process is banned covering job selection, application forms, selection process, technical evaluation, suggested working periods and conditions. Employed PwDs cannot be subjected to any discriminative treatment on the basis of their disability if such practices cause an unfavourable result for PwDs. Besides, the Act also provides that it is obligatory for the establishments and organizations with the relevant duty, authority and responsibility and the work places to make necessary accessibility arrangements and take measures in the employment processes in order to reduce or eliminate the obstacles and difficulties that may be faced by PwDs who work or who apply for a job (Art. 14).

Another significant development in terms of fighting against disability based discrimination was amendment of Turkish Penal Code (TPC) by the relevant provisions of TDA. As per this amendment, any person who prevents sale, transfer of movable or immovable property, or performance of a service, or benefiting from a service, or bounds employment or unemployment of a person on the ground of disability along with other reasons, is sentenced to imprisonment from six months to one year or imposed to punitive fine (Art. 122).

As one of the basic principles of labour law, the obligation of equal treatment to employees was legally regulated by the provisions of The Labour Law No. 4857 in 2003 (Art. 5). The concerned arrangement regulated that no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sect or similar reasons is permissible in the employment relationship. Though the term “disability” is not included in the grounds of discrimination, it is generally commented that the connotation “similar reasons” covers disability as well.

The By-Law on Sheltered Workshops (Official Gazette No. 26183 of 30 May 2006) which specifically arranges the principles concerning working environment for disabled persons who experience difficulty in entering the labour market, was abolished, and the new By-Law on Sheltered Workshops covering new arrangements and measures entered into force upon its publication in the Official Gazette No. 28833 of 26 November 2013. In accordance with the By-Law on the Conditions of Employment of Persons with Disabilities as Public Servants and the Procedure of Central Exam and Lot Draw, disabled persons were recruited to the vacant positions in the public institutions.

Sheltered workplaces are technically and financially supported workplaces for the purpose of creating employment environment for mentally disabled and disabled people with psychogenic disorders who have limited work opportunities in the labour market.

The sheltered workplaces can benefit from income and corporate tax discounts and are exempted from the Environmental and Cleaning Tax. The certain ratio of the salaries of mentally disabled and disabled people with psychogenic disorders who will work in sheltered workplaces (for the second-half of 2019, the amount is 763.69 TL (134,69 USD) per month for

each disabled person) are covered by the Ministry of Family, Labour and Social Services (MoFLSS). Unemployment insurance employer share premiums for mentally disabled and disabled people with psychogenic disorders working in sheltered workplaces are also covered by the Treasury. At least eight disabled persons must work in a sheltered workplace.

There are Incentives for the Individuals with Disabilities Who Want to Set up Their Own Business. Individuals with disabilities who have a “medical board report with disability” rate of 40% or more and who want to start their own business can receive financial support from the Administrative Fines Fund established within the General Directorate of ISKUR by presenting their work-related projects to the Provincial Directorates of Labour and Employment at certain periods. Entrepreneurship trainings are organized by Presidency of Small and Medium Enterprises Development and Support Administration (KOSGEB) and financial incentive is provided to those who successfully complete the trainings.

Article 5 of the Labour Law No. 4857 imposes the “burden of proof” in discriminative practices or termination of contracts to employees as a rule. For instance, when an employee who was excluded from certain practices such as social rights or rise in wages enter an action against his/her employer and demand to benefit from the concerned rights/rises, he/she will try to prove that he/she is not different than other employees in his/her workplace. In accordance with the Law No. 4857, the burden of proof on the employee should not be heavy. However, when an employee puts forward a situation indicating negligence of the employer, the burden of proof will belong to the employer. Besides, in case the labour contract of an employee with job security is terminated in violation of equal treatment obligation, the burden of proof will again belong to the employer.

The first paragraph of the article 5 of the Labour Law No. 4857 has been changed as follows “*language, race, colour, gender, disability, political thought, philosophical belief, religion and similar reasons based discrimination cannot be made in the business relationship*” by the article 57 of the Law No. 6518 (Effective Date: 19.02.2014). This amendment has been done in order to prevent discrimination of the disabled persons in the employment process. The right to work is a human right and the principle of equal treatment could be more effective for disabled by this legal amendment.

In the 6th paragraph of the same article of the Labour Law No. 4857; in case of violation of the principle of equal treatment, it has been imposed that the worker may also claim the rights of being deprived of a compensation of up to four months, apart from an appropriate compensation.

On the other hand, in the Article 30 of the Labour Law No. 4857, it is stated that “ *Employers shall be liable to employ handicapped persons by three percent of the total number of workers in private business employing fifty or more workers, to employ handicapped persons by four percent and former convicts or those who fall within the scope of the Military Law No. 1111 or the Law No. 1076 dated 16 June 1927 on Reserve Officers and Reserve Military Servants and who were wounded in such a manner that they will not be considered invalid, as a consequence of the reason or effect of the terrorist incidents enumerated in Article 21 of the Anti-Terrorism Law No. 3713 dated 12 April 1991 while doing the military service by two percent in public business, in works appropriate for their professional, physical and mental state. The number*

of workers that any employer who has more than one business within the borders of the same province has to employ within this scope shall be calculated based on the total number of workers. The workers employed on permanent labour contract and fixed-termed labour contract shall be taken as a basis in determining the number of workers to be employed within this scope. The work durations of those employed on part-time labour contract shall be converted to full-time employment. Fractions of up to half shall be omitted and half and more shall be rounded up to full figures in calculating the rates. Priority shall be given to those who become handicapped while they are employed at the business. The employers shall provide the workers that they are liable to employ through Turkish Employment Agency.....Handicapped workers shall not be employed in underground and underwater works and the workers employed in underground and underwater works shall not be taken into consideration while determining the number of workers at the businesses under the above provisions.”.

Employers shall recruit such employees through the Turkish Employment Agency (ISKUR). In the event of violations of this clause, the fines which will be collected according to Article 101 shall be appropriated as income to a special account of the Turkish Employment Agency (ISKUR) and the money thus collected in this account shall be transferred to the Turkish Employment Agency in order to be spent for the vocational training and rehabilitation of the disabled or for promoting self-employment businesses or similar projects for such people.

In the Article 17 under the title of Prohibition of Discrimination within the “Regulation on Domestic Job Placement Services” published in the Official Gazette No. 27210 dated 25 April 2009, it is stated that no disabled person shall be discriminated against during none of the phases of recruitment, job selection, application forms, selection process, technical evaluation, proposed working hours and conditions and that the disabled employees and ex-convicts or those injured who cannot be deemed as wounded in struggle with the terror shall not be subject to treatment against their interests in a way different from other persons and that public agencies and institutions and employers which discriminate against or provide different treatment to them shall be subject to the Article 122 of the Turkish Criminal Law No. 5237 dated 26.09.2004.

Furthermore, in the Article 18 under the title of Arrangement of workplace and working conditions for the disabled within the same Regulation, it is stated that employers shall arrange workplaces to facilitate the disabled to work and to make the job compatible for the disabled, take necessary measures for the health of the disabled, employ the disabled to work in their own vocations or the jobs related to their vocations, develop the disabled’s information and competencies related to their jobs, provide the equipment necessary for the disabled to work, and determine the working hours according to the situation of the disabled under appropriate conditions provided that working duration and start and end times are not less than the ones indicated in labour law. In the Article 19 under the title of the jobs that the disabled cannot be employed within the same Regulation, it is stated that the disabled shall not be employed in the underground and underwater jobs and the jobs indicated in the health board report.

According to the Civil Servants Law; institutions and organizations have to employ 3% disabled personnel of their full staff. In the calculation of 3%, the total number of full staff of the relevant institution or organization (including the provincial organization) is taken into account.

In accordance with the Labour Law; employers are obliged to employ 4% disabled people in public workplaces where they employ fifty or more workers. The number of workers that the employer is obliged to employ within this scope and who have more than one workplace within the same city boundaries, is calculated according to the total number of workers.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In the 11th National Development Plan 2019-2023, it is envisaged that labour force participation and employment of the disabled will be increased. Distance education programs for the profession of disabled people will be developed. In order to increase the participation and employability of the disabled in the workforce, general and vocational education, vocational rehabilitation, self-employment grant support and business and vocational counselling services will be developed. It will be ensured that private sector employers are informed about employment opportunities for disabled people and incentives for employment of disabled people. The qualifications of business and vocational counsellors will be improved in order to provide a better service to the disabled.

The government has offered incentives for workplaces employing disabled citizens since 2014. Through incentives for private companies, the country ensured employment of 124.000 disabled people and runs a project to help the disabled to find jobs. Businesses creating jobs for the disabled are eligible for free loans and tax incentives as well as partial payment for each disabled employee they hire.

Regulations were implemented to increase the employment quota for the disabled and introduced monthly benefits for families with disabled members cared for at home. The disabled are also provided free passes for public transit.

Through a state-run employment agency, Turkey provides free loans for disabled entrepreneurs and for projects involving mass employment of disabled people. The number of disabled citizens employed in the public sector since 2002 substantially increased. The number of disabled civil servants increased 10 times and reached 56.500 in 2020.

The employment policy aimed at PwDs in Turkey is generally focused on positive action measures. Employment of PwDs is promoted through quota/levy scheme. Quota/levy scheme is implemented in the form of employing a certain obligatory rate of PwDs both in public and private sectors. In case this obligation is violated by the employers subject to the provisions of The Labour Law No. 4857, administrative fine is imposed to the violators. The PwDs to be employed within the scope of quota/levy scheme have to certify their disabilities with a medical board report indicating at least 40% disability.

Employment of PwDs in Public Institutions:

- Prohibition of night employment or night shift for persons with disabilities provided opportunity for PwDs to have different working or out-of office hours.
- In order to provide an equal platform of competition for persons with disabilities, State Personnel Law was amended and a special and central exam was developed.

- In Turkey, civil servants are recruited by the results of an exam. PwDs have the opportunity to take Public Personnel Selection Examination (KPSS) with all other applicants or they can apply to another exam specially designed and held for PwDs.

Holding a special and centralized examination for PwDs, taking into account the special needs and accessibility requirements in preparing questions or determining the exam duration was stipulated by an amendment made in Civil Servants Law in 2011. The relevant Regulation set out the principles that PwDs who were graduated from secondary or higher education shall take the examination, whereas PwDs with a lower level of education shall participate to lot drawing in order to become civil servants.

Employment of PwDs in Private Sector:

- Measures and incentives were planned for improving employment of persons with disabilities. Employer's share of premiums is paid in full by government for each person with a disability employed within the context of an employment quota scheme or in sheltered workshops. Besides, 50% of employer's share is paid by government for all persons with disabilities employed optionally without an obligation.

“Sheltered Workshop Project” was developed by General Directorate of Services for Persons with Disabilities and Elderly People and Turkish Employment Agency (ISKUR) with the purpose of providing working environment for persons with severe disabilities who face restrictions in working in general conditions. The Project gives financial support to employment projects aimed at persons with mental, psychological or emotional disabilities and prepared by public institutions, universities, educational institutions and organizations, associations, unions, or trade bodies.

In order to settle hiring people with disabilities as workers, the employers are required to apply to Turkish Employment Agency, Provincial Directorates of Turkish Employment Agency or to the address: www.iskur.gov.tr the official website of the Public Employment Services.

Public institutions and organizations are obliged to make their work places and premises suitable for the accessibility of disabled people, to take the necessary measures to facilitate the work of the disabled, and to provide the necessary tools and equipment to support the disabled people according to their disability.

Whether they are disabled by birth and start to work as worker, as self-employed (Bağ-Kur) or as government official or whether become disabled after employment; all disabled employees with a working power loss rate of 40% or more are entitled to early retirement.

Disabled people can start their early retirement or disability retirement procedures by applying to the Social Security Institution.

Employment incentives to support employment of the disabled are successfully implemented. In this context, in accordance with the Article 30 of Labour Law, **the whole employer's share of social security premiums calculated at a minimum amount of basic to premium** (support amount: 524.47 TL) (92,50 USD) shall be covered by the Treasury for all the disabled employed by employers in private sector **within or out of quota**.

Furthermore, through the Additional Employment Incentive which was launched in 2018 within the scope of Employment Mobilisation and will continue until the end of 2020, the **incentive period** for additional employment is applied as 18 months within the scope of the **regulation specific to the disabled**.

In accordance with the Labour Law, employers who violate the obligation of employing workers with disabilities are imposed to administrative fine in the amount of approximately two minimum wages per worker. A certain amount of fine 3.250 TL (573,19 USD) for 2019, on monthly basis for each disabled worker) is imposed on those who do not fulfil their responsibilities of employing disabled workers from public and private sector employers. The collected fine is gathered in Administrative Fine Fund of ISKUR and allocated to projects on employment of PwDs. Allocation of funds is under the responsibility and authority of Commission on Allocation of Fine Funds consisting of representatives from employer and employee confederations, confederations of disability organizations and other relevant institutions.

Pursuant to the relevant Turkish legislation, employers are bound to take reasonable accommodation measures, charge employees with disabilities in accordance with their professions and provide them with the equipment and tools necessary for the concerned work.

Starting and ending times of working hours for workers with disabilities employed in public or private sector can be flexible, provided that the provisions of the Labour Law are taken into consideration. Additionally, workers with disabilities cannot be charged with underwater, subterranean or other works defined in disability reports of the workers.

With an amendment made in Civil Servants Law in 2011, working hours became flexible for civil servants with disabilities in case it is necessitated by the type of disability, working requirements, and climate or transportation conditions. On the other hand, employing civil servants with disabilities at night shifts without their requests was prohibited.

Regulation on Health and Safety in Construction Work issued in 2003 pursuant to the Labour Law No. 4857 and Regulation Concerning the Minimum Safety and Health Requirements for the Workplace that was issued in 2004 stipulates that necessary measures for special needs of workers shall be taken into consideration in workplaces where workers with disabilities are employed. Significant progress on health and safety legislation was made in 2012 and Law No. 6331 on Occupational Health and Safety was enacted on 20 June 2012. Pursuant to various legal arrangements made in accordance with Law No. 6331, health and safety of all workers, including the ones with disabilities was targeted.

Pursuant to the Labour Law, employers shall give priority to applicants who have left his establishment because of a disability but who later recovered - should they wish to resume their old jobs either immediately if vacant positions are available, or if not, when vacancies occur in their previous jobs or in other corresponding jobs, subject to the prevailing conditions of employment. On the other side, should the employer fail to respect his obligation to conclude the said employment contract despite the existence of the above mentioned requirements, he shall pay his ex-employee compensation equal to his six months' wages (Art. 30).

As per Law No. 4046 on Implementations of Privatization, employees with disabilities who work in organizations in the scope of privatization for compensation and pursuant to an employment contract and whose contracts are terminated due to restructuring for privatization, privatization, down-sizing, cessation of activities in full or in part, permanent or temporary closing or liquidation of such organizations and which are entitled to redundancy payments twice the amount set forth for persons without disabilities in accordance with labour laws and their current collective bargaining agreements, will be paid a special job loss compensation under the Law in addition to, and not in place of, the redundancy payment envisaged by laws and in their current collective bargaining agreement. Furthermore, services for finding new employment opportunities, career development, vocational and apprenticeship training of these persons shall be provided with the support and financing of the Privatization Fund (Art. 21).

Turkish Disability Act (TDA), on the other hand, provides that employment of PwDs, who face difficulties in integration to the labour market as a result of their conditions of disability, is provided by means of the sheltered workshops as an alternative means of employment (Art. 14). In this regard, Regulation on Sheltered Workshops setting out the principles, procedures, monitoring and operation rules of sheltered workshops that can be established by natural and legal persons with the support of the government was issued in 2006.

The TDA provides that; training programs are developed to train the personnel needed in all areas of the rehabilitation, necessary measures are taken for the employment of these personnel, active and effective participation of the PwDs and their families is essential in all stages of the rehabilitation including decision making, planning, executing and terminating rehabilitation services (Art. 10).

TDA provides that the freedom of vocational choice and the right to access trainings cannot be restricted for PwDs. In this regard, vocational rehabilitation services formed the basic principle in training PwDs for a vocational activity in line with their capabilities and making them productive in employment. Article 12 of TDA stipulates that job and profession analyses, taking the types of disability into account, shall be made and vocational rehabilitation and training programs shall be developed accordingly by the Ministry of National Education and the Ministry of Family, Labour and Social Services. The Act also lays down the condition that measures to develop the job and skills of the individuals according to their individual developments and abilities in the private vocational rehabilitation centers to be opened by natural or legal persons, skill improvement centers and/or various types of sheltered workshops should be taken.

Vocational Training Law No. 3308 that was enacted in 1986 imposed the obligation of holding orientation courses or special vocational courses for persons with special needs (Art. 39). As a result of rearrangement and amendment of Regulation on Vocational and Technical Training in 2002 and 2008, it was stipulated that necessary physical arrangements shall be made in the vocational education environments for students with disabilities and physical barriers shall be eliminated as much as possible in vocational education.

Vocational rehabilitation services are also provided by the municipalities. Municipalities, when they deem necessary during the provision of these services, cooperate with the public training and apprenticeship training centers. In the event that the rehabilitation request of the disabled

person cannot be met, he/she takes the service from the nearest center and the concerned municipality pays the service fee. In accordance with the relevant Regulation, the centers shall render physiotherapy, rehabilitation, ergo therapy, social rehabilitation; vocational training and consultancy services (Art. 13)

Within the scope of social rehabilitation services, various sportive, cultural, artistic or social activities are carried in order to protect and develop the existing capabilities and vocational skills of PwDs. As part of these activities, PwDs are encouraged to take part in national or international contests so that they can feel the happiness of succeeding in life as individuals of a group and being valuable, productive and independent persons.

In public rehabilitation centers for persons with visual disabilities; individuals with total or partial visual disabilities attend to trainings on independent living skills and mobility and vocational trainings in accordance with their capabilities. This process aims to provide them psychological and social support and help them have a profession and a job.

Ministry of National Education Regulation on Non-Formal Education Institutions that was issued in 2010 sets out the objectives of non-formal education which includes; literacy education and skills development in line with personal capabilities and knowledge (Art. 4). Additionally, this regulation commissions non-formal education centers with the duty of organizing – in cooperation with relevant institutions - courses and various activities for PwDs with special needs, persons under guardianship, children working and/or living on the streets, children working at various sectors, the drug addicted receiving treatment, convicts and detainees, persons staying in hospitals or rehabilitation centers.

Vocational and occupational counselling services provided by ISKUR were initiated in 1991 following the enactment of Law No. 4904 on Turkish Labour Institution. Within the scope of these services, vocational and occupational counselling is provided systematically to PwDs at the process of making a vocational choice. Thus PwDs are supported in finding an occupation that fit to their personal abilities and interests.

Vocational training programmes of ISKUR are planned in cooperation with disability organizations and provincial employment and job centers. In the training programmes or courses which are organized in the light of occupations appropriate for the registered PwDs, priority is given to unemployed PwDs who have qualifications needed in the labour market.

TDA states that the rights of PwDs to choose a profession in accordance with their skills and to benefit from training courses cannot be restricted. It is essential that PwDs are enabled to take advantage of the vocational rehabilitation services in order to provide that they are trained in a profession they can carry out, and that they are enabled to acquire a profession and their economic and social welfare should be secured by making them efficient. Regulation on Private Vocational Rehabilitation Centers was issued in 2006 with the aim of carrying out vocational rehabilitation practices systematically.

Turkish Employment Agency (ISKUR) cooperates with a number of institutions and representative organizations of persons with disabilities to improve their access to the labour market, and the fundamental principle was to focus on inclusive employment strategies and provide opportunities. Currently, 210.000 persons with disabilities were employed in the public

sector and progress was being made in the private sectors as well. Incentives were available to employers, while those who refused to employ persons with disabilities were sanctioned. A budget of 130 million Turkish Liras (22.927.690.- USD) had been allocated to support training and campaigns to promote the employment of persons with disabilities.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Table 55. Employment Quota for the Disabled by the End of 2019

Provinces	Number of Workplaces (50+) obliged to employ disabled		Number of Disabled has to be employed		Number of Employed Disabled (50+ workplaces)		Number of Employed Disabled (50- workplaces)		Number of Disabled Vacancy Quota		Number of Disabled Quota Exceed	
	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE
ADANA	28	462	517	2.583	480	2.424	25	280	135	338	98	179
ADIYAMAN	12	54	148	284	157	236	6	37	26	71	35	23
AFYONKARAHİSAR	14	120	93	484	92	414	31	68	19	104	18	34
AĞRI	11	13	48	39	33	44	7	9	21	5	6	10
AKSARAY	7	64	54	384	62	441	3	29	5	3	13	60
AMASYA	11	49	83	252	71	270	8	40	20	14	8	32
ANKARA	120	1.203	2.202	7.363	2.141	7.044	25	696	500	1.038	439	719
ANTALYA	24	724	226	4.392	223	4.197	11	262	57	655	54	460
ARDAHAN	5	4	26	13	2	23	9	8	26	2	2	12
ARTVİN	11	15	66	141	70	116	15	18	9	37	13	12
AYDIN	22	208	270	1.061	189	1.093	10	144	115	78	34	110
BALIKESİR	22	250	285	1.338	303	1.374	23	115	41	74	59	110
BARTIN	8	45	39	209	50	237	15	36	9	4	20	32
BATMAN	9	125	113	497	150	436	6	32	13	87	50	26
BAYBURT	7	5	20	17	27	15	1	5	5	5	12	3
BİLECİK	4	71	18	531	16	534	5	42	7	48	5	51
BİNGÖL	10	18	69	74	65	103	11	30	23	8	19	37
BİTLİS	10	15	82	62	102	62	18	20	4	3	24	3
BOLU	8	88	94	654	83	676	2	26	23	37	12	59
BURDUR	12	34	85	133	82	122	25	44	22	14	19	3
BURSA	21	1.385	247	8.859	271	9.389	13	547	33	228	57	758
ÇANAKKALE	21	108	146	667	145	575	4	126	26	121	25	29
ÇANKIRI	11	39	82	254	53	261	19	28	41	12	12	19
ÇORUM	9	74	98	360	66	361	8	59	39	32	7	33
DENİZLİ	15	334	177	1.646	140	1.723	11	73	55	73	18	150
DİYARBAKIR	29	122	368	540	288	531	11	84	115	67	35	58
DÜZCE	7	121	41	653	51	580	4	35	5	107	15	34
EDİRNE	11	65	86	461	27	426	6	23	71	57	12	22
ELAZIĞ	22	78	218	269	214	283	3	62	29	25	25	39

ERZİNCAN	9	33	53	120	61	124	10	26	8	16	16	20
ERZURUM	21	90	288	459	247	516	15	51	60	17	19	74
ESKİŞEHİR	25	270	478	1.775	496	1.910	10	83	36	56	54	191
GAZİANTEP	16	345	304	2.596	250	2.336	9	52	78	451	24	191
GİRESUN	10	36	102	182	70	175	3	27	36	16	4	9
GÜMÜŞHANE	9	16	44	58	28	52	9	10	26	16	10	10
HAKKÂRİ	14	3	80	6	46	5	9	12	45	2	11	1
HATAY	26	136	350	805	69	730	14	65	292	168	11	93
İĞDIR	9	9	41	21	38	20	6	14	14	4	11	3
ISPARTA	11	61	78	264	90	263	8	29	20	25	32	24
İSTANBUL	75	4.662	1.507	48.004	1.406	25.218	65	1.683	464	24.250	363	1.464
İZMİR	55	1.032	1.273	6.426	1.118	5.786	28	331	246	1.067	91	427
K.MARAŞ	21	154	275	1.106	300	1.140	28	124	47	48	72	82
KARABÜK	9	39	83	274	70	272	16	37	21	22	8	20
KARAMAN	1	42	3	382	4	423	7	17	0	26	1	67
KARS	9	12	93	39	88	52	3	31	12	0	7	13
KASTAMONU	10	47	92	212	120	215	2	20	4	24	32	27
KAYSERİ	33	374	457	1.983	456	2.287	17	345	52	54	51	358
KIRIKKALE	17	36	166	152	182	155	7	21	9	6	25	9
KIRKLARELİ	10	87	64	629	73	535	6	6	14	116	23	22
KIRŞEHİR	12	27	73	172	76	195	19	42	4	3	7	26
KİLİS	2	8	30	33	7	21	1	17	24	13	1	1
KOCAELİ	32	996	438	6.187	498	6.214	13	286	51	376	111	403
KONYA	27	393	397	1.967	421	1.997	34	227	58	160	82	190
KÜTAHYA	15	97	205	656	172	624	10	25	39	64	6	32
MALATYA	13	122	212	730	166	809	14	144	66	23	20	102
MANİSA	25	328	345	2.295	288	2.052	7	143	112	403	55	160
MARDİN	12	82	126	313	117	274	7	42	23	64	14	25
MERSİN	26	320	335	1.484	374	1.440	3	208	50	169	89	125
MUĞLA	15	187	117	931	164	874	8	135	0	170	47	113
MUŞ	8	17	27	67	41	51	0	12	4	22	18	6
NEVŞEHİR	7	42	65	141	39	133	6	38	30	21	4	13
NİĞDE	9	37	74	137	75	148	10	29	6	12	7	23
ORDU	9	100	138	479	120	500	12	74	24	33	6	54
OSMANIYE	11	55	67	364	45	381	13	35	30	17	8	34
RİZE	5	20	79	98	416	124	13	34	32	14	369	40
SAKARYA	20	240	177	1.488	168	1.442	27	106	35	136	26	90
SAMSUN	16	198	219	1.055	189	1.094	23	132	45	53	15	92
SİİRT	7	19	48	76	56	51	5	12	14	27	22	2

SİNOP	9	23	57	86	49	71	11	18	22	22	14	7
SİVAS	16	85	228	421	267	449	16	81	11	24	50	52
ŞANLIURFA	16	118	166	695	214	642	27	78	19	103	67	50
ŞIRNAK	11	17	79	65	54	55	0	18	37	17	12	7
TEKİRDAĞ	23	518	217	3.679	227	2.820	10	115	34	948	44	89
TOKAT	12	58	120	315	116	309	7	45	15	42	11	36
TRABZON	12	103	217	444	183	463	63	63	54	32	20	51
TUNCELİ	8	5	26	9	31	11	4	6	7	0	12	2
UŞAK	12	89	87	528	69	495	12	31	32	63	14	30
VAN	11	59	227	231	188	180	22	46	65	63	26	12
YALOVA	7	134	24	512	26	417	4	32	3	123	5	28
YOZGAT	8	32	65	137	75	187	16	26	4	10	14	60
ZONGULDAK	13	123	147	730	132	650	13	66	30	124	15	44
GRAND TOTAL	1.320	18.029	16.664	126.238	15.928	101.377	1.037	8.328	3.958	33.082	3.222	8.221

Table 56. Active labour market programmes provided (2019)

Active Labour Market Programmes between January and December 2019				
TYPE OF PROGRAMME	Jan-Dec 2019			
	Number of Programme (*)	Number of Participants (*)		
		Male	Female	Total
Programme of Education on Business (IEP)	118.151	208.747	193.646	402.393
Entrepreneurship Training Program	2.079	21.702	19.405	41.107
Vocational Education/Private Programme	2.165	5.192	36.504	41.696
Vocational Education Without Employment Guarantee	1.333	3.590	21.993	25.583
Vocational Education With Employment Guarantee	2.341	24.167	29.337	53.504
Vocational Education Of Employees	111	1.608	634	2.242
Courses For Sentenced People/Given By Agency	61	1.002	119	1.121
Courses For Disabled/Given By Commission	43	231	188	419
Courses For Disabled/Given By Agency	21	150	118	268
Courses For Old-Sentenced People/Given By Agency	5	87	-	87
TOTAL	126.310	266.476	301.944	568.420

* Includes only programmes starting in the reference period.

ISKUR <https://www.iskur.gov.tr/kurumsal-bilgi/istatistikler/>

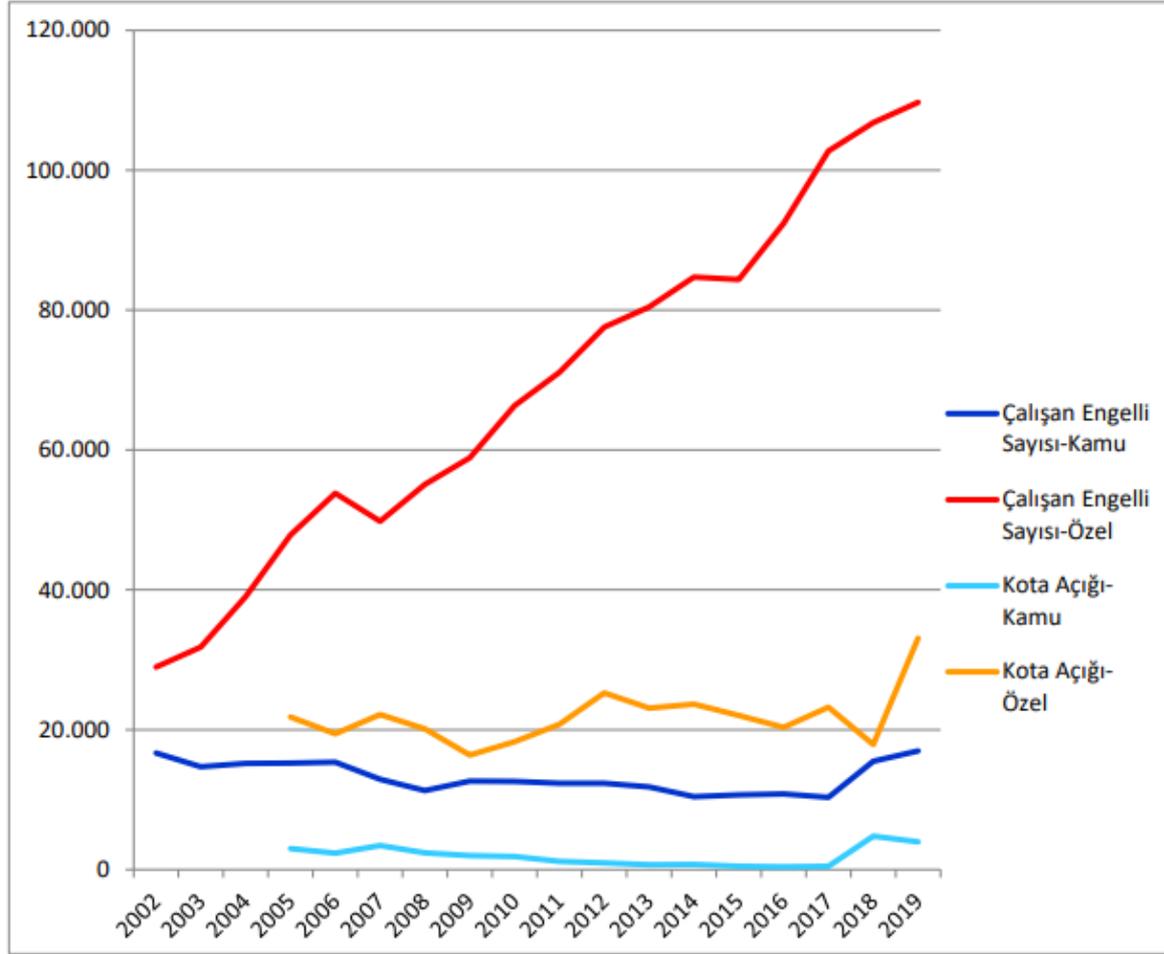
Table 57. January-December 2019 employed disabled

January-December 2019 Employed Disabled		
Disabled		
Private	Public	Total

13.798	917	14.715
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İŞKUR <https://www.iskur.gov.tr/kurumsal-bilgi/istatistikler/>

Figure 7. Number of disabled people working in public and private sectors / distribution of quota gap by years

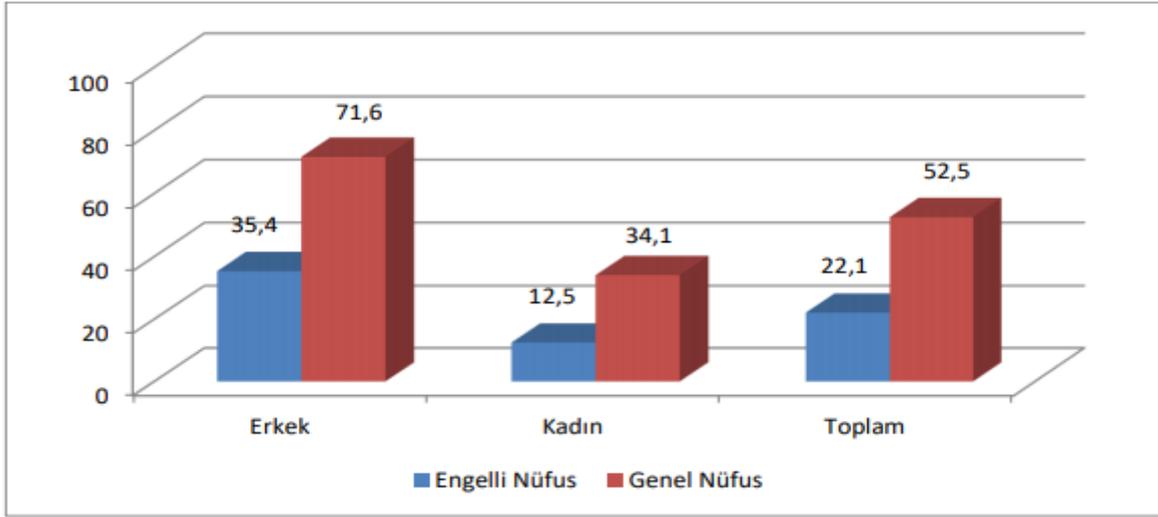


- **Employed Disabled (Public)**
- **Employed Disabled (Private)**
- **Quota gap (Public)**
- **Quota gap (Private)**

Table 58. Labour force participation rate of the disabled and the general population

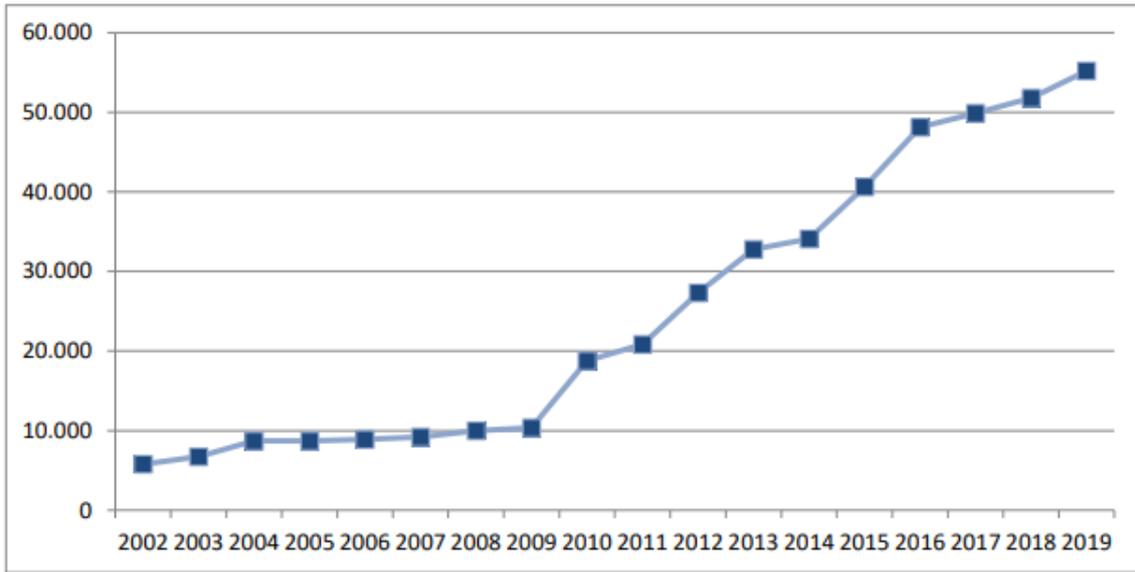
Labour Force Participation Rate (%)	Male (%)	Female (%)	Total
Disabled population	35,4	12,5	22,1
General population	71,6	34,1	52,5

Figure 8. Labour force participation rate of the disabled and the general population



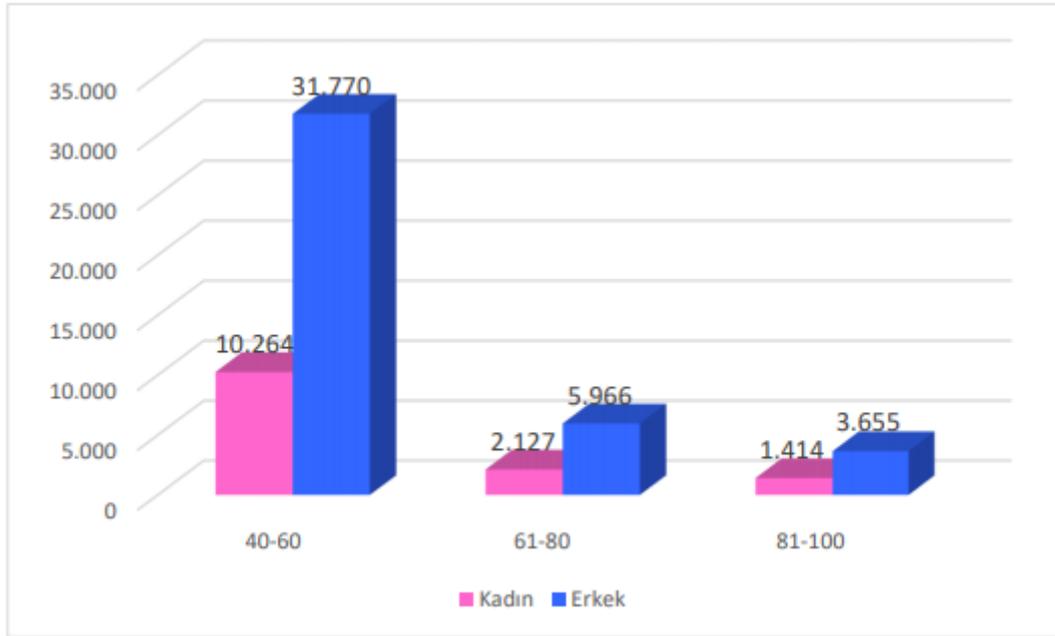
Disabled Population General Population
<https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Figure 9. Distribution of disabled civil servants by years, November 2019



<https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Figure 10. Distribution of disabled civil servants by gender and disability rate, November 2019



— Male — Female

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

1. The Committee considers that it has not been established that effective protection of persons with disabilities against discrimination in employment is guaranteed and ask how the reasonable accommodation obligation is implemented in practice.

Turkey adopted a rights-based approach to disabilities and regarded the measures taken for persons with disabilities not as a privilege or blessing, but as a human rights requirement. Underlying the country's approach to disability was the fundamental belief that reaching the national development ideals and goals would not be possible without harnessing the human potential of the country, without exception.

In the Article 17 under the title of Prohibition of Discrimination within the "Regulation on Domestic Job Placement Services" published in the Official Gazette No. 27210 dated 25 April 2009, it is stated that no disabled person shall be discriminated against during none of the phases of recruitment, job selection, application forms, selection process, technical evaluation, proposed working hours and conditions and that the disabled employees and ex-convicts or those injured who cannot be deemed as wounded in struggle with the terror shall not be subject to treatment against their interests in a way different from other persons and that public agencies and institutions and employers which discriminate against or provide different treatment to them shall be subject to the Article 122 of the Turkish Criminal Law No. 5237 dated 26.09.2004.

Furthermore, in the Article 18 under the title of Arrangement of workplace and working conditions for the disabled within the same Regulation, it is stated that employers shall arrange workplaces to facilitate the disabled to work and to make the job compatible for the disabled, take necessary measures for the health of the disabled, employ the disabled to work in their own vocations or the jobs related to their vocations, develop the disabled's information and competencies related to their jobs, provide the equipment necessary for the disabled to work, and determine the working hours according to the situation of the disabled under appropriate conditions provided that working duration and start and end times are not less than the ones indicated in labour law. In the Article 19 under the title of the jobs that the disabled cannot be employed within the same Regulation, it is stated that the disabled shall not be employed in the underground and underwater jobs and the jobs indicated in the health board report. Turkey believes that effective protection against discrimination in employment has not been established and guaranteed for disabled persons.

2. How the legal obligation to ensure reasonable accommodation, i.e. to adjust the workplace to the needs of people with disabilities, is implemented in practice, to provide any relevant data on compliance and relevant examples, and indicate whether it has prompted an increase in employment of persons with disabilities in the open labour market.

Under the Article 3 of TDA No. 5378, "disabled" is defined as the person who has difficulties in adapting to the social life and in meeting daily needs due to the loss of physical, mental, psychological, sensory and social capabilities at various levels by birth or by any reason thereafter and who therefore need protection, care, rehabilitation, consultancy and support services.

In the said Law, it is also emphasized that sheltered workshops are the workplaces with technical and financial support from the State and the working conditions of which is specially arranged by the State in order to create vocational rehabilitation and employment for the disabled people who are difficult to be integrated to the normal labour market. Sheltered workshop status is the condition of having a number of disabled employees at a ratio determined by the regulation or of possessing the requirements in order to be granted with the technical and financial assistance provided to the sheltered workshop. Rehabilitation is the totality of preventive, medical, vocational, educational, recreational and psycho-social services which are rendered in order to eliminate a disability by birth or occurred thereafter by any reason or to reduce the effects of disability to a minimum level, in order for the disabled to be sufficient to himself/herself and to society in his/her work and social life and to integrate with the society by enabling him/her to acquire the highest level of abilities he/she can achieve again in the fields of physical, mental, psychological, social, vocational and economical usefulness and in order to take all measures against discrimination.

Turkey develops social policies against all kinds of abuse of disabled people and disability on the basis of the immunity of the human honour and dignity. State doesn't discriminate against the disabled people; fighting against discrimination is the basic principle of the policies towards the disabled people.

Job and profession analyses taking the disability types into account are made by the Ministry of National Education and the Ministry of Family, Labour and Social Services. Within the light of these analyses, the vocational rehabilitation and training programmes which appropriate for the conditions of the disabled people are developed by the foregoing organizations.

The rights of the disabled people to choose their profession in accordance with their skills and to obtain training on this matter cannot be restricted. It is essential that the disabled people are enabled to take advantage of the vocational rehabilitation services in order to provide that they are trained in a profession they can carry out, they are enabled to acquire a profession, and their economic and social welfare is secured by making them efficient.

Measures to develop the job and skills of the individuals according to their individual developments and abilities in the private vocational rehabilitation centres to be opened by natural or legal persons, skill improvement centres and various types of sheltered workshops are taken. The concerned services can be obtained through the purchase of service by making a job and profession analysis according to the needs. The relevant methods and principles are determined by the regulation which will be jointly issued by the Ministry of National Education and the Ministry of Family, Labour and Social Services.

Social and vocational rehabilitation services are also provided by the municipalities. Municipalities, when they deem necessary during the provision of these services, cooperate with the people's training and apprenticeship training centres. In the event that the rehabilitation request of the disabled person cannot be met, he/she takes the service from the nearest centre and the concerned municipality pays the amount determined in the budget instruction each year to the centre where the service is purchased.

During the employment, no discriminative practices can be performed against the disabled people in any of the stages from the job selection, to application forms, selection process, technical evaluation, suggested working periods and conditions.

Working disabled people cannot be subjected to any different treatment than the other people with respect to their disability such that it could cause a result which is unfavourable for the disabled people. It is obligatory that measures in the employment processes in order to reduce or eliminate the obstacles and difficulties that may be faced by the disabled people who work or who apply for a job are taken and the physical arrangements are done by the establishments and organizations with the relevant duty, authority and responsibility and by the work places.

The employment of the disabled people, who are difficult to be integrated to the labour market because of their conditions of disability, is provided by means of the sheltered workshops first. The methods and principles regarding the sheltered workshops are arranged by the regulation to be issued jointly by the Ministry of Family, Labour and Social Services and the Ministry of Treasury and Finance.

Employment of disabled people as civil servants: It is essential that the disabled people be appointed to the vacancies that suit their professions and that the tools and equipment assisting to their performance and execution of their profession are supplied by their organizations provided that this is according to the regulations. The requirements for recruiting disabled people as civil servants and the jobs that they will be assigned with, the ancillary tools and

equipment to be supplied by their organization for the performance and execution of their professions, the duties where the appointment of mentally disabled people will be exempted from the minimum education requirement are arranged by a regulation to be prepared jointly by the Ministry of Treasury and Finance, Ministry of Health, and the Ministry of Family, Labour and Social Services.

Turkey also attached great importance to the employment of persons with disabilities; the main policy was an open, inclusive and accessible labour market. Over the past 15 years, the number of employed persons with disabilities had increased tenfold in the public sector and about threefold in the private one, while the pensions for persons with disabilities who were unable to work had been increased up to 300 per cent.

3. The Committee asks for more information on the judicial and non-judicial remedies provided for in the event of discrimination on the ground of disability and on relevant case-law

Turkey has invested significant efforts into amending its legal framework to protect persons with disabilities from all forms of discrimination, and in this, it has benefited from best practices of European countries. Equal rights of persons with disabilities are now guaranteed in the law and discriminatory language has been taken out of the legislation. Article 122 of the Penal Code has been amended to increase prison sentences for disability-based discrimination from six months to three years; the amendment has also added the qualifiers of intent and hate in order to strengthen the prohibition of discrimination against persons with disabilities. Committing a crime against a person with disabilities is deemed as an aggravating factor.

A national human rights institution, the Human Rights and Equality Institution of Turkey (TIHEK), has been set up in 2016. The Office of the Ombudsman as a constitutional institution is in charge of monitoring public institutions; all its decisions were public and could be accessed through the Ombudsman's website (<https://www.ombudsman.gov.tr/English/index.html>). It has the competence to receive complaints of discrimination, including on the grounds of disability, and to issue recommendations to the parties concerned. Each and every citizen has a constitutional right to address the Office, in person or in writing and in languages other than Turkish, and it works with representative organizations of persons with disabilities to enable children with disabilities to directly address the Ombudsman.

In terms of access to justice for persons with disabilities, it should be noted that persons with disabilities, both victims and perpetrators, are entitled to interpreters and free legal aid. If they are victims, that added more aggravation to the crime committed. Turkey has been making a significant investment in improving technical infrastructure to allow people to provide testimonies via video conferences, and over 60 million Turkish Liras (10.582.010.-USD) has been allocated over the last several years to improve the accessibility of courts and other buildings. Accessibility is one of the most important conditions in tenders for the construction of new court buildings. Notaries will soon become active around the clock and the requirement of two witnesses for a statement by a blind person will be amended as soon as the required infrastructure is in place. Sign language interpretation is the key priority, therefore, different departments in the Ministry of Justice are provided with related training to enable them to assess

the quality of sign interpretation and pre-empt defence on the ground of inadequate sign interpretation.

According to the priorities set out in the national e-Government strategy, Turkey will revise its e-government services and make them accessible to all the citizens. Additionally, there are communication centres that employed officials with sign language skills who assisted deaf and hard of hearing individuals. Sign language interpretation is provided in the civil service. Accessibility to all public spaces and mass transportation is obligatory and a commission has been set up in 2012 to monitor accessibility of the Government offices. Accessibility standards have been adopted and non-compliance is sanctioned, while international standards are being applied in all modes of transportation. There are measures to enable prisoners with disabilities to access legal aid and medical services.

Children's policies are based on the best interest of the child and Children's Rights Committees are active in all provinces. The membership is open to all children, including children with disabilities, and there are over 14.000 members at the moment. Child right monitoring mechanisms are in place as well and are supervised by the Office of the Ombudsman and the Human Rights and Equality Institution of Turkey (TIHEK). A specific website has been set up to provide persons with disabilities with information about their rights and the availability of services. (<https://ebasvuru.tihkek.gov.tr/Giris.aspx>), (<https://www.ombudsman.gov.tr/English/index.html>) (<https://www.ailevecalisma.gov.tr/media/35694/engelli-bilgilendirme.pdf>).

If disabled person thinks that his/her rights are violated, according to the type and subject of the violation of rights, they can apply in various ways against the person, institution or institutions that commit the violation.

According to the type and subject of the violation of rights, they can apply in various ways against the person, institution or institutions that commit the violation.

1- If the party that carries out the infringement is a public institution or organization; a written application may be filed to the relevant institution for the correction of the transaction resulting in the violation of the right. In addition, within the scope of the right to obtain information through right to petition, it is possible to apply to the relevant institution or organization, gain information via the Presidential Communication Centre (CIMER), for requesting the correction of the transaction, and to make a complaint.

In case no result is achieved from these and depending on the nature of process, it is possible to file a case or apply free of charge to the Human Rights and Equality Institution of Turkey (TIHEK) or Ombudsman Institution which has an amicable solution method when approaching institutions and organizations.

2- In case the violating party is a natural entity or a public / private legal entity and the violation occurs, the disabled individual may complain by applying to law enforcement officers or by directly filing a criminal complaint through the prosecution. In this process, taking into account the type of disability, the disabled person is provided with support such as sign language interpreter and advisor.

3- If the violation of rights does not constitute a crime, the disabled can file a lawsuit. In this case, if the necessary conditions are met, the disabled can benefit from legal aid.

If the disabled individual has exhausted domestic remedies regarding the violation of the right and has not received any results; he/she can apply individually to the European Court of Human Rights or to the United Nations Committee on the Rights of Persons with Disabilities under the rights guaranteed by the Convention on the Rights of Persons with Disabilities.

In the lights of the above explanations, it is clear that Turkey provides equality for disabled but in case of any event of discrimination on the ground of disability, judicial and non-judicial remedies are provided for disabled.

4. The committee asks information on the results achieved and the implementation of the Development plan.

All the requested information is already given in the related part of the above paragraphs.

Paragraph 3

The Parties undertake, in particular; to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Turkey would like to brief the legal framework in order to promote disabled persons' full social integration and participation in the life of the community.

The objective of Turkish legislation related with the persons with disabilities is to prevent disability, to enable the disabled people to join the society by taking measures which will provide the solution of their problems regarding health, education, rehabilitation, employment, care and social security and the removal of the obstacles they face and to make the necessary arrangements for the coordination of these services.

According to the Article 61 of the Constitution, the State shall take measures to protect the disabled and secure their integration into social life. State develops social policies against all kinds of abuse of disabled people and disability on the basis of the immunity of the human honour and dignity. State doesn't discriminate against the disabled people; fighting against discrimination is the basic principle of the policies towards the disabled people.

It is essential that the disabled people maintain their lives in health, peace and safety particularly in the environment they are, that their care and rehabilitation are provided so that they can actively participate in the society and become productive, that the ones in need are taken for temporary and permanent care or provided with home care service. Care services can be presented in home care or institution care models. First of all, it is essential that the service is provided without separating the person from his/her social and physical environment.

Rehabilitation services are provided in order to meet the individual and social needs of the disabled people on the basis of participation in the social life and equality. The active and effective participation of the disabled person and his/her family is essential in all stages of the rehabilitation including the decision making, planning, implementing and terminating.

Turkish Disability Act (TDA) No. 5378 (01/07/2005) provides legal base with regard to ensuring independent living and inclusion of disabled to society. The objectives of TDA includes enabling PwDs join the society by taking measures which will provide the solution of their problems and the removal of the obstacles they face and taking measures necessary for the coordination of services. The Act covers the principles of fighting against disability based discrimination, ensuring participation of PwDs, their families and volunteer organizations to disability related decision making processes and protecting the unity of family in provision of all services. Although there are no practical restrictions preventing PwDs benefit from public services equally with others, the approach adopted in TDA brought forward special practices to ensure advantages to PwDs in benefiting from some of the services, especially from health services.

The Act also brought along the principle that it is essential to have PwDs maintain their lives in health, peace and safety particularly in the environment they live in; to provide their care and rehabilitation so that they will lead a satisfactory life in the society and become productive; render temporary and permanent care or home care services to the ones in need of support (Art. 6). Within this scope, care services can be rendered as home care or institution care. It is essential that the service is provided without separating the person from his/her social and physical environment (Art. 9). While rendering care services; biological, physical and social needs of the person are taken into consideration (Art. 8).

The general principle of Law No. 2828 on Social Services were defined as: ensuring that PwDs, persons in need of support and the elderly lead a healthy, peaceful and safe life; providing care and rehabilitation services to PwDs in a way that can enable them live independently and productively and taking necessary measures for rendering constant care to PwDs who cannot be treated.

The law also brought along the mainstreaming principle as it stipulates grouping of children in need of support who stay in nursery schools and orphanages in line with age, sex, social and psychological characteristics and disability rates. Additionally, the law also provides that all services to persons in need of social protection, care or support shall be provided in compliance with human dignity.

In accordance with the By-Law on Invalidity Assessment (Official Gazette No. 28727 of 3 August 2013), the scope of invalidity was extended, the conditions for determining invalidity that include different groups of illnesses were made clear, and a number of arrangements were made by taking into account human body as a whole system.

Regulation on the Rights of Passengers traveling by Railway, prepared by taking into account the European Parliament and Council Regulation on the Rights and Obligations of Railway Passengers, dated 23/10/2017 and numbered 1371/2007 was published in the Official Gazette numbered 30708 on 8 March 2019 and entered into force. In the Seventh Chapter of this

regulation titled “Passengers with Disabilities”, mobility restricted and/or special conditions, the right to travel for disabled people, information, accessibility, assistance services to be provided at the stations, compensation for special equipment for persons with disabilities and/or mobility impairments are regulated.

In addition, PwDs who were entitled through a medical report to use an adapted motor vehicle are exempt from special consumption tax provided that they buy motor vehicles from domestic market. This exemption is also valid for the relatives of persons who have a disability at a degree of 90% and over that hinders him/her drive a motor vehicle. These motor vehicles are also exempt from motor vehicles tax. On the other hand, adapted motor vehicles to be imported by PwDs are exempt from customs.

Local governments and private entities make certain rates of reductions in fees of services provided to PwDs. Within this scope, especially Turkish State Railways, Turkish Maritime Organization, Turkish Airlines and intercity transportation companies make various rates of reductions for passengers with disabilities. On the other hand, as per the amendment made in Law No. 4736 on Rates of Services and Goods of Public Institutions in 2013, persons who have a degree of disability over 40%, persons with severe disabilities and a person accompanying them can benefit from intercity and inner city rail and sea travel, and all mass transportation facilities provided by municipalities, transportation companies set up by the municipalities or private companies authorized by the municipalities to carry passengers in provinces. Besides, PwDs can benefit free of charge from national parks, state theatres, opera and ballet performances, historical ruins and museums of Ministry of Culture and Tourism. Some municipalities make certain rates of reductions in water bills of PwDs in line with municipal council resolutions. GSM operators also provide reductions in service fees.

Parking Zones are allocated for persons with disabilities. In the Parking Regulation; it is compulsory to allocate parking area for persons with disabilities with a rate of 1/20 in the parking areas provided that Turkish Standards Institute (TSE) standards are complied with, and in the nearest places to the entrance-exit and elevators in public buildings, regional car parks and public car parks.

According to Article 61 of the Highway Traffic Law No. 2918, vehicles parked against the prohibitions will be double fined. Furthermore, in accordance with the amendment envisaged in Article 30 of the Law No. 4857, it is aimed that the whole employer share insurance premium is met from the Unemployment Insurance Fund in order to encourage employers who employ disabled persons despite having exceeded the quota or not being obliged to, and with the amendment envisaged in the Civil Servants Law No. 657, it is aimed at making privileged arrangements regarding relocation requests of the civil servants, who are disabled or have disabled family members to take care of, including disabled spouse or any relatives with first degree relationship by blood, due to their condition of disability.

The Accessibility Monitoring and Supervision Regulation prepared under the Law on Disabled Act No. 5378 (2005) was published and put into effect on July 20, 2013 and it was revised on September 21, 2016. In this revision, Accessibility Monitoring and Supervision Forms are also determined by a Circular to be published by the Ministry. Within this framework, the "Accessibility Monitoring and Supervision Forms Circular" numbered 2018/2 has been

published. The Accessibility Monitoring and Supervision Plan and the Application of Administrative Fines Circulars have also been published.

Significant legal regulation which may determine and influence the use of physical space of the disabled is the Zoning and Development Law No. 3194. In this Law, in the context of the provisions related to the Law No. 2960 on the Bosphorus, in the annex section (amendment: 30/05/1997, Decree Law No. 572), it is stated that “*in order to make the physical environment accessible and liveable for disabled, it is obligatory to comply with the relevant standards of the Turkish Standards Institute in the development plans, urban, social and technical infrastructure areas and structures*”.

The By-Law on Private Care Centres for Persons with Disabilities in Need of Care published in the Official Gazette No. 28737 of 16 August 2013 repealed the By-Law on Private Care Centres for Persons with Disabilities in Need of Care published in the Official Gazette No. 26244 of 30 July 2006 (Official Gazette No. 26244 of 16 August 2006). The new By-Law introduced radical arrangements regarding especially the application and opening permission process of the private care centres as well as the characteristics of personnel, physical structures of the centres, inspection and penalties. With Articles 35/A and 35/B which are added to the Social Services Law No. 2828 through Law No. 6495 of 12 July 2013, arrangements regarding the opening of private care centers for persons with disabilities in need of care as well as working conditions and management of these centres and effective service delivery were made.

The Circular on Initial Admission and Intervention in case of Emergency No. 62664- 2013/11 (Official Gazette No. 28680 of 17 June 2013) specified the procedures and principles regarding the opening and working conditions of the initial admission and intervention centres where care services for disabled persons in need of care will be given for a specific period before these persons are transferred to care centres, with the aim of determining care requirements and appropriate service model. The Circular on the Provision of Other Services for Disabled Persons Who Benefit From Home-Based Care Services No. 44615-2013/8 (Official Gazette No. 28635 of 2 May 2013) provided for that disabled persons receiving home-based care services would also benefit from care and rehabilitation services of the day care family consultation and rehabilitation centres within the body of the Ministry of Family, Labour and Social Services in such manner that does not exceed 16 hours in a week.

The principles of the services for PwDs are defined by the Law on Social Services as follows; raising awareness of individuals, family members and society on their rights and responsibilities regarding participation of person with disabilities to society as equal individuals; ensuring medical treatment and rehabilitation of these individuals; increasing their independent living capacity; taking measures for ensuring accessibility of information services, physical environments and technological devices and instruments; and including PwDs to all decision making processes that would affect their economic and social status.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In relation to the previous Development Plan, the preparation of the national strategy and action plan on the rights of persons with disabilities - a human rights-based roadmap for all sectors of the society – has been initiated, and the legislative framework has been revised ensure equality

of persons with disabilities. The Law on Persons with Disabilities as amended in 2005 now constitutes the framework for policy and practice in the field of disability. The Government is studying the development of community-based services for persons with mental and psychosocial disabilities, while the practice of “hope houses” is expanding. It allows persons with disabilities, including those with mental and psychosocial disabilities, to live with others in the communities, in houses designed to meet their needs and their choices.

Steps have been taken to improve the accessibility to transports, services, and public building, including the polling stations; and the policy of open, inclusive and accessible labour market has been adopted. General Directorate for Disabled and Elderly Services under the Ministry of Family, Labour and Social Services approaches the concept of barrier-free space that is classified under three functions: urban spaces (e.g. streets, squares, parks, open and green areas etc.), buildings and transitional areas which connect these spaces.

Turkey adopted a rights-based approach to disabilities and regarded the measures taken for persons with disabilities not as a privilege or blessing, but as a human rights requirement. Turkey had become a party to the Convention on the Rights of Persons with Disabilities in 2009 and to the Optional Protocol in 2015 and had made significant progress in promoting the rights of persons with disabilities in recent years. The focal point is the Ministry of Family, Labour and Social Services, which works in cooperation with national and international stakeholders, and especially the organizations of persons with disabilities. Turkey firmly believes that persons with disabilities must have a seat at the table whenever a decision is taken that concerned them, thus with the enactment of the Law on Persons with Disabilities in 2005, they became actors in policy making, implementation, and monitoring. Turkey has furthermore invested significant efforts to strengthen the dialogue with non-governmental organizations and to increase the rights-based advocacy capacity of representative organizations of persons with disabilities.

Turkey has taken steps to improve the accessibility of voting stations, persons with disabilities had a priority during the voting, and the practice of mobile ballot for house-bound voters has been introduced. Persons with disabilities are represented in the Accessible Transportation Services Board, while the 2023 Education Vision provided for inclusive education and for the setting up of inter-agency monitoring and implementation mechanism to ensure effective coordination of special education throughout the country. Turkey also attaches great importance to the employment of persons with disabilities; the main policy is an open, inclusive and accessible labour market. Over the past 15 years, the number of employed persons with disabilities has increased tenfold in the public sector and about threefold in the private one, while the pensions for persons with disabilities who were unable to work has been increased up to 300 per cent.

In addition, care allowances are provided to persons with severe disabilities to enable them to live at home with their families. A guide for the personnel working on the guardianship issue and a guide on legislative regulations on the issue has been developed. Turkey hosts over 4,6 million refugees and asylum seekers, and all those with disabilities enjoyed the services and benefits for persons with disabilities on an equal basis with citizens and without any discrimination.

Since 2013, the paradigm shift to the rights-based approach to disability has been total; the internal legislation has been revised and amended to avoid any references to a medicalised approach to disability and the rights-based approach is now a must in all the laws. A range of education, information and awareness-raising activities on the rights of persons with disabilities has been implemented, targeting public institutions and civil servants, and all stakeholders are involved in the efforts to overcome prejudices and stigma.

Turkey has invested significant efforts into amending its legal framework to protect persons with disabilities from all forms of discrimination, and in this, it has applied best practices of European countries. Equal rights of persons with disabilities are now guaranteed in the law and discriminatory language has been taken out of the legislation. Article 122 of the Penal Code has been amended to increase prison sentences for disability-based discrimination from six months to three years; the amendment has also added the qualifiers of intent and hate in order to strengthen the prohibition of discrimination against persons with disabilities. Committing a crime against a person with disabilities is an aggravating factor.

A national human rights institution, the Human Rights and Equality Institution of Turkey (TIHEK), has been set up in 2016. The Office of the Ombudsman is a constitutional institution in charge of monitoring public institutions; all its decisions are public and can be accessed through the Ombudsman's website (<https://www.ombudsman.gov.tr/English/index.html>). It has the competence to receive complaints of discrimination, including on the grounds of disability, and to issue recommendations to the parties concerned. Each and every citizen has a constitutional right to address the Office, in person or in writing and in languages other than Turkish, and it works with representative organizations of persons with disabilities to enable children with disabilities to directly address the Ombudsman.

In terms of access to justice for persons with disabilities persons with disabilities, both victims and perpetrators are entitled to interpreters and free legal aid. If they are victims, that added more aggravation to the crime committed. Turkey is making a significant investment in improving technical infrastructure to allow people to provide testimonies via video conferences, and over 60 million Turkish Liras (10.582.010.- USD) has been allocated over the last several years to improve the accessibility of courts and other buildings. Accessibility is one of the most important conditions in tenders for the construction of new court buildings. Notaries will soon become active around the clock and the requirement of two witnesses for a statement by a blind person would be amended as soon as the required infrastructure is in place. Sign language interpretation is the key priority, therefore, different departments in the Ministry of Justice are provided with related training to enable them to assess the quality of sign interpretation and pre-empt defence on the ground of inadequate sign interpretation.

According to the priorities set out in the national e-Government strategy, Turkey would revise its e-government services and make them accessible to all the citizens. Additionally, there are communication centres that employed officials with sign language skills who assisted deaf and hard of hearing individuals. Sign language interpretation is provided in the civil service. Accessibility to all public spaces and mass transportation is obligatory and a commission has been set up in 2012 to monitor accessibility of the Government offices. Accessibility standards have been adopted and non-compliance is sanctioned, while

international standards are being applied in all modes of transportation. There are measures to enable prisoners with disabilities to access legal aid and medical services.

About half of the schools in the country, have entrance ramps, while all special needs educational institutions have ramps, elevators and special needs toilets. Turkey has developed an action plan to retrofit all the schools and make them accessible over the next three years and has allocated 3 billion Turkish Liras (529.100.530.-USD) for the purpose. All new constructions, including schools, have to comply with all accessibility standards.

Children's policies are based on the best interest of the child, in this context; Children's Rights Committees are active in all provinces. The membership is open to all children, including children with disabilities, and there are over 14.000 members at the moment. Child right monitoring mechanisms are in place as well and were supervised by the Office of the Ombudsman and the Human Rights and Equality Institution of Turkey (TIHEK).

Over 3.000 health staff and 600 vocational councillors have received basic sign language training; a guide on working with persons with disabilities has been distributed to judges, prosecutors, as law students and work councillors had been trained on disability-related issues in matters of work and employment. Support is available for the creation of workshops for persons with disabilities to enhance and build work capabilities. "The Information Guide for Disabled" is prepared by the General Directorate of the Disabled and Elderly under the Ministry of Family, Labour and Social Services and accessible via website (<https://ailevecalismama.gov.tr/media/35694/engelli-bilgilendirme.pdf>). Persons with disabilities were individuals with rights and were treated as such, stressed the delegation. All Turkish citizens were covered by national insurance and that included rare diseases with costs of their treatment being fully covered.

Women and children with disabilities can access shelters for victims of domestic violence. The 2016 Autism Plan is put in place. Institutions are responsible for the care of persons with mental disabilities and inclusion activities are being organized. Special schools are provided for children with disabilities who could not attend public schools and special classes for those who had to stay in the hospital.

A commission composed of a range of stakeholders was mandated with the monitoring of the implementation of accessibility standards. It assessed the accessibility of public institutions, and gave periods of adjustment to those who failed to meet standards, and issued fines for non-compliance. The commission also organized training and awareness-raising activities for the existing institutions and provided accessibility advice. Measures are being taken to increase accessibility to university buildings and to ensure that public transportation is fully accessible. Numerous awareness raising activities advertised the improvements to the accessibility of the courts.

There are programmes to support airports to obtain accessibility certificates, and the majority of airports in the country have been certified. There are accessible telephone lines, ramps, counselling desks for persons with disabilities, signs adapted to Braille alphabet, as well as vision and auditory signs, among others. The new legislation provided that any new railway infrastructure needs to comply with accessibility standards. Accessibility improvements have

been implemented in 858 train stations, such as the construction of ramps, addressing the height of sidewalks, introducing different kind of signalling including Braille, while five per cent of the car parking area is allocated to persons with disabilities.

The statistics department in the Ministry of Family, Labour and Social Services has been set up to collect disaggregated data and statistics on which disability-related policies would be based.

In Turkey, services of Ministry of Family, Labour and Social Services (MoFLSS) for all groups in need of support are administered and coordinated by provincial directorates in all 81 provinces. Institutional care services coordinated by provincial directorates are rendered by Residential Care and Rehabilitation Centres for PwDs; Rehabilitation and Family Consulting Day Centres that provide only day service and Private Care Centres that provide services on a residential and/or daily basis. Services for PwDs are carried out by the General Directorate of Disabled and Elderly (EYHGM) of MoFLSS.

Home-based care for persons with disabilities will be included in the reform package for the setting up of community-based living; experts were currently visiting the homes of persons with disabilities to better understand their needs. A project has been initiated to disseminate information in communities about the setting up of accessible community service centres; there are 99 such centres and they offered service to persons with disabilities free of charge. 810 persons with disabilities are living in “hope houses”. According to the law, persons with disabilities living with their families can be transferred to temporary accommodation in case of crisis situations, while persons with disabilities without family support can join the centres.

Day-care centres provide numerous services to persons with disabilities, including medical, leisure, professional training, and vocational education. There are 86 centres in all 81 provinces in Turkey which provided home-based health services to more than 1,3 million people, a hotline service, and as 180 community based mental health centres that provided support to families and various educational services to over 100.000 patients. Each patient is provided with a treatment plan and regular home visits are organized to see how they progressed. For the last ten years, a focus has been on home-based services for children with disabilities, noting that protection from violence and abuse is primarily based on the importance of prevention. This included training for families and authorities that works with children. Women with disabilities are recognized as more vulnerable and tailor-made assistance is provided to victims of violence.

Turkey hosts over 4,6 million refugees and asylum seekers, and all those with disabilities enjoyed the services and benefits on an equal basis with citizens and without any discrimination. Hospital services have been provided to more than 1,2 million refugees; 420.000 had special needs and 25.000 were persons with disabilities.

A hotline is available in six languages to enable refugees to report problems and issues, while a website for children, posters and leaflets, and migration counselling centres provides access to information and enables them to learn about their rights. (https://www.ombudsman.gov.tr/syrians/special_report.pdf ;<https://www.mhd.org.tr/en/about>) . There are also integration meetings in all provinces in order to facilitate better understanding between home and refugee population. An international seminar on improving access to justice

for refugees has been recently held in Antalya, and specialized training is being provided to judges, lawyers, and prosecutors on access to justice for refugees with disabilities.

Disaster and Emergency Management Presidency (AFAD) is handling the national warning system, its current program is improving audio and visual warning system and in the near future, the improved early warning system will be spread out in the country.

All sexual and reproductive health programmes and services are inclusive of persons with disabilities. In 2104, the Ministry of Health in cooperation with representative organizations of persons with disabilities has developed new content for visually impaired and other types of disabilities. Data and information related to patients are strictly confidential and reserved for the use solely by the healthcare system. No treatment can take place without a signed consent form.

Teachers and families are critical for early detection of disabilities; therefore, the Government has developed information and education activities to raise their awareness on the issue. Children in rural areas, including children with disabilities, are provided with free transportation to the nearest school. Teachers of refugee students with disabilities receive continuous education on the matter. Braille books are distributed free of charge to all students that needed them. Schooling rates of children with disabilities are improving annually and Turkey plans to develop a national screening model to identify the needs of students with disabilities in the future, with particular attention being given to early detection.

The elections in Turkey are free and based on confidential voting and public counting. Electoral legislation provides for the right of persons with disabilities to vote freely and confidentially, with the assistance of the guardian if desired.

The 11th National Development Plan 2019-2023 espoused a more inclusive approach to persons with disabilities, in light of an overarching aim of attaining the Sustainable Development Goals. Social services offered to the disabled have been diversified and expanded, and policies regarding the participation of the disabled in education, social life and the labour market have been maintained. Participation of disabled citizens in sports activities will be encouraged.

Coach - teacher qualifications will be developed for the participation of disabled in sports. For this purpose, enriched educational materials, visual and written documents will be prepared and put into practice.

Protection of open and green spaces and public spaces in cities will be provided and also accessibility and security of these spaces will be increased. These places will be reconstructed within the framework of human nature relationship that is sensitive to the disabled.

It is the fact that buildings, open spaces, transportation & information services and information & communication technology can be accessed and used safely and independently by the disabled individuals.

It is legally mandatory to organize urban life in accordance with the accessibility of the disabled people. In the environment that is structured in accordance with the provisions of the Turkish Disability Act (TDA) No. 5378, accessibility standards should be pursued in planning, design,

construction, manufacturing, licensing and inspection processes to ensure the accessibility of the disabled people.

Within the scope of this Law; the existing official buildings belonging to public institutions and organizations, all existing roads, sidewalks, pedestrian crossings, open-green areas, sports fields and similar social & cultural infrastructure areas, and all kinds of buildings that are built by real and legal persons open to public services, and private & public transportation systems as well as private and public transportation vehicles with nine or more seats, excluding the driver's seat, and the existing information services and information & communication technology must be suitable for the accessibility of individuals with disabilities.

Commissions for Monitoring and Auditing Accessibility have been established within the scope of governorships in 81 provinces. These commissions use the Accessibility Monitoring and Auditing forms to carry out inspections of public buildings, open areas and public transport vehicles that are determined by law. An administrative fine may be imposed on real and private legal entities that don't meet the accessibility obligations. An Accessibility Certificate is issued by the governorship to those determined by the Commission for compliance with the accessibility legislation.

Complaints can be filed through the Provincial Directorate of Family, Labour and Social Services for auditing all types of buildings and open areas as well as public transport vehicles that serve to public use.

There are arrangements in the Domiciles for the Persons with Disabilities. Disabled can request modifications in their apartments and building estates in accordance with their disabilities which is subject to the Property Ownership Law.

For the accessibility in Newly Constructed Buildings, pursuant to the Construction Legislation and the Law on Disability, it is necessary to act in accordance with the accessibility provisions when preparing the project of the newly built houses and during the construction phase and all kinds of inspection and approval stages.

For the accessibility in Service Vehicles and Intercity Buses, real and legal persons who carry out tourism transportation by road or provide intercity public transportation services, are obliged to meet the demand of individuals with disabilities for providing accessible public transportation services within a maximum of seventy-two hours and the real and legal persons who provide service transportation are obliged to meet the demand of students or personnel who have disabilities.

Persons with disabilities have advantages in the electronic communication industry costs.

Individuals having impaired hearing can benefit from e-government services. With the Barrier-Free Call Centre project carried out within the scope of the No Barriers in e-Government Project, individuals with impaired hearing have the opportunity to get a conversation with e-Government Call Centre employees who can speak sign language and can get support for all their questions and problems related to the e-Government Gateway.

There are Special Consumption Tax (SCT) discount and exemption for disabled. The persons with disabilities have the right to buy motor vehicles with SCT discount and exemption.

Parking Zones are allocated for persons with disabilities. In the Parking Regulation; it is compulsory to allocate parking area for persons with disabilities with a rate of 1/20 in the parking areas provided that Turkish Standards Institute (TSE) standards are complied with, and in the nearest places to the entrance-exit and elevators in public buildings, regional car parks and public car parks.

According to Article 61 of the Highway Traffic Law No. 2918, vehicles parked against the prohibitions will be double fined.

There is no separate driver's license class for the persons with disabilities. The restriction and vehicle adaptation codes specified in the health report are also recorded on the driver's license and the disabled driver must use a vehicle that complies with these codes.

Each person with disability who has a special ID card has the right to travel free of charge in the public transport vehicles.

Financial support is prominent among other measures to enhance personal mobility. Within this scope, all kind of equipment and software designed with the purpose of facilitating daily lives (including education and employment) of PwDs are exempted from VAT in accordance with Value Added Tax Law No. 3065. Furthermore, as per Customs Law No. 4458, all items produced abroad and imported with the purpose of enhancing education, employment or personal development of PwDs are exempted from customs. Adapted motor vehicles to be imported by PwDs are also exempted from customs. In accordance with Private Consumption Tax Law No. 4760, sale of private cars with an engine capacity less than 1.600 cubic centimetre; vehicles used for carrying goods with an engine capacity less than 2.800 cubic centimetre and all motorcycles, in case they are bought by a person with a disability degree equal to or above 90%, are exempted from special consumption tax once in 5 years. This exemption is also valid for persons who have a disability degree below 90%, in case they buy one of the vehicles mentioned hereinabove only for personal use and adapt it in line with their disability and personal needs. The motor vehicles to be exempted from private consumption tax are also exempted from motor vehicles tax as per the relevant provisions of Motor Vehicles Tax Law No. 197.

Persons with disabilities have the right 20% discount on all domestic and international flights. Persons with disabilities have also housing tax exemption.

The recruitments of all kinds of equipment and special computer programs specially designed for the education, profession, and daily life of the persons with disabilities is exempt from VAT.

In addition, for the individuals with disabilities,

- » Entrance to the Museum and Ruins is free of charge,
- » Access to national parks, nature reserves and nature parks is free of charge,
- » Entrance to State Theatres are free of charge,
- » GSM operators avails them of special tariffs,
- » Housing Development Administration of Turkey (TOKI) allocates 5% of the planned number of residences to our disabled citizens within the scope of its projects. Applications

are made with ID copy and disability health report, and the right owners are determined by drawing lots.

Within the scope of the Law No. 2022, people with disabilities older than 18 or the relatives of persons with disabilities under the age of 18, who are not subject to any of the social security schemes (SSI, SSI for Artisans and Self-employed or Retirement Fund) are put on a salary provided that they got an indigence document from the relevant Social Assistance and Solidarity Foundation.

The cost of materials such as equipment, medical supplies, consumables, and orthopaedic-prosthesis required for the disabled people are paid by the SSI in accordance with the provisions of the Law No. 5510 and the General Health Insurance Procedures Regulation.

Persons with disabilities or family members who want to receive home medical services can apply by calling the number 444 38 33 of the national call centre within the Ministry of Health. The home healthcare team carries out the procedures to be performed in the home environment and directs disabled people to the hospital for the operations that cannot be undertaken in the home environment.

In order to connect hearing-impaired citizens to life in emergency cases, the Disability-Free Health Communication Centre (ESIM) has been established by the Ministry of Health.

Care services offered to individuals with disabilities:

A) Official Boarding Care and Rehabilitation Centres / Disabled Living Centres

1) Hope Houses

2) Day Care Centres

3) Temporary Guest Care Service

B) Private Care Centres

Home care support is provided by the Provincial Directorate of Family, Labour and Social Services for disabled in needs.

International Day of PwDs (3 December) and nationally celebrated Week of PwDs (10-16 May) contribute a lot to awareness raising activities in Turkey. In these dates of the year, various activities are carried out by the Directorate General of the Services for the Disabled and the Elderly (EYHGM), disability organizations, professional organizations, universities and some media organizations broadcasts programmes on disability and the rights of PwDs. EYHGM organizes several events and supports or contributes to other events organized by other relevant parties. For example, in cooperation with General Directorate of Post and Telegraph Organization (PTT), memorial postage stamps and envelopes were printed with the theme of "Accessible and Barrier-Free Turkey for All".

The Government is studying the development of community-based services for persons with mental and psychosocial disabilities; steps have been taken to improve the accessibility to transports, services, and public building, including the polling stations; and the policy of open, inclusive and accessible labour market had been adopted.

Rehabilitation services are provided in order to meet the individual and social needs of the disabled people on the basis of participation in the social life and equality. The active and effective participation of the disabled person and his/her family is essential in all stages of the rehabilitation including the decision making, planning, executing and terminating. Training programmes are developed in order to train the personnel needed in all areas of the rehabilitation and necessary measures are taken for the employment of these personnel.

Within the Context of Law No. 6112 on the Establishment of Radio and Television Enterprises and their media Services, it was provided that Media service providers shall render their media services in accordance with the principles with an understanding of the responsibility towards public and they shall not broadcast in a way to encourage the abuse of or violation against PwDs (Art. 8). The law also provides that the violators of these principles shall be imposed to a penalty.

In addition, Directive on Public Service Announcements that was put into effect on 08 August 2012 by The Radio and Television Supreme Council (RTUK) provides for giving priority to disability focused spot films. National media frequently give place to various broadcasts that aim for raising awareness and consciousness on disability. Besides, public broadcasting Turkish Radio and Television Association (TRT) broadcast programmes targeted for various groups of audience (children, youth, and adults) on its different channels.

It is essential that the disabled people maintain their lives in health, peace and safety particularly in the environment they are in, that their care and rehabilitation are provided so that they will get by in the society and become productive, that the ones in need are taken for temporary and permanent care or provided with home care service.

Alo 183 (Hotline) Social Support Line from the Call Centres of the Ministry of Family, Labour and Social Services has evaluated calls from the disabled and gives guidance and counselling services. It provides service on a 7/24 basis.

Turkish sign language is created by the Turkish Language Institution in order to provide the education and communication of the hearing impaired people. The methods and principles of the works for creating and implementing this system are determined by the regulation to be issued jointly by the Ministry of National Education, and the Ministry of Family, Labour and Social Services under the coordination of the Turkish Language Institution.

The required procedures in order to provide the production of relief, audio and electronic books, subtitled film and similar material to meet all kinds of educational and cultural needs of the disabled people are carried out jointly by the Ministry of National Education and the Ministry of Culture and Tourism.

In the event that there is an obligation for the lives of the disabled people, project amendment is decided by the majority of number and land share after being discussed in the meeting to be held latest within three months by the unit owners. In case that the meeting cannot be held within this period or the amendment request is not accepted by majority; construction, repair and installation are made according to the certified project amendment or sketch to be obtained from the concerned authorities upon the request of the concerned unit owner on the basis of the

commission report which states that safety of the building is not endangered. The concerned authorities finalize the project amendment or sketch requests latest within six months.

If the notary public understands that the concerned person has hearing, speech and visual impairment, the proceedings are carried out in the presence of two witnesses based on the request of the disabled people. If the concerned person has hearing and speech impairment and if there is no possibility to communicate in writing, there will be two witnesses and a sworn translator.

In order to enable the disabled individuals to exercise sports and to make it widespread, to enable the sport facilities to be suitable for the usage of the disabled people and to develop sports training programmes and supporting technologies, to provide the necessary material, to carry out information and awareness increasing works and issue publications, to train sportsmen, to cooperate with the other concerned institutions on enabling the disabled individual to exercise sports.

The sub clauses (u) of the second clause of the Article 4 of the Law No. 3984 dated 13.4.1994 on the Establishment and Broadcast of the Radio and Televisions has been amended as follows. *“u) Not encouraging the violence and discrimination against the women, vulnerable, disabled people and children.”* Disabled people service units are established in the Metropolitan Municipalities of major cities in order to provide information, awareness, steering, consultancy, social and vocational rehabilitation services to the disabled people. These units maintain their activities in cooperation with the foundation, association established to serve the disabled people and their subordinate organizations.

Pursuant to article 35 of the Library Service Principles numbered 2012/7 titled “Services for the Disabled”, our libraries are made suitable for disabled access within the scope of new building construction and configuration.

Within the scope of the Talking Library service offered at the National Library, books voiced by volunteer readers for the visually impaired users are offered to the service via the web site and there are more than 5 thousand books in the web-collection.

Disabled people have free access to state theatre plays. In the 2017-2018 season, 18.874 of the 1.608.888 State Theatre audience are disabled.

According to the sub-paragraph (ç) of the first paragraph of Article 189 of the Presidential Decree (Abolished Decree Law No. 638) on the Presidential Organization No. 1, published in the Official Gazette No. 30474 dated 10/07/2018, which regulates the duties and powers of the Ministry of Youth and Sports, the Ministry has duties:

- to enable individuals with disabilities to do sports
- to ensure that sports facilities are suitable for the use of disabled people,
- to develop sports training programs, provide the necessary material and support related Technologies
- to make publications with information and awareness raising activities for disabled people,

- to train disabled sportspeople,
- to cooperate with other relevant organizations in order to enable individuals with disabilities to play sports.

“Disabled City Sports Centres” were opened. Between 2015 and 2018, a total of 4.770.000,00 TL in cash was provided to 1.433 sports clubs that operate for the disabled. 139 wheeled sports chairs were distributed to the disabled through the Provincial Directorates of the Ministry of Youth and Sport. With the “We Remove Barriers in Sports” project, sports education services are provided to individuals with disabilities throughout the country. Through “Disabled Sportspeople Buses”, disabled sportspeople in Turkey are provided with access to sports activities. In cooperation with the Ministry of Education, Ministry of Youth and Sports and the Ministry of Family, Labour and Social Services, youth camps are organized for disabled youth.

A monitoring and auditing mechanism was established on 12 July 2012 as per related provisions of Law No. 6353 that amended TDA. Thus, general and special sanctions were provided for those who did not fulfil accessibility obligations. Following a legislative amendment in 2012, the period of time given for accomplishing accessibility arrangements was extended for 1 more year. The aim of the extension was establishing an auditing and monitoring mechanism that will help in facilitating and accelerating accessibility arrangements. This arrangement concluded the establishment of accessibility monitoring and auditing commissions consisting of representatives of related ministries and disability confederations in all provinces. As a result of the audits made by these commissions, an extra period was granted (until 7 July 2015) to municipalities, public institutions and the owners of the public buildings, open spaces and public transportation vehicles for the elimination of accessibility shortcomings and it was determined to impose an administrative fine to natural and legal persons who do not fulfil their obligations (Provisional Art. 3).

Based on the amendment above, Regulation on Monitoring and Auditing Accessibility Arrangements was enacted and published on 20 July 2013. The aim of the regulation is; assessing accessibility level of public buildings, open spaces and public transport vehicles in line with the accessibility standards in force; establishing an electronic infrastructure that will facilitate the monitoring process; imposing fine for inaccessibility, generalizing and pioneering accessibility works by means of “National System on Monitoring Accessibility” which covers CSOs and obtaining reports and statistical data.

In addition, various facilitating measures were taken in Property Ownership Law No. 634 for the project revision of the dwellings where PwDs reside (Art. 19). Moreover, necessary amendments were made in the Highway Traffic Law No. 2918 with the purposes of allocating special parking lots for the use of drivers with disabilities, prohibiting use of such lots by other drivers and designing parking cards for PwDs.

Principles for production of accessible vehicles to be used in public transportation and technical features of modifications to be made in vehicles in use were established by the provisions of Type Approval Regulation on Special Provisions on Vehicles with More than 8 Passenger Seats and Vehicles Used for Passenger Transportation that was put into practice on February 2009. Additionally, a circular titled “Modification of Inner-City Public Transportation Buses for

Accessibility of Persons with Disabilities” was issued to facilitate the implementation of Provisional Article 3 of TDA. Besides, another regulation was put into effect in 2011 to ensure the necessary measures taken for facilitating the ship to shore and shore to ship passage of PwDs. “Barrier Free Airports Project” was initiated by Directorate General of Civil Aviation for ensuring accessibility of all airports in Turkey.

Accessibility related standards of Turkey that include the basic accessibility principles are prepared and revised by TSE in coordination with MoFLSS. There are currently standards on buildings, open spaces, tactile ground surfaces, elevators and transportation stations.

Within the frame of Turkish Code of Criminal Procedure (Law No. 5271) and Code of Civil Procedure (Law No. 6100), various measures were taken in order to ensure active participation of PwDs to judicial system and legal processes. In accordance with Turkish Code of Criminal Procedure, “in case they are literate, persons with hearing or speaking disabilities shall take an oath by writing and signing the oath. Persons with hearing or speaking disabilities who are illiterate shall take an oath by sign language and by the help of a sign language interpreter” (Art. 56/2). The code also stipulates that if the accused is a person with a hearing and speaking disability or a person who has a disability to the degree of failing to express him/herself, a defence counsel is appointed on behalf of him/her without the requirement of his/her official request. In case the suspect or the defendant is underage, or deaf, or speechless, or has a disability to the degree of failing to defend himself/herself and a defence counsel cannot be arranged; a defence counsel is appointed without the requirement of his/her official request (Art. 150). The code includes the provision that in the hearing of an accused or victim with a disability, the essential points of the prosecution and defence shall be explained to him/her in a way that he/she is able to comprehend.

The provisions of this article shall also apply in respect of suspects, victims or witnesses heard during the investigation phase (Art. 202). In case the victim has not attained the age of eighteen, or is deaf, or speechless, or has a disability to the degree of failing to express himself/herself and a defense counsel cannot be assigned on behalf of him/her; a defense counsel is appointed without the requirement of his/her official request (Art. 234/2). Request shall not be necessary for providing a lawyer in cases where the victim or the injured party is a child or a person with a hearing, speaking or mental disability to the extent of being unable to defend himself (Art. 239/2).

By means of legal aid mechanism arranged by the provisions between Articles 334 and 340 of Code of Civil Procedure, some special measures are taken in order to facilitate access of PwDs to justice. Within the scope of these measures, PwDs who are deprived of adequate economic conditions and cannot afford to litigation costs have the right to request benefiting from legal aid mechanism especially for initiating bankruptcy and enforcement proceedings or intervening cases in favour or against themselves. In case a legal aid request is deemed appropriate by the court and if the legal aid decision is still in force; paying of litigation costs, fees or advance payments is postponed and the concerned costs are collected from the party that loses the case. In such circumstances the court can decide that litigation costs are paid in equal instalments in a year or the party that lose the case can be exempted from such costs totally or partially.

Law No. 5275 on the Execution of Penalties and Security Measures includes some measures with regard to informing the convicted about their rights and responsibilities or the complaining mechanism and provision of such information in accessible formats for PwDs. In this regard, convicted persons with hearing disabilities are informed through a sign language interpreter and those with visual disabilities are provided with booklets printed in Braille.

In order to facilitate access of PwDs to justice, sign language interpretation courses and training courses for trainers are organized for the personnel of General Directorate of Security.

Turkish Penal Code (TPC) stipulates that the punishment to be imposed to persons who offend the crime of sexual abuse against a person who cannot protect himself/herself because of physical or mental disabilities shall be increased by one half (Art. 102). Besides, any person who uses children or persons lack of physical or mental ability in beggary is punished with imprisonment from one year to three years (Art. 229).

The Constitution secures that everyone has the right to express and disseminate his/her thoughts and opinions and that no one shall be compelled reveal his/her opinions (Art. 25-26). In this respect, there are no legal provisions restricting freedom of expression and opinion of PwDs.

Retirement of PwDs in premium system is regulated by Social Security and General Health Insurance Law No. 5510. Pursuant to the provisions of this law, in case insured PwDs who are self-employed or work as civil servants or workers become disabled as a result of a work accident or an occupational disease, these individuals can retire earlier within the scope of invalidity insurance.

On the other hand, insured persons who could not benefit from invalidity pension due to the fact that they had had an illness or disability before starting to work at a degree that could be deemed as invalidity can retire earlier as part of old-age insurance and receive old age pension.

Provided that enough premiums of death, old age and invalidity insurances are paid, persons in the following conditions are entitled to receive old age pension regardless of their ages;

- insured persons with a disability at a degree between 50-59% (certified by a medical report), on condition that they have been insured for at least 16 years and paid premiums for 4.320 days.
- insured persons with a disability at a degree between 40-49% (certified by a medical report), on condition that they have been insured for at least 18 years and paid premiums for 4.680 days.

Pursuant to the relevant provisions of the same law, the insured women who have children with disabilities in need of constant care also have the right to early retirement. In case insured women that demand old age or retirement pensions have children with disabilities in need of constant care of another person, one fourth of premium payments (on the basis of number of premium days) after the enactment date of the law are added up to total premium payments and the added amount is subtracted from retiring age limits.

Economically deprived PwDs can apply to Social Assistance and Solidarity Foundations in provinces or districts and demand assistive devices/equipment or aid in cash or in kind. These

foundations also pay the cost of orthopedically or other assistive equipment that is not covered by social security institutions.

Persons with disabilities can benefit from certain rates of tax reductions/exemptions in accordance with the degree of disability. Within the scope of Revenue Law No. 193, fee earning PwDs, fee earning persons that are liable to care relatives with disabilities; self-employed PwDs; self-employed persons that are liable to care a relative with a disability; PwDs taxed in simplified system can benefit from Revenue Tax Reduction at various rates differing according to the degree of disability.

In addition, PwDs who were entitled through a medical report to use an adapted motor vehicle are exempt from special consumption tax provided that they buy motor vehicles from domestic market. This exemption is also valid for the relatives of persons who have a disability at a degree of 90% and over that hinders him/her drive a motor vehicle. These motor vehicles are also exempt from motor vehicles tax. On the other hand, adapted motor vehicles to be imported by PwDs are exempt from customs.

Local governments and private entities make certain rates of reductions in fees of services provided to PwDs. Within this scope, especially Turkish State Railways, Turkish Maritime Organization, Turkish Airlines and intercity transportation companies make various rates of reductions for passengers with disabilities. On the other hand, as per the amendment made in Law No. 4736 on Rates of Services and Goods of Public Institutions in 2013, persons who have a degree of disability over 40%, persons with severe disabilities and a person accompanying them can benefit from intercity and inner city rail and sea travel, and all mass transportation facilities provided by municipalities, transportation companies set up by the municipalities or private companies authorized by the municipalities to carry passengers in provinces. Besides, PwDs can benefit free of charge from national parks, state theatres, opera and ballet performances, historical ruins and museums of Ministry of Culture and Tourism. Some municipalities make certain rates of reductions in water bills of PwDs in line with municipal council resolutions. GSM operators also provide reductions in service fees.

Building projects of Housing Development Administration (TOKI) are planned in line with related accessibility legislation, especially with Turkish Standards Institution Standard TS-9111 – Minimum Requirements in Buildings to Ensure Accessibility for Persons with Mobility Restrictions and/or Disabilities. Special projects are also planned on demand of PwDs.

The Constitution guarantees the right of PwDs to participate in political and public life based on equality principle. The elections are organized and audited by Supreme Committee of Elections (YSK). Pursuant to legal arrangements and practices of YSK, PwDs can cast their votes in equal terms with others.

Law on Basic Provisions on Elections and Voter Registers includes some provisions about accessibility of voting centers and the procedures of vote casting. Any disability of a voter to prevent the voter from casting his/her vote shall be noted on the form during registration of voters (Art. 36). Ballot boxes shall be placed in public places such as appropriate parts of schoolyards and rooms, and, if not sufficient, to other places to be hired for that purpose, such as cafes, restaurants, etc. When the boxes are to be placed in open spaces; shaded or sheltered

wide areas shall be preferred (Art. 74). Voters with apparent disabilities such as blindness, stroke, paralysis or similar physical disabilities may be accompanied by one of their relatives who are voters in the same election district or, in the absence of any relative, by any other voter to provide assistance in casting their votes. A voter cannot accompany to more than one PwD (Art. 93).

Turkish employees and employers have the right to form unions and higher organizations, without prior permission, and they also possess the right to become a member of a union and to freely withdraw from membership (Constitution, Art. 51). Furthermore, everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission (Art. 33). Within this scope, there are currently no practical barriers to hinder PwDs from establishing and operating CSOs. There are approximately 1.000 associations carrying out activities in the field of disability. Besides, there are 10 disability federations and 2 confederations functioning as umbrella organizations.

CSOs can cooperate with and receive support from public institutions. Moreover, public interest associations or foundations can benefit from tax exemptions or donation incentives. CSOs can also benefit from national or international quality funds in order to initiate projects. Disability organizations take an active role especially in policy making and legislation preparation processes.

The Act stipulates that activities regarding production of Braille, audio and electronic books, subtitled film and similar materials to meet all kinds of educational and cultural needs of PwDs should be carried out in cooperation with the Ministry of National Education and the Ministry of Culture and Tourism.

General Directorate of State Theatres organizes volunteering based trainings for disability organizations. Measures towards ensuring participation of PwDs to State Theaters include accessibility arrangements, awareness raising activities for the personnel and free of charge service provision to PwDs and the persons accompanying them.

Furthermore, General Directorate of State Opera and Ballet plans assessing the level of satisfaction of the audience and carrying out statistical studies on participation of PwDs to the plays and performances.

Ministry of Culture and Tourism plans developing the audio guidance system for visitors with disabilities in museums and historical sites and make it available for visitors with hearing disabilities through high definition devices accompanied by subtitles and sign language interpretation. Museums affiliated with the Ministry provide free Braille printed brochures for visitors with disabilities. In addition, PwDs can visit museums and sites together with one accompanying person without paying any entrance fees.

Necessary accessibility measures have been taken in palaces, kiosks and summer palaces administrated by the Turkish Grand National Assembly (TBMM) and the Presidency of the Republic of Turkey. Persons with disabilities can visit these places with someone accompanying them without paying entrance fees and can benefit free of charge from cultural activities of palaces. Guidance service for persons with visual or hearing disabilities will be available after installation of electronic guidance system in aforementioned places.

In accordance with additional Article 11 of the Law No. 5846 on Intellectual and Artistic Works, in case there is no copy of common or printed scientific and literary works, their reproduction by PwDs or by a third person for non-commercial purposes as one copy for the use of PwDs; or their reproduction or lending by an education body, foundation or association providing service for the disabled, in required quantities, in the form of CDs, tapes, Braille alphabet and similar formats may be carried out without obtaining authorization and permission.

Within the scope of efforts on standardization and coordination of library services, “Committee on Coordination among Libraries for Persons with Visual Disabilities” was established by eight institutions and organizations under secretariat of Presidency of National Library with the purpose of providing an active and effective library service to PwDs. Member libraries of the committee enter the identification information of their “e-books” and “Braille Books” on <https://www.mkutup.gov.tr/tr/Sayfalar/Hizmetlerimiz/Konusan-Kitaplik-ve-Gorme-Engelliler-Hizmet-Merkezi.aspx> . Law No. 6279 on Compiling Duplicated Intellectual and Artistic Works stipulates that one electronic copy of publications such as newspapers, journals and books shall be sent to National Library for the use of persons with visual disabilities.

As per a law amendment made in 2005, activities on promoting participation of PwDs to sports events are carried out by the General Directorate of Sports under Ministry of Youth and Sports. In this context, Sports Federations of Special Sporters, Hearing Disabled, Visually Disabled and Physically Disabled were established in affiliation with Ministry of Youth and Sports. Furthermore, PwDs can benefit free of charge or with reduced fees from the sports facilities and activities of 81 Provincial Directorates of Youth and Sports and autonomous or non-autonomous federations.

In line with the Regulation on Awarding Persons Who Achieve Outstanding Success in Sports Activities or Events issued in 2010; sporters, sports clubs, coaches and trainers who achieve successes in the relevant branches of Olympic, Paralympics or Deaflympics games under the categories of adults, U21, youth or stars, and the sporters who contribute to country promotion in international sports activities or organizations are awarded.

The fact that housing is a human right is included in Article 56 of the Constitution of Republic of Turkey with the expression “*Everybody has the right to live in a healthy and balanced environment*” and in Article 57 of the Constitution as “*The State shall take measures to meet the housing need within the framework of a plan to observe the characteristics and environmental condition of the cities*”.

The Mass Housing Law No. 2985, passed to this end is a framework law defining the fundamental principles, which give direction to the solution of the housing problem in Turkey, particularly on the subjects of organization and funding. Housing Development Administration of Republic of Turkey (TOKI) established with that Law, performs housing production and supply in Turkey on its own lands raising itself the necessary financial resources required to ensure that middle and low income groups, who are unable to purchase housing units under the current market conditions, become home-owners with suitable monthly instalments at long-term maturities in compliance with their saving patterns.

TOKI develops its projects in line with the Government Programs in accordance with the legislation in question, and makes implementations in 81 provinces throughout Turkey. With the Article 1 of the Decree Having Force of Law dated 6 June 1997 and numbered 572, an article was added to the Zoning and Development Law No. 3194, bringing the provision “*For making physical environment accessible and habitable for the handicapped, relevant standards of the Turkish Standards Institute has to be followed in zoning plans, urban, social, technical infrastructure areas and in buildings*” to effect. TOKI acts in accordance with that article in construction of all buildings in its mass housing projects. In this context, the Zoning and Development Law No. 3194 and all of its regulations, ‘Requirements of Accessibility in Buildings for the Handicapped and People with Limitations on Movement Ability’ as well as “Rules of Structural Measures on Avenues, Streets, Squares and Roads and Design Markings for the Handicapped and the Aged” are followed.

Disabled persons are TOKI’s priority in social housing production. In this context, a quota of 5% of the number of houses in the projects put to sale by the Administration for the disabled has been allocated.

Not only a quota is allocated for disabled, but also special sales are made in some project sales for disabled only. Matters such as building entry ramps, necessary arrangements within the building (easy accessibility to the ground level elevation, all doors being 90 cm, all corridors being 115 cm, elevators being suitable for wheelchair use, rails and balustrades on both sides of the stairs) are taken into consideration for easy access of disabled to the houses in all of housing implementations. Besides, measures are taken to meet the needs of the disabled in landscaping of the project sites. In addition to standard practices (handicapped ramp, etc.) in accordance with the concerned regulation, TOKI also realizes necessary arrangements (arrangement of flat door dimensions, etc.) in ground floor houses allocated as quota of 5% of the house number for disabled in case of demand.

TOKI furthermore, realizes barrier-free life centres and rehabilitation centres accessible with wheelchairs to meet the special needs of physically disabled children in line with needs and demands through cooperation with government agencies.

TOKI also has set standards for the landscapes of its projects. In its implementations, ramps are absolutely built for the disabled in the project site with an inclination of 6-8%.

The Constitution of the Republic of Turkey has secured the right to housing of the citizens at healthy and modern standards, and in line the Housing Development Law and the secondary legislation issued in relation therewith, realizes implementations necessary to meet the accommodation needs of the segments of need in the country with the support of the State.

Miscellaneous conditions and minimum standards have been imposed with the concerned legislation on building and housing design also taking into consideration international standards for the handicapped technically included among disadvantaged groups. The ultimate goal here is to make the areas of life equally available to everyone including the handicapped.

Under the Ministry of Environment and Urbanization, the Housing Development Administration (TOKI) and the local governments, several works are in progress in Turkey for solution of the housing and accommodation problem of the handicapped citizens, and provision

of healthy and reliable living environments within the framework of modern acknowledgements of that group. The most up-to-date work on the subject is improvements in the zoning legislation. The work is coordinated by the Ministry of Environment and Urbanization in cooperation with the concerned Ministries, NGOs and the municipalities. Various improvements are in progress in the current legislation within the framework of that work, and modifications allowing the handicapped to live indoors and outdoors without any problem or need of support are being made.

The government provides socio-economical support to parents with disabilities who need assistance for rising up their children or parents without disabilities who have children with disabilities. Besides, the payment rendered to foster families is increased 50% per each child with a disability.

As per TDA, in the event that special education evaluation centres certify that the spouse, children and siblings of the civil servants who are determined by a health board report as disabled such that they cannot continue their lives without the assistance and care of others will take training and education in the official or private training and education organizations out of the location of their employment, upon the request of the concerned civil servant, he/she is appointed to a suitable vacancy in his/her organization within the province or town borders where the training and education organizations are located (Additional Art. 39).

A research report has started to be prepared in order to meet the housing needs of disadvantaged groups (low income, homeless, disabled, student, etc.) and to determine what the public and private sector can do in order to give advantage to these groups in housing and especially urban transformation projects.

Significant legal regulation which may determine and influence the use of physical space of the disabled is the Zoning and Development Law No. 3194. In this context, in order to make the physical environment accessible and liveable for disabled, it is obligatory to comply with the relevant standards of the Turkish Standards Institute in the development plans, urban, social and technical infrastructure areas and structures.

Type Zoning Regulation for Planned Areas ("Old Regulation"), was replaced by the new Zoning Regulation for Planned Areas ("Regulation"), published in the Official Gazette of 3 July 2017. With the regulation, the building and construction procedures and principles and also project and supervision issues were determined in accordance with the plan, science, health and sustainable environmental conditions. The provisions of the regulation have been harmonized with the TS 9111 standard, which includes the accessibility standards of buildings for people with disabilities and people with limited mobility. The term accessibility and Turkish Standard Institute (TSI) were especially highlighted in the regulation. The regulation has been made to comply with TSI standards in order to ensure accessibility of disabled people. There are nine articles citing disabled individuals in the Regulation. Articles 5, 15, 23, 26, 29, 30, 48, 51 and 66 of the Regulation deal with a variety of issues from accessibility to some of the design measures, duties and responsibilities of the administrations for disabled.

Another legislation is the Regulation for the Unplanned Areas (02/11/1985). In this regulation there are seven articles indicating the rights of disabled. Articles 5 and 8 emphasize the

obligation to comply with the TSI standards, article 25 deals with the issues regarding the functions and corridors that must be within the houses. Article 29 explains the measures and standards of the stairs for the disabled. Article 31 deals with the issues for the disabled in the covered markets and arcades, article 32 highlights the measures and standards of the toilets and sanitary facilities for the disabled in public buildings.

The Regulation for Preparation of Spatial Plans (14/06/2014) is another legal document dealing with determining the principles of making and preparation of spatial plans. In this regulation, under the section of “Implementation Zoning Plan”, in Article 24, it is said that “*Not to reduce the number of lanes allocated to vehicle traffic and to comply with the relevant TSI standards; the widths of the segments of the roads that are reserved for pedestrian, disabled and bicycle use can be increased in the implementation zoning plan without any change in the master plan*”. In the following paragraph it is stated that “*In the implementation zoning plans, it is essential to develop design principles in order to take measures to provide and facilitate the access and use of people with limited mobility, such as disabled, children and elderly people, who have limited mobility and restricted in their use*”.

Here some legal arrangements will be given which is done at the provincial level such as the regulation issued in metropolitan city İstanbul “The İstanbul Development Regulation (20/05/2018)”. Generally, this regulation deals with gardening issues and arrangements in basements. Article 23 arranges courtyard and backyard distances for activities and accessibilities and Article 26 deals with providing safe and secure living spaces for disabled. In addition, while Article 31 deals with the functional areas and their measures to be included in the buildings, Articles 32, 33 and 34 deal with entry and ramps, stairs, doors and windows in the buildings, and Article 52 arranges the regulations regarding the capacities and uses of the toilets in public buildings. Article 70 emphasizes that the decisions of the architectural aesthetic commissions cannot be contradictory to the accessibility standards of the disabled.

In the Implementing Provisions of the Slum Law (17/10/1966), it is highlighted that the standards developed by the TSI standards must be considered in the buildings for the disabled. In the Car Parking Regulation (22/02/2018), it is imperative that one in every 20 parking spaces be labelled and allocated for disabled.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Table 59. Number of Nursing Home and Day Care and Rehabilitation Centres by years

Years	Number of Nursing Home Care		Number of Day Care Centres	Total
	Care and Rehabilitation Centres	Hopes Home (Affiliated to Public)		
2019	104	151	72	277
2018	97	146	7	250
2017	97	138	6	241
2016	93	128	6	227
2015	87	111	5	203
2014	85	84	5	174
2013	81	48	6	135
2012	80	17	7	104

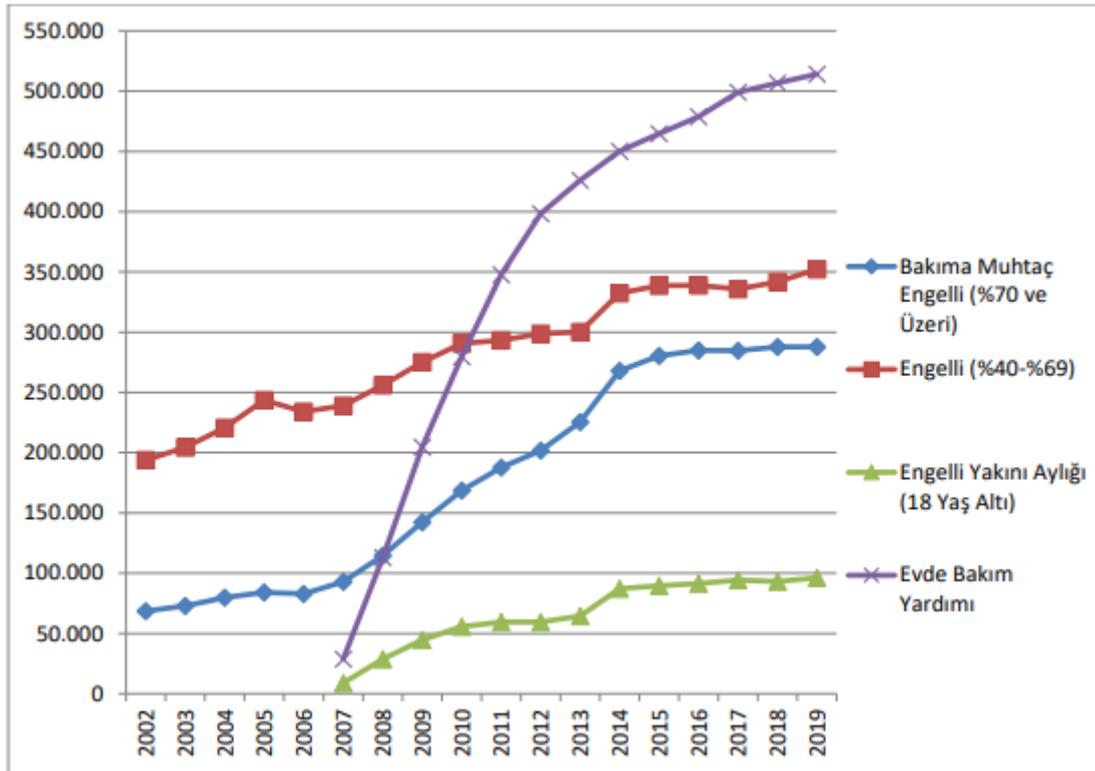
Data : <https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Table 60. Distribution of disabled persons receiving disability pension and the amount of resources allocated by years

Years	Disabled needs care (70% and over)		Disabled (40%- 69%)		Relatives of Disabled below 18 years of age		Silicosis	
	Number of Persons	Amount (Million TL)	Number of Persons	Amount (Million TL)	Number of Persons	Amount (Million TL)	Number of Persons	Amount (Thousand TL)
2019	287.820	2.287	352.125	1.855	96.210	471	164	2.474
2018	287.726	1.681	341.825	1.341	93.003	345	168	1.771
2017	284.625	1.748	335.769	1.399	94.268	366	177	1.849
2016	284.951	1.577	338.814	1.278	91.478	327	189	1.731
2015	280.288	1.383	338.588	1.142	89.631	281	195	1.617
2014	268.038	1.259	332.432	1.069	87.084	262	201	1.155
2013	225.457	1.089	300.242	984	64.445	241	197	1.477
2012	201.670	847	298.617	848	59.517	167	200	1.251
2011	187.711	689	293.141	753	59.558	145	153	305

Data : <https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Figure 11. Distribution of disabled persons receiving disability pension and the amount of resources allocated by years



---Disabled needs care (70% and over) --- Relatives of Disabled below 18 years of age
--- Disabled (40%- 69%) --- Home Care Benefit

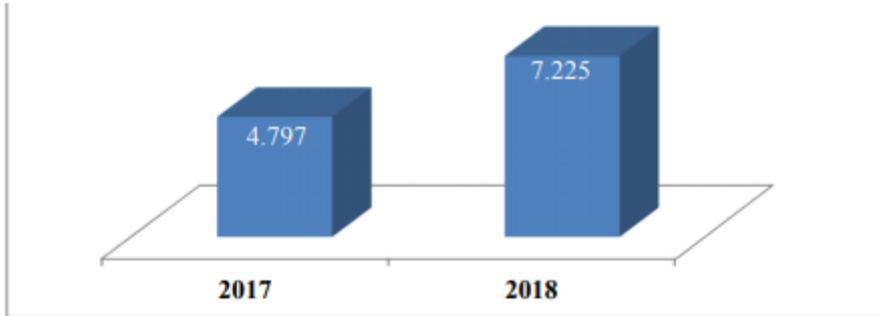
Data : <https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Table 61. Number of disabled persons received home care benefit and amount of payments done by years

Years	Number of Disabled	Amount of Payments (Million TL)
2019	514.158	8.158,7
2018	506.725	6.820,3
2017	499.130	5.832,7
2016	478.711	5.135,4
2015	464.741	4.470,8
2014	450.036	4.056,3
2013	425.928	3.544,0
2012	398.335	2.944,1
2011	347.756	2.214,8
2010	279.580	1.580,8

Data : <https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Figure 12. Number of inspected buildings, public transports, open areas in terms of accessibility for disabled



Data : <https://www.ailevecalisma.gov.tr/media/40734/istatistik-bulteni-subat2020.pdf>

Figure 13. Ratio of inspected buildings, public transports, open areas in terms of accessibility for disabled

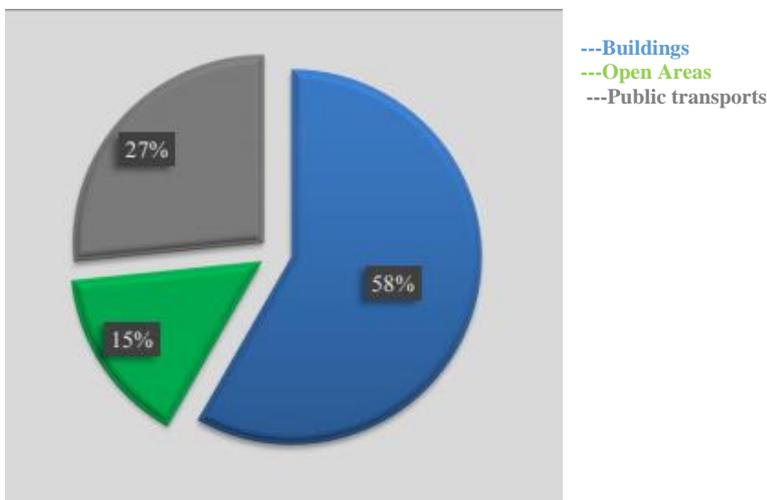


Table 62. Free tickets given to disabled for state theatres

Free Tickets Given to Disabled for State theatres between 2015-2018				
Months	2015	2016	2017	2018
January		464	680	861
February	311	458	610	573
March	444	567	548	743
April	431	599	683	852
May	313	500	770	374
June	22	45	57	108
July				
August				43
September	6		52	131
October	409	525	602	587
November	408	347	732	686
December	513	505	659	734
TOTAL	2.587	4.010	5.393	5.692

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

1. The Committee considers that it is not clear whether anti-discrimination legislation applies to all the fields covered.

All the requested information is already given in the related part of the above paragraphs and it is clear from the related legislation and implementation that effective remedies against discrimination exist throughout the country with regard to housing, transport, communications, culture and leisure.

2. The Committee asks whether integrated planning is applied by all authorities involved in the implementation of policies for persons with disabilities

The 11th National Development Plan 2019-2023, therefore, espoused a more inclusive approach to persons with disabilities. The preparation of the national strategy and action plan on the rights of persons with disabilities - a human rights-based roadmap for all sectors of the society – has been initiated, and the legislative framework has been revised to ensure equality of persons with disabilities. The Government is studying the development of community-based services for persons with mental and psychosocial disabilities; steps have been taken to improve the accessibility to transports, services, and public building, including the polling stations; and the policy of open, inclusive and accessible labour market has been adopted.

More detailed information in this regard is given in the above parts. Turkey has established that persons with disabilities enjoy effective protection against discrimination in the fields of housing, transport, communications and culture and leisure activities and applied an integrated approach in these all fields planned by all authorities involved in the implementation of policies for disabled persons.

3. The Committee asks updated information on the progress made in promoting accessible housing.

Type Zoning Regulation for Planned Areas ("Old Regulation"), was replaced by the new Zoning Regulation for Planned Areas ("Regulation"), published in the Official Gazette of 3 July 2017. With the regulation, the building and construction procedures and principles and also project and supervision issues were determined in accordance with the plan, science, health and sustainable environmental conditions. The provisions of the regulation have been harmonized with the TS 9111 standard, which includes the accessibility standards of buildings for people with disabilities and people with limited mobility. The term accessibility and Turkish Standard Institute (TSI) were especially highlighted in the regulation. The regulation has been made to comply with TSI standards in order to ensure accessibility of disabled people.

All the requested information is already given in the related part of the above paragraphs.

ARTICLE 18- THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

Paragraph 1

to apply existing regulations in a spirit of liberality;

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- The “International Labour Force Law” No. 6735 was published in the Official Gazette on 13.08.2016 and entered into force and the foreigners' access to the labour market was regulated. The purpose of this Law is to identify, implement, follow-up the policies on international labour force and to regulate rules and procedures on work permits and the exemption of the work permits which shall be granted to foreigners, authorities and responsibilities and the rights and obligations in the field of international labour force.

With this Law, the Directorate General of International Labour Force has been established as the main service unit of the Ministry of Family, Labour and Social Services (MoFLSS) to follow the policies related to international workforce in line with the national employment policies, to evaluate the work permit and work permit exemption requests to foreigners.

In the third section of the Law no. 6735, the provision in Article 6 entitled “Authorities and obligations on the work permit” is as follows;

“ARTICLE 6 – (1) Work permit is granted by the Ministry on the basis of international labour force policy which is determined in accordance with the Article 4.

(2) Foreigners within the scope of this Law are not allowed to work or be employed in Turkey without a work permit.

(3) Foreigners, who are stated to be able to work without work permit in other laws or in bilateral or multilateral agreements or in international conventions of which Republic of Turkey is a party, can work or be employed without a work permit according to this Law.

(4) For the ones who are included in the Article 28 of the Turkish Citizenship Law dated 29.05.2009 and No. 5901, their right to work is reserved.”

In Article 10 of the Law, the types of work permits are listed.

“Types of work permit

ARTICLE 10- (1) If the application is approved, a work permit for maximum one year shall be granted to the foreigner at the first application, provided that this period does not exceed the duration of the labour or service contract to be employed at a certain job in a certain work place which belongs to a real or legal entity or public organization and institutions or workplaces of these organizations in the same line of business.

(2) If the extension application to be submitted in accordance with the Article 7 of this Law is approved, a work permit for maximum two years at the first extension application and maximum three years in the following applications shall be granted for the same employer. However, applications to be employed by a different employer shall be evaluated within the scope of the first clause of this article.

(3) Foreigners who have long term residence permit or legal work permit for minimum eight years can apply for an indefinite period work permit. However, the fact that the foreigner meets the application criteria shall not provide any absolute right to the foreigner.

(4) Foreigners with indefinite period work permit shall have all the advantages of long term residence permit. Except for the regulations in special laws, foreigners with indefinite period work permit benefit from the rights granted to the Turkish citizens provided that their acquired rights regarding social security are reserved and they are subject to the provisions of relevant legislation when using these rights. Foreigners who have indefinite period work permit do not have the right to vote and stand for election or public service and military service liabilities.

(5) Established in accordance with the Turkish Commercial Code numbered 6102 dated 13/1/2011; foreigners who are

a) Directors who are partners of limited companies;

b) Executive board members who are partners of joint-stock companies;

c) Active partners who are directors of limited partnerships divided into shares; can work with a work permit.

(6) Foreigners who are members of a profession can be granted independent work permit provided that they meet the special conditions specified in other laws.

(7) In evaluation of the independent work permit in accordance with the international labour force policy; foreigner's education, professional experience, contribution in science and technology, the impact of his/her activity or investment in Turkey on the economy and employment in the country, his/her capital share if he/she is a company partner as well as other matters to be determined by the Ministry in accordance with the recommendations of the International Labour Policy Advisory Board shall be taken into consideration.

(8) Independent work permit shall be granted for a definite period of time notwithstanding the time limits specified in this article."

- Implementation Regulation on the Law on Foreigners and International Protection was published in the Official Gazette on 17.03.2016. The purpose of this Regulation is to regulate the procedures and principles with regard to entry into, stay in and exit from Turkey of foreigners and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Directorate General of International Labour Force was established following entry into force of the International Labour Force Law and the General Directorate started to issue the work permits for foreigners to work in Turkey. In the reporting period, approximately 100 informative meetings were held in different provinces in order to introduce legislation and practices on foreigners' access to the labour market.

In addition, there are various projects carried out by international organizations, namely International Labour Organization (ILO), International Organization for Migration (IOM), World Bank and United Nations High Commissioner for Refugees (UNHCR), under the coordination of the General Directorate.

On the other hand, 6 different trainings were organized for the personnel in the reporting period in order to increase the knowledge of the General Directorate staff and to develop capacity to improve legislation and practices.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Table 63. Number of work permit applications and number of work permits issued, by country and year

	2016		2017		2018	
	Number of Applications	Number of Work Permits Issued	Number of Applications	Number of Work Permits Issued	Number of Applications	Number of Work Permits Issued
Afghanistan	285	186	999	609	1.569	916
Angola	1	0	0	0	1	0
Argentina	12	8	15	14	19	18
Albania	63	53	194	160	217	167
Algeria	69	53	171	142	298	217
Armenia	74	61	150	126	232	191
Australia	76	73	143	128	134	122
Austria	83	75	145	134	156	144
Azerbaijan	1.034	751	3.400	2.449	4.216	3.033
Bahamas	1	0	0	0	0	0
Bahrain	2	1	4	3	5	3
Bangladesh	12	8	49	30	87	43
Barbados	0	0	2	2	0	0
Belarus	90	83	342	305	417	335
Belgium	71	61	148	142	146	138

Belize	0	0	7	5	5	4
Benin	1	1	4	4	4	3
Bolivia	0	0	6	5	5	3
Bosnia and Herzegovina	59	48	109	87	101	89
Botswana	1	1	1	1	3	3
Brazil	45	41	166	157	187	174
Bulgaria	319	258	704	600	523	418
Burkina Faso	2	2	11	6	18	10
Burundi	4	1	5	4	7	7
Canada	119	107	220	197	204	176
Cameroon	10	6	36	25	57	36
Central African Republic	1	1	9	5	7	3
Chad	1	1	5	3	3	3
Chile	7	7	12	11	11	11
Colombia	34	31	503	475	648	502
Comoros Islands	0	0	2	2	2	2
Republic of the Congo	1	1	4	3	6	5
Democratic Republic of Congo	3	3	7	5	18	9
Costa Rica	2	1	3	3	2	1
Croatia	31	27	42	37	45	40
Cuba	126	113	566	533	707	654
Czech Republic	52	37	89	80	120	111
Denmark	31	25	82	76	94	67
Djibouti	2	2	7	5	9	5
Dominic	1	1	1	1	6	4
Dominican Republic	2	1	18	15	21	13
Egypt	204	152	579	424	1.506	1.236
Equator	7	6	11	11	22	19

Eritrea	3	3	6	5	7	3
Estonia	15	13	15	15	20	18
Ethiopia	200	169	613	476	497	393
Fiji	1	0	0	0	0	0
Finland	26	25	68	63	87	81
France	304	278	577	543	595	550
Gabon	0	0	2	2	0	0
Gambia	5	2	9	8	10	7
Georgia	3.551	3.176	8.414	7.317	8.287	7.406
Germany	419	372	1.051	959	1.015	897
Ghana	23	19	297	262	373	263
Greece	298	259	591	521	488	412
Greek Cypriot Administration of Southern Cyprus	0	0	2	2	3	1
Guinea	6	2	14	9	14	13
Guinea Bissau	2	1	5	3	7	3
Guatemala	0	0	2	2	10	8
Haiti	2	1	6	4	15	10
Honduras	1	1	1	1	2	1
Hungary	63	55	81	71	109	72
Iceland	0	0	1	1	1	1
India	1.268	1.219	3.191	3.055	1.861	1.671
Indonesia	566	427	2.191	1.956	2.825	2.382
Ivory Coast	6	6	13	12	20	18
Iraq	598	410	1.693	1.137	2.169	1.387
Iran	947	752	2.485	1.930	3.850	2.736
Ireland	38	34	68	56	59	52
Israel	11	11	15	14	21	14
Italy	356	333	697	650	527	484
Jamaica	1	1	6	6	7	7
Japan	241	231	414	405	413	399
Jordan	87	69	267	195	471	296

Kazakhstan	511	403	1.698	1.352	2.321	1.811
Kenya	40	33	73	56	74	67
Kyrgyzstan	989	804	7.258	6.359	15.241	13.493
Kiribati	0	0	0	0	1	1
Kosovo	61	52	136	103	314	266
Kuwait	8	5	20	15	14	8
Laos	0	0	1	1	1	1
Lesotho	0	0	0	0	2	0
Latvia	11	10	26	24	32	26
Liberia	1	0	3	3	6	5
Libya	90	64	181	143	238	161
Liechtenstein	1	1	0	0	1	1
Lithuania	25	22	82	76	95	82
Lebanon	59	48	155	119	189	134
Luxembourg	1	1	4	4	4	4
Madagascar	3	2	4	3	9	3
Malawi	2	1	7	4	7	4
Maldives	0	0	0	0	0	0
Malaysia	24	22	61	57	33	30
Mali	2	1	11	5	13	8
Malta	2	2	4	3	5	4
Mauritania	2	1	6	6	16	11
Mauritius	0	0	6	6	5	5
Mexico	23	21	75	72	91	72
Mongolia	29	23	196	166	176	154
Montenegro	10	9	28	24	31	27
Moldova	648	573	1.433	1.236	1.637	1.380
Morocco	126	97	570	470	822	656
Mozambique	0	0	2	1	2	2
Myanmar	2	2	9	8	27	24
Namibia	1	1	6	4	5	4
Nepal	374	354	1.579	1.438	3.415	3.208
Netherlands	149	135	356	324	387	345

New Zealand	18	16	51	43	40	37
Niger	0	0	6	4	10	5
Nigeria	54	44	175	140	273	198
Nicaragua	1	0	0	0	0	0
North Macedonia	69	56	149	121	147	115
Norway	12	9	24	21	35	30
Oman	1	0	2	2	3	2
Pakistan	150	110	417	340	552	343
Palestine	120	90	384	255	557	373
Paraguay	0	0	0	0	3	3
People's Republic of China	2.172	2.090	4.519	4.288	3.197	3.008
Peru	11	9	24	20	27	26
Philippines	788	709	2.211	1.959	2.303	2.108
Poland	82	75	164	149	194	173
Portugal	41	36	91	84	111	102
Principality of Monaco	0	0	0	0	1	0
Qatar	2	2	3	3	14	10
Republic of South Sudan	0	0	1	1	3	1
Romania	115	93	325	292	367	333
Rwanda	4	1	2	1	8	6
Russian Federation	748	621	2.846	2.390	3.486	2.962
San Marino	0	0	0	0	0	0
Santa Lucia	1	1	1	1	1	1
Saudi Arabia	26	17	57	43	90	45
Senegal	17	15	115	88	78	60
Serbia	51	40	104	91	138	123
Sierra Leone	1	1	7	7	8	6
Singapore	7	6	19	18	16	15
Slovakia	17	14	46	38	59	50

Slovenia	11	11	24	23	22	21
Somalia	7	3	38	24	71	41
South Africa	77	66	148	141	179	166
South Korea	245	228	556	530	573	535
Spain	164	150	331	304	375	338
Sri Lanka	4	3	16	13	21	20
Stateless	3	2	24	6	21	9
St. Christophe And Nevis	2	2	7	4	8	7
Sweden	42	37	110	93	113	91
Switzerland	22	20	57	54	38	33
Sudan	25	17	63	40	79	48
Suriname	0	0	1	1	8	6
Syria	7.917	6.753	26.552	20.966	45.519	35.479
Tajikistan	62	46	316	275	720	629
Tanzania	3	3	28	22	37	30
Thailand	146	126	456	402	458	367
Taiwan (Taipei)	3	3	20	15	21	19
Togo	0	0	5	2	10	7
Trinidad and Tobago	3	2	5	5	3	3
Tunisia	105	79	425	375	509	423
Turkish Republic of Northern Cyprus	34	30	76	65	84	71
Turkmenistan	1.789	1.465	4.912	3.847	7.024	5.647
Uganda	11	8	34	21	48	35
Ukraine	1.674	1.517	6.236	5.760	7.012	6.420
UAE	2	2	6	3	6	3
UK	454	422	1.046	956	1217	1107
Uruguay	1	1	1	1	1	1
USA	567	507	1.095	982	917	827
Uzbekistan	1.358	1.015	3.660	2.465	5.410	4.006

Venezuela	14	8	50	46	77	57
Vietnam	285	276	465	435	152	146
Yemen	66	46	152	105	352	197
Zambia	2	1	2	2	2	2
Zimbabwe	4	3	15	12	24	17

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

1. Information on the various temporary or long-term visas and residence permits available to foreigners:

Visa types are listed in Article 11 of the Regulation on the Implementation of Foreigners and International Protection Law No. 6458. In this context, work visas can be issued to foreigners under article 55 of the Implementing Regulation on the Work Permits of Foreigners and foreigners who are not in this scope and wish to come for work.

Although there is no special type of residence permit that foreigners who want to work in Turkey can apply for, it is regulated in Article 27 of the Foreigners and International Protection Law No. 6458, where the work permit is counted as a residence permit.

“Visa types and the purpose of visa

ARTICLE 11 – (1) Visa types shall be listed below:

a) Tourist visa: It shall be issued to foreigners who wish to come to Turkey for the purposes of touristic or official visits, business meetings, conferences, seminars, meetings, festivals, fairs, exhibitions, sporting events, cultural and artistic events.

b) Transit visa: Stay period determined by the transit visa, which will be issued to foreigners, who wish to enter Turkey through any border gate and cross through Turkey within a determined period of time, shall start at each time of entry through border gate within the validity duration of the visa.

c) Airport transit visa: It shall be issued to foreigners, who only wish to cross through air border gates without entering Turkey.

ç) Education visa: It shall be issued to foreigners, who wish to arrive in Turkey for the purpose of education, training, internships, courses, student exchange programs, Turkish language courses.

d) Work visa: It shall be issued to foreigners within the scope of Article 55 of the Implementing Regulation of the Law on Work Permits of Foreigners, which was published in Official Journal No. 25214 dated 29/08/2003, and foreigners, who are not within this scope and wish to come in order to work.

e) Official duty visa: It shall be issued to foreigners, who are appointed to an official post or appointed as a diplomatic courier.

f) Other visas: They shall be issued to foreigners, who are not within the scope of subparagraphs (a), (b), (c), (ç), (d), (e) and wish to come to Turkey for the purposes including archaeological excavation, research, movie or documentary shooting, treatment, accompany, family unification, humanitarian assistance, transportation.”

2. Information on the work permit application and acceptance data of citizens of the countries party to the Charter between 2016-2018

Table 64. Work permit application and acceptance data of citizens of the countries party to the Charter (2016-2018)

	2016		2017		2018	
	Number of Applications	Number of Work Permits Issued	Number of Applications	Number of Work Permits Issued	Number of Applications	Number of Work Permits Issued
Albania	63	53	194	160	217	167
Andorra	0	0	0	0	0	0
Armenia	74	61	150	126	232	191
Austria	83	75	145	134	156	144
Azerbaijan	1.034	751	3.400	2.449	4.216	3.033
Belgium	71	61	148	142	146	138
Bosnia and Herzegovina	59	48	109	87	101	89
Bulgaria	319	258	704	600	523	418
Croatia	31	27	42	37	45	40
Czech Republic	52	37	89	80	120	111
Denmark	31	25	82	76	94	67
Estonia	15	13	15	15	20	18
Finland	26	25	68	63	87	81
France	304	278	577	543	595	550
Georgia	3.551	3.176	8.414	7.317	8.287	7.406
Germany	419	372	1.051	959	1.015	897
Greece	298	259	591	521	488	412
Greek Cypriot Administration of Southern Cyprus	0	0	2	2	3	1

Hungary	63	55	81	71	109	72
Ireland	38	34	68	56	59	52
Italy	356	333	697	650	527	484
Latvia	11	10	26	24	32	26
Liechtenstein	1	1	0	0	1	1
Lithuania	25	22	82	76	95	82
Luxembourg	1	1	4	4	4	4
Malta	2	2	4	3	5	4
Moldova	648	573	1.433	1.236	1.637	1.380
Principality of Monaco	0	0	0	0	1	0
Montenegro	10	9	28	24	31	27
Netherlands	149	135	356	324	387	345
North Macedonia	69	56	149	121	147	115
Norway	12	9	24	21	35	30
Poland	82	75	164	149	194	173
Portugal	41	36	91	84	111	102
Romania	115	93	325	292	367	333
Russian Federation	748	621	2.846	2.390	3.486	2.962
San Marino	0	0	0	0	0	0
Serbia	51	40	104	91	138	123
Slovakia	17	14	46	38	59	50
Slovenia	11	11	24	23	22	21
Spain	164	150	331	304	375	338
Sweden	42	37	110	93	113	91
Switzerland	22	20	57	54	38	33
UK	454	422	1.046	956	1.217	1.107
Ukraine	1.674	1.517	6.236	5.760	7.012	6.420

Paragraph 2

to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- The “International Labour Force Law” No. 6735 was published in the Official Gazette on 13.08.2016 and entered into force. Foreigners' access to the labour market is regulated with this Law. The purpose of this Law is to identify, implement, follow-up of the policies on international labour force and to regulate rules and procedures on work permits and the exemption of the work permits which shall be granted to foreigners, authorities and responsibilities and the rights and obligations in the field of international labour force.

With this Law, the Directorate General of International Labour Force has been established as the main service unit of Ministry of Family, Labour and Social Services (MoFLSS) to follow the policies related to international workforce in line with the national employment policies, to evaluate the work permit and work permit exemption requests of foreigners.

Foreigners who can be granted exceptional work permit are specified in Article 16.

“ARTICLE 16- (1) In accordance with the international labour force policy determined by the Ministry, exemptions regarding the implementation of Articles 7, 9 and 10 of this Law can be granted to the foreigners who are;

a) Evaluated as qualified labour according to their education, wage, professional experience, contribution in science and technology and similar traits,

b) Evaluated as qualified investor according to their contribution in science and technology, investment or export level, size of the employment they will provide and similar traits,

c) Employed in a project carried out in Turkey for a temporary period,

ç) Reported to be of Turkish origin by the Ministry of Internal Affairs or Ministry of Foreign Affairs,

d) Citizen of the Turkish Republic of Northern Cyprus,

e) Citizen of an EU member state,

f) Holder of international protection status, conditional refugee status, temporary protection or stateless or human trafficking victim who are benefiting from victim support process in accordance with the Law no. 6458,

g) Married to a Turkish citizen and living with his/her spouse in Turkey within marriage union,

ğ) Working in the representations of foreign states and international organizations in Turkey without diplomatic immunity,

h) Coming to Turkey for scientific, cultural, artistic or sportive purposes with international success in his/her field,

i) Cross-border service providers.”

- Regulation on “Turquoise Card” published in the Official Gazette on 26.04.2016. “Turquoise Card” provides permanent residence and the right to work in Turkey to highly qualified foreigners, considering their level of education, professional experience, science and technology contribution to the operations in Turkey or investing the country's economy and the impact on employment, in line with the international labour force policy.
- The regulation on Work Permits of Foreigners Working in Free Zones was published in the Official Gazette on 27 May 2017 and entered into force.
- Implementation Regulation on the Law on Foreigners and International Protection was published in the Official Gazette on 17.03.2016. The purpose of this Regulation is to regulate the procedures and principles with regard to entry into, stay in and exit from Turkey of foreigners and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey.
- The Regulation on Work Permits of Foreigners with Temporary Protection was published in Official Gazette on 12.01.2016 and the foreigners under temporary protection in Turkey were provided with access to the labour market.
- The Regulation on the Work of International Protection Applicants and Persons Under International Protection Status was published in the Official Gazette on 26.04.2016, and foreigners who demanded international protection were provided access to the Turkish labour market.
- The Decree Law No. 703 of 02.07.2018 entered into force by being published in the Official Gazette on 09.07.2018 and some amendments were made in Articles 4, 7, Additional Article 1 of the International Labour Force Law No. 6735.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

According to Implementation Regulation on the Law on Foreigners and International Protection, published in the Official Gazette on 17.03.2016, work permits are deemed as residence permits.

“Work permit as residence permit

ARTICLE 25 – (1) Work permits, which are granted by the Ministry of Labour and Social Security or public institutions and organizations that are authorized to issue work permits in their legislation, shall be deemed as residence permits as long as they are valid. These foreigners and foreigners, who hold a Work Permit Exemption Verification Document, shall not obtain a separate residence permit on condition that they pay the charge for residence permit. International protection applicants shall be exempted from this charge.”*

**Referring to the Ministry of Family, Labour and Social Services, which was established later.*

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

Information on fees for work and residence permits

a. Work Permit Fees

- For foreigners who were granted a work permit for up to 1 year in 2016, a work permit fee of 500,00 TL (150 Euros) was received, and for foreigners who received an indefinite or independent work permit, 5.000,00 TL (Approximately 1.500 Euros) was collected. (2016 Average Euro/TL rate: 3,34)
- For foreigners who have been granted a work permit for up to 1 year for 2017, 537,50 TL (130 Euros) and for foreigners who have an independent or indefinite work permit, 5.375,00 TL (1.300 Euros) work permit fee has been collected. (2017 Average Euro/TL rate: 4,12 TL)
- For foreigners who received a work permit up to 1 year in 2018, 615,20 TL (108 Euros), and for foreigners who received independent or indefinite work permit, 6.152,70 TL (1.080 Euros) work permit fee was collected. (2018 Average Euro rate: 5,66 TL)

Work permit certificate fees for foreign workers to work with an employer are paid by the employer.

Work permits are deemed as residence permits as long as they are valid.

b. Residence Permit Fees

Residence permit fees are between 5-25 US\$ for the first month and 0,5-5 US\$ for the following months, according to the country of origin. The table showing the countries and the fees can be found at <https://www.goc.gov.tr/ikamet-izni-belgesi---harc-miktarlari>.

A card fee is paid in addition to the Residence permit fees.

Table 65. Residence Permit Card fee (2015-2018)

Years	Fee
2015	55,0 TL
2016	58,5 TL
2017	63,0 TL
2018	72,0 TL

However, those who apply for a student residence permit are not required to pay a residence permit fee. They only need to pay the residence permit card fee. The residence permit for victims of human trafficking is issued by the governorships without fees and without a card fee.

Paragraph 3

to liberalise, individually or collectively, regulations governing the employment of foreign workers;

A. DEVELOPMENTS IN THE REFERENCE PERIOD**1. LEGAL FRAMEWORK**

The “International Labour Force Law” No. 6735 was published in the Official Gazette on 13.08.2016 and entered into force and the foreigners' access to the labour market was regulated. The purpose of this Law is to identify, implement, follow-up of the policies on international labour force and to regulate rules and procedures on work permits and the exemption of the work permits which shall be granted to foreigners, authorities and responsibilities and the rights and obligations in the field of international labour force.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK**Vocational Qualifications:**

National Occupational Standards (NOS) and National Qualifications (NC), the documents that define the minimum knowledge, skills and competencies and measurement-evaluation principles that should be included in the professions are approved and carried out by Vocational Qualifications Authority (MYK). Examination and certification activities based on NOS and NC are carried out by certification institutions with international accreditation authorized by MYK.

Through the national qualification system operated by the Vocational Qualifications Authority (MYK), the education-employment relationship is strengthened, qualifications are determined through the learning outcomes approach, quality assurance is provided in education and training, lifelong learning is supported and individuals with the qualifications required by the labour market are provided documents. Therefore, within the scope of the MYK activities, mechanisms are developed to verify the knowledge and experience gained in the context of working activities to achieve a professional qualification.

Turkey Qualifications Framework (TQF), prepared in cooperation with the public institutions, mainly Ministry of National Education and Council of Higher Education (YÖK), trade unions and employers unions, professional organizations and with relevant civil society organizations, provides an integrated structure in which qualifications with quality assurance acquired in all learning environments are identified and categorized, transition relationship between qualifications is determined and lifelong learning is supported.

In TQF, each level is defined according to the common learning outcomes of the competences at that level. Level identifiers are the tools used to define learning outcomes for the relevant level, to determine the level to which the qualifications belong, and to refer TQF to international frameworks, primarily the European Qualifications Framework. Therefore, TQF acts as a bridge in order to ensure the comparability of qualifications gained and quality assured in all learning environments. In this context, Turkey Referencing Report prepared to prove the

compatibility of TQF with European Qualifications Framework was evaluated in the meeting of EQF Advisory Group on 29.03.2017 and as a result of the negotiations, it was decided that TQF refers to EQF.

Thus, MYK provides a benchmark for the recognition in Turkey of foreign qualifications and for the recognition of Turkish qualifications abroad, and serve as an instrument of comparison. The institution conducts activities regarding validation of professional competence certificates of the foreigners and accreditation of the training and education institutions in the national occupational competencies, and identifies the integrity of the vocational qualifications certificate of the foreigners who want to work in Turkey.

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

1. Information on the regulations regarding self-employment of foreigners

The “International Labour Force Law” No. 6735 was published in the Official Gazette on 13.08.2016 and entered into force and the foreigners' access to the labour market was regulated.

In Article 10 of the Law, the types of work permits are listed. The 6th paragraph is as follows:

(6) Foreigners who are members of a profession can be granted independent work permit provided that they meet the special conditions specified in other laws.

In this context, foreigners who want to work on their own behalf can be given independent work permits under certain conditions, and they can also be issued a temporary work permit to work in their own workplaces.

Independent work permit can be granted to foreigners who are professionals, provided that the special conditions specified in other laws are met. In the evaluation of the independent work permit, the foreigner’s level of education, professional experience, contribution to science and technology, the impact of its activities in Turkey or investing the country's economy and employment, the capital share in case he/she is a partner of a foreign company, other issues to be determined by the Ministry, as well as the international labour force policy followed, are considered.

Independent work permit is granted for a definite period of time. On the other hand, foreigners who want to work by establishing a workplace in their own name in Turkey, but do not meet the conditions for obtaining an independent work permit can get a temporary work permit from the Ministry of Family, Labour and Social Services. The provision regarding temporary work permit in the Law no. 6735 is as follows: *If the application is approved, a work permit for maximum one year shall be granted to the foreigner at the first application provided that this period does not exceed the duration of the labour or service contract to be employed at a certain job in a certain work place which belongs to a real or legal entity or public organization and institutions or workplaces of these organizations in the same line of business.*

2. Information on the loss of employment leading to the cancellation of the residence permit and getting a new permit

If a work permit application is made, the work permit document given to the foreigner is deemed as the residence permit document. In this context, in case the employment contract is not extended or terminated, residence permit in Turkey is deemed to have ended with the termination of the work permit. Extension applications made before the work permit expires or new work permit applications are evaluated by the Ministry and a new work permit document is issued for those whose request is considered as appropriate.

However, foreigners who lose their right to stay with the expiration of the work permit period within the country are given a 10-day period under the provisions of the Law no. 6458, and foreigners can apply for a residence permit to the Ministry of Internal Affairs.

Foreigners who have a valid residence permit can apply for a work permit from Turkey. In the absence of a residence permit, the applications are made through Consulates of Turkey abroad.

According to the Implementing Regulation of the Law (17.03.2016), Article 21, paragraph 6,

“(6) Residence permit applications of persons, whose work permit has been cancelled or has ended, shall be finalized within the scope of Article 22 of the Law.”

The applications for residence permits to be made by such persons within 10 days are concluded within the scope of Article 22 of the Law titled “Applications for residence permits to be lodged in Turkey”

“Applications for residence permits to be lodged in Turkey

ARTICLE 22 – (1) Applications for residence permits may exceptionally be lodged with the governorates in following cases:

- a) pursuant to decisions of or requests from judicial or administrative authorities;*
- b) when it is not reasonable or possible for the foreigner to leave Turkey;*
- c) for long-term residence permits;*
- ç) for student residence permits;*
- d) for residence permits on humanitarian grounds;*
- e) for residence permits for victims of human trafficking;*
- f) while changing from a family residence permit to a short-term residence permit;*
- g) by either parent, holding a residence permit in Turkey, for their children born in Turkey;*
- ğ) for a residence permit which conforms to the new reason of stay, in cases where the reason for which the valid residence permit was issued no longer apply or has changed;*
- h) for residence permit applications lodged within the scope of paragraph two of Article 20;*
- i) when foreign students who have completed higher education in Turkey transfer to a short-term residence permit.”*

3. Regulations for facilitating the stay of the foreigners who lose their work permit

Foreigners who lose their right to stay with the expiration of the work permit period within the country are granted a 10-day period under the provisions of the Law no. 6458 and during this period, foreigners can apply for a residence permit to the Ministry of Interior. Foreigners who have valid residence permit can apply for a work permit from their home countries. In the absence of a residence permit, the applications are made through Consulates of Turkey abroad.

Foreigners who have lost their jobs and whose work permits are cancelled can apply to one of the types of residence permit (short term, family, student, etc.) listed in Law No. 6458.

If the foreigner in question apply on-line through the e-residence system and go to the Provincial Directorate of Migration Management on the day and time of the appointment with the information and documents requested, an application document issued to them, which enables them to stay legally in Turkey until their applications are evaluated.

Articles in the Law no. 6458 about the types of residence permit are as follows:

“Residence permit types

ARTICLE 30 – (1) Types of residence permits are the listed below:

- a) short-term residence permit;*
- b) family residence permit;*
- c) student residence permit;*
- ç) long-term residence permit;*
- d) humanitarian residence permit;*
- e) victim of human trafficking residence permit.*

Short-term residence permit

ARTICLE 31 – (1) A short-term residence permit may be granted to those foreigners listed below who:

- a) arrives to conduct scientific research;*
- b) owns immovable property in Turkey;*
- c) establishes business or commercial connections;*
- ç) participates in on-the-job training programmes;*
- d) arrives to attend educational or similar programmes as part of student exchange programmes or agreements to which the Republic of Turkey is a party to;*
- e) wishes to stay for tourism purposes;*
- f) intends to receive medical treatment, provided that they do not have a disease posing a public health threat;*

g) is required to stay in Turkey pursuant to a request or a decision of judicial or administrative authorities;

ğ) transfers from a family residence permit;

h) attends a Turkish language course;

i) attends an education programme, research, internship or, a course by way of a public agency;

i) applies within six months upon graduation from a higher education programme in Turkey.

Paragraph 4

and recognise:

4. the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- The Regulation on the Service of Job Placement Abroad, dated 06.02.2008 was changed as The Regulation on the Service of Employment Abroad and published in the Official Gazette dated 11.03.2015, no. 29292. The aim of the Regulation is to find jobs abroad, and workers for the jobs abroad, provide mediation for service contracts between employers and workers, and determine procedures and principles for the workers to go abroad for working.
- Turkey has signed the following labour agreements with CoE countries and have sent workers in the scope of the agreements.

Table 66. List of Labour Agreements (with CoE members)

No	Country	Agreement	Signature Date
1	Germany	Turkey-Germany Labour Agreement	20.05.1964
2	Germany	Agreement on the Employment of the Workers of the Turkish Companies in the Framework of Labour Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Turkey	18.11.1991
3	Australia	Turkey - Australia Labour Agreement	05.10.1967
4	Austria	Turkey - Austria Labour Agreement	15.05.1964
5	Azerbaijan	Agreement on the Reciprocal Employment of Labour Force between the Government of the Republic of Turkey and the Government of the Republic of Azerbaijan	13.11.2013
6	Belgium	Turkey - Belgium Labour Agreement	16.07.1964

7	France	Turkey - France Labour Agreement	08.04.1965
8	France	Agreement on the Adoption of Trainees in Turkey and France	22.12.1950
9	Netherlands	Turkey - Netherlands Labour Agreement	19.08.1964

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

- Nationals can go abroad to work, individually or with labour force agreements or contractor agreements between the two countries. Social security agreements provide protection for right and benefits in the field of social security and thus facilitate the Turkish workforce to go to the countries which have signed agreements with Turkey.

Table 67. Social Security Agreements and Administrative Agreements in Effect (CoE members)

No	Country	Agreement Title	Signature Date	Effective Date
1	Germany*	Social Security Agreement between the Republic of Turkey and Federal Republic of Germany	30.04.1964	01.11.1965
		Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and Federal Republic of Germany	02.11.1984	01.04.1987
2	Albania	Social Security Agreement between the Government of the Republic of Albania and the Government of the Republic of Turkey	14.07.1998	01.02.2005
		General Administrative Agreement on the Implementation of the Agreement on Social Security	14.07.1998	01.02.2005
3	Austria ***	Agreement on Social Security between the Republic of Turkey and the Republic of Austria	28.10.1999	01.12.2000
		Agreement on the Implementation of the existing Social Security Agreement Between the Republic of Turkey and the Republic of Austria	15.11.2000	01.12.2000
4	Azerbaijan	Social Security Agreement between the Republic of Turkey and Republic of Azerbaijan	17.07.1998	09.08.2001
		Agreement on the Implementation of the Social Security Agreement between the Government of the Republic of Turkey and the Government of the Republic of Azerbaijan	06.05.2004	09.08.2001
5	Belgium ***	Social Security Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Turkey	11.04.2014	01.09.2018

		Administrative Agreement on the Implementation of the Social Security Agreement between the Government of the Kingdom of Belgium and the Government of the Republic of Turkey	02.03.2016	01.09.2018
6	Bosnia and Herzegovina	Social Security Agreement between the Republic of Turkey and Bosnia and Herzegovina	27.05.2003	01.09.2004
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and Bosnia and Herzegovina	27.05.2003	01.09.2004
7	Czech Republic	Social Security Agreement between the Republic of Turkey and Czech Republic	02.10.2003	01.01.2005
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and Czech Republic	30.06.2004	30.06.2004
8	Denmark ***	Social Security Agreement between the Republic of Turkey and the Kingdom of Denmark	13.12.1999	01.12.2003
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and the Kingdom of Denmark signed on 13/12/1999	13.12.1999	01.12.2003
9	France	General Agreement on Social Security between the Republic of Turkey and the Republic of France	20.01.1972	01.08.1973
		General Administrative Agreement on the Implementation of the General Agreement on Social Security between the Republic of Turkey and the Republic of France dated 20 January 1972	16.05.1973	01.08.1973
10	Georgia	Social Security Agreement between the Republic of Turkey and Georgia	11.12.1998	20.11.2003
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and Georgia	11.11.1998	20.11.2003
11	Croatia	Social Security Agreement between the Republic of Turkey and the Republic of Croatia	12.06.2006	01.06.2012
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and Croatia	12.06.2006	01.06.2012

12	Netherlands*	Social Security Agreement between the Republic of Turkey and the Netherlands	05.04.1966	01.02.1968
		Administrative Agreement on the Implementation of the Social Security Agreement Signed in Ankara on 5 April 1966 between the Republic of Turkey and the Kingdom of the Netherlands	14.06.1967	01.02.1968
13	UK**	Agreement on Social Security between the Republic of Turkey and the UK	09.09.1959	01.06.1961
		Agreement on the Implementation of the Turkish-British Social Insurance Agreement	09.09.1959	01.06.1961
14	Sweden*	Social Security Agreement between the Republic of Turkey and the Kingdom of Sweden	30.06.1978	01.05.1981
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and the Kingdom of Sweden	30.06.1978	01.05.1981
15	Switzerland*	Social Security Agreement between the Republic of Turkey and Switzerland	01.05.1969	01.01.1972
		Administrative Agreement on the Implementation of the Social Security Agreement signed on 1 May 1969 between the Republic of Turkey and Switzerland	14.01.1970	01.01.1972
16	Italy	Social Security Agreement between the Republic of Turkey and the Republic of Italy	08.05.2012	01.08.2015
18	Montenegro	Social Security Agreement between the Republic of Turkey and Montenegro	15.03.2012	01.12.2015
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and Montenegro	18.05.2015	01.12.2015
23	Luxembourg	Social Security Agreement between Republic of Turkey and the Grand Duchy of Luxembourg	20.11.2003	01.06.2006
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and the Grand Duchy of Luxembourg	08.12.2004	01.06.2006
24	Hungary	Social Security Agreement between the Republic of Turkey and the Government of Hungary	24.02.2015	01.04.2018
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and the Government of Hungary	24.02.2015	01.04.2018

25	North Macedonia	Social Security Agreement between the Republic of Turkey and the Republic of Macedonia	06.07.1998	01.07.2000
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and the Republic of Macedonia	21.08.1998	01.07.2000
26	Norway	Social Security Agreement between the Republic of Turkey and the Kingdom of Norway	20.07.1978	01.06.1981
27	Romania	Social Security Agreement between the Government of the Republic of Turkey and Romania	06.07.1999	01.03.2003
		Administrative Agreement on the Implementation of the Social Security Agreement signed in Ankara on 6 July 1999 between the Government of the Republic of Turkey and the Government of Romania	30.05.2003	01.03.2003
28	Serbia	Social Security Agreement between the Government of the Republic of Turkey and the Government of the Republic of Serbia	26.10.2009	01.12.2013
		Administrative Agreement on the Implementation of the Social Security Agreement between the Government of the Republic of Turkey and the Government of the Republic of Serbia	26.10.2009	01.12.2013
29	Slovakia	Social Security Agreement between the Republic of Turkey and the Republic of Slovakia	25.01.2007	01.07.2013
		Administrative Agreement on the Implementation of the Social Security Agreement between the Republic of Turkey and the Republic of Slovakia	25.01.2007	01.07.2013

* Agreements with these countries have been amended on various dates

** Agreements with these countries have been renewed and the approval process is ongoing.

*** Agreements with these countries have been renewed and entered into force.

- Turkey has been party to the European Convention on Social Security since 01.03.1977 (Effective date).

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

1. Information on the legislation on the right of nationals to leave the country to engage in a gainful occupation:

The Articles of the Constitution related to on the right of nationals to leave the country to engage in a gainful occupation are as follows:

V. Freedom of residence and movement

ARTICLE 23 - Everyone has the freedom of residence and movement. Freedom of residence may be restricted by law for the purpose of preventing crimes, promoting social and economic development, achieving sound and orderly urbanization, and protecting public property. Freedom of movement may be restricted by law for the purpose of investigation and prosecution of an offence, and prevention of crimes. (As amended on May 7, 2010; Act No.5982) A citizen's freedom to leave the country may be restricted only by the decision of a judge based on a criminal investigation or prosecution. Citizens shall not be deported, or deprived of their right of entry into the homeland.

IV. Freedom of work and contract

ARTICLE 48 - Everyone has the freedom to work and conclude contracts in the field of his/her choice. Establishment of private enterprises is free. The State shall take measures to ensure that private enterprises operate in accordance with national economic requirements and social objectives and in security and stability.

V. Provisions relating to labour A. Right and duty to work

ARTICLE 49 - Everyone has the right and duty to work.

(As amended on October 3, 2001; Act No. 4709) The State shall take the necessary measures to raise the standard of living of workers, and to protect workers and the unemployed in order to improve the general conditions of labour, to promote labour, to create suitable economic conditions for prevention of unemployment and to secure labour peace.

Passport Law no. 5682 dated 15.7.1950 contains regulations on passport types, their issuance and other transactions related to passports.

ARTICLE 20 - THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;**
- b. vocational guidance, training, retraining and rehabilitation;**
- c. terms of employment and working conditions, including remuneration;**
- d. career development, including promotion.**

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Amendments in the Labour Law

According to the Article 74 of the Labour Law No. 4857 titled “Work during maternity and nursing leave”, it is essential that female workers should not be employed for a total of sixteen weeks, eight weeks before birth and eight weeks after birth. In case of multiple pregnancy, an extra two-week period shall be added to the eight weeks before the 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.

It is also stated in this Article 74 that if the female worker gives birth prematurely, the times that she could not use before delivery are added to the postpartum periods.

In the paragraph added to the Article 74 of the Law on 29/1/2016, it is stated that sixty days are allowed at the first birth, upon request, for the purpose of care and upbringing of the child after the maternity leave used under the first paragraph and on the condition that the child is alive; and unpaid leave is granted for half a week of working time for one hundred and twenty days at the second birth and one hundred and eighty days for subsequent births. In case of multiple births, thirty days are added to these periods. In case the child is born with a disability, this period is applied as three hundred and sixty days.

In addition, with the paragraph added to the Article 13 of the same Law titled “Part-time and full-time employment contract” on 29/1/2016, it is stated that after the expiration of the permissions stipulated in Article 74 of this Law, one of the parents can request part-time work according to this article until the beginning of the month following the date of compulsory primary education of the child. This request is met by the employer and is not considered a valid reason for termination of employment contract. If the worker starts full-time from part-

time work, the employment contract of the hired worker instead ends automatically. The worker who wants to benefit from this right or to return to full-time work informs the employer in writing at least one month ago. Unless one of the parents does not work, the spouse cannot request part-time work. Those who adopt a child under the age of three with their spouse or alone, can also enjoy this right from the date of delivery of the child.

Apart from this Law article, with the Law No. 6645, which came into force on 23 April 2015, an amendment has been made in the Labour Law and the male worker, whose spouse gave birth, was entitled for 5 days of paternity leave.

Amendments made with the Law No. 6663

With the Law No. 6663, which came into force on 10 February 2016, the following regulations were made to regulate the personal rights of women employees and parents:

- The period of civil servants' unpaid leave due to birth will be evaluated in the duty position.
- Provided that the child survives from the expiration of the maternity leave, paid part-time employment is provided for up to 2 months for the first child, 4 months for the second child, and 6 months for the third child and others. In multiple births, one month is added to these periods. In the event that the child has a disability, the worker is entitled to paid part-time work for 12 months.
- The wages and insurance premium payments of the working hours for the workers will be paid by the employer.
- In half-working allowance for periods of absence, the daily amount is the gross amount of the daily minimum wage and will be paid to the worker from the Unemployment Insurance Fund managed by the Turkish Employment Agency (ISKUR).
- Part-time working rights were regulated for working parents.
- Officer and worker parents are given the right to work part-time for each child until the child reaches compulsory primary school age.
- In the case of the death of the worker mother at birth or after birth, as in civil servants, the father was provided to enjoy the remaining rights of maternity leave.
- In the case of child adoption, it was ensured that the aforementioned permits were also used.

With the above-mentioned legal regulations, it is aimed to harmonize work and family life, to prevent gender discrimination in business and occupational issues, and thus to support more participation of women in the labour market.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

According to Article 10 of the Turkish Constitution, men and women have equal rights. All kinds of discrimination in employment is prohibited in accordance with the Article 5 of the Labour Law No. 4857 titled “The Principle of Equal Treatment”. The issue of non-gender discrimination in remuneration is also regulated within the framework of Article 5 of the Labour

Law No. 4857 within the scope of the principle of equal treatment, and audits related to this issue are carried out by the Directorate of Guidance and Inspection.

In the inspections carried out by the Labour Inspectors in order to prevent discrimination and to apply equal remuneration, it is aimed to prevent the matters contrary to the legislation and not to repeat the violations within the framework of the Law No. 4857 and related legislation. In addition, as a result of the inspections made by the Labour Inspectors at the workplaces, administrative fines can be applied.

In the inspections carried out by the Directorate of Guidance and Inspection between 01.01.2015 and 31.12.2018, a total amount of 100.727,00 TL (17.764,90 \$, 2019) administrative fines were imposed for 544 workers pursuant to paragraph “a” of Article 99 of the Labour Law.

In addition, in the National Employment Strategy (2014-2023), under the heading of “Increasing the Employment of Groups Requiring Special Policy”, policies and measures were taken to remove barriers to the labour force and employment participation of groups that require special policy and to combat discrimination in the labour market. In this context, it is aimed to increase the participation rate of women to the labour force to 41% by 2023, and many works are carried out within the scope of many measures to combat discrimination in the working life, increase the participation rate and employment of women, and combat informal employment.

In line with the Prime Ministry Circular No. 2010/14, “Women's Employment National Monitoring and Coordination Board” was established in order to strengthen the socio-economic position of women, to increase the employment of women and to provide equal pay for equal work. The main purpose of the Board is to identify existing problems in the field of women's employment, to monitor and evaluate the works carried out by all relevant parties to resolve these problems, to ensure coordination and cooperation.

Projects:

- **Project for Improving Employability of Disadvantaged People with Social Integration (2016-2017)**

In order to ensure the integration of not only women but also those who require special policies into the labour market and to combat all forms of discrimination in the labour market, the “Project on Improving Employability of Disadvantaged People through Social Integration” between 2016-2017. Women were included in the Project as a sub-category in all target groups, requiring a particular sensitivity. Within the scope of the project, approximately 5 million Euro grant has been distributed to 30 projects that support women's employment.

- **Increasing Women's Access to Economic Opportunities Project (2012-2016)**

Between 2012 and 2016, the "Enhancing Women's Access to Economic Opportunities" project with a budget of \$ 4.500.000 was carried out by Ministry of Family, Labour and Social Services (MoFLSS) General Directorate on the Status of Women with the financial support of the Swedish International Development and Cooperation Agency (SIDA).

The aim of the project is to enable women to find jobs in better conditions, to identify the factors that will increase their entry into the labour market and their entrepreneurship, to formulate policies to overcome these problems by revealing the problems faced by women in this field and to develop concrete solutions. The activities carried out so far within the scope of the project are as follows:

- To support the expansion of early childhood education and care services in Turkey, a survey was carried out in order to design high quality and accessible child care model.
- In addition to the research, both national and international standards were examined in order to determine care standards likely to be used in the model.
- Within the scope of the project, 12 academic researches with a total value of \$ 360,000 were supported. These surveys were completed in 2016.
- Workshops titled “Women Meeting in the Sector” related to the Food, Tourism, Banking, Textile and IT sectors were held.
- Within the scope of promoting the women's cooperatives in Turkey, a research Project addressing the obstacles faced by cooperatives, solutions and opportunities in this area, has been carried out. The report of this Project was published on the website of the Directorate General for the Status of Women and shared with the public.

- **Young Ideas, Strong Women Project (2013-2015)**

Within the scope of cooperation protocol signed between MoFLSS, Intel Technology Services Limited and Women Entrepreneurs Association of Turkey (KAGIDER), "Young Ideas, Strong Women Project" was implemented between 2013-2015. In this Project, it was aimed the young people between the ages of 18-30 to produce innovative ideas by using technology and solutions for the problems women face.

Within the scope of the project, idea camps were held in the provinces of Kütahya, Erzurum, Gaziantep, Sakarya, Trabzon and Adana with the participation of approximately 500 young people.

In addition, youth entrepreneurship trainings were given to the youth, consisting of working groups of 6 projects that came to the fore in the idea camps, on 10-11 June 2015 in Istanbul. The closing meeting of the project was held on 19 January 2016.

- **Women Master Painters Project (2016-2017)**

The Female Master Painter Project was implemented in cooperation with the Ministry of Family, Labour and Social Services, Turkish Employment Agency (ISKUR) and Betek Paint and Chemistry Company.

Through the project, it is aimed to increase the employment of women by providing professional knowledge and skills in different sectors. Within the scope of the project, 365 women were given painting training and 266 women were entitled to receive a Professional Qualification Certificate.

- **Engineer Girls of Turkey Project (2016-2020)**

The project is carried out in cooperation with the Ministry of Family, Labour and Social Services, the Ministry of National Education, the United Nations Development Program (UNDP) and the Limak Foundation.

Within the scope of the project, it is aimed to support female students who want to be engineers in all fields and to be an example in the engineering field. The project also provides scholarships to university students by the private sector; internship and employment opportunities, English language training, 'Social Engineering', 'Engineering Leadership' certificate programs trainings and mentoring-coaching support are provided. In addition, 21.400 people were reached within the scope of the awareness-raising and information activities regarding engineering fields for students, teachers, school administrators/principals and their parents studying in the 10th and 11th grades of Science and Anatolian High Schools in pilot provinces of the project.

- **Seminars for Financial Literacy and Economic Empowerment of Women (2017)**

Third 100-Day Presidential Action Plan and Women's Empowerment Strategy Document and Action Plan include the goal of increasing women's awareness and awareness of financial literacy. In this context, it is aimed to raise awareness of women on issues such as money management, income, expenditure, savings, assets, debt, savings, investment, investment tools, and private pension system, and to provide information on support and incentives for women's economic empowerment. For this purpose, "Financial Literacy and Economic Empowerment Seminars of Women" are held. In this framework, 18.750 women were reached through seminars held in 65 provinces since 2017.

- **Studies for Strengthening Women's Cooperatives (2018)**

Within the framework of the First 100-Day Presidential Action Plan; strengthening women's cooperatives, ensuring their sustainability, improving their institutional capacities and increasing their visibility are included.

Within the scope of this target; The "Cooperation Protocol on Strengthening Women's Cooperatives", prepared in cooperation with the MoFLSS, Ministry of Agriculture and Forestry and the Ministry of Commerce, was signed on 30 October 2018. To facilitate the implementation of this Protocol, a "Workshop on Empowerment of Women Cooperatives" was held on 15 November 2018, in Ankara in order to evaluate the current state of women's cooperatives, the problems and solutions. In this context, "Women's Cooperatives Working Group" has been established in 81 provinces, annual business plans have been prepared, and activities are carried out to strengthen women's cooperatives by organizing various events and meetings.

- **The Program on Financial and Counselling Support to Women-Owned Enterprises (2014-2017)**

This Program is financed under the EU Instrument for Pre-Accession Assistance (IPA) and implemented in cooperation with the Turkish Employment Agency (ISKUR) and the European Bank of Reconstruction and Development (EBRD). The aim of the project which

was applicable in all 81 provinces between 2014 and 2017 is to ensure sustainable growth of SMEs either owned or run by women to create new employment opportunities. Accordingly, the target group of the project is the SMEs owned or run by women.

300 million Euro fund by the European Bank of Reconstruction and Development were made use by the target group of SMEs as credit on easy terms through the national banks participating in the program. An amount of 10% of the credits used to encourage the banks to give credit to women's enterprises is covered by the fund created under the project. Also, the target SMEs were provided with inclusive counselling support in the fields such as marketing, organisation, information and communication technology, management skills trainings and mentorship services.

According to October 2017 data, nearly 16.000 SMEs used 233 million Euro credit in scope of the project. Activities were carried out for consultancy to 342 enterprises, mentorship to 80 enterprises, training to 657 enterprises, information and advertising for nearly 6.000 women. As a result of consultancy to SMEs, 794 new employment opportunities, productivity growth in 65% of the enterprises, income increase in 75% of the enterprises were ensured.

National closing conference of the project took place on 22 November 2017 with the participation of relevant public institutions, non-governmental organizations, international organizations, financial institutions and project beneficiaries. The final monitoring and reporting activities on project results are carried out by the European Bank of Reconstruction and Development.

- **Project on Women's Empowerment in Agriculture (2017)**

The Project was carried out in 2017 within scope of "the Cooperation Protocol on Active Labour Force Programs" signed between ISKUR – (former) Ministry of Food, Agriculture and Livestock and the Union of Turkish Agricultural Chambers; and 32-hour Entrepreneurship Training Programs were organized for women in 16 provinces (Afyonkarahisar, Amasya, Aydın, Batman, Bursa, Çorum, Erzincan, Giresun, Kahramanmaraş, Kars, Manisa, Mersin, Niğde, Osmaniye, Samsun and Tokat) within scope of the project.

The trainings have been completed and 1.210 women have received entrepreneurship trainings. Trainees were chosen from women between the ages of 18-40, engaged in farming and with appropriate conditions.

- **Female Ostlers Growing in the Rural Project**

The Project has been carried out in cooperation with ISKUR, the (former) Ministry of Food, Agriculture and Livestock and Jockey Club of Turkey.

Under the Project, it has been aimed to develop new branches of activity for women and train licensed female ostler in particular by increasing the number of female ostlers.

In the Project, which is a first of its kind in Turkey, 280-hour and 47-day vocational trainings have been organised for 160 women in the provinces of Şanlıurfa, İzmir, Bursa, Adana, Ankara, İstanbul, Diyarbakır and Kocaeli in which hippodromes are available.

- **Women First in Entrepreneurship Project (2016-2017)**

Within the framework of a protocol signed on 23.12.2016 between the Ministry of National Education, the Vodafone Foundation of Turkey and the Information Foundation of Turkey, the activities of “Women First in Entrepreneurship Project” second term studies have been started to contribute to raise the number of entrepreneur women in Turkey up to the level of developed countries by nurturing the entrepreneurial spirit of the trainee women trained at the institutions affiliated with the General Directorate of Life-Long Learning and use the digital, mobile technology for marketing of the products by trainees and canalizing the successful trainees to entrepreneurship.

Within the scope of the project, 650,000 TL funding support within the 12 months’ period is provided by Vodafone Foundation of Turkey. In 2015, the first period of the Women First in Entrepreneurship Project, which aims to contribute to the greater participation of women in economic and social life, 10 women trainees in 10 provinces consisting of Ankara, Antalya, Bursa, Diyarbakır, Elazığ, Eskişehir, Giresun, İstanbul, İzmir, Samsun were reached by 100 advisory teachers. In addition, while 3 thousand trainees became members of the digital store, 16.534 product advertisements were entered in 14 categories and sales of 512.000 products were made.

In the Entrepreneurship in Women First Competition, which was organized to encourage trainees to become members of the site and to make sales through advertisements, a total of 26.500 TL (4.674 \$) awards were distributed and women's future plans were supported. In the second period of the project, 77 public education centers and maturation institutes affiliated with the General Directorate of Lifelong Learning in the provinces of Adana, Kayseri, Denizli, Trabzon, Gaziantep, Erzincan, Mersin, Muğla, Kocaeli, Sivas were selected as project institutions and 139 consultant teachers from these provinces were assigned. As part of the Project, 24 hours of content consisting of digital and mobile technologies, marketing, financial liabilities, communication skills and entrepreneurship were prepared, and 16.594 women were reached in 10 provinces by providing education to teachers and students/trainees.

Within the scope of the Project, which was carried out in order to enable the trainees to develop socio-economically, the necessary infrastructure was created for the trainees in the specified provinces to market their products on the web. The trainees who completed their trainings sold the hand-made products on the project's on-line sales site, www.oncekadin.gov.tr.

In the second phase of the project, women who were successful in the Women First in Entrepreneurship Competition held on 2 December 2017 to encourage trainees who are members of the site were rewarded with life line capital. The first prize was 15.000 TL (2.645,50 \$), the second 10.000 TL (1.763,67 \$), the third 7.500 TL (1322,75 \$) and two people received 3.000 TL (529,10 \$), and the female trainee who was first in the public voting was awarded with 15.000 TL (2.645,50 \$).

3. STATISTICS AND OTHER RELEVANT INFORMATION

Table 68. Women and Labour Market

Women	Year	
	2002	2018
Labour Force Status (%)		
Labour force participation rate	27,9	34,2
Employment Rate	25,3	29,4
Unemployment Rate	9,4	13,9
15-24 age unemployment rate	17,1	25,3
Informal Employment Rate	72,5	42,1
Employment Status (In Total Employment) (%)	2002	2018
Regular employee and casual employee	17,8	30,2
Employer	5,1	8,7
Own account worker	14,9	17,8
Unpaid family worker	68,1	70,9
Labour Force Status by Educational Level (%)	2002	2018
Illiterate	24,4	16,1
Less than high school	24,9	28,2
High school	31,9	34,7
Vocational high school	-	42,7
Higher education	71,5	71,6
Economic Activity	2002	2018
Services	26,3	57,9
Agriculture	60,0	26,1
Industry + Construction	13,7	16,0
Reasons of not Being in Labour Force (%)	2002	2018
Not seeking a job, but available to start	2,1	6,7
Working seasonally	2,5	0,5
Housewife	70,0	54,8
Education/ Training	7,2	11,5
Retired	3,1	5,6
Disabled, old, ill etc.	8,6	13,4
Other	6,5	7,5

(Source: TurkStat)

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

1. Information on whether the indirect discrimination has been defined by case-law, and examples of cases where the courts have dealt with indirect discrimination.

In addition to direct discrimination, indirect discrimination is also prohibited with Article 5 of the Labour Law, but the concepts of direct or indirect discrimination are not defined in the Law.

On the other hand, while the employment contract of a worker who acts as a reason for rightful termination is not terminated, the termination of the employment contract of another worker with the same behaviour is considered as indirect discrimination. However, the Supreme Court states that while the employment contract of a worker, who acts in a manner that causes the termination of the employment contract with rightful reason, is not terminated, it accepts the termination of the employment contract of another worker who acts in the same manner as indirect discrimination.

According to 11/02/2016 dated and 2015/35713 E.-2016/2659 K. numbered decision of the 7th Civil Chambers of the Supreme Court, it is stated that in Article 5 of the Labour Law, indirect discrimination is prohibited, as well as direct discrimination, but direct or indirect discrimination is not defined. According to definitions stated in the European Union directives 2000/48 / EU, 2000/78 / EU, 2006/54, direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the grounds, such as religion or belief, disability, age or sexual orientation. On the other hand, indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons.

2. Prohibition of employment of all women in certain underground or underwater occupations

According to Article 72 of the Labour Law, “Boys under the age of eighteen and women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels.” The scope of this article is coherence to Article 2 and 3 of ILO Convention 45 which indicates that “*No female, whatever her age, shall be employed on underground work in any mine.*” Nevertheless, women holding management positions or performing non-manual work in these sectors are exempt from abovementioned prohibition. Thus, women can work in these sectors as long as they fulfil mentioned conditions.

The law aims to protect women from labour intensive mining, but they are employed in surface units, offices and laboratories, also in administrative positions. Women engineers and technicians can work underground in the scope of research, planning and project designing. University students in Mining Engineering Departments can also go underground during their training.

“*No discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship*”, according to Article 5 of the Labour Law.

In addition, there is no provision regarding the prohibition of women to work in mines in the Safety and Health in Mines Convention No. 176, which entered into force in Turkey on 23.03.2015, and a new approach based on risk assessment is introduced.

Countries that have ratified Convention No. 45 are advised by ILO to cancel and revoke Convention No. 45 if they ratify Convention No. 176. Safety and Health in Mines Convention

No. 176 has been ratified by Turkey, but the underground contract No. 45 and related domestic law regulations regarding the prohibition of working in mines and underground works have not been abolished yet. However, in practice, evaluation is made in line with the case-law and the provisions of the ILO Convention No. 176, which is more up-to-date.

3. Information on the upper limit for the compensation paid to victims of discrimination in the Labour Law and the legislation regarding compensation

Labour Law is the main piece of legislation regarding the prohibition of discrimination in the labour relations. According to Article 5, titled the “Principle of Equal Treatment”, no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. And if the employer violates the above provisions in the execution or termination of the employment relationship, the employee may demand compensation up to his/her four months’ wages plus other claims of which he/she has been deprived. Social benefits, bonus and wage increases on equal basis can be cited in this regard.

According to the Article 21 of the Labour Law No. 4857 titled "Consequences of termination without a valid reason", it is stated that if the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him/her in work, compensation to be not less than the employee’s four months’ wages and not more than his eight months’ wages shall be paid to him/her by the employer.

In its verdict ruling the termination is invalid, the court shall also designate the amount of compensation to be paid to the employee in case he/she is not re-engaged in work. The employee shall be paid up to four months’ total of his/her wages and other entitlements for the time he/she is not reengaged in work until the finalization of the court’s verdict. In addition to 4 to 8 months' compensation, wages and other rights are also paid during the period of up to 4 months.

In cases of discrimination, the employee may request the compensation not only on the basis of the Labour Law but also the Code of Obligations. The provisions in Civil Code and Code of Obligations should also be taken into account in the employment relations. Since compensation is not a means of enrichment, the damage of an illegal behaviour is compensated once. Therefore, compensation for discrimination cannot be demanded together with compensation for job security. But it is possible for the employee to demand financial and moral compensation due to the attacks arising from the employment relationship to his/her personal rights within the framework of general provisions of the Civil Code and Code of Obligations. The employee who was exposed to discrimination can demand compensation according to the general provisions.

The compensation for discrimination is not compensation in technical terms, but since it is a legal sanction for the violation of equal treatment, in order for the employee to demand discrimination compensation it is enough for him/her to be exposed to a process or behaviour

constituting an absolute discrimination. Moreover, it is not necessary for a damage to be emerged.

Any of the severance pay, notice pay or compensation for bad faith damages in the Labour Law has the purpose of protection against attacks directed towards personality or recovery of material-moral damage arising from the attack. In this respect, the provisions in Civil Code and Code of Obligations which should be applied in case of attacks of personality should be taken into account also in employment relation.

In this regard, the ceiling calculations stipulated in Articles 17 and 21 of the Labour Law are not valid for material and moral damages. It also means that there is no upper limit for the compensation for financial and moral damages under the framework of the Civil Code and Code of Obligations.

Another law in the field of anti-discrimination is Law on the Human Rights and Equality Institution of Turkey, no. 6701, accepted in 6 April 2016. It is prohibited under this Law to discriminate against persons based on the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age. According to Article 6 titled “Employment and Self-Employment”, *“An employer or a person authorized by an employer; shall not discriminate against an employee or a person applying to be employed, a person acquiring practical work experience at an undertaking or a person applying for this purpose or against a person wishing to receive information on the undertaking or the work for the purpose of working or acquiring practical work experience there in any stage of the work including getting information, application, section criteria, hiring criteria and working and termination of the employment.”*

The details of the administrative fines to be applied in case of violation of the prohibition of discrimination in article 25 of the Law No. 6701 on The Human Rights and Equality Institution of Turkey have been provided as follows:

In the event of a violation of the prohibition of discrimination, the severity of the effects and consequences of this violation is evaluated by taking into account the economic situation of the perpetrator and the aggravating effect of multiple discrimination. Accordingly, administrative fines are imposed on public institutions and organizations that are responsible for the violation, professional organizations in the nature of public institutions, natural persons and private legal entities from 1.000 TL (176,37 \$) to 15.000 TL (2.645,50 \$). Administrative fines specified in the first paragraph imposed on the public institution due to discriminatory practice is recoured to the officer performing this practice.

In the scope of the same law, procedure for applications are regulated in Part V. and the details of the sanctions in case of violation are regulated in Article 25. In case of violation of non-discrimination principle, an administrative fine (ranging from 1.000 TL (176,37 \$) to 15.000 TL (29,28 \$) depending on the gravity of the effects and consequences of such violation, financial situation of the perpetrator and aggravating effect of the multiple discrimination, shall be imposed on the relevant public institutions and agencies, professional organizations with public institution status, natural persons and legal persons established under private law responsible for the violation. In case of repetition of the discriminatory act of the individual or

institution against whom a warning has been issued, then the fine to be declared shall be increased by fifty per cent.

4. The status of women in the labour market and activities implemented in this framework

According to TURKSTAT data (15+ years), while there were 6 million 122 thousand women employed in 2002, this figure increased to 9 million 18 thousand as of 2018. The increase here is 2 million 896 thousand and when compared proportionally, it corresponds to approximately 47.3%. Women employment rate increased from 25.3% to 29.4% for the same period. Significant advances were also observed in women's labour force participation rates. The labour force participation rate of women, which was 27.9% in 2002, increased to 34.2% according to 2018 data. At the same time, compared to 2002, it is seen that the rate of 72.5% of informal women has decreased to 42.1% as of 2018. Besides, labour force participation rate of women as a positive reflection of the policies and projects implemented in Turkey in recent years, significant progress in the employment rate is recorded. Increasing the participation of women in the labour force and employment has taken its place among the top policy documents and goals as one of the main policy priorities. Thus, the following goals were included in the 11th Development Plan until the end of 2023:

- The female labour force participation rate will be increased to 38.5%.
- The female employment rate will be increased to 34%.
- The proportion of women among those working on their own account will be increased to 20%.
- The rate of women among employers will be increased to 10%.

In Turkey, among the reasons of not being in labour force of women, the first reason is the being housewife with the rate of 54,8%.

One of the obstacles to women's participation and employment in the workforce is women's traditional domestic roles and responsibilities and care responsibility. Therefore, important steps in recent years in order to reconcile work and family life have been taken in Turkey. In this context, the studies implemented are as follows:

- With the Council of Ministers Decision, No. 2012/3305 titled “Decision on State Aid in Investments”, at least 500.000 TL (88.183,42 \$) investments to be made by the private sector for nursery and day-care centres and pre-school education was provided to benefit from regional supports.
- With the regulation made with the Articles 5 and 64 of the Law No. 6745, which came into force on 07.09.2016, five taxation periods were exempted from income tax and corporate tax as of the period when private nursery and day nursing homes became operational.
- The “Granny Project for Supporting Women's Employment” was initiated by the MoFLSS, on 08.02.2017, in order to prevent women to leave from labour market by providing children with the opportunity to grow with their grandmothers, to support the grandmothers who are looking after their grandchildren aged 0-3. Within the scope of the project, a total of 425 TL (74,96 \$) was paid to 6.500 grandmothers for 1 year, including 1.000 families

in each province in İstanbul, İzmir and Bursa, and 500 families in Ankara, Kayseri, Gaziantep, Antalya, Sakarya, Konya and Tekirdağ. During the project, household visits were made to the families receiving the assistance and an “Analysis and Evaluation Report” was prepared.

- Within the scope of the cooperation protocol signed between MoFLSS, Ministry of Industry and Technology and Borusan Holding A.Ş. “My Mother's Job is My Future Project (2013-2019)” has been implemented for the establishment of crèches in Organized Industrial Zones (OIZ). Within the scope of the project, the construction of crèches in OIZs in the provinces of Adıyaman, Afyonkarahisar, Balıkesir and Malatya has been completed and services are provided in these kindergartens. Also within the scope of “Industrial Strategy and Action Plan of Turkey” (2015-2018), which was carried out by (abrogated) Ministry of Science, Industry and Technology to increase industrial employment of women, an action for dissemination of nursery practices in the Organized Industrial Zone has been included in the Action Plan.

11th Development Plan:

In the women's section of the 11th Development Plan (2019-2023), which is the main policy document within the scope of achieving sustainable development goals for Turkey, it has been determined as the main purpose to prevent all kinds of discrimination against women, to ensure that women enjoy equal rights and opportunities in all areas of social life.

The following goals were included under the title of “women” of the 11th Development Plan until the end of 2023:

- The female labour force participation rate will be increased to 38.5%.
- The female employment rate will be increased to 34%.
- The proportion of women among those working on their own account will be increased to 20%.
- The rate of women among employers will be increased to 10%.

The policies and measures included in the Development Plan for the purpose of strengthening women's economic positions are as follows:

- In order to increase the employment of women in the labour market, vocational training and skills development opportunities will be strengthened, especially in the fields of technology production such as coding and software.
- In order to increase the participation of women in the labour force and employment, practices for reconciliation of work and family life will be implemented, especially facilitating access to care services.

In the "Women" section of the 11th Development Plan, it is stated that active participation of women in all levels of economic, social, cultural life and decision-making mechanisms will be encouraged, especially from the local level, in order to strengthen equal opportunities for women and men in the field of rights. In this context, the following objectives are included in the Development Plan:

- Researches will be carried out, projects will be carried out and trainings will be provided for women's empowerment in economic and social life.
- In order to improve the economic activities of women, women entrepreneurs will be offered consultancy and guidance services in business development processes, and women will be given priority in the supports in this field.
- Mechanisms aiming to improve the economic activities of women in digital media such as websites, portals and applications will be established and training programs and seminars will be organized to ensure women's entrepreneurs strengthen in e-commerce.
- Education, entrepreneurship and consultancy supports for cooperatives established by women will be supported and women will be facilitated to establish cooperatives by making necessary legal arrangements.
- In order to increase the active participation of women in economic life, the different labour force needs of the provinces will be taken into consideration, and practices such as education, internship and on-the-job training will be continued effectively.
- Support mechanisms will be provided to increase women's entrepreneurship in rural areas.
- Within the framework of the changing needs of the labour market, studies will be carried out to direct girls to professions in the fields of science, technology, engineering and mathematics, taking into account the newly developing professions.

5. Information on the situation of women in employment (by comparison with men overall and in different occupations/sectors of economy) and the wage gap

Table 69. Annual average gross earnings by sex and educational attainment, 2018*

Annual average regular gross earnings (TL)			Wage gap between the sexes	
	Total	Men	Women	%
Total	46.358	47.515	43.866	7,7
Educational Attainment				
Primary school and below	33.765	35.666	28.294	20,7
Primary education and secondary school	33.383	34.702	28.720	17,2
High school	35.812	37.334	32.013	14,3
Vocational high school	47.532	50.820	36.183	28,8
Higher education	66.786	73.095	58.754	19,6

Source: TurkStat

*Calculation of wage gaps between sexes: (men wage-women wage)/men wage x 100

As can be seen from the table above, women earn less than men at all levels of education. In total, women earn 7,7% less than men. While the education level with the lowest wage gap

between women and men is higher education, the education level with the highest gap is the level of vocational education.

6. Information on all measures taken to eliminate de facto inequalities between men and women, including positive actions/ measures taken

With the Law No. 6111, which came into force in 2011, it was decided to cover the employer's shares of the insurance premiums from the Unemployment Insurance Fund for 24 to 54 months if women over the age of 18 were employed. The law also introduced regulations to improve women's work life. The incentive has been extended with the Decision of the Council of Ministers until 31.12.2020.

Active Labour Force Programs and Employment Incentives implemented by İSKUR are policies that have played an important role in increasing women's employment in Turkey. Information on these policies is provided below.

Active Labour Force Programs for Women

Vocational training courses, on-the-job training programs and entrepreneurship training programs are implemented by İSKUR to help increase employment, improve the professional qualifications of the unemployed, reduce unemployment and bring the groups that require special policies into the labour market. Increasing women's employment by ensuring that women are included in the labour market with these programs is among the primary goals of İSKUR. Women are among the groups that benefit most from the active workforce programs organized by İSKUR. Between 2015-2018 term, a total of 498.934 people attended the courses and programs organized in 2018, and 57% of the participants (284.649 people) are women.

Vocational Training Courses

From 2009 until the end of September 2019, a total number of 3.249 vocational training courses were delivered for employees, 70.111 people in total (58.508 men and 11.603 women) participated in these courses. In the period after 2015 until the end of September 2019, i.e. the reporting period, 44.948 people in total benefitted from vocational training courses, out of which 37.135 men and 7.813 women.

On-the-Job Training Programs

Professional experience is gained to unemployed through on-the-job training programs. The unemployed registered with İŞKUR reinforce their theoretical knowledge in their workplaces and gain professional experience. Within the scope of the program launched in 2009, a total of 540.086 programs were organized until September 2019, and a total of 1.477.083 participants, 755.698 women and 721.385 men, benefitted from the program. From 2015 to September 2019, the number of beneficiaries of the programs is 1.299.845, of which 639.447 are women and 660.398 are men.

Entrepreneurship Training Programs

Those who want to become entrepreneurs with entrepreneurship training programs are entitled to apply to "KOSGEB New Entrepreneur Support" within the framework of the protocol signed with KOSGEB by taking entrepreneurship training. Entrepreneurship trainings allow women to realize their business ideas and the number of women entrepreneurs is increasing day by day.

Within the scope of the program, a total of 18.227 programs were organized from 2005 to September 2019, and a total of 444.907 participants, 230.450 of whom were men and 213.361 women, benefited from the program. During the reporting period, from 2015 until the end of September 2019, the number of beneficiaries of the programs is 316.728, of which 165.188 are men and 151.540 are women.

ARTICLE 24 – THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;**
- b. the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.**

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Article 20 titled “Object to termination notice and procedure” of the Labour Law No. 4857 was regulated as follows after the amendment made on 12/10/2017:

“The worker whose employment contract is terminated, is required to apply to the mediator pursuant to the provisions of Labour Courts Law with the claim of reinstatement within one month following the date of notification of the termination asserting that no reason was shown in the notice of termination or that the reason shown was not a valid reason. In case that no agreement is reached as a result of mediation activity, lawsuit could be opened before labour court within two weeks following the date of issuance of the final minutes. If the parties agree, the dispute could be referred to a special adjudicator rather than the labour court. If the case is rejected procedurally due to opening the case directly without first applying to the mediator, the decision of rejection is communicated ex officio to the parties. Parties could apply to the mediator within two weeks following the ex officio notification of the decision of rejection which has become final.

The burden to evidence that the termination is based on a valid reason is to be borne by the Employer. If the worker claims that the termination is based on another reason, he/she is obliged to evidence this claim.

The case shall be finalized immediately. If the decision given by the Court is appealed, the regional court of justice shall rule immediately and finally.

Furthermore, the following paragraphs have been added on 12/10/2017 to Article 21 of Labour Law No. 4857 titled “Consequences of termination for invalid reasons”: “The court or special arbitrator shall determine the compensation regulated under the second paragraph and the fees and other entitlements regulated under third paragraph monetarily based on the fee on the date of the case.”

“In case that, as a result of mediation activities, the parties agree on the reinstatement of the worker, they are required to determine the following:

a) Date of starting the work;

b) Monetary amount of the fee and other rights regulated under the third paragraph;

c) Monetary amount of the compensation regulated under the second paragraph if the worker is not reinstated to work.

Otherwise, it shall be deemed that no agreement is reached and the final minutes is prepared accordingly. In case that the worker is not reinstated on the agreed date, the termination shall become valid and the employer shall only be responsible from the legal consequences thereof.”

The amendments in question aim at regulating the case suing method that provides protection against conditions when the employment contract is terminated, as well as accelerating the process by imposing an obligatory mediation system.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Example rulings by the Court of Appeals in relation to the Article are summarized below:

- 1- In a case opened by S.T. at B. 1st Law Court of First Instance against S.S. Company, the claimant asked for a ruling for the payment of severance pay, notice pay and compensation for bad faith damages with the claim that the respondent company terminated her employment contract without rightful reason due to becoming pregnant. **The court ruled** in favour of the claimant.
- 2- In a case opened by A.T. at I. 8th Labour Court against A.T. Company, the claimant asked for a ruling for the payment of discrimination fee due to termination of employment contract for bad faith and on the basis of discrimination. **The court ruled** that the amount paid as “compensation for migration” to the foreign workers who arrived at Turkey for labour purposes would not constitute discrimination among the workers.
- 3- In a case opened by N. K. at I. 5th Labour Court against K.G. Company, the claimant asked for payment of severance and notice pays, paid leaves and overwork fees as well as allowances for holidays and bonuses. Some of the workers in the company including the claimant asked for an increase in their salaries and engaged in a collective strike, upon which their employment contracts were terminated. Some of the workers were reinstated afterwards, however the claimant was not reinstated. Although the claimant asserted that her non-reinstatement was based on sex and pregnancy based discrimination, **the court rules** on the opposite.
- 4- In a case opened by S.K. at D. Labour Court against S. Company, the claimant asked for reinstatement after being dismissed while working as call centre representative and allegedly failed to comply with the calling rules and caused a loss for the company. The claimant asserted that her dismissal was based on discrimination, and **the Supreme Court ruled** to abolish the verdict of the initial court as there should have been more investigation as to whether there was any discrimination on the basis of termination.

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

1. Regulation under which the employees, who are excluded from the scope of the Labour Law, are protected against dismissals.

- 1) Article 430 and 443 of Turkish Code of Obligations dated 11/1/2011 No. 6098;
- 2) Law On Regulation of Relations Between Employees and Employers in Press Profession dated 13/06/1952 No. 5953;
- 3) Maritime Labour Law dated 20/04/1967 No. 854;

In addition to these, with Article 5 titled “Mandate” of Labour Courts Law No. 7036 dated 12/10/2017, the mandate scope of the labour courts was extended and the disputes between employers and employees arising from the employment contract (general service contract, marketing contract and home service contract) regulated under Section Six of Part Two of Turkish Code of Obligations No. 6098, as well as disputes regulated under Law No. 5521, were removed from the mandate of the law courts of first instance and transferred to the mandate of the labour courts. With this amendment, labour courts were recognized as specialty courts assigned to hear and resolve all disputes between the workers and the employers, and with this approach, it was aimed at making stable decisions in case of disputes arising from the labour relationship between the employer and the worker, thus reaching more reliable results within shorter period due to specialty.

2. The capability of the courts to assess economic reasons

It is stated under paragraph one of Article 138 of the Constitution of the Republic of Turkey that “*the Judges are independent in their duties; they rule based on their personal convictions based on law and acts.*” First paragraph of Article 266 of Code of Civil Procedure No. 6100 regulates that “*The Court may rule that the vote and opinion of an expert shall be obtained upon the request of any of the parties or upon its own discretion in cases where the solution requires expertise or technical knowledge outside the realm of law.*” It should be known that trainings during and before the profession are given to Turkish judges by the Justice Academy, and the capacity building activities in the field of law are covered within the scope of IPA projects. No doubt that Turkish judges have the required competency and in case of a concrete dispute, they establish the ruling taking into account the custom law of the Court of Appeals related to similar cases.

3. Information relevant to compensations

According to Article 21 titled “Consequences of termination for invalid reasons” of the Labour Law No. 4857, “When it is ruled that the termination is invalid after being determined by the court or a special judge that the employer failed to demonstrate a valid reason or that the reason show is invalid, the Employer is obliged to reinstate the worker within one month. In case that it fails to reinstate the worker to his/her position upon his/her demand within one month, it shall be obliged to pay a compensation that is equal to minimum four-months and maximum eight-months’ salary of the worker.

When the court or special judge rules for the invalidity of the termination, it shall also determine the amount of compensation to be paid if the worker is not reinstated.

Salaries and other benefits that have arisen shall be paid to the worker up to maximum four months for the period he/she was not employed up to the ruling becoming final.

The court or special arbitrator shall determine the compensation regulated under the second paragraph and the fees and other entitlements regulated under third paragraph monetarily based on the fee on the date of the case.

As it could be understood from the Article in question, salaries and other benefits are paid up to 4 months in addition to a compensation of 4 to 8 months. It is considered that the amounts in question are adequate.

ARTICLE 25 - THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

Appendix to Article 25

1. It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.
2. It is understood that the definition of the term “insolvency” must be determined by national law and practice.
3. The workers' claims covered by this provision shall include at least:
 - a. the workers' claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;
 - b. the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;
 - c. the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or the termination of the employment.
4. National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

In case employers have difficulty in payment of wages because of composition with creditors, receiving certificate of insolvency, bankruptcy or postponement of bankruptcy, unpaid wages of employees are covered for 3 months by Wage Guarantee Fund applied in accordance with the Additional Article 1 of the Unemployment Insurance Fund Law No. 4447

During the report period, although there was no amendment in the basic legislation regarding the application of Wage Guarantee Fund; the procedure of “postponement of bankruptcy” regulated in the Article 3 of the Law No. 7101 published in the Official Gazette No. 30361 and 15.03.2018 and in the Article 179 of Enforcement and Bankruptcy Law No. 2004 was annulled;

and with the same Law, some amendments were made for enforcement of the procedure “composition with creditors”.

As a result of this amendment, the procedure of “postponement of bankruptcy” which is one of the reasons of difficulty in payment mentioned in the Additional Article 1 of the Law No. 4447 was annulled. Nonetheless, payments are continued within this scope, as proceedings of postponement of bankruptcy that have not been yet resolved are concluded.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

By the Article 3 of Law No. 7101, published in Official Gazette No. 30361 dated 15.03.2018, the procedure "postponement of bankruptcy" issued in the Article 179 of Enforcement and Bankruptcy Law No.2004 was abolished and a number of amendments were made by the same law in order to activate “composition with creditors”. Implementation Circular related to the issue was prepared and sent to the implementation units by General Directorate of Turkish Employment Agency (ISKUR).

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistics related to Wage Guarantee Fund during report period are given in the table below.

Table 70. Wage Guarantee Fund Payments (2015-2018)

Years	Number of people	Amount of Payment
2015	5.547	16.081.304
2016	4.591	15.662.707
2017	5.809	25.848.107
2018	20.865	81.026.950
Total	36.812	138.619.068

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

1. Information on the implementation of Wage Guarantee Fund (WGF) and minimum duration of work performed by the worker to be entitled to payments in the scope of the Fund.

The additional article 1 under the title of “Insolvency of the employer” within the Unemployment Insurance Law No. 4447 includes the phrase “on the condition that the employee worked in the same workplace in the last one year before the insolvency of the employer”.

With regard to the related phrase, it is considered sufficient to have worked just for even one day in the same workplace in the last year to be entitled to payment in the scope of the Wage Guarantee Fund, and an amendment on this issue was made in the circular of practice.

Moreover, the studies on an amendment to the Wage Guarantee Fund Regulation published in the Official Gazette No. 27272 dated 28.06.2009 are continuing to clarify this issue.

2. Information on the workers' claims covered by the Regulation on Wage Guarantee Fund, including holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred, and the amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system.

In the additional article 1 under the title of "Insolvency of the employer" within the Unemployment Insurance Law No. 4447, it is stated that "*A separate Wage Guarantee Fund shall be established in the scope of the Unemployment Insurance Fund for the purpose of paying the three-month unpaid wages of employees that arise from the employment relation in case an employer who employs individuals insured in accordance with this Law based on a labour contract becomes insolvent due to composition with creditors, issue of a certificate of insolvency, bankruptcy, postponement of bankruptcy. With regard to the payments to be made in the scope of this article, payment shall be made depending on the base wage on the condition that the employee worked in the same workplace in the last one year before the insolvency of the employer. The payments shall not exceed the maximum amount of earning determined by the Article 78 of the Social Insurance Law No. 506*".

In Article 4 titled "Definitions" of the Wage Guarantee Fund Regulation published in the Official Gazette No. 27272 dated 28.06.2009, Base Wage is defined as "*the employee's net wage calculated based on the earning subject to premium for insurance holder as stated in the point (1) under subparagraph (a) of the first paragraph of the article 80 of the Social Insurance and General Health Insurance Law No. 5510 dated 31/05/2006*".

It is stated in the point (1) under subparagraph (a) of the first paragraph of the article 80 of the Social Insurance and General Health Insurance Law No. 5510 that "deserved wages" will be considered in calculation of the earning subject to premium for insurance holder.

The amount of the payments made in the scope of the Wage Guarantee Fund is determined based on the premiums notified to the Social Security Institution for the unpaid wages of the related months.

The earning subject to premium for insurance holder consists of any type of unpaid wage for holiday and paid leave and it is paid in the scope of the Wage Guarantee Fund. However, in case it is claimed or found out that the wages for holiday and paid leave are not paid and the premiums for the unpaid wages are not notified to the Social Security Institution, no payment will be made.

In conclusion, currently, in case wages for national holiday, general holiday, weekend holiday and paid leave to which individuals are entitled without working, are not paid but the premiums for the unpaid wages are notified to the Social Security Institution, payment for the unpaid wages will be made in the scope of the Wage Guarantee Fund and studies on an amendment to the Wage Guarantee Fund Regulation published in the Official Gazette No. 27272 dated 28.06.2009 are continuing to clarify this issue.

3. Protection of the employees having worked less than one year for the same employer, against insolvency of their employer.

The additional article 1 under the title of “Insolvency of the employer” within the Unemployment Insurance Law No. 4447 includes the phrase “on the condition that the employee worked in the same workplace in the last one year before the insolvency of the employer”.

With regard to the related phrase, it is considered sufficient to have worked just for even one day in the same workplace in the last year to be made payment in the scope of the Wage Guarantee Fund, and an amendment on this issue was made in the circular of practice.

Moreover, there are studies on an amendment to the Wage Guarantee Fund Regulation published in the Official Gazette No. 27272 dated 28.06.2009 are continuing to clarify this issue.

Therefore, the employees who worked in the same workplace for less than one year can benefit from the Fund on the condition they fulfil the other conditions in the legislation. There is not a condition of having worked uninterruptedly in the workplace of the employer in insolvency within the Wage Guarantee Fund.

Thematic Group 3: Labour Rights

Articles 4.3, 22 and 26

ARTICLE 4 - THE RIGHT TO A FAIR REMUNERATION

Paragraph 3

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake to recognise the right of men and women workers to equal pay for work of equal value.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

No legal amendment has been introduced within the reference period and the general framework of Turkish legislation in terms of the right to a fair remuneration is summarized below.

Turkish Constitution

The principle of equality before law and non-discrimination are introduced in the first paragraph of Article 10 of the Turkish Constitution:

“Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds.

The equality between men and women and positive discrimination is set forth in the second paragraph of Article 10 of the Turkish Constitution:

“Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.”

In the last paragraph of this Article, it is also underlined that:

“State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings”.

Furthermore, the provision of fair remuneration is regulated in the second paragraph of Article 55 of the Turkish Constitution:

“The State shall take the necessary measures to ensure that employees earn a fair remuneration commensurate with the work they perform and that they enjoy other social benefits.”

Labour Law

The principles of equal treatment and non-discrimination on grounds of language, race, sex, political opinion, philosophical belief, religion or similar reasons in the employment relationship are introduced in Article 5 of Labour Law and the following mechanisms are enshrined in the Labour Law to ensure effective implementation of these principles:

- Compensation for discrimination (Article 5/6);

- Administrative fine in case of a violation of the principles of equal treatment and non-discrimination (Article 99/1/a);
- The shift of the burden of proof in discrimination cases (Article 5/7).

Furthermore, the principle of equal pay for equal work or work of equal value as a part of the principle of equal treatment is regulated in Article 5/4 and 5/5 of Labour Law:

“Differential remuneration for similar jobs or for work of equal value is not permissible. Application of special protective provisions due to the employee’s sex shall not justify paying him (her) a lower wage.”

The Human Rights and Equality Institution Law

The main purposes of the Human Rights and Equality Institution of Turkey (TIHEK) established in 2016 are; to protect and improve the human rights, to guarantee the right to equal treatment and to prevent discrimination in benefiting from legal rights and freedom on the basis of human dignity.

In line with this purpose, discrimination on the grounds of gender, race, colour, language, religion, faith, sect, philosophical or political opinion, ethnic origin, wealth, birth, civil status, medical condition, disability or age is prohibited and natural persons or legal entities responsible for the prohibition of discrimination are obliged to take necessary measures to identify and eliminate the discrimination and to ensure equality on the subjects within their authority under Article 3/2 and 3/3 of the Human Rights and Equality Institution Law of Turkey.

The types of discrimination falling under the scope of this Law are listed in Article 4 and most of them are defined in Article 2 of the Law. The general scope of the prohibition of discrimination has been regulated in Article 6 of the Law and the cases where the allegation of discrimination cannot be put forward have been mentioned in Article 7. Article 6 of the Law in question designates a specific provision for working life:

“(1) An employer or a person authorized by the employer shall not discriminate against an employee or applicant for a job, a person gaining applied work experience or an applicant for that kind of work and anyone wishing to receive information about the workplace or the work in order to be an employee or gain applied work experience, while being informed of the work, during the application process, selection criteria, work and termination of work and in terms of conditions for recruitment.

(2) The first paragraph shall encompass job announcements, workplaces, working conditions, vocational counselling, access to vocational training, all types and degrees of retraining, promotion and professional hierarchy, in-service training, social interests and similar subjects.

(3) The employer or a person authorized by the employer shall not reject job applications due to pregnancy, motherhood and childcare.

(4) There shall not be any discrimination regarding the acceptance to self-employment, license, registration, discipline and similar subjects.

(5) Any work contract and performance contracts which do not fall under the scope of Labour Law dated 22/5/2003 and No. 4857 shall be within the scope of this Article.

(6) Employment in the public institutions and organization shall be based on the provisions of this Article.”

The provision in question has extended the material and personal scope of the prohibition of discrimination in the employment relationship in two respects. First of all, discrimination is explicitly prohibited in all the employment-related processes including job announcements in Article 6/1 of the Law. Secondly, the personal scope of the prohibition of discrimination in employment relationship has been extended in Article 6/4, 6/5 and 6/6 of the said Law by covering “*self-employment*”, “*any work contract and performance contracts which do not fall under the scope of Labour Law*” and “*employment in the public institutions and organization*”.

The procedures and principles concerning the applications to be made to TIHEK under the Law, including the violation of the discrimination law, are regulated in Article 17 and its continuation. In case of violation of the discrimination law, the details of the administrative fines to be applied are laid down in Article 25.

TIHEK is responsible for investigating discrimination upon complaint and ex-officio as well as helping/guiding discrimination victims in the administrative and legal procedures. The Board of TIHEK can impose administrative fines to persons and public/private legal entities in case of a violation of discrimination.

Collective Labour Law

The provisions of collective agreements are defined in Turkish legislation as an exception to the principle of equal pay for equal work or work of equal value. In Article 25/2 of the Law No. 6356 on Trade Unions and Collective Labour Agreement, which regulates the prohibition of discrimination on the grounds of the membership of a trade union, “the provisions of the collective labour agreement with respect to wages, bonuses, premiums and money-related social benefits” are excluded from the scope of the prohibition of discrimination. Once a collective bargaining agreement is reached, as a general rule, only union members can benefit from its privileges and provisions. In other words, differential treatment on social assistance related to wages, bonuses, premiums and money-related social benefits between the employees of the union who are parties to the collective agreement and the employees who are not members of the union in question are allowed by this provision.

However, employees who are not members of the party trade union during the signature of the collective agreement can benefit from the provisions of the collective agreement by paying solidarity fees to the trade union in question according to Article 39/2 of the Law No. 6356.

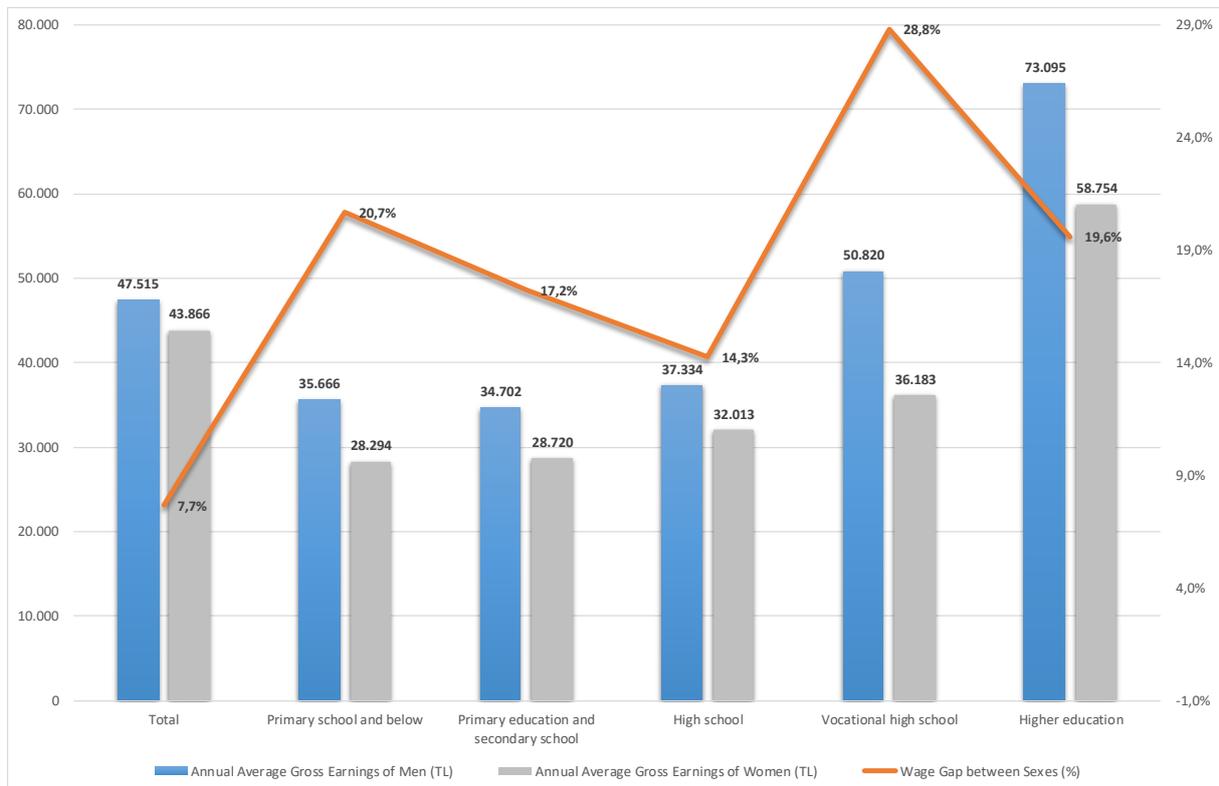
Similarly, it is regulated in Article 28/2 of the Law No. 4688 on Public Servants Unions and Collective Agreement that “*no discrimination shall be made between the public servants who are a member of a trade union and who are not during the implementation of collective agreement provisions, excluding collective agreement bonus*”.

Statistics

During the period between 01.01.2017 and 31.12.2018, a total of 59.844,00 TL (10.554,50 \$, 2019) administrative fine was requested to be imposed on 23 employers who are detected to violate the principle of equal treatment laid down in Article 5 of Labour Law No. 4857 for 378 employees by the Directorate of Guidance and Inspection of the MoFLSS according to Article 99/1/a of Labour Law. Since Article 99/1/a of Labour Law regulates administrative fines for the employer or his/her representative who acts in violation of the principles and obligations foreseen in Article 5 of the Law in question, this administrative fine also covers violations of other principles and obligations listed therein.

The Structure of Earnings Surveys which have been carried out regularly by the Turkish Statistical Institute (TURKSTAT) with four-yearly intervals beginning from 2006. The main aim of the survey is to give information on the level, structure and development of wages and earnings. It is also aimed to produce estimations by characteristics of employees such as sex, age, seniority, occupation, educational attainment as well as by establishment characteristics such as the branch of economic activity and geographical region. Within this framework, the results of the 2018 Structure of Earnings Surveys were published at the end of 2019. The graph below indicates the annual average gross earnings by sex and educational attainment in 2018:

Figure 14. The Annual Average Gross Earnings by Sex and Educational Attainment in the 2018 Structure of Earning Survey



As seen from the graph, the annual average gross earnings of both men and women employees generally increase in direct proportion with their educational attainment in 2018. The gap between men and women in terms of the annual average gross earnings is in favour of men at

all the levels of education ranging from 14.3% to 28.8%. Furthermore, the overall wage pay difference based on gender is in favour of men (7,7%).

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

1. Information about the principle of equal pay for equal work or work of equal value and indirect discrimination in Article 5 of Labour Law

Direct and indirect discrimination on the grounds of gender and pregnancy is prohibited in Article 5/3 of Labour Law No: 4857:

“Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his/her employment contract due to the employee’s sex or maternity.”

Although the concept of indirect discrimination is not defined in the Labour Law, it is interpreted by the Supreme Court of Appeals of Turkey (Yargıtay). For example, the Supreme Court of Appeals examined the case where the employment contracts of some of the employees have been terminated due to the behaviour that is assumed as a reason for termination within the framework of the Labour Law, but the contracts of other employees in the same position have not been terminated. As a result, the Supreme Court of Appeals ruled that this situation was indirect discrimination.¹

Since remuneration, among other factors, is a part of the employment-related processes set out in Article 5/3 of Labour Law (the conclusion, conditions, execution and termination of the employment contract), employers are prohibited from discriminating indirectly and directly on the grounds of gender and pregnancy in terms of remuneration under Article 5 of Labour Law. For example, in the case that most or all of the part-time employees are women, giving premiums only to full-time employees without any objective reason is indirect discrimination.

In addition to the Labour Law, Article 3/2 of the Law No. 6701 on Human Rights and Equality Institution of Turkey (TIHEK) prohibits discrimination on the grounds of gender, race, colour, language, religion, faith, sect, philosophical or political opinion, ethnic origin, wealth, birth, civil status, medical condition, disability or age. In Article 6/1 of the Law in question, the prohibition of discrimination in all employment-related processes is regulated. Furthermore, the legal gap about the definition of indirect discrimination in the Labour Law was filled with Article 2/1/b of the Law No. 6701. Pursuant to the said Article, indirect discrimination is defined as:

“any different treatment which prevents or makes difficult the equal exercise of legal rights and freedoms by a real or legal person when compared with other persons having the same rights, on the grounds of discrimination cited in this Law”.

Moreover, indirect discrimination was counted among the types of discrimination falling in Article 4 of Law No. 6701.

¹ The Judgement of 7. Civil Chamber of the Supreme Court of Appeals dated 23.06.2015 and numbered E.2015/35713 and K.2016/2659.

2. Information about compensations for pecuniary and non-pecuniary damage

Compensation for discrimination is regulated in Article 5/6 of Labour Law: According to this provision, when the employer acts against the principle of equality and non-discrimination during the employment relationship or termination of employment relationship, the employee can request for a suitable compensation in the amount of his/her wage up to four months and he/she can request for the compensation of some other rights from which she/he was deprived.

Compensation for discrimination is a sanction which is brought for the employer who does not comply with the prohibition of discrimination. Moreover, it does not depend on the condition of damage. This compensation is determined in the Labour Law as the maximum four-month wage of the employee and the gross wage of the employee is taken into account in the calculation of this compensation. Although an upper limit is defined for the calculation of this compensation, Article 5/6 of Labour Law is a relative mandatory provision and hence, the amount of the compensation can be increased by provisions of the employment contract or collective agreements. Furthermore, the employee can also request for the rights from which he/she was deprived of other than compensation for discrimination pursuant to the Article in question. For example, in the case where the rights of the employee that were deprived such as private health insurance and food money etc. were requested, the Supreme Court of Appeals decided to accept the request.² The concept of “deprived rights” could not be limited only to financial issues and the Court could decide for the employer to do or not to do something by broad interpretation. For example, if an employer is not promoted due to the discrimination on the grounds of gender by violating Article 5 of Labour Law, the Court could decide the promotion of the employee within the scope of this provision. Furthermore, the compensation for discrimination is supported by an administrative fine: under Article 99/1/a of Labour Law, an employer must pay an administrative fine of 150,00 TL (26,46 \$) for each employee who has been discriminated in addition to the compensation for discrimination in case of a violation of the principles foreseen in Article 5.

In the event of termination of the employment contract due to the violation of the principle of non-discrimination laid down in Article 5 of Labour Law, it is highly controversial whether it can be concluded with the compensation for discrimination can be demanded together with compensation for job security or bad faith compensation. Even though there are decisions of the Supreme Court of Appeals in the opposite direction, its recent decisions are based on the opinion that it will not be possible to award a second compensation for the same legal reason and that the employee can only be entitled to one compensation.³

In Article 26/2 of Labour Law, it is clearly stated that the employee or employer who has terminated the employment contract due to immoral, dishonourable or malicious conduct or

² The Judgement of 9. Civil Chamber of the Supreme Court of Appeals dated 09/11/2010 and numbered E.2011/23584 and K.2011/23584.

³ Please see the following judgements for the relationship between the compensation for discrimination and compensation for job security: The Judgement of 9. Civil Chamber of the Supreme Court of Appeals dated 14.4.2016 and numbered E.2015/29051, K.2016/9441; The Judgement of 9. Civil Chamber of the Supreme Court of Appeals dated 18.06.2012 and numbered E.2010/13065 and K.2012/23353.

Please see the following judgements for the relationship between the compensation for discrimination and bad faith compensation: The Judgement of 9. Civil Chamber of the Supreme Court of Appeals dated 5.11.2014 and numbered 2012/39721 and K.2014/32640.

other similar behaviours within the period indicated in the Law is entitled to claim compensation from the other party. In addition to compensation for discrimination, the employee may demand compensation for pecuniary and non-pecuniary damages within the framework of general provisions of the Turkish Code of Obligations No. 6098. Compensation for non-pecuniary damages is specifically regulated in Article 56 of the Code of Obligations as follows:

“In the event that the bodily integrity of a person is violated, the judge may decide to pay an appropriate amount of money as compensation for non-pecuniary damage, taking into account the nature of the event.”

Furthermore, Article 417 of the Code of Obligations entered into force in 2011 introduced a provision on “Prevention of the Employee’s Personality”. This provision regulates that an employer is obliged to:

- respect and preserve its employees' personality;
- provide appropriate workplace;
- protect the employees against psychological and sexual harassments in the workplace;
- take any necessary measures to protect employees, who have been subject to harassment, from further damages.

Article 417 also provides that, if:

- an employee dies;
- his/her personality rights are violated; or
- his/her physical or mental integrity is harmed, due to the employer's failure in fulfilment of these obligations,

the employer shall be obliged to compensate the employee's (or his/her family's) pecuniary and non-pecuniary damages. According to these Articles and the general provisions of the Code of Obligations, there is no ceiling to compensations awarded for pecuniary and non-pecuniary damages in Turkish legislation and these compensations are determined by the Courts through considering the nature of each concrete event. For example, the Supreme Court of Appeals, which examined compensation claims of the employee (the 3.000 TL [529,10 \$] for pecuniary damage and 5.000 TL [881,83 \$] for non-pecuniary damage) who terminated the employment contract due to sexual harassment according to Article 24/II of Labour Law, ruled to accept the claim of the compensation for non-pecuniary. However, the Court rejected the claim for pecuniary damage since the conditions of the compensation for pecuniary damage were not met.⁴ Similarly, in order to alleviate the sadness of the employee who was subjected to ill-treatment and psychological harassment and whose employment contract was terminated due to an unfair reason, the Supreme Court of Appeals upheld the decision of the Ankara 8th Labour Court regarding the payment of the compensation of 1.000,00 TL (176,37 \$) for non-pecuniary

⁴ The Judgement of 9. Civil Chamber of the Supreme Court of Appeals dated 10/02/2009 and numbered E.2009/19835 and K.2011/46440.

damage.⁵ Moreover, the Supreme Court of Appeals, which examined the case which was rejected by the local court and for which a compensation of 30.000,00 TL (5.291 \$) for non-pecuniary damage and a compensation of 10.000,00 TL (1.763,67 \$) for pecuniary damage were requested by the employee due to psychological harassment, ruled that a certain amount of compensation of non-pecuniary damage should be awarded due to the evidences showing that the psychological harassment took place in this concrete case and that the local court should make the necessary re-examinations in terms of the request on compensation for pecuniary damage.⁶

3. Information about the rule on the shift of the burden of proof

Since plaintiffs (employee) face challenges in discrimination cases to collect evidence and to prove discrimination at working life as a result of the unequal bargaining power in employment relationship between employer and employee, the shift of burden of proof in discrimination cases is introduced in Articles 5 and 20 of Labour Law No. 4857 and then Article 21 of the Law No. 6701 on Human Rights and Equality Institution of Turkey.

The shift of the burden of proof is regulated in Article 5/7 of Labour Law as follows:

“Without prejudice to the provisions of Article 20, the worker shall be obliged to prove that the employer has contradicted to the provisions of the above paragraph. However, when the worker puts forward a situation strongly suggesting the probability of the existence of an infringement, the employer shall become obliged to prove that no such infringement exists.”

Furthermore, the burden of proof in the termination of the employment contract of an employee having job security was regulated in Article 20/2 of Labour Law:

“The employer shall be liable to prove that the termination is based on a valid reason. If he/she alleges that the termination is based on another reason, the worker shall be liable to prove such allegation.”

The shift of the burden of proof in the applications to Human Rights and Equality Institution of Turkey is also laid down in Article 21 of the Law No. 6701 on Human Rights and Equality Institution of Turkey similarly to Article 5 of Labour Law:

“In applications filed at the Institution exclusively on the basis of an alleged violation of non-discrimination, if the applicant exhibits the presence of strong signs and presumptive facts relating to the veracity of his/her allegation, then the other party shall be required to prove the non-violation of the non-discrimination and principle of equal treatment.”

These provisions are in line with the relevant EU Directives.

⁵ The Judgement of 9. Civil Chamber of the Supreme Court of Appeals dated 30.5.2008 and numbered 2007/915 and K.2008/13307.

⁶ The Judgement of General Civil Assembly of the Supreme Court of Appeals numbered E.2012/1925 and K.2013/1407.

Within the framework of the abovementioned provisions, if the employee claiming to have been discriminated against indicates a strong likelihood of such a violation in the court, the burden of proof that the alleged violation has not materialized shall rest on the employer.

4. Information about the criteria related to the implementation of the principle of equal pay for equal work or work of equal value

The principle of equal pay for equal work or work of equal value is regulated in Article 5/4 of Labour Law:

“Differential remuneration for similar jobs or work of equal value is not permissible.”

Furthermore, it is underlined in Article 5/5 of Labour Law that the implementation of special protective measures due to the employee’s sex shall not justify paying him/her a lower wage.

In its decisions, the Supreme Court interpreted the principle of equal pay for equal work as paying the same wage to the employees who do the same job and have the same seniority in the same workplace. In these decisions, it was underlined that seniority should be determined not only on the basis of the length of service at the workplace but also by considering factors such as technical knowledge of the employee, the positions where the employee worked as well as the rewards and punishments that the employee got while working at the workplace.⁷ Within this framework, the employer is obliged to treat equally and non-discriminate against employees who work in the same workplace. However, if workplaces are subject to the same enterprise and/or employer and the working conditions are similar or identical therein, the employer has an obligation to treat the employees in these workplaces equally and not to discriminate them. Within this framework, the principle of equal pay for equal work or work of equal value laid down in Article 5/4 of Labour Law is applied only in the same workplace or in workplaces that are subject to the same enterprise and/or employer and where the working conditions are similar or identical.

Finally, under Article 5/4 of Labour Law, which regulates the principle of equal pay for equal work or work of equal value, no criteria are defined for the determination of jobs of equal value. However, employers are required to establish and implement a job evaluation system to identify jobs of equal value in the workplace.

5. Information on the 2014 Structure of Earnings Survey

In the 2014 Structure of Earnings Survey, the two-stage stratified random sampling method was used. At the first stage of the survey, local units were selected and at the second stage, employees from the selected local units were interviewed. In the survey, local units associated with the enterprises with 10 or more employees were defined as the first stage sampling unit. The sample size of the local units was 17.137. The respondent local units were 11.790. The total number of the employees interviewed in this survey from these workplaces is 164.204, 27,4% of whom are female employees.

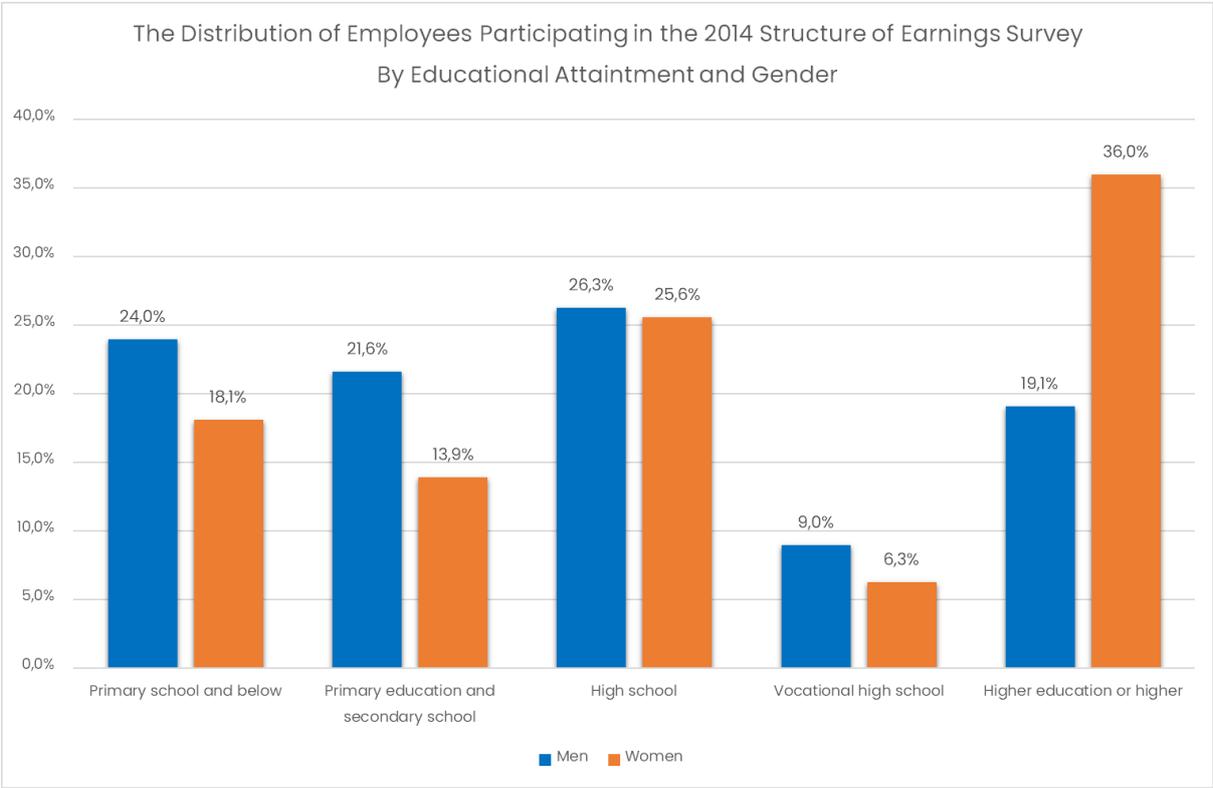
⁷ The Judgement of 7. Civil Chamber of the Supreme Court of Appeals dated 14.10.2015 and numbered E.2015/25116 and K.2015/19145.

Please see the similar judgements: The Judgement of 9. Civil Chamber of the Supreme Court of Appeals dated 7.10.2013 and numbered E.2011/33127 and K.2013/25090; The Judgement of 22. Civil Chamber of the Supreme Court of Appeals dated 23.12.2014 and numbered E.2014/20050 and K.2014/36510.

Although there is a significant wage and income gap in favour of men, at all levels of education and in all economic activities (except for education), the overall pay difference based on gender was in favour of women (-0,4%), both for average gross annual income and average gross annual wage. The main reason for this situation is based on the fact that the average educational level of the women participating in the survey is higher than that of the men participating in the survey. When men and women employees participating in the 2014 Structure of Earnings Survey are analysed on the basis of their educational level:

- The proportion of men whose educational level is below high school is 45,6%, while this proportion is 32% for women.
- The proportion of men whose educational level is higher education or higher is 19,1%, while this proportion is almost double for women (36%).

Figure 15. Distribution of employees by educational attainment and gender (2014 Structure of Earnings Survey)



This situation related to the levels of education of men and women participating in the Survey causes the following results regarding their wages:

- The average wages earned by women are predominantly determined by the wage levels of women with higher education or higher.
- The average wages earned by men are predominantly determined by the wage level of men with primary school or below as well as primary education and secondary school (below high school).

Therefore, the overall pay difference based on gender was in favour of women in the 2014 Structure of Earnings Survey.

ARTICLE 22 – THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a. to the determination and the improvement of the working conditions, work organization and working environment;**
- b. to the protection of health and safety within the undertaking;**
- c. to the organization of social and socio-cultural services and facilities within the undertaking;**
- d. to the supervision of the observance of regulations on these matters.**

A. DEVELOPMENTS IN THE REFERENCE PERIOD

There are no new amendments or regulations introduced within the reference period.

Inspections are carried out by the Directorate of Guidance and Inspection of the Ministry of Family, Labour and Social Services in the context of Labour Law No. 4857 and the Law No. 6331 on Occupational Health and Safety, in order to regulate and improve the working conditions and working environment, to protect the employees, and to observe and inspect whether the legislation related to working life is applied. Serving as a bridge between the parties in order to improve the working conditions for the employees regarding both functioning of the work and occupational health and safety, it is also aimed to make a contribution to the labour peace.

Inspections by the Directorate of Guidance and Labour Inspection regarding functioning of the work and occupational health and safety:

Table 71. Scheduled and non-scheduled inspections by the Directorate of Guidance and Labour Inspection

Years	Scheduled	Non-scheduled	Total
2017	6.547	12.265	18.812
2018	9.461	9.491	18.952

In the inspections made, both the employee and the employer are consulted at the workplace, legal information and documents related to the subject are collected and a report is prepared according to the result. If a negative situation is detected, then correction is requested and a notice on the result of the report is provided to the relevant persons. The parties concerned have the right to submit the subject to the court. In addition, administrative fines can be applied for

illegal actions on the subject of the negative changes in the working conditions and environment.

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

- 1. Information about the question on what happens in undertakings where there are no trade union representatives who according to Article 27 of the Law No. 6356 on Trade Unions and Collective Labour Agreement have to inform employees on relevant labour legislation, resolve workers' complaints, ensure working cohesion between workers and employers, observe the rights and benefits of workers, facilitate the application of working conditions envisaged in labour law and collective agreements and ensure consensus among employees in respect of work organisation and working environment.**

According to the following regulations, in the absence of trade union representatives, employees choose an employee representative among themselves.

Pursuant to the provisions of the "Regulation on the Distribution of Money to the Employees Collected from Customers in the Form of the Percentage of the Bill" dated 28.02.2004, there is trade union representative in the Evaluation Board to be established in the relevant workplaces. However, in workplaces where there are no trade union representatives, employees choose an employee representative among themselves. Service periods and performances of the employees are decided by the Evaluation Board. Evaluation Board consists of the chief executive officer who does not have the title of union representative and deputy employer. It gathers under the chairmanship of the employer or his representative. If there is no collective bargaining agreement applied at the workplace, the workers will choose the employee representative among themselves by secret ballot counting. And the employee representative also joins the board. This Regulation governs and defines in detail rules and rates by which the percentage fees shall be distributed among the employees in a work place based on the nature of the works done by them.

In accordance with the Article 15 titled "Formation of the Annual Leave Committee" of the Regulation on Paid Annual Leave, it is said that "*In the workplaces that have more than 100 employees, annual leave committee consisting of three persons one of which is representing the employer or employer representative and two of representing the employees is established.*" On the other hand, in workplaces with less than 100 workers; the duties of the leave committee are performed by the employer or the employer representative or a person to be assigned by them and a representative selected by the workers among themselves.

In the workplaces where there are no elected trade union representatives, employee members and their substitutes of the leave committee is elected by open voting in a meeting in which more than half of the employees in the workplace will attend. The purpose of this Regulation is to determine the procedures and principles of annual paid leaves to be given to the employees by the employers in accordance with Article 53 of the Labour Law No. 4857.

The duties of the annual leave committee are briefly as below:

- a) submitting annual leave tables for the employer's approval,
- b) preparing annual leave table by considering the seniority of the workers, their obligations or obstacles in terms of using the leave in a certain period, the execution of the work without interruption and the number of employees.
- c) examining the wishes and complaints of the workers regarding their annual leave rights and reporting these to the employer and the related worker.
- d) to organize camps and excursions every year to make paid leave more useful, to investigate the possible measures and to make proposals to the employer.

2. Information regarding the confirmation of the information that the rights granted to trade union representatives are equally granted to workers in case no trade union is present.

In accordance with the Article 24 titled “Protection of Shop Stewards” of the Law no. 6356 on Trade Unions and Collective Labour Agreements, it is stipulated that

“(1) An employer shall not terminate the employment contract of shop stewards unless there is a just cause for termination and he indicates this clearly and precisely. The shop steward or the trade union of which he is a member shall have the right to apply to the competent court within one month of the date when the notice of termination is communicated to him.

(2) The court shall apply fast-hearing procedures. In the event of an appeal of the decision given by the court, the decision of the Supreme Court shall be final.

(3) If the court decides that the trade union representative is to be reinstated in his employment, the termination shall be annulled and the employer shall pay his full wages and all other benefits between the termination and final decision date. On the condition that the trade union representative applies within six working days following the final decision of reinstatement, and in the event that he is not reinstated within six working days, his wage and other benefits shall continue to be paid by taking into account that his employment relation is still continuing. This provision shall likewise apply in the case of a new appointment as shop steward.

(4) Unless there is a written consent of the shop steward, the employer shall not change the workplace of the shop steward or shall not make a drastic change in his work. Otherwise, the change shall be considered as void.

(5) Union officials who continue to work in the workplace shall also benefit from the provisions of this Article.”

This provision mentioned above only covers the guarantees given to the trade union representative.

Workers have guarantees under Article 25 of Law No. 6356 entitled “Guarantee of freedom of trade union”. According to this Article, it is stipulated that

“(1) The recruitment of workers shall not be made subject to any condition as to their joining or refraining from joining a given trade union, their remaining a member of or withdrawing from a given trade union or their membership or non-membership of a trade union.

(2) *The employer shall not discriminate between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to working conditions or termination of employment. The provisions of the collective labour agreement with respect to wages, bonuses, premiums and money-related social benefits shall be exceptions.*

(3) *No worker shall be dismissed or discriminated against on account of his membership or non-membership in a trade union, his participation in the activities of trade unions or workers' organisations outside his hours of work or during hours of work with the employer's permission.*

(4) *If an employer fails to observe the provisions set out in the above paragraphs apart from the termination, he shall be liable to pay union compensation which shall not be less than the worker's annual wage.*

(5) *In case of termination of contract of employment for reasons of trade union activities, a worker shall have the right to apply to the court as provided in the Articles 18, 20 and 21 of Labour Law No. 4857. Where it has been determined that the contract of employment has been terminated for reasons of trade union activities, union compensation shall be ordered independent of the requirement of application of the worker and the employer's granting or refusing him permission to restart work in accordance with Article 21 of the Law No. 4857. However, in case the worker is not allowed to start work, the compensation specified in the first paragraph of Article 21 of this Law No. 4857 shall not apply. Non-application to a court pursuant to the aforementioned provisions of the Law No. 4857 shall not be an obstacle for the worker to claim union compensation separately.*

(6) *In a case brought to the court with the claim that contract of employment has been terminated because of trade union affiliation, the burden of proof to prove the reason for termination shall lie with the employer. A worker who claims that termination is not based on the reason the employer has claimed shall bear the burden of proof to prove that the reason for termination has been union affiliation.*

(7) *Except for termination, in the event of a claim that the employer discriminates because of union affiliation, the burden of proof shall be on the worker. However, if a worker shows the existence of a situation indicating strongly that discrimination has been made because of union affiliation, the employer shall be obliged to prove the reasons for his conduct.*

(8) *Any provision contained in the collective labour agreement and in the contract of employment which is contrary to the provisions set out above shall be void.*

(9) *The worker shall retain all the rights conferred on him by the labour legislation and other enactments."*

However, in the absence of a shop steward in a workplace, workers always have the right to request the implementation of the legislation from the employer. Directorate of Guidance and Inspection checks if the practices in the workplaces comply with the legislation by the implementation of both scheduled and non-scheduled inspections. Administrative fines may also be imposed on illegal practices. In addition, workers have the right to bring the matter in front of the judiciary about practices in their workplaces.

3. Information on what the competences of the administration boards established according to Article 22 of the Law on Public Employees and Collective Agreement No. 4688 are in relation to the right of workers to take part in the determination and improvement of working conditions and working environment.

Administrative board of establishments are formed to express opinion the working conditions of public servants and for equal implementation of laws on the public servants; these boards are composed in equal numbers of public employee representatives and those representatives to be determined by the trade union that include the most members in its composition. Administrative boards of establishments convene two times in a year.

In accordance with the Article 23 titled “workplace trade union representatives and trade union workplace representatives” of the Law no. 4688, the trade union with the highest number of members registered in the workplaces in accordance with the assessment pursuant to Article 30 shall be authorized to elect the workplace trade union representative. The number of the workplace trade union representatives that may be elected is one if the number of the public servants in a workplace is less than 200, is maximum two where the number of the public servants is 201 to 600, is maximum three where the number of the public servants is 601 to 1.000, is maximum four where the number of the public servants is 1.001 to 2.000 and is maximum five where the number of the public servants is more than 2.000. One of these representatives shall be delegated by the relevant trade union as the chief representative.

Workplace trade union representatives are determined from the workplace in order to ensure the communication between the public employee and employer and to listen to the problems of public employees related to employer and workplace and hand these problems up to relevant authorities.

4. Information for the confirmation request of the Committee on the issue that according to the Occupational Health and Safety Law No. 6331 workers and/or their representatives have the right to appeal when they consider the measures taken to ensure safety and health protection at work inadequate. It is understood that this includes judicial proceedings before the competent courts and asked for confirmation.

In the Article no. 36 titled “Freedom to Claim Rights” of the Turkish Constitution, it is stated that *“Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures. No court shall refuse to hear a case within its jurisdiction.”* In addition, the Law No. 7036 on Labour Courts regulates the establishment, duties, powers and procedures of labour courts. Furthermore, in the Occupational Health and Safety Law No. 6331, duties, powers, responsibilities, rights and obligations of employers and employees have been regulated in order to ensure occupational health and safety at workplaces and to improve existing health and safety conditions.

Within the scope of the legal regulations mentioned above; there is no obstacle to the right of employees and / or employee representatives to prosecute before the competent courts.

ARTICLE 26 – THE RIGHT TO DIGNITY AT WORK

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work,

Paragraph 1

The Parties undertake, in consultation with employers' and workers' organizations, to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

a. General information

Protection of the personality of the worker's is an obligation of the employer under the Constitution. According to Article 50 of the Constitution, women are particularly protected in terms of working conditions. Protection against sexual harassment of women in this context is an obligation deriving from the Constitution. Articles 12, 17, and 19 of the Constitution also introduces important regulations in this regard.

Related Articles in the Constitution are as below:

“B. Working conditions and right to rest and leisure

ARTICLE 50- No one shall be required to perform work unsuited to his/her age, sex, and capacity. Minors, women, and physically and mentally disabled persons, shall enjoy special protection with regard to working conditions. All workers have the right to rest and leisure. Rights and conditions relating to paid weekends and holidays, together with paid annual leave, shall be regulated by law.”

“ARTICLE 12- Everyone possesses inherent fundamental rights and freedoms, which are inviolable and inalienable. The fundamental rights and freedoms also comprise the duties and responsibilities of the individual to the society, his/her family, and other individuals.”

Personal inviolability, corporeal and spiritual existence of the individual

“ARTICLE 17- Everyone has the right to life and the right to protect and improve his/her corporeal and spiritual existence. ...”

“ARTICLE 19- Everyone has the right to personal liberty and security. ...”

The Labour Law gives the employee the right to terminate his/her labour contract in cases of sexual harassment by the employer (Article 24/2-b) or if the employer doesn't take the necessary measures to prevent sexual harassment by another employee or by third parties despite reporting it to the employer (Article 24/2-d), and according to the second paragraph of Article 25 of the Labour Law, the employer may terminate the employment contract of the employee who harassed.

“Article 24 - The worker may terminate the fixed-termed or permanent labour contract before the expiry of its period or without waiting for the notification period in the following cases:

...

b) If the employer tells words that will harm the honour and good name of the worker or one of the members of his/her family, behaves in such manner or attempts sexual harassment against the worker.

...

d) If the required measures are not taken although the worker becomes subject to sexual harassment at the business by another worker or third persons and notifies the employer thereof.”

“Article 25 - The employer may terminate the fixed-termed or permanent labour contract, before the expiry of its period or without waiting for the notification period, in the following cases:

...

c) If the worker attempts sexual harassment against another worker of the employer.”

Furthermore, Article 417 of the Code of Obligations entered into force in 2011 introduced a provision on “Prevention of the Employee’s Personality”. This provision regulates that an employer is obliged to:

- respect and preserve its employees' personality;
- provide appropriate workplace;
- protect the employees against psychological and sexual harassments in the workplace;
- take any necessary measures to protect employees, who have been subject to harassment, from further damages.

Article 417 also provides that, if:

- an employee dies;
- his/her personality rights are violated; or
- his/her physical or mental integrity is harmed, due to the employer's failure in fulfilment of these obligations,

The Human Rights and Equality Institution of Turkey Law No. 6701 has also regulated harassment as a type of discrimination and made the definition of harassment as: any behaviour including psychological and sexual with the aim of violation of human dignity such as intimidating, degrading, humiliating or embarrassing or giving rise to such an outcome.

According to Supreme Court, harassment is not required to take place in the workplace. Actions performed by workers outside workplace and working hours could also be considered as sexual harassment. (Yarg.9. HD.4.11.2010, E. 2008/37500, K.2010/31544)

b. The rights of the worker who has been subjected to sexual abuse

- **Turkish Civil Code**

According to the first paragraph of Article 24 of the Turkish Civil Code, anyone under attack of their personal rights may ask a judge to protect them against the attackers. According to the first paragraph of Article 25, anyone can ask from a judge to prevent the threat of an attack, to end the on-going attack, or determine the illegality of an attack and its effects even though it may have ended. Under these provisions, a worker subjected to sexual harassment can ask to be protected against the harasser and/or determination of the harassment.

- **Turkish Code of Obligations**

A worker can immediately lawfully terminate his/her work contract if he/she is a victim of a sexual harassment in the workplace or use the right to not do his/her obligation which is stated in the Turkish Code of Obligations Articles 106 and 408.

According to Article 417/3, compensation of the losses due to violation of the personal rights of worker caused by acts of the employer, contrary to the contract or the law, are subject to the provisions about liabilities arising from breach of contract. Act of sexual harassment is also a tortious act. In this context, the worker's claim may be based on the provisions of the liability arising from the contract and the tortious act.

Employer who violates the personal rights of workers must compensate their losses. Besides pecuniary losses employer must compensate the non-pecuniary losses of the worker whose personal rights are violated. Workers who have been sexually abused may request compensation for their pecuniary and non-pecuniary losses (Articles 49, 54, 56, 58).

- **Labour Law**

According Article 24 of the Labour Law the employee can use his/her right to terminate the work contract lawfully in cases of sexual harassment and the actions in question does not need to be considered as an offense in the Turkish Penal Code.

According to the second paragraph of Article 24 of the Labour Law, worker can use his/her right to lawfully terminate the work contract if the harassment is made by another employee or third person and the employer has not taken the necessary measures to prevent it. For the worker to use this right the sexual harassment must take place in the workplace, the employer must be informed and the employer should take necessary measures to prevent it. This provision applies even if the notification is made to the employer's representative.

Article 10 of the Constitution and Article 5 of the Labour Law prohibits discrimination on grounds of sex. Article 5 of the Labour Law envisages compensation for employees and Article 99 of the Labour Law envisages administrative fine as the penalty to employers who violate equal treatment. In addition, the worker may claim his deprived rights. The worker may demand compensation for material and moral damages in accordance with the general provisions, as well as the rights about his/her work he/she has been deprived of due to discrimination.

- **Turkish Penal Code**

Sexual harassment is regulated in Article 105 of the Turkish Penal Code. According to the Article, "(1) A person who harasses someone for sexual purposes, on the complaint of the victim, shall be sentenced to imprisonment of three months to two years or fined. (2) If these actions were committed using; hierarchy, relations of service or education or influence within the family or committed in the same workplace the penalty will be increased by half mentioned in the above paragraph. By these acts if the victim; quits his/her job, or was forced to leave the school or family, the penalty shall be not less than one year."

Thus, sexual harassment by abusing the influence from hierarchy or service relation or by using the ease provided by working at the same workplace constitutes a major sexual harassment crime and the penalty is increased by half.

c. Measures to be taken by the employer against sexual harassment

- **Preventive measures**

Employers are required to take preventive measures against discrimination in the workplace and sexual harassment for the protection of the personal rights of workers.

- **Termination of the labour contract**

Sexual harassment of a worker to another employee is accepted as a justifiable reason for termination of the employment relationship by the employer in the sense of Article 435 of the Turkish Code of Obligations. Employers may terminate the work contracts of employees who harass another employee in the workplace according to the second paragraph of Article 25 of the Labour Law.

Sexual harassment of a worker to another is accepted as a justifiable reason for termination of the employment relationship by the employer in the sense of Article 435 of the Turkish Code of Obligations. Employers may immediately terminate the work contracts of employees who harass another employee in the workplace according to the second paragraph of Article 25 of the Labour Law.

d. Burden of proof

Because sexual harassment is considered as a form of discrimination, burden of proof shall be applicable within the framework of the Article 5 of the Labour Law. According to the last paragraph of Article 5 of the Labour Law, burden of proof falls on the workers who claim that the employer is violating the equal treatment in the workplace. If the worker puts a strong case of a possibility of an infringement of equal treatment, the employer must prove that there is no such a violation.

Article 21 of the Law on Human Rights and Equality Institution of Turkey regulates the burden of proof. According to this Article, exclusively for applications for discrimination violations made to the Institution and the courts, applicant's claiming the existence of a genuine presumption regarding violations, other party has to prove that they have not violated the non-discrimination and equal treatment principle.

Law no. 6701 on Human Rights and Equality Institution of Turkey was published in the Official Gazette on 20.04.2016 and the Regulation on the Procedures and Principles for the Implementation of the Law on Human Rights and Equality Institution of Turkey was published in the Official Gazette on 24.11.2017.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Termination of the Labour Contract

The Supreme Court has ruled that the worker whose verbal, physical and phone messages with sexual context is considered sexual harassment and termination of the worker's contract by the employer was justified. The Court did not justify the decision that the employer's termination was not justified since the victim did not complain about the worker in the police station and the prosecutor's office (Yarg. 9. HD., 11.4.2012, E. 2010/5209, K.2012/12363).

In another decision of the Supreme Court, it was ruled that the decision on invalidation of the termination of the contract on the grounds that the termination was not in time because the worker had carried out sexual harassment on various dates, was incorrect. (Yarg. 22. HD., 14.5.2014, E.2014/10405, K.2014/12929)

The judges evaluate in every case where the improper conduct of the worker constitutes a just cause or a valid reason for termination, in the context of sexual harassment. According to the Supreme Court, if the worker displays inappropriate behaviours which are not explicitly sexual harassment acts but causes negative results in the workplace, such as insistently phoning a female worker or inviting her to a dinner, this situation is accepted as a valid reason for termination. (Yarg. 9. HD., 26.10.2015, E.2015/21007, K.2015/29842.)

Burden of Proof

In cases concerning the termination of employment due to sexual harassment, the Supreme Court often considers claims or witness statements in accordance with the ordinary course of life. In a verdict of the Supreme Court, it was stated that “*..it is contrary to the ordinary course of life that the claimant describes the events in a detailed way by specifying the place and the time and reveals her own dignity without any reason...*” (Yarg.9. HD.4.11.2010, E. 2008/37500, K.2010/31544;)

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

1. Information on the measures taken in order to ensure effective protection from sexual harassment and on whether and to what extent employers' and workers' organizations were consulted in the promotion of awareness, information and prevention of sexual harassment in the workplace.

In order to prevent psychological harassment in the workplace, raise awareness and take necessary measures in the field of combatting psychological harassment, the Prime Ministry

Circular on the Prevention of Psychological Harassment in Workplaces (Mobbing) has been published in the Official Gazette dated 19 March 2011 and numbered 27879.

In accordance with the Article 5 of the Circular on Psychological Harassment in Workplaces numbered 2011/2, the “Combating the Psychological Harassment Board” was established within the coordination of the Ministry of Family, Labour and Social Services (MoFLSS) and with the participation of the relevant parties. The Board carries out studies in order to prevent psychological harassment in the workplaces, to coordinate the training and information activities, to conduct research and analysis on the issues needed, to prepare reports, guides and information documents and to raise public awareness. The Board is chaired by the MoFLSS General Directorate of Labour and composed of workers' and employers' confederations with the Human Rights and Equality Institution of Turkey. Also, the Board prepared the "Psychological Harassment Information Guide".

Within the scope of the abovementioned Circular, calls were received on psychological harassment through the ALO 170, the Communication Line (Hotline) of the Ministry of Family, Labour and Social Services, in order to strengthen the fight against psychological harassment. In order to answer these calls, psychologists are trained on the subject and assigned to help callers. These psychologists have begun to fulfil the task of informing callers about the subject, providing psychological support to those who think that they have experienced psychological harassment in the workplace, directing them, listening to complaints.

Within the policy axis of “Increasing the Employment of Groups Requiring Special Policies” of the National Employment Strategy prepared under the coordination of the MoFLSS, the target “*Arrangements for combating discrimination will be developed.*” is included. Within the scope of this policy, there are legal ways to be followed in discriminatory practices such as mobbing, sexual harassment etc. and measures to be taken in this regard. In addition, studies are carried out in cooperation with relevant public institutions and organizations, social partners, professional organizations, international organizations and non-governmental organizations.

2. Information concerning Human Rights and Equality Institution, in particular as regards its independence, as well as regards its functioning in the light of any relevant information and data concerning the moral (psychological) harassment complaints dealt with by this institution and their outcome.

The Human Rights and Equality Institution of Turkey (TIHEK), affiliated to the Ministry of Justice, with public legal entity status and administrative and financial autonomy, established by the Law No. 6701 based on the international law to which Turkey is a party in the field of human rights. TIHEK composed of the Chairman and the Board. The Board consist of eleven members elected by the President of the Republic. The Board exercises its duties and powers under its own responsibility and independently.

TIHEK has the right to examine the allegations of violation of the right to equal treatment, discrimination or torture and ill-treatment on the basis of the application. In case of claims of other human rights violations, the applicant cannot make an application and, if necessary, the Institution may start an ex-officio investigation on the relevant case.

Each and every natural person and legal person who claim to have suffered from violations of non-discrimination can apply to the Institution. Applications to the Institution may be filed via governorates in provinces and sub-provincial governorates in sub-provinces. Persons deprived of their liberty or taken under protection may also apply to the Institution. There shall be no fee charged for applications.

Before applying to the Institution, those concerned shall demand that the relevant party remedy the practise they allege as contrary to the law. In cases where such demands are turned down or are not replied within thirty days, then they may apply to the Institution. However, where it is likely that damages arise which are irremediable or difficult to remedy, the Institution may accept applications without seeking such condition.

Applications filed at the Institution within the legal period for filing a court case shall suspend such period. There can be no application filed about the acts related to the exercise of legislative and judicial powers, decisions of The Council of Judges and Prosecutors nor about acts excluded from judicial review under the Constitution.

It is imperative that the information and documents requested by the Institution by indicating the reason thereof concerning the matter under inquiry or examination be submitted within thirty days following the date of communication of such request. The Institution imposes an administrative fine of five hundred Turkish Liras to two thousand Turkish liras (\$ 88,18 - 352,73) on public institutions and organizations and other natural and legal persons who do not comply with such obligations and without a justification for a specified period of time. If the applications cannot be settled by reconciliation and it is determined that there has been a violation of the prohibition of discrimination, the Institution may impose fines up to 15 thousand Turkish Liras (2.645,50 \$).

3. As regards the right not to be retaliated against for upholding the right to protection from moral (psychological) harassment, the Committee asks whether this is covered by the employer's obligation, under Article 417 of the Code of Obligations, to protect victims of harassment from further harm

Employer's sexual harassment is listed in the sub-paragraph (b) of item (II) of Article 24 of the Labour Law numbered 4857, among the reasons that allow the termination of the worker's right. In the case-law of the established Supreme Court, such behaviour of the employer's representative is also evaluated within the scope of the same paragraph.

It is also possible for the act of sexual harassment at work to be carried out by another worker or a third party (e.g. a customer). The workplace constitutes the dominant area of the employer and the employer's oversight of the worker requires protection of the worker from such an assault regardless of from whom comes it comes.

If the worker is sexually harassed by another worker or a third party, this should be reported to the employer officially and required measures should be taken. If the employer knows or is aware of the sexual harassment incident, the worker does not need to report the situation separately.

The employer's precaution should be directed towards preventing the recurrence of the incident the worker is exposed to. The inadequate measure in this direction also gives the worker the

opportunity to terminate rightfully. In the justification of the article, the termination of the harasser according to the severity of the harassment was also among the measures to be taken by the employer.

In the event that sexual harassment is carried out by a third party instead of a worker at the workplace, the employer should take measures such as warning the customer as a precaution, assigning another worker to deal with the customer, and disconnecting the customer according to the severity of the action.

Article 417 of the Code of Obligations states that the employer, in order to protect and respect the worker's personality in the service relationship and to maintain an order in accordance with the principles of honesty in the workplace, especially those who have been subjected to psychological and sexual harassment and more, it is obliged to take necessary precautions in order not to be harmed.

Article 417 of the Turkish Code of Obligations states that the employer is obliged to maintain and respect the worker's personality in the service relationship and to maintain an order in accordance with the principles of honesty in the workplace, in particular to prevent workers from suffering psychological and sexual harassment, and to take further action to prevent those who have suffered such harassment.

According to Supreme Court's decision (22nd Civil Department of the Supreme Court, 31/01/2013 dated and 2012/11485 E.- 2013/1396 K numbered decision);

The employer is obliged to provide positive working conditions at the workplace. According to the file content; it is understood that the plaintiff informed the employer that she was disturbed by the behaviour of another worker, who worked in the same workplace and also the son of the employer during the study, and the employer was insensitive to this complaint.

Especially from the testimony of the defendant witnesses, it is concluded that the employer passed the plaintiff by saying "I will handle it, look at your job" and that the plaintiff left the job on it. The plaintiff, who has been working in the defendant workplace for more than 23 years, quits her job under normal working conditions, is against the ordinary course of life. Due to the employer's failure to fulfil its obligation to protecting the worker, the plaintiff terminated the labour contract with just cause. In this case, the plaintiff may be entitled to severance pay, but not entitled to notice pay.

4. Information on Article 5 of the Labour Law and shift in the burden of proof in practice

In the first paragraph of the Article 5 of the Labour Law no. 4857; "*There is no discrimination based on language, race, colour, gender, disability, political thought, philosophical belief, religion and sect and similar reasons in the business relationship.*" provision is included. Also in the last paragraph of the same article, it is stated that without prejudice to the provisions of Article 20, the employee is obliged to prove that the employer has violated the provisions of the above paragraph. However, the employer is obliged to demonstrate that such a violation does not exist when the worker demonstrates a situation strongly demonstrating the possibility of a violation. In the 20th article of the same Law; it is also stated that the burden of proving that the termination was based on a valid reason shall rest on the employer. If the worker claims that the termination is based on another reason, he is obliged to prove his claim.

Thus, if the worker reveals a situation that strongly indicates the possibility of a violation, it is the employer's obligation to demonstrate that such a violation does not exist. Again, the obligation to prove that the termination is based on a valid reason is also imposed on the employer. According to decisional law of Supreme Court, it may not always be possible to find evidence behind the nature of the act of sexual harassment. Considering that the victim has been subjected to such actions in places where he/she is alone and that few people who have been subjected to harassment can reflect such incidents to the employer for various reasons, an assessment should be made in favour of those who have been abused. Based on these results, it is seen that the Supreme Court decided in favour of the victim in sexual harassment cases.

In addition, shift in the burden of proof is regulated in Article 21 of the Law on Human Rights and Equality Institution of Turkey. Article 21 titled "Burden of proof" reads, *"In applications filed at the Institution exclusively on the basis of an alleged violation of non-discrimination, if the applicant exhibits the presence of strong signs and presumptive facts relating to the veracity of his/her allegation, then the other party shall be required to prove the non-violation of the non-discrimination and principle of equal treatment."*

5. Information on effective judicial remedies to seek reparation for pecuniary and non-pecuniary damage and related case-law examples

There is no upper limit in the compensation awarded by the court in order to compensate the material and moral damages of victims of sexual harassment. Besides, according to 01/11/2013 dated and 2011/23584 E. - 2013/27729 K numbered decision of 9th Civil Department of the Supreme Court, it is stated that in the concrete case, the plaintiff terminated the employment contract without notice due to the employer's sexual harassment due to the 24 / II clause of the Labour Law. According to the decision of the criminal court, the defendant's action is justified and the court's acceptance in terms of moral compensation is appropriate.

6. The Committee noted that under Article 24 of the Labour Code, victims of (sexual or moral/psychological) harassment have the right to terminate their employment contract and obtain a severance pay corresponding to four months' salary, plus the restoration of the rights they have been deprived of because of the discriminatory treatment. In addition, under Article 20 of the Labour Code, workers who have been unfairly dismissed can request their reinstatement. The Committee asks whether this right applies also when the worker has resigned because of the moral (psychological) harassment suffered, whether the termination of contract has formally taken place invoking Article 24 of the Labour Code or not.

The right of termination of the work contract of the worker with justified reason is regulated in Article 24 of the Labour Law. According to this article, the employee is entitled to break the contract, whether for a definite or an indefinite period, before its expiry or without having to observe the specified notice periods, in the following reasons. These are "reasons of health", "immoral, dishonourable or malicious conduct or other similar behaviour" and "Force majeure".

Termination of employment contract due to moral (psychological) harassment can be evaluated within the scope of the second reason. In this regard, according to the regulation in Article

24/II/b of the Labour Law, in case the employer speaks, acts, or sexually harasses the honour of the worker or one of his/her family members, the worker has the right to terminate the employment contract immediately for justification.

Psychological harassment is an attack on one's spiritual values and one dimension of the concept of spiritual value is honour of the person. Therefore, the person who has been subjected to psychological harassment by the employer has the right to terminate immediately due to this provision.

According to Article 24/II/c of the Labour Law, if the employer assaults or threatens the employee or a member of his/her family to commit an illegal action, or commits an offence against the employee or a member of his/her family which is punishable with imprisonment, or levels serious and groundless accusations against the employee in matters affecting his/her honour, the worker can terminate the employment contract with valid reason.

In addition, Article 24/II/f of the Labour Law states that if, in cases where wages have been fixed at a piece or task rate, the employer assigns the employee fewer pieces or a smaller task than was stipulated and fails to make good this deficit by assigning him/her extra work on another day, or if he/she fails to implement the “conditions of employment”.

Both Article 4 of the Law No. 6331 on occupational health and safety and Article 417 of the Turkish Code of Obligations give the employer the obligation to observe the worker and this provision includes also conditions of employment. Since the act of psychological harassment, which damages spiritual values of the worker, also means the absence of working conditions, then the worker has the right of termination of employment contract with valid reason.

Pursuant to Labour Law Articles 24/II-b and 24 / II / c, the right of the employee to terminate the employment contract will arise in the event that these actions are fulfilled by the employer or by employer representative and Labour Law Article 24 / II-f, regardless of this issue, even if the psychological harassment was carried out by another worker, it is accepted that the worker has the right to termination in cases where the employer does not take the necessary measures.

The Supreme Court also accepted the termination of the contract made by the worker under psychological harassment for the right reason (Y9HD, 22.3.2010, E. 2010/10905 K. 2010/7511; YHGK, 2.11.2011, E. 2011/9-590 K. 2011/677; Y9HD, 1.4.2011, E. 2009/8046 K. 2011/9717; Y9HD, 18.3.2010, E. 2008/ 22535 K. 2010/7225).

According to decision of the 9th Civil Chamber of the Supreme Court, dated 1.4.2011, numbered E. 2009/8046 K. 2011/9717, the person, who is in a managerial position at a workplace, occasionally shouted at the workplace to the plaintiff. Also, even though the plaintiff fainted one day at the workplace, the manager did not allow the plaintiff to be taken to the hospital. In this process, the plaintiff was diagnosed with psychological discomfort due to the psychological pressure she experienced at the workplace. Due to all these reasons, the Supreme Court ruled that the plaintiff had been subjected to psychological harassment and decided that the worker had terminated the employment contract for good reason.

Paragraph 2

The Parties undertake, in consultation with employers' and workers' organizations to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

Legislative changes and measures taken to implement the legal framework

In accordance with the Circular No. 2011/2 on the "Prevention of Psychological Harassment (Mobbing) in the Workplace" published in the Official Gazette dated 19.03.2011 and numbered 27879, the complaint or notice issues regarding the mobbing (Mobbing) were evaluated and examined by the Labour Inspection Board and carefully examined and finalized as soon as possible. In this context, 355 mobbing applications were made to the Labour Inspection Board between 01.01.2015-31.12.2018. During the period between 01.01.2017 and 31.12.2018, 249 mobbing applications were made to the Labour Inspection Board and in the same period, an administrative fine of 59.844,00 TL (10.554,49 \$, 2019) was requested for 378 workers about 23 employers who act in contradiction with Article 5 of the Labour Law No. 4857.

Within the framework of the data obtained in the mobbing examinations made by the Labour Inspectors, the opinion about the existence of mobbing is stated as a result of the report and the victim is informed about the inspection result regarding the inspection. Thus, the determinations and opinions made during the inspections are used when the parties resort to the judiciary. Also, if these behaviours are within the scope of crimes specified in the Turkish Criminal Code No. 5237, the complainant is informed about that he/she can make a written crime complaint to the relevant public prosecutor about the employer, employer representative or other employees who practice mobbing.

Psychological harassment in Turkish law (mobbing) is defined as any kind of maltreatment, threats, violence, and humiliation, which are systematically and repeatedly applied to employees, by the other employees or employers in the workplace. Among the most obvious examples of psychological harassment are obstructing one's success, interrupting speech, loud remarks, constant criticism, ignoring, interruption of communication, lack of respect for ideas, unfounded rumours, unpleasant implications, giving unnecessary or heavy tasks and threats of physical violence.

In order for an action to be regarded as psychological harassment, it is necessary for a worker to be targeted, to spread over a certain period of time, and to be systematic. Although the reasons for psychological harassment vary, the intended goal is often to ensure that the worker quits the job.

The psychological harassment used to be assessed within the scope of obligations and liabilities resulting from the service contracts. Accordingly, the act of psychological harassment is contrary to the employer's obligation to protect the worker and treat equally. Psychological

harassment is also comprehended as interfering with the personal rights of the worker, so it is also possible to use the related legal means.

Article 332 of the abrogated Code of Obligations 818 stipulates that the employer must take the necessary precautions against the hazards that the workers will be exposed to within the framework of their obligation to work.

This arrangement was the basis for the employer's obligation to protect the worker. On the other hand, in Article 417 of the Turkish Code of Obligations No. 6098 (2011) entitled "Protection of the Personality of the Worker", the term psychological harassment is explicitly mentioned and the protection of the personality of the worker is specially arranged so as not to include interpretation.

Accordingly;

The employer is obliged to protect and respect the worker's personality in the service relationship and to provide an order in the workplace in accordance with the principle of honesty in the workplace; in particular, to take measures to ensure that workers do not suffer psychological and sexual abuse and that those who have suffered such harassment are not harmed further.

The employer must take all necessary precautions to ensure occupational health and safety in the workplace and to keep the tools and equipment in full, and workers are obliged to comply with all kinds of measures taken on occupational health and safety.

The compensation of the death, harm to physical integrity or violation of personality rights due to the unlawful behaviour of the employer or against the contract, including the above provisions, are subject to the provisions on liabilities arising from the contract.

In its decisions on the cases of psychological harassment, the Supreme Court seeks the acts of harassment to take frequent and definite periods of time, continuity, systematic repetition and deliberateness. The Court is of the view that mobbing cannot be described as a couple of unjust, vulgar, indecent or unethical behaviours that are not continuous, are not repeated frequently, and occasional. (Yarg. 22. HD. 27.02.2014, 2014/3426 E, 2014/4165 K)

On the other hand, in order to claim non-pecuniary damages, behaviours that constitute psychological harassment must be in the direction of violation of personality rights. The legal basis for compensation of non-pecuniary damages is regulated in Article 24 of the Turkish Civil Code and Article 58 of the Turkish Code of Obligations. Accordingly, personality rights must be violated in order to be entitled to non-pecuniary compensation. It is not significant whether the harassment took place at work or out of the office.

Articles 4, 5 and 8 of the Prime Ministry Circular on "Prevention of Mobbing at Workplace", issued in March 2011, have assigned tasks to the (former) Ministry of Labour and Social Security, now the Ministry of Family, Labour and Social Services (MoFLSS). Providing assistance and support to employees by psychologists through ALO 170 Communication Centre (Hotline of the MoFLSS), the establishment of a council for combating psychological harassment, and the organization of training and informational meetings were designated as the main areas of responsibility of the Ministry. "Guideline on Psychological Harassment in

Workplaces” was prepared and distributed in 2014 by the MoFLSS, together The Human Rights and Equality Institution of Turkey (TIHEK), the State Personnel Department and trade unions. Psychological harassment is defined in the guide, legislation related to the effects and methods of struggle are given.

The (former) Ministry of Family and Social Policy prepared brochures in the context of information and awareness raising activities related to all the services offered by the institutions and organizations in relation to the problems experienced in working life, especially mobbing.

Inspections on the subject of psychological harassment are carried out within the framework of Article 5 of the Labour Law No. 4857 due to the fact that the subject involves the issue of discrimination. Administrative penalty amounting to 487.704,00 TL (86.014,81 \$) was requested for 39 employers for the violation of Article 5 of the Labour Law No. 4857, by the Labour Inspection Board, within the period between 01.01.2013 and 31.12.2016.

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

1. Information on whether and to what extent employers’ and workers’ organizations are consulted in the promotion of awareness, information and prevention of moral (psychological) harassment in the workplace.

Within the policy axis of “Increasing the Employment of Groups Requiring Special Policies” of the National Employment Strategy prepared under the coordination of the MoFLSS “Arrangements for combating discrimination will be developed.” target is identified. Under this policy, there are legal ways to be followed in discriminatory practices such as mobbing, sexual harassment etc. and measures to take measures in this regard. In addition, studies are carried out in cooperation with relevant public institutions and organizations, social partners, professional organizations, international organizations and non-governmental organizations.

In accordance with the Article 5 of the Circular on Psychological Harassment in Workplaces numbered 2011/2, the “Combating the Psychological Harassment Board” was established within the coordination of MoFLSS and with the participation of the relevant parties. Combating the Psychological Harassment Board meets twice a year with the participation of MoFLSS DG of Labour, Presidency of The Human Rights and Equality Institution of Turkey (TIHEK), State Personnel Department, Secretary-General of Turkish Confederation of Employer Associations (TISK), The Confederation of Progressive Trade Unions of Turkey (DİSK), Confederation of Turkish Trade Unions (TURK-IS), HAK-IS Trade Union Confederation, Confederation of Public Servants Trade Union (MEMUR-SEN), Turkey Confederation of Public Servants Trade Union (KAMU-SEN) and Confederation of Public Employees Trade Union (KESK).

The Board carries out studies to contribute to the determination of policies across the country in order to prevent psychological harassment in the workplaces, to coordinate the training and information activities, to conduct research and analysis on the issues needed, to prepare reports, guides and information documents and to raise public awareness. The Combating the Psychological Harassment Board has prepared the "Action Plan for the Circular of Prevention of Psychological Harassment (2012-2014)".

Action Plan consists of four priority areas. These are “(i) Institutional Capacity Studies on Prevention of Psychological Harassment in Workplaces”, “(ii) Training and Awareness Raising Studies on Prevention of Psychological Harassment in Workplaces”, “(iii) Legislative Development on the Prevention of Psychological Harassment in Workplaces” and “(iv) Legislation Development on Prevention of Psychological Harassment in Workplaces”.

Within the priority areas titled “Institutional Capacity Studies on Prevention of Psychological Harassment in Workplaces” and “Training and Awareness Raising Studies on Prevention of Psychological Harassment in Workplaces”, a working group was created to raise awareness about the prevention of psychological harassment in the workplaces. Aforementioned workgroup, consisting of representatives of MoFLSS Directorate General of Labour, Human Rights and Equality Institution of Turkey (TIHEK), State Personnel Department, employers’ and workers’ trade unions confederations (TISK, TURK-IS, HAK-IS, DISK) have completed their studies and "Workplace Psychological Harassment (mobbing) Disclosure Guide" has been prepared.

In this Guide, which is prepared by the Combating the Psychological Harassment Board and aims to increase the awareness of the subject in Turkey and to inform the people in this field, the definition of psychological harassment in the workplaces, the concepts and situations similar to psychological harassment, the types of psychological harassment, their possible effects on the parties, individuals, workplaces and society are included.

In the Article 4 of the circular, it is stated that through psychologists employed for the ALO 170, the Employment and Social Security Communication Centre (Hotline of MoFLSS), employees will be provided with help and support to strengthen the fight against psychological harassment. In this context, between 19.03.2011 and 06.04.2014, a total of 11.393 workplace psychological harassment applications were made to ALO 170 Hotline.

2. Information concerning Human Rights and Equality Institution, in particular as regards its independence, as well as regards its functioning in the light of any relevant information and data concerning the moral (psychological) harassment complaints dealt with by this institution and their outcome.

The Human Rights and Equality Institution of Turkey (TIHEK), affiliated to the Ministry of Justice, with public legal entity status and administrative and financial autonomy, established by the Law No. 6701 based on the international law to which Turkey is a party in the field of human rights. TIHEK of Turkey composed of the Chairman and the Board. The Board consist of eleven members elected by the President of the Republic. The Board exercises its duties and powers under its own responsibility and independently.

TIHEK has the right to examine the allegations of violation of the right to equal treatment, discrimination or torture and ill-treatment on the basis of the application. In case of claims of other human rights violations, the applicant cannot make an application and, if necessary, the Institution may start an ex-officio investigation on the relevant case.

Each and every natural person and legal person who claim to have suffered from violations of non-discrimination can apply to the Institution. Applications to the Institution may be filed via governorates in provinces and sub-provincial governorates in sub-provinces. Persons deprived

of their liberty or taken under protection may also apply to the Institution. There shall be no fee charged for applications.

Before applying to the Institution, those concerned shall demand that the relevant party remedy the practise they allege as contrary to the law. In cases where such demands are turned down or are not replied within thirty days, then they may apply to the Institution. However, where it is likely that damages arise which are irremediable or difficult to remedy, the Institution may accept applications without seeking such condition.

Applications filed at the Institution within the legal period for filing a court case shall suspend such period. There can be no application filed about the acts related to the exercise of legislative and judicial powers, decisions of The Council of Judges and Prosecutors nor about acts excluded from judicial review under the Constitution.

It is imperative that the information and documents requested by the Institution by indicating the reason thereof concerning the matter under inquiry or examination be submitted within thirty days following the date of communication of such request. The Institution imposes an administrative fine of five hundred Turkish Liras to two thousand Turkish liras (\$ 88,18 - 352,73) on public institutions and organizations and other natural and legal persons who do not comply with such obligations and without a justification for a specified period of time. If the applications cannot be settled by reconciliation and it is determined that there has been a violation of the prohibition of discrimination, the Institution may impose fines up to 15 thousand Turkish Liras (2.645,50 \$).