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11th National Report on the Implementation of the European Social Charter (Revised)

submitted by

**THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**

Thematic Group IV: Children, families, migrants

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

for the period

01.01.2014-31.12.2017

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Note: Former "Ministry of Labour and Social Security" and the former "Ministry of Family and Social Policies" were merged with the Presidential Decree No. 1 dated 10.07.2018, and the newly formed Ministry was named as the "Ministry of Family, Labour and Social Services" as of 04.08.2018, out of the reporting period.

ARTICLE 7. THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

Article 7§1:

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

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

Scope of the provisions as interpreted by the ESCR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

According to the regulation adopted in 2015, Article 71 of the Labour Law No. 4857 entitled “Age of employment and prohibition on employment of children” was amended as follows.

“Article 71 – (First paragraph amended on 4 April 2015 by Article 38 of the Law No. 6645) It shall be prohibited to employ children who did not complete the age of fifteen. However, children who have completed the age of fourteen and primary education may be employed for light works which will not obstruct their physical, mental, social and moral development and the education of those who attend the school. Children who have not completed the age of fourteen may be employed in artistic, cultural and advertising activities which will not obstruct their physical, mental, social and moral development and the education of those who attend the school, on the condition that a written contract is signed and a permission is obtained separately for each activity.

The security, health, physical, mental and psychological development, personal disposition and capability of children and young workers shall be considered in their employment and in the workplaces where they will be employed. The work conducted by the child shall not prevent him/her from attending his/her school, his/her professional education and regularly follow the courses.

Jobs which are prohibited for children and young workers below eighteen years of age as well as those which will be permitted for young workers who are over sixteen but are under eighteen years of age and the light works which will be allowed for children who have completed the age of fourteen and the period required to receive primary education, the type of works in which young workers may be employed and the working conditions shall be established by a regulation to be prepared by the Ministry of Labour and Social Security within six months.

(Fourth paragraph amended on 4 April 2015 by Article 38 of the Law No. 6645) The working hours for children who have completed their compulsory primary education and do

not continue to receive formal education shall not be longer than seven hours a day and thirty five hours a week; these hours shall not be longer than five hours a day and thirty hours a week for those working in artistic, cultural and advertising activities. That period may be increased to eight hours a day and forty hours a week for children who have completed the age of fifteen.

The working hours during the education term of the children who receive preschool education and attend school may be at most two hours a day and ten hours a week, outside the education hours. The working hours for holiday terms shall not exceed the periods set forth in the fourth paragraph above.

(Paragraph added on 4 April 2015 by Article 38 of the Law No. 6645) The scope of artistic, cultural and advertising activities, the work permit of the children to be employed in such activities, the working periods and breaks according to age groups and types of activities, the work environment and its conditions, the procedures and principles regarding the payment of the wage as well as other issues shall be laid down in a regulation to be issued by the Ministry of Labour and Social Security, by receiving the opinions of the Ministry of Family and Social Policies, the Ministry of Culture and Tourism, the Ministry of Health, the Ministry of National Education and the Supreme Board of Radio and Television.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

➤ National Programme on the Elimination of Child Labour (2017-2023)

In order to prevent all forms of child labour, especially the worst forms of child labour, the National Program for Combating Child Labour covering the period 2017-2023 has been launched to be implemented under the coordination of the Ministry of Family, Labour and Social Services (MoFLSS).

For this purpose, the program has been prepared with the contributions of public institutions, social partners and non-governmental organizations, and includes comprehensive measures such as eradicating poverty, increasing the quality and accessibility of education, improving public awareness and sensitivity, which constitute the main reasons for children to enter working life. In the program, the priority target groups are “Working on the Streets”, “Working in Heavy and Hazardous Works in Small and Medium-Sized Enterprises” and “Working in Mobile and Temporary Agricultural Labour Except for Family Business”.

In the Action Plan annexed to the National Program; basic strategies and activities to prevent child labour and institutions and organizations to implement them have been identified. In this context, 88 measures on legislative regulations and practices as well as awareness raising and capacity building are included in the Action Plan for combating child labour. (https://birim.ailevecalisma.gov.tr/media/4755/cocuk_isciligi_rev_23032017.pdf)

➤ “2018: The Year of Eliminating Child Labour and Joint Declaration of Combating Child Labour

In the context of the National Program, the Prime Ministry Circular No. 2018/3 on declaring the 2018 as The Year of Eliminating Child Labour was published in the Official Gazette dated 20 February 2018 and No. 30338, in order to contribute to our efforts to combat child labour.

As the Circular and the Declaration remain outside the reporting period, detailed information will be given in the next period.

➤ National Employment Strategy (2014-2023)

A National Employment Strategy covering the period 2014-2023 has been prepared in order to address the structural problems of the labour market, to increase the contribution of medium and long term growth to employment and to develop permanent solutions to the unemployment problem, under the coordination of MoFLSS and with the contributions of all parties of the working life. The second action plan of the strategy covering the period 2017-2019 entered into force in 2017.

Regarding the fight against child labour in the context of the National Employment Strategy, the target is declared as: “In 2023, in particular worst forms of child labour in heavy and dangerous industry, on the street and seasonal migrant and temporary agriculture will completely be eliminated; child labour in others fields will be reduced fewer than 2%.” In this context, activities are continuing in cooperation with relevant public institutions, social partners and non-governmental organizations.

➤ Projects

The projects are carried out by MoFLSS in order to enable children, especially the ones working in seasonal hazelnut agriculture taken away from working life and directed to education.

The first of these projects, “Elimination of Worst Forms of Child Labour in Seasonal Hazelnut Agriculture in Turkey (2012-2017)” is carried out with the partnership of the MoFLSS and the International Labour Organization (ILO). The overall objective of this project is to contribute elimination of worst forms of child labour in seasonal agriculture and implemented in the provinces of Ordu, Sakarya, Düzce and Şanlıurfa.

The second project is “Partnership to Eliminate Child Labour and Forced Labour in Imported Agricultural Products: Piloting the USDA Guidelines in the Hazelnuts Supply Chain in Turkey”, carried out with the partnership of the MoFLSS, ILO, Fair Labour Association (FLA), Nestlé and two major nuts suppliers in Turkey, Balsa and Olam-Progıda. The project was carried out in approximately 1.000 hazelnut fields in the provinces of Ordu, Sakarya and Düzce between November 2015 and May 2018 and aimed to prevent child labour in the supply chain. In the scope of the aforementioned projects, training and awareness-raising activities were carried out for families, garden owners and employers, many children working in seasonal agriculture were taken from working life by summer schools and informative activities and directed to education.

In addition, the Project for Improving Social Integration and Employability of Disadvantaged Persons was carried out by MoFLSS in 2016-2017, with the aim of increasing the social integration and/or employability of the disadvantaged people, facilitating access to the labour market and the elimination of obstacles in entering the labour market. The project was funded by the EU. In this context, a total of 137 projects have been provided with a grant amounting to approximately €23 million and the projects have been implemented between November 2016 and October 2017. These projects also include the ones for working children and their families.

➤ Awareness-Raising Activities

MoFLSS carries out various awareness-raising and information activities through workshops, panels, public spots and printed materials on fighting against child labour. In this regard, the main activities are listed below:

- A public spot that emphasizes the necessity for children to go to school and for parents to work was prepared and broadcasted on TV channels.
- The Teacher's Handbook for the Prevention of Child Labour was prepared and distributed to universities, schools and provincial directorates, especially aiming to inform the teachers.
- The National Program on Combating Child Labour was printed and sent to the Provincial Directorates of Labour and Employment Agency (İŞKUR) in all 81 provinces and related ministries.
- In order to draw attention to the issue of child labour and to raise public awareness, posters and/or brochures are prepared and sent to the Provincial Directorates of Labour and Employment Agency (İŞKUR) in all 81 provinces.
- In cooperation with international organizations, through the local projects on prevention of child labour in seasonal hazelnut farming, awareness-raising activities are carried out for the families, garden owners and agricultural intermediaries in the scope of fighting against child labour.
- Through the symposium, panel and workshop sessions organized by MoFLSS or in line with the demands of institutions, information about fighting against child labour is provided to the institutions, NGOs, social partners and university representatives.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistical data related to child labour is provided by the Turkish Statistical Institute (TurkStat). Child Labour Surveys were conducted in 1994, 1999, 2006 and recently in 2012. According to the results of the survey, there is a decrease in the rate of child labour. In this context, the rate of children working in economic affairs was observed to decrease significantly until 2006, while the rate of children working in economic jobs in the age group of 6-17 years was 15.2% in 1994; this ratio was 10.3% in 1999 and 5.9% in 2006.

TurkStat Child Labour Force Survey Results for 2012

Age	Number of Children	Working in economic jobs	Employment Rate
6-17	15.247.000	893.000	%5,9
6-14	11.386.000	292.000	%2,6
15-17	3.861.000	601.000	%15,6

There is no more formal data on child labour since there were no other official studies after 2012. The survey is planned to be repeated in 2019.

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

1. Monitoring, inspections and identification of violations regarding child labour

The Regulation on the Procedures and Principles of Employment of Children and Young Workers, which was published in the Official Gazette No. 25425 dated 06.04.2004 and entered into force, aims to determine the principles of working and to prevent economic exploitation of children and young workers without jeopardizing their health and safety, physical, moral and social development or education. As per Article 15 of the Regulation, the MoFLSS conducts researches and studies on the health status, physical, mental, social and professional development, occupational health and safety conditions and working relationships of child and young workers in the workplaces where child and young workers are employed. It publishes the findings of researches and studies, including problems and methods of solutions.

Having been active since the early 1990s in the field of combating child labour, MoFLSS provides coordination and cooperation between the public institutions, workers' and employers' organizations and civil society organizations working on child labour.

The National Program for the Elimination of Child Labour covering the period 2017-2023 is being implemented by MoFLSS in cooperation with relevant institutions, social partners and NGOs. In order to prevent all forms of child labour, especially the worst forms of child labour, the priority target groups are "Working on the Streets", "Working in Heavy and Hazardous Works in Small and Medium-Sized Enterprises" and "Working in Mobile and Temporary Agricultural Labour Except for Family Business". In the Action Plan included in the program, there are 88 measures to prevent children's labour, particularly the worst forms, and to direct children to education.

MoFLSS carries out a number of projects especially for children working in seasonal agriculture, and it is ensured that children are taken away from working life and directed to education. The Seasonal Agricultural Workers Project (METIP), which was prepared in the scope of the Circular on Seasonal Agricultural Workers numbered 2017/6, is carried out successfully across the country in order to eliminate the problems experienced by seasonal agricultural workers and their families and to direct their children to education and social activities instead of working.

Within the scope of METIP, a Seasonal Agricultural Workers Information System (e-METIP) has been established at MoFLSS in cooperation with the Ministries of Interior, Health and National Education. In order to monitor the seasonal agricultural workers, their children and the attendance of the children at the compulsory school age to school, data sharing and cooperation are carried out between MoFLSS and Ministry of National Education.

In all inspections carried out by the Directorate of Guidance and Inspection, administrative sanctions are applied to the employers employing children in case of detection of child labour and children are guided to education. Moreover, in the case of scheduled inspections, children and young workers are identified as the priority risk group. Again, complaints or reports concerning children and young workers are taken into consideration with priority, within the scope of non-scheduled inspections.

The prohibition of the employment of children under the age of 15 is audited by the Directorate of Guidance and Inspection under the provisions of Article 71 of the Labour Law No. 4857 and the Regulation on Principles and Procedures for the Employment of Children and Young Workers, based on this Article.

Between 01.01.2014 and 31.12.2017, an administrative fine of 307.786,00 TL for 207 employers who were found to be opposing to the provisions of article 71 of the Labour Law No. 4857 and the related regulation, was imposed by the Presidency of Guidance and Inspection. In addition, the following activities were carried out in the scope of prohibition of child labour:

- In 2017, the Adana Guidance and Inspection Department conducted a field survey on Child Labour in Open Land Agricultural Work in Adana and Şanlıurfa provinces. The families were visited and the land owners were informed about their legal responsibilities, labour legislation and child labour.
- In the scope of the Children's Rights and Labour Principles Program with the cooperation of Directorate of Guidance and Inspection and UNICEF, the training of 750 labour inspectors was planned and 404 labour inspectors were trained in 2017, in order to strengthen the institutional capacity, to examine the legislation at international and national level and to explain good country practice examples.
- In accordance with Article 14 of the Prime Ministry Circular No. 2017/6, which reads "The current situation of the workers in terms of their work and social security will be improved and effective fight against child labour will be carried out by the provincial directorates of the Labour and Employment Agency and the Social Security Institution.", commissions were established by the provincial governorships where the child labour is detected and by the provincial directorates of the labour and employment institutions, the social security provincial directorates and the provincial gendarmerie commanders.

2. Statistical information regarding child labour

Statistical data related to child labour is provided by the Turkish Statistical Institute (TurkStat) through Child Labour Surveys. Child Labour Surveys were conducted in 1994, 1999, 2006 and recently in 2012. According to the results of the survey, there is a decrease in the rate of child labour. In this context, the rate of children working in economic affairs was observed to decrease significantly until 2006, while the rate of children working in economic jobs in the age group of 6-17 years was 15.2% in 1994, this ratio was 10.3% in 1999 and 5.9% in 2006.

TurkStat Child Labour Force Survey Results for 2012

Age	Number of Children	Working in economic jobs	Employment Rate
6-17	15.247.000	893.000	%5,9
6-14	11.386.000	292.000	%2,6
15-17	3.861.000	601.000	%15,6

The next Child Labour Survey will be held in 2019 and there is no more recent data on child labour since there are no other official studies after 2012 except for the academic research, field studies and unofficial data obtained within the scope of project implementations.

According to TurkStat data, 8.8% of children in the age group of 6-14 years, 5.1% in 1999, 2.5% in 2006 and 2.6% in 2012 were employed in economic jobs. There has been a large decline in the rates of child labour over the years. Regarding the increase in child labour by 0,1% in 2012 compared to 2006 in the TurkStat data mentioned by the Committee, it is considered that the provision about the light work to be performed by children over 14 under certain conditions stated in the Labour Law No. 4857 (2003) may be effective.

Article 7§2:

**With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;**

Appendix to Article 7§2:

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

Scope of the provisions as interpreted by the ESCR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The Regulation on the Procedures and Principles of Employment of Children and Young Workers, which was published in the Official Gazette No. 25425 dated 06.04.2004 and entered into force, aims to determine the principles of working and to prevent economic exploitation of children and young workers without jeopardizing their health and safety, physical, moral and social development or education. This Regulation has been prepared on the basis of Article 71 of the Labour Law No. 4857, published in the Official Gazette dated 10.6.2003 and No. 25134.

(Additional article: RG-21.2.2013-28566) Workers who have not completed 18 years of age cannot be employed in the following works, even if they are listed among the works that are permitted according to their age: Preparation, complementation and cleaning works; production and wholesale of alcohol, cigarette and substances leading addiction; wholesale and retail of combustible, explosive, harmful and dangerous substances and their production, processing, storing and all sorts of work where there is possibility of exposure to such substances; the work done in places where there is high noise and/or vibration; the work in excessive hot and cold environment; the work done with the substances bad for health and leading occupational disease; the work where there is possibility of exposure to radioactive substances and harmful rays; the work that is demanding attention and requiring standing continuously; the work of piece-rate pay with the system of contribution; the work not enabling the person to return to his/her home or parents after work except for educational work; the work over their physical and psychological competencies with the report of workplace physician, the work in which there is possibility of lack of attention for security or lack of education and experience; carrying money and collection of revenues; and the night work specified in paragraph 1 of Article 69 of the Labour Law No. 4857.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

National Programme on the Elimination of Child Labour (2017-2023)

Pursuant to the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the National Program on the Elimination of Child Labour, covering the period of 2017-2023 by the MoFLSS was put into effect in 2017 and implemented in cooperation with relevant institutions/organizations, social partners and NGOs. In the program, the priority target groups has been identified as “Working on the Streets”, “Working in Heavy and Hazardous Works in Small and Medium-Sized Enterprises” and “Working in Mobile and Temporary Agricultural Labour Except for Family Business”; children under 18 years of age are particularly prohibited from working in these areas.

National Employment Strategy (2014-2023)

National Employment Strategy covering the period 2014-2023 has been prepared in order to solve the structural problems of the labour market, to increase the contribution of medium and long term growth to employment and to develop permanent solutions to the unemployment problem, under the coordination of MoFLSS and with the contributions of all parties of the working life. The second action plan of the Strategy covering the period 2017-2019 entered into force in 2017.

Regarding the fight against child labour in the context of the National Employment Strategy, the target is declared as: “In 2023, in particular worst forms of child labour in heavy and dangerous industry, on the street and seasonal migratory and temporary agriculture will completely be eliminated; child labour in others fields will be reduced fewer than 2%.” In this context, activities are continuing in cooperation with relevant public institutions, social partners and non-governmental organizations.

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

1. Information on protection of workers from dangerous and unhealthy work, in the scope of occupational health and safety

The aim of the Law No. 6331 on Occupational Health and Safety is to regulate the duties, powers, responsibilities, rights and obligations of employers and employees in order to ensure occupational health and safety in the workplaces and to improve the existing health and safety conditions. The law shall apply to all businesses and workplaces of the public and private sector, employers and employers' representatives, workers including apprentices and trainees, regardless of their field of activity, except with the exceptions mentioned in Article 2. Only those who have their own specific activities, such as armed forces, security and disaster response teams, domestic workers, and those who work on their own behalf without being employed are excluded from the scope of the said Law.

2. Implementation of the Regulation in the sectors outside the scope of the Labour Law:

The Regulation on the Procedures and Principles of Employment of Children and Young Workers, which was published in the Official Gazette No. 25425 dated 06.04.2004 is valid for the works within the scope of application of the Labour Law.

In 2001, Turkey ratified the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182 and the Worst Forms of Child Labour Recommendation No 190. In this context, the worst forms of child labour in Turkey in the context of Time Bound Policy and Programme Framework For the Elimination of Child Labour, which was prepared in the field of combating child labour in the period of 2005-2015, was defined as seasonal migratory temporary agriculture, heavy and dangerous jobs in industry and child labour in the street.

There are many activities in the field of combating child labour in seasonal migratory and temporary agriculture which is considered to be one of the worst forms by MoFLSS.

Firstly, the National Program on the Elimination of Child Labour (2017-2023), which was prepared with the contributions of the related parties, has been successfully implemented with the main objective of preventing child labour, especially in heavy and dangerous jobs in industry and in seasonal temporary and migratory agriculture.

In the National Employment Strategy (2014-2023), which is the basic document that is prepared with Turkey's 2023 vision, as well as the National Program on the Elimination of Child Labour, it is aimed to eliminate the worst forms of child labour completely, particularly in heavy and dangerous industry, on the street and seasonal migratory and temporary agriculture, and also reduce the child labour in other areas to less than 2%. In this context, we continue to work in cooperation with the relevant public institutions, social partners and non-governmental organizations.

A large number of projects are carried out in cooperation with public institutions and organizations, social partners, professional organizations, non-governmental organizations, international organizations and private sector enterprises in order to ensure that children are withdrawn from working life and directed to education, with national and international funds.

In addition to the work carried out within the scope of strategy documents and projects, the Project on Improvement of Work and Social Life of the Seasonal Agricultural Workers (METİP) was implemented throughout the country in 2010, and important measures were taken to prevent the work of children in seasonal mobile temporary agricultural work and to increase their access to education.

Seasonal Agricultural Workers Project-II (METİP-II) has been prepared and implemented throughout the country within the scope of the Prime Ministry Circular on Seasonal Agricultural Workers 2017/6, which aims to eliminate the problems experienced by our workers and their families travelling to other provinces as seasonal agricultural workers.

In the following process, studies will continue with the contribution of all the parties involved to create sustainable solutions to the problem of child labour, especially in the worst forms, to withdraw the children from the labour market and direct them to education.

3. Inspections of the Labour Inspectorate and Sanctions

The Directorate of Guidance and Inspection carries out audits in accordance with the provisions of the Regulation on the Procedures and Principles of Employment of Young Children and Young Workers, issued on the basis of Article 71 of the Labour Law No. 4857.

Between 01.01.2014 and 31.12.2017, an administrative fine of 307.786,00 TL for 207 employers who were found to be opposing to the provisions of article 71 of the Labour Law No. 4857 and the related regulation, was imposed by the Presidency of Guidance and Inspection.

In 2014 and 2016, the Department of Guidance and Inspection conducted scheduled inspections in terms of occupational health and safety in the furniture sector. Within the scope of scheduled inspections, there is no violation detected regarding age of employment and prohibition of employment.

In addition, in the inspections carried out in the period between 01.01.2014 and 31.12.2017 on complaints and notices in all sectors, an administrative fine of 7.537,00 TL has been imposed to 5 employers, who are active in the Wood and Paper sector and which are determined not to comply with the age of employment and prohibition.

Article 7§3:

**With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;**

Scope of the provisions as interpreted by the ECSR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Article 6 titled “Working Times and Interim Resting Periods” of the “Regulation on the Procedures and Principles of Employment of Children and Young Workers” published in the Official Gazette dated 06.04.2004 and No. 25425 is as follows:

Article 6- The working hours of the children who have completed their basic education and not attending school shall not exceed seven hours per day and thirty-five hours per week. However, for children who have completed the age of 15, this period can be increased to eight hours per day and forty hours per week.

The daily working hours of children and young workers are applied within a twenty-four hour period, taking into account the fourteen-hour rest period.

Children who attend school may have a maximum working hour of two hours per day and ten hours per week, outside the school hours. In periods when the school is closed, the working hours cannot exceed the working hours specified in the first paragraph.

Resting time for thirty minutes for jobs that last less than four hours or more than two hours, and one hour in the middle of the working time for jobs that last four hours to seven and a half hours should be given.”

According to the regulation carried out in 2015, Article 71 entitled “Age of employment and prohibition on employment of children” of Labour Law No. 4857 has been amended as follows:

“Article 71 – (First paragraph amended on 4 April 2015 by Article 38 of the Law No. 6645) It shall be prohibited to employ children who did not complete the age of fifteen. However, children who have completed the age of fourteen and primary education may be employed for light works which will not obstruct their physical, mental, social and moral development and the education of those who attend the school. Children who have not completed the age of fourteen may be employed in artistic, cultural and advertising activities which will not obstruct their physical, mental, social and moral development and the education of those who attend the school, on the condition that a written contract is signed and a permission is obtained separately for each activity.

The security, health, physical, mental and psychological development, personal disposition and capability of children and young workers shall be considered in their employment and in the workplaces where they will be employed. The work conducted by the child shall not prevent him/her from attending his/her school, his/her professional education and regularly follow the courses.

Jobs which are prohibited for children and young workers below eighteen years of age as well as those which will be permitted for young workers who are over sixteen but are under eighteen years of age and the light works which will be allowed for children who have completed the age of fourteen and the period required to receive primary education, the type of works in which young workers may be employed and the working conditions shall be established by a regulation to be prepared by the Ministry of Labour and Social Security within six months.

(Fourth paragraph amended on 4 April 2015 by Article 38 of the Law No. 6645) The working hours for children who have completed their compulsory primary education and do not continue to receive formal education shall not be longer than seven hours a day and thirty five hours a week; these hours shall not be longer than five hours a day and thirty hours a week for those working in artistic, cultural and advertising activities. That period may be increased to eight hours a day and forty hours a week for children who have completed the age of fifteen.

The working hours during the education term of the children who receive preschool education and attend school may be at most two hours a day and ten hours a week, outside the education hours. The working hours for holiday terms shall not exceed the periods set forth in the fourth paragraph above.

(Paragraph added on 4 April 2015 by Article 38 of the Law No. 6645) The scope of artistic, cultural and advertising activities, the work permit of the children to be employed in such activities, the working periods and breaks according to age groups and types of activities, the work environment and its conditions, the procedures and principles regarding the payment of the wage as well as other issues shall be laid down in a regulation to be issued by the Ministry of Labour and Social Security, by receiving the opinions of the Ministry of Family and Social Policies, the Ministry of Culture and Tourism, the Ministry of Health, the Ministry of National Education and the Supreme Board of Radio and Television.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

With 12 years of compulsory gradual education system starting from the 2012-2013 academic year, the first stage is set as 4-year primary school, the second stage 4-year secondary school and the third stage 4-year high school. In 12 years of compulsory education, everyone is required to attend the school and complete this education process. It is not possible for the students to go out of the system at all levels of education, and the measures are taken to ensure that especially the girls are attending the school with the student follow-up system. Registrations of the students who complete the 8th grade to general high schools, religious high schools, vocational and technical high schools and their follow-up is managed with the e-School system.

Upon the preference of the student registration can also be made to Open High Schools. Necessary measures are taken with regard to the follow-up of the students by the relevant

General Directorates of the Ministry of National Education and the Governorships within the framework of the relevant legislation.

The Circular No. 2016/5, titled “Access to Education of Children of Seasonal Agricultural Workers and Nomadic and Semi-nomadic Families” was issued on 21.03.2016. By means of the Circular, arrangements were made for the students on the compulsory school age who migrate with their families during the harvest period, to facilitate their access to school in the places where they migrate. Students are admitted to the nearest school where they arrive, regardless of the address of the residence. In addition, considering the distance of their place of accommodation to the school, it is possible to benefit from transport vehicles provided for access to schools and other educational models. There are different models such as compensatory training or summer school in order to overcome the educational deficiencies of the students.

Seasonal Agricultural Worker Follow-up Teams have been established in Provincial and District National Education Directorates for the follow-up of the students. These teams report their work in June and December each year and send them to the Ministry of National Education. In addition, the teams identify students and conduct visits to houses/tents for awareness-raising activities for families, agricultural intermediaries and landowners in order to increase their awareness of child labour.

Absence Monitoring

In the 2016-2017 academic year, visits were made to the provinces where absenteeism was high at schools, to investigate the reasons of school absenteeism and collect data, in accordance with the target of “informing about the importance of education in the regions with low enrolment rates” under the title “Access to Education” in the 2015-2019 Strategic Plan of the Ministry of National Education.

During the visits to these provinces, interviews were made with Provincial/District National Education Directors, branch managers, administrators, teachers and parents in schools with high absenteeism and reasons for absenteeism and solutions.

Training Program in Primary Schools (TPPS)

TPPS is a program which aims to eliminate the deficiencies of the 3rd and 4th grade students in reading, writing and basic mathematics, due to various reasons. The main target group of the program consists of students attending grades 3 and 4, but also covers all disadvantaged groups such as refugees, migrants and children of seasonal agricultural workers.

Combatting Child Labour

The National Program on the Elimination of Child Labour (2017-2023), is implemented successfully under the coordination of MoFLSS, with the main objective of preventing child labour, especially the worst forms. The program has been prepared with the contributions of public institutions, social partners and non-governmental organizations, and includes comprehensive measures such as eradicating poverty, increasing the quality and accessibility of education, improving public awareness and sensitivity, which constitute the main reasons for children to enter working life. In the Action Plan annexed to the National Program; basic strategies and activities to prevent child labour and institutions and organizations to

implement them have been identified. In this context, 88 measures on legislative regulations and practices as well as awareness raising and capacity building are included in the Action Plan for combating child labour. The strategy is implemented and monitored through the Monitoring and Evaluation Board meetings held twice a year with the participation of all parties.

Inspections

The Directorate of Guidance and Inspection carries out audits in accordance with the provisions of the Regulation on the Procedures and Principles of Employment of Young Children and Young Workers, issued on the basis of Article 71 of the Labour Law No. 4857. Between 01.01.2014 and 31.12.2017, an administrative fine of 307.786,00 TL for 207 employers who were found to be opposing to the provisions of article 71 of the Labour Law No. 4857 and the related regulation, was imposed by the Presidency of Guidance and Inspection.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistics on schooling rates are given below:

NUMBER OF STUDENTS BETWEEN 2014-2017			
Primary School (Age 6-9)			
Academic Year	Girls	Boys	Total
2013-2014	2.414.689	2.544.293	4.958.982
2014-2015	1.837.937	2.558.535	4.396.472
2015-2016	2.435.662	2.558.801	4.994.463
2016-2017	2.278.251	2.413.682	4.691.933
Secondary School (Age 10-13)			
Academic Year	Girls	Boys	Total
2013-2014	2.314.896	2.444.232	4.759.128
2014-2015	2.260.593	2.388.351	4.648.944
2015-2016	2.234.454	2.357.420	4.591.874
2016-2017	2.315.955	2.449.086	4.765.041
General Secondary (Age 14-17)			
Academic Year	Girls	Boys	Total
2013-2014	966.515	907.365	1.873.880
2014-2015	997.083	940.519	1.937.602
2015-2016	1.096.803	1.074.023	2.170.826
2016-2017	1.095.127	1.038.022	2.133.149

Vocational Secondary (Age 14-17)			
Academic Year	Girls	Boys	Total
2013-2014	1.077.846	1.255.324	2.333.170
2014-2015	1.067.375	1.213.356	2.280.731
2015-2016	1.035.518	1.254.554	2.290.072
2016-2017	1.004.723	1.148.777	2.153.500

Schooling Rate by Age (%)			
Age	2017-2018 Academic Year		
	Total	Male	Female
6	96,00	95,68	96,33
7	99,13	99,13	99,13
8	99,12	99,11	99,12
9	99,09	99,12	99,06
10	98,91	98,97	98,84
11	98,68	98,71	98,66
12	98,63	98,67	98,58
13	98,26	98,49	98,02
14	95,10	96,09	94,05
15	90,88	91,83	89,88
16	85,68	85,77	85,58
17	79,86	79,73	80,00

GROSS SCHOOLING RATES (%)									
Academic Year	Primary			Secondary			Tertiary		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
2013/'14	110,36	109,18	111,61	103,26	106,05	100,32	81,70	86,24	76,96
2014/'15	103,97	103,07	104,93	107,36	109,82	104,77	88,94	93,44	84,24
2015/'16	102,95	102,03	103,92	109,85	112,28	107,29	95,91	100,55	91,04
2016/'17	100,73	100,29	101,18	106,94	109,99	103,73	103,28	102,19	98,52
2017/'18	99,74	99,33	100,18	108,39	112,07	104,50	107,40	111,05	103,59

NET SCHOOLING RATES (%)									
Academic Year	Primary			Secondary			Tertiary		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
2013/'14	99,31	99,39	99,23	76,65	77,22	76,05	39,89	38,90	40,93
2014/'15	97,10	97,08	97,12	79,37	79,46	79,26	39,49	37,95	41,10
2015/'16	96,44	96,34	96,54	79,79	79,36	80,24	40,87	39,21	42,62
2016/'17	96,51	96,39	96,63	82,54	82,69	82,38	42,43	40,53	44,41
2017/'18	96,12	95,99	96,25	83,58	83,77	83,39	45,64	43,99	47,36

NET SCHOOLING RATES BY AGE GROUPS (%)									
Academic Year	Sex	Age Group							
		Age 3	Age 4	Age 5	Age 3-5	Age 4-5	Age 6-9	Age 10-13	Age 14-17
2015-2016	Total	11,74	33,56	67,17	39,54	50,46	98,81	99,05	85,31
	Male	11,67	33,62	67,42	39,63	50,61	98,72	99,11	85,14
	Female	11,81	33,5	66,91	39,45	50,3	98,9	98,98	85,49
2016-2017	Total	12,48	36,15	70,43	41,68	53,01	98,13	99,23	87,43
	Male	12,48	36,13	70,81	41,81	53,20	98,08	99,33	87,85
	Female	12,48	36,17	70,02	41,54	52,81	98,19	99,12	86,99
2017-2018	Total	12,37	38,11	75,14	44,02	56,62	98,35	98,62	87,64
	Male	12,43	38,11	75,48	44,15	56,78	98,28	98,71	88,1
	Female	12,31	38,11	74,79	43,89	56,46	98,42	98,53	87,15

Note: When calculating net schooling rates by age groups (year of birth), the total number of students in the relevant age group is divided by the total population in the relevant age group, regardless of the education level (type of education) to which the student belongs.

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

1. Information on maximum work hours for children under 15 and maximum work hours during school holidays.

According to the Regulation in 2015, the fourth paragraph of Article 71 of the Labour Law No. 4857, entitled "Age of employment and prohibition on employment of children" has been amended as follows:

(Fourth paragraph amended on 4 April 2015 by Article 38 of the Law No. 6645) *The working hours for children who have completed their compulsory primary education and do*

not continue to receive formal education shall not be longer than seven hours a day and thirty five hours a week; these hours shall not be longer than five hours a day and thirty hours a week for those working in artistic, cultural and advertising activities. That period may be increased to eight hours a day and forty hours a week for children who have completed the age of fifteen.

The working hours during the education term of the children who receive preschool education and attend school may be at most two hours a day and ten hours a week, outside the education hours. The working hours for holiday terms shall not exceed the periods set forth in the fourth paragraph above.”

According to the Labour Law, children under the age of 15 cannot work for forty hours a week and the working hours for holiday terms shall not exceed the periods mentioned in the law.

2. Statistics about the children who are in the age of compulsory education and working

Statistical data related to child labour is held by Turkish Statistical Institute (TurkStat). The results of the recent 2012 Child Labour Survey conducted by TURKSTAT is as follows:

TurkStat Child Labour Force Survey Results for 2012

Age	Number of Children	Working in economic jobs	Employment Rate
6-17	15.247.000	893.000	%5,9
6-14	11.386.000	292.000	%2,6
15-17	3.861.000	601.000	%15,6

In terms of age groups, 81.8% of working children in 6-14 age group and 34.3% of working children in 15-17 age group attend a school.

3.2% of the children in the 6-17 age group attending school work in economic jobs and 50.2% in households, while 46.6% have no activities. Among the children in this age group do not attend school, 34,5% of them are employed in economic jobs and 38,8% of them are in households, 26,7% do not have any activities.

Child Labour Surveys were conducted by TURKSTAT in 1994, 1999, 2006 and 2012. The next Child Labour Survey will be held in 2019 and there is no more recent data on child labour since there are no other official studies after 2012 except for the academic research, field studies and unofficial data obtained within the scope of project implementations.

Statistics on schooling rates are given above, under Section 3 of Article 7§3

3. Information on the activities on increasing the attendance rate to schools

In accordance with Article 36 of the Regulation on Secondary Education of the Ministry of National Education, attendance is compulsory. Parents are obliged to ensure that their children attend school. In addition, school administrators, national education directorates and local administrators take the necessary measures for enrolment and attendance of students. In order to reduce absenteeism in schools, the official letter dated 20.02.2017 and No. 2057687

which contains the works to be carried out by national education and school/institution directorates, was sent by the Ministry to the National Education Directorates. The main activities are mentioned below:

- The absenteeism of the students is recorded on e-School Management Information System on the same day and reported to their parents.
- Guidance studies are conducted by the Guidance and Research Centres to solve the problems that cause absenteeism.
- Students are directed to the courses organized by Provincial Directorates of Youth Services and Sports.
- In cooperation with the Provincial Directorates of Family, Labour and Social Services, expert support is provided.
- Awareness raising activities (conferences, seminars) are held for parents.
- It is ensured that financial support is provided for students who have to work due to economic reasons, in cooperation with family associations in schools and local administrations.
- Communication with the parents of the students not attending school is ensured and home visits are made when necessary.
- Students with no or few absenteeism to school are appreciated to encourage other students.
- The absenteeism of students who are attending skills training in enterprises is reported to the school administration by the coordinator teachers and shared with the parents by the school administration.

The National Program on the Elimination of Child Labour (2017-2023), is implemented successfully under the coordination of MoFLSS, with the main objective of preventing child labour, especially the worst forms. The program has been prepared with the contributions of public institutions, social partners and non-governmental organizations, and includes comprehensive measures such as eradicating poverty, increasing the quality and accessibility of education, improving public awareness and sensitivity, which constitute the main reasons for children to enter working life. In the Action Plan annexed to the National Program; basic strategies and activities to prevent child labour and institutions and organizations to implement them have been identified. In this context, 88 measures on legislative regulations and practices as well as awareness raising and capacity building are included in the Action Plan for combating child labour. The strategy is implemented and monitored through the Monitoring and Evaluation Board meetings held twice a year with the participation of all parties.

MoFLSS carries out a number of projects especially for children working in seasonal agriculture, and it is ensured that children are withdrawn from working life and directed to education. Seasonal Agricultural Workers Project is one of these projects, prepared and implemented throughout the country within the scope of the Prime Ministry Circular on Seasonal Agricultural Workers 2017/6 aiming to eliminate the problems experienced by workers and their families travelling to other provinces as seasonal agricultural workers and to direct their children to education and social activities.

Detailed information on the activities carried out in the field of combating child labour is mentioned in paragraph 1.

Article 7§4:

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake: to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;

Scope of the provisions as interpreted by the ESCR:

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

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

The following amendments in the By-Law on the Procedures and Principles for the Work of Children and Young Workers were made in 2017.

“Principles for the Work of Children and Young Workers

Article 5 - The security, health, physical, mental, moral and psychosocial development, personal predisposition and abilities of the child and the young worker shall be taken into consideration during job placement and work.

Children and young workers can be employed in the work that will not prevent the attendance and success of the school attendees, preparations for the selection of a profession or their participation in the vocational education accepted as qualified by the Ministry of National Education (amended: Official Gazette-12.5.2017-30064).

Employers will ensure that children and young workers are protected against any risks that may jeopardize their development, health and safety, due to lack of experience, lack of knowledge of current or potential risks, or immaturity.

Vocational training students

Article 5 /A - (Annex: Official Gazette-12.5.2017-30064)

The jobs to be practiced and places to go in the framework of vocational training, internship and apprenticeship training of the students of vocational and technical education shall be determined by the Ministry of National Education.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The National Program on the Elimination of Child Labour (2017-2023), is implemented successfully under the coordination of MoFLSS, with the main objective of preventing child labour, especially the worst forms. The program has been prepared with the contributions of public institutions, social partners and non-governmental organizations, and includes comprehensive measures such as eradicating poverty, increasing the quality and accessibility

of education, improving public awareness and sensitivity, which constitute the main reasons for children to enter working life. In the Action Plan annexed to the National Program; basic strategies and activities to prevent child labour and institutions and organizations to implement them have been identified. In this context, 88 measures on legislative regulations and practices as well as awareness raising and capacity building are included in the Action Plan for combating child labour. The strategy is implemented and monitored through the Monitoring and Evaluation Board meetings held twice a year with the participation of all parties.

The Directorate of Guidance and Inspection carries out audits in accordance with the provisions of the Regulation on the Procedures and Principles of Employment of Young Children and Young Workers, issued on the basis of Article 71 of the Labour Law No. 4857. Between 01.01.2014 and 31.12.2017, an administrative fine of 307.786,00 TL for 207 employers who were found to be opposing to the provisions of article 71 of the Labour Law No. 4857 and the related regulation, was imposed by the Presidency of Guidance and Inspection.

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

Information on maximum work hours for children under the age of 16.

According to the regulation in 2015, the fourth paragraph of Article 71 of the Labour Law No. 4857, entitled “Age of employment and prohibition on employment of children” is amended as follows:

(Fourth paragraph amended on 4 April 2015 by Article 38 of the Law No. 6645) The working hours for children who have completed their compulsory primary education and do not continue to receive formal education shall not be longer than seven hours a day and thirty five hours a week; these hours shall not be longer than five hours a day and thirty hours a week for those working in artistic, cultural and advertising activities. That period may be increased to eight hours a day and forty hours a week for children who have completed the age of fifteen.”

Accordingly, for children who have not completed the age of fifteen cannot work for eight hours a day and forty hours a week.

Article 7§5:

**With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances.**

Scope of the provisions as interpreted by the ESCR:

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

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

Before 2014, the minimum wage was determined for two different levels as the workers who have completed 16 years of age and those who have not. As of 1 January 2014, the minimum wage is applied the same for both levels, as a result of the decision of the Minimum Wage Commission in 2014. As of this date, the same minimum wage is determined for all age groups.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The issue of Fair Wage is supervised by the Directorate of Guidance and Inspection, including children and young workers within the scope of Wage and Minimum Wage headings in Articles 32 and 39 of Labour Law No. 4857.

Although the apprentices are exempted from the Labour Law, the remuneration rights are audited on the basis of Article 41 of the same Law within the framework of the provisions of Article 25 of the Vocational Education Act No: 3308. The reports related to the audit are given to the governorships and the issues mentioned in the reports are evaluated by the governorships.

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS***Information on the wages paid to the apprentices***

Law on Vocational Education (Law No. 3308) was amended by the “Law Amending the Decree Law on the Organization and Duties of the Ministry of National Education and Certain Laws and Decree Laws” on 02.12.2016. Accordingly, the candidate apprentice and apprentice cannot be paid less than thirty percent of the minimum wage for his/her age.

In addition, insurance premiums of candidate apprentices, apprentices, students getting vocational training in enterprises, students of vocational and technical secondary schools attending internship, complementary education or field training, are calculated over fifty percent of the minimum wage and paid by budget of the Ministry and universities with higher education institutions providing vocational training.

Article 7§6:

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake: to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;

Scope of the provisions as interpreted by the ESCR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The inclusion of time in vocational education in working time is regulated under the Vocational Education Law No. 3308. In addition, the subject matter is also included under Article 7 of the Regulation on the Procedures and Principles of Employment of Children and Young Workers, based on Article 71 of the Labour Law No. 4857, under the heading of Working Hours and Interim Rest Periods.

In accordance with the relevant provision, when the worker is sent by the employer, the time spent in the courses and meetings and the time spent in the vocational training programs organized by the authorized institutions and organizations are counted as the working time.

The said issue is audited by the Directorate of Guidance and Inspection under the provisions of Article 71 of the Labour Law No. 4857 and the Regulation on the Procedures and Principles of the Work of Child and Young Workers issued on the basis of this article and the provisions of Article 17 of the Occupational Health and Safety Law No. 6331. Between 01.01.2014 and 31.12.2017, an administrative fine of 307.786,00 TL for 207 employers who were found to be opposing to the provisions of article 71 of the Labour Law No. 4857 and the related regulation, was imposed by the Presidency of Guidance and Inspection.

Article 7§7:

**With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;**

Scope of the provisions as interpreted by the ESCR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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

According to Article 53 of Labour Law No. 4857, the annual paid leave period for workers aged 18 years and younger and fifty and over may not be less than twenty days.

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

1. *Information on whether young workers are allowed to waive their right to annual leave in return of financial compensation*

According to the second paragraph of Article 53 of the Labour Law No. 4857 entitled “Right for annual paid leave and periods of leave”, “The right for annual paid leave shall not be waived.”

2. *Information on the monitoring activity of the Labour Inspectorate and on the fines imposed on employers for breach of the regulations regarding paid annual holidays of young workers.*

The said issue is audited by the Directorate of Guidance and Inspection under the provisions of Article 71 of the Labour Law No. 4857 and the Regulation on the Procedures and Principles of the Work of Child and Young Workers issued on the basis of this article.

According to the Regulation on the Annual Paid Leave issued in line with Article 60 of the Labour Law No. 4857 and Article 10 of the Regulation issued in line with Article 71 of the same Law, the annual paid leave period for workers aged 18 years and younger and fifty and over may not be less than twenty days

Between 01.01.2014 and 31.12.2017, an administrative fine of 307.786,00 TL for 207 employers who were found to be opposing to the provisions of article 71 of the Labour Law No. 4857 and the related regulation, was imposed by the Presidency of Guidance and Inspection.

Article 7§8:

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake: to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

Appendix to Article 7§8:

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

Scope of the provisions as interpreted by the ESCR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- a.** In accordance with Article 73 of the **Labour Law** No. 4857 (2003) “It is forbidden to employ children and young workers below the age of eighteen for night time in industrial works.”
- b.** In accordance with Article 5, paragraph 6 of the **Regulation on the Principles and Procedures for the Employment of Children and Young Workers** that entered into force after being published in the Official Gazette dated 06.04.2004 and No. 25425, “Workers who have not completed the age of 18 years shall not be employed in the works carried out during the night periods specified in the first paragraph of Article 69 of the Labour Law No. 4857.”

According to Article 69 of the Labour Law No. 4857, the “night time” in work life is “the period starting at 08.00 p.m. at the latest and ending at 06.00 a.m. at the earliest, and in any case, lasting for maximum eleven hours.”

The regulation aims to determine the principles of working and to prevent economic exploitation of children and young workers without jeopardizing their health and safety, physical, moral and social development or education.

- c.** Article 5 titled “Prohibition of Night Work” in the **Regulation on the Special Procedures and Principles for Working in Works Carried Out by Shift Workers**, that entered into force after being published in the Official Gazette dated 07.04.2004 and No. 25426 is as follows:

Article 5- In the workers' shifts between the hours of 20.00-06.00, which corresponds to the night period defined in the first paragraph of Article 69 of Labour Law No. 4857, the employment of children and young workers who have not completed the age of 18 is prohibited.

In this context, no legislative change has been made in the relevant reporting period.

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

1. Information on prohibition of night work for workers under 18 years of age in all sectors, not only in industrial undertakings.

In accordance with Article 5, paragraph 6 of the Regulation on the Principles and Procedures for the Employment of Children and Young Workers entitled “Principles for the Employment of Children and Young Workers” that entered into force after being published in the Official Gazette dated 06.04.2004 and No. 25425, it is stated that “Workers who have not completed the age of 18 years shall not be employed in the works carried out during the night periods specified in the first paragraph of Article 69 of the Labour Law No 4857.”

The relevant Article is specified below:

“Article 5-

(Additional article: Official Gazette-21.2.2013-28566) Workers who have not completed 18 years of age cannot be employed in the following works, even if they are listed among the works that are permitted according to their age: Preparation, complementation and cleaning works; production and wholesale of alcohol, cigarette and substances leading addiction; wholesale and retail of combustible, explosive, harmful and dangerous substances and their production, processing, storing and all sorts of work where there is possibility of exposure to such substances; the work done in places where there is high noise and/or vibration; the work in excessive hot and cold environment; the work done with the substances bad for health and leading occupational disease; the work where there is possibility of exposure to radioactive substances and harmful rays; the work that is demanding attention and requiring standing continuously; the work of piece-rate pay with the system of contribution; the work not enabling the person to return to his/her home or parents after work except for educational work; the work over their physical and psychological competencies with the report of workplace physician, the work in which there is possibility of lack of attention for security or lack of education and experience; carrying money and collection of revenues; **and the night work specified in paragraph 1 of Article 69 of the Labour Law No. 4857.”**

Furthermore, Article 5 entitled “Prohibition of Night Work” in the **Regulation on the Special Procedures and Principles for Working in Works Carried Out by Shift Workers** that entered into force after being published in the Official Gazette dated 07.04.2004 and No. 25426 is as follows:

Article 5- In the workers' shifts between the hours of 20.00-06.00, which corresponds to the night period defined in the first paragraph of Article 69 of Labour Law No. 4857, **the employment of children and young workers who have not completed the age of 18 is prohibited.**

In accordance with the relevant legislation, prohibition of employment of children and young workers under the age of 18 in night work is not limited to the in the industrial sector.

2. Information on the monitoring activity of the Labour Inspectorate and inspections regarding prohibition of night work for young workers under the age of 18.

The subject of “Prohibition of Night Work” is supervised by the Directorate of Guidance and Inspection under Article 71 of the Labour Law No. 4857 and the provisions of Regulation on the Procedures and Principles of Employment of Child and Young Workers based on the afore-mentioned Article and the provisions of Article 73 of Labour Law No. 4857. In accordance with the provisions of Article 73 of the relevant Law, it is forbidden to employ children and young workers, who have not completed the age of eighteen years, in industrial works at night. In addition, according to Article 71 of the Labour Law No. 4857 and the last paragraph of Article 5 of the Regulation on the Procedures and Principles of Employment of Children and Young Workers issued on the basis of this Article, “Workers who have not completed the age of 18 years shall not be employed in the works carried out during the night periods specified in the first paragraph of Article 69 of the Labour Law No 4857.”

Between 01.01.2014 and 31.12.2017, an administrative fine of 307.786,00 TL was imposed by the Directorate of Guidance and Inspection on 207 employers who were found to be opposed to Article 71 of the Labour Law No. 4857 and to the provisions of the Regulation issued based on the relevant Article.

Article 7§9:

**With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;**

Scope of the provisions as interpreted by the ESCR:

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

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

Occupational Health and Safety Law No. 6331 was published in the Official Gazette on 30.06.2012. A liability brought by the Law for the employers is to carry out health surveillance of their employees. This is regulated by Article 15 of the Law. The employer shall ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work. Health examination of workers is required under the following situations: Pre-assignment, job change after the assignment, in case of return to work following repetitive absence from work due to occupational accidents, occupational diseases or health problems upon request, at regular intervals recommended by the Ministry in the course of employment taking into account the workers, the nature of work and hazard class of the enterprise. In this context, health surveillance is required for all employees covered by the Law.

In accordance with sub-paragraph (f) of paragraph 1 of Article 26 of the Law, it is stated that “An administrative fine of one thousand Turkish Lira is imposed for the employer who violates the obligations laid down in the first and second paragraphs of Article 15 for each worker who hasn’t gone through health surveillance or who doesn’t have a health report.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The related issue is supervised by the Directorate of Guidance and Inspection within the framework of Article 15 of the Law No. 6331 on Occupational Health and Safety. In the period between 01.01.2014 and 31.12.2017, it has been requested by the Directorate of Guidance and Inspection to impose an administrative fine of 8.748.954,00 TL for 908 employers who are found to oppose the provision of Article 15 of the Law No. 6331 on Occupational Health and Safety. The administrative fines imposed on workplaces related to health surveillance are related to the health surveillance of all employees and there is no separate statistical information for children under 18 years of age.

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS***1. Information on whether some categories of young workers were exempted from the medical examination requirement.***

The Law shall apply to all businesses and workplaces of the public and private sector, employers 'and employers' representatives, including apprentices and trainees, regardless of

their field of activity, except with the exceptions mentioned in Article 2 of the said Law. These exceptions include military and law enforcement activities except for those at sewing, factory, maintenance centre, and other similar workplaces, intervention activities of disaster and emergency units, business dormitory, education, security and occupation activities for the purposes of improvement for the convicts and detainees during the execution services within the scope of work, education, security and occupation activities, self-employed and domestic services.

Military and law enforcement activities are excluded in many countries. In addition, the relevant articles of the Turkish Armed Forces Internal Service Law No. 211, published in the Official Gazette dated 09.01.1961 and No. 10702 includes provisions regarding occupational health and safety issues. In Article 57 of the Internal Service Law (Amended: 22.01.2015-6586/Article 20), it is expressed that follow-up of soldiers and carrying out of preventive health services in health services is essential, the provisions of Social Security and General Health Insurance Law No. 5510 are also reserved. Furthermore, this article explains that the commanders, headquarters or military institution superiors and their physicians are responsible for the fulfilment of the health service and that the health services in the Turkish Armed Forces' health services are carried out according to the service standards included in the national health legislation except for the operational needs.

In Article 58 of the Internal Service Law (Amended: 22.01.2015-6586/Article 21) it is stated that within the scope of preventive health services in Turkish Armed Forces; environmental, personal health and hygiene, first aid, immunization, infectious diseases, prevention of tobacco and substance use, occupational health and safety, school health, healthy eating, sheltering and dressing, physical performance and other activities related to preventive health services shall be taken. Occupational health and safety has been evaluated as a subject in itself in the article of protective health services. Again, in the definition of health services in Article 58, the expressions of “periodic or mandatory controls with due diligence and convenience controls” coincide with the expressions of “the employer's obligation to perform health examinations of employees in recruitment and during employment stated in paragraphs 1 and 4 of paragraph 2 of Article 15 of the Law No. 6331 on Occupational Health and Safety entitled “Health Surveillance.”

Since a person working on his own account is responsible for himself/herself and since there is no employee-employer relationship, he/she was evaluated out of the scope of the Law No. 6331. However, in Article 4 (b) of Social Security and General Health Insurance Law No. 5510, it is stated that individuals who are real or simple income tax payers due to commercial earnings or self-employment earnings, who are exempt from income tax and are registered to the registry of traders and artisans, shareholders of joint stock companies, associates of joint - stock companies who members to board of directors, active partners of commandite companies of which capitals are divided into shares, all partners of other company and maritime joint - adventures, who are engaged in agricultural activities are deemed to be insurance holders. Therefore, those who work on their own behalf are also covered by the Social Insurance and General Health Insurance Law No. 5510 and they are subject to work accident, occupational disease, sickness and maternity insurance.

Domestic services, which are out of scope, are excluded from the scope of the Law No. 6331 due to the fact that the persons are within the border of private property and because the issues of occupational health and safety of the employees in Turkey are regulated by the Code of Obligations. Pursuant to paragraph 2 of Article 417 of the Code of Obligations “The employer

shall take all necessary measures to ensure occupational health and safety in the workplace and to make sure that the equipment and tools are kept in full and the workers are also obliged to comply with any kind of prevention taken concerning occupational health and safety. The employer is subject to the provisions of the liability arising from non-compliance with the contract, including the above provisions, due to the violation of the law and the contract, the death of the worker, the damage to the body integrity or the indemnification of the damages resulting from the violation of his/her personal rights. This obligation of the employer applies to all workers in the service relationship and those working in domestic services are included in this scope as well as all employees.

With regard to the prisoners in the detention and detention houses, such an arrangement has been made since some of the obligations of the Law No. 6331 could not be applied in prisons. Nevertheless, the Ministry of Justice introduced guidelines and regulations in accordance with occupational health and safety legislation and the work is ensured to be carried out under appropriate health and safety conditions. Furthermore, in sub-paragraph a of paragraph 1 of Article 5 of Social Insurance and General Health Insurance Law No. 5510, it is stated that “Work accident and occupational disease and maternity insurances shall be applicable to convicts and arrested individuals who are employed, but not working on service contract, in facilities, workshops and similar units established in the sentence execution institutions and detention houses and these shall be deemed to be insurance holders under item (a) of the first paragraph of Article 4.”

2. Information on the monitoring activity of the Labour Inspectorate, regarding medical examination requirement for young workers under the age of 18.

The issue of "Regular Health Inspection" is supervised by the Department of Guidance and Inspection within the framework of Article 15 of the Law No. 6331 on Occupational Health and Safety.

An obligation of the Occupational Health and Safety Law No. 6331 regarding the employers is to ensure the health surveillance of their employees. This is regulated by Article 15 of the Law. Health surveillance is required for all employees covered by the Law.

For the employers who do not fulfil or violate their obligations related to the health surveillance, in sub-paragraph (f) of the first paragraph of Article 26; it is stated that “An employer who does not fulfil the obligations stated in the first and second paragraphs of Article 15 of the Law shall be subject to an administrative fine of one thousand Turkish Liras for each employee who is not subject to health supervision or who has not received a medical report.”

Article 7§10:

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake: to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Scope of the provisions as interpreted by the ESCR:

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

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

- a. The Regulation on the Procedures and Principles of Employment of Children and Young Workers, which was published in the Official Gazette No. 25425 dated 06.04.2004 and entered into force, aims to determine the principles of working and to prevent economic exploitation of children and young workers without jeopardizing their health and safety, physical, moral and social development or education.

The following amendments in the Regulation on the Procedures and Principles for the Work of Children and Young Workers were made in 2017.

“Principles for the Work of Children and Young Workers

Article 5 - The security, health, physical, mental, moral and psychosocial development, personal predisposition and abilities of the child and the young worker shall be taken into consideration during job placement and work.

Children and young workers can be employed in the work that will not prevent the attendance and success of the school attendees, preparations for the selection of a profession or their participation in the vocational education accepted as qualified by the Ministry of National Education (amended: Official Gazette-12.05.2017-No.30064).

Employers will ensure that children and young workers are protected against any risks that may jeopardize their development, health and safety, due to lack of experience, lack of knowledge of current or potential risks, or immaturity.”

- b. The Law on Foreigners and International Protection No. 6458 was adopted on 4 April 2013 in order to regulate the procedures and principles concerning the entry of foreigners to Turkey, their stay in Turkey and exit from Turkey, the scope of protection and its implementation provided for the foreigners who demand protection from Turkey and the organization, duty, power and responsibilities of the Directorate General of Migration

Management affiliated to the Ministry of Interior. The Department of Protection of Victims of Human Trafficking established within the DGMM has also established working groups to protect victims of trafficking in all 81 provinces.

- c.** In addition, Committees (Coordination Council on Combating Irregular Migration) have been established to ensure coordination among relevant public institutions, special offices were formed in the relevant law enforcement units. Foreigners Communication Line YIMER 157 also serves as a free emergency hotline 7/24 for victims of trafficking in 6 languages. (Turkish, English, Arabic, Russian, Persian and German)
- d.** Turkey Irregular Migration Strategy Paper and National Plan of Action as well as National Action Plan on the Implementation of the Readmission Agreement signed between the European Union and Turkey has entered into force by the Ministerial Authority dated 5 March 2015.
- e.** The Law on the Approval of the Convention Relating to the Status of Stateless Persons No. 6549 was adopted on 1 July 2014.
- f.** The Law on the Approval of the Council of Europe Convention on Action against Trafficking in Human Beings was published in the Official Gazette dated 30.01.2016. The Convention has entered into force on 1 September 2016.
- g.** In conformity with the Convention on Action against Trafficking in Human Beings, Palermo Protocol, European Union Directives and other international conventions to which Turkey is a party, the Regulation on the Protection of Human Trafficking and the Protection of Victims was published in the Official Gazette dated 17 March 2016 and entered into force in order to determine the procedures and principles related to the prevention of trafficking in human beings, combating trafficking in human beings, protection of victims of trafficking irrespective of distinction between Turkish citizens and foreigners, granting of residence permit to foreign victims and support services offered to the victims.

Issues regulated by the Regulation;

- The Regulation regulates the principles and procedures for identifying, protecting and directing victims of trafficking, irrespective of distinction between Turkish citizens and foreigners.
- The Commission and the Provincial Commissions were established for the purposes of identifying strategies and policies in the fight against trafficking in human beings in the centre and in the provinces and providing inter-agency coordination.
- The General Directorate Migration Management was tasked with publishing a report on human trafficking annually. This report will be submitted to the commission.
- Under the headings of *reduction of demand* and *education and public awareness activities*, regulations have been made to increase awareness of both the public and the institutions about human trafficking.
- The regulation has been introduced on the submission of all data within the scope of human trafficking crime to the DGMM General Directorate and its confidentiality.
- The issue of cooperation has been regulated with all relevant stakeholders.
- The identification phase of the victim and the duties of relevant stakeholders in the support services to be offered to the victim are regulated in detail. During the

operations of the law enforcement units, persons suspected of being victimized shall be directed to Provincial Directorates of Migration and the identification procedures will be realized by the officers by interviewing the victim in detail.

- In accordance with subparagraph (ç), (ğ) of paragraph 1 of Article 54 of the Law, the issue of interviewing with the foreigners who were transferred to the Provincial Directorate of Migration on human trafficking indicators were arranged.
 - After the identification phase, the victim is directed to a victim support program or a voluntary and safe return program based on the statement of the victim.
 - It was arranged for the possible or identified victims to be placed in the shelters or similar service organizations affiliated to the the Ministry of Family and Social Policies, the public institutions and organizations, local administrations or non-governmental organizations.
 - The identified Turkish citizen victims and child victims will be transferred to the relevant units of the Ministry of Family and Social Policies in order to provide a support program after identification procedures.
 - Support services to be provided to the victim have been determined and it is aimed to provide a standard in these services.
 - Arrangements on the provision of financial support to the victim, free provision of health services and medication for the victim and his/her access to the labour market are also included.
- h.** Law No. 6701 on Human Rights and Equality Institution was adopted on 06.04.2016, 6701 in order to regulate procedures related to the the establishment of the institution, its powers and duties. The primary aim of the institution is to protect and promote human rights on the basis of human dignity, to ensure the right of equal treatment of persons, to prevent discrimination in the enjoyment of legally recognized rights and freedoms, to fight effectively against torture and ill-treatment and to fulfil the duty of national prevention mechanism in this regard.
- i.** In order to fight against human trafficking in a more effective way, the “Department for the Protection of Victims of Human Trafficking” is established under the Ministry of Interior Directorate General of Migration Management according to the new Law on Foreigners and International Protection dated April 2013. The said Department is responsible for fighting against human trafficking and protection of victims; implementing projects related to fight against human trafficking; setting up, operating and outsourcing the operation helplines for victims. The aimed protection cycle begins with reporting and complaint of the victims and ends with support services that are provided for victims upon their consent and that are in line with international standard and best practices.
- j.** The Department of Fighting Human Trafficking of the Gendarmerie General Command which was approved for the establishment on 10 February 2016, was established and became functional on 27 July 2016.
- k.** Child Support Centres have been established as per Article 14 of the Law No. 6518 on Amendments to certain Laws and Decree Laws along with the Decree Law on Organization and Duties of the Ministry of Family and Social Policies which has entered into force after its publication in the Official Gazette dated 19 February 2014.
- l.** Regulation on Child Support Centres was published and entered into force on 29.03.2015 (Official Gazette No.29310). It regulates working principles and procedures as well as

service standards for Child Support Centres affiliated to the Ministry of Family and Social Policies, which will provide services to those children for whom a care or protection injunction was given on the grounds of their being victim of a crime or facing social dangers in the streets or delinquency and who are considered to be in need of psychosocial support. “Anka Child Support Program” which provides psychosocial support and intervention is applied for the children under care or protection at the Centres and for their families. Anka psycho-social support program has been developed towards children living on the streets, delinquent, victim of crime, receiving service from the Ministry of Family and Social Policies through a Child Support Center and their families. Anka Child Support Programme Application Directive which includes procedures and principles the said program has entered into force after its publication in the Official Gazette on 09 January 2015.

- m.** In the “Regulation on School Service Vehicles” there were provisions referring to the employees of the transport service that they were not found guilty of sexual offenses referred to in the Turkish Criminal Code (Article 103, 104), deprivation of persons (Article 109), drug offenses (Articles 188, 190, 191), prostitution (Article 227) and of the offenses under Article 35 of the Law on Misdemeanors even though they were pardoned. As a result of proposal of legislative amendment with the amendment made in the aforementioned Regulation on 25 October 2017; sexual assault (Article 102) and sexual harassment (Article 105) of the Turkish Penal Code were also included in the criminal offenses that constitute the working conditions for transport and furthermore in addition to the non-conviction of these offenses, the requirement that “*there is no ongoing prosecution of these crimes or concluding with consensus*” has been added. Thus, those who were convicted of the offenses or their investigation is going on were prevented from working in school service vehicles.
- n.** **The Regulation on Child Support Centres** dated 29.03.2015 and No. 29310, the **Unaccompanied Children Directive** dated 20.10.2015 and No. 152065 was published. The Regulation on Child Support Centres is implemented in 63 institutions affiliated to the MoFLSS. Within the framework of the Unaccompanied Children Directive, services are provided for unaccompanied children.
- o.** In the scope of the legislative work regarding the measures taken to protect children from sexual abuse, a proposal of amendment was made as an additional article to the Article 11 of the Child Protection Law. Although it was outside the reference period, in the amendment proposal it is aimed to prevent for persons who were sentenced from the offenses in Articles 103, 104, 105, 188, 190, 191, 226/1-a, b and 227/1 of the Turkish Penal Code No. 5237 or whose prosecution is going on to operate and to be employed at dormitory, nursery, park, playground, internet hall, games hall, school service, school canteen where children are using frequently. With this addendum envisaged in the Child Protection Law, the obligation of convicts who were sentenced from Article 103 of the Turkish Penal Code to report to the police in case their residence and workplace addresses change after release.
- p.** Circular Note No. 16 dated 07 March 2014 of Directorate General of Security published for the purpose of preventing children from being abused by being compelled to beg or to sell stuff on the street, was issued to all 81 Provincial Directorate of Security. Apart from mandatory instructions defined in the Circular Note, “Mobile Peace Team” application formed jointly with other institutions and organisations intends on removing

disadvantages by immediate interventions and on preventing abuse of children compelled to work/beg on the streets, and the application is becoming more widespread all across the country.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

- a. The Coordination Strategy Paper on Child Protection Services** was published covering the years 2014-2019 in order to ensure effective and efficient implementation of Child Protection Law No. 5395 and to provide protective and preventive services for children by the Ministry of Family and Social Policies.
- b.** In “The Strategic Plan of Ministry of Justice 2015-2019” and “Judicial Reform Strategy 2015” documents prepared in the years 2014-2015 include strengthening the juvenile justice system, restructuring judicial processes for children, taking necessary measures for effective protection of the child in the justice system, strengthening inter-institutional cooperation. Here the aim is to meet the needs with a strategic approach in this field. Among the strategies envisaged in this context include “Reorganization of child-related criminal and private law legislation in line with international standards.”
- c.** The Project on the Protection of Victims of Human Trafficking (2014-2016) funded by the EU was carried out in cooperation with the International Organization for Migration, in which the Directorate General of Migration Management of Ministry of Interior is the main beneficiary.

The aim of the project is to ensure effective implementation of national strategies and policies in line with the Convention on Action against Trafficking in Human beings of the Council of Europe in the fight against organized crime, including trafficking in human beings.

During the implementation period of the project;

- Trainings were organized for the representatives of relevant institutions, especially for the personnel of Provincial Directorate of Migration Management, the provincial organization and law enforcement units of the Ministry of Family and Social Policies in order to increase the cooperation in the implementation.
- Workshops and consultation meetings were held with the employees of the institutions and organizations cooperating in the fight against human trafficking.
- Training was given to Judges and Prosecutors and for Provincial Migration Assistant Specialist and Law Enforcement Officers.
- An information meeting was held for tour operators, taxi drivers and hotel owners to raise awareness about trafficking in human beings, training was held for labour inspectors and Social Security Institution auditors.
- Two information meetings were held in Istanbul and Ankara for the Embassies of the countries of origin.
- Posters and brochures were published in 6 languages (*Turkish, English, Arabic, Persian, Russian and Uzbek*) to raise awareness about trafficking in human beings.
- Financial support was provided to non-governmental organizations operating in the field of human trafficking and operating a shelter.
- Study visits were organized to the countries of origin and the advanced EU Member States in the fight against trafficking.

- d. The Project of Fight against Trafficking in Human Beings and Organized Crime THB / IFS-2 funded by the EU with ICMPD and the Project of Preventing, Identifying and Combating Trafficking of Refugees in Turkey (PICTOR) funded by the United Kingdom are carried out.
- e. **Monitoring and Evaluating System of Minimum Standards**
 Within the scope of the project “Towards Good Governance, Protection and Justice” (Children First) carried out in cooperation with UNICEF and with the support of European Union between 2005-2008, the Minimum Standards for Children Deprived of Parental Care have been adjusted to Turkey with the participation of all bodies and agencies offering care, education, protection and monitoring services for children deprived of parental care. Activities continued throughout 2016 so as to encourage use and spread of the “System related to the Software of Monitoring and Evaluating Minimum Standards” enabling individually reporting and scoring means of the family-focused care services delivered to children who have, by injunction, the status of “protected/in need of care” being in the first place, of the processes of institutional care; rehabilitation and monitoring after care within the framework of 28 standards under such titles as professional implementation, personal care, resources, governance and personnel.
- f. The target groups within the scope of “**Strategy and Action Plan on Preventing and Reducing Violence in Educational Environments**” and the guidance services provided by the Ministry of National Education in schools include Students, Teachers, Directors, Families and the Educational Environment.

Measures Taken Throughout the Country for Reducing Risk Factors within the Scope of Violence Action Plan and Guidance Services:

- Providing training seminars for teachers, students and families according to their needs, providing family training by using 0-18 age Family Education Program, Mother Support Training Program, Father Support Training Program,
- Activating the activities that will enable the individual to know him/herself,
- Providing information appropriate to the physical development and age of the students in the fields of adolescence and sexual education by cooperating with Guidance and Research Centres,
- Dissemination of life skills training program in schools,
- Domestic violence and debates adversely affect children are told by teachers and guidance services in parents’ meetings,
- Within the scope of guidance services, informative studies on anger control issues are carried out,
- Within the scope of the Guidance Activities implemented in schools, awareness-raising and skill-building activities are carried out on issues such as gender, domestic violence and gender inequality.

Country-wide Seminars in the Scope of Violence Action Plan and Guidance Services

- Introducing Children's Rights Convention to children,
- A variety of actions realized within the scope of prevention of violence against children and women,
- To inform the students and youth which competent authorities they can apply to who are exposed to violence,
- Information studies on anger and its control within the scope of guidance services,

- Activities of “I evaluate my methods” to review the problem solving steps that he/she uses in daily life, “effects of anger”, “anger and coping methods”, “steps of conflict” in order to gain effective conflict solution skills, “Is he/she a friend or not?” to help to cope with peer pressure in interpersonal relations at various class levels.
- To provide an environment for the development of positive communication and interaction with the social and inter-class sportive activities,

Studies for Parents

- Protection against risks
- Reason of Violence and Aggression, Anger Control
- Communication
- Gaining skills to grasp the methods of coping with stress and solve problems

Studies for Teachers

- Harmful Habits-Risk Protection, Reason of Violence and Aggression
- Anger Control, Teacher Student Relations
- Psychosocial Intervention Services, Communication
- Violent Movies on TV and Internet Usage Rules
- The Effect of Media on Violence, Behaviour Disorders
- Posttraumatic Stress Disorders, Developmental Periods and Problems

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

1. Information regarding the treatment for the children involved in prostitution, as “victims.”

Of the Turkish Penal Code No. 5237;

In Article 103 entitled “Sexual abuse of children” the crime of sexual abuse against children and their penalties are included. In cases where the offense of sexual exploitation in this article is at the level of obscenity, the investigation and prosecution of the offender if the offender is a child depends on the complaint of the victim, his/her parent or guardian.

In the first paragraph of Article 227 entitled “Prostitution”, persons who encourage the child to prostitution, facilitate the way for this purpose or supply or host the child's prostitution and in the second paragraph, those who facilitate their way or provide intermediation for prostitution or provide place are punished. **In these acts, the person who is dragged into prostitution is accepted as victim and he/she can participate in the hearings as a participant.**

Related articles of the Penal Code are mentioned below:

Sexual abuse of children

Article 103- (Amended 1st and 2nd sentences by the article 13 of the law numbered 6763 and dated 24/11/2016) Any person who sexually abuses a minor shall be sentenced to a penalty of imprisonment for a term of eight to fifteen years. On occasions when sexual conduct remains as molestation, a penalty of imprisonment for a term of three to eight years

shall be imposed. (**Additional Article: 24/11/2016-6763/13**) If the victim has not completed the age of twelve, the punishment to be imposed cannot be less than ten years in the case of abuse, or less than five years in case of molestation. If the perpetrator of the offending crime is a child, the investigation and prosecution shall be subject to the complaint of the victim, his / her parent or his guardian. Regarding the definition of the term sexual abuse:

a), Any act of a sexual nature against a minor who has not completed fifteen years of age or, though having completed fifteen years, lacks the competence to understand the meaning and consequences of such acts,

b) Sexual acts conducted against any other minor with the use of force, threat, deception or any other method which affects the will of the child

(2) (**Amended: 24/11/2016-6763/13**) Where the sexual abuse occurs as a result of the insertion of an organ or an object into the body, a penalty of imprisonment of not less than sixteen years shall be imposed. If the victim has not completed the age of twelve, the penalty cannot be less than eighteen years.

(3) Where the offence is committed by

a) by more than one person,

b) by taking advantage of the environments where people have to live communally,

c) against a person of first, second or third degree blood relationship or a relative by marriage or by step father, step mother, step siblings or the adoptive parent,

d) by guardian, tutor, teacher, carer, other persons in charge of providing health services or who bears the obligation for protection or supervision,

e) by misusing the influence derived from a position in public office or a private working relationship,

then the penalty to be imposed in accordance with the above sections shall be increased by half.

(4) Where the sexual assault is committed against the a minor described in section one (a) by force or threat or a minor described in section two (b) by using weapon, the penalty to be imposed in accordance with the above sections shall be increased by half.

(5) Where any force or violence, used with the aim of sexual assault, leads to any aggravated consequence of intentional injury, the provisions of that offence shall apply in addition.

(6) In case of the victim's death or lapse into a vegetative state, as a result of the crime, aggravated life imprisonment shall be imposed.

Sexual intercourse with those who have not achieved adulthood

Article 104- (1) Any person who enters, without any force, threat or deceit, into sexual intercourse with a minor who has completed fifteen years of age shall be sentenced to a penalty of imprisonment for a term of two to five years, upon complaint.

(2) If the offense is committed by the person who is prohibited from marriage with the victim, the offender shall be sentenced to imprisonment from ten to fifteen years without complaint.

(3) (Addition: 18/6/2014-6545/ Article 60) Where the offence is committed by the person who takes care of the child before adopting or have the obligation for protection, caring and supervision of the child within the framework of custodial parents relationship, a penalty in accordance with the provision of section two shall be imposed without seeking complaint.

Prostitution

Article 227- (1) Any person who encourages a child to prostitution, facilitates it or accommodates a child for such purpose, or acts as an intermediary for the prostitution of a child, shall be sentenced to a penalty of imprisonment for a term of four to ten years and judicial fine up to five thousand days. The preparation acts for this offence shall be punished as a completed offence.

(2) Any person who encourages another to prostitution or who facilitates it, or acts as an intermediary or who provides a place for such purpose shall be sentenced to a penalty of imprisonment for a term of two to four years and a judicial fine up to three thousand days. Earning a living, totally or partially, from the proceeds of prostitution shall be presumed to be an encouragement to prostitution.

(3) (Articulated on: 24.11.2016-6763/Article 18) Persons who distributes or disseminates products containing images, articles and words intended to facilitate or intermediate for prostitution shall be sentenced to imprisonment from one to three years and a fine of two hundred to two thousand days.

(4) The penalty to be imposed according to the aforementioned sections shall be increased by an half to twice of the penalty for a person who encourages another to engage in acts of prostitution or facilitates it through the use of threat, violence, deceit, or by taking advantage of another's desperation.

(5) The penalty to be imposed according to aforementioned sections shall be increased by one half where the offence is committed by a spouse, direct-antecedents, direct antecedents-in-law, sibling, adopting parent, guardian, trainer, educator, nurse or any other person responsible for the protection and supervision of a person; or by a public officer or employee who misuses the influence derived from their positions.

(6) The penalty to be imposed according to aforementioned sections shall be increased by one half where the offence is committed in the course of the activities of a criminal organisation.

(7) Legal entities shall be subject to special security measures for involvement in these offences.

*(8) Any person who has been urged into prostitution may be given **treatment or psychological therapy**.*

ARTICLE 8. RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

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

Scope of the provisions as interpreted by the ECSR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The following sentences are added to Article 104 of the Civil Servants Law No 657: “(Additional paragraph: 29.01.20166663/6 article) Due to preterm delivery, the period of maternity leave which could not be taken before delivery is added to the maternity leave after delivery. In case of the death of the mother during delivery or maternity leave, the father, who is a civil servant, can take leave as the period stipulated for the mother.”

The following sentence has been added to the first paragraph of Article 74 of the Labour Law No. 4857 about “Work during maternity and nursing leave”.

“(Additional paragraph: 29.01.2016-6663/22 article) In case of mother's death during or after delivery, the periods which cannot be used after delivery shall be used by the father. One of the parents or a person adopting a child under the age of three shall be allowed to use a maternity leave for eight weeks as of the week in which the child is de facto delivered to the family.”

Furthermore “(additional paragraph: 29.01.2016-6663/22 article) The provisions of this article shall be applied to any kind of workers employed through labour contract, without regard to whether they are within the scope of this Law or not.”

A female worker who gives birth in the private sector is allowed 8 weeks before and 8 weeks after delivery. In the case of multiple pregnancies, an extra two week period shall be added to the eight weeks before confinement. During these periods, temporary incapacity allowance is paid.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Audits are conducted under Article 74 of Labor Law No. 4857 and Article 16 of the Press Labor Law No. 5953.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Years	Number of people benefiting from maternity insurance		
	4/a	4/b	Total
2014	299.295	6.422	305.717
2015	309.360	4.948	314.308
2016	356.180	6.668	362.848
2017	380.415	6.494	386.909

		Maternity Leave		
		Female Insured Persons Who Receive Temporary Incapacity Due to Birth		Female Insured Persons Using Unpaid Leave Due to Birth
		4/a Covered Insured	4/b Covered Insured	4/c Covered Insured
2014	Number of Persons Receiving Allowance	92.920	97	n.a.
	Average Number Day of Temporary Incapacity	120,07	87,27	n.a.
	Average Paid of Temporary Incapacity Allowance	3.328,54	2.043,61	n.a.
2015	Number of Persons Receiving Allowance	128.147	1.207	n.a.
	Average Number Day of Temporary Incapacity	130,02	78,03	n.a.
	Average Paid of Temporary Incapacity Allowance	3.844,39	1.966,08	n.a.
2016	Number of Persons Receiving Allowance	145.201	3.580	n.a.
	Number of Persons Receiving Allowance	138,54	93,29	n.a.
	Number of Persons Receiving Allowance	4.721,82	3.019,04	n.a.
2017	Number of Persons Receiving Allowance	152.662	3.486	n.a.
	Number of Persons Receiving Allowance	141,71	89,84	n.a.
	Number of Persons Receiving Allowance	5.141,75	3.226,22	n.a.

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

1. Information regarding the question on whether the postnatal leave provided is compulsory or can be shortened at the employee's request

In accordance with the provisions stipulated in Article 74 of the Labour Law no.4857 entitled "Work during maternity and breast feeding leave", postnatal paid leave is a necessity and there is no possibility to make an abbreviation with the request of the employee.

In addition, in 2016 the following paragraph was added to the same article. "(Additional paragraph: 29/01/2016-6663/22 article), The provisions of this article shall be applied to any kind of workers employed through labour contract, without regard to whether they are within the scope of this Law or not."

In all applicable laws, postnatal leave is mandatory and cannot be shortened in any way.

2. Statistical information on the duration of maternity leave.

Maternity leave period is standard and it is 112 days in single pregnancy and 126 days in multiple pregnancy. However, the periods used are shown in the table.

		Maternity Leave	
		Women Insured who Work in the Press Sector and Obtain Temporary Incapacity Due to Birth	Number of Women Working in the Press Sector Using Unpaid Leave due to birth of the
		4/a-4/b Covered Insured	4/c Covered Insured
2014	Number of Persons Receiving Allowance	212,00	n.a.
	Average Number Day of Temporary Incapacity	52,03	n.a.
	Average Paid of Temporary Incapacity Allowance (TL)	4.569,38	n.a.
2015	Number of Persons Receiving Allowance	247,00	n.a.
	Average Number Day of Temporary Incapacity	55,70	n.a.
	Average Paid of Temporary Incapacity Allowance (TL)	6.444,34	n.a.
2016	Number of Persons Receiving Allowance	244,00	n.a.
	Average Number Day of Temporary Incapacity	56,11	n.a.
	Average Paid of Temporary Incapacity Allowance (TL)	7.158,47	n.a.
2017	Number of Persons Receiving Allowance	239,00	n.a.
	Average Number Day of Temporary Incapacity	56,92	n.a.
	Average Paid of Temporary Incapacity Allowance (TL)	9.198,90	n.a.

3. *The Committee asks whether a woman earning more than the minimum wage is also entitled to an allowance corresponding at least to 70% of her previous wage.*

Daily income is one-thirty of the insured's gross daily income for one month. Two thirds daily income amount is multiplied with the number of payment days and the total amount of maternity temporary incapacity is calculated.

Due to the use of the gross minimum wage, the incapacity allowance of a person who is notified with the minimum wage to the Social Security Institution corresponds to 83%, not to 66% of the previous salary. In other words, the payment of 66% of the gross wage corresponds to 83% of the net minimum salary. Also for all gross wages above the minimum wage, 83% of the net wage is paid like the benefit to maternity temporary incapacity.

As a result of stages and entering into different taxation segments in the rules of transition from gross to net wage in the taxation regime, the difference in the transition to net wage in the high gross wages increases. Accordingly, the value of maternity incapacity allowance paid taking gross wage as a reference for the high wages increases proportionally according to the net salary if the person works.

4. *Information on the upper limit ceiling set by the law, regarding allowances.*

Article no: 83 of the Law no: 5510 includes “Lower limit of the daily earning subject to premium in calculation of premiums to be collected and benefits to be granted by is one-thirtieth of the appropriate minimum wage of the age of the insured and the upper limit for insured person over 16 years old is 7.5 times the lower limit of daily earning, however it is 3 times more for Turkish workers who are taken to work in abroad workplaces by employers undertaking works in countries not having social security contract with our country.”

The allowance calculations for women earning a daily gross wage higher than the upper limit are made at the upper limit stated in the law.

5. *Information on whether the provisions concerning the temporary incapacity allowance during maternity leave apply without restrictions to the nationals of States Parties to the Charter who are lawfully residing in Turkey*

Anyone in Turkey who fulfills the conditions for receiving temporary incapacity allowance is benefiting from this right. In practice, there are no restrictions.

6. *Detailed information on the entitlement conditions and allowance amounts of the women working under the Press Labour Law.*

The additional paragraph of the Article 74 of the Labour Law No 4857 entitled “Work during maternity and nursing leave” is as follows; “(Additional paragraph: 29/01/2016-6663/22 article), *The provisions of this article shall be applied to any kind of workers employed through labour contract, without regard to whether they are within the scope of this Law or not.*” In accordance with this provision, the rights of women working under the Press Labor Law are regulated under the Article 74 of the Labour Law No 4857 entitled “Work during maternity and nursing leave”.

The additional paragraph of the Article 74 of the Labour Law No 4857 entitled “Work during maternity and nursing leave” is as follows;

“(Additional paragraph: 29/01/2016-6663/22 article) In case of mother's death during or after delivery, the periods which cannot be used after delivery shall be used by the father. One of the parents or a person adopting a child under the age of three shall be allowed to use a maternity leave for eight weeks as of the week in which the child is de facto delivered to the family.”

“As of the expiry of the maternity leave used after delivery in accordance with the first paragraph, the female worker or a female or male worker adopting a child under the age of three shall be allowed to use unpaid leave, upon their request, for half of the weekly working hours, for a period of sixty days in the first delivery, for a period of one hundred and twenty days in the second delivery and for a period of one hundred and eighty days in the third delivery, for the purposes of caring and raising the child and provided that the child remains alive. In case of multiple delivery, these periods shall be extended for thirty days each. In cases where the child is born disabled, this period shall be applied as three hundred sixty days. The provisions relating to breastfeeding leave shall not apply within the period used in accordance with the provisions of this paragraph.”

7. Information on whether the minimum rate of maternity benefits corresponds at least to the poverty threshold

According to the social security legislation that is in force in Turkey, daily earning in the calculation of allowance in case of maternity is calculated by dividing the total income on the basis of contribution notified within three months in twelve months before the date of delivery to the number of days of contribution on the basis of these earnings. Therefore, the amount of allowance paid in case of maternity varies according to the income on the basis of contribution which the person has notified to the Social Security Institution.

When the data on poverty risk threshold of Eurostat is analyzed, it is stated that the related data has not been released for Turkey since 2015 and the persons living below the poverty line to the rate of population has been given in the data only. Thus, to make the said comparison could not be possible.

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

Appendix:

This provision shall not be interpreted as laying down an absolute prohibition. Exceptions could be made, for instance, in the following cases:

- a. if an employed woman has been guilty of misconduct which justifies breaking off the employment relationship;
- b. if the undertaking concerned ceases to operate;
- c. if the period prescribed in the employment contract has expired.

Scope of the provisions as interpreted by the ECSR:

Provides that it must be unlawful to ordinarily dismiss female employees from the time they notify the employer of their pregnancy to the end of their maternity leave. In cases of dismissal contravening this provision of the Charter, national legislation must provide for adequate and effective remedies, employees who consider that their rights in this respect have been violated must be able to take their case before the courts.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The issue of unlawful dismissal is evaluated within the framework of the provisions of Article 5 of the Labor Law No. 4857.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Within the period 01.01.2014-31.12.2017, it was requested to impose an administrative fine of 502.501,00 TL about 39 employers who were determined to oppose to the provisions of Article 5 of the Labour Law No. 4857 by the Directorate for Guidance and Inspection. However, since Article 99 regulating the sanction of Article 5 is being regulated as “those violating the principles and obligations in Article 5”, the administrative fine requested to be imposed is not only for the woman employee but also covers other violations in Article 5.

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

1. *Relevant examples of case-law demonstrating that it is effectively possible for an employee illegally and discriminatorily dismissed during pregnancy to obtain compensation for moral damage, without reference to the ceiling provided under the Labour Law.*

Except for the provisions of the Labour Law, it is possible for the employee to demand the loss due to illegal dismissal and intangible damages during her pregnancy pursuant to general provisions. There are Supreme Court Decisions for the employees dismissed illegally due to pregnancy where the provisions of the Labour Law are applied and the said decisions are attached herewith. However, no Supreme Court decision could be determined yet concerning the cases opened on the basis of general provisions.

In addition, it is stated in Article 6 entitled “Employment and Self-Employment” of The Law No. 6701 on Human Rights and Equality Institution of Turkey that;

“(1) An employer or a person authorized by the employer shall not discriminate against an employee or applicant for a job, a person gaining applied work experience or an applicant for that kind of work and anyone wishing to receive information about the workplace or the work in order to be an employee or gain applied work experience, while being informed of the work, during the application process, selection criteria, work and termination of work and in terms of conditions for recruitment.

(2) The first paragraph shall encompass job announcements, workplaces, working conditions, vocational counseling, access to vocational training, all types and degrees of retraining, promotion and professional hierarchy, in-service training, social interests and similar subjects.

(3) The employer or a person authorized by the employer shall not reject job applications due to pregnancy, motherhood and childcare.

(4) There shall not be any discrimination regarding the acceptance to self-employment, license, registration, discipline and similar subjects.

(5) Any work contract and performance contracts which do not fall under the scope of Labour Law dated 22/5/2003 and No. 4857 shall be within the scope of this Article.

(6) Employment in the public institutions and organization shall be based on the provisions of this Article.”

The opportunity to apply to the Human Rights and Equality Institution of Turkey has been introduced.

Supreme Court Decisions:

1. Plaintiff’s counsel has worked at connected companies between the dates 09.12.2010-30.04.2013. The service contract has been terminated due to economic reasons 3 months before birth. Since the defendant has terminated the contract in defiance of procedure debt without a valid reason, she requests to be reinstated. Where reinstatement was not realized, she asks for compensation at the amount of 8 months’ gross wage and besides for a wage of 4 months’ period elapsed unemployed related to the period from validity of a verdict till the date of termination and to be paid a compensation at the amount of 4 months’ salary under Article 5 of the Labour Law.

The court decided that the termination is invalid. The normative basis for the discrepancy is Articles 5, 18 and 21 of the Labour Law No. 4857.

It is stated in Article 21 of the Law that: “If the employer does not employ the worker within one month upon his/her application, the employer shall become liable to pay an indemnity equal to minimum four and maximum eight months' wage to the worker.”

In Article 5 of the same Law, it is stated that “No discrimination shall be made in the business relation, based on language, race, colour, sex, disability, political thought, philosophical belief, religion and sect and similar grounds.” In case of contradiction to the provisions of the above paragraph in the business relation or its termination, the worker may demand the rights that he/she has been deprived of, besides an appropriate indemnity comparable up to four months' wage. Under Article 18/3-d of the Labour Law, this is invalid termination and in case where the employee shall not be reinstated, it shall be evaluated under the occupational safety compensation.

The procedure of termination by the employer, though it violates the prohibition of discrimination, the result shall not change and it shall be decided that the termination is invalid and the employee shall be reinstated.

Due to a special regulation in Article 21 of the Law, the court for reinstatement shall rule the determination of invalidity of termination and compensation for reinstatement and not reinstating and shall not rule compensation for discrimination besides compensation for not reinstating. Because this issue should be discussed while determining the amount of compensation for not reinstating. Besides, compensation in Article 21 is at the amount of four months' wage at least and compensation in Article 5 is at the amount of four months' wage at most. Article 21 is in favour of the employee.

The reasoned decision is as below and it was ruled that:

- The termination is invalid and the defendant should be reinstated,
- In case the employee is not re-engaged in work by the employer despite her application within legal period, compensation shall be determined at the amount of 6 months' gross wage,
- In case the defendant employee applies for reinstatement, it is required that the wage till 4 months at most and the other benefits shall be collected from the defendants until the validity of a verdict,
- While determining the invalidity of termination and the amount of compensation for not reinstating, the behaviour violating the prohibition of discrimination is discussed and therefore compensation for discrimination shall not be ruled.

2 The plaintiff stated that the firm she works for has terminated the labour contract unilaterally and unduly between the dates 02.04.2012-21.06.2014 and that the letter of resignation was taken at that time taking the advantage of the difficult situation she is in and confusion, however she did not intend to do this. Thus, her severance and notice pay were put into her bank account. In addition, she says that the employer has terminated the labour contract of the plaintiff together with the other 3 pregnant woman employees.

The plaintiff requests to be given an appropriate amount of compensation within the scope of the rights she is deprived of regulated in Article 5 of the Labour Law since she cannot find a job due to pregnancy and to enjoy the rights and to get compensation at the amount of 4

months' wage. Moreover, she requests and proceeds for the plaintiff to be reinstated, to be given a compensation at the amount of 4 months' salary since she could not work during this period, to be given a compensation at the amount of 8 months' salary in case she shall not be reinstated despite the decision of reinstatement.

The verdict is as below:

- The termination is invalid and the defendant should be reinstated,
- In case the employee is not re-engaged in work by the employer despite her application within legal period, compensation shall be determined at the amount of 6 months' gross wage,
- In case the defendant employee applies for reinstatement, it is required that the wage till 4 months at most and the other benefits shall be collected from the defendant until the validity of a verdict,
- While determining the invalidity of termination and the amount of compensation for not reinstating, the behaviour violating the prohibition of discrimination is discussed and therefore compensation for discrimination shall not be ruled.

3. The plaintiff has worked at the same firm between the dates 16.11.2011-15.08.2013. She states that her labour contract has been terminated for not submitting the report although she has a medical report and also has not replied to the defense request. The plaintiff stating that she was subjected to discrimination due to pregnancy only and requested to decide for the collection of compensation of severance, notice and discrepancy to equal treatment debt.

It was decided that the above-mentioned compensation and the compensation of discrepancy to equal treatment debt to be collected from the defendant since the employer has acted contrary to equal treatment debt during the period she is on sick leave based often on the physician's report due to a risky pregnancy and the termination is not based on a valid and just reason.

It has been timely for the defendant to be held responsible from the compensation of equal treatment debt due to discrimination and for the compensation to be determined from upper limit due to the situation the plaintiff has been subjected to.

Article 8§3: With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake: to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

Scope of the provisions as interpreted by the ECSR

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

In paragraph 7 of Article 74 of the Labour Law No. 4857 entitled “Work during maternity and nursing leave” it is specified that: “Female workers shall be granted a breast feeding leave for one and a half hours a day in total to feed their infants below the age of one. The worker shall be entitled to determine the time segments and the number of parts in which she will use such leave. This period shall be reckoned within the daily working hours.”

The following provision was added to the same Article as the second paragraph in 2016 “(Additional paragraph: Article 29/01/2016-6663/22) As of the expiry of the maternity leave used after delivery in accordance with the first paragraph, the female worker or a female or male worker adopting a child under the age of three shall be allowed to use unpaid leave, upon their request, for half of the weekly working hours, for a period of sixty days in the first delivery, for a period of one hundred and twenty days in the second delivery and for a period of one hundred and eighty days in the third delivery, for the purposes of caring and raising the child and provided that the child remains alive. In case of multiple delivery, these periods shall be extended for thirty days each. In cases where the child is born disabled, this period shall be applied as three hundred sixty days. The provisions relating to breastfeeding leave shall not apply within the period used in accordance with the provisions of this paragraph.”

Through Article 20 of the Law No. 6663 published in the Official Gazette dated 10.02.2016 and No. 29620, Additional Article 5 entitled “Part-time working allowance after delivery and adoption” was added to the Unemployment Insurance Law No. 4447. Through Article 22 of the Law No. 6663 paragraph 2 was added to Article 74 of the Labour Law No. 4857.

As a result of this regulation, with Article 74 of the Labour Law No. 4857 as of the end of maternity leave after delivery in order for the care and raise of the child and provided that the child is alive, the female employee and the female or male employees who have adopted the child who has not turned 3 years of age are given unpaid leave of;

- 60 days in the first delivery,
- 120 days in the second delivery,
- 180 days in the next deliveries, half of weekly working period, in case of request.

In case of multiple deliveries, the provision has been introduced that 30 days are added for each of these periods and in case the child is born disabled this period is applied as 360 days. Within this period the provisions for breast-feeding leave are not applied.

The workers can be paid part-time working allowance from the Unemployment Insurance Fund within the scope of Additional Article 5 of the Law No. 4447 during unpaid leave given half of weekly working period.

In order for the worker to benefit from part-time working allowance;

- The worker should have started to work with the periods determined in the second paragraph of Article 74 of the Law No. 4857,
- The worker should have worked de facto half of weekly working period stated in Article 63 of the Law No. 4857,
- Unemployment insurance premium for at least 600 days in the last 3 years should be notified on behalf of the worker before delivery or adoption,
- The worker should have applied to the unit of Turkish Employment Agency (İŞKUR) within 30 months as of the date of the end of maternity leave after delivery and adoption with a certificate of part-time working after delivery and adoption.

The part-time working allowance is paid monthly from the Unemployment Insurance Fund within the second month after the month for monthly premium and service certificate that belongs to the month having worked. The daily amount of part-time working allowance is the gross amount of daily minimum wage. This amount for 2018 is 1.007,05 TL at most.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The implementation of this article is conducted in accordance with the provisions of Article 74 of the Labour Law No 4857. The provisions of the relevant article apply to all types of workers who are employed under the employment contract and are covered or not covered by this Law.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Concerning the legislative provisions of Article 74 of the Labour Law No. 4857 between the dates 01.01.2014-31.12.2017, an administrative fine of 9.396,00TL was requested to be imposed about 7 employers by the Directorate for Guidance and Inspection.

Concerning part-time working allowance, the data covering the number of persons who have applied, the number of right holders and the persons who been paid and the amount of payment from April 2016 to the end of 2017 take place in the following table:

Year/Month	Applicant	Right-holder	Persons who have received payment	Amount of Payment (Million TL)
2016	4.468	4.188	2.140	2,9
2017	7.849	7.455	8.388	17,1

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

1. Information on whether the same rules apply to employees covered by the Press Labour Act.

The additional Article added to Article 74 of the Labour Law No. 4857 entitled “Work during maternity and nursing leave” in 2016 “(Additional paragraph: 29/01/2016-6663/22). Under the provision “The provisions of this article shall be applied to any kind of workers employed through labour contract, without regard to whether they are within the scope of this Law or not.” The employees subjected to Press Law can enjoy all the rights envisaged in the said Article.

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

Scope of the provisions as interpreted by the ECSR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Under the heading of Annex-1 of General Measures of the Regulation on the Employment Conditions of Pregnant or Breastfeeding Women and the Breastfeeding Rooms and Child Care Houses “a) Regarding physical and mental fatigue; the working hours and breaks of the pregnant or nursing employee are temporarily rearranged, the necessary measures shall be taken to ensure that the working hours of the employees do not encounter the night time and those of the pregnant employees do not encounter the early hours of the day.”

The procedures and principles regarding the employment of women workers at the age of eighteen working in the night shifts shall be shown in a regulation to be prepared by the Ministry of Labour and Social Security through taking the opinion of the Ministry of Health.

Article 9 of the Regulation on the Employment Conditions of Women Workers' Night Shifts' issued on the basis of this article entitled “Prohibition of employment in case of pregnancy and maternity” specifies that female employees may not be employed until one year after the determination of the pregnancy by the physician's report and the women who are breastfeeding cannot be employed for one year without prejudice to the provisions in their own legislation starting from the date of birth.

However, in breastfeeding women, this period shall be extended for another six months in case it is documented by the report received from the workplace physician at the workplace that is necessary in terms of the health of the mother or child.

The work of these employees' work in the aforementioned periods shall be arranged in such a way as to encounter daytime shifts without prejudice to the provisions of the Regulation on the Employment Conditions of Pregnant or Nursing Women and the Breastfeeding Rooms and Child Care Houses published in the Official Gazette dated 14/07/2004 and No. 25522.

In the second paragraph of Article 101 of Law No. 657 it is stated that “However, in case it is specified in the physician's report, women officials cannot be given the duty of night shift and night watch before the twenty-fourth week of pregnancy and in any case after the twenty-fourth week of pregnancy and for two years after birth...”. Periods are organized in which women officers shall not be given night watch and night shift before and after birth.

In Article 8 of the Regulation on the Employment Conditions of Pregnant or Nursing Women and Breastfeeding Rooms and Child Care Houses entitled “Night work” which was published in the Official Gazette dated 16.08.2013 and No. 28737 and entered into force it is stated that;

(1) Female employees cannot be forced to work at night until the birth from the date of their pregnancy determined by the medical report.

(2) It is forbidden to employ a woman who has recently given birth at night during the year after birth. At the end of this period, she shall not be employed at night during the period if the status of the employee is determined inconvenient by the medical report in terms of health and security.”

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

This article is controlled within “The Regulation on the Conditions of Employing Woman Employees at Night Shifts” based on Article 73 of Labour Law No 4857 and Article 30 of Occupational Health and Safety Law No 6331 and “The Regulation on Working Conditions of Pregnant and Nursing Women, Nursing Rooms and Child Nursing Homes” based on Article 30 of the Law No 6331 on Occupational Health and Safety.

3. STATISTICS AND OTHER RELEVANT INFORMATION

In the period between 01.01.2014 and 31.12.2017, it has been requested by the Directorate of Guidance and Inspection to impose an administrative fine of 40.565,00 TL for 28 employers who are found to be opposed to the provisions of the Regulation of the Article 73 of Labor Law No 4857.

In the period between 01.01.2014 and 31.12.2017, it has been requested by the Directorate of Guidance and Inspection to impose an administrative fine of 731.630,00 TL for 144 employers who are found to be opposed to the Regulation on Working Conditions of Pregnant and Nursing Women, Nursing Rooms and Child Nursing Homes which issued based on Article 30 of the Law No 6331 on Occupational Health and Safety.

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

1. Information on whether the employed women concerned, both in the private as in the public sector, are transferred to daytime.

Pursuant to Article 8 of the Regulation on Working Conditions of Pregnant or Breastfeeding Women and Lactation Rooms and Children’s Home and Nursing Home for Children entitled “Night Work”;

“Night work”

ARTICLE 8 – (1) Woman employees cannot be forced to work at night during the period from the date of determination of pregnancy with a medical report to the date of delivery.

(2) It is prohibited for the employee to work at night who has recently given birth during one year following the birth. At the end of this period, she cannot be made to work at night during

the period if it is determined disadvantageous in terms of health and safety with a medical report.”

In line with this provision, it is possible to make the necessary change for the employee to work on the day shift who is forbidden to work at night.

The work hours of female employees shall be arranged in such a way as to encounter daytime shifts without prejudice to the provisions of the Regulation on the Employment Conditions of Pregnant or Nursing Women and the Breastfeeding Rooms and Child Care Houses published in the Official Gazette dated 14/07/2004 and No. 25522.

2. Regarding the question as to whether the provisions cover all female employees or whether a different regime applies for example to women covered by the Press Labour Act

“The Regulation on Working Conditions of Pregnant or Breastfeeding Women and Lactation Rooms and Children’s Home and Nursing Home for Children” shall be applied to workplaces employing women workers under the Law no. 6331 on Occupational Health and Safety.

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

Scope of the provisions as interpreted by the ECSR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The issue of prohibition of dangerous, unhealthy or arduous work is audited within the framework of the provisions of Article 72 of Labor Law No. 4857.

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF ECSR:

1. Regulation regarding prohibition of arduous and dangerous activities for pregnant women, women having recently given birth or nursing their infant.

Annex 1 and 2 of the Regulation on Working Conditions of Pregnant or Breastfeeding Women and Lactation Rooms and Children's Home and Nursing Home for Children which entered into force by being published in the Official Gazette dated 16.08.2013 and No. 28737 include related provisions.

In Annex-1 titled "Measures for Hazardous Factors for the Health and Safety of Pregnant Employees, Employees Given Birth Recently or Breastfeeding Employees" and in Annex-2 titled "Table Showing Specific Work and Workplaces Pregnant Employees, Employees Given Birth Recently or Breastfeeding Employees Cannot Work and Possible Important Risk Factors in These Places" include provisions which prohibit pregnant, breastfeeding women and women given birth recently to work due to being hazardous, unsanitary or heavy in nature.

2. Information on whether the employees transferred to another post or on leave because of the impossibility to reassign them to another suitable post maintain a right to reinstatement when their condition allows it.

Within the scope of the Law no. 6331, without distinction between men and women it is considered that the person should start to work at the relevant job after the health check whether the person is suitable or not for the job. Regarding the return to the position to which it was previously employed, there is no prohibitive provision in our legislation.

ARTICLE 16. THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

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

Scope of the provisions as interpreted by the ESCR:

Notion of "family" as defined in domestic law.

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

a. Social protection

- there should be an adequate supply of family housing and families' needs should be taken into account in drawing up and implementing housing policies. Housing should be of an appropriate standard and with all the basic amenities. The destruction of accommodation and forced evictions are incompatible with Article.
- There should be effective means of appeal, arrangements for rehousing in decent accommodation and appropriate financial assistance. Vulnerable families should be offered proper protection, including suitable temporary and permanent housing, and evictions should be prohibited unless they comply with the relevant procedural safeguards.
- there should be financially affordable child care facilities of a suitable standard, measured in terms of the number of children aged 0-6 years covered, staff-child ratios, staff training, availability of suitable premises and the cost for parents.
- there should be appropriate family advice services and families' point of view should be taken into account when drawing up family policies.

b. Legal protection

- there must be full equality of rights and responsibilities between spouses, particularly with regard to marital authority, property and the use and administration of assets, and towards children, in terms of parental authority and management of children's property. There should be legal arrangements for settling disputes between spouses and concerning children, and mediation services.
- there should be legal and practical protection from domestic violence (though violence against children is covered by Article 17).

c. Economic protection

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- Additional Article 5 was added to the Law No.3294 on Encouraging Social Assistance and Solidarity dated 29.05.1986. In this context, in the event that those who receive social assistance under the Law, start to work under social security, employer contribution share of the social security premiums is covered by the Ministry of Family, Labour and Social Services.
- On 14.04.2016, Article 1 of Law No.2022 named “Respecting the Grant of Pensions to Turkish who are over the Age of 65 and who are Destitute, Infirm and without any Means of Support” was amended as “The average monthly income per capita is more than 1/3 of the monthly net amount of the minimum wage, based on the sum of all revenues belonging to the person in question and his/her spouse, regardless of other factors.” With the amendment, the household approach was abandoned in the determination of the right to old age benefit and solely the income of the person and his/her spouse was considered.
- On 27.03.2015, Additional Article 4 was added to the Decree Law No. 633 on Certain Regulations in the Field of Social Services. With this addendum, the birth aid payment was started. Within the scope of the aforementioned program, birth aid of 300 TL for the first child, 400 TL for the second child and 600 TL for the third and the following children is paid to mothers who have given birth since May 2015.
- Job Orientation Assistance with the decision of the Fund Board dated 02.07.2015 and No. 2015/4 for strengthening the link of social assistance employment (For a maximum of 3 job interviews for one year, assistance is given between 40 TL and 100 TL.), Start-up Assistance (In case of placement of the person, one-third of the gross amount of the monthly minimum wage is paid in cash within the same year.), Continuous Assistance Continuation Application (If the person continues to work regularly, heating, education and food aid requests are considered as priority), Continuation of the Implementation of the Conditional Cash Transfer-CCT (The people who are currently benefiting from the Conditional Education and Conditional Health benefits or in case of replacement of someone with social security for 1 year, the benefits shall not be deducted for one year.) were realized.
- The Regulation on the Registration and Sharing of Social Assistance Data was issued on 13.09.2014.
- Through a joint work with the Vocational Qualifications Authority to ensure that the Family Counseling to be qualified as a job status in Turkey “Family Counseling National Occupational Standard” was published in the Official Gazette dated 18.04.2014 and No. 28976 and put into force. The stage of Family Counseling at the National Qualification has been reached.
- The Regulation on Violence Prevention and Monitoring Centres was published in the Official Gazette dated 17 March 2016 and No. 29656 and entered into force.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

- In 2017, the “Project for the Accommodation of Homeless People” was launched. The project covers housing, cleaning, basic food and clothing needs of homeless citizens living on the streets under heavy winter conditions.
- In December 2017, policy decisions were adopted to increase efficiency and to ensure standardization in the social assistance activities carried out with the Resources of the Social Assistance and Solidarity Incentive Fund.
- In 2015, the Terror Damage Aid was initiated. The aid is provided for the needs of the poor and destitute people affected by the terror events and covers the costs of emergency food, clothing, infrastructure, education and housing. According to the needs, it is determined by the decision of the Board of Trustees. According to the procedures and principles, the amount of aid per household cannot exceed 1.200 TL per month.
- In 2015, Destitute Soldier Child Aid was initiated. It is the aid in cash provided for children under 18 years of age who are in need of financial assistance whose father is under compulsory military service, within the scope of the Law on Encouraging Social Assistance and Solidarity No. 3294. A monthly payment of 100 TL is made every two months.
- In 2015, the Orphan Assistance was initiated within the scope of the Law on Encouragement of Social Assistance and Solidarity No. 3294. It is the aid in cash provided for children under 18 years of age, whose mother or father has passed away and who are in need of financial assistance. A monthly payment of 100 TL is made every two months.

Women's Guesthouse Project for Combating Domestic Violence

Within the scope of “Women's Guesthouse Project for Combating Domestic Violence” funded by IPA-2009 (European Union Pre-Accession Financial Assistance Program) and conducted by the Directorate General on the Status of Women between the years 2014-2016, it was targeted to strengthen the violence combatting activities for women in 26 project provinces through the development of support services for women victims of violence. In this context, a total of 1.280 people benefited from trainings and trainer trainings. With the field trainings, it is aimed to reach 35 thousand health workers and 140 thousand safety personnel.

In addition, with the Project, provincial action plans were prepared in 26 project provinces in order to combat violence against women by taking into consideration the needs of the local community in accordance with the National Action Plan on Combating Violence against Women (2016-2020). In 2017, guidelines were prepared for dissemination of action plans in 81 provinces and they were delivered. In 2017-2018, provincial action plans were prepared and implemented also in other provinces.

Third National Action Plan on Combating Violence Against Women (2016-2020)

Due to the expiration of the “Third National Action Plan on Combating Violence against Women (2012-2015)” which sets out the main policy priorities in the field of fight against

violence against women in Turkey, “Third National Action Plan on Combating Violence against Women (2016-2020)” has entered into force. The Third Action Plan has been prepared in line with relevant international conventions and legal regulations, especially the Istanbul Convention.

With the Third National Action Plan for Combating Violence against Women in 2016-2020; developments are targeted with 31 activities in 5 key areas.

- Legislative Regulations
- Awareness Raising and Mentality Transformation
- Preventive Services and Strengthening Victims of Violence
- Regulation and Implementation of Health Services
- Inter-Agency Cooperation and Policy Development

From the perspective of international conventions, national legislation and 2030 Sustainable Development Goals with the cooperation and participation of public institutions and organizations, local authorities, universities and non-governmental organizations for the solution of the problem of early and forced marriages, the preparatory work for the National Action Plan on Combating Early Age and Forced Marriage and Strategy Document covering 2018-2023 was completed in 2017 by the Ministry of Family, Labour and Social Services (MoFLSS).

MoFLSS paid special attention to the studies in this area in 2017 and 2018 with the belief that early and forced marriages are unacceptable. During this period, 19 provinces were visited by the Ministry and efforts were initiated to prepare provincial action plans to combat early marriages. Provincial action plans were prepared and started to be implemented in the provinces where the study visits were carried out, under the chairmanship of civil authority and under the coordination of MoFLSS with the cooperation of the Provincial Directorate of National Education, Provincial Health Directorate, Law Enforcement Units and the Provincial Mufti's Office.

In addition, in order to create awareness-raising and mentality transformation; trainings and seminars on gender equality and violence against women are organized for staff and university students working in public institutions and organizations throughout the country. Protocols were signed between the Ministries of Justice, Home Affairs, Health and National Defense, General Command of Gendarmerie, Presidency of Religious Affairs, Ministry of Family, Labour and Social Services to ensure the continuity of their education. With the “Training Protocols” signed with the Ministry of Interior, Ministry of Health, Ministry of Justice and the Presidency of Religious Affairs, the trainings of 71.000 police, 65.000 health personnel and 47.566 religious officials were realized. Seminars were organized with the participation of 326 Judges and the Prosecutors of the Family Court. Seminars were organized for 250 Civil Inspectors and 190 candidates of district governors on gender, violence against women, etc.

“The Provincial Coordination, Monitoring and Evaluation Commission on Combating Violence against Women” which was established at the level of all 81 provinces under the scope of ŞÖNİM (Violence Prevention and Monitoring Centers) Regulation which was put into effect in 2016, convenes with the participation of the relevant institutions at the highest level in 6-month periods under the chairmanship of the Governor. The reports of the meetings

are submitted to the Directorate General on the Status of Women periodically and overall monitoring reports are prepared.

ŞÖNİM (Violence Prevention and Monitoring Centers) established under the Law No. 6284, provides services such as housing for violence victims, temporary financial assistance, guidance and consultancy services, follow-up and monitoring of temporary protection where life threat exists, nursery assistance, legal support, medical support, support for employment, scholarships for children and support for education and training. Activities are pursued for the Violence Prevention and Monitoring Centers (ŞÖNİM) to offer service in all 81 provinces. As of year-end 2017, it has been delivering services in 68 provinces.

In order to ensure the effective protection of the victims in the fight against violence against women, technical follow-up pilot applications are carried out. Through the “Pilot Application Cooperation Protocol for the Use of Follow-up Systems with Technical Methods in Combating Violence against Women” signed between the Ministry of Justice, Ministry of Family, Labour and Social Services and the Ministry of Interior and with the electronic monitoring system infrastructure and the use of electronic clamp devices established within the General Directorate of Prisons and Detention Houses of the Ministry of Justice, it was targeted to follow-up the violence implementer and the victim of violence together. With the Protocol, the electronic clamp pilot application has been extended to the areas of security and gendarmerie in Ankara, İzmir, İstanbul, Bursa, Gaziantep and Antalya provinces for 2 years.

In the 3rd National Action Plan for Combating Violence Against Women, within the scope of activity determined as “A joint database between institutions will be established to effectively monitor violence against women”, the process of recording the measures made in accordance with the Law No. 6284 initiated by the Ministry of Family, Labour and Social Services in a joint data system with the inter-agency integration work is in progress.

In addition, the integration studies of injunctions realized between the Ministry of Family, Labour and Social Services and the Ministry of Justice given under the Law No. 6284 were completed via the National Judiciary Informatics System (UYAP). “The 6284 Decision Tracking System” which shall contribute to the follow-up and monitoring of the decisions has been brought into service in all 81 Provincial Directorates of the MoFLSS and in the ŞÖNİMs. Thus, the protective and preventive injunctions in accordance with the Law No. 6284 were provided to be submitted to the MoFLSS Provincial Directorates and ŞÖNİMs in electronic environment and the time to reach the victim was shortened.

With the Information Sharing Protocol signed with the Ministry of Interior in September 2017 and the “Registration Form of Domestic Violence and Violence Against Women Under the Law No. 6284” issued by the General Directorate of Security, it is planned to share the data related to the injunctions taken under the Law No. 6284 electronically with the Ministry of Family, Labour and Social Services. It is expected that this data integration study will shorten the time to reach individuals who are victims of violence and increase the effectiveness of protection.

Within the scope of the relevant Article of the Law No. 6284, the work for integration of "privacy" decisions decreed for victims of violence to be shared with relevant institutions and organizations such as the Ministry of Health, Ministry of National Education, Directorate General of Population Citizenship Affairs of Ministry of Interior, Social Security Institution and the Association of Banks of Turkey in electronic environment continues.

The number and capacity of women's guesthouses has increased significantly and the female guest houses have been expanded in all 81 provinces of Turkey.

Specialization studies of women's guesthouses have been started in order to combat violence against women more effectively, to focus on women's empowerment and to use resources effectively. It is intended for women and children who are victims of violence to provide quick access to services, to get more effective and qualified services in line with their needs and to be supported with more professional and empowering social services during and after the service process through specialization. In addition, it is aimed to use public resources more effectively and efficiently by preventing the loss of energy, resource and efficiency resulting from the provision of services to different needs and risk groups in the same environment. In 2017, works were carried out in order to disseminate the model obtained in the specialization studies carried out in Ankara as a pilot project throughout the country.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Integrated Social Assistance Information System

As of October 2011, the Integrated Social Assistance Information System, which was established within the scope of the Integrated Social Assistance Services Project implemented by the then Ministry of Family and Social Policies, began to be used in all social assistance applications throughout the country. This system, which has been used in all social aid and General Health Insurance Income Test applications since then, has become a social welfare inventory where all socio-economic information of both the beneficiaries and all applicants and households are kept. In the system, the number of people applying for social assistance, the number of files accepted, the number of people and the number of beneficiaries and the total amount of aid made can be displayed in an instant and retrospective manner. In the table below, general statistics on the studies conducted in 2014-2017 are presented:

Table 1. Data from Integrated Social Assistance Information System

	2014	2015	2016	2017
Number of Households Benefiting from Social Assistance	3.005.898	3.017.969	3.154.069	3.201.253
Number of Households Benefiting from Regular Aid	2.274.182	2.318.042	2.342.946	2.374.924
Number of Households Benefiting from Periodic Aid	1.892.656	1.924.649	2.046.888	2.128.657
Number of households benefiting from Regular and Periodic Aid	1.160.940	1.224.722	1.235.765	1.302.32
Source Transferred to Social Benefits (SYDTF)	4,3 billion TL	4,8 billion TL	5,01 billion TL	5,71 billion TL
Source Transferred to Social Benefits (SYGM General Budget)	13,7 billion TL	15,1 billion TL	17,3 billion TL	19,2 billion TL
Total Social Aid Expenditure (Public Social Aid Expenditure)	23 billion TL	26,7 billion TL	32 billion TL	36 billion TL
The Ratio of Resource Transferred to Regular Aids to All Aids ⁽¹⁾ (%)	%86	%86	%86	86%
Annual Social Assistance Amount per	2.346 TL	2.523 TL	3.108 TL	3.432 TL

⁽¹⁾ All regular aid schemes (home care pension, birth benefit, UHI premium support) conducted under all regular aid are included.

Household ⁽²⁾ (TL)				
Monthly Social Aid Amount per Household (TL)	195 TL	210 TL	259 TL	286 TL
Percentage of Cash Benefits among all benefits	%88	%89	%88	90%
Number of People Universal Health Insurance (UHI) Paid by State	9,3 million	9 million	6,6 million	6,6 million
Ratio of Woman Social Aid Right holders to All Social Aid Right holders (%)	%61	%61	%62	62%
Ratio of Woman Social Aid Right holders to All Regular Social Aid Right holders (%)	%75	%75	%76	76%
Ratio of Woman Social Aid Right holders to All Periodic Social Aid Right holders (%)	%49	%50	%50	52%
Ratio of Social Aid Right holders over 45 years of age (%)	%48	%48	%48	49%
Ratio of Married Social Aid Right holders (%)	%68	%69	%69	70%
Ratio of Social Aid Right holders Living in Urban Areas (%)	%75	%75	%76	80%
Share of Social Aid within GDP (%)	%1,31	%1,37	%1,49	%1,50

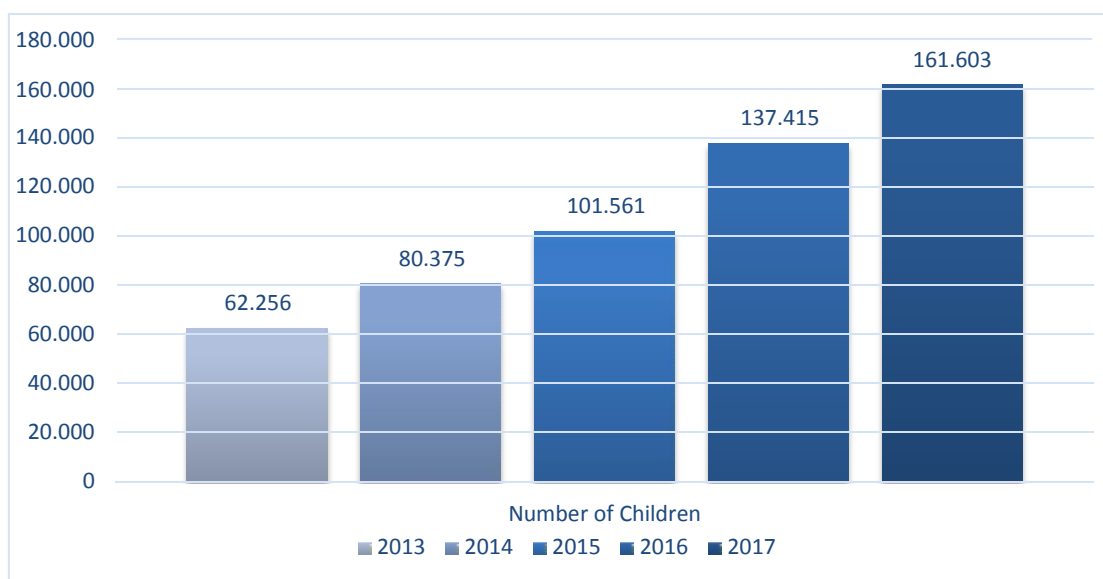
Social and Economic Support Service

MoFLSS has given importance and priority to family-oriented services rather than institutional care-oriented services in recent years. The Ministry attaches great importance to the proliferation of foster family practices so that children can live in a family environment and feel the warmth of the family.

However, Social and Economic Support Service (SED) is implemented in order to ensure healthy growth of children in family unity and integrity; thus it is ensured to protect family unity and to support children near their own families and relatives through supporting families economically and socially.

Graph 1. Graph showing the number of children who benefited from the Social and Economic Support Service between the years 2013-2017.

⁽²⁾ Based on the aid provided through the Integrated Social Assistance Information System. UHI Premium payments, maternity benefits, home care assistance and project support are not included in the calculations.



In 2017, the “School Support Project” was started in order to increase the effectiveness of the Social and Economic Support Service (SESS) and to offer high quality and efficient environment and opportunities for children to use in their spare time. Within the scope of the Project, the psycho-social development of the children are supported with the social and cultural activities for the children benefiting from the SESS service and with the academic activities contribute to their success at school.

In addition, MoFLSS attaches importance to supporting all children's physical, mental, emotional and social development in preschool period in order to enable them to acquire basic values and habits. In this context, it is ensured that children of disadvantaged families (economic difficulties, single parent, disabled, etc.) receive services free of charge for children between 0-6 years of age from nurseries, kindergartens and children's clubs. Privacy trainings are organized for the staff working in day care centres and for the families of the children receiving services.

Family and Divorce Process Counseling Offered in Provincial Directorates

Table 2. Number of Application to Family and Divorce Process Consultancy Services

YEAR	Applicants Before and During Divorce	Other Consultancy Except Divorce		Those decided to continue marriage during the service period		Application After Divorce
		Family Counseling	Individual Counseling			
2012	450	-	-	75	16,6%	-
2013	932	-	-	316	34%	
2014	1.922	-	-	724	37,6%	403
2015	2.379	-	-	908	38%	707
2016	1.860	-	-	821	45,1%	229
2017	1.688	2.829		820	48,5%	168
2018 (first 6 months)	839	Family Counseling	Individual Counseling	407	%48,5	187
		1.361	2.080			
TOTAL	10.070	6.270		4.071	40,4	1.694

Survey on Domestic Violence against Women in Turkey

"Research on Domestic Violence against Women in Turkey" first performed in 2008, through being repeated in 2014, it is aimed to understand the variation in the prevalence of violence via evaluating the effects of policy and programmes conducted in the last 5 years. The results of the study were announced to the public on 30 December 2014.

Types of violence and data concerning its prevalence in Turkey according to 2014 Survey are as follows:

- The percentage of women who reported having been subjected to physical violence in any period of their life in the country is 36% and it is 8% in the last 12 months.
- In Turkey, 12% of married women at any time during their life and 5% of them in the last 12 months stated that they had experienced sexual violence.
- Psychological violence experienced in any era of women's lives in Turkey is 44% and it is 26% in the last 12 months.
- According to the survey, the forms of economic violence were defined as preventing the woman from working or having to quit her job, not giving money for her household expenses and taking away her income. Across Turkey, the proportion of women exposed to at least one of these behaviours at any stage of her life is 30%, while the proportion of women who are exposed to these behaviours in the last 12 months is 15%.
- In Turkey, in about 3 out of every 10 women had been subjected to persistent pursuit at least once. However, the most common persistent follow-up forms are continuous phone calls (19%), text messages, letters or e-mails (8%) or follow-up via social media (6%) and disturbing the woman coming to the place where she works or lives (6%).

In June 2011, while there were 77 female guest houses with a capacity of 1.650; 144 female guest houses offer services with a capacity of 3.454 as of October 2018. The efforts to increase the number and capacity of women's guesthouses continue in cooperation with local governments.

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

1. Family Councils

Family Councils meet every four years. There are no permanent members of the Council. Civil servants working in the field of family policies and social services for the families, representatives of non-governmental organizations, academicians, experts and professional staff working in service provision take part in the Councils. The Councils meet with a participatory approach. All stakeholders offering significant services in this area are invited. Associations and organizations representing families are also the most important participants of the Council.

The Ministry of Family, Labour and Social Services will organize the 7th Family Council on 2-3 May 2019 of which the main theme is determined as Public Policies for Family Empowerment with the aim of developing policies to strengthen the family. The seventh of the Family Councils, which are important in terms of being a national platform where social

policies for families are discussed, will be held in Ankara within the framework of Family Week activities.

The 7th Family Council will not only be a platform for discussing social policies and relevant public policies for families with experts and relevant stakeholders. It is also expected that this event will contribute to a national policy framework document that will consolidate and coordinate public policies to strengthen the family. The following issues are expected to be addressed in the 7th Family Council, where relevant professional staff, experts, academics, NGO representatives and public officials who work and want to work on the subject will participate. All people engaged in scientific research in this field in Turkey have been requested reports on these topics:

- Family Policies and Public Policies Affecting the Welfare of Families
- Family Training and Counselling, Social Services for Families
- Poverty Alleviation, Child Poverty and Family Welfare
- Work and Family Life Balance, Family Friendly Employment Policies
- Health Services for Families, Mother and Child Health
- Harmony among Spouses and Family Association
- Development of Children and Young People
- Family and Gender Equality
- Policies/Services for Disabled People and Families
- Policies/Services for the Elderly and Their Families
- Policies/Services for Families under International Protection (and Temporary Protection)
- Policies for Disadvantaged Families

Priority will be given to the reports including evaluation and analysis on public policies and legislation that are currently being implemented or can be implemented in the Republic of Turkey at the 7th Family Council.

ARTICLE 17. THE RIGHT OF CHILDREN AND YOUNG PERSONS TO APPROPRIATE SOCIAL, LEGAL AND ECONOMIC PROTECTION

Article 17§1:

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

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

Scope of the provisions as interpreted by the ECSR

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

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

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

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

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- In Article 13 of the Law on Private Education Institutions No. 5580 dated 08.02.2007, in Article 84 of the Law on Amendment of Decree Law on the Organization and Duties of the Ministry of Family and Social Policies and the Certain Laws and Decree Laws No. 6584 dated 06.02.2014 and in Article 57 of the Regulation on Private Education Institutions of the Ministry of National Education it is stated that children under protection and care shall benefit from the free quotas of private education institutions. These articles aim to ensure

that the children under protection (those who are expected to increase their course success if they go to private school) will benefit from the three percent free quota of private education institutions.

- Within the scope of protective and preventive services of the Ministry of Family, Labor and Social Services, in accordance with the paragraph 3 of Article 3 of the Law on Social Services No. 2828, in order to provide care to the children aged 0-6 and ensure them to gain basic values and habitudes, private kindergarten services are carried out.

The opening, functioning and auditing of Private Kindergarten and Private Children Clubs are carried out in accordance with the Law on Social Services No. 2828 and the Regulation on Establishment and Functioning Principles of the Private Kindergarten and Children Clubs dated 30.04.2015 prepared on the basis of the provisions of the Decree Law No. 633 on Certain Regulations in the Field of Social Services.

This Regulation is written out to determine the principles of establishment and functioning of private kindergartens and private children clubs belonging to real persons and private law legal entities and to determine the licence, opening, working and personnel conditions, wage, inspections. The Regulation also aims to ensure the private kindergartens and private children clubs to comply with basic children's rights philosophy.

With the exception of state organizations and institutions, nursing rooms and dormitories/child care dormitories that will be opened in the establishments under the scope of the Occupational Health and Safety Law No. 6331 dated 20/06/2012, it covers the issues related to the functioning of the kindergarten and children clubs belonging to the real and private law legal entities. Some articles of this Regulation have been re-regulated with the Official Gazette dated 08.09.2016 and No. 29825. According to this, nursery service serves to the children aged 0-24 months, and day care centers serves to the children between 25-66 months. Children's clubs are institutions that evaluate the leisure time of children who attend primary and secondary school by appropriate programs and thus provide care and protection.

- Compulsory gradual education (12 years) started to be implemented since the academic years 2012-2013. The first stage is the primary education (1st, 2nd, 3rd, 4th grade), the second stage is the secondary school (5th, 6th, 7th and 8th grade), and the third stage is the high school (9th, 10th, 11th, 12th grade). In 12 years of compulsory education, attendance is compulsory. As it is not possible for students to go out of the system at all levels of education, measures are taken to ensure especially the girls are kept in the education system with the student tracking system. The enrollment of the students who complete the 8th grade to general high schools, religious schools, vocational and technical high schools and their follow-up are made from the e-School system. Students can also be enrolled to Open Education High Schools by taking into consideration the preference of the student. The Ministry of National Education and the relevant General Directorates and Governorships take necessary measures for the follow-up of the students within the framework of the relevant legislation.
- The Circular dated 21.03.2016 and No. 2016/5 on Access to Education of Children of Seasonal Agricultural Workers and Nomadic and Semi-nomadic Families, was issued. By means of this Circular, regulations are made to remove the barriers in front of the access to the school in the places where the students in the basic education level have to migrate

with their families during the harvest period which coincided with the education period. Students apply to the nearest school in the place where they go, regardless of the address of residence. They are enrolled to the school and they continue their education. In addition, considering the distance from their accommodation to the school, it is possible to benefit from transport vehicles for access to education and other educational models. There are different models such as compensatory training or summer schools in order to overcome the educational deficiencies of the students.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The provision regarding the free quotas of the private education institutions for children under protection and care ensures that the children who have good school success and want to study at private school can benefit from the three percent free quota of private education institutions.

With the “Free Care Service” developed as a protective and preventive service model, in accordance with Article 50 of the Special Kindergartens and Special Children Clubs Regulation, disadvantaged children are ensured to benefit from special kindergarten and day care centers and special children's clubs by allocating 3% quota.

In practice to provide the children of seasonal agricultural workers and nomadic and semi-nomadic families to access the education, seasonal agricultural workers follow-up teams were established in the Provincial and District National Education Directorates to monitor the students. These teams report their work in June and December annually and send them to the Ministry of National Education. Besides, in order to increase the awareness on child labor among families / agricultural intermediaries and landowners, teams conduct awareness-raising activities by visiting homes/tents.

- **The activities carried out to protect children and young people against negligence, violence and exploitation are stated below.**

Project on Prevention of Violence Against Children

The project on Prevention of Violence Against Children was launched in March 2013 and completed in June 2015. Within the scope of guidance services, in the project aiming to increase institutional capacity, basically the activities were realized regarding strengthening policies for children who were victims of violence, improving psychosocial intervention services, improving e-guidance services, a school model with no violence was developed and pilot applications were implemented in 10 provinces and 100 schools. Awareness raising activities such as publishing books, brochures, videos etc. to prevent violence against children were carried out.

Activities in the context of Protection of Children and Young People against Violence and Exploitation

Within the scope of guidance services, protective, preventive and intervention activities are carried out by the Ministry of Education with the aim of strengthening the child against risks such as negligence and abuse and supporting them in the school system.

Guidance activities, mainly psychosocial support, are carried out by means of the guidance teacher in the guidance services at the schools. The activities carried out for combatting negligence and abuse are as follows.

1. Protection and Prevention Actions as a Part of School Guidance Services

Guidance services carried out in the school cover the matters regarding better self-recognition of the student, awareness of his/her personal characteristics, recognizing the opportunities and options open to her/him, making realistic decisions for herself/himself, developing her/his potential, showing appropriate attitudes against the obstacles and problems, strengthening against risks, psychological support services to adapt to the environment. In order to protect and empower the students against incidents of violence, neglect and abuse; class guidance activities, including educational attainments prepared in accordance with developmental periods, are applied throughout the academic year, and school guidance services provide guidance to students, teachers and families on these issues.

2. Counseling Measure Education and Its Practices

In the Child Protection Law No. 5395, counseling process for children and their families who are victims of negligence and abuse is applied to ensure that the child is protected in the presence of his/her family or to support him/her or person in charge of care during the implementation of injunctions regarding the children or to inform about possible measures. In some problematic issues as a risk reducing intervention alone or in some cases before the implementation of the other measures or with the other measures, in order to carry out counseling measures, which are applied to support these measures Ministry of National Education has trained 580 formator teachers and 15.000 practitioners. On 15.02.2017, 17.000 Handbooks on Counseling Measures Practices were sent to Provincial Directorates of National Education, civil society organizations, universities and related Ministries.

3. Parent Education

The Parent Education Program as a structured module for 0-18 aged has been worked with families. The 13th session of the program is devoted to violence, negligence and abuse. With the accompanied practitioner teachers, it is aimed that parents will learn how to protect and strengthen their children, to learn about the early warning signs and to recognize the institutions that the support can be taken.

Activities on Prevention and Reduction of Violence in School Environments

In the context of the Strategy and Action Plan on Preventing and Reducing Violence in School Environments which was entered into force in 2006 and the guidance services offered in schools, activities for students, teachers, school directors, families, education environment and the target groups are carried out.

Country-wide Measures Taken for Reducing Risk Factors in the Context of Violence Action Plan and Guidance Services

- Providing training seminars for teachers, students and families in line with their needs and providing parent education by using Parent Education Programs for 0-18 Aged, Mother Support Program, Father Support Program.
- Activating the activities that will enable the individual to recognize himself/herself,
- Providing information to the students in the issues of adolescence and sexual education within the cooperation with Guidance and Research Centers, suitable with their age and physical development,
- Dissemination of life skills education training program in schools,
- In parent-teacher meetings, it is stated by teachers and guidance services that domestic violence and discussions affect children negatively,
- Within the scope of guidance services, information is given about anger control issues,
- Within the scope of the Guidance Activities implemented in schools, awareness-raising and skill-building activities are carried out on issues such as gender, domestic violence and gender inequality.

Country-wide Seminars within the Scope of Action Plan and Guidance Services

Various activities realized to prevent violence against children and women

- Introducing children the “UN Convention on the Rights of the Child”,
- Informing the students and youth who are exposed to violence about the competent authorities which they can apply,
- Information activities for the issues on anger and anger control within the scope of guidance services,
- Activities regarding “effects of the anger”, “methods for coping with the anger”, “steps for problem solving in daily life”, “coping with peer pressure” in the various class levels,
- Providing an environment for the development of positive communication, interaction skills and positive use of their energy by taking advantage of social and inter-class sports activities.

Activities for Parents

- Protection Against Risks
- Reason of Violence and Aggression, Anger Control
- Communication
- Comprehension of the methods for struggling with stress and gaining problem solving skills.

Activities for Teachers

- Harmful Habits - Risk Prevention, Reasons of Violence and Aggression
- Anger Control, Teacher-Student Relations
- Psychosocial Intervention Services, Communication
- TV and Film Violence and Rules for Using Internet
- The Effect of Media on Violence, Behavior Disorders
- Posttraumatic Stress Disorders, Developmental Periods and Problems

3. STATISTICS AND OTHER RELEVANT INFORMATION

Scholarship Fee of the Students for Primary and Secondary School and the Number of Students		
Year	Monthly Amount (TL)	Number of Beneficiary Students
2013	138,22	254.833
2014	146,30	243.117
2015	165,33	242.351
2016	185,59	207.445
2017	204,38	258.281
2018	234,70	273.724

Although out of the reporting period, recent statistics are given below.

As of the first semester of 2018-2019 academic year, 1.837 children attend the private schools. In the scope of the Free Care Service, the number of children who have been looked after without payment in Private Kindergarten is 2.764 as of October 2018. For the purpose of providing family-oriented services to the children under protection, as of October 2018, 6.286 children are taken care near 5.138 protecting family.

Social Economic Support service is provided to support children who are with their families. In this context, as of October 2018, 121.374 children with families are supported by providing economic support. To ensure that children and young people have the care, assistance, education and training opportunities which they need, and in particular to ensure that adequate institutions and services are established and maintained for this purpose, The Ministry of National Education provides access to school for children living in settlements where there is no school with low and scattered population by means of boarding schools. At the same time The Ministry supports the education of children who are successful and have no financial means with the scholarship.

As of 2017-2018 Academic Year, there are 312 boarding regional secondary schools in 64 provinces affiliated to the General Directorate of Basic Education under the body of Ministry of National Education. The total accommodation capacity of these schools are 88.738, and 51.503 students of which 23.019 girls and 28.484 boys are accommodated. 704.10 TL scholarship fee is paid in three months' period to 5th, 6th, 7th. and 8th grade students who receive the scholarship. The number of scholarship students for the third semester of 2018 is 98.387 in the schools affiliated to the General Directorate of Basic Education.

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

1. Information on the maximum period of confinement of minors awaiting trial.

Article 102 of The Turkish Code of Criminal Procedure sets forth the maximum periods regarding pre-trial confinement within two categories. Period of pre-trial confinement with respect to offenses within jurisdiction of Heavy Criminal Court; and period of pre-trial confinement with respect to offenses outside the jurisdiction of Heavy Criminal Court.

i) Accordingly; for offenses the trial of which is not within jurisdiction of the Heavy Criminal Court, the maximum period of pre-trial confinement is one year. However, this period under necessity may be extended six more months only upon justification stated to that end.

ii) For offenses within jurisdiction of Heavy Criminal Court the maximum period of pre-trial confinement is two years. This period may be extended provided justification is stated to that end. The period of extension in total may not exceed three years. The total period of pre-trial confinement as extended may not exceed five years for offenses defined in the Fourth, Fifth, Sixth and Seventh sections of the Second Book of the Turkish Penal Code numbered 5237 and for the crimes covered by the Anti-Terror Law No. 3713 dated 12/04/1991.

The decisions for extension are made by taking into consideration the opinions of the Public Prosecutor, the suspect or the accused and defender.

2. Information on keeping minors awaiting trial in separate locations from adults.

Minors awaiting trial are kept in separate locations from adults. The legal regulation regarding this issue is given below.

In the Article 11 titled “Closed penal execution institutions for minors” of the Law No. 5275 on Execution of Punishments and Security Measures, it is said that:

(1) These are institutions based on education and training where minor detainees or minors who are decided to be transferred from reformatories to closed penal execution institutions for disciplinary or other reasons are accommodated, which are equipped with barriers against escape, and which have internal and external security personnel.

(2) Minors in the age group of 12 to 18 shall be kept in separate parts of these institutions in view of their gender and physical development.

(3) Where there are no special institutions for them, these convicts shall be placed in those sections of closed penal execution institutions which are allocated for minors. Where separate sections do not exist, girls shall be accommodated in a section of closed penal execution institutions for women or in sections of other penal execution institutions allocated for them.

(4) In these institutions, the principle of providing minors with education and training shall be implemented in full.

Article 17§2:

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

Scope of the provisions as interpreted by the ECSR

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

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

There is no legislative changes or reforms during the reporting period.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK**Absence Monitoring**

In the 2016-2017 academic year, visits were made to the provinces where absenteeism was high at schools, to investigate the reasons of school absenteeism and collect data, in accordance with the target of “informing about the importance of education in the regions with low enrollment rates” under the title “Access to Education” in the 2015-2019 Strategic Plan of the Ministry of National Education.

During the visits to these provinces, interviews were made with Provincial/District National Education Directors, branch managers, administrators, teachers and parents in schools with high absenteeism and reasons for absenteeism and solutions.

In this context, field visits have been made to the provinces of Sirnak, Bitlis, Agri, Edirne, Igdır, Mardin, Mus, Siirt, Sanliurfa and Van between October 2017 and March 2018 and surveys from these provinces were analyzed and reported.

Education Program in Primary Schools

This programme is designed for eliminating students’ insufficiency in the fields of reading, understanding, writing and basic mathematics in the 3rd and 4th grades of primary schools.

➤ Target Group

The main target group of the program consists of students attending 3th and 4rd grades, but the programme also covers the all disadvantaged groups such as refugees, migrants, children of seasonal agricultural workers.

➤ Objectives and Principles

- To identify students who were not able to attain an adequate level in Turkish and mathematics curriculum and educational attainment in the context of primary education programme within the previous education and training years.
- To plan the students' academic life for overcoming the basic skills deficiencies that hinder their academic success,
- To ensure psychosocial support to the students as well as academic skills,
- To prevent adaptation problems arising from lack of basic skills and likely to emerge at subsequent levels of education
- To prevent absenteeism due to academic failure caused by basic skills deficiencies,
- To help the students included in the program to reach the expected level of learning.

Special education schools and institutions (day or boarding schools) are opened by the Ministry of National Education in order to provide students to access to the education with special educational needs. 136 science and arts centers, 238 guidance and research centers and 1.275 special education schools are serving in this context.

The Syrian and other foreign students are offered the same opportunities as their Turkish peers to benefit from all educational services. In addition, introduction and briefing is made about educational activities. In order to increase the enrollment rates of Syrians under temporary protection, cooperation was done with various institutions, organizations and NGOs.

In order to ensure that Syrian children have access to pre-school education, 278 portable kindergartens were built in the 2017-2018 academic year. In the 2018-2019 academic year, 18 classrooms were built. All education stationery expenses of Turkish and immigrant children, which are considered as disadvantaged, have been met by the Ministry of National Education, and these children have been provided free of charge for pre-school education. Syrian children also received conditional education benefits.

In the "2023 Education Vision" it is stated that "In early childhood education, poor households will be provided with basic materials to support child development." In accordance with this goal, the preparatory process of materials supporting child development to be provided to poor households, including Turkish and immigrant children, was initiated.

However, the curricula of the courses applied in primary and secondary schools have been updated in a simple and life-related way in an approach that includes basic skills and gives importance to values education and has been implemented at all grade levels in the academic year 2018-2019.

In the educational programmes like Social Studies, Human Rights, Citizenship and Democracy, Law and Justice etc. which are updated, the gains and explanations related to the rights of the children are given place and the subject is supported with text, activity and visuals in the textbooks.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The statistical data provided by the Ministry of National Education are given below.

NUMBER OF STUDENTS BETWEEN 2014-2017			
Primary School (Age 6-9)			
Academic Year	Girls	Boys	Total
2013-2014	2.414.689	2.544.293	4.958.982
2014-2015	1.837.937	2.558.535	4.396.472
2015-2016	2.435.662	2.558.801	4.994.463
2016-2017	2.278.251	2.413.682	4.691.933
Secondary School (Age 10-13)			
Academic Year	Girls	Boys	Total
2013-2014	2.314.896	2.444.232	4.759.128
2014-2015	2.260.593	2.388.351	4.648.944
2015-2016	2.234.454	2.357.420	4.591.874
2016-2017	2.315.955	2.449.086	4.765.041
General Secondary (Age 14-17)			
Academic Year	Girls	Boys	Total
2013-2014	966.515	907.365	1.873.880
2014-2015	997.083	940.519	1.937.602
2015-2016	1.096.803	1.074.023	2.170.826
2016-2017	1.095.127	1.038.022	2.133.149
Vocational Secondary (Age 14-17)			
Academic Year	Girls	Boys	Total
2013-2014	1.077.846	1.255.324	2.333.170
2014-2015	1.067.375	1.213.356	2.280.731
2015-2016	1.035.518	1.254.554	2.290.072
2016-2017	1.004.723	1.148.777	2.153.500

Schooling Rate by Age			
Age	2017-2018 Academic Year		
	Total	Male	Female
6	96,00	95,68	96,33
7	99,13	99,13	99,13
8	99,12	99,11	99,12
9	99,09	99,12	99,06
10	98,91	98,97	98,84
11	98,68	98,71	98,66
12	98,63	98,67	98,58
13	98,26	98,49	98,02
14	95,10	96,09	94,05
15	90,88	91,83	89,88
16	85,68	85,77	85,58
17	79,86	79,73	80,00

NET SCHOOLING RATES BY AGE GROUPS (%)									
Academic Year	Sex	Age Group							
		Age 3	Age 4	Age 5	Age 3-5	Age 4-5	Age 6-9	Age 10-13	Age 14-17
2015-2016	Total	11,74	33,56	67,17	39,54	50,46	98,81	99,05	85,31
	Male	11,67	33,62	67,42	39,63	50,61	98,72	99,11	85,14
	Female	11,81	33,5	66,91	39,45	50,3	98,9	98,98	85,49
2016-2017	Total	12,48	36,15	70,43	41,68	53,01	98,13	99,23	87,43
	Male	12,48	36,13	70,81	41,81	53,20	98,08	99,33	87,85
	Female	12,48	36,17	70,02	41,54	52,81	98,19	99,12	86,99
2017-2018	Total	12,37	38,11	75,14	44,02	56,62	98,35	98,62	87,64
	Male	12,43	38,11	75,48	44,15	56,78	98,28	98,71	88,1
	Female	12,31	38,11	74,79	43,89	56,46	98,42	98,53	87,15

Note: When calculating net schooling rates by age groups (year of birth), the total number of students in the relevant age group is divided by the total population in the relevant age group, regardless of the education level (type of education) to which the student belongs.

GROSS SCHOOLING RATES (%)									
Academic Year	Primary			Secondary			Tertiary		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
2013/'14	110,36	109,18	111,61	103,26	106,05	100,32	81,70	86,24	76,96
2014/'15	103,97	103,07	104,93	107,36	109,82	104,77	88,94	93,44	84,24
2015/'16	102,95	102,03	103,92	109,85	112,28	107,29	95,91	100,55	91,04
2016/'17	100,73	100,29	101,18	106,94	109,99	103,73	103,28	102,19	98,52
2017/'18	99,74	99,33	100,18	108,39	112,07	104,50	107,40	111,05	103,59

NET SCHOOLING RATES (%)									
Academic Year	Primary			Secondary			Tertiary		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
2013/'14	99,31	99,39	99,23	76,65	77,22	76,05	39,89	38,90	40,93
2014/'15	97,10	97,08	97,12	79,37	79,46	79,26	39,49	37,95	41,10
2015/'16	96,44	96,34	96,54	79,79	79,36	80,24	40,87	39,21	42,62
2016/'17	96,51	96,39	96,63	82,54	82,69	82,38	42,43	40,53	44,41
2017/'18	96,12	95,99	96,25	83,58	83,77	83,39	45,64	43,99	47,36

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

Information on the irregularly present children who do not have effective access to education.

Children access to school, who do not have a residence permit and who do not have an identification number for any reason, has been ensured by the Ministerial Consent dated 16.11.2017.

With the said Ministerial Consent, the regulations are included for the problems encountered in the access to education opportunities for foreigners living in Turkey including the citizens of Syria under Temporary Protection Status within the scope of mass migration and citizens of other countries.

In the provinces where temporary education centers are not available, the admission of all foreign students to the schools who do not have any identification card (Syrian students and other foreign national students from Iraq, Libya, Afghanistan, Iran, Somalia, Yemen, Uzbekistan, Chechnya, East Turkistan, etc.) is made by registering them to “Foreign Students Information System (YÖBİS)” via the automatic ID creation button with the equivalence certificates issued by equivalence commissions. After receiving the identity documents, their e-School enrollment is made. In addition, joint work is carried out with the Provincial Directorates of Migration in order to get the temporary ID numbers very quickly.

ARTICLE 19- THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

Article 19§1:

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

Scope of the provisions as interpreted by the ESCR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Law No. 6458 on Foreigners and International Protection was published in the Official Gazette on 11.04.2013 and entered into force. The purpose of this Law is to regulate the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey, and the establishment, duties, mandate and responsibilities of the Directorate General of Migration Management (DGMM) under the Ministry of Interior.

The Law on the International Labour Force No. 6735 was published in the Official Gazette on 13.08.2016 and entered into force. The purpose of this Law is to identify, implement, follow-up of the policies on international labour force and to regulate rules and procedures on work permits and the exemption of the work permits which shall be granted to foreigners, authorities and responsibilities and the rights and obligations in the field of international labour force.

With this law, Directorate General of International Labour Force has been established as the main service unit of MoFLSS to operate in foreign employment policies in line with the national employment policies, to evaluate the work permit and work permit exemption requests to foreigners.

In addition, Regulation on Work Permits of Foreigners Provided with Temporary Protection, based on Article 91 of the Law No. 6458 on Foreigners and International Protection and Article 29 of the Temporary Protection Regulation dated 13/10/2014 and numbered 2014/6883, enacted by the Council of Ministers, was published in the Official Gazette and entered into force. 15/01/2016. The work, rights and responsibilities of the persons coming to Turkey as a result of the war in Syria, and taken under temporary protection are regulated legally with the related regulation.

In addition, the Regulation on the Work of Persons Provided with Temporary Protection Status and Applicants prepared on the basis of Article 89 of Law No. 6458 has been published in the Official Gazette on 26.04.2016 the regulation includes procedures and principles regarding the work of foreigners who have applied to international protection in Turkey.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Directorate General of Migration Management provides free information and assistance services to the migrants who have arrived or going to migrate to the country, through information meetings held in the provinces, brochures, mobile application for foreigners, and “Alo 157” Foreigners Communication Line (YIMER).

- Various informative activities are carried out to provide information to the foreigners under temporary protection and international protection, about their rights and obligations, covered by the general budget or in the framework of related projects.
- Within the scope of the Project “Development of Protection Strategies for Persons in Need of International Protection in the Urban Context”, two different brochures were published in order to increase the awareness of these foreigners on access to education (6 different languages) and access to health (9 languages) and sent to the directorates in all 81 provinces. The Project was carried out with the UNHCR and completed in 2017.
- Also, in the scope of Turkey's Asylum System Strengthening Project, currently carried out with the UNHCR, two different brochures about access to legal aid (7 different languages) and the determination of refugee status (9 different languages) were published and sent to all 81 Provincial Directorates, in order to raise awareness about the issues covered.
- The hotline “Alo 157”, which started operating as an emergency contact line for assistance to victims of trafficking In May 2005, started to serve as Foreigners Communication Center (YIMER) as of 20 August 2015 after the takeover of DGMM and the extension of its service network. Detailed information is provided in section B.
- Another service to provide information and assistance to foreigners is the Migration Advisory Centers. 6 Migration Advisory Centers were established to provide information on face to face for migrants, also in foreign languages. Migration Advisory Centers have provided services to 153.950 people in the subjects such as rights and obligations of persons, application and registration procedures.
- Within the scope of Digital Information Services, Directorate General of Migration Management Mobile Application was prepared, providing information on the rights and obligations of foreigners, social and economic life in Turkey, cultural events, etc. The application includes Guide to Living in Turkey and also various information services. The mobile application operates in 6 different languages (Turkish, English, Arabic, Russian, Persian and German) and can be downloaded from the Android market and Appstore.
- In addition, DGMM website and social media accounts (Instagram, Youtube, Twitter) are also broadcasting announcements, sharing animation videos to inform strangers and constitute an important pillar of the multidimensional communication strategy. Videos are prepared in the scope of information activities, in order to correct the false facts about foreigners in Turkey and these videos are published in corporate social media accounts.

- The procedures and principles regarding the work permit and work permit exemptions of foreigners are specified in the frame of The Law on the International Labour Force No. 6735. The implementation of the Law is carried out by the General Directorate of International Labor Force. General information on work permits and work permit exemptions is published on the web site of the General Directorate. (<https://www.ailevecalisma.gov.tr/uigm>) It is possible to access all kinds of data related to the subject through the website which has been in use since 2016.
- On the other hand, “Alo 170” call center of MoFLSS is an information channel where all kinds of problems related to work permits and work permit exemptions can be raised. In addition, the applications made via CIMER (Presidency Communication Center) regarding work permits are answered by the General Directorate of International Labor Force of MoFLSS.
- There are free services provided by Turkish Employment Agency (İŞKUR) for the access of migrant workers to employment. The prerequisite for benefiting from the related services is the registration of the job seeker in the Agency. Within the scope of the relevant legislation, the services of the Agency provided for job seekers are free of charge and equal for migrant workers

3. STATISTICS AND OTHER RELEVANT INFORMATION

In 2017, a total of 20 information and awareness raising meetings and/or trainings were held on temporary protection and international protection, including diplomatic missions. On the other hand, with the implementation of international projects in 2017, it is planned to organize an intensive program of awareness raising meetings to cover the years 2018-2019. In addition, 408 people applied to General Directorate of International Labor Force of MoFLSS. Statistical information about YIMER is given section B.

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

Regarding the information provided to migrants by Foreigners Communication Center (YIMER)

The hotline “Alo 157”, which started operating as an emergency contact line for assistance to victims of trafficking In May 2005, started to serve as Foreigners Communication Center (YIMER) as of 20 August 2015 after the takeover of DGMM and the extension of its service network.

YIMER Alo 157, which initially served in Turkish, English, Arabic and Russian languages before 2016, has been serving also in German and Persian languages as of 1 April 2016. The line serves 7/24 in 6 languages.

YIMER Alo 157, where foreigners can find answers to all the questions about issues such as visa, residence, international protection and temporary protection, also serves as a reporting and helpline for victims of trafficking. Call center workers meet and receive calls, not only informs the foreigners, but also responds to all matters in the scope of the tasks of the

DGMM. They meet the complaints, transmit these complaints to the relevant units of the Directorate and provide feedback by following the results.

In addition, the line provides assistance to foreigners in need of emergency assistance in coordination with the relevant law enforcement agencies. It also provides translation services to foreigners in order to contact the law enforcement agencies.

A total of 5.183.611 calls were received to YIMER Alo 157 until 28 October 2018 and 80% of these calls were answered.

The official website of DGMM (<http://www.goc.gov.tr/>) provides service in 6 languages: Turkish, English, Arabic, Russian, Persian and German. YIMER Alo 157 official website is still in progress and will continue to serve with more functional and informative content in 6 languages as soon as possible.

However, there is a mobile application belonging to DGMM providing services in 6 languages and including information about Turkey which may be needed by foreigners. Through this application, access to YIMER can be provided, live support can be received and information requests can be transmitted.

In addition to call center service, YIMER Alo 157 has social media, e-mail, SMS, web-chat and voice call services. Foreigners are calling YIMER Alo 157 to receive information, advice and submit requests and complaints. Foreigners are able to communicate their demands through these channels in 6 languages and receive answers in the same language.

Between January 2013 and December 2017, 711.051 notifications have been received by Alo 170 call center of MoFLSS regarding the work permits of foreigners. Distribution of these notifications is given in Table 3. Between January 2013 and December 2017, the notification of the work permits of foreigners constitutes 45.4% of the notifications received in the scope of the legislation of MoFLSS. Between January 2013 and December 2017, the highest number of notifications regarding foreign work permits was in 2014 (22.3%).

Table 3:

Year	Foreigners' Work Permits Legislation	On-line Application for Work Permit for Foreigners	Foreigners' On-line Application - Screen Error	Work Permit for Foreigners - Technical Issues	Total
2013	118.889	11.037	1.342		131.268
2014	148.519	9.004	758		158.281
2015	140.362	7.777	1.803	1.768	151.710
2016	114.107	7.002	516	1.088	122.713
2017	133.916	10.802	704	1.657	147.079
Total	655.793	45.622	5.123	4.513	711.051

Between January 2013 and December 2017, 95.8% of the notifications regarding foreign work permits were resolved by Alo 170 Citizen Representatives in the first contact, while 4.2% were directed to institutional units. Details are given in Table 4.

Table 4:

Foreigners' Work Permit	Resolved at First Contact	Referred to Agency Units
	682.840	28.211

Article 19§2:

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

Scope of the provisions as interpreted by the ECSR

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

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

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

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS***1. Information regarding the assistance available to migrant workers upon arrival and during reception, including accommodation, health and financial support.***

Law No. 6458 on Foreigners and International Protection was published in the Official Gazette on 11.04.2013 and entered into force. The purpose of this Law is to regulate the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey.

Pursuant to the third paragraph of Article 89 of the Law "For those applicants or international protection beneficiaries who are not covered with any medical insurance and do not have financial means [to afford medical services] provisions of the Social Security and Universal Medical Insurance Law № 5510 of 31/05/2006 shall apply. For the payment of the premiums on behalf of persons to benefit from the universal medical insurance, funds shall be allocated to the budget of the Directorate General." The applicants whose general health insurance premiums are paid and who have the status are obliged to register as soon as they enter Turkey. International health insurance of registered international protection applicants is activated as of the day the contributions are paid and they can benefit from health services.

On the other hand, foreigners under temporary protection in Turkey are obliged to register from the moment they enter Turkey. As of the date of registration, the health expenses of all foreigners under temporary protection are paid from the budget of the General Directorate of Migration Management.

In addition, according to Article 95 of Law No. 6458, it is essential that the applicant and the person with international protection status meet his/her own sheltering needs. However, foreigners who are provided with temporary protection can also be accommodated in temporary shelter centers if requested. Finally, foreigners who are covered by both

international protection and temporary protection can receive cash assistance from Social Assistance and Solidarity Foundations affiliated with the Governorships if they are registered and have the necessary conditions for assistance.

2. *Information on reception facilities and measures taken in regard of collective recruitment.*

In the context of collective recruitment, Turkey has signed labour force agreements with 12 countries, including provisions stipulating protection of the rights of migrant workers, mostly Turkish labour force migrating to European countries. In practice, there is no case regarding collective recruitment of workers who migrate to Turkey collectively.

Article 19§3:

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party,

Scope of the provisions as interpreted by the ECSR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Former "Ministry of Labour and Social Security" and the former "Ministry of Family and Social Policies" were merged with the Presidential Decree No. 1 on 10.07.2018, and the newly formed Ministry was named as the "Ministry of Family, Labour and Social Services" as of 04.08.2018, out of the reporting period. Thus, related departments and their tasks have been restructured.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

During the reporting period, the Ministry of Labor and Social Security (MoLSS) and the Directorate General for External Relations and Services for Workers Abroad provided services to citizens living abroad and those who have returned, with its central and overseas organization. Now affiliated to Ministry of Family, Labour and Social Services, it has maintained relations of the MoFLSS with foreign ministries, institutions and international organizations and carried out coordination tasks and protocol works. Furthermore, it has provided coordination in social security agreements to be concluded with foreign countries and their amendment works. There are 57 units in 29 countries in the overseas organization of the Ministry. In these units, Turkish citizens are informed about labour, social security and social services legislation and their rights arising from bilateral and multilateral agreements in this field. At the same time, information is given about the work and social security legislation of Turkey to foreigners who want to work in Turkey. The duties of the departments include establishing and developing relations with the official and non-governmental organizations in

the field of the Ministry and to carry out studies to solve the problems arising from the implementation of national legislation and bilateral and multilateral agreements. Social security agreements have been signed with 35 countries, 30 of which are in force. Cooperation agreements/MoU's have been signed with 22 countries in order to establish and develop cooperation between MoLSS and foreign ministries responsible for employment, social security issues.

In the field of family and social services, an agreement has been signed with 14 countries in order to establish and develop cooperation between the former Ministry of Family and Social Policies and the foreign ministries of family and social policies. Six departments under the aforementioned Ministry provide services to the citizens in the fields of family formation, family reunification, cultural cohesion and integration policies in social services and cooperate with relevant institutions when necessary.

The Social Security Institution now affiliated to MoFLSS carries out bilateral cooperation activities in the field of social security with social security institutions in other countries.

MoFLSS General Directorate of International Labor Force is responsible for operating at national and international level in the field of foreign employment and labor migration, carrying out works and procedures related to work permit and work permit exemption. It carries out the necessary activities for the purpose of determining the policy regarding the international labor force and operates at the national and international level regarding the implementation of the determined policy.

MoFLSS Directorate of European Union and Financial Assistance is responsible on issues related to the European Union, in the field of duties and activities of the Ministry, including activities such as making preparations for the negotiations, attend meetings of the EU-Turkey and conducting compliance and enforcement activities regarding decisions taken in partnership organs, coordination of related institutions and units on human resources development and assuring the efficient implementation of Human Resources Development Operational Programme for IPA Component IV, participating in PROGRESS which functions as the social policy programme for European Union and carrying out all necessary activities, and reviewing and approving applications for the TAIEX programme

Article 19§4:

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

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

Scope of the provisions as interpreted by the ECSR

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

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

The International Labor Law No. 6735 was published in the Official Gazette on 13/08/2016 and entered into force. With this law, the General Directorate of International Labor Force has been established to operate in such areas as the implementation of foreign employment policies in line with the national employment policies, the work permit to be granted to foreigners and the evaluation of requests for exemption from work permit. With the establishment of the General Directorate, foreigners' work permits and work permit exemptions processes were carried out from a single source.

Regulation on Work Permits of Foreigners Provided with Temporary Protection, based on Article 91 of the Law No. 6458 on Foreigners and International Protection and Article 29 of the Temporary Protection Regulation dated 13/10/2014 and numbered 2014/6883, enacted by the Council of Ministers, was published in the Official Gazette and entered into force on 15/01/2016. The work, rights and responsibilities of the persons coming to Turkey as a result of the war in Syria and taken under temporary protection are regulated legally with the related regulation.

Regulation on the Work of Persons Provided with Temporary Protection Status and Applicants prepared on the basis of Article 89 of Law no. 6458 has been published in the Official Gazette on 26.04.2016. The regulation includes procedures and principles regarding the work of foreigners who have applied to international protection in Turkey.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK**a. Financial Assistance Program for Temporary Protection Provided for Syrians in Turkey**

An agreement has been made between the European Union and Turkey for those who have to migrate from Syria and in the context of the integration of Syrians under Temporary Protection, a fund application has been initiated for Turkey. Financial Assistance Program for

Temporary Protection Provided for Syrians in Turkey (shortly known as FRIT) consists of two stages: First stage: FRIT-I, 2016-2018 Period, Second Stage: FRIT-II, Period of 2019-2021

The basic objective of the Program is to support the basic needs of Syrians in Turkey Provided Temporary Protection such as education, health and to provide financial support to the related institutions and municipalities.

Basic topics of the Program are humanitarian assistance, education, health, municipal infrastructure and superstructure, social support and adaptation, labour force and economy, migration management.

Within the scope of the currently implemented projects, in addition to the integration of Syrians under temporary protection and the applicants and ad status holders to international labour protection and labour market, as well as staff working in public institutions and organizations under capacity building components, employers and employers' organizations, NGOs including trade unions and Syrians under temporary protection directly and applicants to international protection are provided informative and awareness raising trainings on their rights and obligations related to working life in connection with temporary protection and international protection.

b. Studies Conducted by İŞKUR

In 2016, with the (former) Ministry of Labour and Social Security allowing Syrians under temporary protection and foreign applicants and status holders of international protection to work, Turkish Employment Agency (İŞKUR) started to conduct activities to facilitate the access to labour market and to increase employability of these people. In the field of agriculture and animal husbandry, it was made possible for Syrians to work by obtaining an exemption certificate from the Provincial Directorates of İŞKUR without obtaining a work permit.

Foreigners who have completed the temporary protection period of at least six months may apply to the Provincial Directorates of the Labour and Employment Agency to register as a “job seeker” to benefit from İŞKUR services and all services offered by the Agency are free of charge. In the event that they meet the requirements set out in the relevant legislation, they are offered business and vocational counselling services by using Unemployment Insurance Fund, Vocational Training Courses, On-the-Job Training Programs and Entrepreneurship Training Programs can be organized and job placement services can be provided.

In addition, Syrians who are registered under temporary protection who are employed in a registered manner are given the opportunity to benefit from passive employment policies (unemployment insurance allowance, short working allowance, etc.).

c. Employment Support Project for Syrians under Temporary Protection and for Turkish Citizens

On 19 December 2017, Administrative Agreement was signed between the EU and the World Bank for the realization of the Project. The activities in the Project will be carried out with the relevant institutions and organizations. The said project of which an implementation period of

30 months is foreseen has 3 main components. These components and subcomponents are as follows;

- With the Employment Support Project for Syrians under Temporary Protection and for Turkish Citizens with a budget of 50 million Euros with the World Bank, various active labour market programs will be implemented.
- Within the scope of the component we will design and implement active labour market programs such as language training, vocational training courses, on-the-job training programs and community benefit programs, it is aimed to reach a total of 14.800 people, 50% Turkish citizens and 50% Syrians.
- Via institutional capacity building activities, studies will be realized in several areas such as the establishment of a profiling system, revision of the active labor market programs monitoring system, system, policy development, improvement and diversification of service delivery tools, trainings and technical equipment.
- Furthermore, it is planned to support İŞKUR's labour market research and analysis capacity.

d. Education and Employment Support for Social Cohesion

The total budget of the Project, which is planned to be funded by the Federal Ministry for Economic Cooperation and Development of Germany, is 3 million €. The Project is planned to be completed in December 2018.

The aim of the Project to be implemented in cooperation with the German International Cooperation Agency (GIZ) - İŞKUR – Ankara Chamber of Commerce and Bahcesehir UniversityBAU is to improve the labour market adaptability capabilities of host communities and Syrian refugees by supporting them for paid work.

Within the scope of the Project, after a one-month preparatory training, a total of 5-month Private Sector and Public Sector Employment Wage Programs are planned to be implemented based on İŞKUR On-the-Job Training Programs and Community Benefit Programs.

The process of identifying the participants and their interviews were completed as of the current stage and they were given one-month basic preparatory training to be given at the beginning of the program. Concurrently with the trainings, finding appropriate jobs for the participants, getting work permits and preparations with the companies were completed.

e. The Project of Strengthening İŞKUR's Institutional Capacity

The pilot provinces of the Project, which are funded by the Federal Ministry for Economic Cooperation and Development of Germany (BMZ) and will be implemented in cooperation with the German International Cooperation Agency (GIZ), are Gaziantep and İstanbul; potential pilot provinces were identified as Adana and Şanlıurfa.

The main objective of the Project is to increase the efficiency of public employment services offered to Turkish citizens, Syrian refugees and other asylum seekers as host communities by supporting the institutional capacity of İŞKUR.

In this context, various trainings were organized to improve the service delivery capacity of İŞKUR personnel. Activities for monitoring and escorting activities, activities supporting the

accessibility of İŞKUR services, technical capacity building measures and activities to be carried out within the scope of social support and awareness components are ongoing.

Studies for establishing the first of İŞKUR ARTI Service Points, which will be installed in order to increase access to İŞKUR services and to introduce İŞKUR activities for the university students effectively, have been initiated in the university campus in cooperation with Gaziantep Provincial Directorate and Gaziantep University.

f. İŞKUR - UN High Commissioner for Refugees (UNHCR) Cooperation Protocol

The main objective of the cooperation studies funded by the IPA IV Program and the UNHCR Program Budget is to strengthen the institutional capacity of İŞKUR and to support the adaptation of the Syrians under temporary protection and the international protection application and status holders to the labour market.

In this context, personnel trainings, various goods and services procurement activities were conducted with UNHCR during the period of 2016-2017 to support institutional capacity. In April 2018, a cooperation protocol was signed to further develop the said cooperation.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Within the framework of the active labour market programs provided by İŞKUR, from 2011 to June 2018, 3.660 people under temporary protection, 48 people under the international protection and 1.714 people classified as other foreigners benefited from vocational training course, on-the-job training programs and entrepreneurship training programs.

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

1. Information on professions may not be practiced by foreigners in Turkey and healthcare services.

The International Labour Law No. 6735 does not impose any restriction on the jobs and occupations of foreigners. The prohibited professions for the execution of foreigners in force are regulated by some labour and professional laws.

The occupation where the foreigners in force are prohibited from working and the laws on which they are based are as follows;

- i. Dentistry and Nursing (in accordance with the Law on the Execution of Arts and Medicine)
- ii. Pharmaceuticals (in accordance with the Law on Pharmacists and Pharmacies)
- iii. Veterinary Medicine (in accordance with the Law on the Establishment of the Chamber of Veterinarians and Their Establishment and the Works to be Carried Out)
- iv. Responsible directorate of private hospitals (in accordance with the Law on Private Hospitals)
- v. Judges and prosecutors (in accordance with the Law on Judges and Prosecutors)
- vi. Advocacy (in accordance with the Attorney at Law)
- vii. Notary (in accordance with the Notary Law)

- viii. Security officer in private or public institutions (in accordance with the Law on the Protection and Safety of Some Institutions and Organizations)
- ix. Exporting fish, oysters, mussels, sponges, pearls, corals, mother-of-pearl, sand and pebbles, removing of cast away sea-going vessels and wrecks, diving, searching, pilotage, etc. in inland waters. (in accordance with the Cabotage Act No. 815)
- x. Customs consultancy (pursuant to Article 227 of the Customs Law No. 4458)
- xi. Tourist guidance (pursuant to Article 3 of the Tourist Guidance Profession Law No. 6326)

On the other hand, recent legislative amendments have removed healthcare services, such as those of doctors and midwives. The number of work permits granted in the scope of human health services was recorded as 1.573 in 2017.

2. Information regarding the question on whether migrant workers have the same rights to professional or vocational training as Turkish citizens.

Foreigners and Syrians under Temporary Protection can benefit from active labour services carried out within the framework of Article 104 of the Regulation and Circular on Active Labour Services in order to adapt them into Turkish labour market. In line with the provisions of the relevant legislation, the foreigners having the following documents may benefit from courses and programs covered by this Regulation, provided that they are found appropriate by the provincial directorate and registered to the Institution:

- The residence permit issued in paragraphs (a), (b), (c) and (ç) of the first paragraph of Article 30 of the Law on Foreigners and International Protection dated 04.04.2013 and No 6458,
- The identification number given to foreigners, the international protection applicant registration certificate, the identity document of the international protection applicant, the international identity document of identity, the temporary protection identification document or the numbers and documents that replace these in accordance with the Law on Population Services dated 25.04.2006 and No. 5490.

In accordance with Article 3.6 of the “Implementation Guide for the Work Permits of Foreigners Provided with Temporary Protection” published by the General Directorate of Labour, it is not necessary to obtain a work permit prior to their participation in a workplace vocational training course or on-the-job training program for persons who are under temporary protection. However, if they are hired after the course or the program, work permit must be obtained firstly, subject to the procedures and principles for obtaining a work permit.

Foreigners who have completed the temporary protection period of at least six months may apply to the Provincial Directorates of the Labour and Employment Agency (İŞKUR) to register as a “job seeker” to benefit from the services of the institution. In the event that they meet the requirements set out in the relevant legislation, business and vocational counselling services are given to these people using the Unemployment Insurance Fund, Vocational Training Courses, On-the-Job Training Programs, Entrepreneurship Training Programs can be organized and job placement services can be provided.

3. Information on the legislation and policy which targets direct or indirect discrimination in relation to employment

The social security obligations of the foreigner who started to work by obtaining a work permit are the same as the citizens of the country and everyone living in the country is subject to the same rules.

According to Article 5 of the Labour Law entitled “Principle of Equal Treatment”, “No discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship.”

As a rule, work permit applications are made by the employer for foreigners who are dependent on an employer, whereas foreigners who work on their behalf apply for work permit on their behalf.

In the third section of the Law no 6735, the provision in Article 6 entitled “Authorities and obligations on the work permit” is as follows;

ARTICLE 6 – (1) Work permit is granted by the Ministry on the basis of international labour policy which is determined in accordance with the article 4.

(2) Foreigners within the scope of this Law are not allowed to work or be employed in Turkey without work permit.

(3) Foreigners, who are stated to be able to work without work permit in other laws or bilateral or multilateral agreements or international conventions of which Republic of Turkey is a party, can work or be employed without work permit according to this Law.

(4) For the ones who are included in the article 28 of the Turkish Citizenship Law dated 29.05.2009 and No. 5901, their right to work is reserved.

In Article 10 of the Law, the types of work permits are listed.

Types of work permit

ARTICLE 10- (1) If the application is approved, a work permit for maximum one year shall be granted to the foreigner at the first application provided that this period does not exceed the duration of the labour or service contract to be employed at a certain job in a certain work place which belongs to a real or legal entity or public organization and institutions or workplaces of these organizations in the same line of business.

(2) If the extension application to be submitted in accordance with the article 7 of this Law is approved, a work permit for maximum two years at the first extension application and maximum three years in the following applications shall be granted for the same employer. However, applications to be employed by a different employer shall be evaluated within the scope of the first clause of this article.

(3) Foreigners who have long term residence permit or legal work permit for minimum eight years can apply for indefinite work permit. However, the fact that the foreigner meets the application criteria shall not provide any absolute right to the foreigner.

(4) Foreigners with indefinite work permit shall have all the advantages of long term residence permit. Except for the regulations in special laws, foreigners with indefinite work permit benefit from the rights granted to the Turkish citizens provided that their acquired rights regarding social security are reserved and they are subject to the provisions of relevant legislation when using these rights. Foreigners who have indefinite work permit do not have the right to vote and stand for election or public service and military service liabilities.

(5) Established in accordance with the Turkish Commercial Code numbered 6102 dated 13/1/2011; foreigners who are

a) Directors who are partners of limited companies;

b) Executive board members who are partners of joint-stock companies;

c) Active partners who are directors of limited partnerships divided into shares;

Can work with a work permit.

(6) Foreigners who are members of a profession can be granted independent work permit provided that they meet the special conditions specified in other laws.

(7) In evaluation of the independent work permit in accordance with the international labour policy; foreigner's education, professional experience, contribution in science and technology, the impact of his/her activity or investment in Turkey on the economy and employment in the country, his/her capital share if he/she is a company partner as well as other matters to be determined by the Ministry in accordance with the recommendations of the International Labour Policy Advisory Board shall be taken into consideration.

(8) Independent work permit shall be granted for a definite period of time notwithstanding the time limits specified in this article.

Foreigners who can be granted exceptional work permit are specified in Article 16.

ARTICLE 16- (1) In accordance with the international labour policy determined by the Ministry, exemptions regarding the implementation of articles 7, 9 and 10 of this Law can be granted to the foreigners who are;

a) Evaluated as qualified labour according to their education, wage, professional experience, contribution in science and technology and similar traits,

b) Evaluated as qualified investor according to their contribution in science and technology, investment or export level, size of the employment they will provide and similar traits,

c) Employed in a project carried out in Turkey for a temporary period,

ç) Reported to be of Turkish origin by the Ministry of Internal Affairs or Ministry of Foreign Affairs,

d) Citizen of the Turkish Republic of Northern Cyprus,

e) *Citizen of an EU member state,*

f) *Holder of international protection status, conditional refugee status, temporary protection or stateless or human trafficking victim who are benefiting from victim support process in accordance with the Law no 6458,*

g) *Married to a Turkish citizen and living with his/her spouse in Turkey within marriage union,*

ğ) *Working in the representations of foreign states and international organizations in Turkey without diplomatic immunity,*

h) *Coming to Turkey for scientific, cultural, artistic or sportive purposes with international success in his/her field,*

i) *Cross-border service providers.*

Law No. 6735 stipulates authorizations and obligations in work permit and exemption, application procedures and evaluation, and methods of appeal in case of rejection. In addition, the work permit types, the Turkuaz Card (Turquoise Card) for the qualified workforce, the status of the foreigners who are in the scope of international protection, foreigners who will work in free zones, foreign students, foreign engineers and architects.

4. *Information on equal treatment for migrant workers in matters of membership of trade unions and enjoyment of the benefits of collective bargaining.*

Article 17 of the Law on Trade Unions and Collective Labour Agreements No. 6356 entitled “Trade union membership and acquisition of membership” is as below:

“(1) Any person who completes 15 years of age and who is considered as a worker in accordance with the provisions of this Law may join a workers’ trade union

(2) Any person who is considered as an employer within the meaning of this Act may join an employer’s trade union.

(3) Acquisition of membership in a trade union shall be optional. No one shall be forced to be a member or not to be a member of a trade union. No worker or employer shall be a member of more than one trade union in the same branch of activity and at the same time. However, workers who are employed in the same branch of activity but in the workplaces of different employers may be a member of more than one trade union. Where a worker or an employer is a member of more than one trade union as a violation to this provision, their subsequent membership shall be void.

(4) The workers employed in auxiliary works may join the trade union established in the branch of activity covering that workplace.

(5) Trade union membership shall be acquired via e-State, provided that an application for a membership has been filed on the electronic application system of the Ministry via e- State and the authorized organ specified in the statute of the union has approved. The application for membership shall be considered approved if it is not refused by the trade union within 30

days. Any worker whose application is refused without a valid reason shall have the right to apply to the local court having jurisdiction in labour matters within 30 days of receipt of the notification. The decision of the court shall be final. Where the court decides in favour of the petitioner, membership shall be considered acquired on the date the decision of the court has become final.”

In accordance with this provision, there is no discrimination based on citizenship in terms of unionization

5. Information on the restrictions for foreigners regarding buying property and estate.

With the amendment of Article 35 of the Law on Land Register No. 2644, by the Law No. 6302 published in the Official Gazette on 18 May 2017, the application of the reciprocity requirement in the acquisition of real property of foreign real persons in Turkey has been abandoned.

The total area of immovable and the limited, independent and permanent in-kind rights has been enlarged.

Article 19§5:

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

Scope of the provisions as interpreted by the ECSR:

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

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

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In Article 1 of Income Tax Law No. 193, it is stated that income of natural persons is subject to income tax and in Article 2, taxable income is defined. It is also stipulated in Article 3 of the same Law that real people who have settled in Turkey shall be taxed over all of their earnings gained inside and outside of Turkey.

In this context, the earnings and revenues obtained by the foreign nationals settled in Turkey are also subject to income tax. In this respect, earnings gained by foreigners in Turkey who derive fee income, income taxes and wages are taxed under the provisions of the Income Tax Law. There is no different taxation regime in terms of the wage incomes of foreigners. Therefore, there is no regulation in the Income Tax Law to the disadvantage of foreigners (migrants).

In addition, there are some arrangements in favour of children, students, youth, women, disabled and their families in the Income Tax Law and in the Unemployment Insurance Law No. 4447. These regulations are given below:

Pursuant to the Income Tax Law;

- In sub-paragraph (7) of the first paragraph of Article 23, fees given to students, convicts and detainees and funds who work in art schools and institutes, prisons and detention centres, workshops of poorhouses are exempt from income tax.
- In sub-paragraph 16 of the first paragraph of Article 23, 1.014,75 TL of the payments made to the woman service providers through offering day care facilities and nursery as well as to providing day care and nursery service by the employers is exempted from the income tax.
- In Article 20, the earnings up to 75.000 TL which fully responsible real persons for whom a taxpayer's liability for income tax due to his commercial, agricultural or professional activities is established for the first time and in which the full taxpayer has not completed the age of twenty-nine as of the starting date obtained for the three taxation periods starting from the calendar year are exempt from income tax with certain conditions.

- According to Article 32, the wages of the service provider shall be subject to the annual gross amount of the minimum wage applicable to workers over the age of 16 who are working in the industrial sector and which are valid at the beginning of the calendar year; 50% for the taxpayer, 10% for his wife who does not work and has no income; minimum living allowance is calculated as 7,5% for the first two children, 10% for the third child and 5% for the other children.
- Pursuant to sub-paragraph (3) of the first paragraph of Article 63, 50% of the premiums paid by the service provider for the life insurance policies of the wage-owner, his spouse and young children, provided that they do not exceed 15% of the wage earned per month and the annual minimum wage of the wage and all the premium paid by the service provider for the personal insurance policies such as death, accident, health, illness, disability, unemployment, maternity, birth and collections are all discounted.
- Pursuant to sub-paragraph (1) of the first paragraph of Article 89, 50% of the premiums paid to the life insurances of the taxpayer, his spouse and young children by the taxpayers giving annual proclamation provided that they do not exceed 15% of the declared income and the annual minimum amount of the minimum wage, all personal insurance premiums such as accident, illness, health, disability, maternity, birth and collection are deducted from the income tax base.
- Pursuant to sub-paragraph (2) of the first paragraph of Article 89, education and health expenses related to the taxpayer, his/her spouse and young children are deducted from the income tax base provided that the taxpayers who make the annual declaration do not exceed 10% of the declared income.

On the other hand, with the provisional article 21 of the Unemployment Insurance Law, income tax withholding incentive is provided for the wage earners to be implemented for a period of 12 months. However, this period is applied for a period of 18 months for the disabled employees, for the woman employees older than 18 years and for the male employees older than 18 years younger than 25 years.

3. STATISTICS AND OTHER RELEVANT INFORMATION

		2014	2015	2016	2017
Migrant workers (not citizen) Insured under 4/a (Service contract)	Number of Insured	545.646	638.815	658.632	814.103
	Premium Days Paid (Average)	26,76	26,36	26,29	26,06
	Premium Amount Paid (TL- average)	919,96	1.020,58	1.285,37	1.306,74

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF ECSR

Information on the contributions are payable in relation to employment

Tax and contribution premiums on the employment for migrant workers are the same as taxes and contribution premiums on Turkish citizens. On the other hand, the employer pays fees for the work permit of the foreign worker. It should be noted here that the tuition allowance is not paid by the foreign worker and is paid directly by the employer. Therefore, this application does not impose any burden on foreign workers.

Article 19§6:

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

Appendix to Article 19§6

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

Scope of the provisions as interpreted by the ECSR

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Law No. 6458 on Foreigners and International Protection was published in the Official Gazette on 11.04.2013 and entered into force. The purpose of this Law is to regulate the principles and procedures with regard to foreigners’ entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey, and the establishment, duties, mandate and responsibilities of the Directorate General of Migration Management (DGMM) under the Ministry of Interior.

Pursuant to the law, family members include the spouse, the minor child and the dependent adult child of the applicant or the beneficiary of international protection;

Family Residence Permit is stipulated in Article 34 and Family Residence Permit in Article 35 of the Law. The relevant articles are listed below with the amendments:

Family residence permit

ARTICLE 34 –

*(1) A family residence permit for a maximum duration of **three years** at a time may be granted to the:*

(With the 27th Article of the Law No. 6735 dated 28/7/2016, the expression of “two years” was changed to “three years” in this article.)

a) foreign spouse;

b) foreign children or foreign minor children of their spouse;

c) dependent foreign children or dependent foreign children of their spouse;

of Turkish citizens, persons within the scope of Article 28 of Law № 5901 or, foreigners holding one of the residence permits as well as refugees and subsidiary protection beneficiaries. However, the duration of the family residence permit cannot exceed the duration of the sponsor's residence permit under any circumstances whatsoever.

(2) In cases of a polygamous marriage pursuant to the regulation in the [foreigner's] country of citizenship, only one of the spouses shall be issued a family residence permit. However, a family residence permit may be granted to the foreigner's children from other spouses.

(3) For family residence permits issued to children, if any, the consent of the mother or the father who lives abroad and who shares custody shall be sought.

(4) Family residence permits shall entitle the holder right of education in primary and secondary educational institutions until the age of 18 the without obtaining a student residence permit.

(5) Any person reaching the age of 18 who has immediately before resided in Turkey for a minimum of three years on a family residence permit may, upon application transfer to a short-term residence permit.

(6) In the event of divorce, a short-term residence permit may be issued to a foreign spouse of a Turkish citizen, provided that [he or she] resided on a family residence permit for at least three years. However, in cases where it is established by the relevant court that the foreign spouse has been a victim for reasons of domestic violence, the condition for three years residence shall not be sought.

(7) In the event of the death of the sponsor, a short-term residence permit may be issued without any [minimum residing] time condition attached to those who have resided on a family residence permit in connection with the sponsor.

Conditions for family residence permits

ARTICLE 35 –

(1) With regard to family residence permit applications, the following conditions shall apply to the sponsor to:

a) have a monthly income in any case not less than the minimum wage in total corresponding not less than one third of the minimum wage per each family member;

b) live in accommodation conditions appropriate to general health and safety standards corresponding to the number of family members and to have medical insurance covering all family members;

c) submit proof of not having been convicted of any crime against family during the five years preceding the application with a criminal record certificate;

ç) have been residing in Turkey for at least one year on a residence permit;

d) have been registered with the address based registration system.

(2) Subparagraph (ç) of the first paragraph shall not apply to holders of residence permit or work permit for the purposes of scientific research; who are within the scope of Article 28 of Law № 5901; or foreigners who are married to Turkish citizens.

(3) The following conditions shall apply to foreigners applying for a family residence permit to stay with a sponsor in Turkey:

a) to submit information and documents that they are within the scope of paragraph one of Article 34;

b) to assert that they live or intend to live together with those persons listed in paragraph one of Article 34;

c) not to have entered into the marriage for the purpose of obtaining a family residence permit;

ç) to be over 18 years of age for each spouse;

d) not to fall within the scope of Article 7.

(4) The conditions set forth in first paragraph of this Article may not be sought for refugees and subsidiary protection beneficiaries who are in Turkey.

Refusal, cancelation or non-renewal of family residence permits

ARTICLE 36 –

(1) Under the following cases a family residence permit shall not be granted, shall be cancelled if has been issued, and shall not be renewed when:

a) conditions set out in paragraphs one and three of Article 35 are not met or no longer apply;

b) short-term residence permit [application] is refused when the conditions for obtaining a family residence permit no longer apply;

c) there is a valid removal decision or an entry ban to Turkey in respect to the foreigner;

ç) it is determined that the family residence permit is used for purposes other than of those it is issued for;

d) (Abrogated: 28/7/2016-6735/27 art.)

(The provision for a stay abroad for more than one hundred and twenty days over the past year has been repealed.)

(2) (Annex: 28/7/2016-6735/27 article) Procedures and principles regarding the cancellation of residence permit in terms of duration of stay abroad are regulated by Regulation

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

1. Information on the application procedure, and how long it can take to be granted a permit

Article 35 of the Law No. 6458 on Foreigners and International Protection has determined the conditions required by the sponsor. In paragraph (ç) of the first paragraph of the relevant Article; there is a provision that “Staying in Turkey for at least one year with a residence permit.”

The mentioned condition is not stipulated for the foreigners who want to be sponsor having a residence permit in Turkey; foreigners who have refugee and secondary protection status and the foreigners counted (specified) in Article 28 of Law No. 5901, foreigners having residence permit for the scientific research purposes and foreigners having work permit according to paragraph 2 of Article 35 of the Law No. 6458.

In order to conclude the application of residence permit applications more quickly and effectively, applications are made via e-residence system. Foreigners are required to apply to one of the types of residence permits mentioned in Article 30 of the Law through e-Residence system. In the event that the foreigner meets the requirements who applied with the documents (valid passport, legal entry-exit, valid health insurance, income statement, etc.) required by the Provincial Directorate of Migration Management in the province on the date and time of the appointment, the application for residence permit can be evaluated.

Article 21 of the related Law stipulates that applications for the residence permit shall be concluded within 90 days.

2. Information on the minimum period of residence before an independent right of residence is granted and right to apply for a new residence permit

Law No. 6458 regulates that foreigners may be legally present in Turkey in accordance with their purpose of stay. In this context, family residence permits are terminated as the family members do not meet family residence permit conditions when the sponsor leaves Turkey. However, it is possible for the related persons to apply to one of the types of residence permit having the required conditions.

Article 30 of the Law stipulates the types of residence permits:

Residence permit types

ARTICLE 30 –

(1) Types of residence permits are the listed below:

a) short-term residence permit;

b) family residence permit;

c) student residence permit;

ç) *long-term residence permit;*

d) *humanitarian residence permit;*

e) *victim of human trafficking residence permit.*

If the person concerned has been residing in Turkey for 3 years with residence permit, he/she is entitled to have an independent residence permit. Foreigners who have family residence permit can also apply for a work permit. Work permit can substitute for a residence permit. In case, work permit has been granted, there is no need to receive resident permit.

Persons who can be granted a short term residence permit are indicated in Article 31.

Short-term residence permit

ARTICLE 31 –

(1) A short-term residence permit may be granted to those foreigners listed below who:

a) arrives to conduct scientific research;

b) owns immovable property in Turkey;

c) establishes business or commercial connections;

ç) participates in on-the-job training programmes;

d) arrives to attend educational or similar programmes as part of student exchange programmes or

agreements to which the Republic of Turkey is a party to;

e) wishes to stay for tourism purposes;

f) intends to receive medical treatment, provided that they do not have a disease posing a public health threat;

g) is required to stay in Turkey pursuant to a request or a decision of judicial or administrative

authorities;

ğ) transfers from a family residence permit;

h) attends a Turkish language course;

i) attends an education programme, research, internship or, a course by way of a public agency;

i) applies within six months upon graduation from a higher education programme in Turkey.

j) (Annex: 28/7/2016-6735/27 article) does not work in Turkey but will make an investment within the scope and amount that shall be determined by the Council of Ministers, and their foreign spouses, his and her minor children or foreign dependent children.

k) (Annex: 28/7/2016-6735/27 article) is citizen of Turkish Republic of Northern Cyprus.

In the event of divorce, a short-term residence permit may be issued to a foreign spouse of a Turkish citizen, provided that [he or she] resided on a family residence permit for at least three years. However, in cases where it is established by the relevant court that the foreign spouse has been a victim for reasons of domestic violence, the condition for three years' residence shall not be sought. In the event of the death of the sponsor, a short-term residence permit may be issued without any [minimum residing] time condition attached to those who have resided on a family residence permit in connection with the sponsor.

In addition, Turkey has also signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 13.01.1999, in force as of 08.07.2004.

3. Information on the health risks may qualify to justify refusal of family reunion

Paragraph 2 of Article 17 of the Regulation on the Implementation of the Law on Foreigners and International Protection states that the disease, which is considered as a threat to public health, is defined as whether the disease is infectious or infectious parasitic diseases with the epidemic potential defined in the Health Regulation of the World Health Organization, as well as whether it is one of the diseases mentioned in the General Hygiene Law No. 1593 of 24/04/1930. The above-mentioned issues are taken into consideration in the operations of the General Directorate.

4. Information on the application of the provision of 35/1 (b) "live in accommodation conditions appropriate to general health and safety standards corresponding to the number of family members"

Within the framework of the Law on Foreigners and International Protection, the foreigners who have a residence permit in Turkey are obliged to provide their address information in Turkey. In this context, in the process of residence permit;

- Notary approved copy of the contract of the foreigners staying with a rental contract,
- Documents showing that the foreigners are staying in hotels and places like hotel,
- E-signed/signed and sealed/stamped document showing that the foreigners are staying in dormitories,
- Notary approved commitment of the foreigner in case he/she stays with another person (except a relative) (the notary approved commitment of his/her spouse in case the person is married) shall be looked for.

5. Minimum wage in the reporting term

The minimum wage is determined by taking into consideration the issues in the Minimum Wage Regulation published in the Official Gazette on 01.08.2004 under the Labour Law No.

4857. The provisions of this Regulation cover all the sectors in which all workers are employed with a service contract, whether covered by the Labour Law No. 4857 or not. According to the Regulation, in the determination of minimum wage, no distinction can be made based on language, race, colour, gender, disability, political thought, philosophical belief, religion and sect and similar reasons. The Commission is established from the persons below under the presidency of one of the members determined by the Ministry;

- a) Director General of Labour or Deputy Director-General of the Ministry,
- b) Director General of Occupational Health and Safety or Deputy Director-General of the Ministry,
- c) Head of the Department of Economic Statistics or Assistant of Head of State Institute of Statistics (Department of Labour, Services, Price Statistics and Indexes)
- d) Representative of the Undersecretariat of Treasury,
- e) The Head of the Office or an official to delegate from the Undersecretariat of State Planning Organization,
- f) Five representatives of the workers' organization with the highest number of employees that it will select for different branches,
- g) Of the five representatives chosen by the employer organization, which has the highest number of employers.

Minimum wage per year:

Period	Net Minimum Wage (TL)
01.01.2014 - 30.06.2014	846,00
01.07.2014 - 31.12.2014	891,03
01.01.2015 - 30.06.2015	949,07
01.07.2015 - 31.12.2015	1.000,54
01.01.2016 - 31.12.2016	1.300,99
01.01.2017 - 31.12.2017	1.404,06

6. Information on whether the calculation of a sponsor's means takes account of any income based on entitlement to social benefits.

The income obtained from social benefits is not taken into account in determining the income status of the foreigner in the residence permit work and transactions. In addition, there is the provision of not having taken social benefit in the last three years in terms of long term residence permit conditions.

7. Information on the procedure for considering applications for family reunion.

Applications for family residence permit are considered within the scope of Article 34 determining the scope of family residence permit and Article 35 which defines the requirements for the sponsor of the Law No. 6458.

In accordance with Article 36, the necessary information is delivered by notification to foreigners whose family residence permit request is refused, cancelled or prolonged. The legal remedies against the decision are also stated in the form notified to the foreigner.

8. Information on obtaining the certificate mentioned in Article 35/1 (b) (Submit proof of not having been convicted of any crime against family during the five years preceding the application with a criminal record certificate)

The judicial registry document can be obtained from their own authorities or Turkish judicial authorities if they stay in Turkey for the last five years.

If obtained from the Turkish authorities, it must be e-signed/signed and stamped/sealed, if not obtained from abroad, a Turkish translation with a notary approval and Apostille are required. In the case of a citizen who is not a party to the Apostille agreement, the approval of that document by the relevant country authorities (consular approval and the Ministry of Foreign Affairs or authorized Turkish Authorities) is required.

9. The procedure for the refusal of the application, notification about the reason and appeal.

“A Notification Form for Those Whose Residence Permit Is Rejected / Non-Extended / Cancelled” is prepared for foreigners in one of Turkish, English, Arabic, Persian and Russian languages whose residence permit request is denied, including the information regarding the reasons for rejecting cancelling or not extending the application. The procedure for appeal against the decision is also provided in the form notified.

Article 19§7:

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

Scope of the provisions as interpreted by the ECSR

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

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

The legal aid system is mainly regulated by the following legislation provisions.

- Law No 6100 on Civil Procedure (12.01.2011)
- Criminal Procedure Law No. 5271 (4.12.2004)
- Attorney's Law No. 1136 (19.03.1969)
- Turkey Bar Association Legal Aid Regulation (Official Gazette Date: 30.03.2004)
- Law No. 6458 on Foreigners and International Protection (04.04.2013), (Article 70, 81)

The scope of civil legal aid is stipulated in Civil Procedure Law No. 6100, Attorney's Law No. 1136 and Turkey Bar Association Legal Aid Regulation

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Refugee Rights Commissions have been established in 10 Bar Associations in Turkey and studies are conducted to solve the problems faced by foreigners in accessing the law.

Turkey Bar Association (TBA) and the United Nations High Commissioner for Refugees (UNHCR) signed a memorandum of understanding including the provision of legal assistance to asylum seekers and refugees in Turkey and envisages joint work.

Interpretation Aid Line in Arabic and Persian languages has been established with the cooperation of TBA and UNHCR in order to provide interpretation assistance for refugees, asylum seekers and persons under temporary protection during the interviews with lawyers and legal aid applications.

The EU-Council of Europe Joint Project "Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards" with TBA has been launched.

In the scope of the "Project on the Promotion of Access to Justice by Refugees, Asylum-Seekers and Persons Granted Temporary Protection in Turkey" carried out by UNHCR with TBA, Şanlıurfa Law Clinic was opened

In the scope of the Legal Assistance Joint Project conducted by TBA, UNHCR and UNDP in 18 pilot provinces, it is aimed to increase the access to legal aid by refugees, asylum seekers and those under temporary protection and various trainings are given to lawyers.

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

1. Information on legal aid provided for foreigners as regards criminal procedure

a. Provision of legal aid to foreigners on equal basis as for a national

According to Article 150 (1) of the Criminal Procedure Code (CPC), entitled “appointment of defense counsel”, “In cases where the suspect or accused declares that he is not able to choose a defense counsel, a defense counsel shall be appointed on his behalf, if he requests such.” No national-foreign distinction has been made with regard to the appointment of defense counsel.

Again, in the relevant articles of the CPC, where a mandatory defense institution is involved, it is stated that the defendant / suspect will be appointed to a defense lawyer without any need for request again with no distinction between nationals and citizens. If the suspect or the accused is a child, a defense lawyer will be appointed in both the investigation and the prosecution phase, without distinction between nationals and citizens.

As to the scope of legal aid, there is no distinction between foreigners and citizens.

b. Provision of free assistance of an interpreter

It is clearly stated in Article 202 of the CPC that an interpreter will be appointed by a judge or a public prosecutor for the suspect/defendant, victim or witness who do not speak Turkish to the extent that he can explain himself during the investigation and prosecution

Interpretation service is provided free of charge at every stage of the trial.

Cases where the presence of an interpreter is required are stipulated in Article 202 of CPC. Accordingly,

“Cases where the presence of an interpreter is required

Article 202 – (1) If the accused or victim of the offender does not speak enough Turkish in order to express himself, the essential points of the accusation and the defense shall be translated by an interpreter appointed by the court.

(2) The essential points of the accusation and the defense shall be explained to the accused or to the victim, who is handicapped, in a manner that they can understand them.

(3) The provisions of the first and second articles are also applicable at hearings of the suspect, victim and witnesses in the investigation phase. The interpreter shall be appointed by the judge or the public prosecutor at this phase

(4) In addition; on

- a) *the explanation of the indictment,*
- b) *the submission of the opinion on the merits,*

the defendant make his oral defense in another language, which he declares that he will express himself better. In this case, the translation services shall be carried out by the interpreter chosen by the accused from the list formed in accordance with the fifth paragraph. The expenses of this interpreter are not covered by the State Treasury. This possibility cannot be abused for the purpose of keeping the proceedings in progress.

(5) Interpreters are selected from the lists annually organized by criminal justice committees of provinces. Public prosecutors and judges can choose not only from the lists created for the province in which they are located, but also from the lists created for other provinces. The procedures and principles regarding the regulation of these lists are determined by the regulation.”

According to the regulation, the accused, the victim and the witness, who cannot express himself can benefit from the interpreter, without the distinction between nationals and citizens.

On the other hand, in the fifth paragraph of Article 324 of the CPC No.5271, titled *Trial costs*, it is stated that: “The expenses of the interpreter assigned to the suspects, defendants, victims or witnesses who do not know Turkish or are disabled shall not be considered as judicial expenses and shall be borne by the State Treasury.”

2. *Provision of free legal aid to foreigners in respect of the civil procedure and explanation about the principle of reciprocity regarding civil procedure*

According to Article 334 of the Code of Civil Procedure No. 6100, titled *The persons who will benefit from the legal aid*, persons who are deprived of the power to pay partly or all of the costs of a trial or follow-up without incurring a significant incapacity to pay for themselves and their families, can benefit from legal aid, in their claims and defenses, their request for temporary legal protection and enforcement proceedings, provided that their claims are not clearly devoid of basis. The ability of foreigners to benefit from legal aid is also subject to reciprocity. Accordingly, for the proof of the fact that Turkish citizens can benefit from legal aid in the country of the migrant worker who requests legal aid in Turkey, bilateral or multilateral international treaties or relevant country's laws can be submitted as well as the proof of the relevant practices.

However, although Article 334 (3) of the Code of Civil Procedure states that foreigners can benefit from legal aid on the condition of reciprocity, foreigners are considered to be disadvantaged and thus benefit from legal aid regardless of the reciprocity principle.

Local Courts shall have the right to an effective remedy before a national authority under Article 13 of the European Convention on Human Rights and to the enjoyment of the rights and freedoms set forth in Article 14 of the Convention, requests for legal aid from foreigners are accepted by stating that any discrimination based on religion, political or other convictions, national or social origins, belonging to a national minority, non-discrimination based on any other situation, especially wealth and birth should be provided.

Local Courts, accept the legal aid requests of foreigners indicating that, *everyone whose rights and freedoms as set forth in the Convention are violated shall have an effective remedy before a national authority according to Article 13 of the European Convention on Human Rights and the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status according to Article 14 of the same Convention.*

Under the Attorney's Law, access to legal aid is provided through judicial assistance without discrimination between citizens and foreigners.

3. Information on the possibility for foreigners to have legal aid in administrative proceedings.

As mentioned above, the foreigners are informed about administrative cases by the lawyers assigned in the scope of legal aid and the cases about foreigners are followed by the lawyers assigned. Notifications by the courts are delivered to the foreigners themselves, if they are not represented by a proxy.

Administrative jurisdiction is the branch of jurisdiction where conflicts arising from the actions and operations of the administration are solved. Administrative jurisdictions are organized in three degrees in Turkey. The administrative judiciary is regulated in the Law on the Council of State No. 2575, Law on the Establishment and Duties of the Administrative Courts, District Administrative Courts and Tax Courts No. 2576 and Administrative Procedure Code No. 2577. The courts of first degree (administrative and tax courts) are the first to be applied when a dispute arises with the actions and procedures of the administration. The District Administrative Courts are the upper courts which re-examine and decide the final decisions of the first degree courts.

The Council of State is an appeal body in the administrative judiciary, the highest court and the decision-making body. Decisions made by the court of first degree can be appealed to the Council of State after the review of appeals by district administrative courts. The Council of State approves the decision if it finds it lawful according to the results of the examination. The Council may also reverse the judgment in case of jurisdiction out of duty and authority of the court, unlawful decision and errors or deficiencies which may affect the decision in the application of procedural provisions.

4. Information concerning the provision of free legal assistance and interpretation, if need be, in civil, administrative and criminal proceedings

a) Civil procedure: As mentioned above, the provisions of the Code of Civil Procedure regarding legal aid can be used by foreigners, migrant workers. The related articles of the law are as below.

“Article 335 “The scope legal aid”

(1) The decision of legal aid provides the following to the respective person:

a) Temporary exemption for all litigation and enforcement costs which will be made.

b) Exemption for posting guarantee for litigation and enforcement costs.

c) Payment of all necessary costs needed to be made during litigation or enforcement proceeding by the State as an advance payment.

ç) Hiring a lawyer on the condition that his fee shall be paid later, if the case needed to be followed by a lawyer.

2) The court may also decide for the beneficiary to enjoy some of those above stated rights.

(3) Legal aid continues till the judgment of the court becomes final.

Article 336 “Request for legal aid”

(1) Legal aid shall be requested from the court where the actual demand or case shall be decided and from the Execution Court where the proceeding shall be followed, in cases of execution and bankruptcy proceedings.

(2) The applicant has to submit to the court a summary of his claim, and the evidence to which he will base his claim, together with the documents relating to his financial status showing that he cannot afford the trial costs.

(3) Request for legal aid at the time of application for remedies is made to the District Court of Justice or the Supreme Court.

(4) All documents on the request for legal aid are free of all kinds of fees and taxes.

Article 337 “Examination of the request for legal aid”

(1) The court may decide on a request for legal aid without a hearing. However, in case of demand, the examination is held in a hearing. The reason for not accepting the information and documents presented is clearly stated in the court decisions regarding the rejection of legal aid requests.

(2) Against the decisions concerning the refusal of legal aid, an appeal can be made by a petition, within a week from the date of notification. The court, whose decision was challenged, sends the file to the following number of department of the civil court that examines the requests for legal aid, if it has more than one department. For the last numbered department, sends the file to the first department and the nearest court which is assigned for the same works if there is a single department. The decision given as a result of the appeal is final. If the request for legal aid is refused, it can be requested again, based on a substantial reduction in the ability to pay.

(3) Legal aid does not cover the costs of the previous proceedings.

Article 338 “Termination of the decision of legal aid”

(1) The legal aid can be terminated if it comes forth that the applicant has submitted wrong information about his financial status as a result of intentional conduct or gross negligence or if it is determined that financial status of the applicant has adequately improved later on.

Article 339 “Collection of deferred trial expenses by legal aid”

(1) All judicial expenses, which are postponed due to legal aid decision, and advances paid by the State shall be collected from the person who is unjustified at the end of the case or follow-up. If the person benefiting from legal aid is unjustified, it may be decided to pay the court expenses in equal monthly installments if deemed appropriate.

(2) If it is clear to the court that the collection of the costs of legal aid paid or exempted by the State for the legal aid will result in the victimization of the beneficiary, the court may decide to exclude the payment in whole or in part from the payment.

Article 340 “Payment of the attorney's fee, appointed by legal aid decision”

(1) The fee of the attorney appointed by the bar at the request of the court for the person benefiting from legal aid is paid from the State Treasury as trial costs.”

There is no distinction between foreigners and Turkish citizens in Turkey regarding the scope of legal aid.

The trial shall be made in Turkish as the official language in Turkey is Turkish according to the 1982 Constitution, if the parties do not speak Turkish, they can argue or defend by written or oral means through an interpreter.

On the other hand, there is no need for an interpreter to be appointed if the party has a deputy who has the knowledge of the language of the court and does not have to attend the trial personally.

b) Criminal procedure: Since the investigation and prosecution procedures were carried out by the public prosecutors and the courts ex officio in general, the issue of legal aid has not been regulated in the Code of Criminal Procedure No. 5271, in detail as the provisions of the Code of Civil Procedure. However, the suspect, the accused, the victim of crime and the complainant law can benefit from the services of a lawyer or an attorney, in the presence of the conditions specified in the law.

In terms of translation, the relevant provision, Article 202, is explained above.

c) Administrative procedure: As per Article 31 of the Administrative Procedure Code No. 2577, the provisions of the Code of Civil Procedure mentioned above shall be applicable in terms of legal aid, the provisions of the above-mentioned Code of Civil Procedure apply equally to the administrative proceedings.

In addition, Articles 27 and 52 of the Administrative Procedure Code, concerning the legal aid, it is stipulated that the decision to suspend the execution will be given against the collateral but no guarantee will be obtained from the persons benefiting from the administration and legal aid.

Article 19§8:

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

Scope of the provisions as interpreted by the ECSR:

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

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

Law No. 6458 has been amended by Articles 35, 36 and 37 of the Decree Law No. 676 of 03.10.2016, with aim to prevent foreign terrorists to create a threat to public order and security prevent their stay in Turkey.

Article 35- Article 53 of the Law on Foreigners and International Protection (Law No: 6458), the third paragraph after the phrase “in case”, it was added “except in the scope of subparagraphs (b), (d) and (k) of the first paragraph and the second paragraph of Article 54.

Article 36- The following paragraph has been added to the first paragraph of Article 54 of Law No. 6458 and the second paragraph of the same article has been amended as follows: “(k) are evaluated as being associated with terrorist organizations which have been defined by international institutions and organizations.” “A removal decision may be issued at every stage of international protection proceedings in respect of international protection applicants or international protection beneficiaries who are evaluated as being within the scope of (b), (d) and (k) subparagraphs of the first paragraph of this Article.”

B. RESPONSES TO THE FURTHER INFORMATION REQUESTS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS***1. Information on the factors considered when deciding deportation***

The provisions of Articles 52 to 60 of Law No. 6458 regulate deportation-related works and procedures. It is clearly stated which foreigners will be deported, in Article 54 titled “Persons subject to a removal decision”.

However, it should be noted that even though it is within the scope of Article 54, the foreigners within the scope of the principle of non-refoulement are not sent to any country where their lives and / or liberties are threatened, stated in Article 4 of the Law.

On the other hand, the foreigners in the scope Article 55 title “Exemption from removal decision” cannot be deported, even if they fall in the scope of any paragraph of Article 54 the entry into any of the articles within the scope, the deportation decision is not deported. a humanitarian residence permit is issued for foreigners considered to be in the scope of the

subparagraphs (a), (b) and (c) of paragraph 1 of the said Article according to Article 57 of the Regulation on the Application of the Law on Foreigners and International Protection.

“Exemption from removal decision

ARTICLE 55 – (1) *Removal decision shall not be issued in respect of those foreigners listed below regardless of whether they are within the scope of Article 54:*

a) when there are serious indications to believe that they shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned to;

b) who would face risk due to serious health condition, age or, pregnancy in case of travel;

c) who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life threatening health condition;

ç) victims of human trafficking, supported by the victim’s assistance programme;

d) victims of serious psychological, physical or sexual violence, until their treatment is completed.

(2) Assessment within the scope of the first paragraph shall be made on case by case basis. These persons may be asked to reside at a given address and report to authorities in form and periods as requested.”

2. *Information on the practice of expulsion on grounds of public health.*

According to subparagraph 1 (d) of Article 54 titled “Persons subject to a removal decision”, a removal decision shall be issued in respect of those who “pose a public order or public security or public health threat.”

In this context, foreigners who have infectious diseases confirmed by the full-fledged hospital reports are deported under Article 54. However, it should be noted that according to Article 55, paragraph 1, item (b) of the Law, foreigners “who would face risk due to serious health condition, age or, pregnancy in case of travel” are not deported.

3. *Information on deportation on grounds of threat to public order or security*

a. Possibility of deportation on grounds of threat to public order or security, for the persons not convicted.

After the amendments made with the Decree Law No. 676 dated 29.10.2016, in cases where there is no automatic interruption in cases against foreigners' deportation, the persons may apply to the Constitutional Court. In this context, the Constitutional Court works almost as a court of first degree and takes a decision of injunction; deportation stops the same day.

b. Assessment of the crime by the Directorate

Following the judicial proceedings of foreigners, they are brought to Provincial Directorates of Migration Management and evaluated whether they will be deported. After the termination of the detention of foreigners who were arrested by the decision of the judicial authorities and after the completion of the judicial proceedings of the foreigners for whom the judicial authorities take the decision of there is no need for prosecution, foreigners are brought to the

provincial directorates administration and the evaluation is made on whether or not they will be deported.

The assessment is made according to the criteria such as whether there is a national and / or international search warrant for the foreigner, data contained in the official documents held by law enforcement officers, whether he was convicted of any crime before.

4. Explanation regarding the (abolished) Law No. 5683, Article 21 and deportation of stateless persons

As indicated in Article 124 of Law on Foreigners and International Protection No. 6458 dated 11.04.2013, The Law on the Residence and Travel of Foreigners in Turkey No. 5683 dated 15.07.1950 has been abolished.

The provision in Article 51 of the Law No. 6458 is valid.

“Rights and guarantees granted to stateless persons

ARTICLE 51 –

(1) Persons holding a Stateless Person Identification Document:

a) may apply to obtain any of the residence permits set out in this Law;

b) shall not be deported unless they pose a serious public order or public security threat;

c) are not be subject to the reciprocity requirement sought in procedures concerning foreigners;

ç) are subject to the provisions of the Law № 4817 in activities and actions regarding work permit;

d) are entitled to the provisions of Article 18 of the Law No 5682.”*

*(*5682/18: About “for foreign persons” sealed passports)*

Article 19§9:

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

Scope of the provisions as interpreted by the ECSR

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

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

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

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

Information regarding the question whether there are any restrictions on the transfer of movable property of a migrant worker.

According to the provisions of Article 4 of the “Decree No. 32 on The Protection of the Value of Turkish Currency”:

- foreign exchange imports and foreign currency export is free. (subparagraph (a))
- For the resident persons in Turkey, it is free to hold foreign currency, to buy/sell currency from/to the banks, authorized establishments, PTT, precious metal intermediary companies and institutions abroad authorized to exchange foreign currency, to keep foreign currency in foreign currency accounts, use as effective and as savings in the banks in Turkey and abroad. (subparagraph (b))
- For the residents in Turkey and residents abroad, it is free to transfer foreign currency abroad through banks. (subparagraph (e))

In the scope of foreign exchange legislation, there is no restrictive provision for the residents in Turkey regarding transferring foreign currency to abroad and transfer of foreign currency to their accounts from abroad through banks. Migrant workers are able to transfer their earnings and savings to their countries through banks.

Article 19§10:

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

Scope of the provisions as interpreted by the ECSR

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

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

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

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Foreigners who want to work by establishing their own workplace in Turkey can apply for a work permit and work after obtaining it. In case foreigners want to work on their own names and accounts by opening a business, they can apply to the Ministry of Family, Labor and Social Policies in order to obtain a work permit after the completion of the establishment of the workplaces in the relevant authorities (such as the establishment of the business register or in the registration office and obtaining a tax number). It is obligatory for the foreigners who have been granted a work permit as a result of the evaluation to be carried out by the Ministry, to apply for business and working license to the relevant municipalities together with their permit.

In paragraph (c) of Article 6 of the Law No. 5510 entitled Those Deemed Non-Insured, it is stipulated that those working as self-employed on their own behalf and account in Turkey and residing abroad and subject to social security legislation of that country shall not be deemed as insured. In this context, the following are deemed as insured pursuant to paragraph (b) of Article 4 of the Law, reserving the provisions of social security agreements:

- Those residing in Turkey and work with their own name and account, irrespective of whether they are subject to the social security legislation of foreign countries.
- Those having tax liability in Turkey with their own name and account but without insurance according to legislation of their country, regardless of whether they reside in Turkey.

The right of foreigners to enjoy trade union rights is the same with Turkish citizens and there is no different practice.

3. STATISTICS AND OTHER RELEVANT INFORMATION

		2014	2015	2016	2017
Migrant workers (not citizen) Insured under 4/b (self-employed)	Number of Insured	68.049	97.215	141.591	216.976
	Premium Days Paid (Average)	n.a.	29,86	29,89	29,76
	Premium Amount Paid (TL- average)	397,61	437,88	564,77	586,61

Article 19§11:

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

Scope of the provisions as interpreted by the ECSR

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

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

The educational services to be provided are set to certain standards and secured by Ministry of National Education's Circular No. 2014/21 dated 23 September 2014, with the title "Educational Services for Foreigners". The circular titled "Education Services for Syrian Citizens under Temporary Protection in Our Country" dated 26 September 2013, which was enacted for the education of Syrians who obtained the right to education with temporary protection status, was further expanded.

Circular No. 2014/21 covers all foreigners registered in Turkey, regardless of their status. According to the Circular, education services for the foreign students in Turkey are carried out by the Ministry of Education and Provincial Commissions. Within the provincial Directorates of National Education, under the chairmanship of one deputy manager or branch manager, the Commission consists of the following: At least one manager from all types and levels of educational institutions, a foreign language teacher or a translator who is capable of having an interview with foreign students, one authorized person seen as necessary by the Governor from Provincial Directorates of Migration Provincial Directorate of Security, Provincial Directorate of Disaster and Emergency, Provincial Office of Mufti, provincial Directorate of Family and Social Policy, Provincial Directorate of Health and the training coordinators in the provinces where Temporary Training Centres are located.

In order to facilitate the integration of foreign people in Turkey, a Cooperation Document was signed between the General Directorate of Lifelong Learning of the Ministry of Education and Directorate General of Migration Management of the Ministry of Interior on 25.04.2016.

In this context, it is aimed to organize Turkish language courses, integration courses and vocational and social skills training courses for foreigners in Turkey and certification of the successful attendees, in the cooperation of General Directorate of Lifelong Learning and DGMM.

In the scope of the Cooperation Document, foreigners benefiting from the services of Provincial Directorates of Migration Management are informed about the courses and directed to the Public Education Centers.

Students under Temporary Protection:

An instruction letter was sent to the Governorships on 21.11.2016, regarding the students who are under temporary protection pursuant to the Law No. 6458 on Foreigners and International Protection, and studying in schools affiliated to General Directorate of Secondary Education of the Ministry of National Education.

- Making additional programs related to Turkish language learning (based on the decision of the Board of Education dated 04.08.2016 and No. 58),
- Providing adaptation programs and compensatory trainings for the students who are placed in the intermediate grades according to the equivalency,
- Allowing the selection of elective courses to be able to learn their own language,
- Meeting the need for classrooms and teachers in these schools with priority,
- Taking action for transfer of the students in a timely manner in accordance with the legislation.

In order to compensate for the deficiencies of the foreign students (Syrians) studying in the schools affiliated to the Ministry of Secondary Education, compensatory trainings are made within the framework of the letter sent to the Governorships on 06.01.2017

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In the framework of the Cooperation Document signed between the General Directorate of Lifelong Learning of the Ministry of Education and Directorate General of Migration Management of the Ministry of Interior, to facilitate the integration of foreign people in Turkey, foreigners are directed to free Turkish language courses to in the adult education centers of the Ministry of Education, free of charge. In schools, additional Turkish lessons are given to the students.

Students under Temporary Protection:

- With Prime Minister's approval of Prime Ministry Presidency of Turks Abroad and Related Communities dated 21.09.2017 and No. 661, foreign students (foreigners who have been forced to leave their country, who cannot return to the country they are separated, come to our borders or have been taken under temporary protection, for the purpose of emergency and temporary protection) who are enrolled in secondary schools under the Ministry of Education and continue their education are allowed to benefit from the school hostels.
- Within the scope of the project titled “Integration of Syrian Students into Turkish Education System” information meetings were held for Syrian families between 20 November 2017 and 13 December 2017 in 23 provinces.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Statistics available are provided in Section B.

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

1. Language courses for the foreigners, including children and adults

Turkish language education is provided to the children of migrant workers in formal and non-formal education institutions and the workers themselves and adults their families in Adult Education Centers.

Circular No. 2014/21 covers all foreigners registered in Turkey, regardless of their status.

In addition, special provisions for those under temporary protection are also included in this Circular. Within the scope of this circular, in order to ensure the attendance to school for Syrian and all foreign children and young people, conditional education support is provided to those in need, and stationary and clothing assistance as well. Projects are carried out in cooperation with various local, national and international organizations in order to meet the educational needs of Syrian and other students in need. In addition, personnel have been employed for teaching Turkish within the scope of Project for Supporting the Integration of Syrian Children into Turkish Education System (PICTES) by Ministry of Education, funded by the EU. Within the same project, compensation and support courses and material support to schools are provided.

2. Statistical data concerning Turkish language teaching

Turkish Language Teaching for Foreigners (A1,A2,B1)					
Years	Total Trainees	Male	Female	Those who got certificate	
				Male	Female
2014	1.445	181	1.264	143	707
2015	46.874	18.567	28.307	12.876	18.591
2016	87.357	37.745	49.612	24.579	33.020
2017	55.699	21.024	34.675	11.679	20.415
2018	52.720	20.008	32.712	8.319	13.702
Total	244.095	97.525	146.570	57.596	86.435

Turkish Language Teaching for Foreigners- Ages 6-12 (Level 1, 2, 3)					
Years	Total Trainees	Male	Female	Those who got certificate	
				Male	Female
2017	19.826	9.999	9.827	5.393	5.336
2018	23.639	12.240	11.399	4.190	4.088
Total	43.465	22.239	21.226	9.583	9.424

Turkish Language Teaching for Foreigners – Ages 13-17 (Level 1, 2, 3)					
Years	Total Trainees	Male	Female	Those who got certificate	
				Male	Female
2017	3.053	1.455	1.598	880	1.086
2018	8.829	4.307	4.522	1.461	1.793
Total	11.882	5.762	6.120	2.341	2.879

There are 204 private courses in Turkey which provide Turkish language teaching to foreigners.

3. Information regarding the scope of the Law on Foreigners and International Protection, the protocol of cooperation of 2016 and the circular on “Education and Training Services for the Foreigners” of 2014.

The Law on Foreigners and International Protection (2013), the Circular “Educational Services for Foreigners” (2014) and the cooperation protocol are for all foreign nationals in Turkey.

Article 19§12:

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

Scope of the provisions as interpreted by the ECSR

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

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

The educational services to be provided are bound to certain standards and secured by Ministry of National Education's Circular No. 2014/21 dated 23 September 2014, with the title "Educational Services for Foreigners".

This Regulation has been prepared on the basis of the Law No. 2257 on the Approval of the European Convention on the Legal Status of Migrant Workers and the Law No. 4058 on the Approval of the Convention on the Rights of the Child. It covers the citizens of another Party, who are allowed to stay in another Party for a paid job.

According to the regulation, National Education Directorates provide the following in case of application;

- a. The Directorate registers the students in the closest school to their residences, which is equivalent to the school/department/program in which they continued in their countries, within the possibilities.
- b. It enables students to benefit from the educational opportunities offered to children of Turkish nationals.
- c. It takes necessary measures to teach Turkish language to the students who do not speak Turkish.
- d. Organizes courses for the teaching of their mother tongue, within the possibilities.
- e. The Directorate provides migrant workers to benefit from Turkish Language Courses through non-formal education and Skills Training Courses through vocational training.

Students benefit from the scholarship opportunity available to students of Turkish Nationality under the same conditions in line with the principles of reciprocity.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The Ministry of National Education of the Republic of Turkey is responsible for everyone living in Turkey to benefit from education services and to be benefitted. In this context, in line with Primary Education and Training Law No. 222, Basic Law of National Education No. 1739 and the Law on Foreigners and International Protection No. 6458 and with reference to the regulations of the Ministry of National Education, education and training services for the foreigners were regulated with the Circular No. 2014/21.

In the scope of private schools and language teaching, pursuant to Article 5 of Private Education Institutions Law No. 5580, it is possible for private or legal persons who are foreign nationals to open international private education institutions for the education of the children of the foreign nationals in Turkey for diplomatic, sportive, cultural or other reasons. Only foreign students are allowed to attend these schools, and the certificate from the competent authority, indicating the acceptance of equivalence of the program to be followed by the school by the respective country or countries is required in the opening of the school.

In addition, pursuant to Article 13 of Law No. 5580, foreign nationals not to exceed thirty percent of the number of Turkish nationals can enroll to Turkish private schools. In this context, every foreigner who has a residence permit has the opportunity to attend private international schools or private Turkish schools in accordance with the quota. If the student is attending a private international school that implements the program of his/her own country, he/she will not have any problems in the native language education as the education will be equivalent of the program followed in the country of origin.

Temporary education centers provide education in Arabic also. In addition, in accordance with the Regulation on Preschool and Primary Education Regulation and Regulation on Secondary Education Institutions, foreign students can take elective Arabic as a foreign language in official schools. In order to improve the quality and effectiveness of guidance and special education services provided to Syrians under Temporary Protection Status, a Guidance on Guidance Services for Individuals under Temporary Protection and a Guidance on Special Education Services for Individuals under Temporary Protection were prepared and distributed to all guidance and special education teachers in order to guide the planned work.

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

1. Information on how in practice the legislation is implemented in respect of migrant workers and their families, other than those under international protection.

The Law on Foreigners and International Protection (2013), The Circular on Education Services for Foreigners No. 2014/21 (2014) and the cooperation protocol are for all foreign nationals in Turkey.

In accordance with the regulations made through Ministerial Consent dated 16.11.2017 on the education of children who do not have a residence permit and who do not have an identification number for any reason in Turkey, they were provided to benefit from the education services. Legislative studies on the issue are continuing.

2. Information on the teaching of the migrant workers' languages

- ***Most represented languages among migrant workers.***

The most represented language spoken by immigrants outside the Arabic language is the English language.

- ***Services are available for the workers who wish to teach of their mother-tongue to their children.***

Migrants who want their children to learn their mother tongue can benefit from Formal and Non-formal education institutions and Temporary Education Centers.

Migrants are directed to the Schools and Public Education Centers for learning their language.

3. Information on whether the teaching of other languages than Turkish or Arabic takes place within the framework of bilateral/reciprocal agreements.

Language teaching is carried out in all educational institutions within the Ministry of National Education. According to the Weekly Course Schedule of Primary and Secondary Schools; foreign language courses (English, Arabic, German or French) are compulsory for grades 2-8. Courses on the languages accepted by the decision of the Council of Ministers (English, German, French, Arabic, Spanish, Italian, Japanese, Russian, Chinese etc.) are elective for grades 5-8 in secondary schools.

In addition, in the context of the course of Living Languages and Dialects in secondary schools, Kurmanci, Zazaki, Adıgece, Abaza, Laz, Georgian, Bosnian and Albanian courses can be selected by the students.

ARTICLE 27. THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT

Article 27§1:

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake

1. to take appropriate measures:

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

Appendix to Article 27

It is understood that this article applies to men and women workers with family responsibilities in relation to their dependent children as well as in relation to other members of their immediate family who clearly need their care or support where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. The terms “dependent children” and “other members of their immediate family who clearly need their care and support” mean persons defined as such by the national legislation of the Party concerned.

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The following provision has been added to Article 74 of the Labor Law N° 4857 entitled "Working during Maternity and Nursing Leave (**Add. Para. 29/1/2016-6663/22 Art.**): For the purpose of caring and raising of the child, an unpaid leave as long as the half of required weekly working hours for 60 days at the first birth, 120 at the second and 180 for the ensuing births is granted to women provided that her child(ren) are alive and to men and women workers who have adopted a child who hasn't turned three yet as from the end of maternity

leave given after the birth as per the first paragraph " (Additional paragraph: 29/01/2016-6663 / 22th Art.) In case of multiple births, thirty days are added to these periods. If the child has been born with disabilities, this period is applied as three hundred and sixty days. During the period when these are used, provisions concerning nursing leave are not applicable."

The Law No. 6663 on Amendments to the Income Tax Law and Certain Laws which entered into force as of 10 February 2016 contains the following provisions in relation to regulating personal benefits of women employees and parents.

- **It has been ensured that the time period spent during unpaid leave of civil servants in relation to birth is assessed in grade and rank progress of salary basis for retirement and active service period.**
- **Arrangement of paid part-time leave rights concerning a new birth**
 - With the recent regulation, the possibility has been introduced to use part-time leave for 2 months for the first child, 4 months for the second child and 6 months for the third child and the following ones, provided that the child is alive as from the end of maternity leave.
 - One month is added to these periods in multiple births.
 - In case of disability of the child, the right to 12 months paid part-time leave is granted.
 - The remuneration for the civil servants and the retirement pension premiums during their leaves are paid by their institutions.
 - The remuneration and premium payments for the workers are paid by their employer.
 - The daily allowance for half-time working during leave; is as much as the gross amount of the daily minimum wage and are paid from the unemployment fund to the employee.
 - Civil servants and workers may get their existing unpaid maternity leave started at the end of their paid part-time working.
- **Regulating part-time working rights of working parents**
 - Until the child reaches the obligatory primary school age, civil servants and the worker parents are given the right to work part-time for each and every child. In terms of work and human resource planning in the public and private sector, only one parent shall benefit from this right one time for each child.
- **In case of premature birth and/or death of the mother as far as workers are concerned, arrangements on rights of leave**
 - With the recent arrangement, the right to extend the period of maternity leave to the female civil servants as long as the prematurity of the birth.
 - It has been ensured that in case of death of the worker mother at birth or after the birth, the father is also entitled to enjoy the rights of the remaining maternity leave as in the civil servants.

- **The rights to leave for adoptive parents have been regulated.**

- It has been ensured that an adoptive parent is entitled to comparatively enjoy the rights to leave concerning the birth in case of adoption of a child who hasn't yet turned three years old with her/his spouse or individually.

With the Law No. 6663 on Amendments to the Income Tax Law and Some Laws, the secondary legislation arrangements have been made in order to ensure the application unity in the use of leaves to be given to employees due to birth and adoption.

- With **the General Communiqué No. 6 on Public Personnel** which entered into force on 13 April 2016 an arrangement as to the use of leaves concerning birth and adoption of **civil servants**, including halftime leaves, has been made.
- With the "Regulation on Partial Work after Maternity Leave or unpaid leave" which has been put into effect as of 8 November 2016, an arrangement has been regulated on the leaves to be given to the employees concerning birth and adoption.

For the purpose of promoting the corporate child care services in Turkey:

- With the Law No. 6745 on the Support of Project-based Investments and the Amendment to Certain Laws and Decree Laws which entered into force on 7 September 2016, it has been ensured that;
 - With additions in Article 20 of the Income Tax Law No. 193 and dated 31 December 1960, private nurseries and day-care centers are held exempt from income tax for the five taxation terms as from the taxation term in which they start up their activities,
 - With additions in Article 5 of the Corporate Tax Law No. 5520 and dated 13 June 2006, private nurseries and day-care centers are held exempt from corporate income tax for the five auditing terms as from the auditing term in which they start up their activities.
- With the "Resolution on Amending the Resolution on the Public Subsidies on Investments No. 2014/6058" and by amending "the Council of Ministers' Decree on Resolution on Public Investments in Investments No. 2012/3305, the possibility to enjoy local supports for nurseries and day-care centers by private sector in their investments of at least 500.000 TL for pre-school education has been provided.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In order to inform parents about the rights to birth-related leave, brochures have been prepared. These brochures have been distributed to all 81 Provincial Directorates of the Ministry of Family, Labour and Social Services.

Under the cooperation protocol signed between the Ministry of Family, Labor and Social Services (MoFLSS) and the Ministry of Industry and Technology and the private sector, the

project titled "My Mother's Work is My Future" was launched in order to establish nurseries in Organized Industrial Zones (OIZ). Within the scope of the project, it is aimed to set up nurseries in 10 OIZs by the end of 2019. For this purpose, the construction of nurseries in the provinces of Adıyaman, Afyonkarahisar, Balıkesir and Malatya OIZs have been completed and started to provide services.

The duties assigned to MoFLSS are fulfilled within the scope of the Development Plan, one of the basic policy documents in Turkey. Within the scope of the 10th Development Plan (2014-2018), which was published in the Official Gazette No. 28699 dated 6 July 2013, drafted in line with Turkey's 2023 Vision, 25 "Priority Transformation Programs" were prepared in order to ensure that the Plan attains its objectives.

MoFLSS is designated as the general coordinating institution in the implementation of the "Labour Market Activation Program", which is one of the Priority Transformation Programs.

The first component of the Priority Transformation Program the coordinating establishment of which is MoFLSS is increasing the participation of women in the labour force and employment, and one of the priorities of this component is the expansion of child, patient and elderly care services. The responsible unit of the said program is the General Directorate of Labour of MoFLSS. In the component action plan prepared by the General Directorate of Labour within the program are 4 policies and 25 measures placed under the responsibility of various institutions.

The National Employment Strategy (2014-2023) includes strategies, policies and measures to be implemented to solve the structural problems and to find a permanent solution to the unemployment problem in the labour market by the year 2023.

The Strategy is based on sector policies with four main policy axes. The main policy axes in the strategy are as follows:

- Strengthening the education-employment relationship.
- Ensuring assurance and flexibility in the labour market.
- Increasing the employment of groups requiring special policy.
- Strengthening the relationship between employment and social protection.

In addition to these basic policy axes, Turkey's growth and development trends are also taken into consideration and sectoral employment policies have been formulated towards the tourism, finance, informatics and healthcare sectors whose potential to grow or whose employment flexibility in function with the growth is high or predicted to be high in the future along with the labour-intensive agricultural, textile and readymade garment sectors where employment capacity is high.

The Main Policy Axis of Increasing the Employability of the Special Policy Groups for the purpose of removing the barriers in the labour force participation and the employment of groups requiring special policy, primarily women, people with disabilities, young people and the long-term unemployed includes detecting, targeting and acting plans for such groups.

The main objective of the Axis is to increase the labour force participation rate of women up to 41 per cent by 2023, and its main policy is to increase the labour force participation rate and employment of women and to combat unregistered employment. Two of the 9 measures included in the axis action plan for the realization of the said policy are in relation to the development of childcare services and they are as follows:

- Legal obstacles in the public sector will be removed in order to expand child care services.
- It will be ensured that private sector is encouraged to promote institutional childcare services.

Within the scope of the strategy, efforts are made with relevant institutions and organizations in order to implement the measures to remove the barriers in women's participation in labour force and employment.

3. STATISTICS AND OTHER RELEVANT INFORMATION

		Indebtmnt for maternity		
		The Insured under 4/a	The Insured under 4/b	The Insured under 4/c
2014	Number of the insured	28.797	1.605	227
	Number of days indebted for (total)	33.929.920	1.412.290	83.796
	Number of days indebted for (average)	1.178	880	369
2015	Number of the insured	49.678	2.293	150
	Number of days indebted for (total)	35.715.167	2.089.186	53.639
	Number of days indebted for (average)	719	911	358
2016	Number of the insured	26.316	1.044	81
	Number of days indebted for (total)	37.152.517	846.009	30.535
	Number of days indebted for (average)	1.412	810	377
2017	Number of the insured	28.574	1.048	27
	Number of days indebted for (total)	38.724.545	843.169	4.869
	Number of days indebted for (average)	1.355	805	180

According to 2017-2018 formal education statistics of the Ministry of Education, there is a total number of 31.246 pre-school education institutions 21.173 of which are kindergarten integrated to primary schools, 10.073 of which are not integrated kindergartens. 24.795 of these institutions are public and 6.271 are private institutions. There are 1.847 private nurseries and daycare nurseries licenced by MoFLSS.

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

1. *Information on the effect of periods of parental leave due to family responsibilities on the pension entitlement conditions and the monthly amount of the pension, in the legislation about pensions*

Insured women working in the public or private sector have the possibility of indebting the time spent on maternity leave three times, provided that the time does not pass by two years

after the date of birth. Persons who apply for indebtedness are entitled to indebtedness on a scale between the highest and lowest limits of daily wage as basis for premiums, provided that they pay the premiums calculated on the basis of 32 % of the daily wage which they choose. As a result, the time period for which they prefer to be indebted are deemed to be of their insured time. Therefore, it is aimed to avoid experiencing difficulties concerning entitlement to retirement or the amounts of their pension.

Within the scope of halftime working allowance in Article 5 of the Law No. 4447 introduced by Article 20 of the Law No. 6663, employees and employers' share of insurance premiums of those benefiting from the allowance is paid from the Fund to the Social Security Institution at a total rate of 32,5% in function with the number of days paid for as the halftime working allowance after birth or adoption on the basis of the lowest limit of earning as basis for the premium defined in Article 82 of the Law No. 5510 in accordance with subparagraphs (a) and (f) of Paragraph 1 of Article 81 of the said Law.

2. Information on the entitlement to other social security benefits as to whether mothers on unpaid parental leave, both public and private sector employees, and fathers on unpaid parental leave in the public sector continue to enjoy the right to all branches of social security, including health.

Mothers working in the public sector keep benefiting from healthcare benefits for one year within the time period of unpaid leave given on her request in addition to the 16-week-long maternity leave. Fathers working in the public sector benefit from healthcare benefits for one year within the time period of unpaid leave given on his request, as well.

Mothers working in the private sector keep benefiting from healthcare benefits for one year within 6 months of unpaid leave given on her request in addition to the 16-week-long maternity leave. No arrangement is yet in place for fathers working in the private sector.

Within the scope of halftime working allowance in Article 5 of the Law No. 4447 introduced by Article 20 of the Law No. 6663, halftime working allowance for the insured benefiting from the allowance is paid from Unemployment Insurance Fund as 32,5% on the basis of the lowest limit as basis for premiums for

- incapacity, old age and survivors' pension
- the Universal Health Insurance.

Article 27§2:

to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

Scope of the provisions as interpreted by the ESCR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The right to part-time working for civil servant and worker parents for each and every child until the child turns the age of compulsory primary education has been introduced with the Law No. 6663 amending the Income Tax Law and certain Laws.

According to additional Article 2 titled "Excused Leave" added to the Labour Law No. 4857 "(Add: 04/04/2015-6645/35 Art.), a paid leave of three days is granted to the worker in such cases as his wedding or his adoption of a child or death of his father or mother, wife, sibling or his child or 5 days in case of his wife's giving birth.

In the Law No. 4857, it is provided that for the purpose of the treatment of the worker's child who is at least 70% disabled or with chronic illness, a paid leave up to 10 days is granted to be used as a whole or in fragments provided that the request is documented by a medical report and the leave is used only by either of the parents.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

With the Regulation on Partial Work for Maternity Leave or Unpaid Leave, which has been put into effect on 8 November 2016, arrangements have been made concerning leaves to be given to workers due to birth and adoption. In this regard;

- Request for part-time work can be made by shortening the unpaid leave period. No condition of total use of the unpaid leave is sought.
- The request for part-time work shall be notified to the employer in writing by the worker at least one month before the right to benefit from such a right.
- On the employee's written request for part-time work, are the date to start working and starting and ending time in case of work all weekdays and days of work chosen in case of work certain days of the week.
- The worker must annex the document indicating that his wife works to the request for part-time work.
- If one of the parents does not work, the working spouse cannot request part-time work. However, the conditions of working parent are not sought;
 - in the event that one of the parents has a condition requiring continuous care and treatment and that this condition is documented with a medical report from a full-fledged hospital or a university hospital,

- if one of the parents has been given the custody of the child by the court, the parent who has the custody submits a request,
 - in case of adoption of a child who has not turned three years of age, yet.
- The above-mentioned requirements of request for part-time work, are only sought at the time of application. In the event that these conditions are lost during part-time work, the right in question continues.
 - The request for part-time work duly made shall be met by the employer within one month from the date of request.
 - The employer shall inform the worker in writing that the request has been met.
 - In case of failure by the employer to respond to the request of the employee within the given time, the request shall become effective on the date specified in the employee's petition or on the first working day following this date.
 - The request for part-time work is not considered as a valid reason for termination of the work contract, provided that the employee starts working on the specified date.
 - The time intervals within the daily and weekly working time chosen for part-time work is determined by the employer, taking into consideration the traditions of the workplace, the nature of work which the worker is performing and the demand of the worker.
 - The employee's divisible benefits concerning wage and money of part-time working employee shall be paid in proportion to the period in which he works.
 - The employee who has started to work part-time may return to full-time work on condition not to enjoy the right for the same child again.
 - The employee who wishes to return to full-time work shall notify the employer in writing at least one month in advance.
 - In the event that the part-time working employee starts working full-time, the employment contract of the employee who he/she replaces terminates automatically.
 - In the event that the employee who starts working part-time terminates his/her employment contract, the employment contract of the employee replacing him/her, converts into a full-time contract of indefinite duration as of the termination date of the employment contract of the former provided that the latter has a written approval on his/her employment contract.

3. STATISTICS AND OTHER RELEVANT INFORMATION

		2014		2015		2016		2017	
Unpaid maternity		Number of the insured	Average time of used unpaid leave (day)	Number of the insured	Average time of used unpaid leave (day)	Number of the insured	Average time of used unpaid leave (day)	Number of the insured	Average time of used unpaid leave (day)
The insured who used unpaid maternity leave	The Insured under 4/a	117.555	26,72	131.431	26,90	139.467	27,04	147.645	27,11
	The Insured under 4/c	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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

1. Information on the right to parental leaves for father employees covered by the Labour Law No. 4857

With the Law No. 6645 on Occupational Health and Safety Law and the Law amending Certain Laws and Decree Laws, it is stipulated that the employee will be granted a five-day-long paid leave if his wife gives birth.

According to additional Article 2 entitled "Excused Leave" added to the Labour Law No. 4857 "(Add: 04/04/2015-6645/35 Art.), a paid leave of three days is granted to the worker in such cases as his wedding or his adoption of a child or death of his father or mother, wife, sibling or his child or 5 days in case of his wife's giving birth. In the Law No. 4857, it is provided that for the purpose of the treatment of the worker's child who is at least 70% disabled or with chronic illness, a paid leave up to 10 days is granted to be used as a whole or in fragments provided that the request is documented by a medical report and the leave is used only by either of the parents.

Additionally, the Regulation No. 29882 dated 8 November 2016 on "part-time working after the completion of maternity leave or unpaid leave" provides for both male and female workers the right to weekly half-time working regardless of gender. In Article 6 of the said Regulation under the title "The right to work as long as the half of working hours", it reads

(1) For the purpose of caring and raising of the child, an unpaid leave as long as the half of required weekly working hours for 60 days at the first birth, 120 at the second and 180 for the ensuing births is granted to female or male workers provided that their child(ren) are alive and to male and female workers who have adopted a child who hasn't turned three yet as from the end of maternity leave given after the birth.

(2) In case of multiple births, thirty days are added to these periods.

(3) If the child has been born with disabilities, this leave period is applied as three hundred and sixty days.

2. Information on the use of parental leave by either parent. Adequate compensation for the worker's loss of earnings during the period of parental leave. Modalities for the said compensation.

Article 74 of the Labour Law No. 4857 stipulating the parental leave is as follows:

Work during Maternity and Nursing Leave

Article 74 - It shall be essential that female workers should not be employed for a period of sixteen weeks in total, eight weeks before and eight weeks after delivery. In case of multiple

pregnancy, such eight-week period before delivery shall be increased by two weeks. If, however, the health condition allows, the female worker may work until three weeks before delivery, if she wishes, upon the approval of the physician. In this case, such worked periods shall be added to the periods after delivery. (Sentence added on 13 February 2011 by Article 76 of the Law No. 6111) In cases where the female worker gives premature birth, the period which could not be used by her and during which she cannot be employed shall be used through addition to the period after delivery. (Sentences added on 29 January 2016 by Article 22 of the Law No. 6663) In case of mother's death during or after delivery, the periods which cannot be used after delivery shall be used by the father. One of the parents or a person adopting a child under the age of three shall be allowed to use a maternity leave for eight weeks as of the week in which the child is de facto delivered to the family.

(Paragraph added on 29 January 2016 by Article 22 of the Law No. 6663) As of the expiry of the maternity leave used after delivery in accordance with the first paragraph, the female worker or a female or male worker adopting a child under the age of three shall be allowed to use unpaid leave, upon their request, for half of the weekly working hours, for a period of sixty days in the first delivery, for a period of one hundred and twenty days in the second delivery and for a period of one hundred and eighty days in the third delivery, for the purposes of caring and raising the child and provided that the child remains alive. In case of multiple delivery, these periods shall be extended for thirty days each. In cases where the child is born disabled, this period shall be applied as three hundred sixty days. The provisions relating to breastfeeding leave shall not apply within the period used in accordance with the provisions of this paragraph.

The above mentioned periods may be prolonged before and after delivery, when required, depending on the health condition of the worker and the nature of the job. Such periods shall be established by a physician report.

Female workers shall be granted paid leave for periodic checks during pregnancy.

The pregnant female worker shall be employed in lighter positions suitable for her health, when required by a physician report. In this case, no discount shall be made in her wage.

The female worker shall be granted unpaid leave for up to six months after expiry of the sixteen-week period, or after the eighteen-week period in case of multiple pregnancy, upon her request. Such period shall not be taken into account in calculating the right of annual paid leave. (Sentence added on 29 January 2016 by Article 22 of the Law No. 6663) Such leave shall be granted to one of the parents or a person adopting a child under the age of three. This period shall be taken into account in calculating the right of annual paid leave.

Female workers shall be granted a breast feeding leave for one and a half hours a day in total to feed their infants below the age of one. The worker shall be entitled to determine the time segments and the number of parts in which she will use such leave. This period shall be reckoned within the daily working hours.

(Paragraph added on 29 January 2016 by Article 22 of the Law No. 6663) The provisions of this article shall be applied to any kind of workers employed through labour contract, without regard to whether they are within the scope of this Law or not.

Additionally, according to the Labour Law, the worker shall be given a three-day leave in cases where he/she is married or adopts a child or his/her mother or father, spouse, brother/sister, child dies, and a five-day leave if his spouse gives birth. The worker shall be given a leave for up to ten days, in whole or in sections, within one year during the treatment of his/her child who is at least 70% disabled or has a chronic illness, depending on the medical report and provided that only one of the working parents use such leave.

**Article 27§3:
to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.**

Scope of the provisions as interpreted by the ECSR:

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The right to part-time working for civil servant and worker parents for each and every child until the child turns the age of compulsory primary education has been introduced with the Law No. 6663 amending the Income Tax Law and certain Laws.

According to the said Article either of the parents may request to work part-time until the beginning of the month following the date when the child's compulsory primary education starts. The request for part-time work is met by the employer and this request shall not be considered as a valid reason for termination of the work contract.

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

Information on lack of valid ground for termination based on discrimination and compensation for discrimination to demand moral indemnity under the Civil Code and Code of Obligations.

It is possible for a worker who had to endure non-pecuniary damages due to unlawful dismissal from work as a discriminative act while fulfilling family responsibilities, in breach of the general provisions of the national legislation, regardless of the provisions of the Labour Law, to demand the restoration of the loss which she/he has endured. However, no Supreme Court decision has been detected concerning any cases opened based on the general legislative provisions. Having said that, the reply to 8§2 can be referred to in relation to case-laws demonstrating that, under the Civil Code and Code of Obligations, it is effectively possible for an employee illegally and discriminatorily dismissed on the ground of family responsibilities to obtain compensation for moral damage.

ARTICLE 31. THE RIGHT TO HOUSING

Article 31§1:

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

Scope of the provisions as interpreted by the ECSR

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

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

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Constitution of the Republic of Turkey

VIII. Health, the environment and housing

A. Health services and protection of the environment

ARTICLE 56- Everyone has the right to live in a healthy and balanced environment.

...

B. Right to housing

ARTICLE 57- The State shall take measures to meet the need for housing within the framework of a plan that takes into account the characteristics of cities and environmental conditions, and also support community housing projects.

Law No. 6306 on the Transformation of Areas under Disaster Risk (enacted on 16.05.2012): The aim of the law is to determine the principles and procedures concerning improvement, demolition and renewal at areas under disaster risk, as well as any other lands and plots which accommodate risk-bearing buildings, in order to establish suitable, healthy and safe living environments compatible with science and craft norms and standards.

Implementation Regulation of the Law No. 6306 (published in Official Gazette on 15.12.2012): Pursuant to the Law No. 6306, the Regulation provides the rules and principles for the application of the law, including determination of risky buildings and areas, demolition of risky buildings, planning, valuation of real estate to be transformed, agreements with and assistance for the right owners and the new buildings to be constructed.

Regulations amending the implementing regulation, dated 25.07.2014 and 27.10.2016

The Mass Housing Law No. 2985 (enacted on 02.03.1984): Law No. 2985 is a framework law defining the fundamental principles regarding the process of addressing the need for housing. The Law sets the rules for house constructors, development of equipment and industrial construction techniques suitable for conditions and materials in Turkey, and the government subventions.

Construction Zoning Law No. 3194 (enacted on 03.05.1985): The aim of the law is to provide the settlements and the structures in these places in conformity with the plans, science, health and environmental conditions.

Planned Areas Type Development Regulation (published on Official Gazette on 02.11.1985): The Regulation was prepared based on the provisions of the Construction Law No. 3194. Implementations related to project preparation, building registration and land regulation shall be carried out according to the definitions contained in this Regulation and other applicable regulations issued by Ministry Of Environment And Urbanization. It is compulsory to comply with the provisions of other laws, regulations and regulations related to plan, science, health and environmental conditions and standards determined by the Turkish Standards Institute in all the structures to be constructed according to the principles of this Regulation. According to Article 57 with the headline “Building license works”, the projects to be prepared in accordance with the relevant laws, plans, regulations, Turkish standards, environmental conditions, science, arts and health regulations and all relevant legislative provisions, by the building owner of the deputy are listed.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The fact that right to housing is a human right was acknowledged by the Constitution of the Republic of Turkey in Article 56, where it says “everyone has the right to live in a healthy and balanced environment”, and Article 57 of the Constitution stipulates that “the State shall cover the need for housing within the framework of a planning that respects the characteristics of cities and environmental conditions”. In this scope, relevant actions are being taken in order to cover the housing need of various segments of the society who are in need with the support of the government in line with the Mass Housing Law which entered into force in 1984, and the secondary regulations enacted in relation to that Law. Mass Housing Law No. 2985 is a framework law which describes the basic principles that direct the solution of house problems in Turkey, with particular emphasis on organization and financing. Mass Housing Administration (TOKI) which was established under that Law generates houses on its lands by creating the financial support required for providing the low and middle income groups, who do not own a house under market conditions in Turkey, with houses by paying monthly installments in accordance with their budgets with long maturities.

According to the Tenth Development Plan, covering the 2014-2018 period, the main goal is to reconstruct the districts that have disaster risk, infrastructure bottleneck, that have lost their value and functions and have low spatial quality, by taking into account social, economic, environmental and aesthetical dimensions, and to enhance urban welfare and quality of urban structure and life. In the Tenth Development Plan period, total housing needs due to the urbanization, population growth, renewal and disaster are estimated to be 4.1 million.

The regeneration projects, that yield high benefit and value in public spaces and production areas, particularly in disaster risk areas, contribute to growth and development and widely improve life quality, will be given priority. Urban regeneration projects will be realized in an approach that integrates living areas of different income groups, reduces distance between residence and workplace, is compatible with the city's historical and cultural background and supports social integration. Required measures will be taken in order to meet the basic housing need of the public at a higher rate, especially for those with low income, and alternative and sound solutions will be developed for the housing problem.

After the authorization of municipalities for urban regeneration with new Municipality Law in 2005, Ministry of Environment and Urbanization was assigned for the identification and renewal of risky buildings in disaster prone areas in 2012. As of May 2013, 3.876 hectares of area, which includes 97.300 buildings in 46 different districts in 19 provinces with a population of nearly 610.000, was declared as regeneration area.

Urban transformation carried out under the Law No. 6306 on the Transformation of Areas under Disaster Risks starts with the approval of the proposal file of the "Risky Area", containing the information and documents required in the related Implementing Regulation, prepared by the Ministry, administration or private persons, by the Council of Ministers on the proposal of the Ministry.

In the "risky area", first the rights ownership and real estate appraisal works are carried out, and the number of right holders in question and the prices of real estates are determined. This process is followed by implementation of new urban design and implementation projects in the risky area by the application processor. Then the reconciliation process starts between the prepared projects and the administration and the rights holders. If a consensus is reached with the right owners, then the tender process starts in accordance with the legislation required for the implementation of the projects. In the implementation process, the beneficiaries receive interest subsidies to the urban transformation credits they receive from the banks or rent subsidies up to 24 months determined each year by the Council of Ministers, according to their preference they declare to the Ministry.

It is aimed to create healthy and safe living environments in accordance with science, art norms and standards by improving, eliminating and renewing risky areas by eliminating disaster risks. In addition to addressing housing need, which is a human right, Mass Housing Administration (TOKI) aims to realize socially integrated settlements, with the necessary equipment for people's health, education and recreation needs. In this respect, with the consciousness of producing living centers rather than just housing, it is building structures that are among the priority needs of people, such as schools, nurseries, health centers, trade centers, mosques and cultural facilities. (Information about TOKI in English at: <http://www.toki.gov.tr/en/>)

3. STATISTICS AND OTHER RELEVANT INFORMATION

Within the scope of Law No. 6306, as of December 2016, there are 243.955 buildings and 529.857 independent units in total of 193 risky areas with a total size of 12.105,93 hectares in 50 provinces and the population staying in this area is 1.733.930.

In addition to these areas, 132.328 risky structures have been identified in 81 provinces. There are 429.181 independent units in these structures. A total of 1.510.051.761 TL of housing assistance and 26.440.302.072 TL of interest subsidies were given to the said areas.

Within the scope of "Social Housing Project", it is aimed to build 100.000 houses until 2023 according to Vision 2023. As of October 2016, the construction of 29.268 social housing was completed and delivered to the rights holders, and construction proceedings for 4.261 dwellings were underway and a total of about 33.529 dwellings were planned.

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

1. Information on the criteria for adequate housing in the scope of the related legislation.

Although there is no definition of "adequate housing" in the regulations, under the scope of Law No. 6306, safe buildings which are constructed by demolishing the structures that constitute threat for the safety of life and properties are constructed after licensing processes by examining these pursuant to the Zoning Law No. 3194 in line with the architectural and engineering projects prepared in line with the current planning conditions and earthquake regulations based on geological surveys carried out on the basis of parcel, and after determining their compliance therewith, and the process of construction is controlled by the building inspection system and the building utilization permit certificate is prepared by relevant administration and delivered to the persons.

According to the Zoning Law, building permission on a plot must be obtained so that the building can be officially used. Occupancy Permit Documents to be obtained from municipalities for all dwellings, legally document the standard of dwelling eligibility. Occupancy Permit Documents is the permit issued by municipalities and governorates that provide Building Permits for the constructions, in the event that they are completely completed, and for partial use in case they can be partially used. It is obligatory to issue an Occupancy Permit Document pursuant to articles 29, 30, 31 of the Zoning Law No. 3194, for all constructions under the Building Permit.

2. Health and sanitation requirements for the houses

In relation to general houses constructed by private companies, certain criteria are required to receive residential permit for the buildings. The building should be in accordance with climate conditions including the ventilation, illumination and receipt of sunlight. The drinking water and utility water should be clean and safe. The building should be connected to the sewage system or have suitable cesspool wells. The material used should be made of waterproof and non-rotting substances. There shall be no odor of humidity. Besides, the buildings should be in accordance with the provisions under Paragraph 3 titled "Residential Houses" of Public Health Law No. 1593.

The social houses constructed by TOKI for the low-income segments of the society have to meet certain criteria as set out in TOKI regulations. Geological and geotechnical surveys are first carried out on the land where the building will be constructed before the launching of the project. The earthquake risk is analyzed and the suitable foundation and carrying system are determined in accordance with this risk. Maximum quality and safety have priority in the constructions, and thus ready-made concrete is used for the construction. Adequate water and

heat insulation is provided in the buildings. Every stage of the construction is strictly inspected by TOKI technical staff and consultant companies, and relevant tests are done to ensure safety and hygiene. The houses are offered with social facilities and green environment. TOKI houses are delivered in fully completed status, with all cabinets, lavatory sets, fine and coarse construction completed, flooring and wall coatings done, all fixtures assembled, in such a way that the citizens could settle their belongings and start to live without any further modification or amendment. The standards include the elevators in all blocks that have more than four floors.

3. Area of the houses provided by TOKI

Houses provided by TOKI for lower income group have a standard size between 65 m² – 85 m².

4. Legal status of Mass Housing Administration

All activities of TOKI, which is the most active institution authorized by the public administration for the production of social housing in Turkey, are stated in the Housing Law No. 2985. The procedures and principles to meet the requirements of housing, for those who construct the housing, development of the industrial construction techniques, tools and equipment suitable for the country conditions and the government support are subject to the provisions of this Law. This Law defines all duties and responsibilities in the acquisition of housing for the people in need. Right to housing is explicitly stated in Articles 56 and 57 of the Constitution. Legal framework of the standards of housing production realized by TOKI is regulated by project, specifications and regulations. Therefore, the adequateness of manufactured housing is regulated by legislation.

5. Criteria regarding renewals and risky areas

The purpose of Law No. 6306 is to determine the principles and procedures related to improvement, evacuation and renewals in order to constitute a healthy and safe living condition in accordance with the scientific and artistic norms and standards on areas with disaster risk and on lands and plots where the risky structures are located, and according to this Law;

Risky area is defined as an area which is designated by the President to bear the risk of causing loss of property and life due to the foundation structure or the construction thereon;

Risky building is defined as a building or buildings located within or outside the risky area which are determined in reliance upon the scientific and technical data to bear the risk of being demolished or exposed to heavy damage, of which have completed their economic life.

In relation to certain criteria that is required for renewals, it is stated under Articles 18 and 19 of the Implementation Regulation of the Law in question as follows: “In the plans to be prepared towards the implementation area, depending on the characteristics of the area, it is a principle to mitigate the disaster risks, improving, protecting and developing the physical environment, ensuring social and economic development, and improving energy efficiency, climate sensitivity as well as quality of life”, and “While approving the plan, the Ministry takes into account the principles of planning and the analysis made and decisions taken, as well as the harmony and impact of the plan on the whole and environment of the city,

integration with the transportation system, provision of social and technical infrastructure areas, urban texture and livability”.

6. Legal protection regarding the right of housing

Under Article 57 titled “Right to Housing” in the Third Section titled “Social and Economic Rights and Obligations” in the Second Part titled “Basic Rights” of the 1982 Constitution, it was foreseen that the state would take measures to meet the housing needs within the framework of a planning that takes into account the characteristics of cities and the environmental conditions, and also that it would support mass housing entrepreneurs.

In relation to the scope and protection of the right to housing, the evacuation of the leased property is regulated under the Execution and Bankruptcy Law dated 09/06/1932 No. 2004, and Turkish Code of Obligations dated 11/01/2011 No. 6098, and Law on Legal Procedure dated 12/01/2011 No. 6100.

a. Enforcement and Bankruptcy Law

In the Enforcement and Bankruptcy Law, procedures of evacuation through enforcement processes with verdict or enforcement processes without verdict due to failure to pay the rental or expiry of the lease term of the leased property, have been regulated. This evacuation process is commenced from the enforcement office instead of the court. The way of evacuation with verdict has been regulated in Articles 26 to 29, and that without verdict under Articles 269 to 276 of the Law.

In the evacuation with verdict, a verdict is delivered to the execution office in relation to the evacuation of the property and a request is made for proceedings. The enforcement office which receives the request for proceedings sends an enforcement order to the debtor which includes the warning that he/she shall evacuate and deliver the property within seven days following the notification. If the debtor evacuates and handles the real estate amicably, this shall end the enforcement proceeding with verdict. If the debtor fails to evacuate and does not bring a decision from the court for postponing the enforcement, the provision of the verdict is forcibly enforced by the enforcement office and the property is delivered to the creditor.

In case of evacuation without verdict due to non-payment of the rental amount, the lessor asks in the request for proceedings delivered to the enforcement office to pay the rental amounts and the property be evacuated by the lessee. The enforcement office which gets the request for proceedings issues a payment order to the debtor, which includes the order for evacuation. The debtor who receives the payment order should pay his/her debt within thirty days. However, the debtor may object the order within seven days following the date of notice. The enforcement proceedings shall suspend if the debtor objects the payment order. In this case, the creditor is required to apply to the enforcement court for removal of the objection and evacuation within six months following the notification of the objection to him/her. In case that the debt could not be paid within due time, the creditor should apply to the enforcement court within six months following the date of expiry of the payment period and request for evacuation. The creditor who fails to apply to the enforcement court within due time may not serve proceedings through enforcement without verdict for the same receivable. When the objection of the debtor is abolished and the evacuation is ruled, it is possible to appeal the decision in question and there is no need for it to become final for enforcing the decision. The creditor may request for the detachment and evacuation of the goods of the debtor. For the

evacuation, ten days shall pass after the notification of the decision of the enforcement court to the debtor. If he/she appeals the decision of evacuation, the debtor may ask for an additional period by depositing a security and claim from the Court of Appeals to rule for the postponement of enforcement.

Another method of evacuation regulated in the Enforcement and Bankruptcy Law is the evacuation without verdict carried out as a result of expiry of the lease term. This evacuation without verdict is applicable for fixed termed lease contracts. If the lease contract is untermed or if the lease contract has turned into a contract with indefinite term (Turkish Code of Obligations Article 327/II), the lessor may not proceed with evacuation as per this method. Besides, in order for the lessor to carry out evacuation without verdict in this manner, he/she needs to have a valid written undertaking of evacuation in hand (Turkish Code of Obligations, 352/I). The lessor should proceed within one month following the end of evacuation date specified in the undertaking of evacuation. It is not possible to claim for enforcement proceedings before the date specified in the undertaking of evacuation. The enforcement office which receives the enforcement request submits an evacuation order to the debtor. This evacuation order shall contain the names, surnames and domicile addresses of the lessor, lessee and their representatives if any, type and address of the real estate from which evacuation is asked, the date of the lease contract, with the warning to the lessee that if he/she has any objection to the effect that the lease contract is renewed or extended, he/she should notify this within seven days, and if he/she fails to object within seven days and evacuate the property himself/ herself, he/she should evacuate and deliver the property within fifteen days following the notification of the evacuation order, otherwise that he/she shall be forcibly removed by the enforcement office. If no object is served against the evacuation order and the property is not evacuated automatically within fifteen days, the lessee shall be forcibly taken out by the execution office and the property is delivered to the lessor. If an objection is made to the evacuation order, the enforcement proceeding shall be suspended. In this case, the lessor is required to claim for abolishing the objection from the enforcement court (excluding the denial of the lessee of the signature or date on the written undertaking of evacuation). In case that the lessee denies the signature or date on the written undertaking of evacuation, the lessor may sue a case for evacuation against he lessee before law court of peace. If the enforcement court abolishes the objection of the lessee, the evacuation is carried out by the enforcement office. Appealing the case may not suspend the enforcement. Here it is possible to postpone the enforcement by depositing a security. Since the decision of the enforcement court does not constitute a final judgment in material terms, the lessee may sue a case of negative clearance for determining whether the lessor has a right to evacuate. If the objection of the lessee is accepted by the enforcement court, the lessor may sue a case in the general court.

b. Law on Legal Procedures

In other conditions stipulated under fourth section titled “lease contracts” of Turkish Code of Obligations, the lessor may sue a case for evacuation directly before a peace law court (Law on Legal Procedures Article 4/a).

c. Turkish Code of Obligations

Articles 347 to 356 of the Law regulate the section on “expiry of the contract in house and roofed workplace leases”. Accordingly;

- In case of house leases, if the lessee does not serve a notice at least fifteen days in advance of the expiry of the term of the fixed term contract, the contract shall be deemed to have been extended for a period of one year under same conditions. The lessor may not terminate the contract relying on the expiry of contract term. However, at the end of ten-year extension period, the lessor may terminate the contract without showing any reason by serving a notice at least three months in advance of each extension year following that period.

In case of lease contract with indefinite term, the lessee may terminate the contract at any time and the lessor may terminate it after ten years from the commencement of the lease, each by serving a notice in accordance with general provisions.

In cases where the right of termination could be used according to general provisions, the lessor or the lessee may terminate the contract. (Art. 347)

- Validity of the termination notice in house leases depends on being served in writing. (Art. 348)

- The lessor may terminate the lease contract in the following conditions:

1. If there is difficulty for the lessee himself/herself, his/her spouse, descendants, ascendants or other persons whom he/she is obliged to take care legally;

2. If it is required to repair, extend or modify the leased property, or reconstruct it, and if it is impossible to use the leased property during these works, the lease could be terminated by opening a case at the end of the term in case of contract with definite term, and within one month starting from the date to be determined in compliance with the periods foreseen for termination notice as per the general provisions related to contracts with indefinite term. (Art. 350, 368)

- If the person who acquires the leased property afterwards has the necessity of using the property for the purposes of house or workplace for himself/herself, his/her spouse, descendants, ascendants or other persons whom he/she is legally obliged to take care, he/she may terminate the lease contract with a case to be sued six months later, provided that he/she shall notify the situation in writing to the lessee within one month. (Art.351)

- If the lessee fails to evacuate the leased property despite having undertaken in writing to evacuate the leased property on a certain date towards the lessor, the lessor may terminate the lease contract by referring to executive process or suing a case within one month starting from such date.

If the lessee has caused two justifiable written notices to be served to him/her within the lease term in case of lease contracts with a period of less than one year, and within one lease year or within the period exceeding one lease year in case of lease contracts with a term of one year or more, the lessor may terminate the lease contract by lawsuit within one month following the end of lease period and the lease year in which the notice is served in case of leases with a period of more than one year.

In case that the lessee or his/her spouse living with him/her has a house suitable for residence within the borders of the same district or neighborhood, and if the lessor is unaware of this

during the establishment of the lease contract, he/she may terminate the contract within one month following the end of the contract by opening a case. (Art. 352)

- Provisions related to termination of lease contract by lawsuit shall not be amended against the lessee. (Art. 354)

- When the lessor ensures that the leased property is evacuated for necessary reasons, he/she may not lease the property to anyone other than his/her previous lessee within three years unless there is a rightful reason.

Properties which are evacuated for reconstruction and zone planning purposes, may not be leased to any other person unless three years pass without rightful reasons in their old conditions. The former lessee has the preemptive right to lease the properties, which are reconstructed and for which zone planning is made, in their new conditions and over new rental amount. This right should be enforced within one month following the written notification to be served by the lessor; the property may not be leased to any other persons before three years unless this preemptive right is terminated.

In case that the lessor acts in violation of these provisions, he/she shall be obliged to pay compensation to his/her previous lessee which shall not be less than one-year rental paid in the last lease year (Art. 355).

- The partners of a deceased lessee or heirs of such partners who are engaged in the same profession and art, and those who used to live in the same house with the deceased lessee, may continue with the lease contract as parties to the extent they comply with this contract and legal provisions. (Art.356).

Article 31§2:

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures to prevent and reduce homelessness with a view to its gradual elimination;

Scope of the provisions as interpreted by the ECSR

Action to prevent categories of vulnerable people from becoming homeless and gradually reduce homelessness, towards its elimination. Reducing homelessness implies the introduction of emergency and longer-term measures, such as the provision of immediate shelter and care for the homeless as well as measures to help such people overcome their difficulties and to prevent them from returning to a situation of homelessness.

Existence of procedures to limit the risk of evictions and to ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned.

A. DEVELOPMENTS IN THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Legal framework is mentioned in Article 31/1.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Mass Housing Administration (TOKI) has been developing projects and continuing its activities in all 81 provinces overall Turkey in line with the Government Programs and Emergency Action Plans of the Republic of Turkey in line with the existing legal regulations in order to provide solution to the housing needs of those who are incapable of owning a house in Turkey. Everyone who meets the application conditions determined taking into account the demands and affordability conditions of those in need, could benefit from the house services provided to low income group, poor groups and medium income group citizens who have no opportunity to buy a house under market conditions.

The sales prices in social housing projects of TOKI are determined without any profit motivation, in accordance with the saving patterns and monthly payment powers of target groups.

During the term of the 58th Government, with the Urgent Action Plan established to provide solutions to the housing needs in Turkey accelerated the implementation of mass housing and urban transformation since January 2003. TOKI's strategy is to provide social housing and necessary service units for the lower and middle income groups with their infrastructures completed.

TOKI focuses on the necessity of urban transformation of our cities and the housing need of the lower income group and the poor group citizens who do not have the opportunity to obtain housing under the market conditions. As a result of being a "social state", it produces housing not with the concept of just centers for housing but comprehensive projects with comfortable living spaces including social equipment and landscape plans.

TOKI provides the houses to those who are entitled together with all their social facilities in its house production and urban renewal projects, and the costs of these facilities are added to the project cost. In addition to social facilities within the projects, various individual super structures are being implemented overall the country. Superstructures such as schools, universities, gyms, dormitories, hospitals, health posts, libraries, trade centers are being constructed by TOKI (in pursuance of the protocols concluded with relevant public agencies).

Within this scope, TOKI carries out the following actions:

1. In order to provide housing for lower and middle income groups who cannot own a house in current market conditions, by paying monthly installments and long-term installments suitable for saving patterns (similar to paying rental), TOKI produces and supplies housing on its own lands through creating the necessary financial resources.
2. It is developing urban renewal and transformation projects in cooperation with local governments in urban areas with squatter and extremely dense unlicensed buildings, areas with high risk of natural disasters (earthquakes, floods, landslides, etc.), historical urban areas and areas that have filled their economic life. Renewal projects do not produce only renovated residential areas but also large recreation areas, city parks, city squares, trade centers are also created within the city.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Within the scope of the "Planned Urbanization and Mobilization of House Production" of the 58th and 65th governments, 3.350 building sites, 753.946 housing units have been produced in all 81 provinces as of the end of 2016.

85.50 % of the houses produced are characterized as Social Houses. The number of houses sold is 614.833. The number of houses delivered is 595.449.

DISTRIBUTION OF HOUSING CATEGORIES		
Low and Middle Income Group	331.493	43,97 %
Lower Income Group	149.462	19,82 %
Slum (Gecekondü) Transformation	120.181	15,94 %
Disaster Housing	37.734	5,00 %
Agriculture Village	5.747	0,76 %
TOTAL SOCIAL HOUSING	644.617	85,50 %
Resource Development (TOKI)	20.933	2,78 %
R. D. (Real Estate Investing Company + Real Estate Marketing Project Man.)	88.396	11,72 %
Total Resource Development	109.329	14,50 %
TOTAL	753.946	

SOCIAL FACILITIES			
	TOKI	Protocol	Total
School	556	468	1.024 (22.749 classrooms)
University	-	18	18
Gym	528	463	991
Pension	4	184	188 (71.274 capacity)
Hospital	-	266	266 (266 as per the protocol with Min. of Health)
Health Clinic	91	4	95
Trade Center	775	-	775
Library	42	-	42
Mosque	620	-	620
Public Service Building	1	177	178
Stadium		19	19
Total of all social facilities together with Sevgi Evi (children's home), Centers for the Persons with Disabilities, Elderly Care Home, Number of Workplaces on Industrial Sites, Tourism Training Hotels			8.718

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

1. Information on the eviction procedures and notice periods

As it is indicated under Article 5 of Law No. 6306 titled Evacuation and Demolition; it is a principle that an agreement is reached with the landlords as the first step for the demolition of risky structures, the areas where these are located, as well as for practices on risky areas and reserve building areas. Provisional houses or workplaces are allocated, or rental aid is provided to the owners of buildings that are evacuated with agreement, or those who reside in these buildings though not being owners or have limited in kind rights thereon, or to those who have workplaces in these structures.

A period which is not less than sixty days is allocated to the owners of these structures for the demolition of the risky structures before starting the application, and it is notified that if the building is not demolished by the owner within this period, it will be destroyed by administrative authorities and a notice is served with an additional period. If the owners do not demolish the building within this period assigned, the evacuation of these structures from

people and goods, and the demolition processes are performed or caused to be performed by the administrative chiefs with the participation of local administrations, where demolition costs and other aids and loans are covered from the special account of transformation projects.

Demolition of risky structures which are determined not to be destructed within due period as foreseen in the law, shall be notified to the Administration in writing by the Ministry. Structures which are determined as not been demolished despite this, shall be demolished or caused to be demolished by the Ministry. If it becomes necessary as part of the practice, the Ministry may carry out the determination, evacuation and demolition works and processes specified in the foregoing articles itself.

2. Information on the suspension constructions and whether such decisions rely on a court decision

The respective ministry or, if it is carrying out the project, TOKI could temporarily stop all zoning and building processes on risky areas and reserved building areas. If the conditions require, the provisional suspension of zoning and building processes could be extended for one more year. (Law No. 6306 Article 4)

Processes related to urban transformation could be suspended upon the cancellation decisions given by the courts and verdicts for suspending the execution for the purposes of fulfillment of the judicial decision. On the other hand, it is stipulated under Law No. 6306 that the Municipalities could provisionally suspend all zoning and building processes for two years on risky areas. Besides, according to relevant articles of Zoning Law No. 3194, a construction could be suspended if determined to be built in violation of the project and relevant regulations.

3. Destruction of risky buildings and eviction, under the related laws.

Pursuant to relevant provisions of the Zoning Law No. 3194, buildings which are constructed in violation of the building license or without building license, or are determined to be in violation of the project or relevant regulations, are destroyed by the Ministry or Governor's Office in line with the decision of the municipality council or provincial administrative board.

It is further regulated under Law No. 6306 in relation to the destruction of risky buildings and the areas these are located, as well as any applications on risky areas and reserve building areas that it is a principle that an agreement should be established with the landlords; that if evacuation takes places by agreement or if required by the practice, provisional accommodation or rental subsistence could be provided; a deadline of minimum 60 days would be assigned for the landlords of these buildings for the destruction of risky buildings; that if the building is not destroyed by the landlord during this period, it shall be notified that the building would be destroyed by the authorities and a new notice shall be served; and that if the landlords fail to destroy the building within due term, the process of evacuation from people and goods and destruction shall be completed by the administrative chiefs.

Under Law No. 2981, buildings which are constructed or being constructed in violation of zoning regulations and the shanty houses shall be preserved, or preserved after being reclaimed, if they bear the conditions of benefitting from the provisions of the Law in question.

4. Figures concerning evictions in Turkey, rehousing or financial assistance provided following eviction.

The total amount of rental aids provided up to now under the scope of Law No. 6306, and the total number of people who are entitled to receive these, are as follows:

- Total Amount of Rental Aid provided for Risky Areas and Risky Buildings:
3.350.761.689,31 TL
- Total Number of Those Entitled for Risky Areas and Risky Buildings: 7.158.502

5. Information on eviction procedures

In Turkey, slum transformation projects are carried out within the framework of the Law No. 6306 on "Transformation of Areas under Disaster Risk".

Urban transformation projects are being carried out in cooperation with local governments and project-based solution proposals are being developed with the participation of citizens. In the areas subject to urban transformation, priority is given to the consent of the citizen. In case the persons are not voluntary to leave, they are not forced to eviction. When the owner of the property cannot be reached, it is expropriated by court decision.

Regulations regarding the evacuation of the people from the houses where they live for the public interest are as follows: Law No. 6306 on the Transformation of Areas under Disaster Risk and Implementing Regulation of Law No. 6306, Settlement Law No. 5543, Law on Construction Zoning No. 3194 and Law on Municipalities No. 5393 and Law No. 2981 dated 24.02.1984 on Certain Transactions Applicable to Buildings Constructed Violating the Construction and Squatter Houses Legislation and Amending an Article of the Law on Land Development Planning No. 6785.

Items 5 and 6 of the Law No. 6306 on the Transformation of Areas under Disaster Risk and Articles 7 and 8 of the Implementing Regulation of the same Act, provisions for the dismantling, demolition and implementation of risky structures are introduced and evacuation procedures, the notice to be made and the periods to be given for evacuation are stated in detail.

In this context, agreement is the main principle in eviction from the buildings with high risk according to Article 5 of Law No. 6306, and in the eviction, demolition and expropriation of the structures in urban transformation and development project areas according to Article 73 of Law No. 5393.

Furthermore, in accordance with the Article 5 of the Law No. 6306, temporary residence or work place can be assigned or rent allowance can be made to owners, residents (as tenants and limited real right owners) and those having workplaces in the buildings the project area, evicted according to the agreement in the scope of the project, or risky buildings outside the project area.

Article 31§3:

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures to make the price of housing accessible to those without adequate resources.

Scope of the provisions as interpreted by the ECSR

An adequate supply of affordable housing must be ensured: through the appropriate measures for the provision of housing of an adequate standard, and through housing allowances, which is an individual right. Legal remedies must be available in case of refusal of the allowance.

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

The Directive on Organization and Duties of the General Directorate of Social Assistance of the Ministry of Family and Social Policies, published in 2014, outlines the organization structure, duties, authorities and responsibilities of the General Directorate and the procedures and principles related to the operation.

The following items are stated as the duties of the Department of Housing Aids:

- to carry out studies to determine the procedures and principles of assistance for meeting the housing needs of deprived families,
- to assess the requests from foundations for meeting the needs of construction, repair and refurbishment of damaged homes of persons who become deprived as a result of disasters and other such extraordinary circumstances,
- to carry out work and transactions related to social housing projects in coordination with other public institutions and organizations and to work on the development of the project.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Social housing program of TOKI targets the low and middle-income people who cannot own a housing unit under the existing market conditions. Implementations of the poor group houses are executed under the coordination of TOKI and the Ministry of Family and Social Policies - General Directorate of Social Benefits (SYGM), and TOKI only undertakes construction of the houses in those projects. Applications and all following procedures are realized by the concerned social solidarity foundations.

TOKI projects have the same application conditions for all citizens. Low income group housing is offered for sale by lot method. Houses are offered for sale with 12% or 4.000 TL down payment, 180 or 240 months' installment options. The debt balance is updated according to the lowest index.

Terms of sale:

- Residence not less than 1 year or being registered in the province/district boundaries where the project is located,
- Not having purchased housing from the Housing Development Administration,

- The absence of an independent housing in the deed registry, that belong to the applicant, spouse or children under his/her custody,
- To have completed 25 years of age by the date of application,
- To have net monthly household income of maximum 3.200 TL. (Income limit for Istanbul has been determined as 3.700TL)

The transfer or rental of these dwellings until the end of the debt is prohibited by TOKI. The purpose here is to sell houses to those who really need it.

Low and Middle Income group houses are sold with 10%, 15% and 25% down payment and 96, 108 and 120 months' installments. The debt balance is updated according to the civil servant salary increase index. Those who apply for a lottery sale to buy housing from this group; it is necessary that they do not have independent residences registered on their own, their spouses and the children under their custody, and they should not have bought houses from TOKI before. If there is a residential property left that is not sold on a lottery sale, it is offered to open sale and no conditions are required.

Sales prices of the units are set by TOKI, by taking into consideration the cost of construction, social facilities, cost of infrastructure, cost of consultancy services and cost of land. Sales prices are determined without a profit purpose, in view of the saving patterns and monthly affordability of the target groups. 85.50 % of the houses produced are in the scope of Social Housing. The number of houses sold is 614.833.

The "disadvantaged groups" are the priorities of TOKI in the production of social housing. The families with low and middle income are the main target groups, and there are separate quotas for disabled people, martyr families, invalid people and retirees. In addition, there is a 25% quota for retirees without housing in each project. For the retired, installments up to 240 months are made, the monthly installment payments start at 250 TL and the price range varies according to the cities.

The administration has two practices under the definition of "social housing". The first relates to the construction of "1+1 and 2+1" social houses that are needed to be built for "citizens who are in poor and needy conditions" within the framework of protocols signed between the Social Aids General Directorate of the Ministry of Family, Labor and Social Services, and TOKI. TOKI is included only in the house construction stage of this practice.

Secondly, it provides the social houses towards lower and medium income group and relevant service units by completing their infrastructures. In this process, it carries out its application and sales processes under fair, equal and transparent conditions for projects with high demand. People who will benefit from the housing right are fully informed at each stage of application and sales, and there is no practice that could lead to enforcing a judicial right. Besides, for the sake of meeting high demand, TOKI engages in project planning and implementation in the fastest and most efficient manner towards increasing house production.

Everyone who meets the application conditions determined taking into account the demands and affordability conditions of those in need, could benefit from the house services provided to low income group, poor groups and medium income group citizens who have no opportunity to buy a house under market conditions.

10% - 40% of the house price is collected as down payment, and following the cash payments of those how are entitled, the balance is paid in monthly installments or in six-month intervals, where the payment plan is updated in line with the inflation indexes that are officially announced.

The selling prices of the houses are determined by TOKI taking into account the cost of construction, social facilities, infrastructure costs, consultancy services and land costs. The land cost is not included in the sales price of houses that are produced for citizens in poverty as part of TOKI's housing program.

The ownership right of houses sold until the debt ends belongs to TOKI and thus the repayment of projects is guaranteed. Therefore, TOKI is the "guarantor" of the project repayments.

The existing demand in houses that are constructed by TOKI has highly passed the supply. Every citizen who does not have a house has the right to apply for social house. In general, since the demand is very high towards TOKI projects, those who are entitled for the houses are determined by a drawing before notary.

3. STATISTICS AND OTHER RELEVANT INFORMATION

As of April 2019, the production process of 837.000 houses has been started overall Turkey by TOKI. 86,3% of the houses produced are characterized as "social houses". 726.658 houses have been sold and 697.855 of these have been delivered. Of the total houses produced, 45,38% were delivered to low and medium income groups, 18,15% to poor families in low income group, and 17,46% to those entitled in shanty houses transformation projects.

The production of 13,5%, which is outside the social house production, is the resource development projects constructed using proceeds sharing model carried out by TOKI. The income obtained from these projects is transferred as resource to social projects by the Administration. As a matter of fact, TOKI is a public institution that carries out its activities by producing its own resources without getting any share from the general budget.

DISTRIBUTION OF HOUSING CATEGORIES		
Low and Middle Income Group	331.493	43,97 %
Lower Income Group	149.462	19,82 %
Slum (Gecekondu) Transformation	120.181	15,94 %
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TOTAL SOCIAL HOUSING	644.617	85,50 %
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R. D. (Real Estate Investing Company + Real Estate Marketing Project Man.)	88.396	11,72 %
Total Resource Development	109.329	14,50 %
TOTAL	753.946	

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

1. Studies to meet the demand for the social houses and remedies available for those who are refused support by social housing projects.

The sales prices in social housing projects of TOKI are determined without any profit motivation, in accordance with the saving patterns and monthly payment powers of target groups.

Within the framework of the practices of TOKI towards presenting social houses, all social outfits required for a modern life complement the social houses built for low and middle income group.

In this process, it carries out its application and sales processes under fair, equal and transparent conditions for projects with high demand. People who will benefit from the housing right are fully informed at each stage of application and sales, and there is no practice that could lead to enforcing a judicial right.

Besides, for the sake of meeting high demand, TOKI engages in project planning and implementation in the fastest and most efficient manner towards increasing house production.

Everyone who meets the application conditions determined taking into account the demands and affordability conditions of those in need, could benefit from the house services provided to low income group, poor groups and medium income group citizens who have no opportunity to buy a house under market conditions.

10% - 40% of the house prices is collected as down payment, and following the cash payments of those how are entitled, the balance is paid in monthly installments or in six-month intervals, where the payment plan is updated in line with the inflation indexes that are officially announced.

The selling prices of the houses are determined by TOKI taking into account the cost of construction, social facilities, infrastructure costs, consultancy services and land costs. The land cost is not included in the sales price of houses that are produced for citizens in poverty as part of TOKI's housing program. The ownership right of houses sold until the debt ends belongs to TOKI and thus the repayment of projects is guaranteed. Therefore, TOKI is the "guarantor" of the project repayments.

The existing demand in houses that are constructed by TOKI has highly passed the supply. Every citizen who does not have a house has the right to apply for social house. In general, since the demand is very high towards TOKI projects, those who are entitled for the houses are determined by a drawing before notary. The pre-application fee received before the drawing is returned to those who do not win the house without any deduction. Besides, there is a way to apply judicial processes for all actions and processes of TOKI.

2. Application for the social house project and the disadvantaged groups.

The main purpose in the social house projects of TOKI is that the problem of housing in Turkey shall not be perceived only as a problem of sheltering, but to emphasize the fact that the problem relates to fundamental rights of health, education and urban infrastructure within the framework of basic human rights and freedoms, as well as enabling our citizens to have healthier and safer living environments. “Disadvantageous groups” are a priority for TOKI in the production of social houses.

Families with low and middle income are the main target mass, and individual quotas are allocated for the disabled, families of the martyrs and the retired people among these groups.

In accordance with the Protocol dated 15.04.2009 signed between TOKI and the Social Assistance General Directorate of the Ministry of Family and Social Policies, as well as the Additional Protocols followed afterwards, TOKI aims at constructing social houses needed for the citizens who are in real need and poverty, costs of which are to be borne by the Social Aid and Solidarity Fund Boards.

Within the scope of this practice, projects have been put into life in provinces where construction was needed in Turkey.

Every Turkish citizen could apply to these projects. Therefore, all citizens having different ethnical backgrounds, including Roma people who are in need, have the right to benefit from TOKI projects by documenting that they meet the application conditions.