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EUROPEAN SOCIAL CHARTER

10th National Report on the implementation of
the European Social Charter
submitted by

THE GOVERNMENT OF TURKEY

- Articles 2, 4, 21, 22, 26, 28 and 29 for the period
01/01/2013 - 31/12/2016
- Complementary information on Article 1§4, 10§4 and 15
(Conclusions 2016)

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CYCLE 2018

EUROPEAN SOCIAL CHARTER

10th National Report on the Implementation
of the European Social Charter (Revised)

submitted by

**THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**

Thematic Group 3: Labour Rights

Articles 2, 4, 21, 22, 26, 28, and 29

&

Thematic Group 1:

Employment, training and equal opportunities

Articles 1.4, 10.4, and 15

for the period

01.01.2013-31.12.2016

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ARTICLE 2 – THE RIGHT TO JUST CONDITIONS OF WORK

Paragraph 1

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit.

Scope of the provisions as interpreted by the ESCR

Establishment of reasonable limits on daily and weekly working hours through legislation, regulations, collective agreements or any other binding means; weekly working hours should be progressively reduced to the extent permitted by productivity increases; flexibility measures regarding working time must operate within a precise legal framework and a reasonable reference period for averaging working hours must be provided.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

According to Article 63 of the Labour Law No. 4857 entitled “Working Time”, “In general terms, working time is forty-five hours maximum weekly. Unless the contrary has been decided, working time shall be divided equally by the days of the week worked at the establishment.”

With the amendment which entered into force in 2015, the sentence “The working time for the underground mining workers is seven and a half hours a day and thirty seven and a half hours a week maximum” has been added to the said Article and therefore the working time for the mining workers has been reduced.

Pursuant to the Regulation on Working Conditions for the Pregnant or Nursing Women Nursing Rooms and Nursing Home for Children published in the Official Gazette dated 16 August 2013 and No. 28737, it is stated that the pregnant or nursing worker cannot work for more than 7.5 hours a day.

The Regulation on the Work Requiring Maximum Seven and a Half Hours or Less a Day in terms of Health Rules has been published in the Official Gazette on 16 July 2013. Maximum working time for the workers has been regulated in Articles 4 and 5 of the Regulation in terms of health rules.

According to Article 99 of the Civil Servants Law No. 657, weekly working time is generally 40 hours for the civil servants.

2. STATISTICS AND OTHER RELEVANT INFORMATION

During 01.01.2013-31.12.2016, an administrative fine of 8.078.737,30 TL was demanded to be imposed about 2.546 employers determined to have violated the provisions of the Regulation issued based on Article 63 and its relevant Article of the Labour Law No. 4857 by the Presidency of Labour Inspection Board of the MoLSS.

Again Work on Call was regulated in Article 14 of the Labour Law No. 4857. During 01.01.2013-31.12.2016 an administrative fine of 1.217,00 TL was demanded to be imposed about 3 employers determined to have violated the relevant provision.

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

- *Information on the maximum working time allowed by the legislation.*

According to Article 63 of the Labour Law No. 4857 entitled “Working Time”, “In general terms, working time is forty-five hours maximum weekly. Unless the contrary has been decided, working time shall be divided equally by the days of the week worked at the establishment.”

“Provided that the parties have so agreed, working time may be divided by the days of the week worked in different forms on condition that the daily working time must not exceed eleven hours. In this case, within a time period of two months, the average weekly working time of the employee shall not exceed normal weekly working time.”

Under the Regulation on Working Time for the Labour Law published in the Official Gazette dated 06.04.2004 “Daily working period cannot exceed 11 hours by any means.”... “Provided that the parties have so agreed, working time may be divided by the days of the week worked in different forms on condition that the daily working time must not exceed eleven hours. In this case, total working time shall be compensated so that it will not exceed normal weekly working time by providing the worker shorter working hours after the period of intensive working week or weeks.”

- *Information on the rules applied with regard to work on call and whether the working time for inactive work on call are evaluated as rest period wholly or partly.*

In Article 14 of the Labour Law (4857) on “Work on Call” it is stated that “The employee is entitled to wages irrespective of whether or not he is engaged in work during the time announced for work on call. Within this scope, if the inactive work on call originates from the employer, then the right to wage originates and it is not deemed to be a rest period.

Paragraph 2

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to provide for public holidays with pay.

Scope of the provisions as interpreted by the ESCR:

Establishment of reasonable limits on daily and weekly working hours through legislation, regulations, collective agreements or any other binding means; weekly working hours should be progressively reduced to the extent permitted by productivity increases; flexibility measures regarding working time must operate within a precise legal framework and a reasonable reference period for averaging working hours must be provided.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The right to public holidays has been regulated with the “Law on National Holidays and General Holidays, No. 2429.” With the amendment in the relevant Law on 25.10.2016, the first day of January was accepted as New Year holiday, the first day of May of Labour and Solidarity Day and 15th of July of Democracy and National Unity were accepted also as holidays.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Pursuant to Article 47 of the Law No. 4857 entitled “Remuneration for Holidays” it is stated that “Employees in establishments covered by this Act shall be paid a full day’s wages for the national and public holidays on which they have not worked; if they work instead of observing the holiday, they shall be paid an additional full day’s wages for each day worked. In establishments where a percentage wage system is in effect, the wage for the national and public holidays shall be paid to the employee by the employer.”

3. STATISTICS AND OTHER RELEVANT INFORMATION

During 01.01.2013-31.12.2016 an administrative fine of 3.354.661 TL was demanded to be imposed about 203 employers determined to have violated Articles 44 and 47 of the Labour Law No. 4857 by the Labour Inspection Board of the Ministry of Labour and Social Security.

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

- *Information on the existence of a detailed list on which work is allowed on public holidays.*

According to Article 44 of the Labour Law entitled “Work on the national day and public holidays”, “The issue of whether or not work will be done on the national day and public holidays will be decided by the collective agreement or by employment contracts. The employee’s consent is required if there is no provision in the collective agreement or in employment contracts.”

Therefore, the above-mentioned work can be restricted with the Collective Labour Agreements. No detailed criterion list exists.

Paragraph 4

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations.

Scope of the provisions as interpreted by the ESCR:

Preventive measures should be taken to eliminate the risks in inherently dangerous and unhealthy occupations. Where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The objective of the Occupational Health and Safety Law No. 6331 dated 20/6/2012 is to improve constantly the existing situation of the workplaces by targeting the best conditions in terms of occupational health and safety.

In the first paragraph of Article 4 of the Law entitled “General responsibility of the employer” it is stated that the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work. In sub-paragraph (a) of the Article it is stated that in this respect, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means and shall ensure that these measures are adjusted taking account of changing circumstances and aim to improve existing situations and in sub-paragraph (c) it is stated that the employer shall carry out a risk assessment or get one carried out.

Besides, detailed information about the obligation of risk assessment in the Law takes place in the **Regulation on the Occupational Health and Safety Risk Assessment** which entered into force by being published in the Official Gazette dated 29 December 2012 and No. 28512. The aim of the obligation of risk assessment is to determine the risks which may occur in the workplace beforehand by taking into account particular situations for the workplace and the occupation and to prevent work accidents and occupational diseases by taking the necessary measures.

In Article 5 of the Law, principles of protection from risks are specified as below:

“ARTICLE 5 – (1) The employer shall fulfill these responsibilities on the basis of the following principles:

- a) avoiding risks.
- b) evaluating the risks which cannot be avoided.
- c) combating the risks at source.

- ç) adapting the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of work and production methods, with a view, in particular, to avoiding or minimizing if cannot be avoided, the adverse effects of monotonous work and work at a predetermined work-rate on health and safety.
- d) adapting to technical progress.
- e) replacing the dangerous by the non-dangerous or the less dangerous.
- f) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment
- g) giving collective protective measures priority over individual protective measures.
- ğ) giving appropriate instructions to the workers.”

The aspects which shall be considered during risk assessment in Article 10 of the Law are also indicated below:

- a) The situation of workers who might be affected by certain risks.
 - b) Choice of work equipment, the chemical substances or preparations used.
 - c) Workplace organization and housekeeping.
 - ç) The situation of female workers and other workers such as young workers, older workers, disabled, pregnant or breastfeeding workers who need specific policies.
- (2) The employer shall identify the occupational health and safety measures to be taken as well as the protective gear or equipment to be used a consequence of the risk assessment.
- (3) Measures to be taken for the safety and health protection of workers and the working and production methods implemented by the employer must assure an improvement in the level of protection afforded to workers with regard to safety and health and be practicable at all hierarchical level within the undertaking and/or enterprise.
- (4) The employer shall ensure that controls, measurements, examinations and research are carried out to identify the risks which are linked to the working environment and to which the workers are exposed.”

Under Article 10 of the Regulation on the Occupational Health and Safety Risk Assessment the following steps are stipulated to be implemented in order to keep the risks under control:

- “a) Planning: a planning is made to control the risks which were grouped consecutively according to the size and significance of their effects by being analysed.
- b) Deciding the risk control measures: To eliminate the risk thoroughly. Where this is impossible the following steps are applied to reduce the risk at an acceptable level:
 - 1) To eliminate the danger or sources of danger.
 - 2) Replacing the hazardous with the non-hazardous or less hazardous.
 - 3) Combatting the risks at their source.

c) Implementation of the risk control measures: Plans are prepared including the steps of work and process, the person or the workplace division, the responsible person or the division of the workplace, starting and termination date and similar information. These plans are put into practice by the employer.

ç) Monitoring the practices: The application steps of the plans are monitored, supervised regularly and necessary remedial and preventive actions are completed.”

“Regulation on the Occupations Necessitate Maximum of Seven and a Half Hours or Less In Terms of Health and Safety Rules”, prepared on the basis of Article 30 of the Occupational Health and Safety Law No. 6331 and dated 20/6/2012 was published in the Official Gazette dated 16 July 2013.

In the occupations specified in Articles 4 and 5 of the said Regulation, maximum working hours of the employees were arranged in terms of health rules. Within the scope of the said legislation, the nature of the work is given particular importance irrespective of the protective or preventive measures taken in the working environment which may vary from a workplace to another and a regulation is made by evaluating the impacts of these occupations which generally fall into the very hazardous work on the health and safety of the employees. On the other hand, the provisions including the restriction of working hours in the regulation are not based on a workplace or a sector but include the work and work processes in general.

The afore-mentioned regulation identifies the occupations which require maximum 7.5 hours and less than 7.5 hours limit for daily working time. The employees working in the occupations covered by this regulation cannot be employed in any other work after daily maximum working hours specified in Articles 4 and 5 and no overtime work is done in these occupations. The occupations within the scope of the Regulation are collected under 23 topics and there are subtitles in some sectors.

Besides; with the provisions in paragraphs 1 and 2 of Article 13 of the Law stating that *“Workers exposed to serious and imminent danger shall file an application to the committee or the employer in the absence of such a committee requesting an identification of the present hazard and measures for emergency intervention. The committee shall convene without delay and the employer shall make a decision immediately and write this decision down. The decision shall be communicated to the worker and workers' representative in writing. In the event that the committee or the employer takes a decision that is supportive of the request made by the worker, the worker may abstain from work until necessary measures are put into practice. The worker shall be entitled to payment during this period of abstention from work and his/her rights arising under the employment contract and other laws shall be reserved.”*

it was provided that the employers shall reply immediately to the applicant where there is no occupational health and safety board with regard to the employees who came across a serious and close danger and the occupational health and safety employee representative is informed. Furthermore, in the event of serious, imminent and unavoidable danger; workers shall leave their workstation or dangerous area and proceed to a place safety without any necessity to comply with the requirements in the first paragraph. In this case, it was also specified that the rights of the employees originating from the service contract are reserved. Where the necessary measures are not taken despite the requests by workers, workers under labour contract might terminate their employment contract in accordance with the provisions of the law applicable to them.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The Ministry of Labour and Social Security believes in the necessity for the employees to learn the correct models of behaviour as a reflex in the field of occupational health and safety and it carries out several projects since the beginning of 2000 within this scope. To give an example, with the “Improving Occupational Health and Safety Conditions in the Workplaces in Turkey (İSGİP)” carried out between 2010-2012 with a budget of 4.075.000 Euro, studies were realized for the small and medium sized enterprises and their employees in the sectors of mining, construction and metal which work accidents and occupational diseases are mostly seen. Nearly 2000 persons (occupational safety experts, workplace physicians, other health-care staff, family physicians, employers, employees, social partners, etc.) were trained on the outcome of the project. In the determined provinces (35 provinces) training and information seminars were recently realized particularly for the employers, representatives of the employer, OHS professionals and their employees of the enterprises operating in the most hazardous sectors. There are also studies for placing occupational health and safety management system accompanied by the sectoral experts in the workplaces.

Another project called “Improving Occupational Health and Safety-II”, that’s a follow-up of the said project, started on 3 August 2015. With this Project, it is targeted to improve the occupational health and safety conditions in the sectors of leather, textile, chemistry, production of food and furniture and to reduce work accidents and occupational diseases and to raise awareness about safety in the society.

In the project the following activities were realized: extending the outcome of “Improving Occupational Health and Safety Conditions” which were realized in the sectors of metal, mining and construction to the sectors of leather, textile, chemistry, production of food and furniture, developing of sectoral OHS management system models which can be applied easily to the SMS enterprises in the selected sectors and also meeting the requirements of OHS Law, implementation of the developed sectoral OHS management system models in the identified workplaces, training for the OHS professionals and the relevant partners about OHS issues and raising awareness on health and safety.

With the Project of Market Surveillance of Personal Protective Equipment and Raising Awareness on Product Safety, it is targeted to extend safe product awareness to all over the country by forming awareness raising about market surveillance for personal protective equipment and product safety.

“Improving OSGB Service Standards-The project of HİSİP (OSGB-HİSİP)” was initiated in 2016 to enable OSGBs offer services appropriate to the standards authorized by the MoLSS, realize the training activities for OHS professionals working within OSGBs and thus to enhance the standards of the services offered to the workplaces getting service from OSGBs. The main components of the Project were completed and the dissemination process was initiated.

Furthermore, the Project of Integration of Occupational Health and Safety to the Education System” was signed between the Directorate General of Occupational Health and Safety of MoLSS and the Directorate General for Basic Education of the Ministry of National Education. This project is carried out together with the Ministry of National Education on behalf of preventing work accidents and occupational diseases and providing today’s children a safety culture who will be the individuals of tomorrow’s working life. With the project, it was enabled to include the term of occupational health and safety in the whole curriculum

starting from pre-school education to higher education as well as to train school managers, teachers, students and their families at second hand on the issues of OHS.

In order to prevent the work accidents due to the front stages' being inappropriate to the safety conditions, a Protocol was signed with the German Social Accident Insurance Institution (DGUV) on 14/11/2013. Within the scope of the Protocol, the "Project of Safe Front Stage, Safety at Front Stage" (2014-2016) was initiated. Within the framework of the Project, various printed materials were prepared, notably "Safe Working Guide at Front Stages" and they were distributed to the participants at the information seminars.

With the Project of Analysing and Exploring Occupational Health and Safety Conditions in 6 Sectors, it was targeted to organize trainings and seminars for the employees, employers and OHS professionals to make a risk assessment in terms of occupational health and safety at the enterprises of ceramics, paint, plastic for the employees of greenhouse production, furniture and forest industry as well as those working in the bank in the identified provinces, to measure the environment and personal exposure levels, to make check-ups to enable the diagnosis, detection and treatment of the phenomenon of occupational diseases of the employees, to analyse the compatibility of personal protective equipment. With the Project of Virtual Reality, interactive simulation is used with the virtual reality glasses in order to raise the awareness of students at vocational high schools, the youth over the age of 15 on working life with regard to occupational health and safety issues.

With the Project of Impact Analysis of the Occupational Health and Safety Law No. 6331, all the workplaces in our country both in public and private sectors were obliged to get occupational health and safety services gradually regardless of the number of employees and the hazard class. Within the scope of this project; it is targeted to determine the optimal working hours of the workplace physicians and of the occupational health and safety experts assigned in offering the said occupational health and safety services in a way that they can fulfill all the responsibilities effectively in the legislation, to evaluate the cost of these services to the public and private sectors, to determine the cost of occupational health and safety to the State, to evaluate the impacts of the Law on work accidents, occupational diseases or the number of loss of work day as well as on the progress of occupational health and safety culture and on similar other issues.

Besides, within the scope of the Project of Increasing the Effectiveness of Representatives of the Employee in the Field of OHS, it was targeted to realize this project in order to enable the representatives of the employee to play an active and productive role in the field of occupational health and safety, to identify the problems faced in the applications of occupational health and safety and to propose a solution.

3. STATISTICS AND OTHER RELEVANT INFORMATION

In 46.044 workplaces inspections were made by the presidency of Labour Inspectorate Board of the MoLSS between 01.01.2013-31.12.2016 in terms of occupational health and safety. It was demanded to impose an administrative fine of 173.844.948,00 TL about 15.812 employers who violated the relevant Articles of the Law on Occupational Health and Safety No. 6331 and to shut-down 5.412 workplaces.

Paragraph 5

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest.

Scope of the provisions as interpreted by the ESCR

The right to a weekly rest period coinciding, as far as possible, with the day traditionally recognised as a day of rest should be guaranteed; weekly rest periods may not be replaced by compensation and cannot be given up.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

In Article 46 of the Labour Law No. 4857 entitled “Remuneration for Weekly Rest Day”, it is stated that “The employees working in establishments covered by this Act shall be allowed to take a rest for a minimum of twenty-four hours (weekly rest day) without interruption within a seven-day time period, provided they have worked on the days preceding the weekly rest day as indicated in Article 63. For the unworked rest day, the employer shall pay the employee’s daily wage, without any work obligation in return.”

With the Law No. 6645 Amending the Law on Occupational Health and Safety and Some Laws and Statutory Decrees adopted on 04.04.2015, the following additional article was added to the Law concerning the considered days worked within the framework of this Article:

“Additional Article 2 – (Appendix: Article 4/4/2015-6645/35)

The employee is given three days leave in the event of his/her marriage or adopting, the death of his/her mother, father, spouse, brother or sister and child and five days leave in the event of his spouse giving birth.

In the treatment of the child of the employees having at least 70% disability or chronic illness leave with pay is given up to ten days totally or partially within a year on the basis of a medical report and on condition that it shall be used by one of the parents only.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In Article 44 of the Labour Law it is stated that “The issue of whether or not work will be done on the national day and public holidays will be decided by the collective agreement or by employment contracts. The employee’s consent is required if there is no provision in the collective agreement or in employment contracts.” Thus, the said right was guaranteed.

According to the Article 99 of the Civil Servants Law No. 657, average weekly working hour for civil servants is 40 hours in general. This period is regulated so that Saturdays and Sundays are day off.

3. STATISTICS AND OTHER RELEVANT INFORMATION

It was demanded to impose an administrative fine of 55.132,00 TL about 30 employers who violated the Article 46 of the Labour Law No. 4857 determined by the Presidency of Labour Inspection Board of the MoLSS during 01.01.2013-31.12.2016.

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

- *Information on compensation for the weekly rest period.*

Weekly rest period cannot be replaced by compensation.

- *Information on the possibility to work for more than twelve days consecutively.*

It is not possible for the employee to work for more than twelve days in terms of legislation. Weekly leave should be given in all circumstances.

Paragraph 6

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship.

Appendix to Article 2§6:

Parties may provide that this provision shall not apply:

- a. to workers having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours;
- b. where the contract or employment relationship is of a casual and/or specific nature, provided, in these cases, that its non-application is justified by objective considerations.

Scope of the provisions as interpreted by the ECSR:

The right of workers to written information upon commencement of their employment should be guaranteed. This information should cover essential aspects of employment relationship.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There has been no change with regard to the provisions concerning the definition and form of employment contract specified in Article 8 of the Labour Law No.

Pursuant to the said Article, written form is required for employment contracts with a fixed duration of one year or more. In cases where no written contract has been made, the employer is under the obligation to provide the employee with a written document, within two months at the latest.

The employment contract is not subject to any special form unless the contrary is stipulated by the Act. In cases where no written contract has been made, the employer is under the obligation to provide the employee with a written document, within two months at the latest, showing the general and special conditions of work, the daily or weekly working time, the basic wage and any wage supplements, the time intervals for remuneration, the duration if it is a fixed term contract, and conditions concerning the termination of the contract.

3. STATISTICS AND OTHER RELEVANT INFORMATION

It was demanded to impose an administrative fine of 1.011.513,00 TL about 311 employers who opposed to the Article 8 of the Labour Law No. 4857 determined by the Presidency of Labour Inspection Board of the MoLSS during 01.2013-31.12.2016.

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

- *Information on whether the information involving the important aspects of the labour relation is provided for the civil servants during inauguration.*

In Article 128 of the Turkish Constitution entitled “General Principles”; it was expressed that “...The qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances of public servants and other public officials, and other matters related to their status shall be regulated by law.”

In line with this provision of the Constitution, the qualifications, appointments, duties and powers, rights and responsibilities, salaries and allowances and other matters related to the status of civil servants are regulated in Civil Servants Law No. 657 and dated 14/7/1965.

Civil servants can obtain information about the general rights, the restrictions, right to annual leave, economic and social rights, the procedure of appointment and resignation from the relevant parts of the Law No. 657.

On the other hand, in the statutory law the individuals are employed with essential procedures unlike the contract law. The essential procedures are the procedures which put a specific person or object into an objective and impersonal legal status which were pre-designed by the rules of law or takes out of such a legal status. Since the scope of an objective and impersonal legal status were pre-determined by the rules of law, essential procedures cannot regulate the scope of this legal status.

Paragraph 7

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Scope of the provisions as interpreted by the ECSR:

Compensatory measures should be guaranteed for workers performing night work.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

In Article 101 of the Civil Servants Law No. 657 entitled “Working hours and procedures of the public servants employed in services delivered on 24 hour basis” it is stated that “Working hours and procedures of the public servants employed in services delivered on 24 hour basis are regulated by their organizations.” “However, women public servants cannot be assigned for night duties and shifts prior to twenty-fourth week of pregnancy in the event of such being specified in medical report and after the twenty-fourth week of the pregnancy in any case and for one year following the birth.” With Article 8 of the Law No. 6495 and dated 12/7/2013, the expression “for one year following the birth” in this paragraph has been replaced with the expression “for two years following the birth.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In Article 69 of the Labour Law it is stated that night work for employees must not exceed seven and a half hours. In addition, according to the legislation, the employee whose shift will be changed must not be engaged on the other shift unless allowed a minimum rest break of eleven hours. Under Article 73 of the Law, children and young employees under the age of eighteen must not be employed on industrial work during the night.

With the Occupational Health and Safety Law No. 6331 all the workplaces and employees were covered in terms of occupational health and safety. All the obligations in the Law should be fulfilled for all the employees including those working at night.

Particularly with the Law No. 6331 and the Regulation on Duties, Authority, Responsibility and Training of the Workplace Physicians and the Other Health Care Staff which was published in the Official Gazette dated 20.7.2013 and No. 28713 and within the scope of the Law No. 6331 and under the Regulation on Duties, Authority, Responsibility and Training of Occupational Health and Safety Experts which was published in the Official Gazette dated 29.12.2012 and No. 28512, it was ensured that *assignment shall be made by the employer relevantly to the shifts in the workplaces where shift work is performed (that the employer shall assign an OHS professional)* in terms of periods on the service offered by occupational safety experts and workplace physicians to the workplaces.

On the other hand, there is a provision on the duties under health surveillance of the workplace physician in sub-paragraph (c) of paragraph 2 of Article 9 entitled “Duties of workplace physicians” of the Regulation on Duties, Authority, Responsibility and Training of the Workplace Physicians and the Other Health Care Staff.

“c) Health surveillance;

1) To inform the employees about recruitment, periodical inspections and examinations under the scope of health surveillance and getting their consent.

2) Realizing the health surveillance of the employees including night shifts.

3) (Alternative: RG-18/12/2014-29209) In line with the outcome of risk assessment in the workplace made through international standards taking into account first of all the personal qualifications of the employee, hazard class of the workplace and the nature of work periodical inspection is reiterated for quinquennial at the latest in the category of less hazardous work, triennially at the latest in the category of hazardous work, once a year at the latest in the category of very hazardous work, once every six months at the latest for the children, youth and pregnant employees in the category of requiring special policy. However, these periods are shortened if the workplace physician finds it necessary.

4) To arrange the outcome of recruitment and periodical check-up as well as the necessary examinations indicating that the employees are suitable for the work they shall perform in Annex-2 in accordance with the example given and keep it in the workplace.”

Within the scope of the same Regulation; “the employees have the duty of *submitting to the approval of the employer by advising to be given a duty appropriate to their existing state of health for those who are found inconvenient to work in their past duty by making a reinstatement inspection upon request after withdrawal due to health reason.*” Within this scope, the employers, under the provision in Article 8 of the Law, are obliged to fulfil the measures that are compatible with the legislation on occupational health and safety and notified in written by the person assigned to offer occupational health and safety service in the workplace or by OSGBs they get service.

The aim of inspections realized under the Law No. 6331 is to examine the minimum state of health of the employee for working convenience. The workplace physician should decide whether the person can be employed by stating that the person is convenient for work both physically and mentally at “comment and result” of the report attached in Annex-2 of the Regulation taking into account the aspects of the work, working conditions and the state of health of the employee. Therefore, the conditions where night work is done are also evaluated and thus they can benefit from the measures which will be taken considering the aspects of the work they do.

Besides, special provisions with regard to the working conditions particularly for the pregnant staff are covered in the legislation. Paragraph 1 of Article 8 of the Regulation on “Working Conditions for the Pregnant or Nursing Women Breast-feeding Rooms and Nursing Homes entitled “*Night work*” that entered into force by being published in the Official Gazette dated 16/08/2013 and No. 28737 states that “*Woman employees cannot be forced to work at night as from the determination of pregnancy with a medical report until birth.*”

Similarly, in the first paragraph of Article 9 of the Regulation on Working Conditions of Night Shifts for Women Employees entitled “*Prohibition for work in cases of pregnancy and maternity*” published in the Official Gazette dated 24/07/2013 and No. 28717, it is stated that “*Woman employees as from the determination of their status of pregnancy with a medical report until birth, whereas nursing woman employees starting from their date of birth cannot*

be employed at night shifts for one year without prejudice to the provisions in their own legislation.”

3. STATISTICS AND OTHER RELEVANT INFORMATION

It was demanded to impose an administrative fine of 2.720.159,00 TL about 1.873 employers who violated the Article 69 of the Labour Law No. 4857 determined by the Presidency of Labour Inspection Board of the MoLSS during 01.01.2013-31.12.2016.

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

- *Information on the definition of “night worker”.*

Pursuant to Article 7 of the Regulation on Special Rules and Procedures concerning the Work Employing Workers in Shifts “work shift more than half of it encounters the night is considered as “night work.”

Under Article 69 of the Labour Law No. 4857, the term “night” in working life means the part of the day beginning not later than 20.00 hours and ending not earlier than 6.00 hours, and lasting not longer than 11 hours in any case.

- *Information on using night work, the conditions for night work and the measures for meeting the needs of the workers as well as whether regular consultations are being made with the representatives of the employees on the special aspect of night work.*

Under Article 20 of the Law No. 6331, the employer shall designate a workers' representative. Under the provision of “a workers’ representative is authorized to participate in the studies on occupational health and safety, to monitor the studies, to demand taking action for eliminating the source of danger or reducing the risk originating from the danger, to make proposals and to represent the employees in similar matters” taking place in the first paragraph of Article 9 of the Communiqué on the Qualifications of Workers’ Representative on Occupational Health and Safety and Rules and Procedures of Election published in the Official Gazette dated 29.08.2013 and No. 28750 which was prepared to identify the rules and procedures on the qualifications, election or appointment of the workers’ representative.”, the workers’ representative have the authority and responsibilities mentioned above including night work for all the work.

ARTICLE 4-THE RIGHT TO A FAIR REMUNERATION

Paragraph 2

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases.

Scope of the provisions as interpreted by the ESCR

The right to an increased remuneration rate for overtime work should be guaranteed to workers; where leave is granted to compensate for overtime, it should be longer than the overtime worked.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

There have been no legislative amendments.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Pursuant to Article 41 of the Labour Law, overtime work is work which, under conditions specified in this Act, exceeds forty-five hours a week. The wage that shall be given for each hour of overtime is paid by increasing the amount at the rate of 50% of the normal hourly rate. In cases where the weekly working time has been set by contract at less than forty-five hours, work that exceeds the average weekly working time done in conduction with the principles stated above and which may last only up to forty-five hours weekly is deemed to be work at extra hours. In work with extra hours the wage that shall be given for each hour of overtime is paid by increasing the amount at the rate of 25% of the normal hourly rate.

If the employee who has worked overtime or at extra hours so wishes, rather than receiving overtime pay he may use, as free time, one-hour and thirty minutes for each hour worked overtime and one hour and fifteen minutes for each extra hour worked.

The employee's consent shall be required for overtime work. Total overtime work shall not be more than two hundred seventy hours in a year.

In general, the overtime work of civil servants has been regulated by Article 178 of the Civil Servants Law No. 657 and by the "Regulation on Procedures of Application of Overtime Work" which entered into force upon its publication in the Official Gazette No. 15176, dated 13 March 1975. In Article 3 of the said Regulation, the work civil servants perform over 40 hours which is general weekly working hours is defined as "overtime work."

3. STATISTICS AND OTHER RELEVANT INFORMATION

During 01.01.2013-31.12.2016, an administrative fine of 35.932.722 TL 8.078.737,30 TL was demanded to be imposed about 2.625 employers determined to have violated the Article 41 of the Labour Law No. 4857 by the Presidency of Labour Inspection Board of MoLSS.

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

- *Information on the leave given to civil servants instead of overtime work.*

Pursuant to the Regulation on the Application Procedures of Overtime Work which was issued on the basis of Article 178 of the Civil Servants Law No. 657, civil servants can be made to work overtime in specific situations. As was indicated in the Law, it was ensured that such work can be compensated by a wage or one day leave can be given for each eight hours of overtime work instead of wage.

Furthermore, within the framework of an agreement reached in “*Second Term Collective Agreement During 2014 and 2015 on Economic and Social Rights for the Public Servants in General and Service Branches*” during 01.01.2013-31.12.2016, Prime Ministry Circular was issued involving the following issues that should be taken care of with regard to over-time work practices:

The public servants cannot be made to work overtime except for daily working hours unless compulsory and exceptional cases exist.

The wage for over-time work in compulsory and exceptional cases where overtime work is required shall be paid within the framework of relevant legislation.

In case of being unable to pay wage for overtime work under relevant legislation; public servants are given a one day leave for each eight hours of overtime work within the provisions of the legislation, particularly Article 178 of the Civil Servants Law No. 657 and Article 6 of Prime Ministry Circular No. 2009/12 which they are subject to. Therefore, maximum ten days of this leave can be used within the year by adding it with the annual leave.

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.

Scope of the provisions as interpreted by the ESCR

The right to equal pay without discrimination on grounds of sex should be expressly provided for in legislation. Appropriate and effective remedies should be provided in the national legislation in the event of alleged wage discrimination on grounds of sex.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Article 10 of the Constitution reads: “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.” “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.”

Pursuant to Article 5 of the Labour Law, no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. Unless there are essential reasons for differential treatment, the employer must not make any discrimination between a full-time and a part-time employee or an employee working under a fixed-term employment contract (contract made for a definite period) and one working under an open-ended employment contract (contract made for an indefinite period). 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. If the employer violates the above provisions in the execution or termination of the employment relationship, the employee may demand compensation up his (her) four months’ wages plus other claims of which he (she) has been deprived.

The Human Rights and Equality Institution

The Human Rights and Equality Institution Law of Turkey No. 6701 which aims 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 has entered into force upon its publication in the Official Gazette No. 29690 and dated 20/04/2016. In Article 3 of the said Law, in addition to sex, race, colour, religion, belief, philosophical belief, political opinion, ethnicity, assets, birth, marital status, state of health and disability discrimination based on age is also prohibited. Besides, it was stated in the Law that the natural persons and legal entities responsible in terms of prohibition of discrimination are obliged to take necessary action to determine and eliminate the discrimination and to ensure equality within their authority.

Article 6 of the Law No. 6701 is directly related to Employment Law issues. Pursuant to the said Article: During processes for the acquisition of information, job applications, selection criteria, recruitment conditions, working and ending a working relationship, an employer or person authorized by said employer cannot discriminate against the employee, job applicant, person taking place in a workplace to obtain practical job experience or applying for this purpose, person applying for getting information to work in any title or obtaining practical job experience in this workplace. The above paragraph also applies to job adverts, the workplace, working conditions, access to all levels and types of occupational guidance and occupational training, promotion and access to all levels of hierarchy, in-service training, social benefits and the like.

The procedures and principles concerning the applications to be made 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 resolved by Article 25.

The Human Rights and Equality Institution is to investigate discrimination upon complaint and ex-officio and fine persons and public/private legal entities in case of discrimination and to help and guide victims concerning administrative and legal procedures (Art. 9/g-ğ, 11/b).

Natural persons and legal entities can file complaints of discrimination. Applications can be made directly to the Human Rights and Equality Institution or through governors in towns and sub-governors in sub-towns. Applications are free of charge (Art. 17/1). Applicants have to apply firstly to the perpetrator for correction. If the application is rejected or not responded to within a period of 30 days, then they can apply to the Institution. The Institution can accept a claim of discrimination without requiring this first step only if there is the possibility of the emergence of damages that are impossible or very difficult to compensate (Art. 17/2). Applications to the Institution suspend the terms of litigation and prescription (Art. 17/3).

The Institution will settle complaints within three months following the receipt of an application or following a decision to initiate an ex-officio investigation. This period can be extended by at most three months by the President of the Institution (Art. 18/1). The party claimed to have discriminated will be asked to submit, in written form, his/her testimony. Upon request, the parties can be called upon to make oral explanations separately before the Board (Art. 18/2). In individual complaints, the burden of proof shifts to the respondent when there is a prima facie case of discrimination (Art. 21). This rule on the burden of proof is laid down in Article 5 of the Labour Law with regard to employment issues. It is also laid down in Law No. 6701 as regards the rule on the burden of proof in all discrimination cases.

On its own initiative or upon request, the Board can first guide the victim and the perpetrator towards a settlement and, if this fails, it will arrive at a decision based upon the testimony of the parties and the accounts of witnesses. A settlement can include the termination of the practice claimed to be discriminatory, solutions leading to the termination of such a practice, or the payment of a certain amount in compensation. Declarations, explanations and statements made during the settlement process cannot be used as evidence in legal proceedings (Art. 18/3). If the Board determines that the discriminatory act/action involves a crime, it will report this crime (Art. 18/5).

In order to provide for effective, proportionate and dissuasive penalties in cases of breaches of the discrimination prohibition, administrative fines can be imposed by the Board. In the imposition of a fine, the gravity of the violation, the perpetrator's economic status, and

multiple discrimination, if any, shall be considered as aggravating factors. The discriminatory acts will be punishable with fines of between Turkish 1.000 Liras and 15.000 Turkish Liras (Art. 25/1). The Board can convert the administrative fine into a warning. If a warning is issued and there is a recurrence of the violation by the same perpetrator, then the administrative fine to be determined will be increased by 50 % (Art. 25/4).

The members of the Human Rights and Equality Institution, which is the decision making body of the Institution, have been appointed by the Council of Ministers Decree No. 2017/9974 and the Presidential Decrees No. 2017/23, 2017/24, 2017/25 published in the Official Gazette No. 30009, dated 16 March 2017. Since the regulations governing the procedures and principles regarding the examination of individual applications have not yet been put into effect, individual applications cannot be received at this stage.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The National Employment Strategy (2014-2023)

The National Employment Strategy (2014-2023) was prepared to solve the structural problems in the labour market and to find a permanent solution to the unemployment problem. It includes strategies, policies and measures to be implemented until 2023. The strategy was built on four main policy axes. These axes are strengthening the education-employment relationship, ensuring security and flexibility in the labour market, enhancing the employment of groups in need of special policy, and strengthening the employment-social protection relationship.

In updating the National Employment Strategy in such a way as to cover the 2017-2019 period action plans, the following two measures have been included under the general policy "Regulations aimed at fighting discrimination will be developed," comprised in the axis about the Promotion of the Employment of Groups In Need of Specific Policies: "Measures will be taken to prevent discriminatory practices that employees are exposed to in the labour market," and "Awareness-raising activities will be carried out with the purpose of strengthening the perception of gender equality."

More and Better Jobs for Women: The Project of Strengthening Women for Decent Work in Turkey:

The aim of the Project carried out in cooperation with ILO and İŞKUR is to support an inclusive and integrated policy at national level to enhance and extend woman employment, to provide active labour market programmes and decent work opportunities for women, to create awareness in the field of gender mainstreaming and labour standards and to give support for strengthening woman employment in Turkey. The budget of the Project is approximately 3.6 million USD and is financed by Swedish International Development Agency (SIDA). The Project has started in March 2013 and is planned to finish in 2017. The target group of the project is the unemployed women registered to İŞKUR.

Turkish Gender Mainstreaming Task Group

At the World Economic Forum which was held in İstanbul in June 2012, Turkish Gender Mainstreaming Task Group has been established at the co-presidency of Sabancı Holding and Doğuş Holding under the auspices of the Ministry of Family and Social Policies in order to reduce the gap of economic participation and opportunities in Turkey to a rate of 10% within

3 years. The Task Group has been transformed into Equality at Work Platform having nearly 85 members from the firms which are prominent in Turkey. This target was reached at the end of a three years period and the gap was closed at the rate of 10.9%. Within the scope of the Platform, Business Leaders' Summit, Executive Committee Meetings, Human Resources Working Group Meetings, Communication Group Meetings and information meetings for non-governmental organizations and academicians were realized until today. Furthermore, a guidebook introducing Equality at Work, a brochure and a video, a Booklet of Best Practices and a Booklet of Extending Equality at Work to Supply Chain for extending these practices to the supply chain were prepared and printed. Within the scope of the Platform "Role Model Working Women Videos" were made.

3. STATISTICS AND OTHER RELEVANT INFORMATION

It was demanded to impose an administrative fine of 487.704,00 TL about 39 employers who opposed to the Article 5 of the Labour Law No. 4857 by the Presidency of Labour Inspection Board of the MoLSS during 01.01.2013-31.12.2016.

According to the evaluation concerning the data analysis results of Income Structure Survey of TÜİK 2014, the income of male administrators is 4.5% higher than that of the women. The difference in income for the members of a profession is to the detriment of women with the rate of 25.2%. This difference is the highest for the plant and machine operators as well as for the mounting men with the rate of 29.9%.

The difference in income for the office staff is the lowest with the rate of 6%. Since operators and mounting men are generally vocational high school graduates whereas office staff are high school graduates, it may be considered that the income difference that are observed in both educational groups are reflected to the professions also.

On the other hand, when looked at one by one as an economic activity, it is seen that the income difference based on gender is to the determinant of women to a large extent. In the field of education the difference in income is 0.5% in favour of women.

According to the survey results, the difference in income based on gender (man-woman) is defined as the percentage within the income for men of the income difference between men and women. This indicator can be calculated on the basis of hourly, monthly or annual wage. It was calculated using the annual approximate gross salary.

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

- *Information on the rules how the application of the principle of equal wage is ensured, burden of proof and penalties.*

The employee is obliged to prove that the employer has violated the principle of equality specified in Article 5 of the Labour Law. 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.

Article 21 of the Human Rights and Equality Institution Law entitled “Burden of Proof” is as follows:

Burden of proof

Article 21 – (1) 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.

With regard to the issue of “equal pay for equal work”, Turkish Draft Code of Obligations was adopted at Turkish Grand National Assembly on 11/01/2011 and became a law. It was published in the Official Gazette dated 4/2/2011 and entered into force on 1/7/2012.

Pursuant to the first paragraph of Article 417 of the Turkish Code of Obligations No. 6098 entitled “Protecting worker’s personality”, the employer is obliged to protect worker’s personality and to behave respectfully during service relationship and to ensure an order in the workplace based on honesty principles, to take necessary measures for workers not to be exposed to psychological and sexual abuse and those who have suffered such abuses not to suffer any further damage. Pursuant to paragraph 2 the employer is obliged to take any kind of measures and to keep tools and vehicles available required to ensure occupational health and safety in the workplace; workers as well are obliged to observe any kind of measures taken regarding occupational health and safety. According to the third paragraph indemnifying the death of worker, injuring bodily integrity, or any damages depending on violation of personal rights due to any act of the employer contrary to the law and contract including above provisions, are subject to provisions of liability resulted because of being contrary to the contract.

In this context, the principle of equal pay for equal work was realized through employer being responsible for protecting and respecting worker’s personality in the service relation and ensuring an order suitable to the principles of honesty in the workplace.

- *Statistical data with regard to the difference in income between women and men in all activity branches as well as work at equal value.*

In the Income Structure Survey which was made by Turkish Statistical Institute (TÜİK) in 2014, the difference in income based on gender (man-woman) is defined as the percentage within the income for men of the income difference between men and women. This indicator has been calculated on the basis of annual gross salary. While the income difference based on gender is in favour of woman wage in total (-0.4%), when examined according to the state of education, it was realized in favour of income for men for every step of education.

Income difference by the state of education based on gender, 2014

	Average Annual Gross Wage (TL)			Average Annual Gross Income (TL)			Gender based wage gap*
	Total	Male	Female	Total	Male	Female	%
Total	26.032	26.002	26.113	27.830	27.775	27.974	-0.4
Educational status							
Primary school and below	17.943	18.691	15.321	18.602	19.417	15.748	18
Primary and secondary educ.	17.897	18.433	15.593	18.476	19.081	15.981	15.4
High school	20.207	20.712	18.831	21.222	21.758	19.760	9.1
Vocational high school	26.217	27.342	22.010	28.143	29.561	22.842	19.5
Tertiary and above	46.729	50.468	41.490	51.405	55.633	45.483	17.8

* Gender based wage gap calculated as: (men's wage- women's wage)/men's wage *100

While the total rate of illiterate population and those at the age of 25 and over in Turkey in 2015 was 5.4%, it is 1.8% for men and 9% for women.

While the rate of graduates from high-schools and their equivalents at the age of 25 and over within total population is 19.5%, it is 23.5% for men and 15.6% for women. Total rate of population who are high school or university graduates is 15.5%. This rate is 17.9% for men and 13.1% for women.

According to the results of Household Labour Survey; labour force participation rate for the population at the age of 15 and over in 2015 in Turkey was 51.3%. This rate was 71.6% for men and 31.5% for women. When labour force participation by state of education is analysed it was seen that when the state of education of women rises they participate more to labour force. Labour force participation rate of illiterate women was 16.1% and of women having lower education than high school was 26.6% whereas it was 32.7% for high school graduates. While the labour force participation rate for women who are vocational or technical high school graduates was 40.8%, for university graduates this rate was 71.6%.

- *Information on whether it is possible to make a comparison of salary and work except direct relevant firm in the case of equal pay.*

Pursuant to Article 12 of Labour Law No. 4857, "The comparable employee is the one who is employed under an open-ended contract in the same or a similar job in the establishment."

"If there is not such an employee in the establishment, then an employee with an open-ended contract performing the same or a similar job in a comparable establishment falling into the same branch of activity will be considered as the comparable employee."

Paragraph 4

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake to recognise the right of all workers to a reasonable period of notice for termination of employment.

Appendix to Paragraph 4:

This provision shall be so understood as not to prohibit immediate dismissal for any serious offence.

Scope of the provisions as interpreted by the ECSR

The right of all workers to a reasonable period of notice for termination of employment should be guaranteed.

There have been no legislative amendments in the reference period.

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

- *Explanation on the provisions in paragraphs 1 and 2 of Article 14 of the Law No. 1475*

The employees under 1475/14 are paid severance pay with particular circumstances. Accordingly:

-The working period with the same employer should be at least one year,

-Due to reasons except for those which are contrary to the rules of goodwill and morality by the employer,

-Due to contradictory reasons to the rules of health, goodwill and morality by the worker and similar reasons,

-Due to compulsory military service,

-Due to gaining the right of retirement or completion of insurance period and days of contribution required except for age,

-In the case that the woman dissolves the contracts voluntarily within a year beginning from the date of marriage,

-Due to death of the employee,

a severance pay required for working time is paid in case of termination of service contract.

- *Information on the reasonable notice and the state of repeated contracts in terms of severance pay.*

There is no explicit provision or regulation within the scope of the Labour Law and the relevant legislation whether the employee shall be paid severance pay or not when the definite service contract terminates. Therefore, Supreme Court practices are applied for the solution of the problem.

As is known, since the general principle in the Labour Law is “Principle of Interpretation in Favour of the Employee”, this principle is adopted for the solution of the problem also in the Supreme Court practices and provisions protecting the employee are introduced. In case of termination of the employment contract for a definite (fixed) term by the employer notifying that it shall not be renewed at the end of the period and where the renewal decision of the employer is not based on a valid reason, there is a situated practice that the employee shall be entitled to a severance pay.

In the early termination of the employment contract for a definite (fixed) term, compensation is paid at the determined amount or at the amount of wages for the rest of the months.

Furthermore, the employment contract for a definite (fixed) term cannot be renewed indefinitely. Unless there is an objective reason, repeated (chain) contracts are deemed to have been made for an indefinite period and are subject to the provisions in the second paragraph of Article 17 of the Labour Law.

- *Information on dismissal for reasons of health or force majeure (reasons in paragraphs 25-I and 25-III of the Labour Law) in terms of legislation and practice.*

The employees dismissed due to reasons in paragraphs 25-I and 25-III of the Labour Law are entitled the right to severance pay.

The notice periods for termination for long-term illness, detention or arrest are included in Article 25 of the Labour Law No. 4857. The employer is entitled to terminate the contract if recovery from the illness or injury continues for more than six weeks beyond the notice periods set forth in Article 17.

- *Information on the notice periods and/or severance pay applied in agricultural work and in forestry.*

The provisions of the Labour Law are applied in the enterprises employing more than 50 workers where agricultural and forestry work is made and the right to severance pay is originated. In this context, work under Regulation on the Work Deemed to be from Industrial, Trade, Agricultural and Forestry Work are considered within the Labour Law and again the right to severance pay is originated.

Except for the work mentioned above, the provisions of Turkish Code of Obligations are applied. Accordingly;

If the employer terminates the employment contract immediately without a valid reason the employee, in failure to comply with the notice period in indefinite service contracts, whereas in failure to comply with the period of the contract in definite service contracts, can demand

the amount he/she can earn as compensation if these periods were observed. The judge by considering the entire situation and all the circumstances can also adjudicate that a compensation of which its amount shall be freely determined is paid to the employee.

- *Information on the work on call (Article 14 of the Labour Law); gang contracts (Article. 16); dismissal due to objection to the adoption of substantial changes in working conditions (Article 22/1) and other legal obligations causing the application of notice period (Article 31/1).*

Work on call in Article 14 of the Labour Law is the employment relationship which foresees the performance of work by the employee upon the emergence of the need for his services, as agreed to in the written employment contract, qualifies as a part-time employment contract based on work on call. In the event the length of the employee's working time has not been determined by the parties in terms of time slices such as a week, month or year, the weekly working time is considered to have been fixed as twenty hours. The employee is entitled to wages irrespective of whether or not he is engaged in work during the time announced for work on call. Unless the contrary has been decided, the employer who has the right to request the employee to perform his obligation to work upon call must make the said call at least four days in advance. The employee is obliged to perform work upon the call communicated to him within the said time limit. If the daily working time has not been decided in the contract, the employer must engage the employee in work for a minimum of four consecutive hours at each call.

The gang contract in Article 16 of the Labour Law is the contract concluded between an employer and a gang of employees represented by one of the employees acting as the gang leader. The gang contract must be made in written form irrespective of the duration of employment contracts which will emanate from it. The gang contract must specify the identity and wage of each employee separately. Once each employee named in the gang contract begins work, an employment contract is deemed to have been concluded between the employer and the employee with the conditions specified in the gang contract. The employer or his representative must pay the employees' wages separately as each employee named in the gang contract begins work. For the gang leader's acting as an intermediary or for any other reason, no deductions may be made on behalf of the gang leader from the wages of employees who form the gang.

Any change by the employer in working conditions based on the employment contract, on the rules of work which are annexed to the contract, and on similar sources or workplace practices, may be made only after a written notice is served by him to the employee. Changes that are not in conformity with this procedure and not accepted by the employee in written form within six working days shall not bind the employee. If the employee does not accept the offer for change within this period, the employer may terminate the employment contract by respecting the term of notice, provided that he indicates in written form that the proposed change is based on a valid reason or there is another valid reason for termination. In this case the employee may file suit.

In addition, Article 31 of the Labour Law states that if an employee is recalled to military services to take part in manoeuvres or for any other reasons, or if he leaves his employment to perform statutory labour service, his employment contract shall be deemed to have ended after two months have elapsed from the date of his departure. To be entitled, the employee must have been employed for a minimum of one year. Employees who have been employed

for more than one year are allowed two additional days for each year of service, provided that the total period of absence must not exceed 90 days.

- *Paragraph 1 of Article 4 of the Labour Law indicates that the provisions of this Act shall not apply to some of the activities and employment relationships. Information on the notice period and/or severance pay applied to the category of workers excluded.*

Pursuant to Article 432 of the Turkish Code of Obligations, before termination of service contracts of indefinite period the other side should be informed about the situation. Service contract terminates after two weeks for the employee whose service period has lasted for one year; after four weeks for the employee whose service contract has lasted from one year to five years and after six weeks for the employee whose service contract has lasted for more than five years starting from reaching the notification to the other side. These periods cannot be reduced; but can be increased by the contract.

The employer may terminate the employment contract by paying in advance the wages corresponding to the term of notice. The periods for the notice of termination should be same for both sides; if different periods are stipulated in the contract then the longest notice of termination is applied for both sides. In case of suspension of the service contract the periods for the notice of termination do not operate.

Paragraph 5

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

Appendix to Paragraph 5:

It is understood that a Contracting Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer deductions from wages either by law or through collective agreements or arbitration awards, the exception being those persons not so covered.

Scope of the provisions as interpreted by the ECSR

The wages of all employees should be guaranteed to become subject to deductions under circumstances well defined in legal documents, law, regulation, collective agreement or arbitrament.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

There have been no legislative amendments.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Pursuant to Article 35 of the Labour Law (4857) entitled "*Protected portion of the wage*", "Not more than one - fourth of the wages in a month may be seized, transferred or assigned to a third party, provided that any maintenance allowances awarded by a judge to members of the employee's family whom he is required to support shall not be included in this sum. This provision shall apply without prejudice to the rights of persons entitled to alimony."

According to Article 38 of the same Law entitled "Deductions of fines from wages", "No employer may impose a fine on an employee's wage for reasons other than those indicated in the collective agreement or the employment contract. The employee must be notified at once, together with the reason, of any wage deductions as fines. Deductions made in this way must not exceed three days' wages in any one month, or in the case of piece work or amount of work to be done, the wages earned by the employee in two days."

3. STATISTICS AND OTHER RELEVANT INFORMATION

It was demanded to impose an administrative fine of 15.020,00 TL about 27 employers who violated the Article 38 of the Labour Law No. 4857 by the Presidency of Labour Inspection Board of the MoLSS during 01.01.2013-31.12.2016.

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

- *Information on legal arrangements with regard to the deduction of wages.*

Pursuant to Article 35 of the Labour Law (4857) entitled “Protected portion of the wage”, “Not more than one - fourth of the wages in a month may be seized, transferred or assigned to a third party, provided that any maintenance allowances awarded by a judge to members of the employee’s family whom he is required to support shall not be included in this sum. This provision shall apply without prejudice to the rights of persons entitled to alimony.”

According to Article 38 of the same Law entitled “Deductions of fines from wages”, “No employer may impose a fine on an employee’s wage for reasons other than those indicated in the collective agreement or the employment contract. The employee must be notified at once, together with the reason, of any wage deductions as fines. Deductions made in this way must not exceed three days’ wages in any one month, or in the case of piece work or amount of work to be done, the wages earned by the employee in two days.”

- *It is specified that the fulfillment of alimony obligations about family members should not be applied disadvantageously to the protection under the Charter.*

Articles 176, 330 and 331 of the Turkish Civil Law respectively regulate payment procedure of compensation and alimony, determination of amount of alimony and changes of situation. Article 176 clarifies that amount of alimony shall be determined in accordance with the social and economic status of parties and that raising and lowering of amount of alimony could be decided in accordance with the changes in social and economic status. Article 330 states that amount of alimony shall be determined taking into consideration the needs of children and their affordability by their parents as well as their living conditions and if available, the children’s income. Article 331 rules that the judge is authorized to re-designate the amount of alimony or completely cancel it on demand if the situation so changes.

As these provisions point out, amount of alimony is determined considering the financial situation of the party who is obliged to pay for it and this amount could be re-determined or even cancelled in case of change in social and economic situations of parties.

- *Information on the application of paragraph 1 of Article 38 of the Labour Law, that allows the Parties to the employment contract bring forward a reason for the deductions to compensate the fine.*

According to Article 38 of the same Law entitled, no employer may impose a fine on an employee’s wage for reasons other than those indicated in the collective agreement or the employment contract.

The employee must be notified at once, together with the reason, of any wage deductions as fines. Deductions made in this way must not exceed three days’ wages in any one month, or in the case of piece work or amount of work to be done, the wages earned by the employee in two days.

These deductions shall be credited within one month to the account of the Ministry of Labour and Social Security in a bank established in Turkey and must be designated by the Ministry

for use in the training of and social services for employees. Every employer must maintain a separate account in his establishment showing such deductions. A committee presided over by the Minister of Labour and Social Security and including employees' representatives shall decide where and in what amounts the fines thus collected are to be used. Rules for the establishment and working methods of this committee shall be indicated in a regulation to be issued.

- *Explanation on general and special provisions on limiting wage deductions for the work excluded in the Law.*

To determine the limits for wage deductions for the workers who are not subject to the Labour Law one should look at the provisions of Turkish Code of Obligations No. 6098. Article 410 of the Code of Obligations has introduced a general limitation for the wage deductions of the workers who are not subject to the Labour Law. Pursuant to the relevant Article, worker's wage may not be attached, pledged and transferred to another person for not more than a quarter. However, there is an exception here. The amount to be assessed by the judge for family members who are dependent to the worker is not included in this rate. Rights of alimony creditors are reserved. Again, transfer or pledging of future wage receivables are not valid.

Article 408 of the Turkish Code of Obligations regulates the deductions in case of the employer's default. According to the regulation, if the employer prevents performance of the work with its fault or falls in default in acceptance of the work, the employer is obliged to pay worker's wage may not request the worker to fulfill this performance subsequently. At this point the Law has introduced such a limitation: "But any expenses of which the worker is released to incur due to this prevention as well any wages earned or any interests avoided from earning willingly are deducted from such wage. In other words, the employer can fulfill his duty of paying wages to the worker by making these deductions.

Article 407 of the Code of Obligations regulates the receivables of the employer from the worker. The Law has introduced limitations with regard to wage deductions. The employer may not setoff its obligation of wage with any debt from worker unless having consent of the worker. But any receivables because of damages proven by a court decision to be caused intentionally by the worker may be setoff at the rate of limitation in Article 410 of the Code of Obligations. The same Article rules that any contracts associated with using the wage in favour of the employer are invalid.

- *Information on the limitations protecting workers in case of simultaneous deductions at the same time.*

Pursuant to Article 35 of the Labour Law "Protected portion of the wage", "Not more than one - fourth of the wages in a month may be seized, transferred or assigned to a third party."

ARTICLE 21 – THE RIGHT OF WORKERS TO BE INFORMED AND CONSULTED WITHIN THE UNDERTAKING

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

Scope of the provisions as interpreted by the ESCR

The right of workers and/or their representatives to be informed in all matters about the working environment and to be consulted in good time on proposed decisions which could substantially affect the interests of workers.

The workers should have legal remedies when these rights are not respected. Furthermore, there should be sanctions for the employers who do not fulfill their obligations pursuant to this Article.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

No amendment has been introduced within the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The right of workers to be informed and consulted has been regulated in Article 22 of the Labor Law no. 4857 and inspections are carried out in the workplaces regarding actively working employees, by the MoLSS Labor Inspection Board.

In the inspections made, both 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 required 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. e.g. If there is an unlawful situation against the worker about the wage, the employer is required to make the payment. If the payment is not made, then a legal notice is sent to the parties mentioning that they may submit the subject to the court and administrative fine for the act is applied.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The right of workers to be informed and consulted has also been regulated in Article 16 of the Law on Occupational Health and Safety No. 6331, titled "Worker Information". Administrative penalty amounting to 245.954,00 TL was requested for 52 employers for the violation of Article 16 of the Law on Occupational Health and Safety No. 6331, as a result of the inspections carried out by the MoLSS Labor Inspection Board in the context of occupational health and safety, 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

- *Information on the transposition of Directive No. 2002/14/EC of the European Parliament (which establishes a general framework for informing and consulting employees in the European Community) into the national legislation:*

The Law on Trade Unions and Collective Labor Agreements No. 6356 was enacted on 18.10.2012 and entered into force on 07.11.2012 by the International Labor Organization, the EU norms and the amendments to the 2010 Constitution.

With Law No. 6356, the establishment procedure of trade unions was facilitated and the conditions of literacy in Turkish, Turkish citizenship, working actively in the related sector were removed. The condition of notary approval for membership and resignation was removed and e-government system was introduced.

With the new law, those who have completed 15 years of age are now entitled to join the union and the regulation is in accordance with minimum working age. Workers who are affiliated to more than one employer in the same sector are entitled to join more than one trade union. Guarantees for workplace trade union representatives and trade union managers were increased, and the amount of contributions to be paid by the workers paid to the union was left to the statutes of the unions. The trade union membership is maintained for one year in case the worker becomes unemployed. Trade unions and confederations are now able to be the founder of international workers and employers organizations, to send members and representatives, to open foreign missions. Trade unions have the right to freely determine their activities by their own statutes and the protection of the trade union legal entity is prioritized, based on the principle of personal accountability of managers.

In the third paragraph of the Article 27 of the Law, titled "Appointment of shop stewards and their functions", the workplace union representatives are obliged to listen to the requests of the workers and to resolve their complaints at the workplace, ensure labour peace, collaboration and harmony between the employees and the employer, protect workers' rights and interests, to assist in the enforcement of labor conditions stipulated in collective labour agreements and labor laws and their guarantees are stipulated in Article 24 of the Law.

According to the law, trade union representatives also have duties and roles to ensure the consultation and participation of workers, determine the workers' representatives who will participate in the annual paid leave board, participate in the occupational health and safety committee, and act as workers' representative regarding the issues of occupational health and safety, along with other responsibilities.

In this respect, important regulations and guarantees concerning workers' information and consultation processes have been introduced with the Law no. 6356.

- *Information on how trade union representatives are informed of any matter that could affect their working environment.*

Representatives are informed by means of the announcement panels at the workplaces, also internet (e-mail), SMS, social networks, etc.

The first paragraph of Article 4 of the Communiqué on the Qualifications of the Employee Representative Relating to Occupational Health and Safety and the Principles and Procedures for Selection, published in the Official Gazette dated 29.08.2013 and numbered 28750, reads: Employer; appoint a sufficient number of employees by election or by appointment in cases where they cannot be determined by election among the employees, so as to pay attention to balanced participation taking into account the risks and employee numbers in different parts of the workplace.” Thus, it is the obligation of the employer to assign a representative working in the workplace and the employee representatives are responsible to the employer. According to Article 20/5 of the Law no. 6331, “Where there is an authorized trade union represented in the enterprise, the trade union representative shall act as workers’ representative.”

The first paragraph of Article 9 of the same Communiqué reads “Employee representative is authorized to participate in work related to occupational health and safety, to monitor work, to require measures to be taken to reduce the risk caused by the danger or eliminate the source of danger, to make proposals and to represent employees in such issues.” And the second Article is “The rights of the employee representative cannot be restricted because of execution of his/her duties.”

Additionally, Article 16 of the Law no. 6331, titled “Worker Information” is as below:

“Worker Information

ARTICLE 16 – (1) The employer shall inform the workers and workers' representatives of the following issues taking into account the characteristics of the enterprise for the purposes of ensuring and maintaining the occupational health and safety:

- a) the safety and health risks and protective and preventive measures.*
- b) their legal rights and responsibilities.*
- c) Workers designated to handle first aid, extra ordinary situations, disasters, fire-fighting and the evacuation.*

(2) The employer shall;

- a) as soon as possible, inform all workers who are, or may be, exposed to serious and imminent danger of the risk involved as defined in article 12 and of the steps taken or to be taken as regards protection*
- b) ensure that employers of workers from any outside undertakings and/or enterprises engaged in work in his undertaking and/or enterprise receive adequate information*

concerning the points referred to in paragraph 1 which is to be provided to the workers in question.

c) ensure that support staff and workers' representatives shall have access to the risk assessment, protective and preventive measures related to safety and health at work, the information yielded by measurements, analysis, technical controls, records, reports and inspections.”

Additionally, the first paragraph of Article 13 of the Law no. 6331, titled “Right to Abstain from Work” is as follows: “Workers exposed to serious and imminent danger shall file an application to the committee or the employer in the absence of such a committee requesting an identification of the present hazard and measures for emergency intervention. The committee shall convene without delay and the employer shall make a decision immediately and write this decision down. The decision shall be communicated to the worker and workers' representative in writing.”

- *Information on the legislation regarding representation, in the scope of committee's emphasis on the rule that all categories of workers (all employees holding an employment contract with the company regardless of their status, length of service or place of work) must be included in the calculation of the number of employees enjoying the right to information and consultation.*

Purpose of the Law on Occupational Health and Safety No. 6331; is the continuous improvement of the current situation of workplaces, targeting the best conditions for occupational health and safety. For this purpose, all the workplaces and employees are within the scope of the Law, regardless of the number of employees, or public or private sector. All the provisions and measures such as informing employees and risk assessment must be fulfilled for all employees.

In this respect, detailed regulation has been made in the Law and the employer is required to inform not only his employees but also sub-employer employees and temporary employees and also their employers, about the risks related to the work. In case the employees are assigned to another workplace with provisional assignment, then the employers in the provisional workplace must fulfill the necessary works to ensure their health and safety, together with the other employees. In addition, if these workers constitute a risk in the workplace for they have a lack of information, experience etc., this fact must be calculated in the risk assessment prepared for the whole of the workplace.

Article 6/e of the Law no. 6331 reads: “In order to provide occupational health and safety services including activities related to the protection and prevention of occupational risks, the employer shall inform designated persons, external services consulted and other workers and their employers from any outside enterprise or undertaking engaged in work in his undertaking or enterprise receive adequate information as regards the factors known to affect, or suspected of affecting, the safety and health of workers.” Accordingly, employers of the workplace where the employees are sent with temporary assignment, have the responsibility to provide adequate information as regards the factors known to affect, or suspected of affecting, the safety and health of workers. This information may include information about the characteristics of the workplace of temporary employees, health and safety risks, emergency procedures, etc.

On the other hand, Article 17/5 of the Law no. 6331 reads: “Workers from outside undertakings and/or enterprises might not start to be employed in jobs classified as hazardous and very hazardous unless they can present documents to prove that they have received appropriate instructions regarding health and safety risks.” So, the principal employer has the right not to start the employing employees who do not have adequate documentation and evidence of receipt of the instructions.

- *Information on whether the material scope concerning the right of workers to be informed includes the economic and financial situation of the undertaking*

Article 16 of the Law no. 6331, titled “Worker Information” reads:

“ARTICLE 16 –(1) The employer shall inform the workers and workers’ representatives of the following issues taking into account the characteristics of the enterprise for the purposes of ensuring and maintaining the occupational health and safety:

a) the safety and health risks and protective and preventive measures.

b) their legal rights and responsibilities.

c) Workers designated to handle first aid, extra ordinary situations, disasters, fire-fighting and the evacuation.”

- *Information on the body responsible for monitoring the respect of the right of workers to be informed and consulted within the undertaking, and the powers and operational means of this body.*

The employer is obliged to ensure the health and safety of the employees and also to provide “Worker Information” and “Consultation with and participation of workers”. If these matters are not provided by the employer, the employees may apply OHS professionals if any, to the workplace health and safety unit if already established and otherwise, Occupational Health and Safety Council. In addition, the monitoring and inspection of the implementation of the provisions of Law 6331, which is prepared in order to provide occupational health and safety and to improve existing health and safety conditions, is carried out by MoLSS labor inspectors. If these obligations are not fulfilled, the fines referred to in Article 26 of the same Law are applied.

In this respect, Article 26/1, paragraph g of the Law regarding “worker information” reads “For the employer who violates the obligations laid down in the Article 16, onethousand Turkish Lira per each uninformed worker,” and paragraph h regarding “Consultation with and participation of workers” is “For the employer who violates the obligations laid down in the Article 18, onethousand Turkish Lira per each obligation.” Information on administrative fines is declared annually on the MoLSS web site: (<https://www.csgeb.gov.tr/isggm/Contents/hizlierisim/ipc/>).

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.

Scope of the provisions as interpreted by ESCR

The right of the employees and/or their representatives in the private and public sector enterprises to participate in the process of decision making and the supervision of monitoring the regulations in all matters specified in Article 22.

In case of unconformity with these rights the employees should have legal remedies. Moreover, pursuant to this Article, there should be sanctions for the employers who do not fulfill their responsibilities.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

No amendment has been introduced within the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Inspections are carried out by the MoLSS Labor Inspection Board in the context of Labor 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 MoLSS Labor Inspection Board regarding functioning of the work and occupational health and safety:

Years	Scheduled	Non scheduled	Total
2013	6.949	16.029	22.978
2014	7.367	11.919	19.286
2015	7.220	14.084	21.304
2016	9.650	14.634	24.284

In the inspections made, both 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.

Necessary arrangements were made under the heading of employee representatives in the Article 20 of the Law on Occupational Health and Safety No. 6331. Administrative penalty amounting to 518.218,00 TL was requested for 297 employers for the violation of Article 20 of the Law on Occupational Health and Safety No. 6331, by the MoLSS Labor 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 (ECSR)

- *Information on legal remedies available to employees for infringements of their right to take part in the determination and improvement of working conditions and the working environment*

Article 18 of the Occupational Health and Safety Law no. 6331 involves provisions regarding participation of the workers and the employers have the obligation to consult workers in the following issues:

“Consultation with and Participation of Workers

ARTICLE 18 – (1) The employer shall consult workers or representatives authorized by trade unions in enterprises with more than two workers' representatives or workers' representatives themselves in the absence of trade union representative to ensure the consultation and participation of workers. This presupposes:

a) Consultation with regard to occupational health and safety, the right of workers and/or their representatives to make proposals and allowing them to take part in discussions and ensuring their participation. b) Consultation as regards the introduction of new technology and the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers.

(2) The employer shall ensure that support staff and workers' representatives shall be consulted in advance with regard to:

a) The assignment of occupational physicians, occupational safety specialists and other staff inside the enterprise or the enlistment, where appropriate, of the competent services or persons outside the undertaking and/or enterprise and designation people to be in charge of first aid, firefighting and evacuation.

b) Identification of the protective equipment and protective and preventive measures to be introduced as a consequence of risk assessment.

c) Prevention of health and safety risks and providing protective services.

d) Worker information.

e) The planning of training to be provided to workers.

(3) Workers and/or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring occupational health and safety. The workers may not be placed at a disadvantage because of their respective activities.”

In case the employer fails to realise above mentioned provisions, then the employees can apply to Occupational Health and Safety professionals or workplace health and safety unit if established in the workplace, or Occupational Health and Safety Council as mentioned in Article 21 for their demand.

On the other hand, Article 8 of the Law no. 6331 was amended and the following text was added to the law (Amendment: 4/4/2015-6645/1 Article):

“Occupational physician and occupational safety specialist, whom are appointed as guide and consultant in occupational health and safety issues to the employer, shall identify the deficiencies and defects regarding occupational health and safety issues in the workplace, considering improvements and changes to the legislation and technical developments and notify the employer regarding these deficiencies and defects in writing. It is the responsibility of the employer to correct the deficiencies and defects. In case the employer fails to implement measures against life threatening dangers such as fire, explosion, collapse, chemical leakage or environment that may cause occupational disease; occupational physician or occupational safety specialist shall notify the component body of the Ministry, if available authorized union representative if not available worker representative. The license of the occupational physician or occupational safety specialist who is detected to act against the previous sentence falls into abeyance for three months and in repetition six months. The contract of the occupational physician or occupational safety specialist cannot be terminated nor can their rights be forfeited. Otherwise employer shall pay compensation not lower than a 1 year employment contract. All the rights of the occupational physician or occupational safety specialist mentioned in the Labour Law and other related laws are reserved. If claims of the occupational physician or occupational safety specialist are found to be false by the court the certificate shall be suspended for 6 months.”

If the employer has not taken an action when the obligations regarding occupational health and safety are not met and reported to the OHS professionals in the workplace by the employees, the professionals are obliged to notify the MoLSS Labor Inspection Board about these matters.

If the employee himself/herself applies to the MoLSS Labor Inspection Board together with the related information, the inspectors supervise the compliance with the provisions of the Law. According to Article 26 of the Law, administrative fine is applied for those failing to realize consultation and participation of the employees: “For the employer who violates the obligations laid down in the Article 18, onethousand Turkish Lira per each obligation.”

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, the Parties undertake,

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;

Scope of the provisions as interpreted by the ESCR

This concerns forms of behavior deemed to constitute sexual harassment in the work place or in relation to work. Existing measures must ensure effective protection for workers against sexual harassment. It also concerns the liability of employers and/or their employees. There should be effective remedies for victims and reparation for pecuniary and non-pecuniary harm suffered, including appropriate compensation. The burden of proof should be adjusted and steps should be taken to increase awareness of and prevent sexual harassment.

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 especially protected in terms of working conditions. Protection against sexual harassment of women in this context is an obligation deriving from the Constitution. Article 12, 17, and 19 of the Constitution also introduces important regulations in this regard.

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 Labor Code, the employer may terminate the employment contract of the employee who harassed.

Article 417 of the Turkish Code of Obligations clearly stipulates sexual harassment under "Protection of Workers' Personality". According to the provision in question, the employers are obligated to protect and respect the personality of workers and ensure appropriate order in the workplaces. The employer is obliged to protect the worker's life, physical and moral integrity, health, and the personal and moral values such as honor, dignity and private life. Protecting workers against sexual harassment in the workplace is also a requirement for the protection of personal rights. Accordingly, the employer has the obligation to protect the worker against the sexual harassment of the other workers, employers' representatives, as well as any other third parties visiting the workplace. The employer is particularly obliged to take the necessary measures in order to prevent sexual harassment of workers and to avoid further psychological damage to those subjected to such harassment.

Turkish Human Rights and Equality Authority Law has also regulated harassment as a type of discrimination and made the definition of harassment as: any behavior 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 it's the 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 suggests compensation for employees and Article 99 of the Labour Law suggests 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 that 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 are no such a violations.

Article 21 of the Human Rights and Equality Authority Act regulates the burden of proof. According to the Article, exclusively for applications for discrimination violations made to the Authority 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."

Human Rights and Equality Institution Act no. 6701 was published in the Official Gazette on 20.04.2016 and the Regulation on the Procedures and Principles for the Implementation of the Human Rights and Equality Institution Act 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 didn't 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 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 work place, such as insistently phoning a female worker or inviting her to 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;)

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.

Scope of the provisions as interpreted by the ESCR

This concerns forms of behavior deemed to constitute psychological harassment in the work place or in relation to work. Existing measures must ensure effective protection for workers against psychological harassment. It also concerns legal protection against psychological harassment and the liability of employers and/or their employees. There should be effective remedies for victims and reparation for pecuniary and non-pecuniary harm suffered, including appropriate compensation. The burden of proof should be adjusted and steps should be taken to increase awareness of and prevent psychological harassment.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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 rumors, 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 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 behavior 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 behaviors 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, behaviors 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.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

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 Ministry of Labor and Social Security. Providing assistance and support to employees by psychologists through ALO 170, 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 Ministry of Labor and Social Security, together with Turkey's Human Rights Association, 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 Ministry of Family and Social Policy has 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.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Inspections on the subject of psychological harassment are carried out within the framework of Article 5 of the Labor Law No. 4857 due to the fact that the subject involves the issue of discrimination. Administrative penalty amounting to 487.704 TL was requested for 39 employers for the violation of Article 5 of the Labor Law No. 4857, by the ÇSGB Labor 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

According to Article 24 of the Labour Law the employers have the right of lawful termination of the employment contract of the workers in the case of mobbing.

Workers, whose work contracts are terminated as a result of moral harassment, have the right to:

- a. Request for reinstatement to their jobs in accordance with Labour Law Article 20,
- b. Request up to 4 months of wages and other fees until the trial results.

In this contexts, examples of the cases are mentioned below.

Summary of the case (Yarg. 22. HD. 21.2.2014, 2014/2157 E., 2014/3434) and decision of the Supreme Court:

The claimant has worked in the bank for over 22 years, the last 10 years being in the same branch. He was insulted and threatened by the branch manager after a questionnaire was applied at the branch, he was humiliated in front of other employees, he was subject to mobbing, he informed the management about the situation and nothing changed, he has suffered a psychological trauma and diagnosed with anxiety disorder. He got a report from the hospital that he cannot work during the reporting periods, and the employment contract was terminated by the employer for this reason unfairly. The attorney of the claimant requested the reemployment of the worker stating that the employer failed to realize his obligation to protect the worker, otherwise the worker to be liable for work compensation for up to eight months, and the four month wage charge until the case is finalized. The Court decided that the act of mobbing has been clearly proven, and added that in the civil proceedings and particularly in the claims based on mobbing conclusive evidence is not sought and that the interpretation should made in favour of the worker in principle. As a result, termination of the contract by the employer in accordance with Law no. 4857 25/1 was found invalid.

Summary of the decision of the Supreme Court (Yarg. 22. HD., 27.12.2013, E.2013/693, K. 2013/30811):

In order to conclude for the existence of mobbing, it is not sought that the personality rights to be seriously violated, the unfair act regarding the personality rights is sufficient and conclusive evidence is not also sought. It is sufficient for the claimant worker to put forward

the facts that would raise suspicions that mobbing took place at the workplace. In case the facts showing the presence of mobbing in the workplace are presented to the court, it is the defendant's responsibility to prove that mobbing has not taken place....

Summary of the case and the decision of the Supreme Court (burden of proof) (Yarg. 9. HD., E. 2015/25625, K. 2016/2138):

The attorney of the claimant stated that the claimant had worked in the firm as a production technologist until his contract was terminated on 19.03.2015, he had been subject to mobbing since 2014, he sent notifications to the management of the firm and he was treated differently than the other workers because of his complaints. The attorney of the claimant requested the reemployment of the claimant, otherwise the worker to be liable for work compensation for eight months, and the four month wage charge until the case is finalized. The local court made a decision on refusal of the case since the termination of the contract was due to the claimant's failure to perform his duties. The Supreme Court stated that the burden of proving that the termination was based on a valid reason shall rest on the employer according to 4857, Art. 20/2. Although the claimant's contract was terminated because he did not meet the requirements of his work, witnesses of the defendant and the claimant mentioned that the claimant was expected to perform works out of his job definition and the defendant failed to prove that the termination was based on a valid reason. The verdict was for the reemployment of the worker, payment of 4 months' wage and the charges of the proceedings to the worker.

ARTICLE 28 –THE RIGHT OF WORKER REPRESENTATIVES TO PROTECTION IN THE UNDERTAKING AND FACILITIES TO BE AFFORDED TO THEM

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

- a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;
- b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

Appendix to Article 28:

For the purpose of the application of this article, the term "workers' representatives" means persons who are recognized as such under national legislation or practice".

Scope of the provision as interpreted by the ECSR:

This provision guarantees the right of workers' representatives to protection in the undertaking and to certain facilities. It complements Article 5, which recognises a similar right in respect of trade union representatives.

The term "workers' representatives" means persons who are recognised as such under national legislation or practice.

Protection should cover the prohibition of dismissal on the ground of being a workers' representative and the protection against detriment in employment other than dismissal.

The facilities to be provided may include for example paid time off to represent workers, financial contributions to the workers' council, the use of premises and materials for the operation of the workers' council, etc.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

No amendment has been introduced within the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

With Article 24 of the Trade Unions and Collective Labor Agreements Law No. 6356, the representatives of trade unions are protected. In Article 25 of the same Law, trade union freedom is also guaranteed and for all workers, discrimination and dismissal due to trade union activities is prohibited. According to Article 19, "Employer or employee cannot be forced to leave or be a member of the trade union." and administrative fines shall be applied in accordance with Article 78/c of the Law No. 6356.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Inspections on the subject of discrimination and pressure on trade unions are carried out by the MoLSS Labor Inspection Board. If it is determined that the related provisions are not complied, administrative penalty is required to be applied in accordance with Article 5 of the Labor Law No. 4857 and if the union activities are prevented, the matter is also passed to the judiciary.

Administrative penalty amounting to 487.704 TL was requested for 39 employers for the violation of Article 5 of the Labor Law No. 4857, by the MoLSS Labor Inspection Board, within the period between 01.01.2013 and 31.12.2016. Administrative penalty amounting to 120.291,00 TL was requested for 7 employers for the violation of Article 19 of the Trade Unions and Collective Labor Agreements Law No. 6356, by the MoLSS Labor Inspection Board, within the period between 01.01.2013 and 31.12.2016.

In addition, in the Article 20 of the Law on Occupational Health and Safety No. 6331, necessary arrangements were made under the heading of employee representatives. Administrative penalty amounting to 518.218,00 TL was requested for 297 employers for the violation of Article 20 of the Law on Occupational Health and Safety No. 6331, by the MoLSS Labor 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

- *Information on the protection for the workers' representatives other than prohibition of dismissal, recognized by the legislation*

According to Paragraph 24 of the Trade Union and Collective Bargaining Law No. 6356 entitled "Guarantees for workers' representatives", the employer cannot change the workplace or make major changes in his/her work, unless there is written consent. Otherwise, the change is invalid.

According to Article 20 of the Law on Occupational Health and Safety No. 6331, Workers' representatives assigned to participate in works related to health and safety, to monitor work, to ask for measures to reduce or eliminate the risk of danger, to make proposals and to represent employees in such issues, "may not be placed at a disadvantage because of their respective activities and the employer shall provide them with the necessary means to enable such representatives to exercise their rights and functions."

In order to ensure the application of the provision, a penalty is imposed on the employer stating that the employer shall be punished by the provision of paragraph (1) of the first paragraph of Article 26 of the Law, which says "For the employer who violates the obligations laid down in the first and fourth paragraphs of the Article 20, 1000 Turkish Lira, for the obligations laid down in the third paragraph 1500 Turkish Lira"

- *Duration of the protection for the workers' representatives*

Protection is in force for the duration of the service contract.

According to Article 25 titled "Guarantee of freedom of trade union"

ARTICLE 25 - (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.

- *More information about the facilities provided for workers' representatives.*

According to the Labour Law no. 4857, the employee may file a lawsuit according to Articles 20 and 21 in case of termination for causes related to trade union activities.

If it is determined that the employment contract has been terminated for causes related to trade union activities, the union compensation will be decided irrespective of the condition of worker's reemployment, according to Article 21 of the Law no. 4857.

However, if the worker is not reemployed, the compensation specified in the first paragraph of Article 21 of Law No. 4857 shall not be awarded. The fact that the employee does not file a suit under the provisions of the Law no. 4857 above does not prevent the demand for union compensation.

Moreover, according to Article 118 of Turkish Penal Code

(1) A person who uses force or threats in order to compel another person to be, or not to be, a member of a trade union, to attend or not to attend activities of a trade union, to leave a trade union or to leave a position of management of a trade union shall be sentenced to a penalty of imprisonment for a term of six months to two years.

(2) In the event that the activities of a trade union are prevented by the use of force, threats, or by means of any other unlawful act, a penalty of imprisonment for a term of one to three years shall be imposed.,

- *Information on the travel expenses of the workers' representatives*

According to the regulations in the statutes of trade union organizations, they are mostly covered by trade union organizations.

ARTICLE 29 – THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY

Contracting parties commit to have employers inform and consult employee representatives in time a certain while before collective dismissals on the means and methods to minimizing its impacts by taking part in social measures aimed at re-placement and re-education of related personnel for instance and preventing the emergence of collective dismissals or restricting them in order to ensure that employees effectively exercise their right to be informed and consulted in the process of collective dismissal.

Appendix to Article 29:

As for the application of this article, the term “workers representatives” shall herein be referred to as accepted in national legislature or in practice.

Scope of the provision as interpreted by the ECSR

Workers’ representatives have the right to be informed and consulted in good time by employers planning to make collective redundancies. The collective redundancies referred to are redundancies affecting several workers within a period of time set by law and decided for reasons which have nothing to do with individual workers, but correspond to a reduction or change in the firm’s activity.

Consultation procedures must take place in good time, before the redundancies. The purpose of the consultation procedure, which must cover at least the “ways and means” of avoiding collective redundancies or limiting their occurrence and support measures.

Consultation rights must be accompanied by guarantees that they can be exercised in practice.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

No amendment has been introduced within the reference period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In the scope of Article 100 of the Labour Law, titled “Violation of the provisions on collective dismissals”, “The employer or his representative who lays off employees in contravention of the provisions of Article 29 of this Act shall be liable to a fine of 693 liras for each employee thus terminated.” for 2018. On the other hand, according to Article 29 of the same law titled “Collective dismissal”, consultations with union shop-stewards to take place shall deal with measures to be taken to avert or to reduce the terminations as well as measures to mitigate or minimize their adverse effects on the workers concerned. When the employer contemplates collective terminations for reasons of an economic, technological, structural or similar nature necessitated by the requirements of the enterprise, the establishment or activity, he shall

provide the union shop-stewards, the relevant regional directorate of labour and the Public Employment Office with written information at least 30 days prior to the intended lay-off.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The right of employees to be informed and consulted in the dismissal process has been regulated in Article 29 of the Labour Law no. 4857 and administrative penalty amounting to 6.508.009 was requested for 184 employers for the violation of Article 29 of the Law by the MoLSS Labor Inspection Board within the period between 01.01.2013 and 31.12.2016. The total amount of administrative fine is approximately 2.428.361 for the reporting period.

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

- *Information on activities of the administrative authorities or public agencies which are responsible for the policy counteracting unemployment, to mitigate the effects of the process.*

According to Article 29 of the Labour Law no. 4857, titled “Collective dismissal”, “When the employer contemplates collective terminations for reasons of an economic, technological, structural or similar nature necessitated by the requirements of the enterprise, the establishment or activity, he shall provide the union shop-stewards, the relevant regional directorate of labour and the Public Employment Office with written information at least 30 days prior to the intended lay-off.” “The said written communication shall include the reason for the contemplated layoff, the number and groups to be affected by the lay-off as well as the length of time the procedure of terminations is likely to take.”

Turkish Employment Agency takes necessary measures to ensure that both the employees and the employers are affected at minimum level in the process stated above. In this respect,

- ✓ Employers are provided with employer counseling, incentives and support for employee recruitment.
- ✓ Workers are provided with services such as job seeker counseling, job application services, registering and updating the applications, directing to appropriate open jobs, reintegrating into the labor market.

Thus, it is aimed that the workers can be employed again and as soon as possible, and the also to keep the employer in the labor market within the new situation after the dismissals.

The notification for the end of the insurance of the employee who has been dismissed by an employer or quit the job is made through “declaration of the end of employment” within 10 days following the end of the insurance period. One of the reasons for the end of the job in the explanation section of the declaration is "Collective Dismissal", which must be reported to the Social Security Institution with the code "15".

Declarations made to the Social Security Institution on the grounds of collective dismissals are evaluated within the scope of paragraph 1/a of Article 51 of the Unemployment Insurance Law No. 4447. Workers who get unemployed as a result of collective redundancies may benefit from the unemployment benefit provided that they fulfill the other conditions stated in the Law No. 4447.

On the other hand, Turkish Employment Agency organizes courses and programs in order to increase employability, improve qualifications of the labour force, and meet the labour market demands, in the scope of active labor services. In this regard, programs and activities are organized in the following fields:

- vocational training courses and rehabilitation activities for both employees and job seekers,
- entrepreneurship training programs for individuals to set up their own business and develop their business
- on-the-job training programs for students and the unemployed with a lack of professional experience, in order to gain work experience.

EUROPEAN SOCIAL CHARTER (REVISED)

Additional Report

submitted by

**THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**

**Thematic Group 1 “Employment, training and equal
opportunities”**

Articles 1.4, 10.4, 15

ARTICLE 1- THE RIGHT TO WORK

Paragraph 4

With a view to ensuring the effective exercise of the right to work, the Parties undertake provide or promote appropriate vocational guidance, training and rehabilitation.

Scope of the provisions as interpreted by the ECSR

Vocational guidance, continuing vocational training for all workers should be guaranteed. Persons with disabilities should receive specialized guidance and training.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

Education

The diagnosis process is carried out in the fields of medicine, psycho-social, and education, in order to determine the positive and negative aspects and abilities of the individuals who need special education and their individual characteristics and interests. The diagnostic process is done as early as possible and versatile by evaluating the entire developmental history of the individual. Diversity is essential in the disciplines, techniques, and methods applied in the diagnostic process. It is assessed by experts in different disciplinary fields and family, school and specialists work together in cooperation in the process. The results obtained are used for training and orientation purposes.

Active Labour Force Programs for the Disabled

Turkey Employment Agency offers various services, aiming to remove obstacles especially those with disabilities in all services, using both the Unemployment Insurance Fund and Administrative Monetary Penalties Fund, composing of the funds allocated from the employers who do not employ persons with disabilities.

Vocational training courses are organized for the disabled, to overcome the main obstacle to employment, the lack of vocational training and experience, and provide them to learn the appropriate profession. Occupational Training Program provides on the job training and they are also encouraged to participate in entrepreneurship trainings and to develop business ideas.

- In 2015, a total of 2.812 persons, 1.570 men and 1.242 women, benefited from vocational training courses for the disabled.
- In 2016, a total of 1.963 persons, of which 2.031 were male and 832 were women, benefited from vocational training courses for the disabled.

Within the scope of special policies and practices, it is possible to organize courses for families of the disabled on project basis. In addition, grant support is given to disabled people who want to set up their own business with Grant Support for Self-Employment.

- Since 2014, 990 requests were processed in the scope of the Project on Establishment of Self-employment of the Disabled and 674 projects were supported. 24.264.000 TL has been allocated for these projects.

- 31 requests were taken in the scope of Compliance with the Business, 24 projects were supported and 1.640.193 TL was allocated.
- 11 requests were taken in the scope of Support Projects, 6 projects were supported and 861.017 TL was allocated
- 850 project requests were taken in the scope of vocational training courses, 520 projects were supported and 30.504.414 TL was allocated for these projects.

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

- *Information on vocational training for persons with disabilities*

Cooperation with the Federation of Hearing Impaired

Within the scope of cooperation, studies will be carried out in order to provide the employment of the disabled individuals in Istanbul and meet the quotas of the employers for the disabled with the cooperation of Turkish Employment Agency and the Federation of Hearing Impaired. As a result of the cooperation, hearing disabled persons registered with the Hearing Impaired Federation will be provided with job and vocational counseling services by the Agency and directed to the appropriate job / profession.

It is planned to strengthen the service delivery for the disabled starting from Istanbul and to plan and realize activities to meet the disabled quotas of the companies and also extend the studies to other provinces. In the mentioned process, if required by the Federation, sign language interpreter support will be provided and also sign language training will be given to job and vocational counselors.

Occupational Health and Safety

Employees with special needs such as disabled employees are taken into consideration in the Occupational Health and Safety Law No. 6331 and its sub-regulations and special measures for the disabled are included in the legislation. A number of measures are provided to ensure that persons with disabilities are not disadvantaged in the education, information and instructions to be provided in health and safety matters. In the scope of Article 5 titled "Principles of Protection from Risks", employer's responsibilities include "adapting the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of work and production methods, with a view, in particular, to avoiding or minimizing if cannot be avoided, the adverse effects of monotonous work and work at a predetermined work-rate on health and safety."

On the other hand, "Regulation on the Procedures and Principles of Occupational Health and Safety Trainings" was published in the Official Gazette dated 15/05/2013 and numbered 28648. Article 7/1 of the regulation, titled "Training of groups requiring special policies and employees with special duties" reads "Necessary trainings are given at the workplace to groups requiring special policies, including young workers who have completed their fifteen years of age but under eighteen years of age, elderly, disabled, pregnant or breastfeeding employees." And as mentioned in Article 12/5, occupational health and safety trainings aim to change the behavior of employees in the scope of occupational health and safety and to ensure that the information conveyed in the trainings is understood by the employees.

In accordance with these provisions, the trainings should be developed in such a way that employees with special needs, including employees with disabilities, if necessary, it is aimed to make arrangement according to the situation of employees, such as submission of course materials and information in a different environment, the use of a reader or translator, such as the provision of additional OSH trainings that the handicapped may need in relation to the equipment they are working with or using.

Further information on rights of persons with disabilities is given in Article 15.

ARTICLE 10 – THE RIGHT TO VOCATIONAL TRAINING

Paragraph 4

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

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

Scope of the provisions as interpreted by the ECSR

Provide or promote special measures for the retraining and reintegration of the long-term unemployed (those who have been out of work for twelve months or more). Non-nationals must be granted equal treatment, as specified in paragraph 1.

The number of people registered in the Turkish Employment Agency (İŞKUR) and unemployed for more than one year was 725.497 in the reference period.

Active Labor Force Services for the Long-term Unemployed

A range of courses and programs are organized by the Turkish Employment Agency, in the scope of Active Labor Force Services, in order to maintain and increase employment, development of professional qualifications of the unemployed, reduce unemployment, and to help the disadvantaged groups enter the labour market:

- Vocational Training Courses,
- On the job Training Programs,
- Entrepreneurship Training Programs,
- Programs for people and groups requiring special policies
- Other courses, programs, projects

67.258 of 593,058 long-term registered unemployed benefited from these courses and programs between 2016 and 2017 September.

Vocational Training Courses

Vocational training courses are organized to struggle the problem of the lack of profession. The qualified labor force required by the labor market is trained with employers.

- *Employment Guaranteed Vocational Training Courses:* 786 people benefited from the courses in 2016, 1576 people benefited in 2017 (incl. September).
- *Vocational Training Courses without Employment Guarantee:* 2.120 people benefited from the courses in 2016, 3.196 people in 2017 (incl. September).
- *Vocational Training of Employees:* 212 people benefited from the courses in 2016. The courses are still on service.

- Vocational Education and Rehabilitation Activities for Disabled People: 119 people benefited from these courses in 2016 and 98 people in 2017 (incl. September).
- Activities Concerning Vocational Education of Convicts / Ex-convicts: 11 people benefited from the courses in 2016, 1 person in 2017 (incl. September).

On-the-job Trainings

On-the-job training programs play an important role in eliminating the lack of experience, which is the most important problem encountered in entering the labor market. Entry into the labor market is facilitated for the unemployed by these trainings and employers are given the opportunity to recognize the persons they will employ at work.

- 8.050 people benefited from the programs in 2016, 24.292 people benefited in 2017 (incl. September).

Entrepreneurship Training Programs

Entrepreneurs are supported in order to establish their own business and those who participate in entrepreneurship trainings are given KOSGEB Certificate and they are directed to financial support. Entrepreneurship seminars also contribute to the development of entrepreneurial culture.

- 4.793 people benefited from the programs in 2016 and 6.446 people benefited in 2017 (incl. September).

Job Center

“Job Centers”, is an active labor market program aimed at providing job search motivation and method support to all disadvantaged persons such as long-term unemployed, women, youth, immigrants, drug addicts, social welfare beneficiaries. It is also included in the 2015-2020 Investment Program. Within the scope of the project, training is planned and implemented for varying periods according to the participant profile. The centers began their activities in Istanbul (5), Izmir, Çanakkale, Denizli, Sakarya, Trabzon and Mersin as pilot provinces and the following activities are carried on in the centres

- Unemployed persons regain the motivation for employment,
- Unemployed persons are provided with the best possible employment as soon as possible,
- Persons gain the idea that there is a job for everyone who wants to work,

- Job seeking methods are explained,
- Unemployed persons gain self-confidence

In 2017, the Job Centers are scheduled to begin working in Ankara, Bursa and Elazığ.

Services Provided for Long Term Unemployed within the Scope of Social Assistance – Employment Link

Studies have been carried out on the employment of social benefit beneficiaries since 2010 and the long-term unemployed constitute a significant part of the social assistance beneficiaries, the target group of these studies.

The "Action Plan for Establishing and Activating the Link between the Social Assistance System with Employment" was adopted at the Economic Coordination Committee meeting held in April 2010 in order to link social assistance practices with employment and to restructure the social assistance system.

In this context, a comprehensive cooperation protocol was signed between the Ministry of Labor and Social Security (MoLSS) and the Ministry of Family and Social Policy (ASPB) on 17.02.2012 in order to enable the social assistance-employment link to be activated.

In the framework of the section of the protocol, titled "Activation of the Link between Social Assistance and Employment", persons who make social assistance application or receive social assistance, and determined as a result of the field inspections conducted by the Family and Social Support Consultants, provided they are in compliance with the workability criteria set by İŞKUR, are planned to be directed to İŞKUR and receive guidance and counseling services provided by Job and Career Counselors.

"Workshop for Activation of the Link between Social Assistance and Employment" was organized by İŞKUR and the Ministry of Family and Social Policy General Directorate of Social Assistance on 14.11.2013, in order to solve the problems experienced in the process of directing social assistance beneficiaries to employment and to evaluate the best practices in the provinces, A new action plan was prepared to be implemented by 973 Social Assistance and Solidarity Foundations (SYDV) and Provincial Directorate of Labor and Employment Institutions, at service in 81 provinces.

In accordance with the Action Plan, in line with the protocols between Labor and Employment Institutions Provincial Directorates and Social Assistance and Solidarity Foundations and the authorizations, İŞKUR service points have been established in all foundations.

Foundation officers are charged according to the number of household files and they are authorized by İŞKUR. Trainings were provided to the mentioned personnel to use the İŞKUR portal and to make job seeker registry. Thus, for the social benefit beneficiaries who are able

to work, it was aimed to ensure their efficient and rapid participation in the labour market, making the job-seeker registry without visiting İŞKUR, directing them to the appropriate labor demand and active labor market programs.

The last item of the Action Plan, the incentive for the social security premium employer share for private sector employers who employ social benefit beneficiaries, has carried these studies to a different dimension. The legislative regulation regarding the incentives were included in Article 11 of the Law No. 6704, adopted Turkey's Grand National Assembly on 14.04.2016 and came into force on 26.04.2016. Regulation on the Employment of Social Beneficiaries took effect as of 01.01.2018. The social security premium employer share shall be covered by the Ministry of Family and Social Policy for 1 year. The Council of Ministers is authorized to extend this period for another year.

Within the scope of the Regulation, the beneficiaries who are able to work will be registered in İŞKUR by ASPB and these persons will be directed to employment activities. Regular social benefits for those who do not accept vocational training or active workforce programs or the job offered by İŞKUR for the third time without a justifiable reason will be terminated for a year. In addition, beneficiaries participating in the employment guidance activities will be provided with employment guidance assistance. Not having a job with social security and benefiting from certain benefits are among the conditions to benefit from the assistance. Therefore, the long-term unemployed will constitute a considerable part of the target group.

As a result of the above mentioned studies, statistical information on the activities carried out by İSKUR until 30 September 2017 are given below.

	Number of persons
Registered/ Updated in İŞKUR	601.644
Directed to work	281.456
Employed	72.996
Directed to Vocational Training	106.449
Participated in Vocational Training	32.140

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.

Scope of the provisions as interpreted by the ECSR

Persons with disabilities must enjoy full citizenship and their essential rights in this respect are independence, social integration and participation in the life of the community.

Anti-discrimination legislation on the ground of disability in education. Such legislation should, as a minimum, require compelling justification for special or segregated educational systems and confer an effective remedy on those who have been unlawfully excluded, segregated or otherwise denied an effective right to education.

All persons with disabilities have a right to education and training: general education, basic compulsory education and further education as well as vocational training, including higher education. Persons with disabilities (children, adolescents, adults) must be integrated into mainstream facilities; education and training must be made available within the framework of ordinary schemes and, only where this is not possible, through special facilities. States party must demonstrate that tangible progress is being made in setting up education systems which exclude nobody.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

As it was already mentioned in our Reference Period Report, in Turkey, the principle of equality and non-discrimination regulated within the scope of constitution and other related Laws forms the basis of disability policy.

The Constitution provides that everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds (Constitution, Art. 10). Subjecting all persons with or without disabilities to the same procedures sometimes result in de facto inequalities and thus persons with disabilities (PwDs) may become disadvantaged in terms of performing certain rights. Some additional measures are needed for ensuring full enjoyment of disability rights. 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.

As it is very well known that 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 2006/54 / EC Directive. 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 treaties 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. Moreover, ‘person with disability’ is redefined based on human rights approach of the CRPD so as that a 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 defined in accordance with the CRPD.

On the other hand, it is clear that the Republic of 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 disability policy of 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 honor 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 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.

On the other hand, 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. Labor Law No. 4857 bans discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons within employment relationship. TDA also underlines the ban on disability discrimination in its provisions regarding education (Art. 15) and employment (Art. 16).

Together with 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, thus, directly been applied to 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 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 counseling 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 Counseling and Research Centers at provinces or districts; or through Psychological Counseling 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.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

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.

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 programmes, and individual and group education possibilities are provided to meet this goal.

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 have 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 programmes 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.

3. STATISTICS AND OTHER RELEVANT INFORMATION

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

Distribution of the Students who are Educated in the Special Education Institutions According to Years

Academic year	Number of schools	Number of teachers	Number of Students			
			At special Education Institutions	At Special Education Classes	At Mainstreaming Education	Total
2016-2017 (1. Term)	1.308	17.555	45.590	40.887	219.728	306.205
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
2009-2010	700	6.005	36.599	15.712	76.204	128.515
2008-2009	670	5.695	30.671	13.015	70.685	114.371
2007-2008	561	4.758	28.252	9.252	58.504	96.008
2006-2007	537	4.979	27.439	9.643	55.096	92.178
2005-2006	495	4.680	25.238	8.921	45.532	79.691

Source: <http://sgb.meb.gov.tr/www/resmi-istatistikler/icerik/64>

Number of students studying at special education and rehabilitation centers and the number of teachers in education and rehabilitation centers by years

Years	Number of Students	Number of Teachers	Special Education and Rehabilitation Center (widespread education)
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
2009-2010	186.634	11.930	1.591
2008-2009	199.594	9.770	1.656
2007-2008	187.726	10.799	1.708
2006-2007	131.206	8.587	1.318

Source: <http://sgb.meb.gov.tr/www/resmi-istatistikler/icerik/64>

According to the education statistics of the Ministry of National Education for the 2015-2016 academic year, a total of 288,489 disabled students are receiving special education in 1,268 schools / institutions.

The number of schools / institutions and the number of disabled students separated according to school type

School Type	Number of School / Institution	Number of Students
Kinder garden under the scope of the special education	143	1.010
Mainstreaming education (pre-school)	-	1.399
Primary school(hearing impaired)	44	863
Secondary school (hearing impaired)	44	1.771
Primary school(sight impaired)	17	564
Secondary school (sight impaired)	17	678
Primary school (Orthopaedic impaired)	3	302
Secondary school (Orthopaedic impaired)	3	346
Primary school (Mild level Mental Disability)	36	788
Secondary school (Mild level Mental Disability)	42	1.520
Special Education Enforcement Center (1st Level)	259	7.624
Special Education Enforcement Center (2nd Level)	254	6.769
Students with Adaptation Difficulty(Secondary school)	1	41
Special (Private) Education Primary school	22	72
Special (Private) Education Secondary school	14	49
Special Education Class (Primary school)	-	17.849
Special Education Class (Secondary school)	-	18.893
Mainstreaming Education (Primary school)	-	81.380
Mainstreaming Education (Secondary school)	-	92.032
Special Education Vocational High School (Orthopaedic impaired)	2	106
Special Education Vocational High School (hearing impaired)	21	2.088
Special Education Job Application Center (3rd Level)	214	10.257
Special Education Vocational Education Center (Sight impaired 3rd Level)	2	41
Special Education Vocational Education Center (Mental Disabled 3rd Level)	130	14.317
Mainstreaming Education (Secondary school)	-	27.730
TOTAL	1.268	288.489

1.16.a Özel öğretim kurumlarında okul, öğrenci, öğretmen ve derslik sayısı

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

[2015/16 Öğretim yılı - The educational year 2015/16]

Eğitim Kademesi Level of Education	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	
Örgün Eğitim Toplamı Total of Formal Education	10 525	1 174 409	623 309	551 100	133 781	46 869	86 912	98 762
Okulöncesi Eğitimi Pre-primary Education	4 658	191 670	102 173	89 497	18 083	307	17 776	16 699
İlkokul Primary School	1 389	232 039	122 834	109 205	25 908	5 865	20 043	23 019
Ortaokul Lower Secondary School	1 555	278 089	150 233	127 856	31 288	11 982	19 306	17 317
Ortaöğretim Upper Secondary Education	2 923	472 611	248 069	224 542	58 502	28 715	29 787	41 727
Genel Ortaöğretim General Secondary Education	2 504	373 394	197 355	176 039	49 898	25 355	24 543	34 401
Mesleki ve Teknik Ortaöğretim Vocational and Technical Secondary Education	419	99 217	50 714	48 503	8 604	3 360	5 244	7 326

1.16.b Yıllara göre özel öğretimin okul ve öğrenci sayılarının toplam içindeki payı

The percentage of Private Education Institutions schools and students in total by years

Öğretim Yılı Educational Year	Eğitim Kademesi Level of Education	Okul Sayısı Number of School	Öğrenci Sayısı Number of Student	Özel öğretimin toplam içindeki payı % The percentage of Private Education in total		
				Okul School	Öğrenci Student	
2014-2015	Toplam (Resmi+Özel) Total (Public+Private)		59 507	15 774 412	-	-
	Okulöncesi (Resmi+Özel) Pre-Primary Education (Public+Private)		5 935	1 156 661	-	-
	İlkokul (Resmi+Özel) Primary School (Public+Private)		27 544	5 434 150	-	-
	Ortaokul (Resmi+Özel) Lower Secondary School (Public+Private)		16 968	4 962 964	-	-
	Ortaöğretim (Resmi+Özel) Upper Secondary School (Public+Private)		9 060	4 220 637	-	-
	Özel Okul Toplamı Total Private Schools		7 474	823 515	12,6	5,2
	Okulöncesi - Pre-Primary Education		3 555	171 648	59,9	14,8
2015-2016	Toplam (Resmi+Özel) Total (Public+Private)		61 201	15 714 748	-	-
	Okulöncesi (Resmi+Özel) Pre-Primary Education (Public+Private)		6 788 ⁽¹⁾	1 209 106	-	-
	İlkokul (Resmi+Özel) Primary School (Public+Private)		26 522	5 360 703	-	-
	Ortaokul (Resmi+Özel) Lower Secondary School (Public+Private)		17 342	4 873 431	-	-
	Ortaöğretim (Resmi+Özel) Upper Secondary School (Public+Private)		10 549	4 271 508	-	-
	Özel Okul Toplamı Total Private Schools		9 581 ⁽¹⁾	1 174 409	15,7	7,5
	Okulöncesi - Pre-Primary Education		3 714	191 670	54,7	15,9
İlkokul - Primary School		1 389	232 039	5,2	4,3	
Ortaokul - Lower Secondary School		1 555	278 089	9,0	5,7	
Ortaöğretim - Upper Secondary School		2 923	472 611	27,7	11,1	

(1) Okul öncesi eğitimde 20 061 resmi anasınıfı ile 944 özel anasınıfı okul sayısına dahil edilmemiştir.

Not 1. Açıköğretim öğrenci sayıları dahil edilmemiştir.

Not 2. Okulöncesinde Aile ve Sosyal Politikalar Bakanlığına bağlı kurumlar ile İş Kanununa göre işletmelerde açılan kreşler dahildir.

(1) 20 061 public and 944 private nursery-classes are not included in the number of schools in pre-primary education.

Note 1. Open education students are not included.

Note 2. The institutions and crèches opened in enterprises in accordance with the Labour Law dependent to the Ministry of Family and Social Policies are included in Pre-Primary Education.

**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
[2015/16 Öğretim yılı - The educational year 2015/16]

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		26 522	5 360 703	2 743 694	2 617 009	302 961	122 708	180 253	246 090
İlkokul (Resmi) Primary School (Public)		25 133	5 128 664	2 620 860	2 507 804	277 053	116 843	160 210	223 071
İlkokul (Özel) Primary School (Private)		1 389	232 039	122 834	109 205	25 908	5 865	20 043	23 019
Temel Eğitim Genel Müdürlüğü (İlkokul) (Resmi) General Directorate of Basic Education (Primary School) (Public)		24 773	5 118 482	2 614 523	2 503 959	274 291	115 807	158 484	220 158
İlkokul Primary School		24 773	5 118 482	2 614 523	2 503 959	274 291	115 807	158 484	220 158
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü (Resmi) General Directorate of Special Education and Guidance Services (Public)		359	10 141	6 326	3 815	2 762	1 036	1 726	2 909
İlkokul (İşitme Engelliler) Primary School (Hearing-Impaired)		44	863	513	350	268	96	172	361
İlkokul (Görme Engelliler) Primary School (Visually-Impaired)		17	564	322	242	183	54	129	139
İlkokul (Ortopedik Engelliler) Primary School (Orthopedic-Impaired)		3	302	158	144	39	5	34	53
İlkokul (Hafif Düzeyde Zihinsel Engelliler) Primary School (Light Levels of Educable Mentally-Impaired)		36	788	500	288	214	81	133	276
Özel Eğitim Uygulama Merkezi (I. Kademe) Training Center of Special Education (I. Grade)		259	7 624	4 833	2 791	2 058	800	1 258	2 080
Müzik ve Bale İlkokulu (Konservatuar) Music and Ballet Primary School (Conservatory)		1	41	11	30	-	-	-	4
İlkokul (Özel) Primary School (Private)		1 389	232 039	122 834	109 205	25 908	5 865	20 043	23 019
Özel Türk İlkokulu Private Turkish Primary School		1 342	230 818	122 229	108 589	25 400	5 759	19 641	22 588
Özel Özel Eğitim İlkokulu Private Special Education Primary School		22	72	46	26	241	67	174	272
Özel Azınlık İlkokulu Private Minority Primary School		24	1 141	552	589	260	39	221	152
Özel Yabancı İlkokulu Private Foreign Primary School		1	8	7	1	7	-	7	7

**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

[2015/16 Öğretim yılı - The educational year 2015/16]

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	17 343	5 211 506	2 635 412	2 576 094	322 680	146 232	176 448	164 943
Açıköğretim Ortaokulu Open Lower Secondary School	1	338 075	126 193	211 882	-	-	-	-
Ortaokul (Resmi) Lower Secondary School (Public)	15 787	4 595 342	2 358 986	2 236 356	291 392	134 250	157 142	147 626
Ortaokul (Özel) Lower Secondary School (Private)	1 555	278 089	150 233	127 856	31 288	11 982	19 306	17 317
Temel Eğitim Genel Müdürlüğü (Ortaokul) (Resmi) General Directorate of Basic Education (Lower Secondary School) (Public)	13 454	4 059 217	2 101 431	1 957 786	264 093	121 038	143 055	130 517
Ortaokul Lower Secondary School	13 113	3 964 762	2 052 647	1 912 115	256 941	116 648	140 293	124 811
Yatılı Bölge Ortaokulu Regional Boarding Lower Secondary School	341	94 455	48 784	45 671	7 152	4 390	2 762	5 706
Din Öğretimi Genel Müdürlüğü (Ortaokul) (Resmi) General Directorate of Religious Education (Lower Secondary School) (Public)	1 961	524 295	250 241	274 054	23 834	11 541	12 293	15 792
İmam Hatip Ortaokulu Imams and Preachers Lower Secondary School	1 622	458 997	221 353	237 644	23 834	11 541	12 293	15 792
İmam Hatip Lisesi Bünyesinde İmam Hatip Ortaokulu Imams and Preachers Lower Secondary School physically dependent to Imams and Preachers Upper Secondary School	339	65 298	28 888	36 410	-	-	-	-
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü (Resmi) General Directorate of Special Education and Guidance Services (Public)	361	11 125	7 125	4 000	3 465	1 671	1 794	1 209
Ortaokul (İşitme Engelliler) Lower Secondary School (Hearing-Impaired)	44	1 771	1 058	713	632	355	277	302
Ortaokul (Görme Engelliler) Lower Secondary School (Visually-Impaired)	17	678	406	272	259	160	99	173
Ortaokul (Ortopedik Engelliler) Lower Secondary School (Orthopedic-Impaired)	3	346	195	151	51	18	33	15
Ortaokul (Hafif Düzeyde Zihinsel Engelliler) Lower Secondary School (Light Levels of Educable Mentally-Impaired)	42	1 520	994	526	495	212	283	110
Özel Eğitim Uygulama Merkezi (II. Kademe) Training Center of Special Education (II. Grade)	254	6 769	4 431	2 338	2 012	913	1 099	599
Ortaokul (Uyum Güçlüğü Olanlar) Lower Secondary School (Children with Adaptation Problems)	1	41	41	-	16	13	3	10
Müzik ve Bale Ortaokulu (Konservatuar) Music and Ballet Lower Secondary School (Conservatory)	11	705	189	516	-	-	-	108
Ortaokul (Özel) Lower Secondary School (Private)	1 555	278 089	150 233	127 856	31 288	11 982	19 306	17 317
Özel Türk Ortaokulu Private Turkish Lower Secondary School	1 520	276 937	149 665	127 272	30 937	11 882	19 055	17 188
Özel Özel Eğitim Ortaokulu Private Special Education Lower Secondary School	14	49	17	32	66	27	39	70
Özel Azınlık Ortaokulu Private Minority Lower Secondary School	21	1 103	551	552	285	73	212	59

Not. Açıköğretim öğrenci sayıları 2015 yılı içerisinde 3 dönem sonu itibarıyla 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 the end of 3 semesters in 2015.

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

[2015/16 Öğretim yılı - The educational year 2015/16]

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)		10 550	5 807 643	3 047 142	2 760 501	335 690	177 293	158 397	182 530
Ortaöğretim (Resmi) Secondary education (Public)		7 626	3 798 897	1 928 676	1 870 221	277 188	148 578	128 610	140 803
Ortaöğretim (Özel) Secondary education (Private)		2 923	472 611	248 069	224 542	58 502	28 715	29 787	41 727
Açıköğretim lisesi Open secondary education	1	1 536 135	870 397	665 738	-	-	-	-	-
Genel ortaöğretim toplamı Total of general secondary education		5 311	3 047 503	1 574 584	1 472 919	151 458	81 001	70 457	90 806
Genel ortaöğretim (Resmi) General secondary education (Public)		2 807	2 674 109	1 377 229	1 296 880	101 560	55 646	45 914	56 405
Ortaöğretim Genel Müdürlüğü General Directorate of Secondary Education		2 806	1 461 117	674 370	786 747	101 560	55 646	45 914	56 405
Özel Öğretim Kurumları Genel Müdürlüğü (Özel) General Directorate of Private Education Institutions (Private)		2 504	373 394	197 355	176 039	49 898	25 355	24 543	34 401
Açıköğretim lisesi Open secondary education	1	1 212 992	702 859	510 133	-	-	-	-	-
Mesleki ve teknik ortaöğretim toplamı Total of vocational and technical secondary education		4 090	2 082 935	1 174 953	907 982	145 141	75 551	69 590	67 943
Mesleki ve teknik lise (Resmi) Vocational and technical high school (Public)		3 671	1 781 910	997 595	784 315	136 537	72 191	64 346	60 617
Mesleki ve Teknik Eğitim Genel Müdürlüğü General Directorate of Vocational and Technical Education		3 290	1 754 539	980 277	774 262	131 799	70 002	61 797	57 955
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü General Directorate of Special Education and Guidance Services		369	26 809	17 118	9 691	4 738	2 189	2 549	2 596
Diğer Bakanlık ve Kur. Bağlı Meslek Lisesi (Konservatuar) Conservatory (Dependent on the other Ministries or Institutions)	12	562	200	362	-	-	-	-	66
Özel Öğretim Kurumları Genel Müdürlüğü (Özel) General Directorate of Private Education Institutions (Private)		419	99 217	50 714	48 503	8 604	3 360	5 244	7 326
Açıköğretim lisesi Open secondary education	-	201 808	126 644	75 164	-	-	-	-	-
Din Öğretimi Toplamı (Resmi) Total of religious education (public)		1 149	677 205	297 605	379 600	39 091	20 741	18 350	23 781
İmam Hatip Lisesi - Anadolu İmam Hatip Lisesi Imam and Preacher High School - Anatolian Imam and Preacher High School	1 149	555 870	256 711	299 159	39 091	20 741	18 350	23 781	-
Açıköğretim İmam Hatip Lisesi Open education religious high schools	-	121 335	40 894	80 441	-	-	-	-	-

Not. Açıköğretim öğrenci sayıları 2015 yılı içerisinde 3 dönem sonu itibarıyla 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 the end of 3 semesters in 2015.

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

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

[2015/16 Öğretim yılı - The educational year 2015/16]

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	
Ortaöğretim (Genel+Mesleki Ortaöğretim) Secondary Education (General+Vocational Secondary Education)	10 550	5 807 643	3 047 142	2 760 501	335 690	177 293	158 397	182 530
Ortaöğretim (Resmî) Secondary education (Public)	7 626	3 798 897	1 928 676	1 870 221	277 188	148 578	128 610	140 803
Ortaöğretim (Özel) Secondary education (Private)	2 923	472 611	248 069	224 542	58 502	28 715	29 787	41 727
Açıköğretim lisesi Open secondary education	1	1 536 135	870 397	665 738	-	-	-	-
Genel ortaöğretim toplamı Total of general secondary education	5 311	3 047 503	1 574 584	1 472 919	151 458	81 001	70 457	90 806
Genel ortaöğretim (Resmî) General secondary education (Public)	2 806	1 461 117	674 370	786 747	101 560	55 646	45 914	56 405
Genel Ortaöğretim (Özel) General secondary education (Private)	2 504	373 394	197 355	176 039	49 898	25 355	24 543	34 401
Açıköğretim lisesi Open secondary education	1	1 212 992	702 859	510 133	-	-	-	-
Ortaöğretim Genel Müdürlüğü (Resmî) General Directorate of Secondary Education (Public)	2 806	1 461 117	674 370	786 747	101 560	55 646	45 914	56 405
Anadolu Lisesi - Anatolian High School	2 322	1 200 485	554 706	645 779	89 241	47 631	41 610	48 872
Lise High School	-	84 138	40 739	43 399	312	165	147	-
Fen Lisesi - Science High School	261	78 387	34 986	43 401	6 677	4 619	2 058	4 379
Güzel Sanatlar Lisesi Fine Arts High School	74	13 206	5 656	7 550	1 949	1 096	853	746
Spor Lisesi Sports High School	57	10 879	7 714	3 165	678	445	233	411
Sosyal Bilimler Lisesi Social Sciences High School	92	24 202	8 937	15 265	2 681	1 678	1 003	1 731
Anadolu Öğretmen Lisesi Anatolian Teacher Training High School	-	49 820	21 632	28 188	22	12	10	266
Özel Öğretim Kurumları Genel Müdürlüğü (Özel) General Directorate of Private Education Institutions (Private)	2 504	373 394	197 355	176 039	49 898	25 355	24 543	34 401
Özel Türk Lisesi Private Turkish High School	2 464	189 559	101 565	87 994	48 508	24 874	23 634	33 616
Azınlık Lisesi Minority High School	12	574	270	304	304	97	207	107
Uluslararası Lise International High School	17	385	179	206	346	109	237	350
Yabancı Lise Foreign High School	11	182 876	95 341	87 535	740	275	465	328
Mesleki ve Teknik Ortaöğretim Toplamı Total of Vocational and Technical Secondary Education	4 090	2 082 935	1 174 953	907 982	145 141	75 551	69 590	67 943
Mesleki ve Teknik Ortaöğretim (Resmî) Vocational and Technical Secondary Education (Public)	3 671	1 781 910	997 595	784 315	136 537	72 191	64 346	60 617
Mesleki ve Teknik Ortaöğretim (Özel) Vocational and Technical Secondary Education (Private)	419	99 217	50 714	48 503	8 604	3 360	5 244	7 326
Açıköğretim Lisesi Open Secondary Education	-	201 808	126 644	75 164	-	-	-	-

Not 1. Açıköğretim öğrenci sayıları 2015 yılı içerisinde 3 dönem sonu itibarıyla 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 the end of 3 semesters in 2015.

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.

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)

[2015/16 Öğretim yılı - The educational year 2015/16]

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 Eğitim Genel Müdürlüğü (Resmî) General Directorate of Vocational and Technical Education (Public)	3 290	1 754 539	980 277	774 262	131 799	70 002	61 797	57 955
Mesleki ve Teknik Anadolu Lisesi Vocational and Technical High School	2 300	1 482 308	819 143	663 165	109 680	57 805	51 875	44 435
Mesleki ve Teknik Anadolu Lisesi (9. ve 10. Sınıf) Vocational and Technical High School (Grade 9 and Grade 10)	-	832 789	472 782	360 007	-	-	-	-
Endüstri Meslek Lisesi Vocational School for Industry	615	244 943	214 543	30 400	43 868	29 615	14 253	-
Anadolu Teknik Lisesi Anatolian Technical High School	36	13 578	11 153	2 425	2 392	1 519	873	-
Anadolu Meslek Lisesi Anatolian Vocational High School	44	14 903	4 032	10 871	2 592	1 043	1 549	-
Anadolu Denizcilik Meslek Lisesi Anatolian Marine High School	27	3 700	3 338	362	789	510	279	-
Denizcilik Meslek Lisesi Vocational High School for Marine	1	136	132	4	24	18	6	-
Anadolu Tapu Kadastro Meslek Lisesi Anatolian Cadastre Vocational High School	1	113	71	42	20	7	13	-
Tarım Meslek Lisesi Vocational High School for Agriculture	20	2 281	1 662	619	413	228	185	-
Kız Meslek Lisesi Vocational High School for Girls	443	118 565	4 123	114 442	19 888	7 028	12 860	-
Meslek Lisesi Vocational High School	103	31 265	5 153	26 112	5 189	1 685	3 504	-
Anadolu Kız Meslek Lisesi Anatolian Vocational High School for Girls	1	126	-	126	31	15	16	-
Ticaret Meslek Lisesi Vocational High School for Commerce	354	109 399	56 509	52 890	16 179	7 875	8 304	-
Anadolu Ticaret Meslek Lisesi Anatolian Vocational High School for Commerce	38	11 856	5 601	6 255	1 848	937	911	-
Anadolu Otelcilik ve Turizm Meslek Lisesi Anatolian Vocational High School for Hotel Management and Tourism	122	15 714	10 787	4 927	3 653	1 866	1 787	-
Anadolu İletişim Meslek Lisesi Anatolian Vocational High School for Communication	9	1 549	520	1 029	260	129	131	-
Adalet Meslek Lisesi Vocational High School for Law	3	393	164	229	45	23	22	-
Anadolu Sağlık Meslek Lisesi Anatolian Vocational High School for Public Health	110	26 096	9 114	16 982	3 459	1 404	2 055	-
Sağlık Meslek Lisesi Vocational High School for Public Health	275	49 146	16 106	33 040	7 151	2 880	4 271	-
Anadolu Meslek Programı Anatolian Vocational Program	98	5 756	3 353	2 403	1 879	1 023	856	-
Çok Programlı Anadolu Lisesi Anatolian Multi-program High School	894	235 612	133 935	101 677	18 665	10 001	8 664	11 873
Çok Programlı Anadolu Lisesi (9. ve 10. Sınıf) Anatolian Multi-program High School (Grade 9 and Grade 10)	-	143 791	87 242	56 549	634	311	323	11 873
Çok Programlı Lise Multi-program High School	-	91 821	46 693	45 128	18 031	9 690	8 341	-
Mesleki ve Teknik Eğitim Merkezi Vocational and Technical Training Center	96	36 619	27 199	9 420	3 454	2 196	1 258	1 647
Mesleki ve Teknik Eğitim Merkezi (9. ve 10. Sınıf) Vocational and Technical Training Center (Grade 9 and Grade 10)	-	20 667	15 978	4 689	3 454	2 196	1 258	1 647
Mesleki ve Teknik Eğitim Merkezi Vocational and Technical Training Center	-	15 952	11 221	4 731	-	-	-	-

Not 1. Açıköğretim öğrenci sayıları 2015 yılı içerisinde 3 dönem sonu itibarıyla yeni kayıt yaptıran ve kayıt yenileyen aktif öğrencileri kapsar.

Note 1. The number of open education students include the active students who are new entrants or who have renewed registration as of the end of 3 semesters in 2015.

2. 01.05.2014 tarihli ve 2014/8 sayılı genelgeçe 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.

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.

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)

[2015/16 Öğretim yılı - The educational year 2015/16]

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	
Özel Eğitim ve Rehberlik Hizmetleri Genel Müdürlüğü (Resmî) General Directorate of Special Education and Guidance Services (Public)	369	26 809	17 118	9 691	4 738	2 189	2 549	2 596
Özel Eğitim Meslek Lisesi (İşitme Engelliler) Special Education Vocational Upper Secondary School (Hearing-Impaired)	21	2 088	1 221	867	453	258	195	220
Özel Eğitim Meslek Lisesi (Ortopedik Engelliler) Special Education Vocational Upper Secondary School (Orthopedic-Impaired)	2	106	69	37	39	23	16	12
Özel Eğitim Mesleki Eğitim Merkezi (Görme Engelliler- III. Kademe) Special Education of Vocational Training Center (Visually- Impaired III. Grade)	2	41	26	15	14	7	7	-
Özel Eğitim İş Uygulama Merkezi (III. Kademe) Training Center of Special Education (III. Grade)	214	10 257	6 774	3 483	2 060	928	1 132	1 414
Özel Eğitim Mesleki Eğitim Merkezi (Zihinsel Engelliler-III. Kademe) Special Education of Vocational Training Center (Mentally- Impaired III. Grade)	130	14 317	9 028	5 289	2 172	973	1 199	950
Özel Öğretim Kurumları Genel Müdürlüğü (Özel) General Directorate of Private Education Institutions (Private)	419	99 217	50 714	48 503	8 604	3 360	5 244	7 326
Özel Türk Lisesi Private Turkish High School	419	99 217	50 714	48 503	8 604	3 360	5 244	7 326
Müzik ve Sahne Sanatları Lisesi Music and Performing Arts High School	12	562	200	362	-	-	-	66
Din Öğretimi Genel Müdürlüğü (Resmî) General Directorate of Religious Education (Public)	1 149	677 205	297 605	379 600	39 091	20 741	18 350	23 781
İmam Hatip Lisesi - Anadolu İmam Hatip Lisesi Imam and Preacher High School - Anatolian Imam and Preacher High School	1 149	555 870	256 711	299 159	39 091	20 741	18 350	23 781
Açıköğretim İmam Hatip Lisesi Open education religious high schools	-	121 335	40 894	80 441	-	-	-	-

Not 1. Açıköğretim öğrenci sayıları 2015 yılı içerisinde 3 dönem sonu itibarıyla yeni kayıt yaptıran ve kayıt yenileyen aktif öğrencileri kapsar.

Note 1. The number of open education students include the active students who are new entrants or who have renewed registration as of the end of 3 semesters in 2015.

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.

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.

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

[2014/15 Öğretim yılı sonu - End of the Educational year 2014/15]

Kurum Türü Kind of Institution	Kurum Institution	Kursiyer Sayısı Number of participants			Öğretmen Teacher			Derslik Classroom
		Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	
Genel Toplam General Total	12 194	8 700 576	4 723 898	3 976 678	70 854	38 724	32 130	69 842
Yaygın Eğitim (Resmi) Non-Formal Education (Public)	1 657	5 582 076	2 739 995	2 842 081	19 722	10 895	8 827	8 666
Mesleki Eğitim Merkezi ⁽¹⁾ Vocational Training Center ⁽¹⁾	318	209 236	168 108	41 128	4 920	3 825	1 095	1 977
Kız Teknik Olgunlaşma Enstitüsü Girls Mature Technical Institute	15	8 477	486	7 991	470	38	432	55
Halk Eğitim Merkezi Public Training Center	985	5 238 797	2 492 332	2 746 465	9 769	4 287	5 482	5 628
Turizm Eğitim Merkezi Tourism Training Center	10	385	283	102	120	71	49	42
Bilim ve Sanat Merkezi (Üstün veya Özel Yetenekliler) Science and Art Center (Superior or Special Talented)	89	18 707	9 488	9 219	1 085	650	435	785
Rehberlik Araştırma Merkezi ⁽²⁾ Counseling and Research Center ⁽²⁾	228	518 464	315 732	202 732	3 358	2 024	1 334	179
Meslek Kursları (3308 say.yasaya göre) ⁽³⁾⁽⁴⁾ Vocational Courses (by law of 3308) ⁽³⁾⁽⁴⁾	-	106 474	69 298	37 176	-	-	-	-
Yetişkinler Teknik Eğitim Merkezi ⁽³⁾ Adults Technical Education Center ⁽³⁾	12	-	-	-	-	-	-	-
Yaygın Eğitim (Özel) Non-Formal Education (Private)	10 537	3 118 500	1 983 903	1 134 597	51 132	27 829	23 303	61 176
Özel Dershaneler Private Teaching Centers	938	536 234	263 472	272 762	-	-	-	9 254
Özel Öğretim Kursları Special Education Courses	181	-	-	-	-	-	-	106
Motorlu Taşıt Sürücüleri Kursu Motor Vehicles Drivers Course	3 522	1 867 157	1 308 118	559 039	20 917	16 042	4 875	10 519
Muhtelif Kurslar Various Courses	2 807	320 274	179 098	141 176	6 759	3 847	2 912	12 400
Özel Eğitim ve Rehabilitasyon Merkezi Special Education and Rehabilitation Center	1 950	349 681	210 506	139 175	20 872	7 142	13 730	24 919
Özel Eğitim Okulu (Yaygın Eğitim) Private Special Education School (Non-Formal Education)	45	4 807	2 896	1 911	-	-	-	-
Özel Etüt Eğitim Merkezi Private Etude Training Center	1 094	40 347	19 813	20 534	2 584	798	1 786	3 978

Not. Yaygın eğitim bilgileri, biten eğitim ve öğretim yılı itibarıyla alınmaktadır, 2014/15.

Note. Non-formal education data are given by the end of educational year, 2014/15.

(1) Mesleki eğitim merkezleri bağımsız olarak gösterilmiştir.

(1) Vocational training centers are shown independently.

(2) Rehberlik araştırma merkezindeki öğrenci sayıları toplam sayıya dahil edilmemiştir. Öğrenci sayıları rehberlik araştırma merkezine başvuranların sayısıdır. (1 Ocak 2015 - 31 Aralık 2015)

(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 2015- 31 December 2015)

(3) Bağlı buldukları meslek lisesinde gösterilmiştir.

(3) Shown in their vocational high schools.

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

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

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;

Scope of the provisions as interpreted by the ECSR

Anti-discrimination legislation on the basis of disability in employment. Access to employment on the open labour market for persons with disabilities, *inter alia*, by adjusting working conditions to the needs of persons with disabilities (reasonable accommodation).

There must be obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment and to keep in employment persons with disabilities, including persons who have become disabled while in their employment as a result of an industrial accident or occupational disease. Sheltered employment facilities must be reserved for those persons with disabilities who cannot be integrated into the open labour market. They should aim to assist their beneficiaries to enter the open labour market and must guarantee, where production is the main activity, the basic provisions of labour law and in particular the right to fair remuneration.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The understanding of disability policy in Turkey was shaped by Turkish Disability Act No. 5378 of 2005 that can be defined as a framework law on disability.

As per 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 labor, to promote labor, to create suitable economic conditions for prevention of unemployment and to secure labor 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).

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 unfavorable 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 (TCK) 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 labor law, the obligation of equal treatment to employees was legally regulated by the provisions of The Labor Act 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, 5, 926 disabled persons were recruited to the vacant positions in the public institutions for the second time on 14 March 2013. In this respect, the total number of disabled persons who were recruited to the vacant positions in the public institutions reached approximately 33,000 within two years. In 2013, a number of legislative arrangements were made concerning the rights of the disabled.

Article 5 of The Labor Act 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 Act, 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 labor 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.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

A cooperation protocol was signed between the Ministry of Family and Social Policies established on 6 July 2011 and the Ministry of Science, Industry and Technology on 10 February 2012 in order to support entrepreneurship activities for women, martyrs’ relatives and veterans as well as the people with disabilities.

The Ministry of Family and Social Policies and the Ministry of Science, Industry and Technology carried out a joint work within the scope of the protocol signed for the purposes of training the people with disabilities and their relatives on entrepreneurship to enable them to start their own business and participate in production, provide guidance on starting their own business, assure them to benefit from the KOSGEB Entrepreneurship Grant Program and encourage sustainability by means of the monitoring work following the establishment of business environments and realized the “No Disability for Entrepreneurs” project aiming to integrate our disabled citizens into the labour market and strengthen them economically and socially.

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 Labor Act 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 PwD’s in Public Institutions

- Prohibition of night employment or night shift for persons with disabilities provided opportunity for PwD’s 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 PwD’s 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 (IS-KUR) 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

Entrepreneurs with Disabilities:

- Within the context of the Cooperation Protocol signed between General Directorate of Services for Persons with Disabilities Elderly People and KOSGEB (Small and Medium Industry Development Organization) a joint project has been initiated with the title of: “Entrepreneurs stop at no barriers”. The Project aims to integrate persons with disabilities into labour market and thus enhance their economic and social conditions.
- At the first phase of the project, it is expected to ensure participation of persons with disabilities to Applied Entrepreneurship Trainings organized by KOSGEB, to provide coaching support at the stage of business establishment and to subsidize entrepreneurs with KOSGEB New Entrepreneur Assistance serving as initial capital.

The Project was initiated in the provinces chosen as pilot areas; it is open to participation of all persons with disabilities and their relatives even if they are retired, public officials, employed unemployed or operating a private workplace. Persons who complete courses are counselled and supported by experienced coaches.

Agreement was reached on disseminating the professional consultancy services providing by İŞKUR to people with disabilities the people with disabilities, adding “disabled” module in the training module of Business and Job Counsellors and providing this training to all business and job counsellors. Legislative work to support protected work places was carried out in coordination with İŞKUR and agreement was reached on main principles and regulatory frameworks were created. Another protocol signed between the Ministry of Family and Social Policies and the Ministry of Science, Industry and Technology on 17 February 2012 would increase the participation of women and people with disabilities in the economic life.

As per the Regulation on employment of PwDs in private sector, employers can recruit employees with disabilities either through the agency of İSKUR or through their own means. In both cases, employers are obliged 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.

In accordance with the Labor 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. The collected fine is gathered in Administrative Fine Fund of İSKUR 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 Labor 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 Labor 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 Labor 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 labor 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).

TDA, on the other hand, provides that employment of PwDs, who face difficulties in integration to the labor 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 programmes 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 programmes shall be developed accordingly by the MEB and the Ministry of Labor and Social Security under the coordination of the ASPB. 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 people's 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.

MEB 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 counseling services provided by ISKUR were initiated in 1991 following the enactment of Law No. 4904 on Turkish Labor Institution. Within the scope of these services, vocational and occupational counseling 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. In this regard, Occupation Information Centers were established in 65 provinces and 81 Job Placement Units started service under Provincial Directorates of Working and Labor Institution. There are efforts aimed at enhancing the capacity of these services. In this regard, between the years of 2012 and 2013, 4000 Occupation and Vocation Consultants were gradually recruited by ISKUR. By the end of 2013, the number of employed consultants was 3914.

Each Occupation and Vocation Consultant was given a portfolio of jobseekers, employers or schools with the purpose of affective provision of consultancy service and thus each unemployed person, employer or school had a consultant. Owing to the portfolio system, each person with a disability had a consultant. 32.331 PwDs in 2012 and 44.627 by September 2013 received Occupation and Vocation Consultancy through interviews.

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 labor 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. In this context, Regulation on Private Vocational Rehabilitation Centers was issued in 2006 with the aim of carrying out vocational rehabilitation practices systematically. Legislation work on issuing related legal arrangements in order to ensure sustainability of these centers are still in progress.

4.309 out of 1.955.651 craft and related trade establishments are run by PwDs. Although there are not any special legal arrangements for craftsman or artisans with disabilities, they are encouraged to benefit from the activities of the Project “Entrepreneur Support Programme” that is being carried out by Small and Medium Enterprises Development Organization (KOSGEB). Persons with disabilities who want to set up their own businesses can attend to “Applied Entrepreneurship Training” together with other individuals and receive Financial Assistance for New Entrepreneurs, as an initial capital, with a 10% increase in the amount. In addition, within the context of the Cooperation Protocol signed between ASPB and Ministry of Science, Industry and Technology, a Joint Project titled “Entrepreneurs Stop At No Barriers” was initiated by EYHGM and KOSGEB. The Project aims to promote entrepreneurship among PwDs through entrepreneurship trainings and guiding activities and thus enhance their economic and social conditions.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Some realities about the labour market and disabilities in Turkey can be reached from “An Analysis of the Labour Market Based On Disability” prepared by the Republic of Turkey Ministry of Family and Social Policy General Directorate of Services for Persons with Disabilities and Elderly People” by the below link:

http://eyh.aile.gov.tr/data/5458c557369dc34c643cef43/labour_market_disability.pdf

Number of disabled persons applied and employed in public institutions and Private sectors by years

Years	Application	Recruitment		
		Public	Private	Total
2017'January	6.760	11	1.309	1.320
2016	79.321	236	14.795	15.031
2015	65.255	258	20.197	20.455
2014	77.632	232	26.118	26.350
2013	76.235	287	34.189	34.476
2012	83.955	398	35.133	35.531
2011	35.151	455	37.894	38.349
2010	36.144	295	31.962	32.257
2009	40.519	545	25.860	26.405
2008	48.480	427	21.540	21.967
2007	36.397	573	17.291	17.864
2006	28.236	1202	22.579	23.781

Resource: <http://www.iskur.gov.tr/kurumsalbilgi/istatistikler.aspx>

Disabled civil servants employed in public institutions by years

Years	Number of Disabled Civil Cervants
2017' April	48.947
2016	43.151
2015	40.655
2014	34.078
2013	32.787
2012	27.314
2011	20.829
2010	18.787
2009	10.357
2008	9.966
2007	9.193
2006	8.915

Resource: <http://www.dpb.gov.tr/tr-tr/istatistikler>

Employment position of persons with Disabilities for people above 15 years of age, 2011

		Labour force participation rate (%)	Employment rate (%)	Unemployment rate (%)
Total population	Total	47,5	43,7	7,9
	Male	69,2	64,4	7,0
	Female	25,9	23,1	10,6
Population of people with at least one disability	Total	22,1	20,1	8,8
	Male	35,4	32,0	9,5
	Female	12,5	11,6	7,3

DISTRIBUTION OF DISABLED BY TYPES OF DISABILITY IN 2014

Engellilik Türleri Types Of Disability	Applications			Toplam Total			Kamu Public			Özel Private			Registered Labour Force		
	Erkek Male	Kadın Female	Topla m Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Topla m Total	Erkek Male	Kadın Female	Toplam Total
	BATINI İLGİLENDİRE HASTALIKLAR GASTROENTEROLOGY	107	26	133	42	8	50	-	-	-	42	8	50	165	33
DERİ DERMATOLOGY	246	65	311	95	25	120	1	-	1	94	25	119	374	101	475
ENDOKRİN SİSTEMİ ENDOCRINOLOGY	1.359	487	1.846	463	127	590	11	1	12	452	126	578	1.844	672	2.516
GÖRME SİSTEMİ OPHTHALMOLOGY	8.390	1.548	9938	3141	484	3625	28	5	33	3.113	479	3592	13.450	2.758	16.208
HEMATOPOETİK SİSTEM HEMATOLOGY	1.315	269	1584	423	83	506	6	1	7	417	82	499	2.008	385	2393
İÇ HASTALIKLARI GRUBUNDAKİ ENGELLİLER INTERNAL MEDICINE	2.968	654	3.622	950	195	1145	7	-	7	943	195	1138	4.696	1.034	5.730
KADIN HASTALIKLARI VE DOĞUM GYNECOLOGY AND OBSTETRICS	4	25	29	-	4	4	-	-	-	-	4	4	6	41	47
KARDİYOVAŞKÜLER SİSTEM CARDIOLOGY	2.889	414	3.303	896	114	1.010	10	1	11	886	113	999	4.132	620	4.752
KAS İSKELET SİSTEMİ MUSCULAR AND SKELETON SYSTEM	12.808	3.115	15.923	4302	916	5218	43	3	46	4.259	913	5172	20.078	5.171	25.249
KULAK BURUN BOĞAZ SİSTEMİ OTOLOGY	7.317	2.442	9759	2835	815	3650	15	3	18	2.820	812	3632	9.684	3.624	13308
ONKOLOJİK HASTALIKLAR ONCOLOGY	348	185	533	110	48	158	-	1	1	110	47	157	513	278	791
RUH HASTALIKLARI GRUBUNDAKİ ENGELLİLER PSYCHOLOGICAL DISEASES	2.958	383	3.341	929	94	1023	2	1	3	927	93	1020	5.381	789	6.170
SİNDİRİM SİSTEMİ DIGESTION SYSTEM	604	140	744	200	35	235	5	-	5	195	35	230	991	251	1242
SİNİR SİSTEMİ NERVOUS SYSTEM	6.302	1.234	7536	2279	379	2658	19	2	21	2.260	377	2637	10.299	2.164	12463
SOLUNUM SİSTEMİ RESPIRATION SYSTEM	2.030	360	2390	641	92	733	9	2	11	632	90	722	3.258	577	3835
ÜROJENİTAL SİSTEM UROLOGY	820	259	1079	278	89	367	2	2	4	276	87	363	1.380	438	1818
YANIKLAR SCALDS	1.265	166	1431	396	38	434	3	-	3	393	38	431	1.930	297	2227
ZİHİNSEL RUHSAL DAVRANIŞSAL BOZUKLUKLAR MENTAL, PSYCHOLOGICAL AND BEHAVIOURAL DISORDERS	6.857	1.336	8193	2439	364	2803	13	3	16	2.426	361	2787	11.824	2.503	14327
DİĞER HASTALIKLAR GRUBUNDAKİ ENGELLİLER OTHER DISEASES	4.945	992	5937	1737	284	2021	26	7	33	1711	277	1988	8.348	1.833	10181
TOPLAM TOTAL	63.532	14.100	77.632	22.156	4.194	26.350	200	32	232	21.956	4.162	26.118	100.361	23.569	123.930

Source: İŞKUR

ACTIVITIES CONCERNING THE DISABLED BETWEEN 1977 AND 2014

Yıllar Years	DISABLED											
	BAŞVURU/ APPLICATIONS			İŞE YERLEŞTİRME / PLACEMENTS								
				Toplam / Total			Kamu / Public			Özel / Private		
	Erkek	Kadın	Toplam	Erkek	Kadın	Toplam	Erkek	Kadın	Toplam	Erkek	Kadın	Toplam
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
1977			8.347			2.077			1.109			968
1978			5.545			1.871			992			879
1979			4.613			1.805			1.111			694
1980			4.642			1.340			767			573
1981	11.078	1.399	12.477	2.209	286	2.495	1.232	173	1.405	977	113	1.090
1982	9.739	1.091	10.830	2.377	357	2.734	1.730	301	2.031	647	56	703
1983	10.100	1.211	11.311	2.469	361	2.830	1.587	263	1.850	882	98	980
1984	10.085	1.224	11.309	4.272	632	4.904	3.072	481	3.553	1.200	151	1.351
1985	7.909	843	8.752	3.390	453	3.843	1.612	210	1.822	1.778	243	2.021
1986	7.221	796	8.017	2.832	349	3.181	1.607	218	1.825	1.225	131	1.356
1987	8.717	1.048	9.765	4.054	392	4.446	1.823	160	1.983	2.231	232	2.463
1988	7.606	1.118	8.724	4.179	511	4.690	1.752	201	1.953	2.427	310	2.737
1989	9.544	1.278	10.822	6.830	796	7.626	2.363	275	2.638	4.467	521	4.988
1990	11.164	1.412	12.576	5.713	694	6.407	1.568	158	1.726	4.145	536	4.681
1991	10.713	1.331	12.044	4.671	590	5.261	1.342	120	1.462	3.329	470	3.799
1992	12.431	1.538	13.969	4.670	541	5.211	1.220	120	1.340	3.450	421	3.871
1993	10.361	1.317	11.678	4.653	522	5.175	1.414	162	1.576	3.239	360	3.599
1994	7.878	1.086	8.964	3.596	485	4.081	892	84	976	2.704	401	3.105
1995	8.218	1.346	9.564	4.374	594	4.968	827	77	904	3.547	517	4.064
1996	10.368	1.581	11.949	4.923	660	5.583	856	93	949	4.067	567	4.634
1997	12.388	1.693	14.081	5.482	701	6.183	764	77	841	4.718	624	5.342
1998	12.867	1.852	14.719	6.096	755	6.851	1.299	111	1.410	4.797	644	5.441
1999	30.419	4.021	34.440	14.563	1.682	16.245	3.918	325	4.243	10.645	1.357	12.002
2000	21.588	3.294	24.882	10.501	1.305	11.806	1.448	143	1.591	9.053	1.162	10.215
2001	21.601	3.284	24.885	11.590	1.510	13.100	1.281	88	1.369	10.309	1.422	11.731
2002	20.235	2.882	23.117	9.554	1.329	10.883	617	40	657	8.937	1.289	10.226
2003	42.766	6.452	49.218	10.908	1.573	12.481	430	34	464	10.478	1.539	12.017
2004	33.377	5.578	38.955	14.992	2.183	17.175	1.152	168	1.320	13.840	2.015	15.855
2005	21.830	4.029	25.859	20.274	3.043	23.317	1.547	181	1.728	18.727	2.862	21.589
2006	22.462	5.774	28.236	20.651	3.130	23.781	1.037	165	1.202	19.614	2.965	22.579
2007	26.196	10.201	36.397	15.592	2.272	17.864	494	79	573	15.098	2.193	17.291
2008	33.599	14.881	48.480	18.855	3.112	21.967	371	56	427	18.484	3.056	21.540
2009	24.901	15.618	40.519	22.820	3.585	26.405	470	75	545	22.350	3.510	25.860
2010	22.140	14.004	36.144	27.829	4.428	32.257	265	30	295	27.564	4.398	31.962
2011	21.085	14.066	35.151	32.642	5.707	38.349	391	64	455	32.251	5.643	37.894
2012	64.693	19.262	83.955	30.203	5.328	35.531	338	60	398	29.865	5.268	35.133
2013	62.212	14.023	76.235	29.026	5.450	34.476	241	46	287	28.785	5.404	34.189
2014	63.532	14.100	77.632	22.156	4.194	26.350	200	32	232	21.956	4.162	26.118

TOPLAM TOTAL	711.023	174.633	908.803	388.946	59.510	455.549	41.160	4.870	50.009	347.786	54.640	405.540
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NOTE :The compilation of Sex-Based Data Started in 1981, Source :İŞKUR

Number of Applications done by Persons with Disabilities for Public and Private Sector Disabled-Quotas

Years	Applications	Placement		
		Public	Private	Total
2015	65.255	258	20.197	20.455
2014	77.632	232	26.118	26.350
2013	76.2351	287	34.189	34.476
2012	83.955	398	35.133	35.531
2011	35.151	455	37.894	38.349
2010	36.144	295	31.962	32.257
2009	40.519	545	25.860	26.405
2008	48.480	427	21.540	21.967
2007	36.397	573	17.291	17.864
2006	28.236	1202	22.579	23.781
2005	25.859	1728	21.589	23.317
2004	38.955	1320	15.855	17.175
2003	49.218	464	12.017	12.481
2002	23.117	657	10.226	10.883

Source: İŞKUR (<http://www.iskur.gov.tr/kurumsalbilgi/istatistikler.aspx>)

Number of Employed PwDs at the Workplaces Responsible for Employing PwDs

Years	Number of reserved quotas for PwDs		Number of Employed PwDs	
	Public	Private	Public	Private
2015	8.432	99.262	10.696	84.370
2014	8.417	101.823	10.422	84.706
2013	9.514	97.689	11.804	80.434
2012	10.246	97.322	12.358	77.547
2011	10.496	86.607	12.347	71.088
2010	11.718	79.943	12.603	66.359
2009	12.086	70.550	12.653	58.876
2008	11.593	70.326	11.286	55.077

Source: İŞKUR (<http://www.iskur.gov.tr/kurumsalbilgi/istatistikler.aspx>)

Number of PwDs Employed at the Public Sector Quotas Reserved For PwDs

Years	Number of Disabled Civil Servants
2015	40.656
2014	34.078
2013	32.787
2012	27.314
2011	20.829
2010	18.787
2009	10.357
2008	9.966
2007	9.193
2006	8.915
2005	8.717
2004	8.717

2003	6.727
2002	5.777

Source: İŞKUR (<http://www.iskur.gov.tr/kurumsalbilgi/istatistikler.aspx>)

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.

Scope of the provisions as interpreted by the ECSR

Barriers to communication and mobility must be removed in order to enable access of persons with disabilities to transport (land, rail sea and air), housing (public, social and private), cultural activities and leisure (social and sporting activities). Positive action measures must be taken and full participation of persons with disabilities must be guaranteed.

Anti-discrimination legislation on the ground of disability in all areas mentioned in this paragraph, as well as effective remedies for those who have been unlawfully treated.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

There have been significant developments in recent years with regard to ensuring independent living and inclusion of PwDs to society in Turkey. The State shall take measures to protect the disabled and secure their integration into community life.(Article 61.of the Constitution). 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. With the aim of increasing accessibility to the social security services, Unmanned Service Points and Mobile Social Security Centers were established and SGK TV, the television channel of the Social Security Institution, started to broadcast in May 2013.

With the Law No:6518, on the Amendment of Decree Law on the Organization and Functions of the Ministry of Family and Social Policies and the Certain Laws and Decree Laws, a number of arrangements covering special measures and incentives are envisaged within the context of the Labour Law No. 4857, the Income Tax Law No. 193, the Unemployment Insurance Law No. 4447, the Law No. 2464 on Municipal Revenues and the Corporate Tax

Law No. 5520 with the aims of making sheltered workshops which are of critical importance for the employment of disabled persons, functional and widely disseminated, and thus promoting the employment of disabled persons.

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 By-law on Private Care Centers 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 Centers 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 centers as well as the characteristics of personnel, physical structures of the centers, 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 centers 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 centers where care services for disabled persons in need of care will be given for a specific period before these persons are transferred to care centers, 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 centers within the body of the Ministry of Family and Social Policies 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.

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).

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In Turkey, services of ASPB for all groups in need of support are administered and coordinated by provincial directorates in 81 provinces. Institutional care services coordinated by provincial directorates are rendered by Residential Care and Rehabilitation Centers for PwDs; Rehabilitation and Family Consulting Day Centers that provide only day service and Private Care Centers that provide services on a residential and/or daily basis. Services for PwDs are carried out by EYHGM of ASPB.

Care services for PwDs are rendered by natural and legal persons or by public institutions and organizations that received a license from ASPB (Art. 8). In provision of concerned care services, importance is attached to personal development and needs of PwDs that would help them participate and orient themselves in social life and PwDs in need of care are preferably provided with social support service models. As part of care services skills development for daily living activities is provided and thus independent living capacities of individuals are increased.

As per Additional Article 7 of Law No. 2828 on Social Services that was amended by TDA in 2005, it was stipulated that care services for persons who are not subject to the social security institutions, PwDs who lost their families and are in need of care and the ones whose families are socially or economically deprived shall be rendered in public or private care institutions or in their residential addresses. This amendment extended the scope of care services and thus, all PwDs in need of care whether they had social insurance or not, became entitled to benefit from care services.

Ministry of Family and Social Policy (ASPB) is carrying out some activities on provision of care and support services to PwDs who are economically deprived and in need of social protection in family environment. PwDs who receive care at their homes owing to home care fee paid by the Ministry are visited regularly and counseling is provided to them about their needs in accordance with the service evaluation made on the spot. By means of regulations made in order to promote home care services, PwDs have been provided with the opportunity to benefit from services of Rehabilitation and Family Consulting Centers.

With an amendment made in “Regulation on Identification of PwDs who need Care Services and Principles of Care Services” in 2010, PwDs who receive care from his/her relatives at home but do not benefit from institutional care services or receive any home care fees were entitled to request and benefit from home care services to be provided by a care professional. It was planned to extend the scope of this service model in 2011. Number of persons who benefited from home care support service was 30 by September 2013. PwDs who cannot receive care at home despite all incentives are offered with the opportunity of receiving the service they need in care centers.

Institutions that render services to PwDs who cannot receive care at home take into consideration the principle of performing rehabilitation and social services in line with human dignity of PwDs. Within the scope of these services which aim at fulfilling vital necessities, some extra activities such as practicing, sportive activities, artistic - cultural activities and social, vocational and occupational activities are performed in order to maintain and develop skills and abilities. In addition, relevant institutions for ensuring health, education and employment services to PwDs are contacted for any possible cooperation.

Institutional care services are in the process of transformation in parallel with the approach of community based care in recent years. Within this scope, the work on establishing principles and standards of care services for PwDs who need personal care has gained acceleration since 2006 in order that the services are rendered without prejudice to human dignity. Besides, new service models reflecting this transition in institutional care like “Barrier Free Life Centers” and “Hope Houses” have been put into service.

The Project “Barrier Free Life Centers” was designed with the purpose of increasing the quality of residential care services in institutions and the number of barrier free care centers. The project was initiated in 2009 and the number of beneficiaries, which was 128 in 11 centers by the end of 2011, increased to 1.684 beneficiaries in 14 centers by September 2013.

The Project “Hope Houses” was initiated with the aim of providing care services in the community to PwDs who reside in care and rehabilitation centers and whose conditions are assessed to be suitable for receiving such a service. Within the scope of this project, PwDs are provided with the opportunity of living in small groups in touch with their neighbors.

Along with the residential care and rehabilitation centers affiliated with the Ministry, there are also Rehabilitation and Family Consulting Centers that provide day service for out-patients. These centers, providing either half day or full day service, combine rehabilitation activities

including individual or group work with care services and also provide consultancy service for families.

First Admission and Intervention Units that was established in accordance with Circular No. 2013/11 aim identifying the personal needs of individuals and the model of care service to be provided in centers. These units primarily focus on the support services to be provided for home care to promote the life in family environment.

In addition to aforementioned services, the Project “Promoting Services for People with Disabilities” has the purpose of developing treatment and rehabilitation programmes, physical infrastructure and training courses for personnel. The activities of the project aim at analyzing health care and disability services provided by the Ministry of Health and EYHGM and developing a model of community based care and support service that would replace the institutional care system (Also see Art. 14). Healthy Living and Mobility Programme of 10th Development Plan for 2014-2018 also covers the aim of developing the quality and quantity of community based mental health services.

Various measures have been taken by related legislative arrangements in order to enhance personal mobility of PwDs and thus ensure full and equal participation of them to social life. For instance, standards on accessible entrance and guidance in buildings, audio-visual equipment to be installed in mass transportation vehicles, buildings and open spaces and emergency warning systems were established and have been monitored by Accessibility Monitoring and Auditing Mechanism.

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 1600 cubic centimeter; vehicles used for carrying goods with an engine capacity less than 2800 cubic centimeter and all motorcycles, in case they are bought by a person with a disability degree equal to or above 90%, are exempted from private 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.

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 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”.

In 2012, Turkish version of “UN Handbook for Parliamentarians on the UNCRPD and the Optional Protocol” was published in 5000 copies by EYHGM in cooperation with the Human Rights Joint Platform (IHOP), which is a CSO and the Turkish Association of Municipalities (TBB), the umbrella organization of the municipalities in Turkey.

There are various information activities aimed at mobilizing the related parties of the society in order to ensure adoption of the understanding and provisions put forward by CRPD and an effective implementation of these provisions. Within this scope, EYHGM conducted a project titled “Awareness Raising Seminars on Human Rights and Disability” in 2012. Having been financed by national resources, information seminars were held for 4 major groups with the purpose of ensuring that CRPD is taken as a basis in all policy making and implementation processes and that disability is tackled with a holistic approach.

Four separate seminars were held for representatives of public authorities, CSOs, members of judiciary and legislative body experts and each seminar had a special programme designed according to the field of expertise of participants. Additionally, implementation guidebooks were prepared for these target groups in order to promote implementation of CRPD in Turkey. The guidebooks were also prepared and published in accessible formats such as audio-visual and easy to read versions and distributed to all relevant stakeholders. Besides, a special section (<http://engelli.oyhgm.gov.tr/sozlesme/>) was formed on the official web page of EYHGM in order to raise awareness on the efforts for the implementation of CRPD.

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. The results of the Survey on “TV Watching/Listening Tendencies of Persons with Disabilities” that was carried out by RTUK was disseminated to the broadcasting enterprises with the purpose of promoting accessible, instructive and informative broadcasting on the rights and problems of and services for PwDs.

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. On the other hand, General Directorate of State Theatres stages some plays aimed at increasing disability awareness. General Directorate of Security Affairs and Directorate of Religious Affairs also published several publications with the aim of increasing public awareness on disability and the rights of PwDs.

Recently, some significant legislative arrangements have been made in order to ensure independent and secured access of all buildings, open spaces and transportation vehicles by PwDs.

The most outstanding of these arrangements is the amendment of Construction Law No. 3194 by provisions of Law No. 572 on 30 May 1997. The amendment provides for the obligation of abiding by the related standards of Turkish Standards Institution (TSE) on planning for accessibility in construction plans; urban, social and technical infrastructure plans and buildings. Thus, the obligation of ensuring accessibility in planning, certification, implementation and monitoring activities was imposed to all relevant parties that are responsible for rendering urban services with regard to built environment (Additional Art. 1). Besides, related amendments were made in building by laws in 02 September 1999 in order to take necessary measures to ensure accessibility.

With the related provision of TDA, it was provided that all existing buildings and open spaces used by general public shall be brought to suitable condition for the accessibility of PwDs within seven years after the date of effect of the Law (Provisional Art. 2). Besides, TDA also provides for ensuring accessibility of public transportation services operated or audited by municipalities or metropolitan municipalities within 7 years (Provisional Art. 3). Prime Ministry Circular No. 2006/18 of 12 July 2006 and Prime Ministry Directive of 12 August 2008 were issued with the purpose of promoting the implementation of these provisions on accessibility that were regulated by TDA.

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 fulfill accessibility obligations. Following a legislation 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 audit 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 fulfill 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 EYHGM. 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 defense 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 defense counsel cannot be arranged; a defense 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 defense 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 favor 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 installments 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.

In Turkey, PwDs who are in need of care services are provided with related care services either at their homes or in governmental/private care centers. In determining the type of services or institutions, preferences of PwDs, their family members or their legal representatives are taken into consideration. PwDs are placed to public/private care institutions in line with a petition of the person or his/her legal representative, medical board report indicating the type and percentage of disability, service contract and an assessment report to be issued by a professional.

Institutional care services in Turkey have recently started to transform in parallel with the approach of “community based care”. Within this context, “Barrier Free Life Centers” that provide institutional care service and living environments to PwDs in need of care in single floor houses with gardens for 10 to 12 persons and “Hope Homes” that aim for ensuring

active participation to social life by means of providing care services to small groups of PwDs in apartment houses have put into service since 2006.

Qualified and certified personnel are employed in public and private care institutions. Provincial Directorates of/and the Ministry of Family and Social Policies (ASPB) monitor and audit the institutions.

TCK 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.

Recently, the work on finding innovative solutions to access to information and communication has gained acceleration. Public and private sector together with CSOs have been taking steps to ensure accessibility of ICT for PwDs.

Turkish Sign Language was officially adopted with TDA. Turkish Language Society was assigned for the task of providing coordination in establishment of a national sign language system (Also see Art. 24).

In accordance with the provisions of Law No. 6112 on the Establishment of Radio and Television Enterprises and their Media Services, the responsibilities of promoting and taking measures necessary for facilitating access of PwDs to broadcasting services and new technologies was given to RTUK (Art. 37). The Survey on TV Watching/Listening Tendencies of PwDs indicated that broadcasting enterprises did not broadcast informative or guiding programmes about the problems of PwDs; PwDs demanded broadcasting of educative and informative programmes about special services for themselves and disability rights and that the accessibility of the broadcasts had to be achieved. Based on the results of this survey and the demands of PwDs, the RTUK made some recommendations to all broadcasting enterprises and to state television in particular. Furthermore, RTUK set up a commission which drafted a legislative arrangement aimed at access of persons with hearing and visual disabilities to audio-visual media. This draft stipulates that all broadcasting enterprises including the state television shall communicate the accessibility level of the TV series, news programmes and movies to the Supreme Council and take measures to enhance accessibility in short and medium terms.

In accordance with Social Services Law No. 2828 and Regulation on Care, Rehabilitation and Family Consultancy Services for Persons with Disabilities, consultancy services are provided by Family Consulting and Rehabilitation Centers to the families of PwDs. With the purpose of informing PwDs and their families on disability rights and enhancing intra-family communication, this service covers all services provided to PwDs. Family consultancy is carried out by means of coordinating among services and it includes psychological support

service, social consultancy and participation of families to rehabilitation programmes (Art. 36).

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 centers 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).

With the purpose of promoting care of children with disabilities at home and under supervision of their nuclear families, ASPB pays a net minimum wage to relatives who provide care to a child with a severe disability at home. In principle, priority is always given to home care under supervision of families and alternatively, persons who do not have a family or those who are not appropriate for care or rehabilitation services at home are provided with relevant services in care institutions.

Whereas the Hope Houses Model aimed at participation of PwDs receiving care to social life and only PwDs were declared to be the sole beneficiaries of these houses; in line with the principle of protection of the family, some new Hope Houses were opened with the purpose of ensuring that parents live with their children together - notwithstanding which one has a disability. Besides, efforts are being made in order to avoid retention, abandonment or ignoring of PwDs through awareness raising activities and assistances given in the fields of employment, education and social relief.

Person with disabilities, when they need physiotherapy and rehabilitation services, can benefit from physical medicine and rehabilitation departments of public hospitals, physiotherapy and rehabilitation hospitals or directly from private centers on rehabilitation and physiotherapy. In line with the Communication on Implementation of Health Care Services, the fee of such services provided to PwDs is covered by Social Security Institution. As per Circular No. 2010/20 on Patient Transportation Service, persons who were assessed to receive ambulatory care at regular intervals within a treatment plan are transported from their homes to the health care facilities in an accessible transportation vehicle.

With the purposes of diagnosing and intervening disability at the earliest stage possible, some extra measures have been taken by Ministry of Health. These measures include extending the scope of free vaccination service, development of medical screening and prevention schemes, free iron reinforcement, promoting breast feeding and increasing the number of infant friendly schemes and particularly medical programmes aimed at newborn at hospitals.

Consultancy and guidance service is provided to the parents/families of infants and children with disabilities.

Accessibility arrangements in hospitals are also being carried out as per provisional Articles 2 and 3 of TDA that stipulates the accessibility of public institutions. Circular No. 2010/79 of Ministry of Health stipulates that indoor and outdoor environments of hospitals should be accessible by PwDs. The circular also includes measures on providing parking lots and assistance to PwDs during all processes in hospitals, employing a sign language interpreter in hospitals, facilitating transfer of patients with disabilities to other hospitals and holding regular trainings for the personnel of hospitals. Additionally, Circular No. 2010/73-80 of the Ministry puts forward the provision on giving priority to PwDs in polyclinic services. In this regard, a booklet titled “Guidebook on the Basics of Accessibility of Health Institutions for Persons with Disabilities” was published in 2012 and was disseminated to the governorates of all provinces.

In line with Circular of 16 February 2011 on Implementation of Medical Social Services, “Social Service Units” provide social service interventions such as psycho social activities, guidance on services, consultancy, home visits, informing families on disability etc. that are planned by social workers to PwDs and their relatives who benefit from health care institutions.

“Draft Plan of Action on Prevention of Disability and Development of Health Care Services for Persons with Disabilities” prepared by the Ministry of Health and disseminated to relevant institutions for their contributions and comments aims for providing active coordination and cooperation in developing health care services for PwDs.

In provision of medical rehabilitation services in Turkey, informed consent of the beneficiary or his/her legal guardian is received initially. Besides, vocational and social rehabilitation services are provided in voluntary basis. Persons who want to benefit from such services are supposed to apply to the suppliers.

The right to rehabilitation services in equal terms with all citizens was stipulated by TDA. In accordance with the provisions of Social Security and General Health Insurance Law No. 5510, PwDs who need to receive physiotherapy and rehabilitation services can benefit from this service in physiotherapy and rehabilitation departments of public hospitals, physiotherapy and rehabilitation hospitals or in private physiotherapy centers. The cost of such services and the devices used in rehabilitation processes are covered by the government in line with Communication on Implementation of Health Care Services.

In addition, Social Security Institution prepared and disseminated an animation film on ensuring assistive devices and equipment to be used in rehabilitation and habilitation services. This short film aimed providing information on accessibility of assistive devices and promoting the use of such devices.

Rehabilitation of persons who do not have a family or who cannot receive care at his family house is provided in public and private care and rehabilitation centers. In these centers, in addition to rehabilitation services aimed at skill developing in social, vocational, mental or physical fields, independent living activities are also provided to PwDs from all age and disability groups.

With an amendment made in Social Services Law No. 2828 in 2011, the principle of protecting social security and income of PwDs was taken as the basis of the disability services (Art. 4). In addition, it was also stated in the same law that PwDs, children and the elderly in need of social protection shall be given priority in implementation of social service practices.

Social security of PwDs is provided in two ways that are either within the premium system or out of the premium system. Additionally, there are various supports such as tax exemption/reduction and aid in cash or in kind.

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 an occupational accident or a an occupational illness, 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 4320 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 4680 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 orthopedical 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.

All kind of materials, equipment and software specially produced for the use of PwDs in education, employment or in daily tasks are exempt from Value Added Tax.

Furthermore, Real Estate Tax Law authorized the Council of Ministers for reducing or cancelling out the taxes of real estate that belong to PwDs provided that they possess only one dwelling smaller than 200 square meter. In 2007 and the following years, PwDs have been exempt from real estate tax in accordance with the decree of Council of Ministers.

As per provisions of TDA, care dependent PwDs who lost their families or are economically or socially deprived are provided with care services in public or private institutions or at their own dwellings. In line with this arrangement, mothers who cannot start a job as they have to look after their children with severe disabilities at home and other relatives of PwDs are given a care fee by the ASPB.

General Directorate of Foundations affiliated with Prime Ministry pays disability allowance to orphans or economically deprived persons with at least 40% degree of disability. Besides, children with disabilities under 18 years old are also pensioned provided that their parents meet the aforementioned conditions.

By means of utilizing 973 Social Assistance and Solidarity Foundations in all provinces and districts, General Directorate of Social Benefits carries out social benefit programmes towards PwDs and all dependents including PwDs. The benefits provided by the General Directorate are constituted of; disability benefits, family benefits, health care benefits, education benefits and project support benefits. Within the scope of disability benefits, costs of all kind of assistive devices and equipment that are used for ensuring social participation of the disabled without a social security are covered and students with disabilities who attend to secondary schools are provided with free transportation service.

Municipalities, the Red Crescent and other associations, foundations, federations and confederations of social assistance also provide social aid in cash and in kind to economically deprived PwDs. Furthermore, 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.

Taking into consideration the special conditions and needs of PwDs, reduced internet tariffs with economic advantages were put into effect by 1 February 2012. End users with disabilities or their relatives can make an application in order to benefit from these tariffs.

Building projects of Housing Development Administration (TOKI) are planned in line with related accessibility legislation, especially with Turkish Standards Institution Standard TS9111 – Minimum Requirements in Buildings to Ensure Accessibility for Persons with Mobility Restrictions and/or Disabilities. Special projects are also planned on demand of PwDs. In accordance with Social Dwellings Construction Protocol and the Supplementary Protocol signed between TOKI and ASPB General Directorate of Social Benefits in 2009 and 2011, it was planned to provide economically deprived persons without any social security with dwellings by means of repayment method. In mass housing projects, 10% quota is allocated for persons with at least 50% disabilities. Within the scope of the protocol, project planning of 39.974 houses have been completed so far, and it is planned to have 100.000 dwellings built by 2023.

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 approx. 1000 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. EYHGM was assigned with the duties of ensuring coordination among universities, local governments, public interest foundations/associations, other CSO's and private sector and preparing and implementing joint projects. Despite the vast progress achieved in recent years, problems are also encountered in ensuring cooperation. The leading reasons of this situation are the capacity insufficiency of disability CSOs and lack of sustainable funding.

Pursuant to the provisions of Regulation on Procedures and Principles of Strategic Planning in Public Institutions, ensuring participation of CSOs to strategic planning of all public institutions was accepted as one of the general principles. In line with this principle, ASPB and other institutions providing service for PwDs also ask for comments and contributions of CSOs in disability field.

TDA sets out the principle that participation of PwDs, their families and volunteering organizations to all decision making processes is essential. The Act also regulates the obligation of receiving opinion from ASPB in all legislative arrangements to be carried out by public institutions regarding PwDs.

Various measures have been taken in order to ensure that PwDs access cultural life, recreation or sport activities. TDA provides that the existing official buildings of the public institutions and organizations, all existing road, pavement, pedestrian crossing, open and green areas, sporting areas and similar social and cultural infrastructure areas and all kinds of structures built by the natural and legal persons serving to public shall be brought to suitable condition for the accessibility of the PwDs (Provisional Art. 2).

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 MEB 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 ruins and make it available for visitors with hearing disabilities through high definition devices accompanied by subtitles and sign language interpretation. By 1 September 2011, audio guidance system was in service in 22 museums and ruins of Ministry of Culture and Tourism. On the other hand, 9 museums affiliated with the Ministry provide free Braille printed brochures for visitors with disabilities. In addition, PwDs can visit museums and ruins together with one accompanying person without paying any entrance fees.

Necessary accessibility measures have been taken in palaces, kiosks and summer palaces administrated by TBMM. 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 www.mkutup.gov.tr/mkitap. The number of books registered so far is currently 16.320. Furthermore, Law No. 6279 of 22 February 2012 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.

With the purpose of ensuring that PwDs benefit from tourism services more effectively, the objective of evaluation and promotion of social tourism projects with the cooperation of public and private sectors was included in “2023 Tourism Strategy”.

As per a law amendment made in 2005, activities on promoting participation of PwDs to sports events are carried out by 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 Deaflympic 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 our Constitution as “Our 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, numbered 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 installments 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 with the Power of Law dated 6 June 1997 and numbered 572, an article was added to the Zoning Law numbered 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 Law numbered 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.

TOKI includes “Neighborhood Concept” into its basic production approaches, by focusing on sustainability of social solidarity and considering social dynamics and expectations of the beneficiaries as well as physical and economic conditions in its housing plans. Producing qualified housing projects and neighborhoods within the provinces having unique identities is one of the basic goals of TOKI and for this purpose “Horizontal Architectural Approach” has been preferred recently by the Administration.

“Disadvantageous groups” also involving the handicapped 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 handicapped citizens has been allocated and the beneficiaries and their houses are determined by drawing of lots. As a result of the lots, applicants of this category who are not beneficiaries are included in the lot again along with the applicants in the “Other Purchasers” category.

Not only a quota is allocated for the handicapped citizens, but also special sales are made in some project sales for the handicapped 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 the handicapped citizens to the houses in all of our housing implementations. Besides, measures are taken to meet the needs of the handicapped citizens 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 our handicapped citizens in case of demand.

The Administration, furthermore, realizes non-handicapped life centers and rehabilitation centers accessible with wheelchairs to meet the special needs of physically handicapped 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 handicapped in the project site with an inclination of 6-8%.

The Constitution of the Republic of Turkey has secured the right to housing of our 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 our 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 principal aim 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.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Number of Special Care Centers and Number of Beneficiary People with Disabilities

Years	Number of Care Centers	Capacity	Beneficiary
2014	149	13.443	10.319
2013	147	13.325	10.173
2012	148	12.869	9.328
2011	100	8.651	6.707
2010	77	7.065	4.331
2009	44	3.744	2.144
2008	20	2.003	768
2007	10	915	351

Source: EYHGM March 2015

Number of Home Care Beneficiary Persons with disabilities

Years	Number of PwDs	Total amount of payments(TL)
2013(Sept.)	424.823	3.102.397.370
2012	398.335	2.944.114.529
2007	30.638	35.386.656

Source: EYHGM March 2015

Number of PwDs with Disable Benefits by Years

Years	Disable in need of care(r%70 and over)		Disabled (%40-%69)		Benefit of the Disabled person's (under 18) relatives	
	Number of person	Amount(millionTL)	Number of person	Amount(millionTL)	Number of person	Amount(millionTL)
2015	280.288	1.383	338.588	1.142	89.631	281
2014	268.038	1.259	332.432	1.069	87.084	262
2013	225.457	1.089	300.242	984	64.445	241
2012	201.670	847	298.617	848	59.517	167
2011	187.711	689	293.141	753	59.558	145
2010	168.559	616	290.558	728	55.727	151
2009	142.288	565	275.028	632	44.541	141
2008	114.518	396	255.990	581	28.631	91
2007	92.904	299	239.110	516	8.877	26
2006	82.891	159	233.910	377		
2005	84.072	88	243.519	251		
2004	79.811	53	220.600	149		
2003	72.805	48	204.332	136		
2002	68.598	19	193.780	56		

Source: ASPB

Number of PwDs at Home Care

Years	Number of Disabled
2015	508.305
2014	450.031
2013	427.434
2012	398.335
2011	347.756
2010	284.595
2009	210.320
2008	120.000
2007	30.638

Source : ASPB

Number of Residential and Day Care Centers

Years	Residential Care Centers			Total
	Care and Rehabilitation Centers	Hope Houses	Day Care Centers	
2015	87	111	5	203
2014	85	84	5	174
2013	81	48	6	135
2012	80	17	7	104
2011	77	7	7	91
2010	69	3	7	79
2009	61	1	10	72
2008	56	1	15	72
2007	47	-	17	64
2006	41	-	25	66
2005	35	-	33	68
2004	32	-	29	61
2003	22	-	26	48
2002	21	-	26	47

Source: ASPB

Capacities of Care and Rehabilitation Centers and Number of Beneficiaries from Centers

Years	Residential Care Centers	Day Care Centers	Total	Capacity
2015	6.494	432	6.926	6.992
2014	5.827	457	6.284	6.682
2013	5.451	441	5.892	6.293
2012	5.112	460	5.586	6.055
2011	4.708	454	5.162	5.833
2010	4.490	415	4.905	5.468
2009	4.190	379	4.569	4.758
2008	3.802	470	4.272	4.098
2007	3.458	634	4.092	3.434
2006	3.070	1.584	4.654	3.027
2005	2.658	2.287	4.945	2.755
2004	2.441	1.978	4.419	2.415
2003	2.162	2.768	4.930	2.086
2002	1.843	2.065	3.908	1.943

Source: ASPB