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EUROPEAN SOCIAL CHARTER

9th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF TURKEY

- Article 3, 11, 12, 13, 14, 23 and 30 for the period 01/01/2012 - 31/12/2015
- Complementary information on Articles 7, 8, 16, 17, 19, 27 and 31 (Conclusions 2015)

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CYCLE 2017



EUROPEAN SOCIAL CHARTER

9th National Report on the Implementation
of the European Social Charter (Revised)

submitted by

**THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**

on Thematic Group II

“Health, social security and social protection”

Articles 3, 11, 12, 13, 14, 23, and 30

for the period

01/01/2012-31/12/2015

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ARTICLE 3

THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

Article 3§1:

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment.

Scope of the provisions as interpreted by the ECSR

States party shall draw up a national policy on occupational health and safety, and periodically review it. Authorities shall consult employers' and workers' organisations when formulating national policies and strategies in this area. The improvement of occupational health and safety shall be pursued, inter alia, with training and research measures.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Legislative amendments in the field of occupational health and safety between the years 2012-2015 are shown in the following tables:

Legislation published in the Official Gazette

Regulations published in accordance with Occupational Health and Safety Law No. 6331		
1.	Regulation on Risk Assessment of Occupational Health and Safety	<i>Published in the Official Gazette dated 29.12.2012 and No.28512</i>
2.	Regulation of Occupational Health and Safety Services	(amended and published in the Official Gazette No:28545 dated 31.01.2013) (Amended in the Official Gazette dated 18.12.2014-29209)
3.	Regulation on the Duties, Authority, Responsibility and Training of Occupational Health and Safety Experts	<i>Published in the Official Gazette dated 29.12.2012 and No.28512.</i> (Amended in the Official Gazette dated 31.01.2013-28545) (Amended in the Official Gazette dated 11.10.2013-28792) (Amended in the Official Gazette dated 30.04.2015-29342) (Amended in the Official Gazette dated 19.11.2015-29537)

4.	Regulation on Occupational Health and Safety Boards	<i>Published in the Official Gazette dated 18.01.2013 and No. 28532.</i>
5.	Regulation on the Measures of Health and Safety in Working with Asbestos (83/477/EEC, 91/382/EEC, 2003/18/EC, 2009/148/EC)*	<i>Published in the Official Gazette dated 25.01.2013 and No. 28539.</i> (Amended in the Official Gazette dated 16.01.2014-28884)
6.	Regulation of National Health and Safety Council	<i>Published in the Official Gazette dated 05.02.2013 and No. 28550.</i>
7.	Regulation on Ceasing Work in the Workplaces	<i>Published in the Official Gazette dated 30.03.2013 and No. 28603.</i>
8.	Regulation on Health and Safety Measures in the Work with Screen Equipment (90/270/EEC)*	<i>Published in the Official Gazette dated 16.04.2013 and No. 28620.</i>
9.	Regulation of Health and Safety Conditions in the Use of Work Equipment (2009/104/EC)*	<i>Published in the Official Gazette dated 25.04.2013 and No. 28628.</i> (Amended in the Official Gazette dated 02.05.2014-28988)
10.	Regulation on the Protection of Workers from the Hazards of Explosive Environment (1999/92/EC)*	<i>Published in the Official Gazette dated 30.04.2013 and No. 28633.</i>
11.	Regulation on the Rules and Procedures of Occupational Health and Safety Trainings of Workers	<i>Published in the Official Gazette dated.15.05.2013 and No. 28648.</i>
12.	Regulation on Prevention of Exposure Risks to Biological Factors (2000/54/EC)*	<i>Published in the Official Gazette dated 15.06.2013 and No. 28678.</i>
13.	Regulation on Emergency in the Workplaces	<i>Published in the Official Gazette dated 18.06.2013 and No. 28681.</i>
14.	Regulation on the Use of Personal Protective Equipment in the Workplaces (89/656/EEC, 89/686/EEC)*	<i>Published in the Official Gazette dated 02.07.2013 and No. 28695.</i>
15.	Regulation on the Vocational Training of Workers in the Category of Hazardous and Very Hazardous Work	<i>Published in the Official Gazette dated 13.07.2013 and No. 28706.</i> (Amended in the O.G. dated 25.07.2013-28718)
16.	Regulation on the Work Requiring Seven and a Half Hours Maximum or Less a Day in Terms of Health Rules	<i>Published in the Official Gazette dated 16.07.2013 and No. 28709.</i>
17.	Regulation on the Measures of Health and Safety at the Premises of a Workplace (89/654/EEC)*	<i>Published in the Official Gazette dated 17.07.2013 and No. 28710.</i>
18.	Regulation on the Duties, Authority, Responsibility and Training of Workplace Physician and the Other Health Staff	<i>Published in the Official Gazette dated 20.07.2013 and No. 28713.</i> (Amended in the O.G. dated 18.12.2014-29209) (Amended in the O.G. dated 19.11.2015-29537)
19.	Regulation on Manual Handling (90/269/EEC)*	<i>Published in the Official Gazette dated 24.07.2013 and No. 28717.</i>

20.	Regulation on the Working Conditions of Woman Workers in Night Shifts	<i>Published in the Official Gazette dated 24.07.2013 and No. 28717.</i>
21.	Regulation on Health and Safety Measures in the Work with Carcinogenic or Mutagen Substances (2004/37/EC)*	<i>Published in the Official Gazette dated 06.08.2013 and No. 28730.</i>
22.	Regulation on the Protection of Workers from Noise Related Risks (2003/10/EC)*	<i>Published in the Official Gazette dated 28.07.2013 and No. 28721.</i>
23.	Regulation on Health and Safety Measures in the Work with Chemical Substances (1998/24/EC, 1991/322/EEC, 2000/39/EC, 2006/15/EC, 2009/161/EU)*	<i>Published in the Official Gazette dated 12.08.2013 and No. 28733.</i>
24.	Regulation on the Supervision and Inspection of Military Workplaces and the Workplaces Producing Necessary Materials for the Safety of the Country and Ceasing Work in These Workplaces	<i>Published in the Official Gazette dated 16.08.2013 and No. 28737.</i> (Amended in the O.G. dated 04.02.2014-28903)
25.	Regulation on the Working Conditions of Pregnant and Nursing Women and Nursing Rooms and Nursing Homes for Children (92/85/EEC)*	<i>Published in the Official Gazette dated 16.08.2013 and No. 28737.</i>
26.	Regulation on the Measures of Health and Safety in the Work on Fishing Vessels (93/103/EC)*	<i>Published in the Official Gazette dated 20.08.2013 and No. 28741.</i>
27.	Regulation on the Laboratories Measuring, Testing and Analysing Work Hygiene	<i>Published in the Official Gazette dated 20.08.2013 and No. 28741.</i>
28.	Regulation on the Protection of Workers from the Risks of Vibration (2002/44/EC)*	<i>Published in the Official Gazette dated 22.08.2013 and No. 28743.</i>
29.	Regulation on Occupational Health and Safety in Temporary or Fixed Term Employment (91/383/EEC)*	<i>Published in the Official Gazette dated 23.08.2013 and No. 28744.</i>
30.	Regulation on the Signs of Health and Safety (92/58/EEC)*	<i>Published in the Official Gazette dated 11.09.2013 and No.28762.</i>
31.	Regulation on Occupational Health and Safety in Mines (92/104/EEC, 92/91/EEC)*	<i>Published in the Official Gazette dated 19.09.2013 and No. 28770.</i> (Amended in the O.G. dated 24.09.2014-29129) (Amended in the O.G. dated 10.03.2015-29291)
32.	Regulation of Health and Safety in Construction Work (92/57/EEC)*	<i>Published in the Official Gazette dated 05.10.2013 and No. 28786.</i>

33.	Regulation of Fighting Dust	<i>Published in the Official Gazette dated 05.11.2013 and No. 28812.</i>
34.	Regulation on Supporting Occupational Health and Safety Services	<i>Published in the Official Gazette dated 24.12.2013 and No. 28861.</i>
35.	Regulation on Preventing Huge Industrial Accidents and Reducing Their Effects (96/82/EC)*	<i>Published in the Official Gazette (Duplicate) dated 30.12.2013 and No. 28867.</i>
36.	Regulation on Occupational Health and Safety Services Conducted by the Employer or Representative of the Employer in the Workplaces	<i>Published in the Official Gazette dated 29.06.2015 and No. 29401.</i>

**Directive Number of the European Union*

Communiqué Published in accordance with Occupational Health and Safety Law No. 6331		
1.	Communiqué of Categories of Workplace Hazard on Occupational Health and Safety	<i>Published in the Official Gazette dated 26.12.2012 and No. 28509. (Amended in the O.G. dated 29.03.2013-28302) (Amended in the O.G. dated 04.02.2014-28903) (Amended in the O.G. dated 18.04.2014-28976) (Amended in the O.G. dated 19.02.2015-29272)</i>
2.	Communiqué on Training Programmes on Dismantling Asbestos	<i>Published in the Official Gazette dated 29.06.2013 and No. 28692.</i>
3.	Communiqué on the Rules and Procedures of Qualifications and Selection of Workers' Representative on Occupational Health and Safety	<i>Published in the Official Gazette dated 29.08.2013 and No. 28750.</i>
4.	Communiqué on Supporting of Occupational Health and Safety Services	<i>Published in the Official Gazette dated 03.05.2014 and No. 28989.</i>
5.	Communiqué on the Practices about Fighting Dust	<i>Published in the Official Gazette dated 02.10.2014 and No. 29137.</i>
6.	Communiqué of Safety Report on Huge Industrial Accidents	<i>Published in the Official Gazette dated 24.01.2015 and No. 29246.</i>
7.	Communiqué of Policy Paper on Prevention of Huge Accidents	<i>Published in the Official Gazette dated 04.08.2015 and No. 29435.</i>

With the Regulation on Protected Workplaces published in the Official Gazette dated 26.11.2013 and No. 28833 for creating employment for the disabled individuals whose integration into labour market is hard and in order for the mentally disabled individuals to have safe and healthy working conditions who are foreseen to be employed in the related workplaces, necessary arrangements were ensured concerning the physical conditions of the workplace together with safety and traffic security, protection from fire and electrical system.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

There are two policy documents concerning the reference period (2012-2015). Second Policy Document was prepared for the period 2009-2013, Third Policy Document on National Occupational Health and Safety was prepared for the period 2014-2018. Preparing national occupational health and safety policies is realized through **National Occupational Health and Safety Council**. Workers' and employers' organizations also participate to the Council as members. Detailed information is presented below:

The Council, which is headed by the Undersecretary of Labour and Social Security, comprises of 26 members, 13 from public institutions and organizations and 13 from social partners who are stated below:

- General Director for Occupational Health and Safety, General Director of Labour, Head of Labour Inspection Board and one general director from the Social Security Institution,
- One general director from the Ministry of Science, Industry and Technology, Ministry of Environment and Urbanization, Ministry of Energy and Natural Resources, Ministry of Food, Agriculture and Livestock, Ministry of Development, Ministry of National Education and Ministry of Health,
- A member from the executive board of the Council of Higher Education and a vice president from the State Personnel Presidency,
- The first three trade unions with the highest number of members representing employers, workers and public officials separately and one executive board member or any other relevant person from the Union of Chambers and Commodity Exchanges of Turkey, Confederation of Turkish Craftsmen and Tradesmen, Turkish Medical Association, Union of Chambers of Turkish Engineers and Architects and Union of Turkish Chambers of Agriculture,
- Two representatives at most, when needed, from organizations or institutions operating in the field of occupational health and safety upon the suggestion of Director General for Occupational Health and Safety and approval of the Council.

There are 7 fundamental goals, 42 action plans and 28 performance indicators in the Policy Document and Action Plan for 2014-2018 and 29 responsible institutions in total that are members of the Council and the other related institutions (KİK, MYK, ÖSYM, TÜİK, TOKİ and universities). Studies of the institutions/organizations for the goals in the Plan are formulated in the form of "Annual Activity Reports" by requesting the activities and the studies from the parties in March every year by the Directorate General pursuant to the related Regulation and these reports are broadcasted on the website of the Directorate General of Occupational Health and Safety of the Ministry of Labour and Social Security. The link is below: <http://www3.csgb.gov.tr/csgbPortal/isggm.portal?page=politikavestrateji>

Accordingly, the goals planned to be reached in our country between the years 2014-2018 (five years) on occupational health and safety within the scope of **National Occupational Health and Safety Policy Document and Action Plan** are as below:

1. Improving the quality of activities in the field of OHS and their standardization

It is our final goal to ensure the employees of our country to work in healthier and safer workplaces and to raise the standard and quality of their lives. In line with this goal, final studies which shall be carried out for the purpose of improving the quality and/or for

standardizing various activities in the field of occupational health and safety (occupational health and safety inspections, occupational health and safety services, supervision and monitoring of personal protective equipment, occupational health and safety trainings, legislation studies on occupational health and safety, etc.) shall be an important step in order to reach the final goal.

2. Improving occupational health and safety statistics and recording system

The only source we can reach to occupational health and safety statistics in our country is the statistics of Social Security Institution. According to the data, 74.871 work accidents, 395 occupational diseases occurred in 2012 in Turkey and 745 of them resulted in death (744 dead as a result of work accident, 1 dead as a result of occupational disease). According to these figures, nearly 205 work accidents occur in Turkey a day, 2 persons lose their lives and 6 persons become disabled as a result of work accident. Besides, casualties as a result of occupational diseases should also be taken into consideration which is reflected in SSI statistics.

3. Reducing the rate of work accidents in one hundred thousand workers for each sector in metal, mining and construction sectors

It is aimed to reduce the accidents emerging from falling down, landslide, explosion, compression and similar risks in three sectors where work accidents are seen most in our country.

4. Collecting pre-diagnosis through identifying possible occupational diseases

It is planned to increase the number of occupational diseases that are determined through pre-diagnosis via automation system in health service providers, to confirm the statistics of SSI by comparing those taking pre-diagnosis and to prepare a sectoral action plan for occupational diseases in the light of the data.

5. Increasing the activities for improving OHS in public and agricultural sector

With Occupational Health and Safety Law No. 6331 which covers all the employees, there are problems with regard to how practices shall be made in the said sectors. It is planned to overcome these problems through activities such as guidance, cooperation, etc.

6. Extending the occupational health and safety culture in the society

With Occupational Health and Safety Law No. 6331 and its sub-regulations, legislative studies on this issue were completed and updating is being made in line with the changing needs. However, ensuring occupational health and safety is not possible only with legislative regulations but also with changing the way of behaviour of the persons in the society. Accordingly, increasing the activities targeted to create OHS culture shall raise awareness.

7. Making Professional Competence Certificates obligatory in hazardous and very hazardous work

In line with the goal of improving the occupational health and safety environment, reducing work accidents and increasing efficiency through employing skilled labour holding a Professional Competence Certificate, necessary legislative amendments should be realized so

as to make Professional Competence Certificate obligatory in hazardous and very hazardous work. The said obligation shall involve the professions indicated in the Communiqué issued by the Ministry of Labour and Social Security.

The employers seeking protected workplace status apply to the Provincial Directorates of Family and Social Policies. The Commissions, which their Secretariat work is carried out by the Provincial Directorate of Family and Social Policies, are established within Governorship in provinces comprising of representatives from the Provincial Directorate of Family and Social Policies, Provincial Directorate of Labour and Employment Agency, Provincial Directorate of National Education, Provincial Directorate of Health and from other public institutions and organizations assigned by the Governorship, where necessary. The applications are subject to analysis in terms of conditions required in the Communiqué mentioned above. The workplaces meeting the necessary conditions are given Protected Workplace Status.

3. STATISTICS AND OTHER RELEVANT INFORMATION

International Conference on Occupational Safety and Health is held by the Directorate General of Occupational Health and Safety biyearly. VII. International Conferences on Occupational Safety and Health were realized between the years 2012-2015.

YEAR	OHS WEEK	VENUE	NUMBER OF PARTICIPANTS
2012	26 th OHS Week	Şanlıurfa	1.100
2013	27 th OHS Week	İzmir	1.600
2014	28 th OHS Week	İstanbul	4.350
2015	29 th OHS Week	Ankara	1.200

VII. International Conference on Occupational Safety and Health was held on 5-7 May 2014 in Istanbul with the participation of scientists, representatives of international institutions and organizations and of employers', workers' and civil servants' organizations, OHS professionals and non-governmental organizations together with the related stakeholders from 45 countries. The main theme was determined as "*Improving Occupational Health and Safety in Workplaces*" and within this scope occupational health and safety was examined with its technical, social and economic dimensions. This 3-day Conference was followed by 4152 people. During the Conference, 233 statements, which 147 of them were verbal and 86 were posters, were presented in total. Striking assessments were made about outstanding titles in the field of OHS in 165 presentations at 38 sessions which were realized simultaneously. In the fair area opened within the scope of the Conference, with the participation of 89 firms from 19 countries engineering solutions which are continuously renewed on the basis of technological developments in the sector, personal protective equipment and the services provided in the field of occupational health and safety were introduced. Over 3000 persons participated to the fair organization. In the last day of the Conference, technical tours were realized to 10 different enterprises in order to see the best practices in the field of occupational health and safety and 280 persons attended. Furthermore, the Conference hosted the meetings of international institutions and organizations such as ICOH, WHO CC/SEENWH, ENETOSH and OIC-OSHNET.

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

General objective of the policy

Information on Occupational Health and Safety Law No. 6331 and reviewing OHS policies regularly:

The regulations concerning Occupational Health and Safety were being made according to the relevant Articles of the Labour Law No. 4857 until 2012 in Turkey, but the need of a new and comprehensive regulation has emerged as some employees remaining outside the scope of Labour Law, therefore, not covered in the legislation on occupational health and safety and not being able to benefit from services on occupational health and safety,

With the Occupational Health and Safety Law No. 6331, which is the first independent Occupational Health and Safety Law published on 30.06.2012, necessary regulations were made in compliance with the EU requirements.

(Detailed information on Occupational Health and Safety Law No. 6331 is given in Section B of Paragraph 2 of Article 3.)

With this Law, it is targeted to take the necessary measures before work accidents and occupational diseases occur on the basis of preventive approach instead of a normative one. The most important step of the preventive occupational health and safety approach is to make an appropriate risk assessment in the workplaces.

Risk assessment is defined as “activities required for identifying hazards which exist in or may arise from outside the workplace, analysing and rating the factors causing these hazards to turn into risks and the risks caused by hazards and determining control measures” in the Occupational Health and Safety Law No. 6331.

Pursuant to the provision in Article 4 of the Law stating “The employer shall carry out a risk assessment or get one carried out”, the employers were obliged to make a Risk Assessment in the workplaces.

In addition, pursuant to Article 10;

“(1) The employer shall conduct an assessment of risk in terms of health and safety of workers or get one carried out. While making a risk assessment, the following points are taken into account:

- a) The situation of workers who might be affected by certain risks.
 - b) Choice of work equipment, the chemical substances or preparations used.
 - c) Workplace organization and housekeeping.
 - ç) The situation of female workers and other workers such as young workers, older workers, disabled, pregnant or breast feeding workers who need specific policies.
- (2) The employer shall identify the occupational health and safety measures to be taken as well as the protective gear or equipment to be used as a consequence of the risk assessment.

(3) Measures to be taken for the safety and health protection of workers and the working and production methods implemented by the employer must assure an improvement in the level of

protection afforded to workers with regard to safety and health and be practicable at all hierarchical level within the undertaking and/or enterprise.

(4) The employer shall ensure that controls, measurements, examinations and research are carried out to identify the risks which are linked to the working environment and which the workers are exposed to.

With these provisions, the obligation for the employer to make a risk assessment which constitutes the basis for a new and developing risk based approach in occupational health and safety and enabling the assessment of specific occupational health and safety conditions of the workplaces and identifying the measures taking into account, these situations were introduced in compliance with the EU Directive 89/391/EEC.

The Regulation of Occupational Health and Safety Risk Assessment issued on the basis of Occupational Health and Safety Law No. 6331 includes how risk assessment shall be made in the workplaces, identification of the qualifications of persons and organizations that shall make the assessment as well as the rules and procedures of giving and cancelling of the necessary permits.

According to the Regulation of Occupational Health and Safety Risk Assessment, in case that no risk assessment has been made before in the workplaces, and in case of significant changes below which shall affect the health and safety of workers according to the category of hazard of the workplace it is necessary to make a risk assessment:

1. Moving of the workplace or making changes in the buildings,
2. Making changes in the technology applied, in the materials and equipment used in the workplace,
3. Changes in the production method,
4. Occurring of a work accident, occupational disease or a near-miss,
5. A legislative amendment concerning the limit value that belongs to the working environment,
6. Necessity according to the working environment measurement and health supervision results,
7. Emerging of a new danger arising from outside the workplace and which shall affect the workplace.

The activities of risk assessment allow for the employer to identify the hazards and to determine the risks beforehand.

Organisation of occupational risk prevention

Information on how small and medium sized enterprises fulfill their responsibilities about work-related risk assessment and taking preventive measures appropriate to the quality of risks faced in practice:

The aim of the Regulation of Occupational Health and Safety Risk Assessment which was published in the Official Gazette dated 29.12.2012 and No. 28512 is to arrange the rules and procedures of risk assessment which shall be made in terms of occupational health and safety in the workplaces. Its scope is all the workplaces within the scope of Occupational Health and Safety Law No. 6331. When looked at the Articles of the said Regulation with regard to the obligations of the employer, the obligation of making a risk assessment or having one carried

out is seen for the purpose of ensuring, maintaining and improving the health and safety of the working environment and the workers.

The risk assessment shall be made with a team, who shall take place in this team and how the hazards shall be identified; the analysis of the risks and the control steps of the risks are expressed in detail in the Regulation. Article 6 of Occupational Health and Safety Law No. 6331 and Article 5 of the Regulation of Occupational Health and Safety Services which was published in the Official Gazette dated 29.12.2012 and No. 28512 it was expressed that how the employers shall realize occupational health and safety studies and particularly those of risk assessment according to the category of hazard and the number of workers in the workplace through getting service from workers meeting all the conditions under legislation or from outside. Besides, the employer himself/herself can be assigned in carrying out these services where his/her qualifications are sufficient to carry out these studies by taking into consideration the number of workers and the category of hazard. Article 6 of the Law stipulates that “The employers or the representative of employer of the workplaces having no specified qualifications and the required certificate but having less than 10 workers and are in the category of less hazardous can conduct occupational health and safety services except recruitment and periodic treatment and examinations provided that they complete the trainings announced by the Ministry of Labour and Social Security.”

The risk assessment should be made regardless of the size (big, medium, small) of the workplaces. It is known that the investments on occupational health and safety also in our country as is the case in all other developed and developing countries preclude big financial losses in the future. Determination of hazards and prevention of risks in the workplaces shall both minimize the figures of work accidents and occupational disease and reduce the financial losses of the workplaces. That's why risk assessment is the chief pillar of the Law No. 6331. With the assessment and grading the risks, the workplaces can make planning about the issues requiring urgent measures and extending over a period of time. The studies of risk assessment were realized through visiting the workplaces with many projects that were completed or are still going on. The relevant parties were assisted about risk assessment through trainings, workshops and conferences and they were informed and are still being given information.

Besides, Article 7 of the Law No. 6331 stipulates that when the issue of “supporting of occupational health and safety services” is taken into consideration, this support may be provided to enterprises employing fewer than ten workers except for public bodies and organizations provided that the enterprise is classified as 'very hazardous' and 'hazardous'. However, the Council of Ministers may decide that the Ministry may also provide subsidies to enterprises employing fewer than ten workers and classified as 'less hazardous' through allocating resources from the contributions collected for the short term insurance branches in terms of occupational health and safety financed by the Social Security Institution. The studies on risk assessment are included within this scope.

Improvement of occupational safety and health

Information on İSGÜM, ÇASGEM and Directorate General of Occupational Health and Safety:

a. Occupational Health and Safety Research and Development Institute (İSGÜM)

The aim of the Regulation on the Duties, Authority and Responsibilities of the Presidency of Occupational Health and Safety Research and Development Institute which was published in

the Official Gazette dated 15.07.2015 and No. 29417 is to identify the organizational structure, working rules and procedures and the quality, duty, authority and responsibilities of the staff of the Presidency of Occupational Health and Safety Research and Development Institute and the affiliated Regional Laboratory Directorates of Occupational Health and Safety Research and Development Institute. Article 5 involves the authority and responsibilities of the Directorate of Occupational Health and Safety. According to the said Regulation:

- Under the Regulation on the Laboratories Making Measurement, Testing and Analysis of Work Hygiene published in the Official Gazette dated 20.08.2013 and No. 28741, authorization, control and supervision of private or public institutions' laboratories which shall make work hygiene related with physical, chemical and biological factors for personal exposure or working environment in the working environment within the legislation of occupational health and safety is realized under the authorization of İSGÜM.
- In order to establish a real data base in terms of pneumoconiosis in Turkey, increasing the number of physicians reading pneumoconiosis and raising the standard of reader to an international level, the training of ILO International Pneumoconiosis Radiography Classification Reader is held only by İSGÜM in our country. The successful physicians are given certificate.
- Under the Regulation on Health and Safety Measures in the Work with Asbestos published in the Official Gazette dated 25.1.2013 and No. 28539, expertise training for the asbestos dismantling experts is given by İSGÜM whose assignment is obligatory in the studies of asbestos dismantling.
- İSGÜM is authorized to issue the control certificates which are import certificate concerning the chemicals imported and to make analysis and examination within the scope of occupational health and safety in the firms having a control certificate and to cancel the given certificate in case the conditions of eligibility are not continuing.

Only İSGÜM is responsible from these activities. The authority and responsibilities of İSGÜM take place in Article 5 of the Regulation on the Duties, Authority and Responsibilities of the Presidency of Occupational Health and Safety Research and Development Institute which was published in the Official Gazette dated 15.07.2015 and No. 29417:

(1) The authority and responsibilities of İSGÜM are stated below:

- a) In line with its duties to prepare the study plan which belongs to the following year at the end of each year and submit it for the approval of the Directorate General,
- b) To make training and research-development projects on occupational health and safety or having public institutions and organizations as well as universities make them,
- c) To operate independently or as a project partner, as a coordinator and beneficiary in the projects; in case of lack of independent or a project partner to provide information and human resource support to the related projects,
- ç) To take support, where necessary, from local and foreign experts outside the institution in the activities where he/she is a project coordinator,

d) To authorize, control and supervise the laboratories which shall give service in the fields of measurement, testing and analysis of work hygiene,

e) To cooperate with the national and international institutions and organizations,

f) To collect and arrange statistical data without prejudice to the workplace information and commercial secrets in order to form national policies in the field of occupational health and safety,

g) To issue the control certificates and where necessary to cancel the given certificate in case the conditions of eligibility on occupational health and safety are not continuing by analysing and examining on-site in the workplaces where the product imported with the certificate,

ğ) Making treatment and medical laboratory examinations for the workers with the mobile health vehicles and to evaluate the findings,

h) To make compliance assessment tests of the personal protective equipment,

ı) To establish committees in the sectoral fields, to get expertise support from appropriate institutions and organizations in these committees, where necessary.

(2) İSGÜM is authorized to make measurement, analysis and counseling in the workplaces on occupational health and safety and to take the necessary samples for this purpose. The assigned staff in İSGÜM is obliged not to hinder work for conducting official work and to keep confidential the secrets of employer and the workplace and the issues that he/she saw and learnt. Besides, he/she cannot make an explanation about the following issues:

a) The manufacture and production conditions of the workplaces, its techniques and secrets, commercial and economic situations,

b) The results of measurements, tests and examinations made in the workplaces together with the results of test, analysis and examination of the samples.

The amount of resources allocated for the expenses of İSGÜM for 2017 is 10.233.000 TL and this amount covers the laboratories of İSGÜM and also all the regional Laboratories.

Pursuant to Article 19 of the Regulation on Health and Safety Measures in the Work with Asbestos published in the Official Gazette dated 25/1/2013 and No. 28539, the expertise training for the asbestos dismantling experts is given by İSGÜM. The related training was realized seven times in total as of January 2014 and 255 asbestos dismantling experts were given certificates. The trainings are going on.

Pursuant to Article 6 of the Regulation on Fighting Dust which was published in the Official Gazette dated 05.11.2013 and No. 28812, Pneumoconiosis Reader Training is given by İSGÜM and below is the information about this training between the years 2012-2015:

ILO International Pneumoconiosis Radiography Classification Reader Training

	Courses	Province	Readers
2012	2	Ankara	40
2013	2	Ankara	41
2014	4	Ankara (3), İstanbul (1)	94
2015	2	Ankara	48

Within the scope of the Regulation on the Laboratories Measuring, Testing and Analysing Work Hygiene which was published in the Official Gazette dated 20.08.2013 and No. 28741 the competence of related laboratories are given by İSGÜM. Within this framework, 21 laboratories applied in 2014, 9 of them were examined on-site and 7 laboratories were given authorization. Whereas in 2015, 86 laboratories applied, 62 of them were examined on-site and 54 laboratories were given authorization.

b. Labour and Social Security Training and Research Centre (ÇASGEM)

Labour and Social Security Training and Research Centre (ÇASGEM) which is the affiliated body of the Ministry of Labour and Social Security is a public institution giving trainings about working life.

Training and Research Centre has taken the name of Labour and Social Security Training and Research Centre (ÇASGEM) with the Law dated 16.07.2003 and No. 4947 which amends the Law No. 7460. Pursuant to the alternative Article 1 of the Law, the purpose of the Centre is to “be engaged in training, research, publication, documentation and counseling on working life and labour issues.”

According to the Organization Law No. 7460, the duties of the Presidency of Labour and Social Security Training and Research Centre are as below:

- To prepare training programs on working life, social security, occupational health and safety, workers’ and employers’ relationships, employment, productivity, total quality management labour market surveys, ergonomics, environment, first aid, labour statistics and similar issues and on occupational health and safety for the workplace physicians, engineers, technical staff, nurses and the other health personnel who shall be assigned to prevent health and safety risks and to carry out protective services in the workplace together with the units of Ministry or the related institutions and organizations where necessary, to give training or to purchase training services, to certify, to make researches on these issue or have them make;
- To organize trainings, seminars and conferences for the personnel of the Ministry, its affiliated and relevant organizations and for workers, employers or executives in the workplaces operating in private or public sector or to ensure their participation to these trainings, conferences and seminars organized on these issues;
- To make researches and analysis on labour issues and to collect documents on these issues;
- To hold consultations and to advise by examining the problems of working subjects of the workplaces and labour productivity upon the request or with the approval of the relevant persons;
- To prepare statistics where possible;
- To compile and publish in Turkish and foreign languages concerning its purpose.

The allocation of Starting Allowance allocated to the Centre from the General Budget, varies depending on the number of activity and the personnel of the Centre. An increase has been realized with the recruitment of new personnel in 2015.

Starting Allowance for the Period*

GENERAL BUDGET				
2011	2012	2013	2014	2015
2.546.740,00	2.721.200,00	5.174.900,00	4.457.900,00	5.632.000,00
GENERAL BUDGET REALIZATION				
2011	2012	2013	2014	2015
2.505.838	3.518.260	4.963.045	4.441.701	5.233.805

*Unit Activity Report 2015 of Labour and Social Security Training and Research Centre

c. Training and Counseling Activities realized by the Directorate General of Occupational Health and Safety (İSGGM)

On improving occupational health and safety “Occupational Health and Safety Week” is held on 4-10 May every year since 1987 by the Directorate General of Occupational Health and Safety. Within the activities of the Week, various activities are realized for raising awareness about “Occupational Health and Safety” and for preventing work accidents through various symposiums and meetings in our country. Within this scope, Occupational Health and Safety Weeks which were organized between the years 2012-2015 are shown in the following table:

YEAR	OHS WEEK	VENUE	PARTICIPANTS
2012	26 th OHS Week	Şanlıurfa	1.100
2013	27 th OHS Week	İzmir	1.600
2014	28 th OHS Week	İstanbul	4.350
2015	29 th OHS Week	Ankara	1.200

International Conference on Occupational Safety and Health is held by the Directorate General of Occupational Health and Safety biyearly.

VII. International Conference on Occupational Safety and Health was held on 5-7 May 2014 in Istanbul with the participation of scientists, representatives of international institutions and organizations and of employers’, workers’ and civil servants’ organizations, OHS professionals and non-governmental organizations together with the related stakeholders from 45 countries. The main theme was determined as “*Improving Occupational Health and Safety in Workplaces*” and within this scope occupational health and safety was examined with its technical, social and economic dimensions. This 3-day Conference was followed by 4152 people. During the Conference, 233 statements, of which 147 of them were verbal and 86 were posters were presented in total. Striking assessments were made about outstanding titles in the field of OHS in 165 presentations at 38 sessions which were realized

simultaneously. In the fair area opened within the scope of the Conference, with the participation of 89 firms from 19 countries engineering solutions which are continuously renewed on the basis of technological developments in the sector, personal protective equipment and the services provided in the field of occupational health and safety were introduced. Over 3000 persons participated to the fair organization. In the last day of the Conference, technical tours were realized to 10 different enterprises in order to see the best practices in the field of occupational health and safety and 280 persons attended. Furthermore, the Conference hosted the meetings of international institutions and organizations such as ICOH, WHO CC/SEENWH, ENETOSH and OIC-OSHNET.

Furthermore, in the sub-group meeting of “Establishing Safe Workplaces” realized with the participation of 16 people representing G20 countries on 6 May 2014 within the scope of the Conference, participants exchanged their views about the issues which shall take place in the draft statement constituting the basis for the declarations of G20 Labour and Employment Ministers and G20 Leaders Summit and for the road map which will be prepared to establish safer and healthier workplaces.

190 persons attended the training courses realized within the scope of the Conference on 4 May 2014. Titles of the training are as below:

- Risk Assessment and Application
- Basic Occupational Health Epidemiology
- The Importance/Role of Workplace Nursing In Improving Occupational Health and Safety In The Workplaces
- Basic Training of Laboratory Accreditation
- Sick Building Syndrome
- Discussion of Work Accidents in Mines
- Office Ergonomics

Besides Occupational Health and Safety Week and International Conferences on Occupational Safety and Health, trainings and information activities organized between the years 2012-2015 are shown below:

YEAR	ACTIVITIES	VENUE	PARTICIPANTS
2012	"Occupational Health and Safety Strategy Workshop" was realized on 23 - 24 March 2012.	Bolu	100
	Closing Conference of İSGİP and İSGLABTEK was realized on 14 February 2012.	Ankara	600
	TAIEX Seminar on "Protection Measures from Zoonotic Infections" was realized on 03 April 2012.	Ankara	150
	Symposium on "Occupational Health and Safety Creating Practical Solutions from the Problems in Construction Sector" was realized on 21 May 2012.	Ankara	625
	Seminar on "Risk Assessment and Practices in Metal Sector" was realized on 29 June 2012.	Konya	250
	Information training was held for the doctors on occupational disease.	-	185
	Seminar on "Risk Assessment in Textile Sector" was realized on 27.09.2012.	Tekirdağ	150

	Information Meetings on Occupational Health and Safety Law No. 6331 were realized in 18 provinces.	18 İl	12.700
	It was participated to ISAF OHS Fair on 20.09.2012.	İstanbul	350
	Symposium on Ankara Hacettepe Hospital Personal Protective Equipment was realized on 17.10.2012.	Ankara	400
	The closing activity of Technical Support Project of Establishing A Support Laboratory for Market Surveillance of Personal Protective was realized on 19.12.2012.	Ankara	400
2013	Second Conference of SESRİC Occupational Health and Safety of Organization of Islamic Cooperation was realized on 4-6 March 2013 with the participation of 16 countries.	Ankara	50
	TAIEX Seminar on "Evaluation of Asbestos In Terms of Occupational Health and Safety" was realized on 4-5 April.	Ankara	100
	Information Meetings on Occupational Health and Safety Law No. 6331 were realized in 63 provinces.	63 Provinces	17.300
2014	The training for the Trainers of İSGİP Project in March.	Antalya	100
	TAIEX Seminar on "External Services" was realized on 16-17 January 2014.	Ankara	100
	TAIEX Seminar on "Wood Sector" was realized on 10-11 November 2014.	Bursa	80
	TAIEX Seminar on "Preparation for the Document on Protection from Explosion" was realized on 14-15 April 2014.	İstanbul	100
	Within the scope of İSGİP Project trainings were held in 33 provinces for OHS Professionals.	33 Provinces	2.900
	It was participated to ISAF Fair in September.	İstanbul	550
	Within the scope of Safe Port, Safety at Port Project seminars was held in 4 provinces.	4 Provinces	650
	It was participated to 1 st Turkish Occupational Safety and Health Fair (TOS+H EXPO) on 5-7 May 2014.	İstanbul	90
2015	TAIEX Seminar on "Standardization of Work Hygiene Laboratories" was realized on 12-13 November 2015.	Ankara	100
	It was participated to SHF SAFETY&HEALTHY Fair.	İstanbul	450
	Within the scope of Safe Port, Safety at Port Project seminars was held in 7 provinces.	7 Provinces	1.170
	Project Assessment and Public Legislation Training was realized.	Kırşehir	400
	Evaluation Training of Market Surveillance Supervision and Authorization Activities	Kırşehir	80
	Training of Scientific Research Techniques	Ankara	60

Consultation with employers' and workers' organisations

Information on the functioning and the field of duty of National Occupational Health and Safety Council:

a. Organization and members:

National Occupational Health and Safety Council has been set up to make recommendations on policies and strategies relevant to health and safety at work across the country under Article 21 of Occupational Health and Safety Law No. 6331. National Occupational Health and Safety Council Regulation was published on the basis of ILO Convention No. 155 on Occupational Health and Safety and Working Environment with the Article 21 of Occupational Health and Safety Law No. 6331 in the Official Gazette dated 05.02.2013 and No. 28550. Article 5 of the Regulation regulates **Council Members**. Accordingly, the Council shall be headed by the Undersecretary of the Ministry of Labour and Social Security and comprises of 26 members, 13 from public institutions and organizations and 13 from social partners stated below:

- General Director for Occupational Health and Safety, General Director of Labour, Head of Labour Inspection Board and one general director from the Social Security Institution,
- One general director from the Ministry of Science, Industry and Technology, Ministry of Environment and Urbanization, Ministry of Energy and Natural Resources, Ministry of Food, Agriculture and Livestock, Ministry of Development, Ministry of National Education and Ministry of Health,
- A member from the executive board of the Council of Higher Education and a vice president from the State Personnel Presidency,
- The first three trade unions with the highest number of members representing employers, workers and public officials separately and one executive board member or any other relevant person from the Union of Chambers and Commodity Exchanges of Turkey, Confederation of Turkish Craftsmen and Tradesmen, Turkish Medical Association, Union of Chambers of Turkish Engineers and Architects and Union of Turkish Chambers of Agriculture,
- Two representatives at most, when needed, from organizations or institutions operating in the field of occupational health and safety upon the suggestion of Director General for Occupational Health and Safety and approval of the Council.

b. Duties of the Council:

In Article 6 of the said Regulation **the duties of the Council** are as below:

- To develop suggestions for the national occupational health and safety policies and strategies and to recommend for the application of the decisions taken in the institutions,
- To develop suggestions for the determination of National Occupational health and Safety Policy Paper, goals and the action plan by taking into consideration the needs and priorities on occupational health and safety,
- To deliver an opinion on the training of workers and employers concerning occupational health and safety issues, their being informed, raising their awareness as well as creating an occupational health and safety culture,

- To suggest projects for research and development on occupational health and safety issues,
- Planning and assessing the activities such as seminars, conferences in the field of occupational health and safety across the country,
- To establish working groups and determine their members where necessary,
- To contribute to the coordination, information sharing and cooperation between the Ministry and the other institutions in the field of occupational health and safety by pursuing the public and the employees' favour,
- To participate in the studies of monitoring and examining of occupational health and safety,
- To monitor the implementation of all kinds of decisions and regulations and the occupational health and safety legislation in the institutions and organizations represented by the Council members and taken at the meetings of the Council, to deliver an opinion and make suggestions,
- To submit the activity report which belongs to the previous year to the Secretariat of the Council until the end of March every year within the scope of policy paper and action plan.

c. Activities of the Council:

The Council convenes ordinarily twice a year. These meetings are made in June and December every year. It can also hold emergency meetings upon the suggestion of the President or one third of members.

Policies, strategies or actions concerning occupational health and safety are created by taking the opinions of the Council members and at the same time the opinions of relevant institutions and organizations about the goals and actions determined. At the stage of realization of goals in terms of politics, the activities of the responsible or the relevant institutions and organizations are followed annually and are reported. With three National Occupational Health and Safety Policy Document and Action Plans (both in Turkish and in English) as well as Annual Activity Reports prepared since 2005 (the periods between 2006-2008, 2009-2013 and 2014-2018) are published on the web site of the Directorate General of Occupational Health and Safety under transparency and information sharing principles. (<http://www3.csgb.gov.tr/csgbPortal/isggm.portal?page=politikavestrteji>)

The decisions taken at 24th and 23rd National Occupational Health and Safety Councils are given below:

24th National Occupational Health and Safety Council-23.06.2016:

1. Carrying out existing studies related to diagnosis, determination and registration of occupational diseases,
2. Realizing a technical meeting in order to evaluate the situation of radiology technicians in hospitals and inviting expert staff from related institutions such as Turkey Atomic Energy Institution (TAEK).

23rd National Occupational Health and Safety Council-22.12.2015

1. In case of selection of the occupational accident provision or occupational disease provision in MEDULA by health service providers operating in the field of the notification of

occupational accidents and occupational diseases, it will be presumed that notification of occupational accidents and occupational diseases that have been medically certified are done,

2. Establishing a working group with regard to identification of legal and medical diagnosis of an occupational disease stated in the Law No. 6331,
3. Establishing a joint working group with the participation of the Ministry of Labour and Social Security, the Ministry of Health, the State Personnel Presidency, the Social Security Institution together with social parties and shareholders in order to ensure the elimination of problems experienced in definition, diagnosis and notification of occupational diseases.

Several regulations were made to inform the workers and their representatives, to ensure communication and cooperation in the Occupational Health and Safety Law No. 6331 which was published in the Official Gazette dated 30.06.2012 and No. 28339 and in its sub-regulations.

Information on workers' representation in undertakings with less than 50 employees

In Article 20 of the Law entitled "Workers' Representative", it is expressed that "In the event that no person might be elected or chosen to represent workers, the employer shall designate a workers' representative considering the risks present at work and the number of workers with special attention to balanced distribution of workers." Pursuant to this Article, **one representative shall be designated for enterprises between two and fifty workers.** (1 representative for enterprises between 2-50 workers, 2 representatives for enterprises between 51-100 workers, 3 representatives for enterprises between 101-500 workers, 4 representatives for enterprises between 5001-1000 workers, 5 representatives for enterprises between 1001-2000 workers and 6 representatives for enterprises between 2001 and more workers.)

Where there is more than one workers' representative, the chief representative shall be elected among the other workers' representatives. Where there is a trade union representative in the enterprise, the trade union representative shall act as workers' representative.

Again pursuant to Article 20 of the Law, workers' representative shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/or to remove sources of danger. Workers' representatives may not be placed at a disadvantage because of their respective activities and the employer shall provide them with the necessary means to enable such representatives to exercise their rights and functions.

The rules and procedures for the qualifications and selection of workers' representative have been determined with the Communiqué on The Rules and Procedures for the Qualifications and Selection of Workers' Representative on Occupational Health and Safety dated 29.08.2013 and No. 28750. It is stated in Article 9 of the same Communiqué that the workers' representative is entitled to join the studies on occupational health and safety, to follow these studies, to demand for the elimination of the source of danger or for mitigating the risk arising from danger, to make proposals and to represent workers in similar issues. It is also stated that their rights shall not be restricted due to these duties. Pursuant to Article 11 of the Communiqué, workers' representatives are specially trained about occupational health and safety issues according to the Regulation of the Rules and Procedures of Occupational Health and Safety Trainings for the Workers published in the Official Gazette dated 15.05.2013 and No. 28648.

In the Regulation of Occupational Health and Safety Risk Assessment dated 29.12.2012 and No. 28512, it is stated that workers' representatives and workers who were determined in a way that they shall represent all the units and who have information about the studies carried out in the workplace, existing or possible sources of danger as well as risks should be in the team which will carry out the risk assessment. It is understood from this expression that the workers and the representatives shall actively be engaged in every kind of study on occupational health and safety.

About consultation with and participation of workers in Article 18 of the Law, the employer shall enable workers representatives to take their opinions on occupational health and safety issues, to give them the right to make proposals and to allow them to take part in discussions and to ensure their participation. Furthermore, the employer shall ensure to take their opinions about the impact of the implementation of new technology, working equipment, working environment and conditions on the health and safety of the workers.

Article 3§2:

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

To issue regulations in the fields of safety and health

Scope of the provisions as interpreted by the ECSR

The implementation of an occupational health and safety policy must include the adoption of framework legislation dealing with all aspects of health, safety and working conditions, as well as the adoption of regulations on specific risks concerning dangerous agents and substances (in particular, asbestos, ionising radiation and chemical substances). All workers—including temporary and self-employed workers—, all workplaces and all sectors of activity must be covered by occupational health and safety regulations. The regulations must be drawn up in consultation with employers' and workers' organisations.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

1.	Communiqué of Training Programmes on Dismantling Asbestos	<i>Published in the Official Gazette dated 29.06.2013 and No. 28692.</i>
2.	Regulation on Health and Safety Measures in the Work with Chemical Substances (1998/24/EC, 1991/322/EEC, 2000/39/EC, 2006/15/EC, 2009/161/EU)*	<i>Published in the Official Gazette dated 12.08.2013 and No. 28733.</i>
3.	Regulation on the Vocational Training of Employees in the Category of Hazardous and Very Hazardous Work	<i>Published in the Official Gazette dated 13.07.2013 and No. 28706 (Amended in the Duplicate O.G. dated 25.07.2013-28718)</i>

(Furthermore, information in Paragraph 1/A can be benefited from.)

36 regulations and 23 communiqué were issued following the publication of Occupational Health and Safety Law No. 6331 with regard to ensuring occupational health and safety and improving the existing health and safety conditions in the workplaces within the scope of the Law together with the rules and procedures concerning the duties, authority, responsibilities, rights and obligations of the employers and employee through taking the views of relevant institutions and organizations. The relevant legislation is available in the following links:

<http://www3.csgb.gov.tr/csgbPortal/isggm.portal?page=mevzuat&id=3>

<http://www3.csgb.gov.tr/csgbPortal/isggm.portal?page=mevzuat&id=4>

With the amendments realized in Occupational Health and Safety Law with the Law dated 10/9/2014 and No. 6552;

- The obligation of designation of other health staff was introduced in the workplaces employing ten or more workers that are in the very hazardous category.
- The employers or employer representatives lacking identified qualifications and do not have the required certificate; however who are employed in the workplaces having less than 10 employees and are in the least hazardous category are allowed to carry out occupational

health and safety services except recruitment and periodical examinations and surveys provided that they complete the trainings announced by the Ministry.

With the amendments realized in Occupational Health and Safety Law with the Law dated 4/4/2015 and No. 6645;

- Occupational safety experts and workplace physicians are guaranteed. Accordingly, these persons whose rights were violated shall be granted compensation at the amount of one year contract.
- Pressure for overproduction is deemed as a reason for suspending the work and the penalty of imprisonment from three to five years is envisaged for the employer or the employer representative who continue to work at suspended enterprises.
- The employer shall be forbidden public procurement for a period of two years with the court decision in the mines where fatal work accidents occur.
- The workplaces shall be imposed fine which do not provide the employees with personal protective equipment with CE signature in compliance with the standards.
- Administrative fine shall be applied at the rate of 25%-200% taking into consideration the number of employees and the category of hazard.
- The employers shall be imposed fine who do not set up the system following their employees underground in mines.
- Making a legal regulation in paragraph (1) of Article 5 of Higher Education Law No. 2547 with the Law No. 6645, the faculties which graduate occupational safety experts. shall be obliged to give occupational health and safety course according to Occupational Health and Safety Law No. 6331 dated 20/6/2012 and thus occupational health and safety course shall be obligatory at the universities.
- The obligation of rescue chamber in mines shall be regulated with the Regulation. The studies on legal process are going on.
- The obligations of occupational health and safety shall also be taken into account in public procurement contracts.
- The organizations of construction inspection shall be introduced the responsibility of control of OHS.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

In order to fulfill occupational health and safety services, support can be provided for the workplaces having less than ten workers and are in very hazardous and hazardous category except for public institutions and organizations by the Ministry. Besides, the workplaces having less than ten employees and are in the less hazardous category can also be provided support with the Decree of the Council of Ministers.

Pursuant to Article 4 of the Law, with the provision of “The employer shall carry out a risk assessment or get one carried out”, the employers are obliged to make a risk assessment in the workplaces.

The Council which was constituted to make recommendations in order to determine policies and strategies with regard to occupational health and safety across the country normally convenes twice a year and the working rules and procedures of the Council are determined by the Ministry.

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

Risks covered by the regulations

Detailed and up-to-date information on the Law No. 6331:

Occupational Health and Safety Law No. 6331 is the first independent Law of our country comprising of 39 Articles. The Law involves important provisions in order to ensure occupational health and safety in the workplaces. The main provisions and practices involving these provisions are given below:

The purpose of the Law is to regulate the duties, authority, responsibilities, rights and obligations of the employers and workers in order to ensure occupational health and safety and to improve the existing health and safety conditions in the workplaces. The Law involves all the workers including apprentices and interns, regardless of the number of workers and the type of workplace and without making any discrimination among public and private sectors. In compliance with the practices in the EU, this Law shall not apply to the activities of Turkish Armed Forces, the police, intervention activities of disaster and emergency units, domestic services, and persons working on their own account without employing workers.

Pursuant to the Law, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means and shall ensure that these measures are adjusted taking account of changing circumstances and aim to improve existing situations. According to Article 4 of the Law, the employer shall also monitor and check whether occupational health and safety measures that have been taken in the workplace are followed and ensure that nonconforming situations are eliminated, carry out a risk assessment or get one carried out, take into consideration the worker's capabilities as regards health and safety where he entrusts tasks to a worker, take appropriate measures to ensure that workers other than those who have received adequate information and instructions are denied access to areas where there is life-threatening and special hazard. Besides, the employer shall also coordinate occupational health and safety services pursuant to Article 6 entitled "Occupational health and safety services", conduct "Risk assessment, Control, Measurement and Research" pursuant to Article 10, take the necessary measures under the title of "Emergency Plans, Fire-fighting and First-Aid" pursuant to Articles 11 and 12, prepare "Safety Report or Serious Accident Prevention Policy Document" pursuant to Article 29, keep the necessary recordings and make a notification pursuant to Article 14 entitled "Recording and Notification of Occupational Accidents and Diseases", ensure "Health Surveillance" pursuant to Article 15 entitled "Health Surveillance" and fulfil their responsibilities concerning "Infirmary and Training of Workers" pursuant to Articles 16 and 17.

It shall be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his acts or commissions at work in accordance with his training and the instructions related to occupational health and safety given by his employer. To this end, workers must make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production; use such safety devices correctly and refrain from changing or removing arbitrarily safety devices fitted, make correct use of the personal protective equipment supplied to them and protect themselves and immediately inform the employer and/or the workers' representative of any

work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the machinery, apparatus, tools, facilities and buildings.

There are provisions in Article 7 of the Law entitled “State Subsidies to Occupational Health and Safety Services” stating that the State may provide support to enterprises within the scope of certain conditions in order to ensure the effectiveness and sustainability of health and safety services together with its responsibilities with regard to inspection, administrative fine or preparation of relevant regulations and communiqué specified in the Law. There are provisions in Article 21 of the Law on establishing of a National Occupational Health and Safety Council to make recommendations on policies and strategies concerning occupational health and safety as well as its organization and work.

The employer shall designate occupational safety expert, workplace physician and the other health staff in order to prevent occupational risks and to provide occupational health and safety services. The employer shall fulfill this responsibility either by the personnel having appropriate qualifications or in case there is lack of personnel in the workplace competent enough to be designated, then the employer shall either enlist a joint health and safety unit to partially or fully provide these services or provided that the employer has the required qualifications and documents, these services can be offered by the employer himself considering the hazard class and the number of workers.

The joint health and safety unit was described in Article 3 of the Law and accordingly, it was expressed as “any unit which is established by public institutions and organisations, organised industrial zones and companies operating under the Turkish Code of Commerce in order to provide occupational health and safety services to workplaces, with required equipment and personnel and which is authorised by the Ministry.

The Ministry may provide support to enterprises to carry out occupational health and safety services provided that these enterprises employ less than ten workers except for public institutions and organizations and are classified as “very hazardous” and “hazardous.” Besides, the Council of Ministers may decide that the Ministry may also provide subsidies to enterprises employing fewer than ten workers and classified as 'less hazardous'.

With the provision in Article 4 of the Law stating that “The employer shall carry out a risk assessment or get one carried out”, the employers were obliged to make a risk assessment in the workplaces.

The Law identified some principles that should be taken into consideration in the employer’s fulfilling his responsibilities on occupational health and safety and in Article 5 of the Law this situation was decided. The said principles are first of all, to avoid the risks, to analyse the risk that cannot be avoided, to fight the risks at source, to adjust technical developments, to change the dangerous one with the safe or less dangerous, to develop a consistent and a general prevention policy, to attach priority to collective protection measures rather than personal protection measures, to give appropriate instructions to the workers.

Another obligation which was introduced by Occupational Health and Safety Law No. 6331 for the employers is to ensure the health surveillance. This situation is regulated in Article 15 of the Law.

The employer should ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work under pre-assignment, job change after the assignment, in case of return to work following repetitive absence from work due to work accidents, occupational diseases or health problems upon request, at regular intervals recommended by the Ministry in the course of employment taking into account the quality of the worker and the nature of work and the hazard class of the enterprise.

In Article 16 of Occupational Health and Safety Law No. 6331, regulation was made on worker information. In order to ensure and maintain occupational health and safety in the workplace, the employer is obliged to inform the workers and workers' representatives about health and safety risks, first aid, extraordinary situations, disasters and firefighting and evacuation, the information as a result of risk assessment and their legal rights and responsibilities taking into account the characteristics of the enterprise.

In Article 17 of the Law, the issue of training of workers was regulated. Accordingly, the employer shall ensure that each worker receives occupational health and safety trainings. The Article stipulates that this training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a change in equipment or introduction of any new technology. The training shall be adapted to take account of new or changed risks and repeated periodically if necessary.

In the event that no person might be elected or chosen to represent workers, the employer shall designate a workers' representative considering the risks present at work and the number of workers with special attention to balanced distribution of workers: One representative for enterprises between two and fifty workers, two representatives for enterprises between fifty one and one hundred workers, three representatives for enterprises between one hundred one and five hundred workers, four representatives for enterprises between five hundred one and one thousand workers, five representatives for enterprises between one thousand one and two thousand workers, and six representatives for enterprises between two thousand one and more workers. Where there is more than one workers' representative, the chief representative shall be elected among the other workers' representative. Workers' representatives shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/or to remove sources of danger. Where there is an authorized trade union represented in the enterprise, the trade union representative shall act as workers' representative.

As can be understood from the regulation, important steps were taken for taking effective and productive occupational health and safety measures with Occupational Health and Safety Law No. 6331. These measures are not only those to be taken by the employer. The aim is to involve all the workers actively in this process and to ensure the participation of all.

National Occupational Health and Safety Council which has been set up to make recommendations on policies and strategies relevant to health and safety at work across the country convenes ordinarily twice a year and its working rules and principles are determined by the Ministry.

Another obligation introduced for the employers on occupational health and safety is to get a safety report or serious accident prevention policy document. Accordingly, for workplaces where a serious industrial accident can take place, the employer shall prepare a serious accident prevention policy document or safety report based on the size of the workplace

before starting the operations and start operations in the workplace following the examination of the safety report of the workplace in terms of the content and competency by the Ministry.

Articles 6, 7 and 8 of Occupational Health and Safety Law No. 6331 for the public institutions and the enterprises having less than 50 workers and are in less hazardous class shall enter into force on 01.07.2017. The same Articles for the enterprises having less than 50 workers and are hazardous and very hazardous class entered into force on 01.01.2014 and after six months following its publication. Articles 9, 31, 33, 34, 35, 36 and 38 of the Law and the provisional articles 4, 5, 6, 7 and 8 of the Law entered into force at the date of publication, whereas the other articles after six months following its publication.

Establishment, alteration and upkeep of workplaces

Information on whether the Regulation of the MLSS No. 25369 refers to the protection of machines, manual handling of loads, work with display screen equipment; hygiene (commerce and offices); maximum weight; air pollution, noise and vibration; personal protective equipment; safety and/or health signs:

The Regulation on the Health and Safety Measures in Enterprises and Their Premises published in the Official Gazette dated 17.07.2013 and No. 28710 and the Regulation on the Health and Safety Measures in Enterprises and Their Premises published in the Official Gazette dated 10.02.2004 and No. 25359 were abrogated.

The Regulation on the Health and Safety Measures in Enterprises and Their Premises published in the Official Gazette dated 17.07.2013 and No. 28710 identifies the minimum health and safety conditions required to be found in enterprises and their premises.

Except this Regulation;

- In order to identify the minimum conditions which should be obeyed in terms of health and safety in the use of work equipment in the workplace the Regulation of Health and Safety Conditions In the Use of Work Equipment was published in the Official Gazette dated 25.04.2013 and No. 28628 and an amendment was published in the Official Gazette dated 23.07.2016-29779.
- In order to identify the rules and procedures for the minimum health and safety measures in the work with screen equipment, the Regulation on Health and Safety Measures in the Work with Screen Equipment was published in the Official Gazette dated 16.04.2013 and No. 28620.
- In order to identify the minimum requirements to protect the workers from health and safety risks, particularly from back injuries, that can arise from manual handling, the Regulation of Manual Handling was published in the Official Gazette dated 24.07.2013 and No. 28717. Article 5 of this Regulation stipulates that the employer is responsible from making a work organization in a way that no manual handling shall be needed and take the necessary measures to ensure carrying of the goods with appropriate methods, particularly by using mechanical systems.
- In order to identify the minimum requirements for the protection of workers from health and safety risks, particularly from the risks related to hearing, as a result of exposure to noise, the Regulation on the Protection of Workers from the Risks Related to Noise was published in the Official Gazette dated 28.07.2013 and No. 28721.
- In order to identify the minimum requirements for the protection of workers from health and safety risks as a result of exposure to mechanical vibration, the Regulation on the

Protection of Workers was published in the Official Gazette dated 22.08.2013 and No. 28743.

- In order to identify the rules and procedures on the features, guarantee, use and other issues of personal protective equipment where the prevention or reducing of risks in the workplace cannot be ensured with collective protection based on technical measures or work organization or working methods, the Regulation on the Use of Personal Protective Equipment in the Workplaces was published in the Official Gazette dated 02.07.2013 and No. 28695.
- In order to identify the minimum requirements for the health and safety signs in the workplaces, the Regulation of Health and Safety Signs was published in the Official Gazette dated 11.09.2013 and No. 28762.
- In order to regulate the rules and procedures on the authorization of private and public institutions' and organizations' laboratories which shall measure, test and analyse work hygiene related to physical, chemical and biological factors for the working environment or for personal exposure in the working environment within the scope of occupational health and safety legislation, the Regulation on the Laboratories Making Work Hygiene Measurement, Testing and Analysing was published in the Official Gazette dated 20.08.2013 and No. 28741.
- Although the regulation of issues related to air pollution do not fall into the Ministry's authority, duty and responsibilities, in Annex-1 of the Regulation on Health and Safety Measures in the Work with Chemical Substances was published in the Official Gazette dated 12.08.2013 and No. 28733, the professional exposure limit values of chemicals are regulated.

Protection against hazardous substances and agents

Information on whether Regulation No. 18861/1985 take account of the Recommendations (1990) by the International Commission on Radiological Protection, relating to exposure limit values in the workplace but also to persons who, although not directly assigned to work in a radioactive environment, may be exposed occasionally to ionising radiation:

As the existing legislation of Turkish Atomic Energy Authority (TAEK) was prepared on the basis of the report of International Radiological Protection Commission (ICRP) published in 1990, it is in compliance with the said report. The limit values concerning radiation doses in the Communiqué of Radiation Safety which entered into force by being published in the Official Gazette dated 07.09.1985 and No. 18861, were reregulated in compliance with the report published by ICRP in 1990 for public persons and those working with radiation with Article 10 of the Regulation of Radiation Safety entitled "Annual limits of doses" published in the Official Gazette dated 24.3.2000 and No. 23999.

On the other hand, the report of ICRP published in 1990 was updated in 2007 and the document of "The 2007 Recommendations of the International Commission on Radiological Protection ICRP Publication 103" was published. Following this document, basic safety standards in the protection from radiation were updated by International Atomic Energy Agency (IAEA) and EURATOM and were published. Within the framework of amendments brought to the international standards of protection from radiation, the updating studies of existing TAEK legislation are going on.

Temporary workers

Information on how workers employed on fixed-term contracts and temporary and agency workers receive OHS information and training, and their access to occupational health services and representation at work

The Regulation on Occupational Health and Safety in Temporary or Fixed Term Employment entered into force by being published in the Official Gazette dated 23.08.2013 and No. 28744. This Regulation was prepared in line with Article 30 of Occupational Health and Safety Law No. 6331 and the EU Council Directive 25.6.1991 and No. 91/383/EEC and with this Regulation it was aimed **to protect the workers working on a temporary or fixed term employment contract with the other employees in the workplace at the same level in terms of their health and safety.**

When the Regulation is analysed, it is necessary for the employers to realize the practices on occupational health and safety in the workplace without any discrimination for all the workers. The employers are obliged to apply all the matters indicated under the titles “health surveillance”, “information” and “training” which constitute the Articles 15, 16 and 17 of the Law No. 6331 also to the workers having temporary or fixed term employment contract.

Under the title of the duties of workplace physicians in Article 9 of the Regulation on the Duties, Authority and Responsibilities and Training of Workplace Physicians and the Other Health Staff published in the Official Gazette dated 18.12.2014 and No. 29209, it is mentioned from checking out whether the duration of medical reports showing that the workers sent temporarily from another employer as well as those sub-employer workers are appropriate for the work are valid or not. This means to review the appropriateness of workers in terms of health with who shall be made a temporary employment relationship.

Pursuant to Article 6 of the Law No. 6331, the persons designated to fulfill occupational health and safety services in the workplace; shall be responsible from being informed by the employer with whom a temporary employment relationship is made or undertake fixed term employment concerning the workers who shall work on fixed term or temporary employment contracts and from fulfilling necessary studies to ensure their health and safety together with the other workers specified in the Regulation on Occupational Health and Safety in Temporary or Fixed Term Employment.

As is understood from this expression, while occupational health and safety services are being carried out in the workplace, the existence of workers on fixed term or temporary contracts the risks they constitute and the risks of workplace for these people should also be considered. While the studies of risk assessment are being carried out, measures should be taken and the workers should be informed about the hazards and risks arising from their work. Furthermore, under the titles of information and responsibilities mentioned in the special provisions part of the Regulation, the provision stipulates that related to the workers who shall be employed on a temporary employment contract, the employer who shall be made a temporary employment relationship gives the necessary information about the matters in paragraph 1 of Article 16 of the Law No. 6331 as well as “professional knowledge, skill and the features of the work required for doing the work” to the other employer and with the provision of “ensures to include the information in the contract, the employer who shall transfer his workers temporarily gives this information to the workers who shall work on a temporary employment relation.” The responsibility on these issues belongs to both the employer who shall transfer

his workers temporarily and to the employer with whom a temporary employment relation is made.

The qualifications of workers' representative and the rules and procedures of their election was determined with the Communiqué on The Qualifications of Workers' Representative and the Rules and Procedures of Their Election related to Occupational Health and Safety dated 29.08.2013 and No. 28750. In Article of the Communiqué, the qualifications of the workers' representative were determined. Accordingly, in order to be a workers' representative of a worker, the worker should be a fulltime, permanent worker, have at least 3 years of work experience and be at least a secondary school graduate. However, the worker working at fixed term or temporary work is not required to be the fulltime worker of the workplace and to have at least three years' work experience.

The issues specified in Annex of the Regulation on the Rules and Procedures of Occupational Health and Safety Trainings of Workers which was published in the Official Gazette dated 15.05.2013 and No. 28648 are given to the workers by the employer via persons and institutions specified in Article 13 of the Regulation. As was mentioned above, the employer is obliged to give these trainings to the permanent workers and the workers working on temporary and fixed term contract in line with the procedures in the legislation.

Consequently, the real employer and sub-employer take the responsibility and the workers on fixed term contract and those working temporarily have the same rights and responsibilities as permanent workers with regard to occupational health and safety issues.

Consultation with employers' and workers' organisations

Information on the representation of workers at the enterprises having less than 50 employees about OHS:

Several regulations to inform workers and their representatives, to ensure communication and cooperation were realized in Occupational Health and Safety Law No. 6331 which entered into force with the Official Gazette dated 30.06.2012 and No. 28339 and its sub-regulations.

The detailed information is available in Section B of paragraph 1 of Article 3.

Article 3§3:

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

The enforcement of such regulations by measures of supervision

Scope of the provisions as interpreted by the ECSR

States party must provide for the enforcement of health and safety regulations by measures of supervision. Compliance with this undertaking is assessed by taking into account developments in the number and frequency of work accidents and occupational diseases, as well as the setting up and maintenance of an effective inspection system (that is, conducting a “minimum number of inspections on a regular basis” and putting in place an efficient and dissuasive system of penalties in the event of breaches of the regulations).

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

The Presidency of Labour Inspection Board supervises and makes inspections whether the legislation is implemented as required in terms of occupational health and safety and execution in the workplaces or not covered by Occupational Health and Safety Law No. 6331 and the Labour Law No. 4857. Within the scope of occupational health and safety inspections, corrective and preventive measures concerning the risks determined by the risk team in the workplaces are fulfilled or not by the responsible persons identified in the risk assessment document. These inspections are carried out as “scheduled inspections” and “inspections comprising of analyses out of schedule”.

In the fields or sectors determined as a result of evaluating and prioritizing the problems in working life or in the workplaces determined targeting a special risk group in order to supervise the implementation of whole or some of legislative provisions with regard to working life and upon the requests such as “scheduled inspections” and analysing of safety report and notification, complaint, work accident, etc. except scheduled inspections or “non-scheduled inspections comprising of analyses” which are realized by including the documents in the inspection programme that are compatible with inspection service submitted to the Board, inspections are realized comprising of two basic parts by The Presidency of Labour Inspection Board.

As for the work accidents which are selected in order to be analysed by The Presidency of Labour Inspection Board, the analysis are carried out within the scope of “non-scheduled inspections comprising of analyses”, in the inspections the analysis and assessment of the accident case is made and in the analysis and assessment made; whether the employer fulfill his responsibilities such as taking measures, providing the equipment with regard to occupational health and safety in full, inspecting whether the measures taken are obeyed or not, informing the workers bout vocational risks, measures to be taken, their legal rights and responsibilities and give the necessary occupational health and safety training etc., the issues of whether the legislative disparities causing work accident or occupational disease are still going on in the workplace or not are considered and the identified disparities are notified to the employer.

Besides, in accordance with paragraph 2 of Article 14 of the Law No. 6331, the employer shall notify the Social Security Institution within three work days of the date of work accident and after receiving the notification of an occupational disease from health care providers or workplace physicians. Pursuant to sub-paragraph (e) of paragraph 1 of Article 26 of the same Law, the employers who did not fulfill their responsibilities, the necessary administrative fine is imposed and according to Article 4 of the Law on Amending Occupational Health and Safety Law and Some of the Laws and Statutory Decrees No. 6645 which entered into force by being published in the Official Gazette dated 23.04.2015 and No. 29335, the administrative fine which shall be imposed to those who do not fulfill their responsibility of notification as of 23.04.2015, are given directly by the Social Security Institution. The amount of administrative fine which shall be applied with the final regulation varies according to the hazard category of the workplace and the number of workers.

2. STATISTICS AND OTHER RELEVANT INFORMATION

The information with regard to the amounts of administrative fine which the employer was proposed to be imposed as a result of inspections realized in terms of occupational health and safety between the dates 01.01.2012 – 31.12.2015 by The Presidency of Labour Inspection Board and the legislative disparities are given in the following table:

Number of Inspections and Fine:

Years	Total Inspections	Total Employers Imposed Administrative Fine	Amount of Administrative Fine in Total (TL)
2012	11.533	3.030	26.891.194
2013	8.332	2.640	19.504.330
2014	10.129	4.936	47.252.084
2015	13.296	4.298	59.490.680

Furthermore, the information on the resources allocated to The Presidency of Labour Inspection Board between the years and the situation of expenses between the years 01.01.2012 – 31.12.2016 are shown below:

Resources allocated to The Presidency of Labour Inspection Board and the Expenses As to Years:

Years	Total Legal Allowance (TL)	Spent (TL)	Rate of spending
2012	65.455.300,00	64.450.821,78	98,5
2013	78.427.500,00	73.083.912,63	93,2
2014	80.590.000,00	80.304.931,59	99,6
2015	84.855.500,00	83.049.245,97	97,9
2016	95.971.000,00	93.032.192,00	97

According to the Table, the amount of allowance allocated to the Presidency in 2012 has reached nearly 95 million TL. with an increase at the rate of 46% in 2016. When the development of five year of budget covering the years 2012 – 2016, it is understood that the resources allocated to The Presidency of Labour Inspection Board has risen as of years in line

with the increase in the number of inspectors and the resources allocated have been used efficiently with the rate of spending above 95% in order to increase the effectiveness of labour inspection.

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

1. a. The obligation of notification of accidents and fighting lacking notification

b. Cases of work accidents and occupational disease according to different fields of activity

c. The standardized rate of fatal accidents:

The issues concerning the notification of work accidents and occupational diseases take place in Article 14 of the Law. All the work accidents and occupational diseases should be recorded, the necessary supervisions should be made and the reports should be drawn up. The employer shall investigate and draw up reports on incidents that might potentially harm the workers, workplace or work equipment or have damaged the workplace or equipment despite not resulting in injury or death. The employer shall notify the Social Security Institution within three work days of the date of work accident and after receiving the notification of an occupational disease from health care providers or workplace physicians. Besides, according to this Article, workplace physician or health care providers shall refer workers who have been pre-diagnosed with an occupational disease to health care providers authorized by the Social Security Institution. Work accidents referred to health care providers shall be notified to the Social Security Institution within ten days at most and authorized health care providers shall notify the Social Security Institution of the occupational diseases within the same period of time.

The only official resource with regard to the occupational health and safety statistics in our country is the statistics of Social Security statistics. According to the data, 1.679.990 workplaces operated in 2014 in Turkey and in these workplaces 13.240.122 workers were employed. In addition, 221.366 insured had work accident in 2014 (over e-notification), 494 occupational diseases has occurred, 1.626 persons in total lost their lives as a result of work accidents. In 2014, the number of working days lost as a result of work accidents and occupational diseases was (total period of temporary incapacity) 2.067.532. The number of insured persons endowed a permanent incapacity income within 2014 was 1.509. According to these figures, nearly 606 work accidents occur a day in Turkey, 4,5 persons lose their lives as a result of work accident and 4 persons get a permanent incapacity income as a result of work accidents and occupational disease. (Resource: Tables 3.1, 3.4, 3.10 and 3. 18 of SSI Statistics Yearbook 2014)

To see the distance Turkey has covered in terms of OHS, OHS statistics between the years 1961-2014 in our country can be examined:

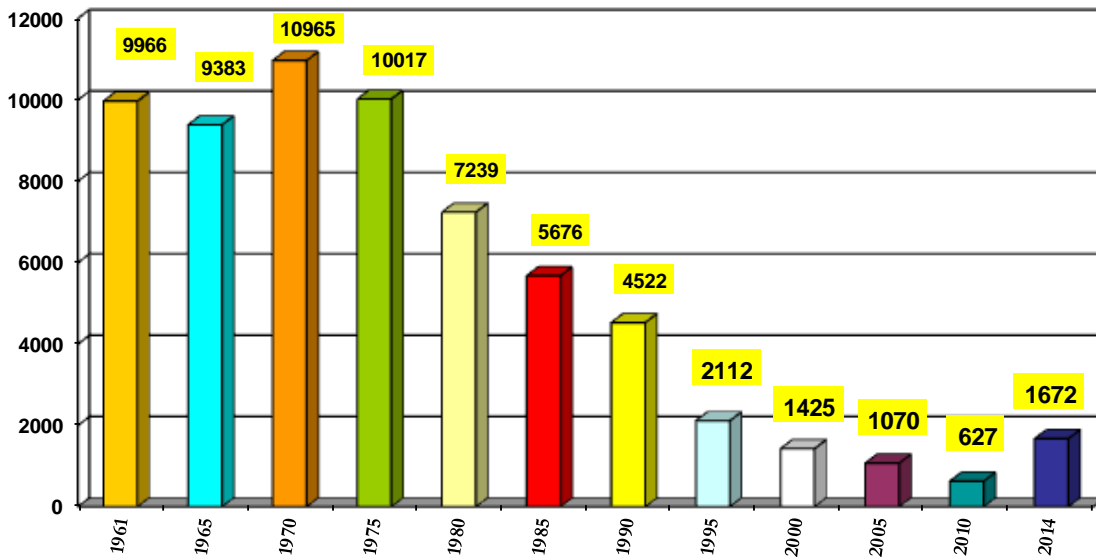


Chart 1. Distribution of the Rates of Work Accidents in 100.000 workers

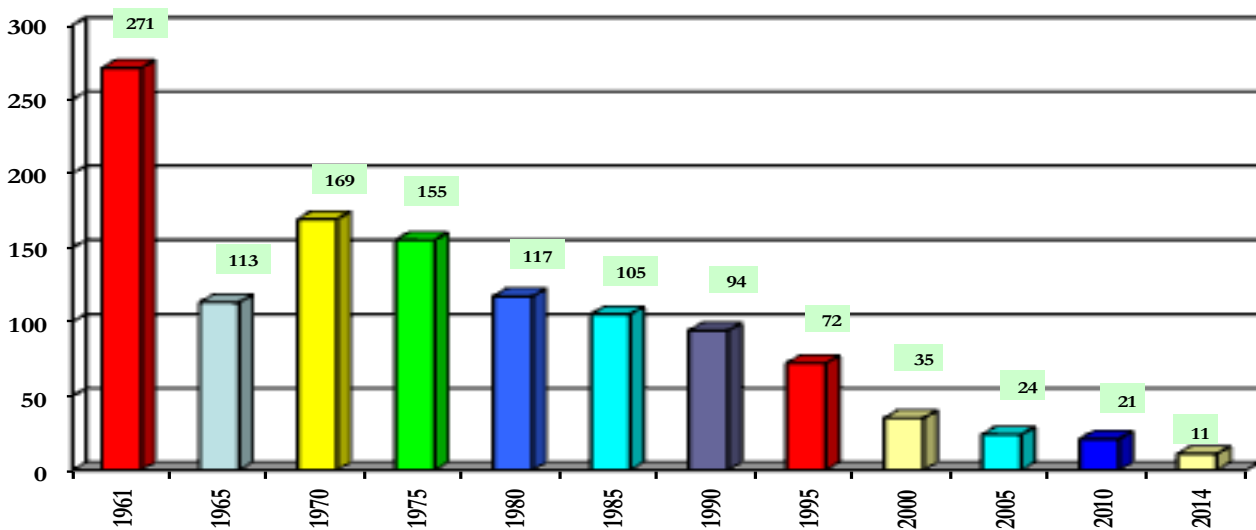


Chart 2. Distribution of the Rates of Permanent Incapacity in 100.000 workers

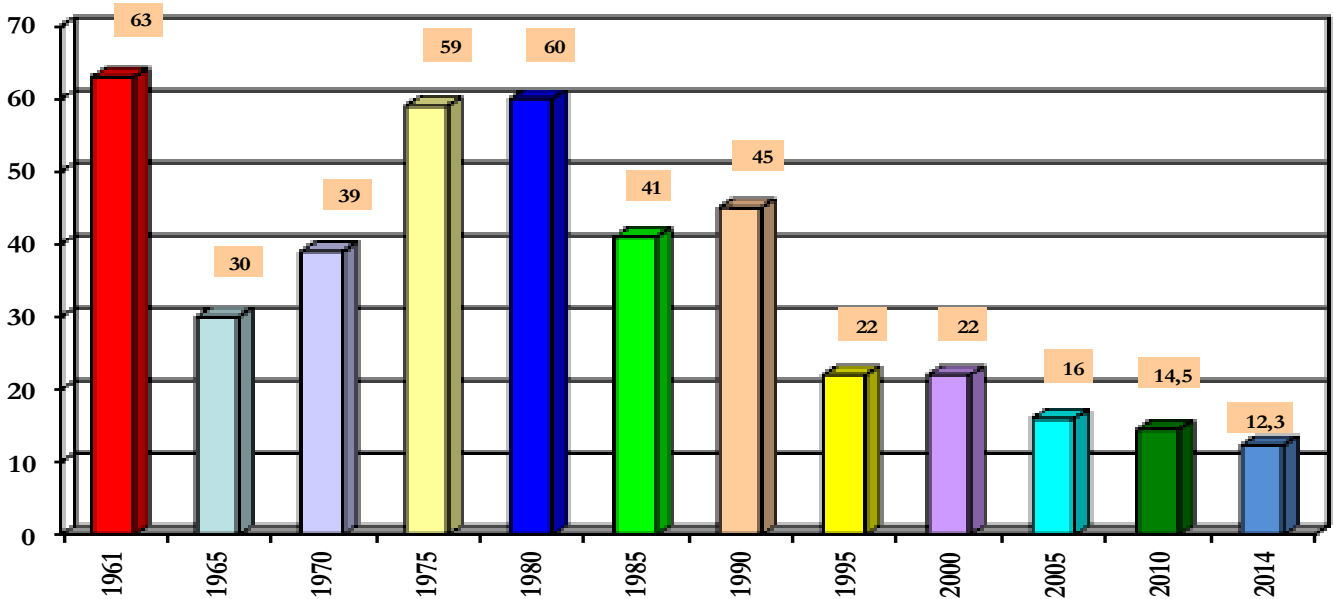


Chart 3. Distribution of the Rates of Fatal Work Accidents and Occupational Diseases in 100.000 workers

As is seen in the Charts 1, 2 and 3 an overall recovery is seen since 1961 in the field of OHS. In this decrease, both the rise in OHS awareness through years and the technological developments have played role. Despite this recovery, our country is not at the required level in terms of both occupational disease and work accident. However, when comparing these rates with the past years as of 2013, the change in the system of SSI should not be ignored. While SSI was explaining the figures of work accidents which a payment is made until 2013, all the accidents which their notification is made online as data as of 2013 2013 are published. Therefore, it appears that the work accidents in 2013 and 2014 have increased to a great extent compared to the previous years. Therefore, the comparisons concerning the data of the insured who had work accident in the below charts were given between the years 2013-2014.

The Charts 4 and 5 below show the numbers and rates of fatal work accidents are shown:

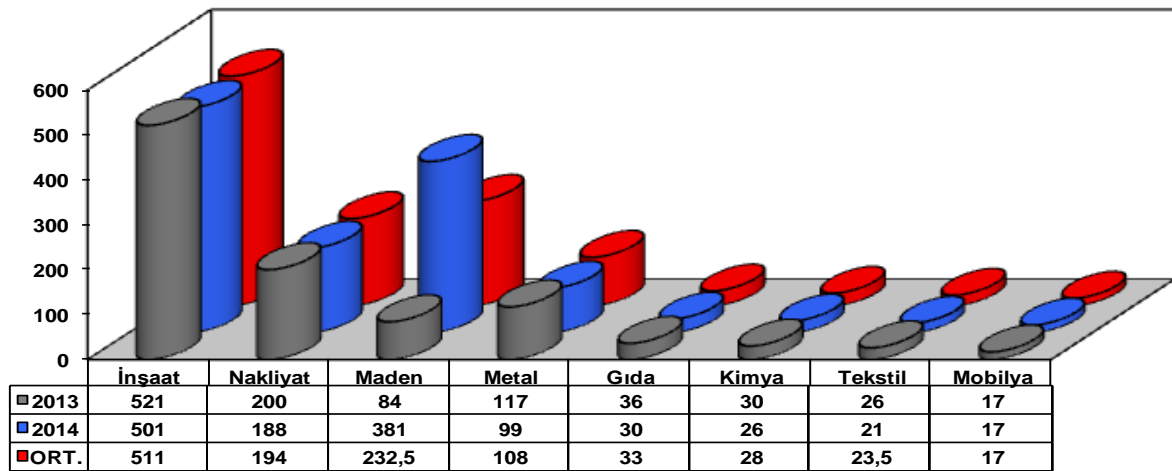


Chart 4. Distribution of Death to the Sectors As a Result of Work Accident (2013-2014) (Construction/ Transport/ Mining/ Metal/ Food/ Chemistry/ Textile/ Furniture)

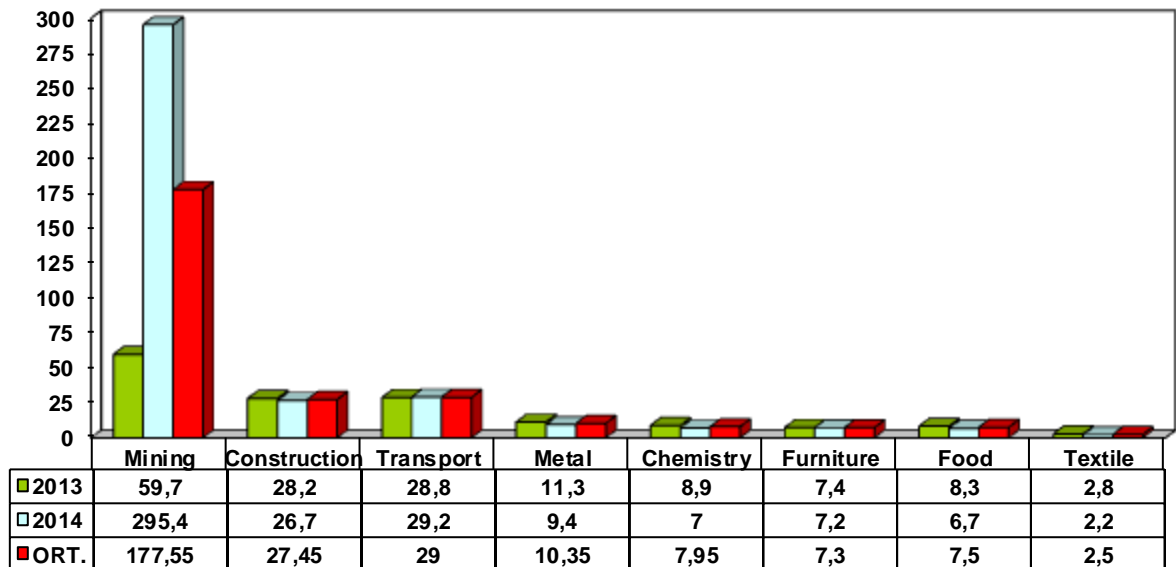


Chart 5. Distribution of Rates of Fatal Work Accidents to the Sectors /100.000 workers (2013-2014)

As can be seen in Chart 4, the average distribution of **fatal work accidents** in the last two years, the construction sector comes first, the mining sector comes second, transport sector comes third and the metal sector comes fourth at which fatal accidents occur most. In Chart 5 again in the average of two years and when fatal work accidents is compared to 100 workers the classification changes and **mining, transport, construction and metal** sectors rank the first fourth.

In the below Chart 6, the percentage distribution of fatal work accidents to the sectors take place:

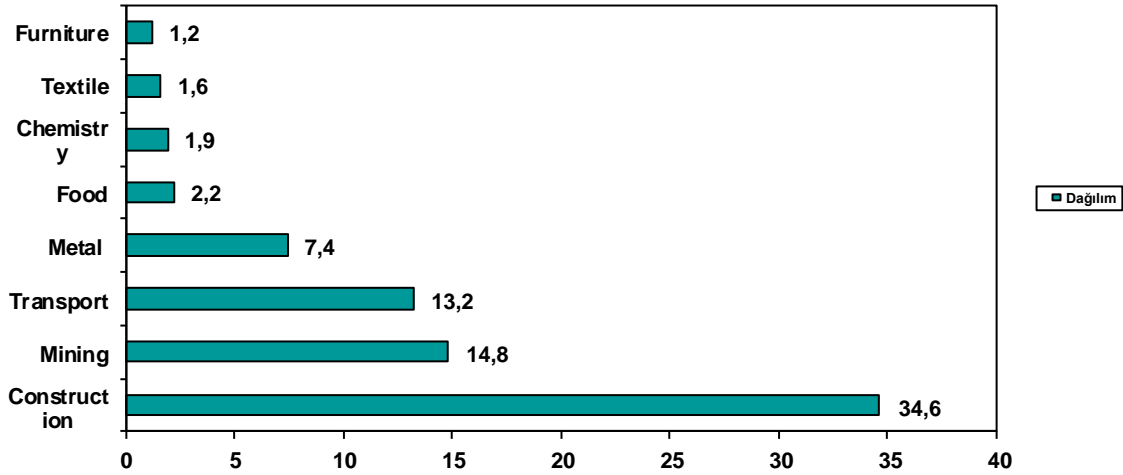


Chart 6. The Percentage Distribution of Fatal Work Accidents to the Sectors (The average rate of 2 years, 2013-2014)

As can be seen from the charts, in parallel with the trend in the world, it is clear that metal, construction, mining and transport sectors also in our country should be particularly handled in terms of work accidents and the sectors of furniture, chemistry, textile and food should be considered with the change showing increase. In order to confirm all these assessment, a new chart has been formed by taking the two years average of fatal work accidents to the sectors. As is seen also in Chart 6; while in the distribution of fatal work accidents within the sectors the **construction sector** comes first with the rate of **34,6%**, the mining sector comes second with the rate of 14,8%, transport sector comes third with the rate of 13,2% and the metal sector comes fourth with the rate of 7,4%.

When evaluated in terms of occupational diseases in Turkey, according to the calculation in literature (Harrington J.M), 4-12 new cases of occupational disease is determined every year for each thousand workers on the basis of the number of workers. When the figure of 13.240.122 is considered which is the number of compulsory insured in terms of occupational disease, new cases of occupational diseases is expected to emerge between 52.960 (when calculated by four per thousand) and 158.881 (when calculated by 12 per thousand) in our country. At present, the number of occupational disease which can be determined for 2014 is 494.

Activities of the Labour Inspectorate

The data about the studies on increasing Organizational Capacity between the years 01.01.2012 – 31.12.2015 is given in Table 1:

Table 1 – Recruitment of Assistant Inspectors realized within the Scope of Increasing Organizational Capacity

Recruitment of Assistant Inspectors		
Year of Examination	Year of Inauguration	Assistant Inspectors Entitled to be Assigned
2011	2012	104
2012	2013	122
2015/1	2015	58
2015/2	2016	61

The Presidency of Labour Inspection Board has accelerated its studies on increasing the organizational capacity in terms of both quality and quantity as of 2008 and in line with these studies, 104 Assistant Inspectors were recruited in 2011, 122 in 2012 and 58 in 2015.

On 26.12.2015, the entrance examination of 160 Assistant Labour Inspectors in total, 100 of them in terms of execution of the work and 60 of them in terms of occupational health and safety was realized. 61 Assistant Inspectors who succeeded in the exam were entitled to be assigned in 2016.

As of 31.12.2015 the data concerning the distribution of Inspectors and Assistant Inspectors employed at the Presidency of Labour Inspection Board takes place in Table 2:

Table 2 – Table Showing the Number of Inspectors and Assistant Experts Employed At the Presidency of Labour Inspection Board

Inspectors	Execution of the Work	Occupational Health and Safety	TOTAL
Chief Labour Inspector	178	87	265
Labour Inspector	73	116	289
Assistant Labour Inspector	151	369	520
TOTAL	402	572	974

345 Assistant Inspectors were recruited in total between the years 01.01.2012 – 31.12.2015 by the Ministry. The number of Labour Inspectors was increased to 974 in 2015. Since training of Assistant Labour Inspectors covers minimum three year of period, it is not possible to recruit a large number of Assistant Inspectors at once.

Furthermore, information with regard to the resources allocated to the Presidency of Labour Inspection Board and the situation of spending between the years 01.01.2012 – 31.12.2016 take place in “Table 3”:

Table 3. Resources Allocated to the Presidency of Labour Inspection Board and Expenses as of Years

Years	Legal Total Allowance (TL)	Spent (TL)	Rate of spending
2012	65.455.300,00	64.450.821,78	98,5
2013	78.427.500,00	73.083.912,63	93,2
2014	80.590.000,00	80.304.931,59	99,6
2015	84.855.500,00	83.049.245,97	97,9
2016	95.971.000,00	93.032.192,00	97

According to the Table, the amount of allowance allocated to the Presidency in 2012 has reached nearly 95 million TL, with an increase at the rate of 46% in 2016. When the development of five year of budget covering the years 2012 – 2016, it is understood that the resources allocated to The Presidency of Labour Inspection Board has risen as of years in line with the increase in the number of inspectors and the resources allocated have been used efficiently with the rate of spending above 95% in order to increase the effectiveness of labour inspection.

Article 3§4:

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

To promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

Annex of Paragraph 4: This provision, for the purpose of this provision, means the functions, organization and the conditions of functioning of these services shall be identified with national laws or regulations, collective agreements or other means appropriate to national circumstances.

Scope of the provisions as interpreted by the ECSR

States party must give all workers in all branches of the economy and every undertaking access to occupational health services. These services may be run jointly by several undertakings. If occupational health services are not established by every undertaking the authorities must develop a strategy for that purpose, in consultation with employers' and employees' organisations.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Regulation of Occupational Health and Safety Services	<i>Published in the Official Gazette dated 29.12.2012 and No. 28512</i> (Amended in O.G. dated 31.01.2013-28545) (Amended in O.G. dated 18.12.2014-29209)
Regulation on Risk Assessment of Occupational Health and Safety	<i>Published in the Official Gazette dated 29.12.2012 and No. 28512.</i> <i>Published in the Official Gazette dated 29.12.2012 and No. 28512</i> <i>(Amended in O.G. dated 31.01.2013-28545)</i>
Regulation on the Duties, Authority, Responsibility and Training of Occupational Health and Safety Experts	<i>(Amended in O.G. dated 11.10.2013-28792)</i> <i>(Amended in O.G. dated 30.04.2015-2934)</i> <i>(Amended in O.G. dated 19.11.2015-29537)</i>
Regulation on Health and Safety Measures in Working with Asbestos (83/477/EEC, 91/382/EEC, 2003/18/EC, 2009/148/EC)*	<i>Published in the Official Gazette dated 25.01.2013 and No. 28539</i> <i>(Amended in O.G. dated 16.01.2014-28884)</i>
Regulation on Health and Safety Measures in the Work with Screen Equipment (90/270/EEC)*	<i>Published in the Official Gazette dated 16.04.2013 and No. 28620.</i>

Regulation of Health and Safety Conditions in the Use of Work Equipment (2009/104/EC)*	<i>Published in the Official Gazette dated 25.04.2013 and No. 28628 (Amended in O.G. dated 02.05.2014-28988)</i>
Regulation on the Protection of Workers from the Hazards of Explosive Environment (1999/92/EC)*	<i>Published in the Official Gazette dated 30.04.2013 and No. 28633.</i>
Regulation on the Rules and Procedures of Occupational Health and Safety Trainings of Workers	<i>Published in the Official Gazette dated 15.05.2013 and No. 28648.</i>
Regulation on Emergency in the Workplaces	<i>Published in the Official Gazette dated 18.06.2013 and No. 28681.</i>
Regulation on Occupational Health and Safety Services Conducted by the Employer or Representative of the Employer in the Workplaces	<i>Published in the Official Gazette dated 29.06.2015 and No. 29401.</i>
Communiqué on Supporting of Occupational Health and Safety Services	<i>Published in the Official Gazette dated 03.05.2014 and No. 28989.</i>

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Under subparagraph (c) of paragraph 1 of Article 4 of the Occupational Health and Safety Law No.6331 and paragraph 1 of Article 10 of the same Law, the employers of the workplaces covered by the Law shall carry out a risk assessment or get one carried out in terms of occupational health and safety. The employer fulfills the said responsibilities under Article 6 of the Regulation of “Occupational health and Safety Risk Assessment” prepared on the basis of Articles 10 and 30 of the Law No. 6331 by the risk assessment team established by the employer and he himself is also included. The said team comprises of the employer or employer representative, occupational safety experts and workplace physicians conducting health and safety services in the workplaces, workers’ representatives in the workplace, support staff in the workplace and the employees representing all the units in the workplace and having knowledge about the studies carried out in the workplace, existing and possible sources of danger and the risks.

In addition, under paragraph 2 of the same Article, the employer can purchase service from the persons and organizations except from workplace in order to support this team where necessary.

According to the Regulation of Occupational Health and Safety Services;

- ARTICLE 5 – “(1) (Amended: 18.12.2014-29209) In order to identify occupational health and safety measures and their follow-up in the workplace, to prevent work accidents and occupational diseases, to carry out the first-aid and urgent treatment as well as protective health and safety services of the workers, the employers shall designate one or more workplace physician, occupational safety expert among his workers having the qualities indicated in the relevant regulations. The employers of the workplaces having ten or more workers and are in the very hazardous category also designate other health care staff. In case having the required qualifications, he himself can undertake this service taking into consideration the hazard class and the number of workers.”[2]

(2) The employer, in case there is lack of personnel in the workplace competent enough to be designated, can fulfill partially or fully provide the responsibilities in paragraph 1 by getting service from Joint Health and Safety Units.

(3) Where the employer designates full-time workplace physician and occupational safety expert, he establishes an OHS Unit. It is not obligatory for the other health care staff to be designated in the workplaces where a full-time workplace physician is designated. (Additional sentence: Official Gazette: 30.6.2016-29758) “In the workplaces which belongs to the sectors of public, mining, construction, metal, textile, health care, transport, trade, production, maintenance and repair, installation, energy, chemistry, agriculture, livestock, furniture, forestry, food, press, waste management, water supply, cleaning, disinfection where more than one occupational safety expert is designated, appropriate certificate class is required only in one of the full-time occupational safety expert.”

(4) In calculation of the period specified in paragraph 3, without prejudice to the provisions the workers are subjected to, weekly working period which is determined to the Labour Law dated 22/5/2003 and No. 4857 is taken into consideration.

(5) The employer shall;

a) Enable the staff for occupational health and safety to work effectively and to make planning and arrangements on this issue,

b) Meet all the necessary needs of the designated persons or organizations such as equipment, space and time in order to fulfill their duties,

c) Ensure cooperation and coordination among all people and bodies responsible for providing health and safety services at workplaces,

ç) Implement measures related to occupational health and safety and that are in compliance with the legislation and notified in writing by the designated persons or organizations providing services,

d) Ensure sufficient time for the workplace physician, occupational safety expert and the other health staff to fulfil their duties provided that this period shall not be less than the Ministry has determined,

e) (Annex: 18.12.2014-29209) Inform the Directorate General of the workplace physician or occupational safety expert whose negligence has become definite with the final court order in case of a work accident or occupational disease causing the damage of physical integrity resulting in death or invalidity of the worker,

f) (Annex: 18.12.2014-29209) Inform the Directorate General about the information related to the occupational health and safety issues determined by the Ministry over OHS KATİP system.”

(6) The responsibilities of the employer, who hands over his rights to carry out occupational health and safety services through designating staff from the workplace or purchasing service from the organizations, continue.

(7) The employer is responsible from designating workplace physician, occupational safety expert and the other health staff in the workplace and the organizations from which service is purchased with a valid certificate of competence in accordance with Occupational Health and Safety Law.

“(8) (Annex: 18.12.2014-29209) The employers or employer representatives lacking identified qualifications and do not have the required certificate; however who are employed in the workplaces having less than 10 workers and are in the least hazardous category are allowed to carry out occupational health and safety services except recruitment and periodical examinations and surveys provided that they complete the trainings announced by the Ministry. The issues related to training programmes, duration of the training, the qualifications of the trainers and the assignment are determined by the Ministry.

(9) (Annex: 18.12.2014-29209) In the calculation of compulsory working periods concerning the designation of workplace physician, occupational safety expert and the other health staff; the apprentices and interns at the student status within the scope of Vocational Education Law dated 5/6/1986 and No. 3308 as well as of Higher Education Law dated 4/11/1981 and No. 2547 are not included in the total number of workers.

(10) (Annex:18.12.2014-29209) The employer should designate an occupational safety expert holding a sectoral certificate of occupational safety expertise after the rules and procedures on the determination of occupational safety experts in mining and construction and the other sectors and the persons who shall work with them within the framework of sectoral regulation are regulated by the Ministry.”

The occupational health and safety services in our country are provided either from the workplace or by purchasing service outside in compliance with the Law No. 6331 and its related sub-legislation. The units which service is purchased outside take place in the legislation as joint health and safety units. The joint health and safety unit was described in Article 3 of the Law and accordingly, was expressed as “any unit which is established by public institutions and organisations, organised industrial zones and companies operating under the Turkish Code of Commerce in order to provide occupational health and safety services to workplaces, with required equipment and personnel and which is authorised by the Ministry.”

It is possible for these services to be organized and carried out by a number of enterprises. One or several enterprises can establish a joint health and safety unit to provide their own services. An example of this structure in our country is seen mostly in organized industrial zones. Furthermore, Public Health Centres of the Ministry of Health also fulfil these services as public institutions and organizations. These units involve an occupational safety expert, workplace physician, other health staff and the necessary equipment within themselves. The Regulation of Occupational Health and Safety Services where the rules and procedures of joint health and safety units as well as workplace health and safety units were determined has entered into force by being published in the Official Gazette dated 29.12.2012 and No. 28512.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Certification process conducted by General Directorate of Occupational Health and Safety, 2011-2015

	2011	2012	2013	2014	2015
A class occupational safety expert's certificate	84	186	698	12.036	4.369
B class occupational safety expert's certificate	1	40	616	7.369	2.714
C class occupational safety expert's certificate	2.458	4.777	27.617	45.336	30.022
Occupational physician	1.504	6.336	9.652	7.771	4.089
Other healthcare personnel	-	-	121.569	3.243	431
Trainer certificate	486	277	2.519	716	133
Other healthcare personnel trainer certificate	-	-	-	-	13

Authorization by General Directorate of Occupational Health and Safety, 2011-2015			
Years	Training institutions	Joint health and safety unit	Community health centre
2011	28	81	5
2012	34	191	11
2013	195	811	38
2014	39	710	35
2015	11	406	3

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

Information on regulations concerning the access of all workers to occupational health services in all the workplaces, tasks of occupational health services, and supervision mechanisms

The purpose of Occupational Health and Safety Law No. 6331 is to regulate the duties, authority, responsibilities, rights and obligations of the employers and workers in order to ensure occupational health and safety and to improve the existing health and safety conditions in the workplaces. The Law involves all the workers including apprentices and interns, regardless of the number of workers and the type of workplace and without making any discrimination among public and private sectors. In compliance with the practices in the EU, this Law shall not apply to the activities of Turkish Armed Forces, the police, intervention activities of disaster and emergency units, domestic services, and persons working on their own account without employing workers.

Pursuant to the Law, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means and shall ensure that these measures are adjusted taking account of changing circumstances and aim to improve existing situations. According to Article 4 of the Law, the employer shall also monitor and check whether occupational health and safety measures that have been taken in the workplace are followed and ensure that nonconforming situations are eliminated, carry out a risk assessment or get one carried out, take into consideration the worker's capabilities as regards health and safety where he entrusts tasks to a worker, take appropriate measures to ensure that workers other than those who have received adequate information and instructions are denied access to areas where there is life-threatening and special hazard. Besides, the employer shall also coordinate occupational health and safety services pursuant to Article 6 entitled "Occupational health and safety services", conduct "Risk assessment, Control, Measurement and Research" pursuant to Article 10, take the necessary measures under the title of "Emergency Plans, Fire-fighting and First-Aid" pursuant to Articles 11 and 12, prepare "Safety Report or Serious Accident Prevention Policy Document" pursuant to Article 29, keep the necessary recordings and make a notification pursuant to Article 14 entitled "Recording and Notification of Occupational Accidents and Diseases", ensure "Health Surveillance" pursuant to Article 15 entitled "Health Surveillance" and fulfill their responsibilities concerning "Infirmary and Training of Workers" pursuant to Articles 16 and 17.

It shall be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his acts or commissions at work in accordance with his training and the instructions related to occupational health and safety given by his employer. To this end, workers must make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production; use such safety devices correctly and refrain from changing or removing arbitrarily safety devices fitted, make correct use of the personal protective equipment supplied to them and protect themselves and immediately inform the employer and/or the workers' representative of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the machinery, apparatus, tools, facilities and buildings.

There are provisions in Article 7 of the Law entitled "State Subsidies to Occupational Health and Safety Services" stating that the State may provide support to enterprises within the scope of certain conditions in order to ensure the effectiveness and sustainability of health and safety services together with its responsibilities with regard to inspection, administrative fine or preparation of relevant regulations and communiqué specified in the Law. There are provisions in Article 21 of the Law on establishing of a National Occupational Health and Safety Council to make recommendations on policies and strategies concerning occupational health and safety as well as its organization and work.

In Article 16 of Occupational Health and Safety Law No. 6331, regulation was made on worker information. In order to ensure and maintain occupational health and safety in the workplace, the employer is obliged to inform the workers and workers' representatives about health and safety risks, first aid, extraordinary situations, disasters and firefighting and evacuation, the information as a result of risk assessment and their legal rights and responsibilities taking into account the characteristics of the enterprise.

In Article 17 of the Law, the issue of training of workers was regulated. Accordingly, the employer shall ensure that each worker receives occupational health and safety trainings. The Article stipulates that this training shall be provided on recruitment, in the event of a transfer or a change of job, in the event of a change in equipment or introduction of any new technology. The training shall be adapted to take account of new or changed risks and repeated periodically if necessary.

In Article 20 of the Law entitled “Workers’ Representative”, it is expressed that “In the event that no person might be elected or chosen to represent workers, the employer shall designate a workers’ representative considering the risks present at work and the number of workers with special attention to balanced distribution of workers.” Pursuant to this Article, one representative shall be designated for enterprises between two and fifty workers, 2 representatives for enterprises between 51-100 workers, 3 representatives for enterprises between 101-500 workers, 4 representatives for enterprises between 5001-1000 workers, 5 representatives for enterprises between 1001-2000 workers and 6 representatives for enterprises between 2001 and more workers. In case there is more than one workers’ representative, the chief representative is determined through election among workers’ representatives. Workers' representatives shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/or to remove sources of danger. Where there is an authorized trade union represented in the enterprise, the trade union representative shall act as workers' representative.

As can be understood from the regulation, important steps were taken for taking effective and productive occupational health and safety measures with Occupational Health and Safety Law No. 6331. These measures are not only those to be taken by the employer. The aim is to involve all the workers actively in this process and to ensure the participation of all.

Other obligation introduced by Occupational Health and Safety Law No. 6331 for the employers is to ensure the health surveillance of the workers. This situation is regulated in Article 15 of the Law.

The employer should ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work under pre-assignment, job change after the assignment, in case of return to work following repetitive absence from work due to work accidents, occupational diseases or health problems upon request, at regular intervals recommended by the Ministry in the course of employment taking into account the quality of the worker and the nature of work and the hazard class of the enterprise.

The employer shall designate occupational safety expert, workplace physician and the other health staff in order to prevent occupational risks and to provide occupational health and safety services. The employer shall fulfill this responsibility either by the personnel having appropriate qualifications or in case there is lack of personnel in the workplace competent enough to be designated, then the employer shall either enlist a joint health and safety unit to partially or fully provide these services or provided that the employer has the required qualifications and documents, these services can be offered by the employer himself considering the hazard class and the number of workers.

The joint health and safety unit was described in Article 3 of the Law and accordingly, it was expressed as “any unit which is established by public institutions and organisations, organised industrial zones and companies operating under the Turkish Code of Commerce in order to

provide occupational health and safety services to workplaces, with required equipment and personnel and which is authorised by the Ministry.

In Article 26 of OHS Law No. 6331 entitled “Administrative fines and enforcement”, there are provisions related to administrative fines which shall be applied for the employers and enterprises in case they do not fulfill their responsibilities.

Pursuant to paragraph 1 of Article 26 of the Law, the administrative fines are as follows;

- For the employer who does not employ occupational safety specialist or occupational physician as foreseen in the first paragraph Article 6, five thousand Turkish Lira per each professional, the same amount per each month until it is corrected, for the employer who does not employ other health technician two thousand five hundred Turkish Lira, the same amount per each month until it is corrected, for the employer who violates the obligations laid down in lines (b), (c) and (d) of the same paragraph, one thousand five hundred Turkish Lira per each obligation, for the employer who violates the obligations laid down in line (ç) thousand Turkish Lira per each obligation,
- For the employer who violates the obligations laid down in the first and sixth paragraphs of the Article 8 one thousand five hundred Turkish Lira per each obligation,
- For the employer who violates the obligations laid down in the first and second paragraphs of the Article 15, one thousand Turkish Liras per each worker who hasn't gone through health surveillance or who doesn't have a health report.

Pursuant to the regulation, the amounts of administrative fines increases in direct proportion to the number of workers who cannot get service in the enterprise.

Besides, again under paragraph 3 of Article 26, the administrative fines specified in this Article are imposed at the same amount for the workplaces having less than ten workers and are at less hazardous class, by increasing at the rate of 25% for those at hazardous class, by increasing at the rate of 50% for those at very hazardous class, at the same amount for those having workers between ten and forty-nine and are at less hazardous class, by increasing at the rate of 50% for those at hazardous class, by increasing at the rate of 100% for those at very hazardous class, by increasing 50% for those having fifty and more workers and are at less hazardous class, by increasing at the rate of 100% for those at hazardous class and by increasing at the rate of 200% for those at very hazardous class.

ARTICLE 11 THE RIGHT TO PROTECTION OF HEALTH

Article 11§1:

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia, to remove as far as possible the causes of ill-health.

Scope of the provisions as interpreted by the ECSR

Under Article 11, health means physical and mental well-being, in accordance with the definition of health in the Constitution of the World Health Organisation (WHO), which has been accepted by all to Parties to the Charter. The health system must be able to respond appropriately to avoidable health risks, ones that can be controlled by human action. Such a health system must be accessible to everyone, without distinction. The cost of health care should be borne, at least in part, by the community as a whole. There should be no unnecessary delays in the provision of treatment. Access to treatment should be based on transparent criteria. There must be adequate staffing and facilities. Conditions of stay in hospital must be satisfactory and compatible with human dignity.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

1.1. INTERNATIONAL LEGISLATION

a. World Health Organization Constitution

Turkey is the member of World Health Organization since 1948 and ratified Constitution of the World Health Organization. According to this Constitution; Turkey has already accepted:

- Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.
- The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.
- The health of all peoples is fundamental to the attainment of peace and security and is dependent on the fullest co-operation of individuals and States.
- The achievement of any State in the promotion and protection of health is of value to all.
- Unequal development in different countries in the promotion of health and control of diseases, especially communicable disease, is a common danger.
- Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.
- The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health.
- Informed opinion and active co-operation on the part of the public are of the utmost importance in the improvement of the health of the people.
- Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

b. International Labour Organization

Turkey is the member of International Labour Organization since 1932 and ratified several ILO Conventions in the health related area in work life.

- Convention No:55, concerning the Liability of the Shipowner in Case of Sickness, Injury or Death of Seamen
- Convention No: 73, concerning the Medical Examination of Seafarers
- Convention No:77, concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons
- Convention No:115, concerning the Protection of Workers against Ionising Radiations
- Convention No:164, concerning Health Protection and Medical Care for Seafarers

1.2. NATIONAL LEGISLATION

a. Article 56 of the Constitution of the Republic of Turkey stipulates the following:

“Everyone has the right to live in a healthy and balanced environment. It is the duty of the State and the citizens to improve the natural environment, preserve environmental health, and prevent environmental pollution. The State shall regulate central planning and the functioning of the health institutions in order to ensure that all people enjoy their lives in conditions of physical and mental health, and to maximize savings and productivity in human and material power and to realize collaboration. The State fulfills this task by utilizing and supervising healthcare and social institutions in the public and private sectors. In order to establish widespread health services, the law may introduce a universal health insurance.”

b. “Statutory Decree No. 663 on the Organisation and Duties of the Ministry of Health and the Affiliated Agencies”:

Purpose and Scope

ARTICLE 1- (1) The aim of this Statutory Decree is to regulate the principles on the organisation, duties, mandate and responsibilities of the Ministry of Health and the affiliated agencies.

Duties

ARTICLE 2- (1) The duty of the Ministry of Health is to ensure that everyone enjoys his/ her life in complete well-being physically, mentally and socially.

(2) Within this framework, the Ministry manages the health system and identifies the policies with regard to

- a) Protection and development of public health and decreasing risks of diseases.
- b) Conducting diagnostic, curative and rehabilitative healthcare services.
- c) Preventing international public health risks from entering into the country.
- d) Development of health training and research activities.
- e) Ensuring the availability of safe and high-quality pharmaceuticals, special products, substances subject to national and international control, active and auxiliary substances used in drug production, cosmetics and medical devices that are used in healthcare services and delivery of them to the people and identification of their prices.
- f) Ensuring equal, high quality and efficient service provision throughout the country by making savings in manpower and material resources, increasing efficiency, and by a balanced distribution of health manpower in the country and cooperation between all the stakeholders.
- g) Planning and rolling out healthcare institutions to be opened by public and private legal persons and real persons.

(3) With this purpose, the Ministry

- a) Identifies the strategies and objectives, plans and streamlines activities and ensures coordination.
 - b) Ensures international and inter-sectoral cooperation
 - c) Provides guidance, monitoring and evaluation, promotion and supervision and enforces sanctions.
 - d) Plans and carries out healthcare services in emergencies and disasters.
 - e) Takes measures to eliminate the regional discrepancies and ensure access to healthcare services by each individual.
 - f) Guides the relevant institutions in their practices and arrangements related to factors that directly or indirectly affect human health and social determinants of health, provides feedback and opinion about them and enforces sanctions.
 - g) Takes all kinds of measures required for the duties and services.
- (4) The principles and procedures with regard to the determination of drug prices are identified by the Council of Ministers upon the proposal of the Ministry of Health.

c. The other legislation within the area of responsibility of the Ministry of Health:

- Law No. 209 on Revolving Capital to be Provided to the Healthcare Institutions Associated with the Ministry and the Rehabilitation Institutions.
- Law No. 224 on the Socialisation of Health Services.
- Statutory Decree No. 560 on the Production, Consumption and Inspection of Food.
- Law No. 1219 on the Procedures for the Practice of Medicine and its Branches.
- Public Hygiene Law No. 1593.
- Law No. 2238 on Harvesting, Storage, Grafting and Transplantation of Organs and Tissues.
- Law No. 5624 on Blood and Blood Products.
- Law No. 3224 on Turkish Dentists' Association.
- Law No. 3294 on Promotion of Social Assistance and Solidarity.
- Fundamental Law No. 3359 on Health Services.
- Law No. 3816 on State Coverage of Treatment Costs of Citizens Who Lack the Ability to Pay By Granting Them Green Card.
- Law No. 4207 on the Prevention of Damages and Control of Tobacco Products.
- Public Procurement Law No. 4734.
- Law No. 5179 on the Adoption of Amended Decree on Production, Consumption and Inspection of Food.
- Opticianry Law No. 5193.
- Law No. 5258 on Family Medicine.
- Cosmetics Law No. 5324.
- Law No. 5510 on Social Insurance and Universal Health Insurance.
- Law No. 6023 on Turkish Medical Association.
- Law No. 6197 on Pharmacies and Pharmacists.
- Law No. 6283 on Nursing.
- Law No. 6643 on Turkish Pharmacists' Association.
- Law No. 7183 on Tuberculosis Control.
- Law No. 7402 on the Elimination of Malaria.
- Law No. 6487 on Preventing the Harms and Controlling of Tobacco Products
- which Prohibits Smoking in Open and Closed Public Areas
- The Regulation Enabling the Full Time Work of Doctors
- The Regulation on Health and Safety Measures in Works with Asbestos
- The Regulation on Health and Safety Measures in Work with Displayed Vehicles
- The Regulation on Health and Safety Conditions using Work Equipment

- The Regulation on Health and Safety Precautions in Work with Chemical Properties
- The Regulation on the Implementation of General Health Insurance
- The Regulation on Health and Safety Measures in Work with Cancerogen or Mutagen Materials
- The Regulation on the Radiation Dosage Limits and Working Conditions of the Personnel working with Ionizer Radiation Resources in Health Services
- The Regulation on the Works to be Worked for Maximum Seven and Half Hours or Less in terms of Health Reasons
- The Regulation on the Health and Safety Indicators
- The Regulation on Developing and Evaluating the Quality in Health Services
- The Regulation Concerning Organ and Tissue Transplantation Services
- The Regulation on Cord Blood Banking
- The Regulation on Tissue Typing Laboratories
- The Directive on Embryonic Stem Cell Research
- The Directive on National Organ and Tissue Transplantation Coordination System

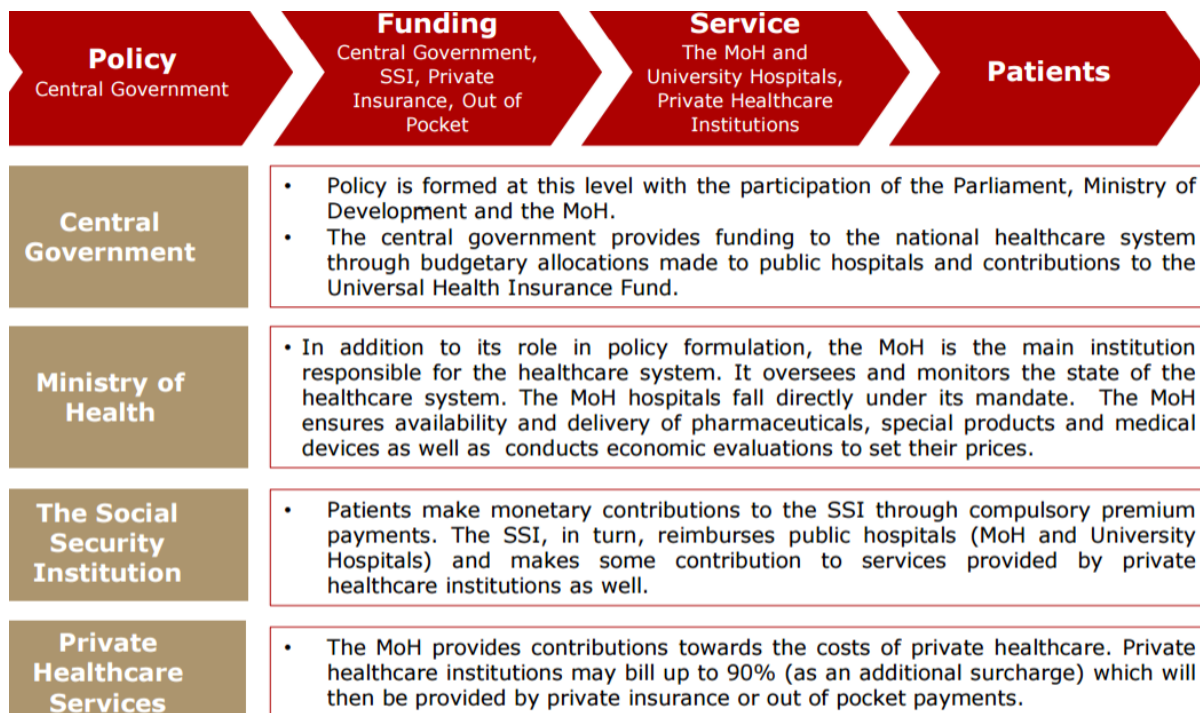
2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Turkey's Ministry of Health is responsible for the delivery of health services, from preventative care to hospital amenities, development of policy and overseeing regulatory and statutory functions. The ministry also supervises private medical facilities, pricing regulation and the provision of health personnel within the sector. Funding for the system is derived from a mix of government budget allocations, general taxation, fees paid by insurance companies, and individual out-of-pocket payments. The healthcare sector overall has recently undergone a comprehensive restructuring with government support and new investment raising the quality of the country's health services, promoting the use of technology and expanding the availability of advanced procedures. Turkey's private health sector is now recognised as world-class, with state-of-the-art technologies, delivering a high quality of care. The Ministry of Health is targeting increased effectiveness, efficiency and equity in health service delivery as well as ensuring financial sustainability for its programs. Simultaneous improvements in the health system on both the demand side (increased health insurance coverage, expanded benefits and reduced cost sharing) and the supply side (expansion of infrastructure, health workforce and health services) are intended.

The social security system in Turkey underwent major transformation, resulting in a more efficient and fast functioning system. This program was based on centralizing the control of different social security funds in a single institution.

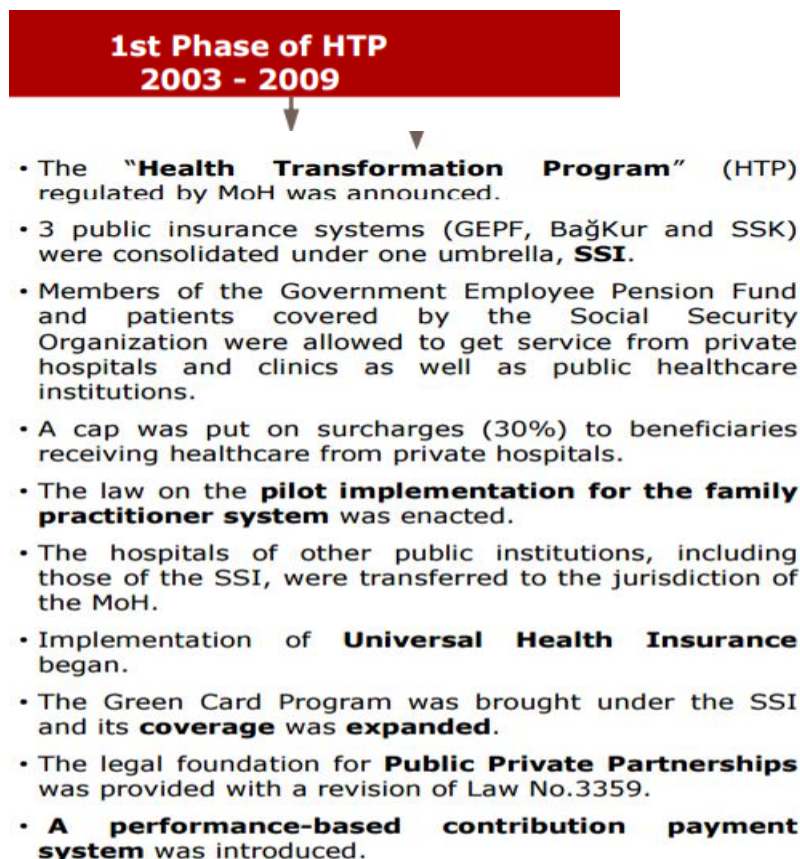
Within the scope of the program, three insurance funds, namely SSK, Emekli Sandığı (GEPP) and BağKur, were merged under a sole body called the Social Security Institution (SGK). The social security system now covers approximately 99% of the total population with 75.2 million people covered, which is an increase of 29% from 2002. As the number of persons benefiting from the SSI increases, so does the rate of utilization of healthcare facilities and services, leading to increased levels of healthcare spending.

The Turkish healthcare system is a highly regulated market with increasing private sector involvement.



Source: Investment Support and Promotion Agency of Turkey

Since 2003, the Turkish healthcare system has undergone a major transformation.



Source: Investment Support and Promotion Agency of Turkey

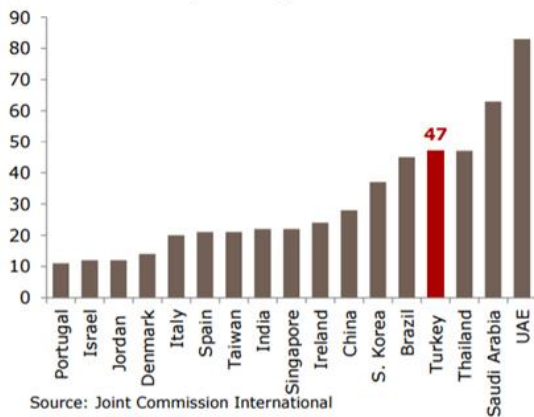
**2nd Phase of HTP
2010-2013**

- **The Family Medicine Program** which assigned each patient to a specific doctor, was established throughout Turkey.
- SSI allowed therapeutic area based contracts with private hospitals.
- The maximum surcharge ratio for private hospitals was raised to 90%.
- SSI has amended the healthcare service agreements signed with the healthcare providers. New clauses invoke tighter regulation and stronger deterrence not to breach the maximum limits of surcharge if the healthcare provider breaches the agreement.
- Access to health insurance has been expanded by including stateless persons and refugees within the scope of Universal Health Insurance.

Source: Investment Support and Promotion Agency of Turkey

The quality of Turkish healthcare services is also internationally recognized :

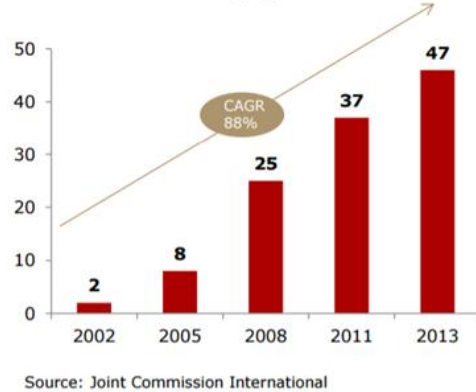
Number of Organizations with JCI Accreditation by Country, 2013



- Turkey has one of the highest number of JCI accredited organizations in the world. JCI not only provides accreditation for hospitals, but also for ambulatory care, clinical care, clinical laboratories, home care, long term care, medical transport and primary care services.

Source: Investment Support and Promotion Agency of Turkey

Number of Organization with JCI Accreditation in Turkey by Year

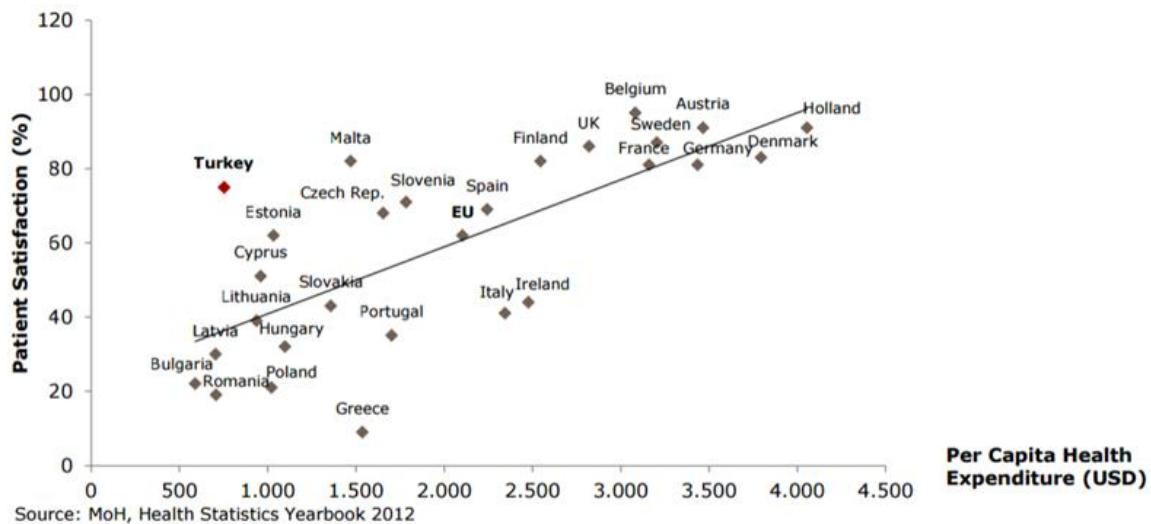


- The number of organizations in Turkey that received JCI accreditation has increased over the years. Between 2002-2013, the number of JCI accredited organizations in Turkey increased by a remarkable CAGR of 88% and in 2013, the number of these organizations reached 47.

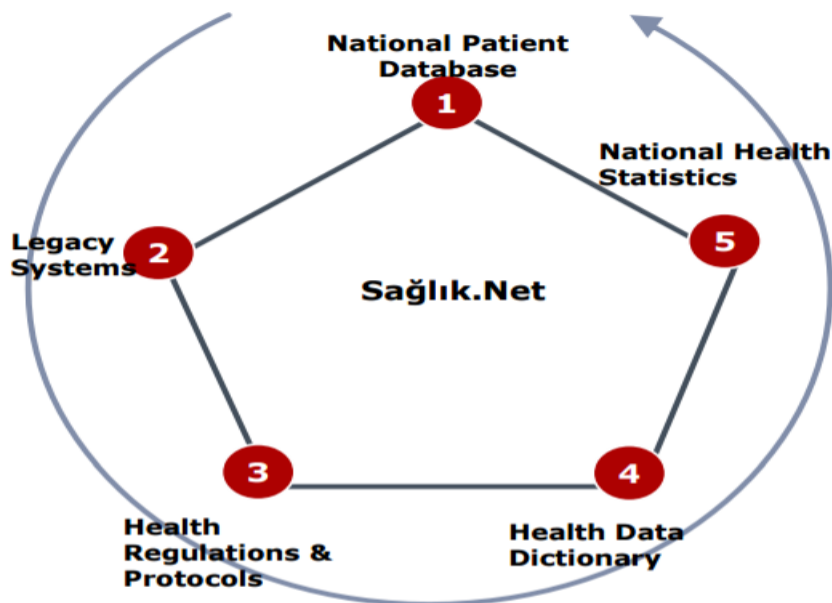
The increased quality of healthcare is reflected in patient satisfaction indexes which show Turkey competing easily with the upper income countries:

When considering the relation between per capita health expenditures and satisfaction, Turkey is three times more effective than other countries of the same income level. Also, patient satisfaction is higher in Turkey than the EU average, even though the per capita health expenditure in the EU is triple the expenditure in Turkey.

Patient Satisfaction and per Capita Health Expenditures:



National Health Information System



Source: e-sağlık.gov.tr

The Health Transformation Program includes the development of a national health information system to provide nationwide infrastructure for the efficient sharing of electronic health records. This system allows patients, hospitals, clinics, medical faculties and laboratories to record information regarding patients' health and track this information as it accumulates. Moreover, the system will track the workforce and financial status all of the institutions that provide healthcare services.

The main goals of the system are:

- Standardizing healthcare information systems
- Implementing data analysis support and decision making systems
- Accelerating the information flow among e-health stakeholders
- Creating personal health profiles for individuals
- Increasing efficiency and disposing of redundancies
- Coordinating e-Health processes
- Supporting scientific research
- Accelerating the adoption of the e-Health concept nationally

By 2023, all health institutions are expected to adopt electronic information sharing systems, while the indicators available on e-Health systems are aimed to meet international standards.

The institutional structure of the Ministry of Health was changed in 2011 and Turkey therefore initiated the preparation of a second Strategic Plan covering the period between 2013 and 2017.

The Strategic Planning Team: It is consisted of the Higher Board for Strategic Development, the Strategic Planning Executive Committee, the Strategic Planning Work Teams and the Strategic Planning Coordination Unit.

The Higher Board of Strategic Development is established in order to oversee and steer the strategic planning process and make critical decisions during the process. The Board was chaired by the Undersecretary and included the Deputy Undersecretaries and all the Heads of Departments in the MoH.

The Strategic Planning Executive Committee is established in order to guide, review, and finalize the activities of the Strategic Planning Work Teams. The Board was chaired by the Deputy Undersecretary and consisted of the Deputy General Directors/the Department Heads of each unit and the Head of the Strategic Development Department.

All the stakeholders must be represented in the Strategic Planning activities to the maximum extent possible in order to ensure that their input is incorporated into the SP; one of the most important elements of the Strategic Management approach. The strategic Planning Working Teams is established in order to coordinate and consolidate the Strategic Planning activities. In addition to experts and managers from the Ministry of Health, experts from the Ministry of Development, WHO, UNICEF, UNDP and the World Bank are also included.

With its impressive Health Transformation Program, Turkey has introduced fundamental changes to its health system. These changes have led to a rapid increase in health insurance coverage, improved access to health services and reduced regional inequalities in access to care, with demonstrated impact on infant, child and maternal mortality.

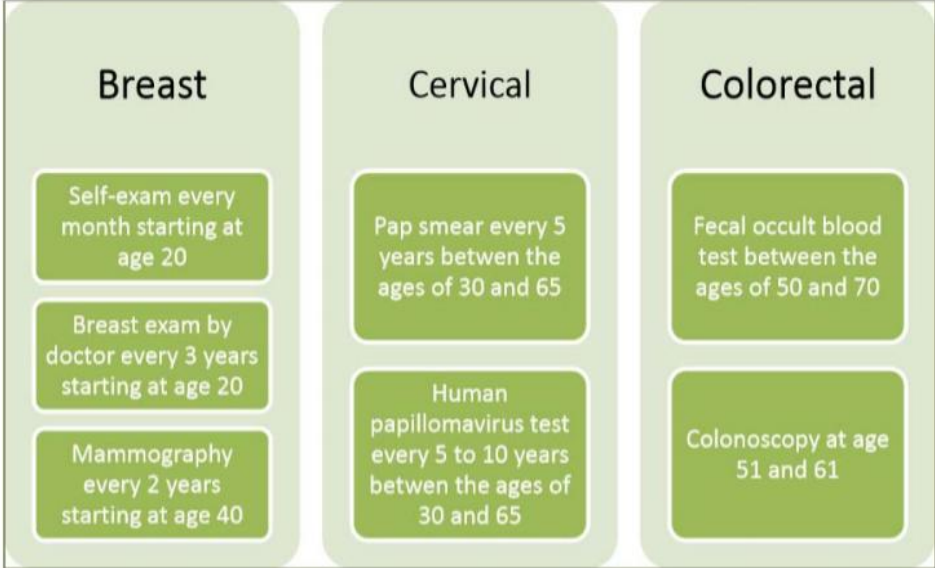
Since the launch of the Health Transformation Program, Turkey has recorded a significant increase in life expectancy and large declines in maternal, infant and child mortality. There is documented progress in reducing regional inequalities in these outcomes. A comprehensive but prioritized health system reform programme that focused on all health system functions including financing, service delivery, resources and governance contributed to the achievements.

With improvements in death registration underway, Turkey is well set to systematically track progress in key NCD outcomes, set specific targets in line with the commitment to reduce NCD mortality by 25% by 2025 and routinely assess progress towards them. The same kind of results-driven approach that underlies Turkey’s success in reducing maternal and infant/child mortality can be effectively applied to NCDs.

Turkey has made impressive progress towards improving access to and quality of NCD-related individual services (e.g. access to specialists, diagnostics, medicines and surgical interventions).

Turkey has made excellent progress to improve registration, prevention and early detection of cancer. A comprehensive National Cancer Control Program 2011–2015 was introduced, prompted by late stage diagnosis (III–IV) for most cancers, including breast and cervical. The National Cancer Control Program is based on a balanced approach of effective primary prevention, efficient registration for surveillance and monitoring, early detection and effective treatment including palliative care.

National screening standards, 2013



Turkey has a clear direction in organizing a systematic approach to cancer screening; the approach is consistently implemented and is likely to bring results in terms of earlier detection, more successful treatment and ultimately reducing cancer mortality. The focal point for screening is the KETEMs (Cancer Early Diagnosis, Screening and Training Centers), which provide early cancer diagnosis, screening and training. The centres also provide smoking cessation services. The first 11 KETEMs were established in 2002. Ten years later, 124 KETEMs operated around the country. An additional 140 KETEMs are opening in

2012/2013 bringing the total number of KETEMS to 264. The Ministry of Health plans to have one KETEM per 250 000 population and mobile KETEMS.

KETEMS are located mostly in hospitals and collaborate closely with CHCs and family medicine centres in their catchment area. The location of KETEMS in hospitals allows ease of referral to hospital laboratories and specialists for confirmation of diagnosis and treatment, while the close collaboration with CHCs and family health centres (FHCs) allows organized systematic screening.

Cancer screening coverage rates have increased rapidly as a result of the programme and roll-out of KETEMS. Between 2007 and 2012, the opening of KETEMS has led to a doubling of coverage rate from 16% to 27% for mammography, and from 6% to 13% for cervical cancer screening. The further roll out of KETEMS, combined with the existing know-how, will allow rapid expansion of these programmes to reach Turkey's ambitious goal to provide screening services to 70% of the target population.

	Total										Females	
	Circulatory disease	Heart disease (*)	Cancer (*)	Lung cancer (*)	Colorectal cancer	Respiratory diseases	Diseases of the nervous system	Transport accidents	Suicide	Breast cancer	Cancer of the cervix	Cancer of the uterus
EU-28 (*)	383.4	131.9	265.1	55.2	31.3	82.5	38.1	5.9	11.7	33.2	4.0	6.6
Belgium	301.2	78.4	259.5	61.9	27.7	109.2	51.3	7.2	17.3	38.7	3.1	6.2
Bulgaria	1 085.8	199.5	245.9	47.6	35.5	53.8	14.7	8.3	9.8	30.6	8.7	10.1
Czech Republic	670.3	364.4	289.7	55.5	39.3	82.0	30.4	7.7	15.2	31.8	6.8	8.4
Denmark	267.7	86.8	301.6	72.0	36.6	127.5	42.0	4.1	11.3	38.5	4.0	5.7
Germany	433.1	155.0	256.2	51.1	29.6	76.8	29.9	4.7	11.8	36.3	3.3	5.1
Estonia	718.2	311.1	291.1	51.5	36.5	42.6	22.6	7.3	17.0	27.1	8.1	7.4
Ireland	343.9	166.5	286.2	60.0	34.4	131.3	48.6	4.0	11.1	40.3	4.0	6.7
Greece	404.7	97.9	250.2	61.5	21.8	95.7	15.6	9.5	4.8	32.1	2.3	5.5
Spain	253.1	72.1	238.9	49.5	34.5	91.7	45.7	4.4	8.1	25.3	2.6	6.6
France	212.9	51.8	245.0	49.1	26.8	56.5	52.8	5.1	15.5	32.9	2.3	7.1
Croatia	694.6	310.3	333.8	65.4	50.2	57.8	21.4	10.1	16.2	41.3	5.3	9.5
Italy	322.8	104.2	250.6	50.5	27.8	60.3	34.6	5.8	6.6	31.6	1.2	6.7
Cyprus	341.6	104.2	202.3	36.2	19.6	84.3	30.9	6.2	5.2	30.5	2.5	5.3
Latvia	914.6	462.2	300.6	49.3	34.5	43.1	15.9	9.8	19.1	34.8	11.1	10.0
Lithuania	894.1	589.3	272.6	45.4	32.4	52.0	20.9	11.0	36.1	31.3	10.2	8.5
Luxembourg	310.8	89.7	243.8	47.1	32.0	72.8	44.8	7.8	9.3	39.0	2.4	6.4
Hungary	778.2	396.6	352.1	89.0	56.4	81.3	19.7	7.7	21.2	39.1	7.4	7.4
Malta	405.8	214.2	230.4	40.3	30.2	113.7	23.5	5.1	5.1	40.5	2.0	5.1
Netherlands	282.8	66.5	284.4	67.6	33.9	90.1	54.5	4.2	11.3	37.6	2.7	5.6
Austria	443.8	191.7	249.7	45.9	27.2	50.5	36.9	5.9	15.4	33.5	3.2	5.4
Poland	635.3	140.1	292.4	68.4	36.1	79.8	18.7	10.7	16.4	30.4	8.6	7.9
Portugal	304.8	65.6	243.0	37.6	36.1	123.7	33.4	7.3	9.8	26.8	3.4	6.6
Romania	968.6	323.9	269.7	53.2	32.5	75.7	19.1	12.1	12.2	31.3	16.2	6.1
Slovenia	451.5	111.2	314.7	54.7	41.3	80.4	20.6	8.1	21.7	36.1	3.7	9.5
Slovakia	711.6	433.3	327.1	52.1	53.6	86.1	23.5	7.4	12.1	40.2	9.2	9.8
Finland	388.2	208.5	223.0	41.0	22.7	36.5	141.1	6.1	16.4	28.8	1.8	6.0
Sweden	354.1	139.2	236.8	38.8	29.5	64.2	42.1	3.3	13.0	28.9	3.3	6.5
United Kingdom	276.4	126.1	279.6	61.6	28.1	144.2	44.2	2.7	7.4	35.2	2.8	6.4
Liechtenstein	230.5	87.4	248.3	51.0	11.2	97.6	55.6	2.3	7.5	40.9	11.2	12.7
Norway	288.5	104.9	252.9	52.5	37.0	97.1	41.5	4.8	11.3	26.5	3.2	6.8
Switzerland	294.7	105.7	223.5	42.6	22.4	56.3	45.4	4.3	13.3	31.4	1.7	5.3
Serbia	954.1	158.9	297.9	70.0	39.1	77.4	28.4	8.2	16.8	42.4	11.7	8.7
Turkey (*)	340.4	104.9	175.5	53.0	15.3	89.1	36.2	6.7	2.1	12.1	1.7	3.5

(*) Ischaemic heart diseases.

(*) Malignant neoplasms.

(*) Malignant neoplasm of trachea, bronchus and lung.

(*) For the age standardisation, among older people, the age group aged 85 and over was used rather than separate age groups for 85-89, 90-94 and 95 and over.

(*) 2012.

Source: Eurostat (online data code: hlth_cd_asd2)

General Health Insurance

General health insurance is described in the Law No. 5510 as an insurance which ensures, first of all, maintenance of health statuses of individuals, and the financing of costs that arise in case the individuals experience health risks.

Introduced by the Law No.5510, universal health insurance system provides all insured and uninsured individuals who live in our country with a comprehensive, fair and equitable access to healthcare services, regardless of their economic status and whether they are willing or not. The low-income individuals received healthcare services through “green cards” before 01.01.2012. Green card is a health card that enables our helpless and uninsured citizens with domestic monthly income per capita less than one thirds of gross minimum wage to receive healthcare services free of charge. The green card policy has been removed through some regulations and all citizens have been included in universal health insurance according to the results of means tests as of 01.01.2012.

The individuals who have green cards before 01.01.2012 and whose visa (right ownership) is valid after that date shall continue to receive healthcare benefits under universal insurance until their visas expire. It is obligatory that these individuals shall apply to the Social Assistance and Solidarity Foundations (SYDV) affiliated to the Ministry of Family and Social Policy in place of residence for taking means test no later than a month following visa expiration date. The individuals who are determined to have domestic average monthly income per capita less than one thirds of gross minimum wage according to the results of means test shall benefit from healthcare services as though they have green cards provided that health insurance premiums are paid by the State. In case domestic monthly income per capita is found more than one thirds of gross minimum wage as the result of means test, the individuals shall pay universal health insurance premium in the amount of their income.

I. Scope of General Health Insurance

Individuals deemed to be universal health insurance holders

Among the individuals having residence in Turkey

a. Active insurance holders who

- work on service contract,
- work as civil servants,
- work permanently in a position without subject to service contract but are not deemed to be insurance holders as working on service contract by the relevant laws,
- work under a contract but are not deemed to be insurance holders as working on service contract by the relevant laws, and are delegated directly as agents,
- work on their own names and accounts without subject to service contract and are village and neighborhood headman under the Law No. 5510,

b. Optional insurance holders,

c. Of the individuals who are not deemed to be insurance holders under above items;

- citizens whose domestic income per capita is less than one thirds of the minimum wage, to be determined through the testing methods and data to be laid down by the Institution by considering their expenses, movable and immovable properties and their rights arising from such,
- heimatlos and refugees,
- individuals over the age of 65 who receive pension,
- individuals who receive honorary pension,

- individuals who receive military service planning pension,
- individuals who receive compensation in cash and pension,
- individuals who benefit free - of - charge from protection, care and rehabilitation services
- individuals who receive disabled veteran pension and who receive pension under Law on Fighting against Terrorism,
- individuals who are charged with duty pursuant to the Village Law,
- individuals who are receiving pension due to World Olympic and European Championship

d. Provided that principle of reciprocity is also taken into consideration, individuals of foreign countries who have residence permit and are not insurance holders under legislation of a foreign country,

e. Individuals who benefit from unemployment benefit pursuant to the Unemployment Insurance Law and from short work benefit pursuant to relevant laws,

f. Individuals who receive income or pension from Social Security Institution, and

g. Citizens who are out of the above items and who do not have the right to benefit from health insurance at a foreign country,

shall be deemed to be universal health insurance holders.

The individuals who are not deemed to be insurance holder in terms of implementation of the provisions of short and long term insurance branches are also included under universal health insurance.

Also;

- Foreign students studying at universities in accordance with the Higher Education Law- provided that they pay universal health insurance premium over the amount corresponding to 30 days of the lower limit of daily earning- shall be deemed to be universal health insurance holders during their study.
- Individuals who fulfill their law internship in accordance with the Legal Profession Act without being insurance holders or dependents shall be deemed to be universal health insurance holders during their internship.

II. Conditions for Benefiting from Healthcare Services

The individuals and cases listed below are held exempted from any condition for benefiting from healthcare services: (They will benefit health care without any conditions):

- Individuals under the age of 18,
- Individuals who are medically in need of another person,
- Traffic accidents and emergency cases,
- Work accident and occupational disease situations,
- Contagious diseases with notification obligation,
- Protective and preventive healthcare services against substance abuse and drug addiction,
- Inpatient and ambulatory treatment due to maternity,
- Disaster and war case,
- Strike and lockout cases.

In order to benefit from healthcare services and other rights, excluding the above mentioned cases, it obligatory to for individuals to fulfill the following conditions:

- The general health insurance holders and their dependants pursuant to items of paragraph one of Article 60 of the Law No. 5510, excluding items (c) and (f), shall have totally 30 days of paid universal health insurance premiums within one year before the date of application to healthcare service provider,
- The general health insurance holders working on their names and accounts, excluding the ones whose deferment and installment is ongoing, shall fulfill the conditions in the above item and shall not have any premium or premium - related debts over 60 days as of date of application to the healthcare service provider,
- Among the optional insurance holders and the foreigners with residence permit who do not have insurance under the legislation of a foreign country, the universal health insurance holders and their dependants shall fulfill the conditions in the above item, and shall not have any premium or premium - related debts at the date of application to the healthcare service provider,
- Foreign students studying at universities in accordance with the Higher Education Law shall pay the complete universal health insurance premiums belonging to one term within one month as of the beginning of the term.

However the individuals who are taken out of the scope of universal health insurance holder's dependant shall have totally 30 days of paid general health insurance premiums within one year before the date of application to healthcare service provider in order to benefit from the healthcare services within 30 days following the date of being universal health insurance holder.

The insurance holders who work on service contract; the ones who work in public administrations and the self-employed shall benefit from general health insurance for 10 days as of the termination date of their compulsory insurance. If such individuals have 90 days of compulsory insurance within one year before the date they lose their insurance status, then they and their dependants shall benefit from healthcare services for a period of 90 days following the date they lose their insurance status.

III. Services Provided Under General Health Insurance

a. Healthcare Services

1. Healthcare Services Financed by the Institution

The following healthcare services shall be financed by the Institution in order to ensure that the health of universal health insurance holders and their dependants are maintained, that they regain their health in case of sickness, that the health care services found necessary in medical terms as a result of work accident and occupational disease, sickness and maternity, and that the incapacity status is eliminated or reduced:

Healthcare Services Financed by the Institution
<ul style="list-style-type: none"> Protective healthcare services for individuals without considering whether they are sick or not and for preventing abusing substances harmful to human health
<ul style="list-style-type: none"> Inpatient or ambulatory healthcare services provided in case individuals are sick
<ul style="list-style-type: none"> Inpatient or ambulatory healthcare services provided due to work accidents, occupational disease and maternity
<ul style="list-style-type: none"> Oral and dental healthcare services and odontotherapy for the individuals under the age of 18
<ul style="list-style-type: none"> Assisted reproductive methods
<ul style="list-style-type: none"> Provision, installation, maintenance at the end of guarantee period, repair and replacement services for blood and blood products, bone marrow, vaccine, medication, orthosis, prosthesis, medical equipment and tools, medical devices for personal use, medical consumables, medical consumables having treating capacity, which may be required for diagnosis or treatments related with the above-mentioned healthcare services to be provided as per above item

In case the individual loses the status of being general health insurance holder, the healthcare services to be provided due to ongoing treatment shall continue until the said individual recovers.

2. Healthcare Services Not Financed by the Institution

The following healthcare services are not financed by the Institution

Healthcare Services Not Financed by the Institution
<ul style="list-style-type: none"> Any kind of healthcare services and orthodontic dental treatments for aesthetic purposes excluding the healthcare services to be provided in order to ensure the integrity of body in the cases caused by work accident or occupational disease, accident, sicknesses or congenital reasons.
<ul style="list-style-type: none"> Healthcare services not permitted or licensed and not accepted to be a healthcare service in medical terms by the Ministry of Health.
<ul style="list-style-type: none"> Healthcare services for chronic sicknesses of foreigners which was present before the date they are deemed to be universal health insurance holders or dependants of universal health insurance holders
<ul style="list-style-type: none"> Healthcare services not included in healthcare services financed by the Institution.

b. Organ and Tissue Transplantation in Turkey

As of January 2014, there were 57 organ transplantation centers that transplant kidneys, whereas the numbers of liver and cornea transplantation centers stand at 30 and 25, respectively.

Additionally, there are 12 centers that perform heart transplantations and 13 that transplant heart valves. There are also facilities that transplant lungs and pancreases, with 7 and 6 centers providing these services, respectively.

In addition to organ transplantation services, Turkey has both the resources and tools to harvest and transplant stem cells to treat those suffering with diseases such as leukemia. The stem cells transplanted to such patients are sourced from bone marrow or cord blood.

In light of this, Turkey has established the legislative framework to regulate bone marrow banking and transplant, as well as cord blood banking. The legislation determines the conditions under which such centers may operate and also allows private operators to provide bone marrow transplantation and cord blood banking services.

The MoH estimates that between 2010-2023, the number of patients requiring bone marrow transplants will increase by a modest CAGR of 2.8%. Most of the increase is expected to be in the number of adult patients requiring bone marrow transplant, increasing by a CAGR (Compound Annual Growth Rate) of 4.0% between 2011-2023.

As the percentage of the population between 0-19 years decreases slightly up to 2023, the number of pediatric patients requiring bone marrow transplants will decrease slightly.

c. E-Government Applications related with Health

Below mentioned activities and applications, which were done in manually before, are put into services in electronic environment for insured persons, survivors, service providers and partners (stakeholders).

- Declaration of work accident and occupational diseases
- Receiving Electronic Receipt of Discharge (E-Receipt of Disc.) and Electronic Social Security Institution Clearance Certificate (E-Clearance Cerf.)
- E-Allowance (sending medical report and getting paid allowances)
- HPAS Project (making health provisions in electronic environment)
- E-Declaration
- Pharmacy Provision System
- E-Pharmacy: Pharmacy Application
- E-Pharmacy: Pharmacy Contract Operations
- E-Optical Application
- Temporary Incapacity Declaration
- Controlling Application for Electronic Receipt of Discharge (E-Receipt of Disc.)
- Incapacity Benefit Payment System
- Workplace Registration Number Checking System
- Prosthesis and medical equipment tools Provision System
- SMS Information Services
- File Tracking for Retirement Transactions Prescription and medicine usage periods
- Private Health Service Providers (PHSP)
- Patient Shares for Medical Examinations
- MEDULA UBB (National Database) Material Examination, E-Hospital
- MEDULA Hospital
- MEDULA Pharmacy
- SSI Library
- Health Payments System
- Checking UHI Registration

d. 526 Social Security Centers Entered Into Service

For aim of delivering services by the closest units to citizens, 526 Social Security Centers were established. 35 units of them were established on the purpose of healthcare services and 82 of them were established for financial services.

e. MEDULA (Medical Messenger) System

The healthcare services for insured people are operated with contracted healthcare service providers through MEDULA system. This System makes easier the provision process and plays a big role about the control of healthcare expenses.

The components of the System are MEDULA Hastane (for hospitals), MEDULA Eczane (for pharmacies), MEDULA Optik and MEDULA Tibbi Malzeme (for medical equipment).

f. Health Provision Activation System (HPAS)

With HPAS; collecting different provision systems working in SSI under a single roof and providing a provision service through T.R. identity number and provision date regardless of any other information by compiling health information of insured person according to chronological order are aimed. Under the scope of this, web services were created where records of all registration applications can be added or updated to newly formed HPAS registration table. HPAS was completed on July 2011 and HPAS-MEDULA (Medical Messenger) integration was achieved and the application entered into service in 81 provinces. By combining provision software for insured persons and dependants under the scope of subparagraph (a), (b) and (c) of first paragraph of article 4 of Social Insurance and Universal Health Insurance Law numbered 5510, the installation of single provision system were provided with HPAS.

With the project, provision services were started to be provided for employees, retired persons and green card holder by purely and simply looking at T.R. identity number and provision date; Activation System and Ration System were removed too.

g. With Passing to E-Prescription Application, Infractions through Prescriptions Will Be Prevented

Prescriptions are filled online instead of paper and pharmacies examine them through MEDULA (Medical Messenger). As from 01 January 2012, application of e-prescription was started in entire country.

h. Satisfaction Scores of SSI Services

While the satisfaction score of SSI services was 70,36, the satisfaction score of healthcare benefits was 69,24 in 2015.

i. Social Security Integration Project (SSIP)

The services, in the area of social security given by SSK, Bağkur and ES that were merged with Law No. 5502, are going to be provided with an integrated way and electronic environment with full automation.

Online informing to insured persons and their beneficiaries will be moved one step further by making SSI SMS application more interactive.

SSI SMS application was started manually on 7 September 2011 and it was transformed into online system on 2 January 2012.

With beginning of September 2012, interactive (two-sided) messaging application was started and simultaneous correspondence became possible.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Life Expectancy at Birth by Years and Sex (Age), Turkey



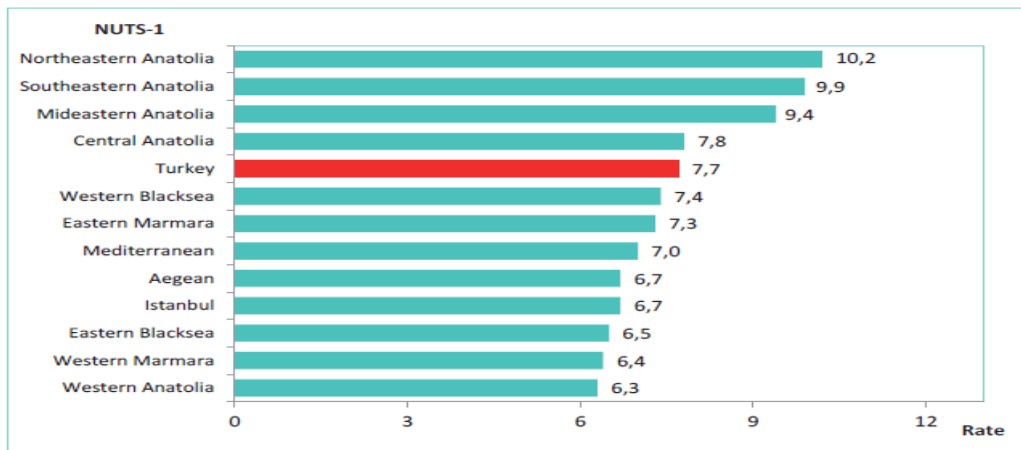
Source: TURKSTAT Population Projections for the years 2002, 2005 and 2010, TURKSTAT Life Tables 2013-2015 Press Release (No. 21509 of 06 October 2016) for the year 2015

Infant Mortality Rate by NUTS-1, (per 1000 live births), 2015



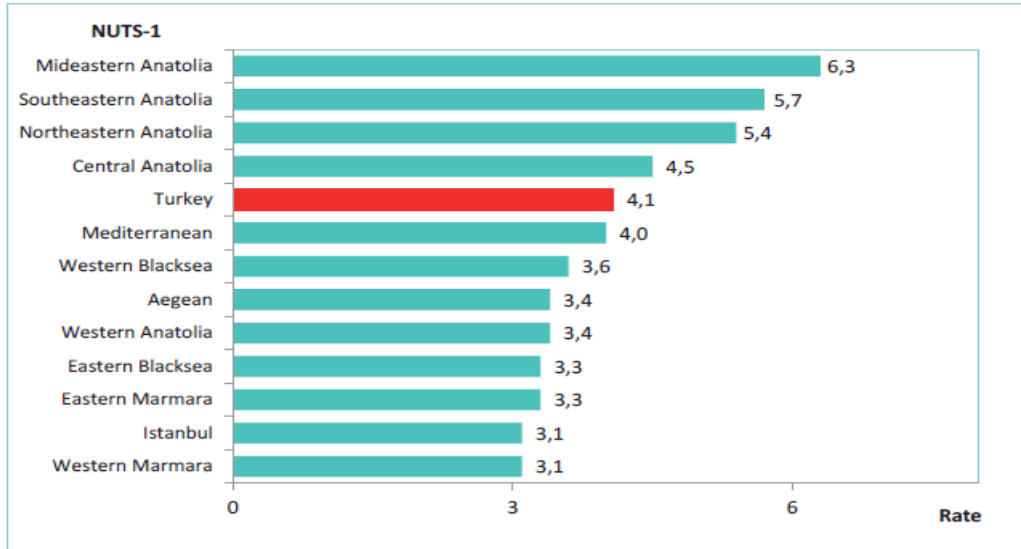
Source: Public Health Institution of Turkey

Perinatal Mortality Rate by NUTS-1, (per 1.000 Births), 2015



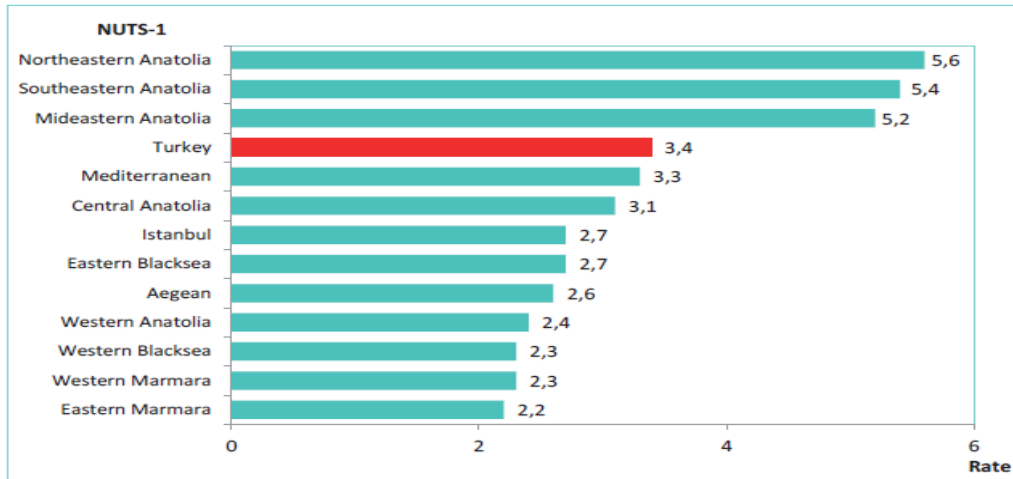
Source: Public Health Institution of Turkey

Neonatal Mortality Rate by NUTS-1, (per 1.000 Live Births), 2015



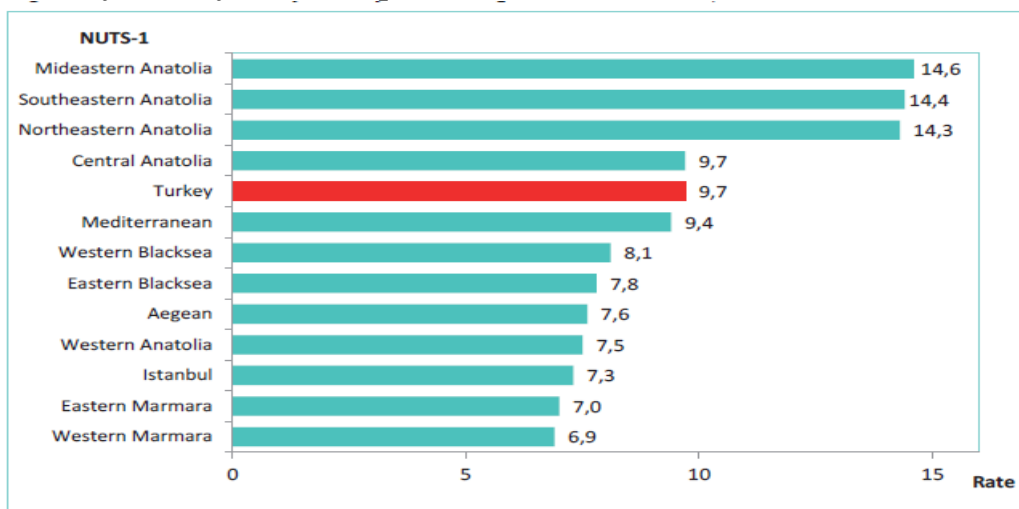
Source: Public Health Institution of Turkey

Postneonatal Mortality Rate by NUTS-1, (per 1.000 Live Births), 2015



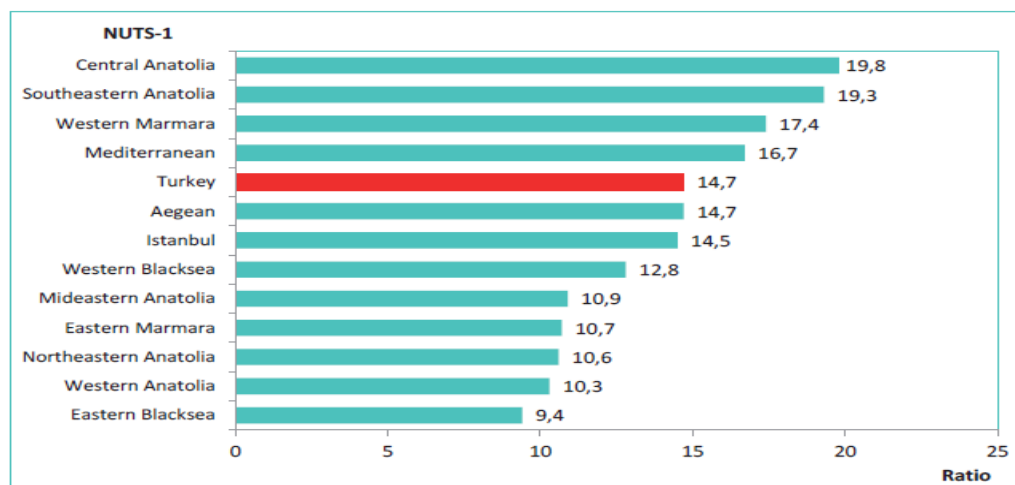
Source: Public Health Institution of Turkey

Mortality Rate by NUTS-1, (per 1.000 Live Births), 2015



Source: Public Health Institution of Turkey

Maternal Mortality Ratio by NUTS-1, (per 100.000 Live Births), 2015



Source: Public Health Institution of Turkey

Number of Cases of the Infectious Diseases by Years, Turkey

		2002	2011	2012	2013	2014	2015
AIDS	Local Case	42	66	79	80	98	91
	Imported Case	6	14	10	13	28	27
	Total Case	48	80	89	93	126	118
Measles	Local Case	7.810	0	318	6.731	451	235
	Imported Case	-	111	31	674	114	107
	Total Case	7.810	111	349	7.405	565	342
Tuberculosis	Local Case	18.043	14.852	13.878	12.679	12.299	11.703
	Imported Case	-	202	261	491	809	847
	Total Case	18.043	15.054	14.139	13.170	13.108	12.550
Malaria	Local Case	10.184	4*	1*	34*	0	0
	Imported Case	40	128	375	251	249	221
	Total Case	10.224	132	376	285	249	221

Source: Public Health Institution of Turkey

* All local malaria cases in 2010, 2011, 2012 and 2013 are "Relapsing malaria case" and local new case number is "0" (zero).

Infectious Diseases Incidence by Years, (per 100.000 Population), Turkey

	2002	2011	2012	2013	2014	2015
AIDS	0,07	0,11	0,12	0,12	0,16	0,15
Measles	11,8	0,1	0,5	9,7	0,7	0,4
Tuberculosis	32	24	22	20	19	18
Malaria	15,4	0,2	0,5	0,4	0,3	0,3

Source: Public Health Institution of Turkey

Note: Tuberculosis incidence data of Turkey is taken from the WHO, TB (Tuberculosis) Database.

Distribution of Causes of Death by the ICD-10 Main Diagnosis Codes and Sex, (%), Turkey, 2013, 2014, 2015

ICD-10 Diagnosis Codes	Code	2013			2014			2015		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
Certain Infectious and Parasitic Diseases	A00-B99	1,73	1,80	1,77	1,75	1,82	1,78	2,01	2,24	2,11
Neoplasms	C00-D48	25,09	16,45	21,21	24,32	15,61	20,35	23,90	15,47	20,04
Diseases of the Blood and Bloodforming Organs and Certain Disorders Involving the Immune Mechanism	D50-D89	0,34	0,50	0,41	0,32	0,40	0,35	0,30	0,36	0,33
Endocrine, Nutritional and Metabolic Diseases	E00-E90	4,30	7,13	5,57	3,96	6,39	5,06	3,92	6,34	5,03
Mental and Behavioural Disorders	F00-F99	0,14	0,17	0,16	0,12	0,17	0,14	0,14	0,16	0,15
Diseases of the Nervous System and Sense Organs	G00-H95	3,41	4,89	4,08	3,64	5,16	4,33	4,02	5,84	4,85
Diseases of the Circulatory System	I00-I99	35,71	44,50	39,65	36,20	44,66	40,05	36,85	44,31	40,25
Diseases of the Respiratory System	J00-J99	10,66	8,75	9,80	11,38	9,66	10,59	11,94	10,11	11,10
Diseases of the Digestive System	K00-K93	2,55	2,74	2,63	2,49	2,73	2,60	2,44	2,69	2,55
Diseases of the Skin and Subcutaneous Tissue	L00-L99	0,05	0,10	0,07	0,06	0,10	0,08	0,04	0,09	0,06
Diseases of the Musculoskeletal System and Connective Tissue	M00-M99	0,20	0,46	0,31	0,19	0,43	0,30	0,20	0,40	0,29
Diseases of the Genitourinary System	N00-N99	2,79	3,25	2,99	2,89	3,41	3,12	3,14	3,69	3,39
Pregnancy, Childbirth and the Puerperium	O00-O99	-	0,19	0,08	-	0,16	0,07	-	0,12	0,05
Certain Conditions Originating in the Perinatal Period	P00-P96	1,96	1,83	1,90	2,16	1,98	2,08	2,07	1,88	1,99
Congenital Malformations, Deformations and Chromosomal Abnormalities	Q00-Q99	1,28	1,44	1,36	1,38	1,43	1,41	1,33	1,37	1,36
Symptoms, Signs and Abnormal Clinical and Laboratory Findings, Not Elsewhere Classified	R00-R99	2,28	2,42	2,35	2,23	2,62	2,41	1,86	2,00	1,93
External causes of morbidity and mortality	V01-Y89	7,49	3,40	5,66	6,91	3,28	5,25	5,85	2,91	4,51

Source: TURKSTAT Causes of Death Statistics, 2013, 2014, 2015

Note: The distribution of diagnosis code in total column was calculated based on total number of deaths to be statistically significant.

Total Cancer Incidence by Years and Sex, (per 100.000, World Standart Population), Turkey

	2002	2009	2010	2011	2012	2013	2014
Male	154,2	269,7	261,4	275,0	277,7	267,9	246,8
Female	113,0	173,3	168,7	182,2	188,2	186,5	173,6
Total	133,5	221,5	215,1	228,6	233,0	227,2	210,2

Source: Public Health Institution of Turkey

Percentage of Major Diseases Seen in Children in the Past 6 Months by Sex(%), 2014 (Children in 0-6 Age Group)

Disease/Health Problem	Male	Female	Total
Upper Respiratory Tract Infection (Tonsillitis, Middle Ear Infections, Pharyngitis, etc.)	42,8	40,9	41,9
Diarrhea	33,7	32,7	33,2
Communicable Diseases (Varicella, Mumps etc.)	6,2	9,4	7,8
Anemia (Iron Deficiency Anemia, etc.)	11,4	10,3	10,8
Oral and Dental Health Problems	9,6	9,1	9,3
Lower Respiratory Tract Infection (Pneumonia, etc.)	10,1	10,1	10,1
Urinary Tract Infection	3,2	6,1	4,6
Skin Diseases	5,9	4,7	5,3
Bone Deformities Caused by Vitamin D Lack	2,5	2,0	2,3

Source: TURKSTAT, Turkey Health Interview Survey 2014

Percentage of Major Diseases Seen in Children in the Past 6 Months by Sex (%), 2014 (Children in 7-14 Age Group)

Disease/Health Problem	Male	Female	Total
Oral and Dental Health Problems	24,6	24,6	24,6
Visual Problems	13,4	14,3	13,8
Infectious Diseases	9,3	9,6	9,4
Skin Diseases	4,7	5,1	4,9
Diseases Related with Nutrition	3,4	3,6	3,5
Hearing Problems	3,5	2,3	2,9
Mental Health Problems	2,2	1,9	2,1
Musculoskeletal System Diseases	2,0	2,4	2,2

Source: TURKSTAT, Turkey Health Interview Survey 2014

Immunization Coverage by Years, (%), Turkey

	2002	2011	2012	2013	2014	2015
DaPT 1	82	98	97	97	97	98
DaPT 2	80	98	97	98	96	97
DaPT 3	78	97	97	98	96	97
BCG	77	95	96	96	95	96
HBV-3	72	96	97	97	95	97
MMR	82	98	96	98	94	97
CPV 3	-	96	97	97	96	97

Source: Public Health Institution of Turkey

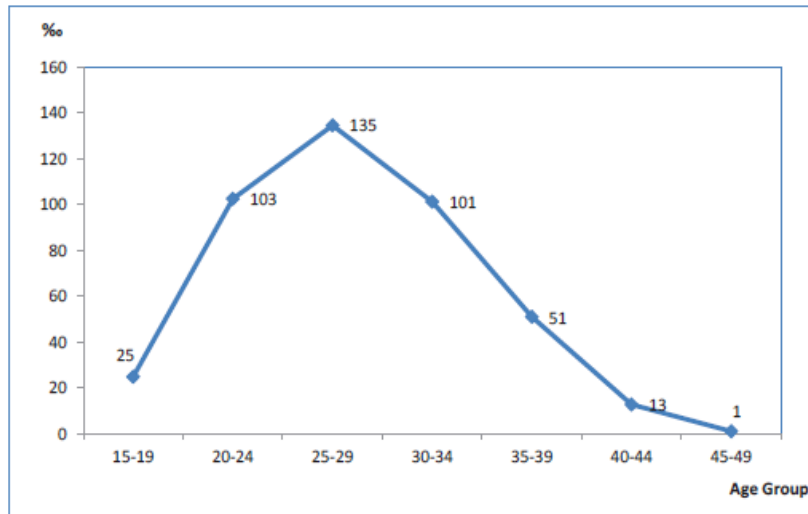
Percentage of Major Diseases Seen in 15 and Over Aged Individuals in the Past 12 Months by Sex, (%), 2014

Disease/Health Problem	Male	Female	Total
Low Back Disorders (Lumbago, Back Hernia, Other Back Defections)	26,5	39,3	33,0
High Blood Pressure (Hypertension)	11,2	20,9	16,1
Neck Disorders (Neck Pain, Neck Hernia, Other Neck Defections)	14,0	28,5	21,3
Allergy, Such as Rhinitis, Eye Inflammation, Dermatitis, Food Allergy or Other (Allergic Asthma Excluded)	8,9	15,3	12,1
Diabetes	6,8	11,1	9,0
Asthma (Allergic Asthma Included)	5,2	10,5	7,9
Coronary Heart Disease (Angina Pectoris, Chest Pain, Spasm)	7,4	9,5	8,5
Chronic Obstructive Pulmonary Disease (Chronic Bronchitis, Emphysema)	6,3	9,1	7,7
Urinary Incontinence, Problems in Controlling the Bladder	4,8	10,2	7,5
Depression	7,4	14,5	11,0
Myocardial Infarction (Heart Attack)	2,1	1,9	2,0
Stroke (Cerebral Hemorrhage, Cerebral Thrombosis)	0,9	0,8	0,8
Cirrhosis of the Liver, Liver Dysfunction	1,4	1,8	1,6
Arthrosis	5,4	10,6	8,0
Kidney Problems	6,2	8,7	7,5
Alzheimer	6,2	9,8	8,2

Source: TURKSTAT, Turkey Health Interview Survey 2014

Note: Alzheimer was evaluated for individuals in the 65+ age group.

Age-Specific Fertility Rate, 2015, (%), Turkey



Source: TURKSTAT, Birth Statistics, 2015

Pregnant, Infant, Child and Puerperant Follow-Up Activities by Years, Turkey

	2002	2011	2012	2013	2014	2015
Average Number of Follow-Ups per Pregnant	1,7	4,3	4,1	4,3	4,8	4,7
Average Number of Follow-Ups per Infant	3,4	8,1	8,6	8,8	8,2	8,1
Average Number of Follow-Ups per Child	1,0	2,0	2,2	2,2	2,2	2,2
Average Number of Follow-Ups per Puerperant	0,7	2,0	2,3	2,9	3,0	3,0

Source: Public Health Institution of Turkey

Sağlık Hizmet Sunucusuna Göre Müracaat Sayısı (Adet)
Number of applications (units) according to health service server

Yıllar Years	Devlet 2. basamak State 2. step	Devlet 3. basamak State 3. step	Özel Private	Üniversite University	Toplam Total	
2009	122.659.222	39.905.224	66.877.219	16.487.944	245.929.609	
2010	139.292.850	44.074.572	71.469.822	21.775.322	276.612.566	
2011	156.117.258	50.141.980	85.924.477	25.178.757	317.362.472	
2012	203.135.332	65.123.572	87.932.174	30.592.422	386.783.500	
2013	222.136.043	73.167.494	91.386.098	34.698.578	421.388.213	
2014	242.331.302	77.547.956	88.687.340	38.453.774	447.020.372	
2015	Ocak January	20.556.663	7.089.688	7.555.586	3.225.530	38.427.467
	Şubat February	20.744.696	7.091.393	7.392.227	3.355.355	38.583.671
	Mart March	22.599.970	7.661.793	8.917.501	3.725.079	42.904.343
	Nisan April	22.079.273	7.705.300	8.093.103	3.566.549	41.444.225
	Mayıs May	21.382.454	7.264.436	7.365.768	3.381.028	39.393.686
	Toplam Total	107.363.056	36.812.610	39.324.185	17.253.541	200.753.392

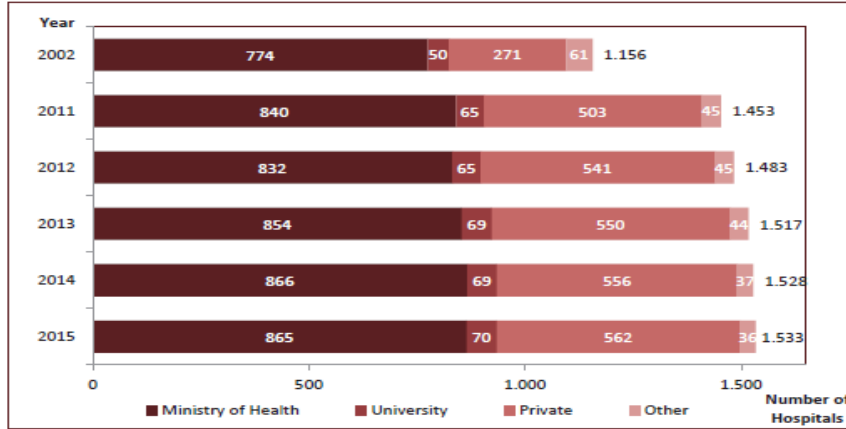
Sağlık Hizmet Sunucusuna Göre Fatura Tutarı KDV Hariç (TL)
Vat excluded invoice account according to health service server (TL)

Yıllar Years	Devlet 2. basamak State 2. step	Devlet 3. basamak State 3. step	Özel Private	Üniversite University	Toplam Total	
2009	5.063.641.017	3.018.857.733	4.569.339.697	2.962.980.699	15.614.819.147	
2010	6.035.032.721	3.567.138.411	5.059.208.813	3.715.546.472	18.376.926.418	
2011	7.200.668.805	4.242.561.614	6.145.045.152	4.266.901.662	21.855.177.232	
2012	10.051.989.632	5.945.099.733	6.771.108.316	5.506.848.033	28.275.045.714	
2013	11.049.400.853	6.598.896.098	7.294.698.192	6.129.775.327	31.072.770.470	
2014	12.340.270.036	7.218.596.006	7.671.542.237	6.944.105.203	34.174.513.482	
2015	Ocak January	1.033.062.979	659.805.115	670.615.899	579.093.530	2.942.577.523
	Şubat February	1.044.371.025	652.684.073	643.234.516	595.255.173	2.935.544.787
	Mart March	1.096.251.403	694.076.803	729.312.530	647.591.909	3.167.232.645
	Nisan April	1.081.055.194	692.774.195	697.619.873	635.928.642	3.107.377.903
	Mayıs May	1.072.582.555	682.097.804	670.521.403	627.357.075	3.052.558.838
	Toplam Total	5.327.323.157	3.381.437.990	3.411.304.222	3.085.226.328	15.205.291.697

Sağlık Hizmet Sunucusuna Göre Ortalama Maliyet (TL)
Cost average by the health service server (TL)

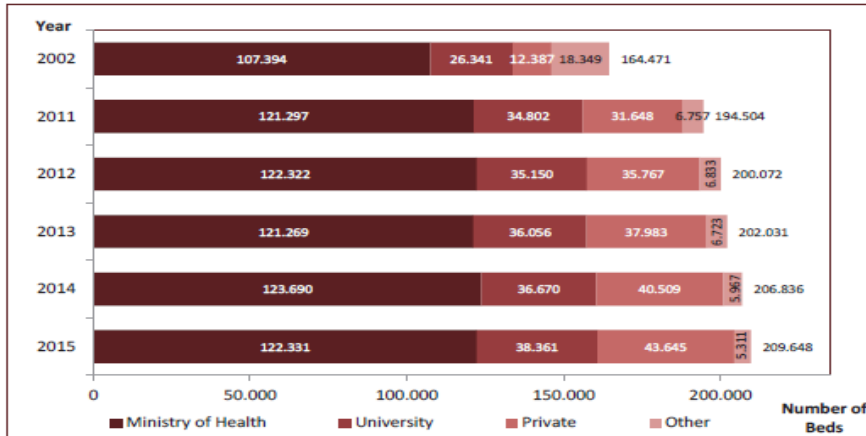
Yıllar Years	Devlet 2. basamak State 2. step	Devlet 3. basamak State 3. step	Özel Private	Üniversite University	Ortalama maliyet Average cost	
2009	41,28	75,65	68,32	179,71	63,49	
2010	43,33	80,93	70,79	170,63	66,44	
2011	46,12	84,61	71,52	169,46	68,87	
2012	49,48	91,29	77,00	180,01	73,10	
2013	49,74	90,19	79,82	176,66	73,74	
2014	50,92	93,09	86,50	180,58	76,45	
2015	Ocak January	50,25	93,07	88,76	179,53	76,57
	Şubat February	50,34	92,04	87,01	177,40	76,08
	Mart March	48,51	90,59	81,78	173,85	73,82
	Nisan April	48,96	89,91	86,20	178,30	74,98
	Mayıs May	50,16	93,90	91,03	185,55	77,49
	Ortalama Average	49,62	91,86	86,75	178,82	75,74

Number of Hospitals by Years and Sectors, Turkey



Source: General Directorate of Health Services

Number of Hospital Beds by Years and Sectors, Turkey



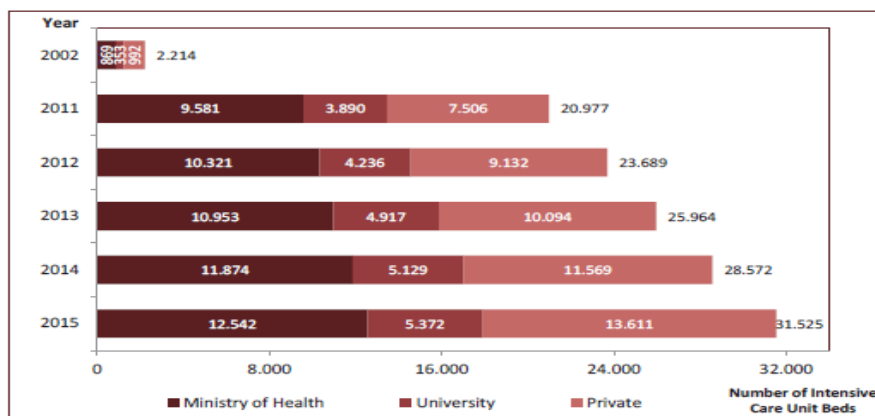
Source: General Directorate of Health Services

Number of Hospitals and Beds by Branches, Turkey, 2015

Branches	Hospital	Bed
General Hospital	1.406	188.849
Obstetric and Child Hospital	36	6.433
Ophthalmology Hospital	27	580
Physical Treatment and Rehabilitation Center	16	2.038
Chest Diseases Hospital	15	3.660
Psychiatry Hospital	11	4.231
Child Diseases Hospital	5	1.759
Cardiovascular Diseases Centers	5	609
Bone Diseases Hospital	3	436
Occupational Diseases Hospital	2	156
Oncology Hospital	2	696
Surgery Hospital	1	70
Orthopedics and Traumatology Hospital	1	29
Lepra Hospital	1	34
Hospital for Children with Leukemia	1	14
Spastic Children's Hospital and Rehab Center	1	54
Total	1.533	209.648

Source: General Directorate of Health Services

Total Number of Intensive Care Unit Beds by Years and Sectors, Turkey



Source: General Directorate of Health Services

Number of Intensive Care Unit Beds by Types and Sectors, Turkey, 2015

	Ministry of Health	University	Private	Total
Adult	8.537	3.660	7.685	19.882
Child	641	508	96	1.245
Neonatal	3.364	1.204	5.830	10.398
Total	12.542	5.372	13.611	31.525

Source: General Directorate of Health Services

Infrastructure of Operating Room Services in the Inpatient Treatment Facilities by Sectors, Turkey 2015

	Ministry of Health	University	Private	Total
Surgery	810	191	756	1.757
Operating Room	2.933	936	1.940	5.809
Operating Table	3.111	1.001	2.008	6.120

Source: General Directorate of Health Services

Number of Equipments of Inpatient Health Care Facilities by Years, Turkey

	2002	2011	2012	2013	2014	2015
MRI	58	709	720	751	757	794
CT	323	974	1.017	1.058	1.071	1.119
Ultrasound	1.005	3.775	4.282	4.756	5.286	5.518
Doppler Ultrasound	681	2.091	2.480	2.793	3.151	4.015
ECHO	259	1.181	1.379	1.542	1.793	1.897

Source: General Directorate of Health Services

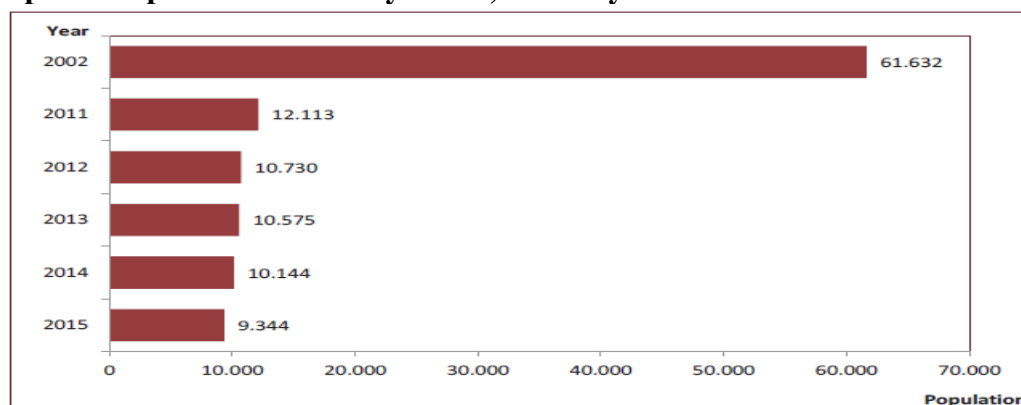
Number of the Institutions Providing Oral and Dental Health Care Services by Sectors, 2015

	Ministry of Health		University		Private		Other		Total	
	Institution	Dental Unit	Institution	Dental Unit	Institution	Dental Unit	Institution	Dental Unit	Institution	Dental Unit
Oral and Dental Health Center	132	4.261	-	-	69	778	-	-	201	5.039
Dental Hospital	14	1.211	-	-	3	90	-	-	17	1.301
Dental Training Hospital	1	106	38	4.460	-	-	-	-	39	4.566
Dental Polyclinic (Hospital)	790	2.849	16	222	202	381	35	194	1.043	3.646
Dental Polyclinic	-	-	-	-	1.462	5.629	-	-	1.462	5.629
Total	937	8.427	54	4.682	1.736	6.878	35	194	2.762	20.181

Source: Turkish Institution of Public Hospitals, General Directorate of Health Services

Note: Data related to dental clinic and dental prosthesis center belonging to oral and dental health center and hospital exist in Dental Polyclinic (Hospital).

Population per Dental Unit by Years, Ministry of Health



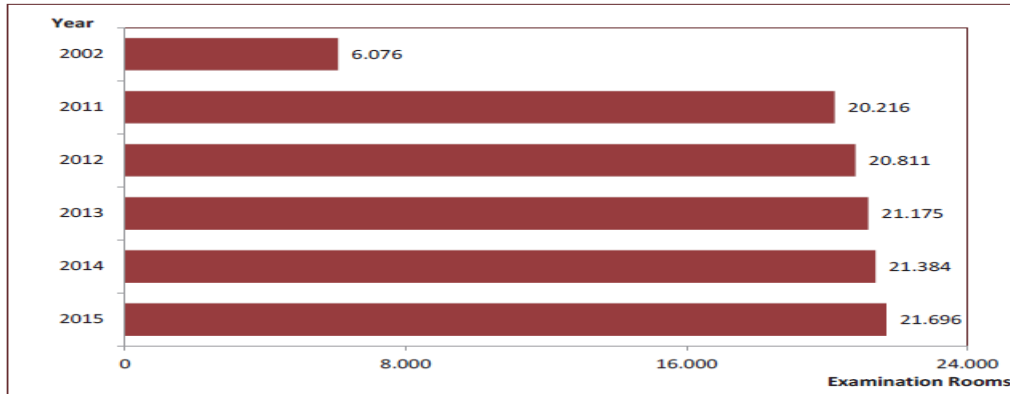
Source: Turkish Institution of Public Hospitals, General Directorate of Health Services

MoH-Affiliated Primary Health Care Facilities by Years, Turkey

	2002	2011	2012	2013	2014	2015
Health Center	5.055	-	-	-	-	-
Family Medicine Unit	-	20.216	20.811	21.175	21.384	21.696
Family Health Center	-	6.520	6.660	6.756	6.829	6.902
Community Health Center	-	957	957	971	970	970
Health House	2.899	4.344	5.691	5.594	5.572	5.544
MCHFP Center	298	183	189	183	182	182
Tuberculosis Control Dispensary	277	194	179	177	179	181
Cancer Early Diagnosis, Screening and Training Centers (KETEM)	84	124	124	134	132	156
112 Emergency Care Station	481	1.710	1.863	2.072	2.186	2.323
Number of Public Health Laboratories	-	-	-	83	83	83

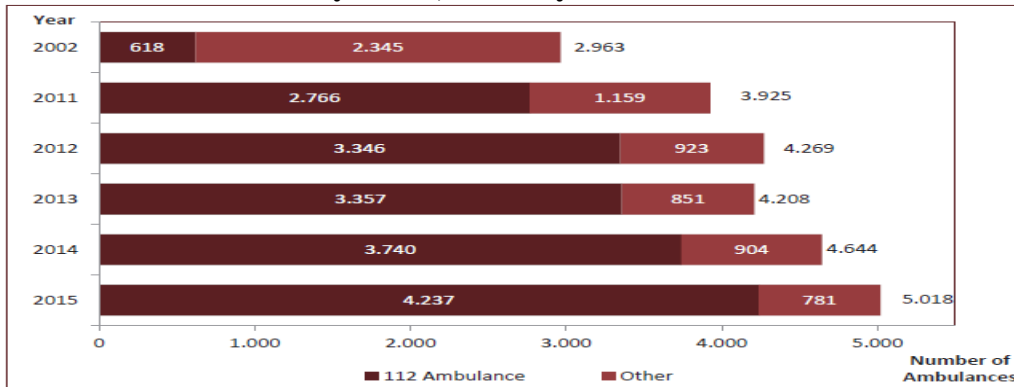
Source: Public Health Institution of Turkey, General Directorate of Emergency Health Services

Number of Family Health Center Medical Examination Rooms by Years, Turkey



Source: Public Health Institution of Turkey

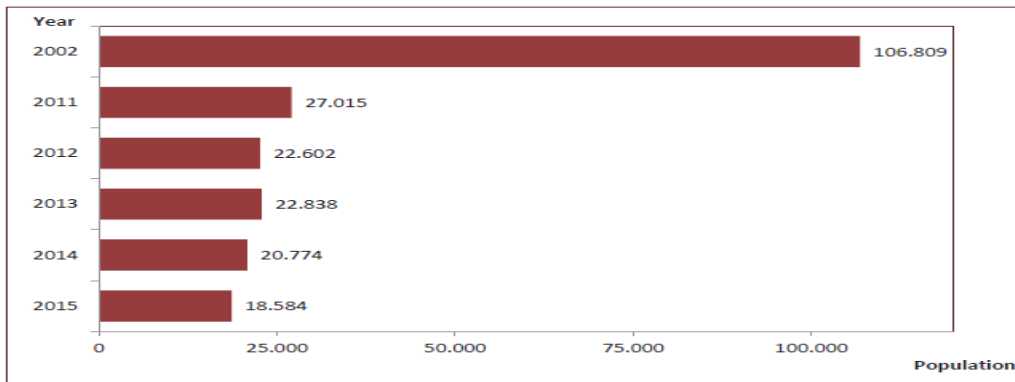
Number of Ambulances by Years, Ministry of Health



Source: General Directorate of Emergency Health Services

* 836 of 112 Emergency Care Ambulances were purchased in 2015 but entered into service in 2016. These ambulances are not shown in the Figure.

Population per 112 Emergency Care Ambulance by Years, Ministry of Health



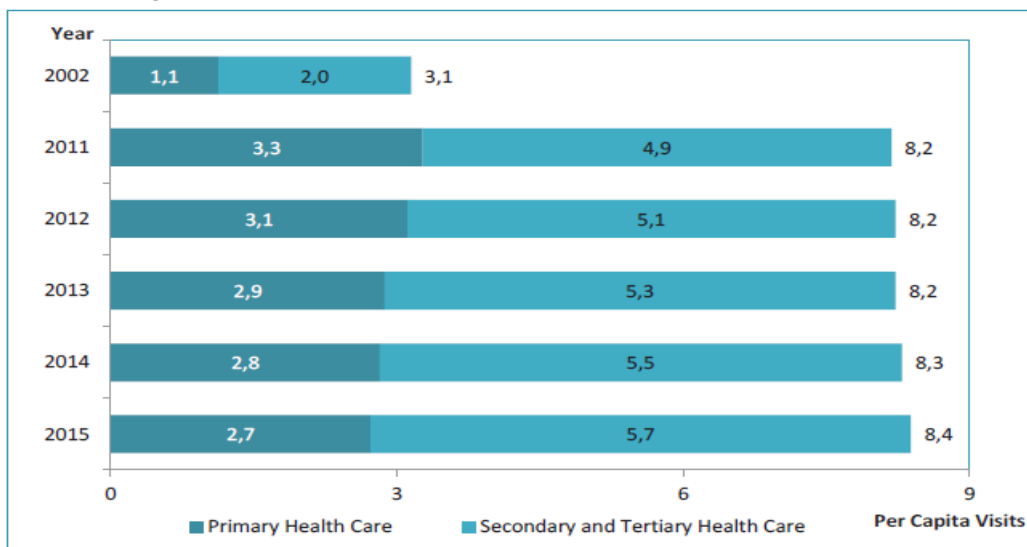
Source: General Directorate of Emergency Health Services

Total Number of Visits to a Physician in Health Care Facilities by Year and Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Health Center	69.103.517	-	-	-	-	-
Family Medicine	-	240.298.753	221.672.029	212.318.024	214.120.750	208.538.951
Tuberculosis Control Dispensary	2.012.458	2.219.534	2.143.765	1.815.805	1.643.937	1.495.558
MCHFP Center	2.980.481	944.842	630.583	536.707	660.056	548.433
Other Examinations Made by CHCs	-	-	10.035.342	4.999.980	2.234.348	3.457.520
Private Outpatient Clinics	731.132	882.973	655.432	582.265	546.514	523.694
Primary Care Facilities Total	74.827.588	244.346.102	235.137.151	220.252.781	219.205.605	214.564.156
Specialty Medical Centers	9.824.802	29.040.707	32.012.211	31.256.100	28.208.781	26.953.360
Hospitals	124.313.659	337.849.536	354.636.935	378.812.243	396.577.644	418.581.931
Secondary and Tertiary Health Care Total	134.138.461	366.890.243	386.649.146	410.068.343	424.786.425	445.535.291
Total	208.966.049	611.236.345	621.786.297	630.321.124	643.992.030	660.099.447

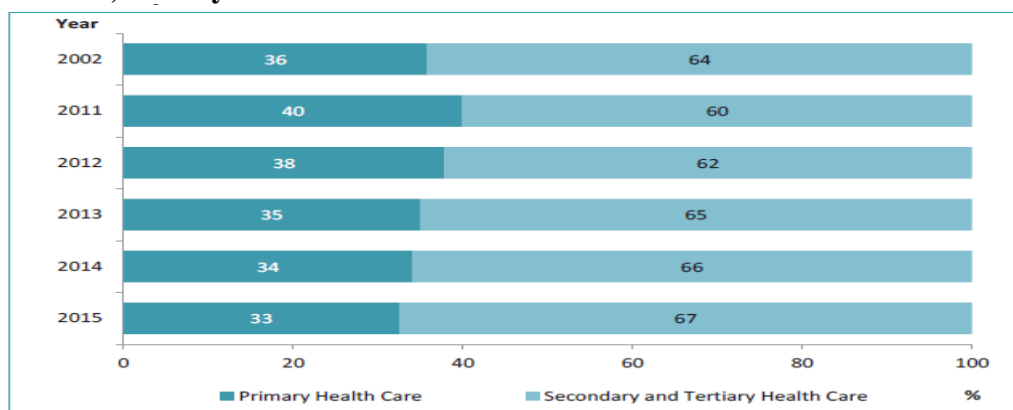
Source: Public Health Institution of Turkey, General Directorate of Health Services

Total Number of Per Capita Visits to a Physician in Health Care Facilities by Years, All Sectors



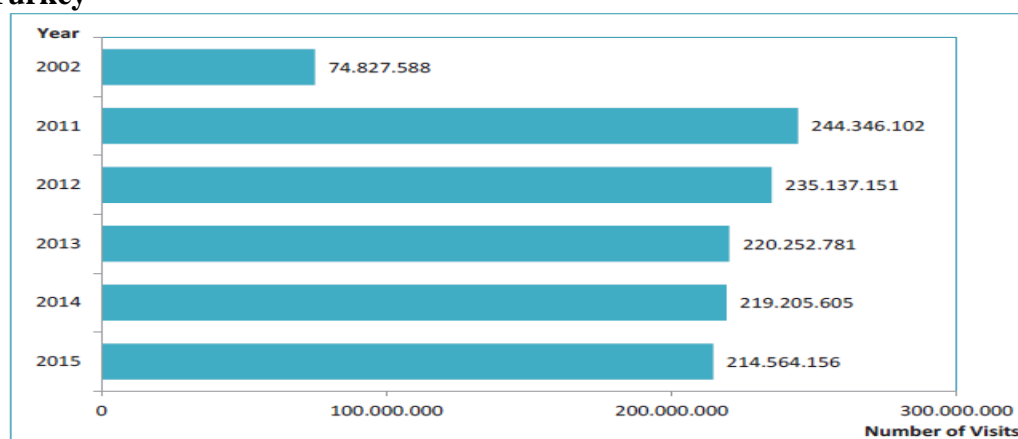
Source: Public Health Institution of Turkey, General Directorate of Health Services

Ratio of Total Number of Visits to a Physician in Health Care Facilities by Years, (%), All Sectors, Turkey



Source: Public Health Institution of Turkey, General Directorate of Health Services

Number of Visits to a Physician in Primary Health Care Facilities by Years, All Sectors, Turkey



Source: Public Health Institution of Turkey, General Directorate of Health Services

Number of Hospital Visits by Years and Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Ministry of Health	109.793.128	254.342.943	260.974.401	277.485.135	292.100.331	306.825.524
University	8.823.361	24.437.107	27.080.436	29.985.697	32.143.930	34.539.363
Private	5.697.170	59.069.486	66.582.098	71.341.411	72.333.383	77.217.044
Total	124.313.659	337.849.536	354.636.935	378.812.243	396.577.644	418.581.931

Source: General Directorate of Health Services

Per Capita Hospital Visits by Years and Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Ministry of Health	1,7	3,4	3,5	3,6	3,8	3,9
University	0,1	0,3	0,4	0,4	0,4	0,4
Private	0,1	0,8	0,9	0,9	0,9	1,0
Total	1,9	4,5	4,7	4,9	5,1	5,3

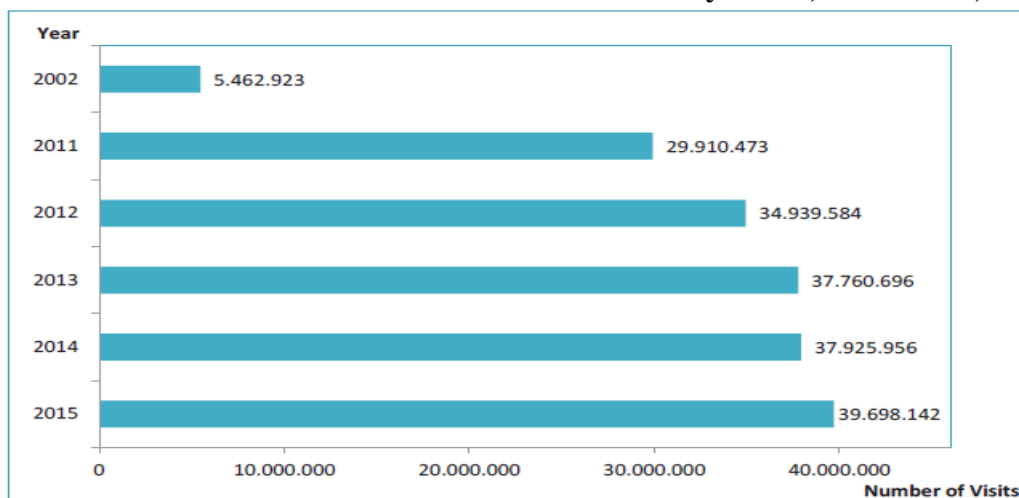
Source: General Directorate of Health Services

Number of Inpatients by Years and Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Ministry of Health	4.169.779	6.775.154	6.891.857	7.023.313	7.396.239	7.404.570
University	781.990	1.607.462	1.601.878	1.630.464	1.737.627	1.891.094
Private	556.494	3.054.165	3.485.092	3.719.780	3.900.407	4.237.453
Total	5.508.263	11.436.781	11.978.827	12.373.557	13.034.273	13.533.117

Source: General Directorate of Health Services

Number of Visits to Oral and Dental Care Services by Years, All Sectors, Turkey



Source: Turkish Institution of Public Hospitals, General Directorate of Health Services

* Only the values of the Ministry of Health were published before 2012. In 2012 – 2015 the values of the Universities and Public Sector were also included.

Number of Surgical Operations by Years and Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Ministry of Health	1.072.417	2.209.326	2.298.893	2.414.538	2.445.424	2.364.595
University	307.108	617.477	664.695	715.889	765.549	801.424
Private	218.837	1.373.774	1.446.630	1.553.810	1.587.973	1.604.126
Total	1.598.362	4.200.577	4.410.218	4.684.237	4.798.946	4.770.145

Source: General Directorate of Health Services

Number of Days Stayed in Hospitals by Years and Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Ministry of Health	23.770.910	29.405.370	29.662.436	30.679.607	32.078.874	32.011.141
University	6.713.945	9.350.038	9.846.341	9.753.138	10.260.691	10.575.334
Private	1.730.661	6.246.243	8.001.322	8.247.245	9.521.899	10.649.770
Total	32.215.516	45.001.651	47.510.099	48.679.990	51.861.464	53.236.245

Source: General Directorate of Health Services

Number of Organ Transplantations by Years, All Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Kidney	550	2.923	2.903	2.944	2.924	3.204
Liver	159	904	1.001	1.248	1.212	1.216
Heart	20	93	61	63	78	89
Heart Valve	15	1	5	1	0	0
Lung	0	5	25	32	33	30
Heart-Lung	0	0	2	0	0	0
Pancreas	0	26	6	4	9	7
Small Intestine	1	1	5	2	5	6
Total	745	3.953	4.008	4.294	4.261	4.552

Source: General Directorate of Health Services

Number of Health Care Professionals by Years, All Sectors, Turkey

	2002	2011	2012	2013	2014	2015
Specialist Physicians	45.457	66.064	70.103	73.886	75.251	77.622
General Practitioners	30.900	39.712	38.877	38.572	39.045	41.794
Medical Residents	15.592	20.253	20.792	21.317	21.320	21.843
Physicians Total	91.949	126.029	129.772	133.775	135.616	141.259
Dentists	16.371	21.099	21.404	22.295	22.996	24.834
Pharmacists	22.289	26.089	26.571	27.012	27.199	27.530
Nurses	72.393	124.982	134.906	139.544	142.432	152.803
Midwives	41.479	51.905	53.466	53.427	52.838	53.086
Other Health Personnel	50.106	110.862	122.663	131.652	138.878	145.943
Other Personnel and Procurement of Services	83.964	209.126	209.736	224.618	229.625	241.897
TOTAL	378.551	670.092	698.518	732.323	749.584	787.352

Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of Health Care Professionals by Sectors and Titles, 2015

	Ministry of Health	University	Private	Other	Total
Specialist Physicians	38.783	14.972	22.655	1.212	77.622
General Practitioners	35.833	216	5.729	16	41.794
Medical Residents	7.973	13.622	0	248	21.843
Physicians Total	82.589	28.810	28.384	1.476	141.259
Dentists	8.683	1.698	14.291	162	24.834
Pharmacists	2.156	306	25.010	58	27.530
Nurses	101.722	22.526	25.941	2.614	152.803
Midwives	48.078	851	4.100	57	53.086
Other Health Personnel	102.243	11.492	31.845	363	145.943
Other Personnel and Procurement of Services	206.088	13.107	19.609	3.093	241.897
TOTAL	551.559	78.790	149.180	7.823	787.352

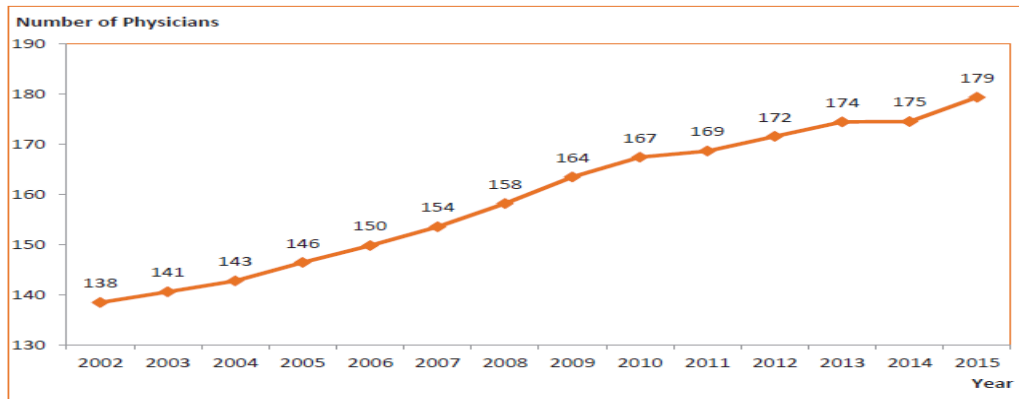
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Health Care Professionals by Years, Ministry of Health

	2002	2011	2012	2013	2014	2015
Specialist Physicians	22.187	32.623	34.069	35.081	36.886	38.783
General Practitioners	29.030	33.523	32.457	32.601	33.060	35.833
Medical Residents	6.189	7.236	7.137	7.814	7.930	7.973
Physicians Total	57.406	73.382	73.663	75.496	77.876	82.589
Dentists	3.211	7.225	7.291	7.997	7.640	8.683
Pharmacists	1.596	1.891	1.920	2.067	2.102	2.156
Nurses	54.360	89.314	92.118	93.700	94.404	101.722
Midwives	39.473	46.944	48.409	48.694	48.103	48.078
Other Health Personnel	33.276	82.201	83.542	93.555	97.763	102.243
Other Personnel and Procurement of Services	67.496	181.295	181.824	186.217	196.459	206.088
TOTAL	256.818	482.252	488.767	507.726	524.347	551.559

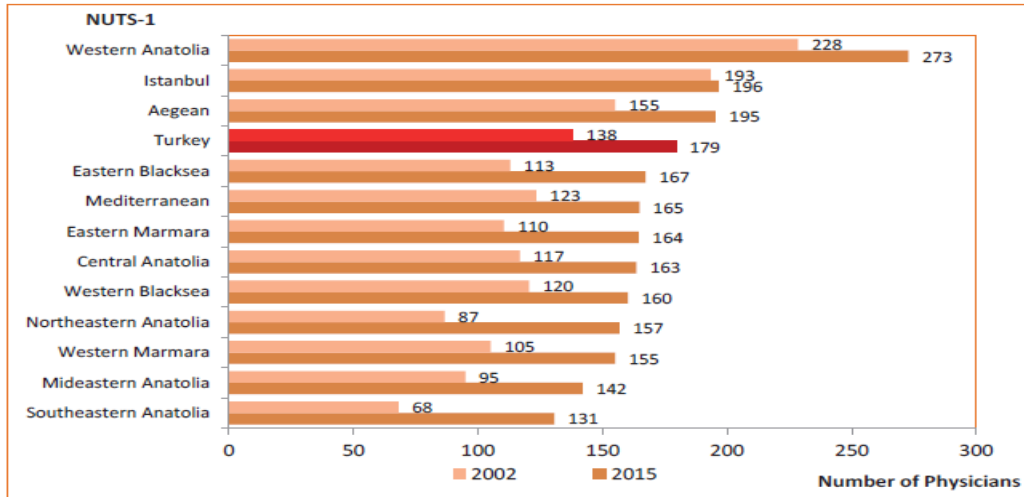
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Total Physicians per 100.000 Population by Years, All Sectors



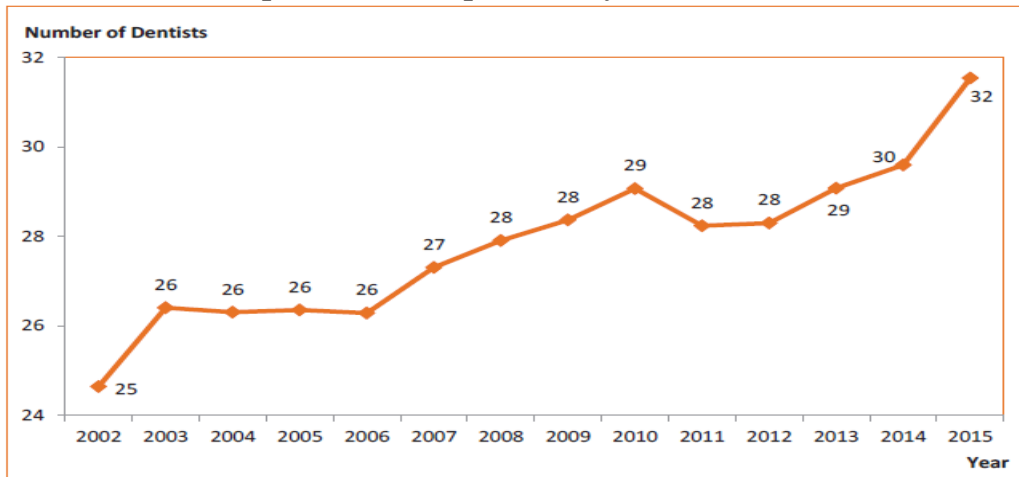
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Total Physicians per 100.000 Population by NUTS-1, All Sectors, 2002, 2015



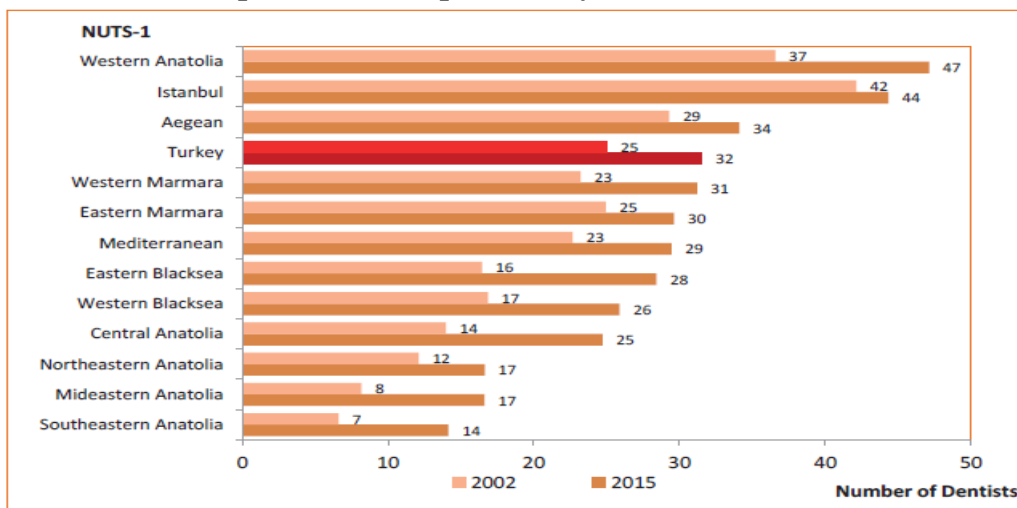
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Dentists per 100.000 Population by Years, All Sectors



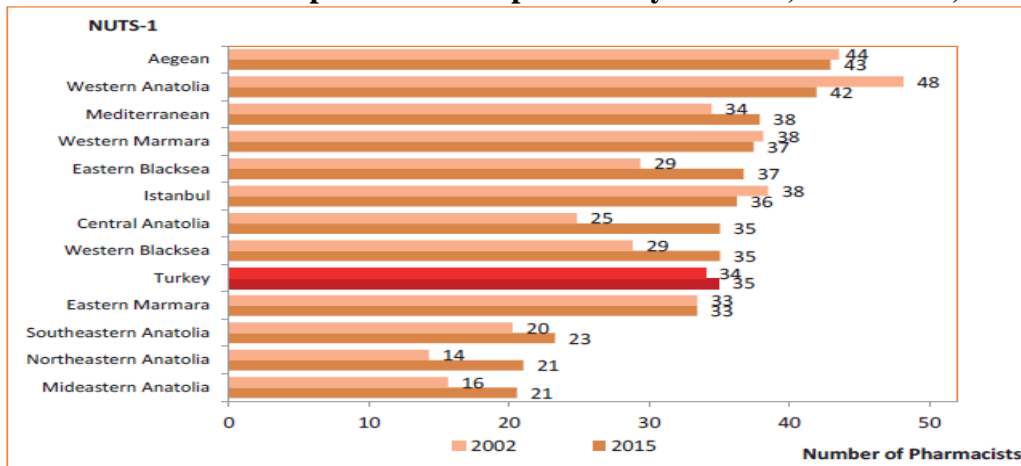
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Dentists per 100.000 Population by NUTS-1, All Sectors, 2002, 2015



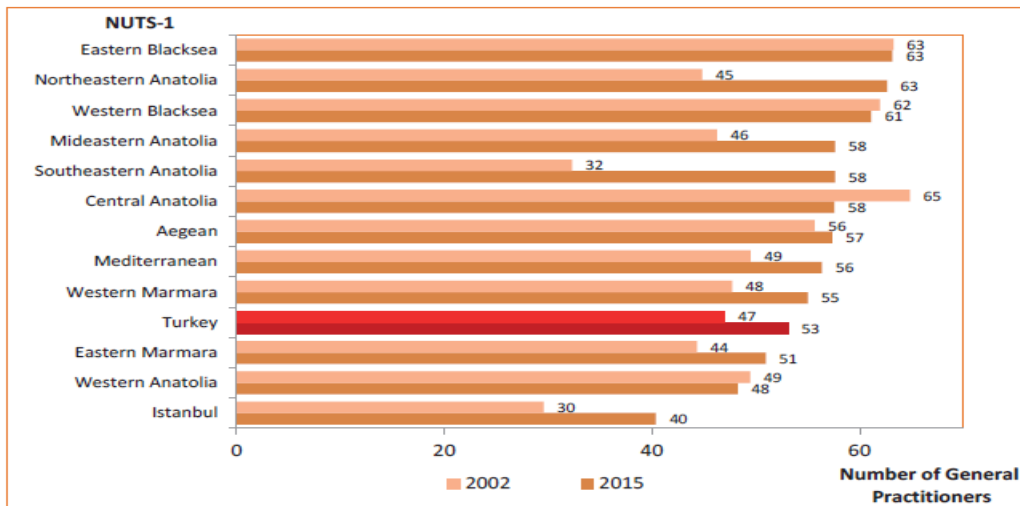
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Pharmacists per 100.000 Population by NUTS-1, All Sectors, 2002, 2015



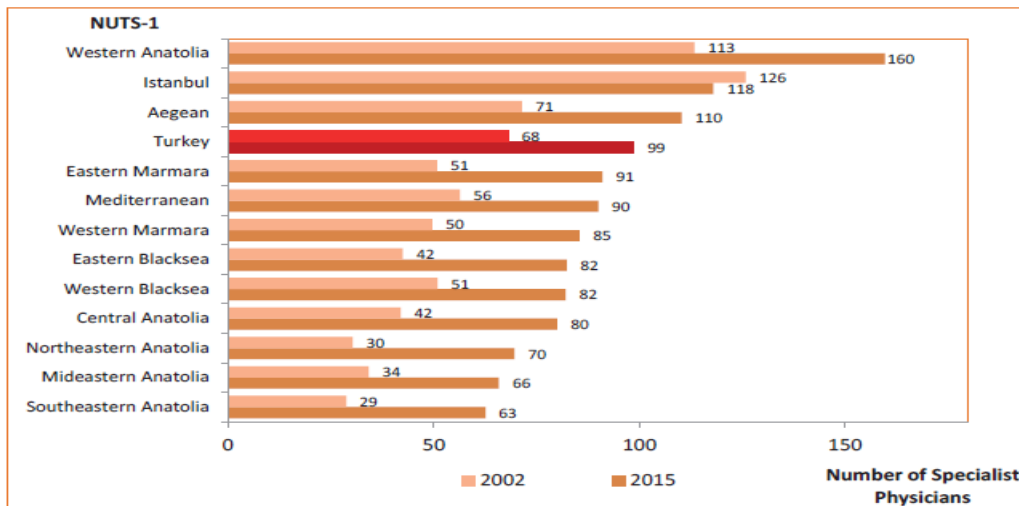
Source: General Directorate of Health Services, General Directorate of Management Services

Number of General Practitioners per 100.000 Population by NUTS-1, All Sectors, 2002, 2015



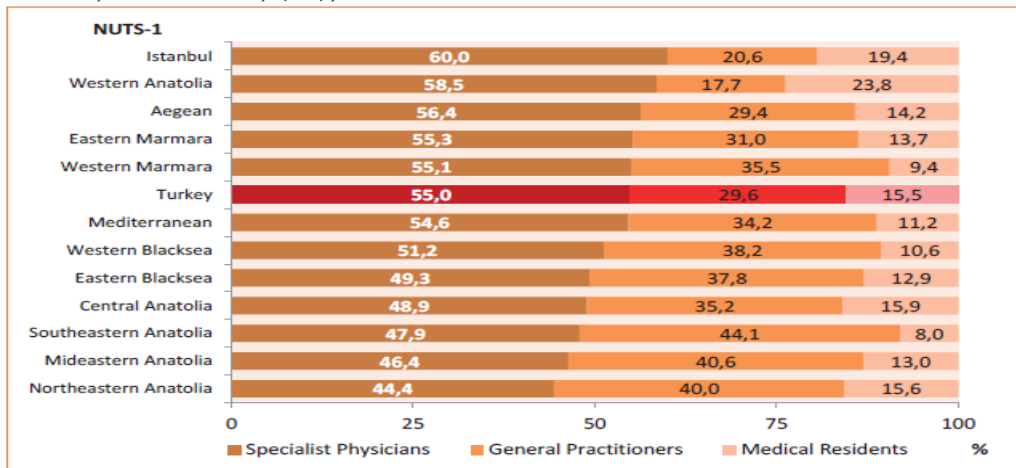
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Specialist Physicians per 100.000 Population by NUTS-1, All Sectors, 2002,2015



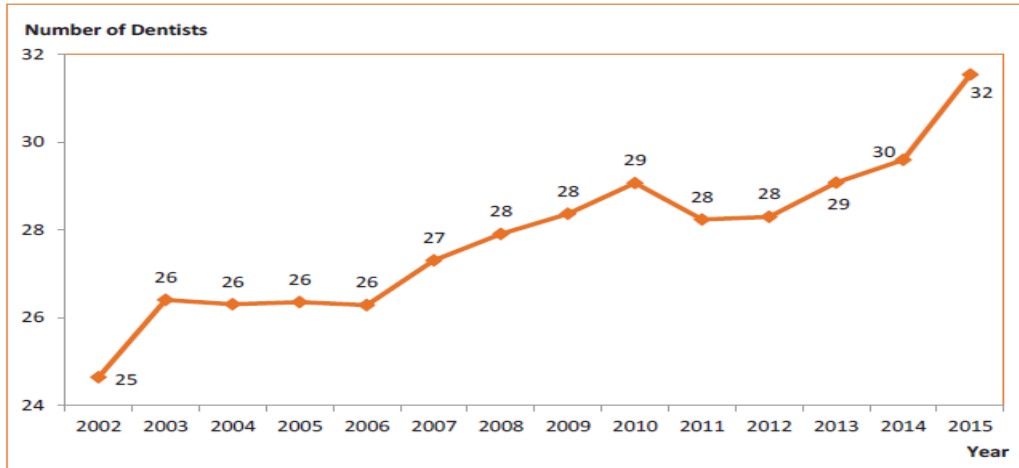
Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of Specialist Physicians, Medical Residents and General Practitioners by NUTS-1, All Sectors, (%), 2015



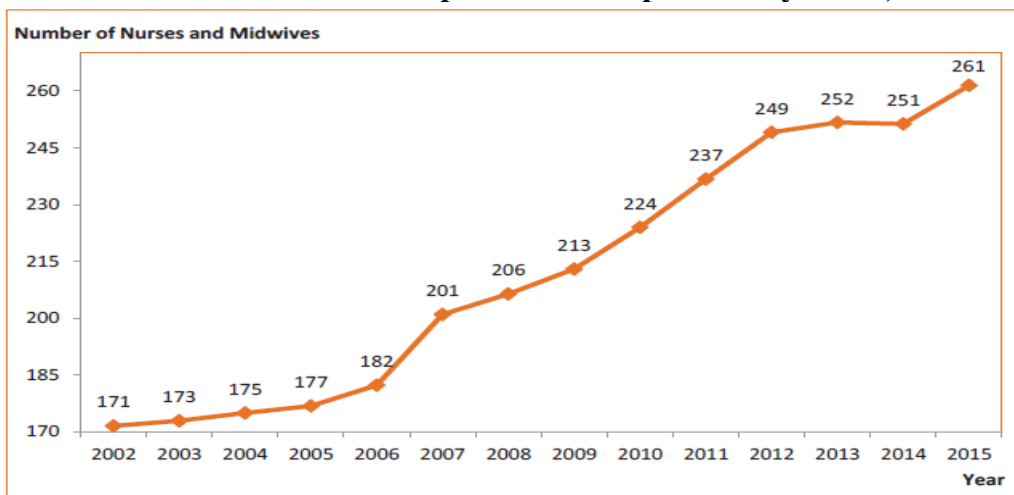
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Pharmacists per 100.000 Population by Years, All Sectors



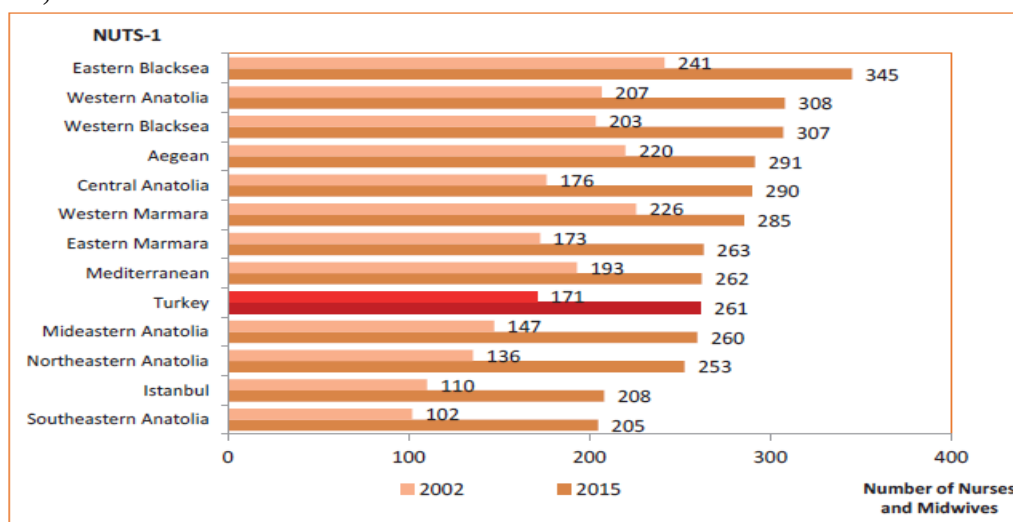
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Nurses and Midwives per 100.000 Population by Years, All Sectors



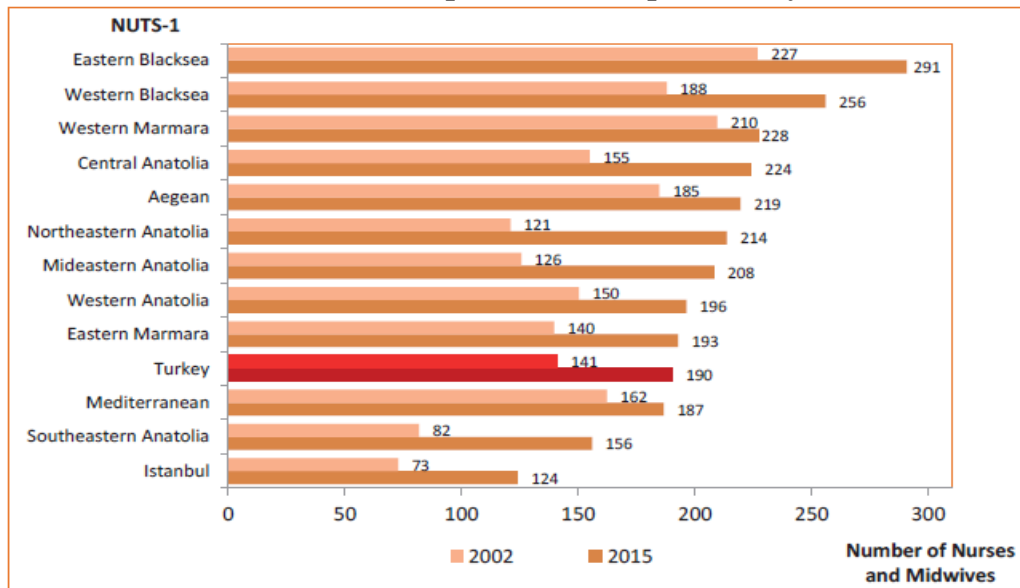
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Nurses and Midwives per 100.000 Population by NUTS-1, All Sectors, 2002,2015



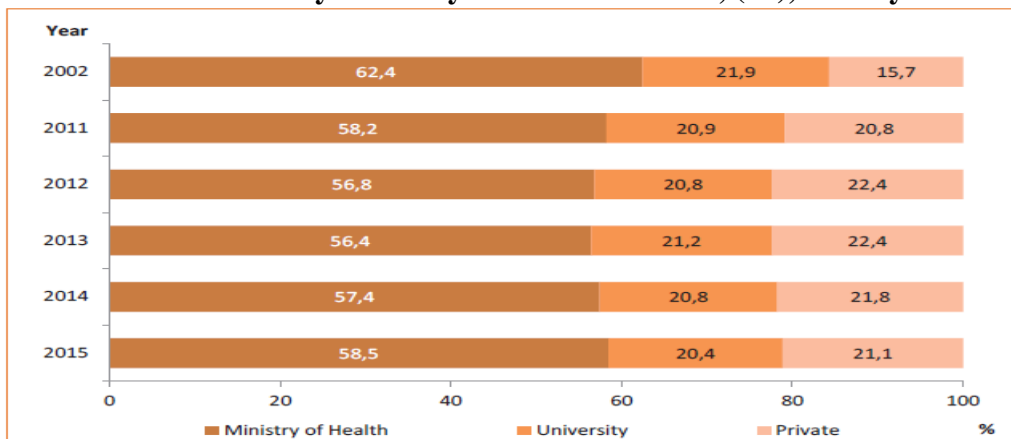
Source: General Directorate of Health Services, General Directorate of Management Services

Number of Nurses and Midwives per 100.000 Population by NUTS-1, MoH, 2002, 2015



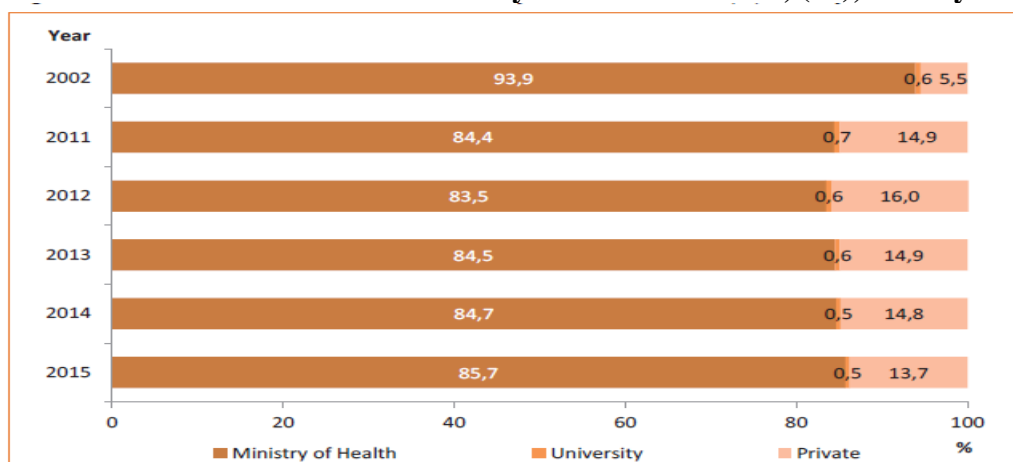
Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of Total Physicians by Years and Sectors, (%), Turkey



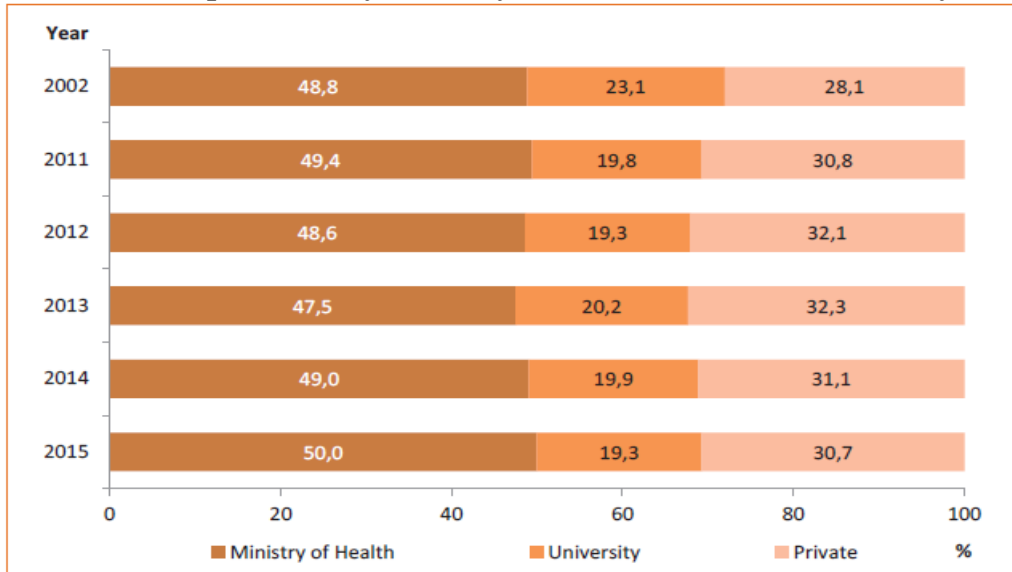
Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of General Practitioners by Years and Sectors, (%), Turkey



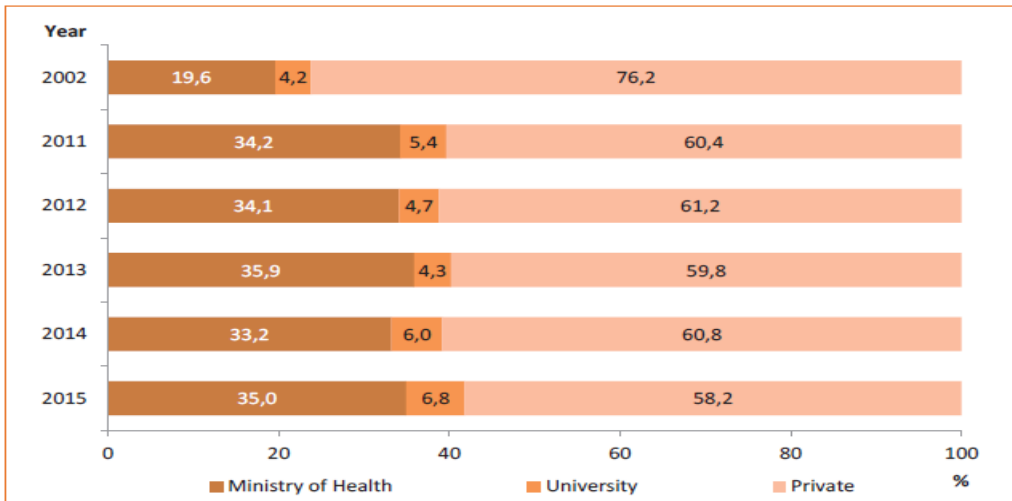
Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of Specialist Physicians by Years and Sectors, (%), Turkey



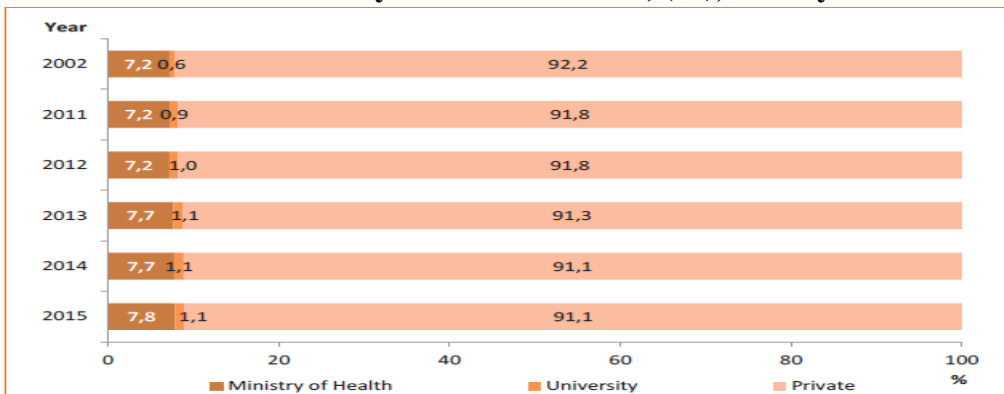
Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of Dentists by Years and Sectors, (%), Turkey



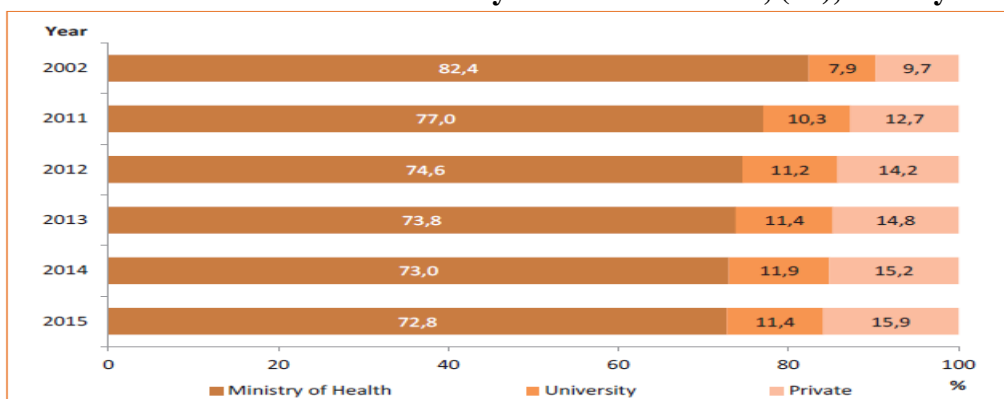
Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of Pharmacists by Years and Sectors, (%), Turkey



Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of Nurses and Midwives by Years and Sectors, (%), Turkey



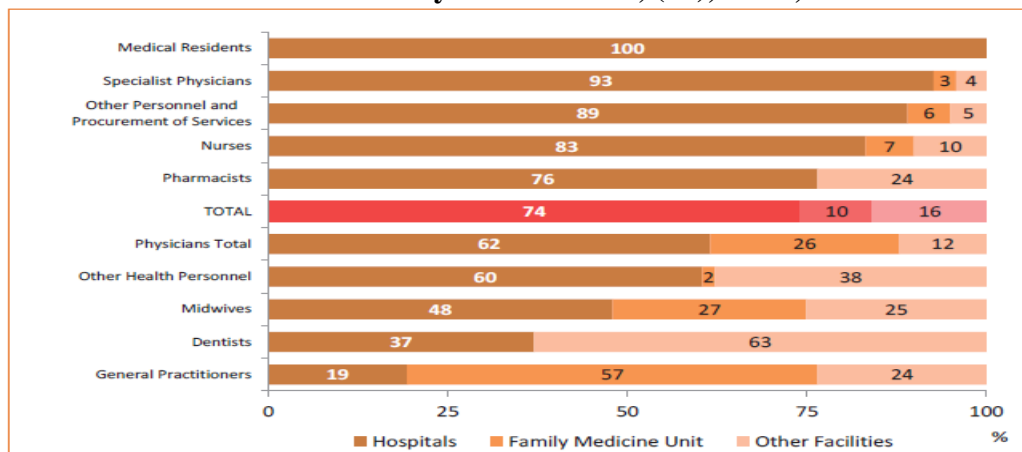
Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of MoH Personnel by Service Units, MoH, 2015

	Hospitals	Family Medicine Unit	Other Facilities	Total
Specialist Physicians	35.931	1.212	1.640	38.783
General Practitioners	6.911	20.484	8.438	35.833
Medical Residents	7.973	0	0	7.973
Physicians Total	50.815	21.696	10.078	82.589
Dentists	3.210	0	5.473	8.683
Pharmacists	1.648	0	508	2.156
Nurses	84.570	6.876	10.276	101.722
Midwives	23.042	12.965	12.071	48.078
Other Health Personnel	61.735	1.855	38.653	102.243
Other Personnel and Procurement of Services	183.418	12.365	10.305	206.088
TOTAL	408.438	55.757	87.364	551.559

Source: General Directorate of Health Services, General Directorate of Management Services

Distribution of MoH Personnel by Service Units, (%), MoH, 2015



Source: General Directorate of Health Services, General Directorate of Management Services

Tuberculosis Profile

Population 2015

79 million

Estimates of TB burden*, 2015	Number (thousands)	Rate (per 100 000 population)
Mortality (excludes HIV+TB)	0.74 (0.63–0.85)	0.94 (0.8–1.1)
Mortality (HIV+TB only)	0.015 (<0.01–0.044)	0.02 (0–0.06)
Incidence (includes HIV+TB)	14 (12–17)	18 (16–21)
Incidence (HIV+TB only)	0.097 (0.082–0.11)	0.12 (0.1–0.15)
Incidence (MDR/RR-TB)**	0.71 (0.6–0.83)	0.9 (0.76–1.1)

Estimated TB incidence by age and sex (thousands)*, 2015			
	0–14 years	> 14 years	Total
Females	0.64 (0.38–0.9)	5.7 (4.3–7.2)	6.4 (4.7–8.1)
Males	0.6 (0.41–0.8)	7.5 (5.8–9.1)	8.1 (6.2–9.9)
Total	1.2 (0.92–1.6)	13 (12–14)	14 (12–17)

TB case notifications, 2015	
Total cases notified	12 772
Total new and relapse	12 550
- % tested with rapid diagnostics at time of diagnosis	
- % with known HIV status	70%
- % pulmonary	64%
- % bacteriologically confirmed among pulmonary	77%

Universal health coverage and social protection	
TB treatment coverage (notified/estimated incidence), 2015	87% (75–100)
TB patients facing catastrophic total costs	
TB case fatality ratio (estimated mortality/estimated incidence), 2015	0.05 (0.04–0.06)

TB/HIV care in new and relapse TB patients, 2015		Number	(%)
Patients with known HIV-status who are HIV-positive		59	<1%
- on antiretroviral therapy		54	92%

Drug-resistant TB care, 2015			
	New cases	Previously treated cases	Total number***
Estimated MDR/RR-TB cases among notified pulmonary TB cases			440 (390–490)
Estimated % of TB cases with MDR/RR-TB	3.6% (3.1–4.2)	21% (17–24)	
% notified tested for rifampicin resistance	43%	60%	5 648
MDR/RR-TB cases tested for resistance to second-line drugs			136
Laboratory-confirmed cases		MDR/RR-TB: 304, XDR-TB: 3	
Patients started on treatment****		MDR/RR-TB: 238, XDR-TB: 3	

Treatment success rate and cohort size		
	Success	Cohort
New and relapse cases registered in 2014	87%	12 933
Previously treated cases, excluding relapse, registered in 2014	50%	192
HIV-positive TB cases, all types, registered in 2014	66%	41
MDR/RR-TB cases started on second-line treatment in 2013	65%	228
XDR-TB cases started on second-line treatment in 2013	33%	3

TB preventive treatment, 2015	
% of HIV-positive people (newly enrolled in care) on preventive treatment	
% of children (aged < 5) household contacts of bacteriologically-confirmed TB cases on preventive treatment	100% (100–100)

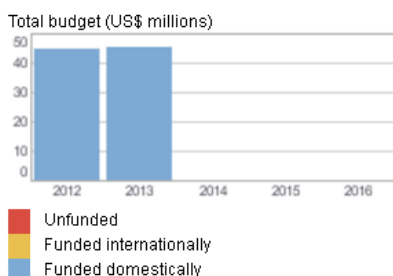
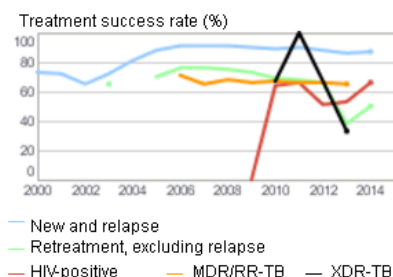
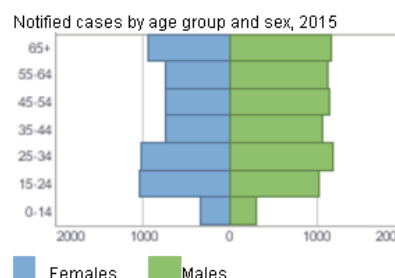
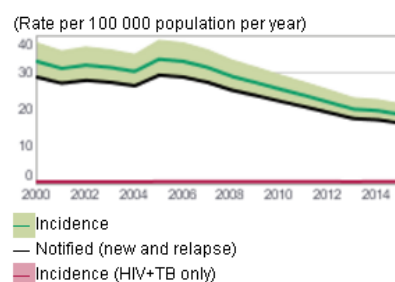
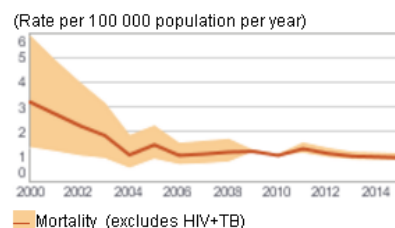
TB financing, 2016	
National TB budget (US\$ millions)	

* Ranges represent uncertainty intervals

** MDR is TB resistant to rifampicin and isoniazid; RR is TB resistant to rifampicin

*** Includes cases with unknown previous TB treatment history

**** Includes patients diagnosed before 2015 and patients who were not laboratory-confirmed



Source:WHO

Malaria

I. Epidemiological profile

Population	2014	%	Parasites and vectors
Number of active foci	-	-	Major plasmodium species: <i>P. falciparum</i> (0%), <i>P. vivax</i> (100%)
Number of people living within active foci	0	0	Major anopheles species: <i>An. sacharovi</i> , <i>An. superpictus</i> , <i>An. maculipennis</i>
Number of people living in malaria free areas	77 500 000	100	Programme phase: Elimination
Total	77 500 000	-	Total confirmed cases, 2014: 249
			Indigenous cases, 2014: 0
			Introduced cases, 2014: 5
			Total deaths, 2014: 1
			Indigenous deaths, 2014: 0

II. Intervention policies and strategies

Intervention	Policies/strategies	Yes/No	Adopted
ITN	ITNs/LLINs distributed free of charge	No	-
	ITNs/LLINs distributed to all age groups	No	-
IRS	IRS is recommended	Yes	1926
	DDT is authorized for IRS	No	-
Larval control	Use of larval control recommended	Yes	1926
IPT	IPT used to prevent malaria during pregnancy	N/A	-
Diagnosis	Patients of all ages should receive diagnostic test	Yes	-
	Malaria diagnosis is free of charge in the public sector	Yes	1926
Treatment	ACT is free for all ages in public sector	-	-
	Sale of oral artemisinin-based monotherapies	Never allowed	-
	Single dose of primaquine is used as gametocidal medicine for <i>P. falciparum</i>	No	-
	Primaquine is used for radical treatment of <i>P. vivax</i>	Yes	1926
	G6PD test is a requirement before treatment with primaquine	No	-
	Directly observed treatment with primaquine is undertaken	Yes	2007
	System for monitoring of adverse reactions to antimalarials exists	No	-
Surveillance	ACD for case investigation (reactive)	Yes	2010
	ACD of febrile cases at community level (pro-active)	Yes	1946
	Mass screening is undertaken	Yes	1946
	Uncomplicated <i>P. falciparum</i> cases routinely admitted	No	-
	Uncomplicated <i>P. vivax</i> cases routinely admitted	No	-
	Foci and case investigation undertaken	Yes	1926
	Case reporting from private sector is mandatory	Yes	1930

Antimalaria treatment policy	Medicine	Adopted
First-line treatment of unconfirmed malaria	-	-
First-line treatment of <i>P. falciparum</i>	-	-
Treatment failure of <i>P. falciparum</i>	-	-
Treatment of severe malaria	-	-
Treatment of <i>P. vivax</i>	CQ+PQ(14d)	-
Dosage of primaquine for radical treatment of <i>P. vivax</i>	0.25 mg/kg (14 d)	-

Therapeutic efficacy tests (clinical and parasitological failure, %)

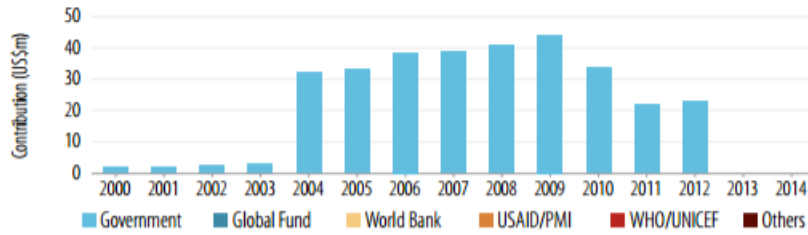
Medicine	Year	Min	Median	Max	Follow-up	No. of studies	Species
-	-	-	-	-	-	-	-

Insecticide susceptibility bioassays (reported resistance to at least one insecticide for any vector at any locality)

Year	Pyrethroid	DDT	Carbamate	Organophosphate	Species/complex tested
2010-2014	-	-	-	-	-

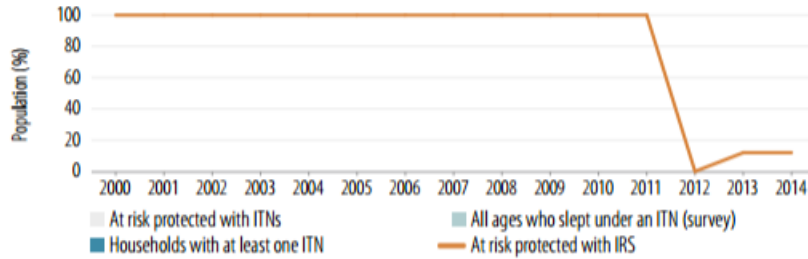
III. Financing

Sources of financing



IV. Coverage

ITN and IRS coverage

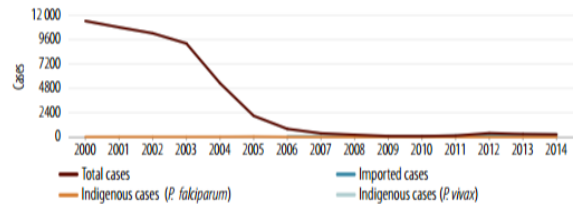


V. Impact

Malaria test positivity rate and ABER



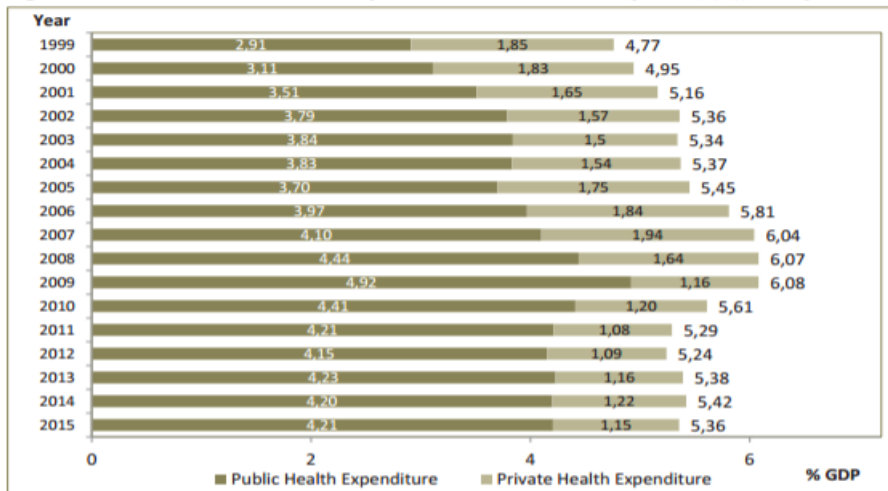
Number of malaria cases



Impact: On track for >75% decrease in incidence 2000–2015

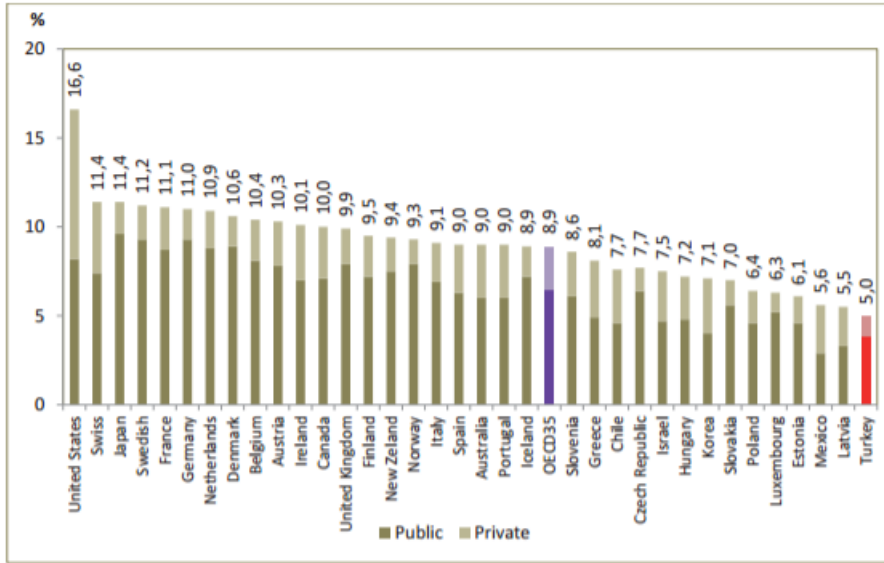
Source: WHO

Public and Private Health Expenditure as a Share of GDP by Years, (%), Turkey



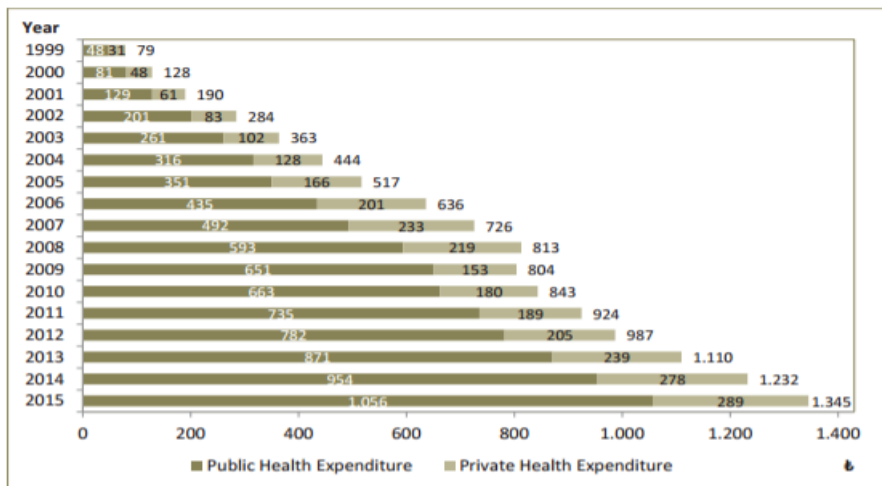
Source: TURKSTAT

International Comparison of Current Health Expenditure as a Share of GDP, (%), 2014



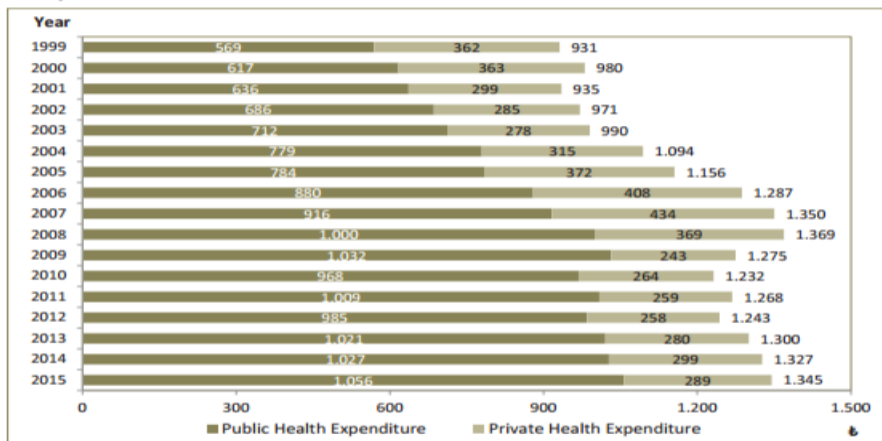
Source: TURKSTAT, OECD Health Data 2016
 Note: Turkey's data belongs to the year 2015.

Public and Private Health Expenditure per Capita by Years, Nominal, in TL, Turkey



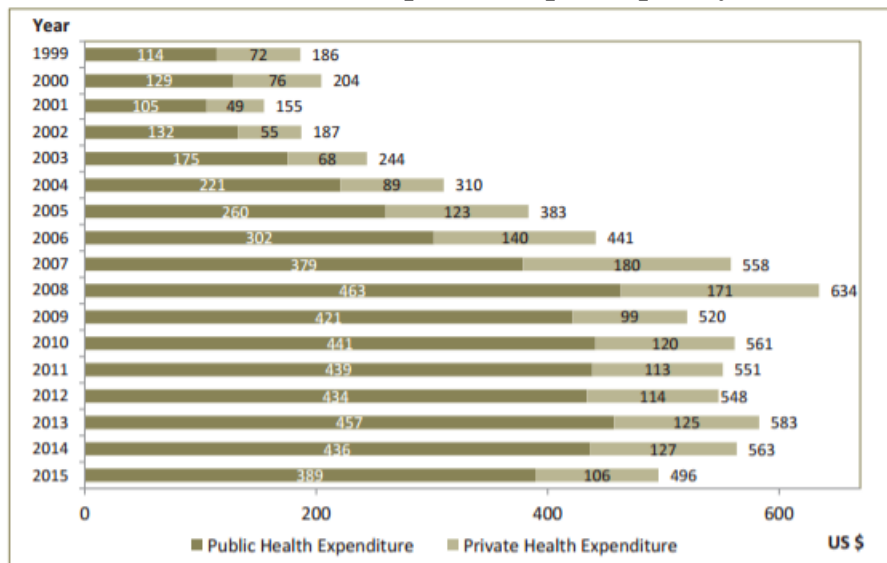
Source: TURKSTAT

Public and Private Health Expenditure per Capita at 2015 Price Level by Years, in TL, Turkey



Source: TURKSTAT

Public and Private Health Expenditure per Capita by Years, in US \$, Turkey



Source: TURKSTAT

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

Right of access to health care

Information on the management of waiting lists and waiting time, as well as on measures to further improve access in rural areas

Centralized Hospital Appointment System (CHAS)

The Ministry of Health had a strategic objective to consolidate appointments for second and third tier hospitals. This initiative aimed to ensure better planning for hospitals, effective use of resources and higher service quality for citizens.

A unified call center number (182) is at the heart of the system, enhancing better resource planning for hospitals and increasing patient satisfaction, dramatically decreasing queues. Resource planning and allocation is measurable in the most trivial detail, making it possible to ensure the quality and effectiveness of healthcare services.

Moreover, CHAS data is crucial to develop healthcare policies at large. Centralized Hospital Appointment System aims to decrease time loss for physicians and patients, increase service quality rational utilization of resources. The system, now in use throughout second and third tier hospitals of the ministry regardless of the geographical region, urban or rural areas. Centralized Hospital Appointment System matches physician services and patient demands, regulating hospital procedures. The system aims to regulate all procedures and consolidate second and third tier hospital appointments from a single outlet. The result is better resource planning for hospitals at ministry level and higher quality services for citizens.

Appointment services, once unharmonious and sporadic before CHAS, are now managed from a single operational center.

For Appointments: Call 182

- Call 182 Ministry of Health Centralized Hospital Appointment System directly from a land line or a mobile phone
- The call center operator verifies the caller National ID number
- Upon exchange of information, the operator presents date and time options to the patient
- The patient chooses and declares his / her appointment preference

Via Internet:

- The patient makes an appointment through the CHAS portal

CHAS presents numerous advantages for the physician and the patient: The applicant is free to make an appointment at his / her own will and most suitable date and time, avoiding long waits in line. Hospital Information Management Systems are fully compliant with Ministry applications and valuable data arising from this integration is used to refine procedures and processes.

As of 2013, CHAS is now available to mobile devices. The mobile integration prevents long queues in hospitals and simplifies healthcare services, through smart phones and tablets.

Patients can now use Android and iOS applications to make appointments for Ministry of Health hospitals, dental clinics and healthcare centers; with any physician they prefer at any preferred date and time.

The application will be developed for various platforms, providing real-time information on appointments and canceling options.

Information on the medical facilities for gender reassignment treatment and the coverage of such medically necessary treatment, on a non-discriminatory basis.

Alteration of sex is regulated by the Article 40 of the Turkish Civil Code.

According to the article, the permission can only be given if the person is over 18 and unmarried and if the person has obtained official medical board reports to prove that the operation is psychologically needed and that the ability to reproduce is permanently lost.

In case of confirmation through a health report by an official board that a gender alteration surgery has been materialized conveniently to the medical purpose and procedure in parallel with given permission, it may be decided to do required correction in civil status registers by court.

The court decides to make necessary amendment in civil registry in the case realization of the gender reassignment surgery in compliance with the purpose and medical methods based on the permission taken from the court is verified through an official medical board report. By this medical report, health insurance will finance his/her operation costs under the coverage of the General Health Insurance of Turkish Social Security Institution.

Gender reassignment treatments are covered by the General Health Insurance if he/she supply an official medical board report to the Social Security Institution.

Article 11§2:

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed *inter alia*, to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health.

Scope of the provisions as interpreted by the ECSR

Measures should be introduced to prevent activities that are damaging to health, such as smoking, alcohol and drugs, and to develop a sense of individual responsibility, including such aspects as a healthy diet, sex education and the environment. Health education should be provided in school throughout the period of schooling. Pregnant women and children should be entitled to free and regular medical checks and screening. Free medical checks should be carried out throughout the period of schooling. There should be screening for illnesses responsible for high premature mortality rates.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Legal framework related with the right to protection of health is given at the first paragraph of this Article

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Information regarding the educational facilities, awereness-raising, counselling and screening activities is given below.

Health Education in Schools

Ministry of National Education has made “Healthy school” web page- <https://okulsagligi.meb.gov.tr/>. Health related activities at schools can be found out at this web page. A guide booklet for “Healthy School” is prepared and put into the internet for public use- <http://sbu.saglik.gov.tr/Ekutuphane/kitaplar/okulsagligi.pdf>.

Calorie for Life, Run for Health Project was launched by the Social Security Institution. This Project has been initiated in order to prevent and increase the awareness about Malnutrition.

International Diabetes Leaders Summit was organised in İstanbul in 15-16 November, 2013. This summit was hosted by The Ministry of Labour and Social Security and Ministry of Health. Ministers from more than 20 countries and also participants from International Social Security Association (ISSA) and International Diabetes Federation (IDF) participated in the Summit.

Health, Hygiene, Nutrition and Green Crescent Clubs are established in all school life according to the goals of the “Regulation of Social Activities of Elementary and Secondary Education Institutions of the National Education Ministry”. The content of the health course syllabus in the primary and secondary schools was given in the previous report. Health education including sexual and reproductive health, hygiene, nutrition, harmful effects of tobacco products, alcohol and drug and their consumption is provided throughout all school life, starting from the 1st level class to 12th level class.

Health related special Days and Weeks are set in all elementary and secondary education institutions. Those Days and Weeks are as follows:

First Week of January	Tuberculosis Combat Training Week
25 January	World Leprosy Day
25 - 31 January	Leprosy Week
14 March	Medicine Day
1-7 April	Cancer Combat Week
7 April	World Health Day
7 - 13 April	Health and Social Security Week
8 - 14 April	Health Week
First Week of May	Traffic and First Aid Week
4 - 10 May	Work Safety Week
10 - 16 May	People with Disabilities Week
14 May	World Pharmacists Day
3 -9 November	Organ Donation and Transplantation Week
12 November	Disaster Preparedness Training Day
22 - 27 November	Mouth and Teeth Health Week
1 December	World AIDS Day
3 December	International Day of People with Disabilities
10 December	World Human Rights Day

Basic concepts and principals related with diseases, habits harmful to health, mental health, improving and protecting the state of health and healthy life are under the coverage of health education syllabus of all elementary, secondary and high school institutions.

Physical Education and Sport Activities at Schools

Primary schools	1st level class	2nd level class	3rd level class	4th level class
Physical activities	5 hours in a week	5 hours in a week	5 hours in a week	2 hours in a week
Secondary schools	5th level class	6th level class	7th level class	8th level class
Physical education and sport	2 hours in a week	2 hours in a week	2 hours in a week	2 hours in a week
Art,sport and physical activities	2-4 hours in a week	2-4 hours in a week	2-4 hours in a week	2-4 hours in a week
High schools	9th level class	10th level class	11th level class	12th level class
Physical education and sport	1-2 hours in a week	1-2 hours in a week	1-2 hours in a week	1-2 hours in a week
Art,sport and physical activities	1-2 hours in a week	1-2 hours in a week	1-2 hours in a week	1-2 hours in a week

Related Projects:

Health Scanning

School health services are shared between family physicians and Community Health Centers in our country. The conduct of school health services emerges as an important point in Family Medicine Practice. In the 2011 – 2012 education period, there are seventeen million students

in primary, secondary and pre-school education periods in Turkey and this figure is 22.5% of the population. More than 800.000 teachers and school employees should be evaluated within the scope of school health. Health Services Protocol” was signed and put into force on 29.09.2006 between the Ministry of National Education and the Ministry of Health.

The latest numbers of schools in which health scanning is performed, as well as of students and teachers who are scanned by the teams of the Ministry of Health under the coordination of the Ministry of National Education, by educational years in primary and secondary educational institutions covered by this Protocol are given below:

Education Year	Number of Schools	Number of Students	Number of Teachers
2007–2008	27.528	3.997.621	50.367
2009–2010	35.420	3.679.480	106.363
2010–2011	11.849	1.278.807	20.443
2011–2012	5207	536.799	5.252

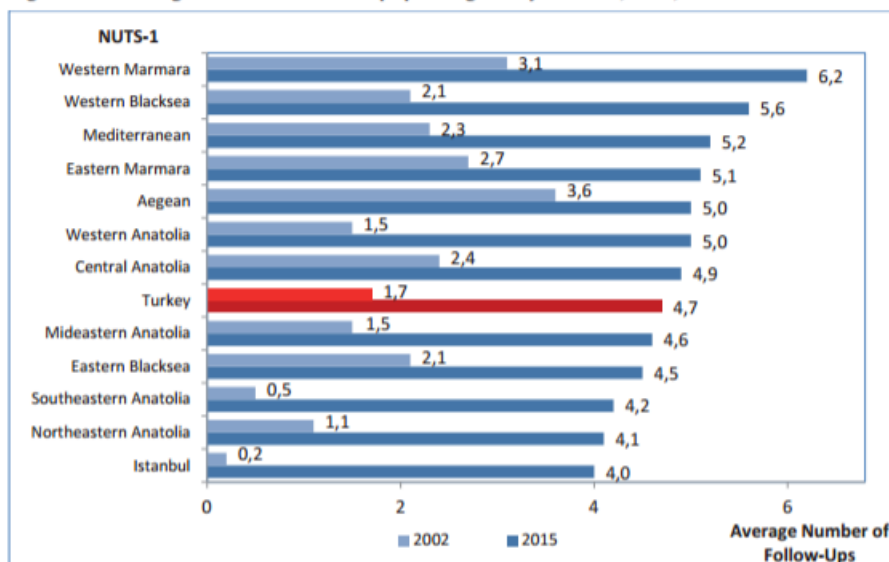
Health Services for Pregnant Women and Their Children

Pregnant, Infant, Child and Puerperant Follow-Up Activities by Years, Turkey

	2002	2011	2012	2013	2014	2015
Average Number of Follow-Ups per Pregnant	1,7	4,3	4,1	4,3	4,8	4,7
Average Number of Follow-Ups per Infant	3,4	8,1	8,6	8,8	8,2	8,1
Average Number of Follow-Ups per Child	1,0	2,0	2,2	2,2	2,2	2,2
Average Number of Follow-Ups per Puerperant	0,7	2,0	2,3	2,9	3,0	3,0

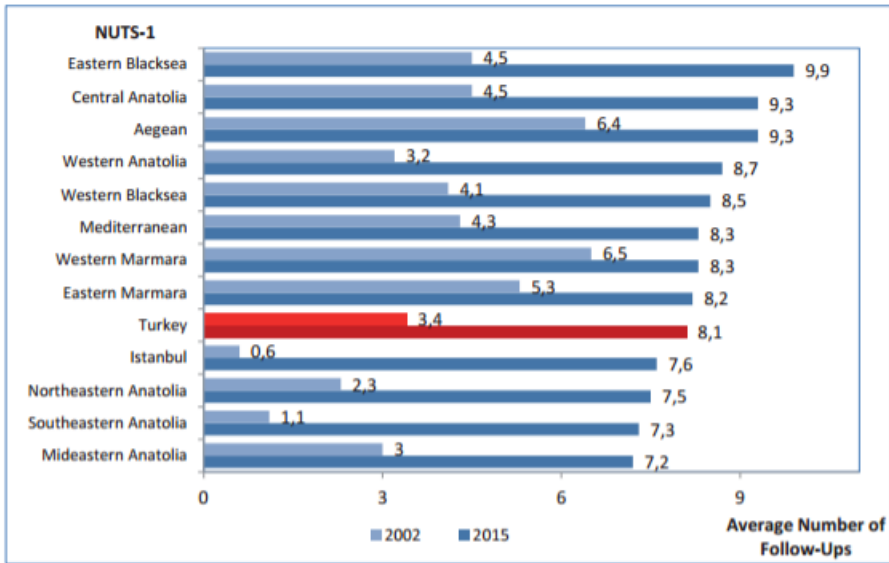
Source: Public Health Institution of Turkey

Average Number of Follow-Ups per Pregnant by NUTS-1, 2002, 2015



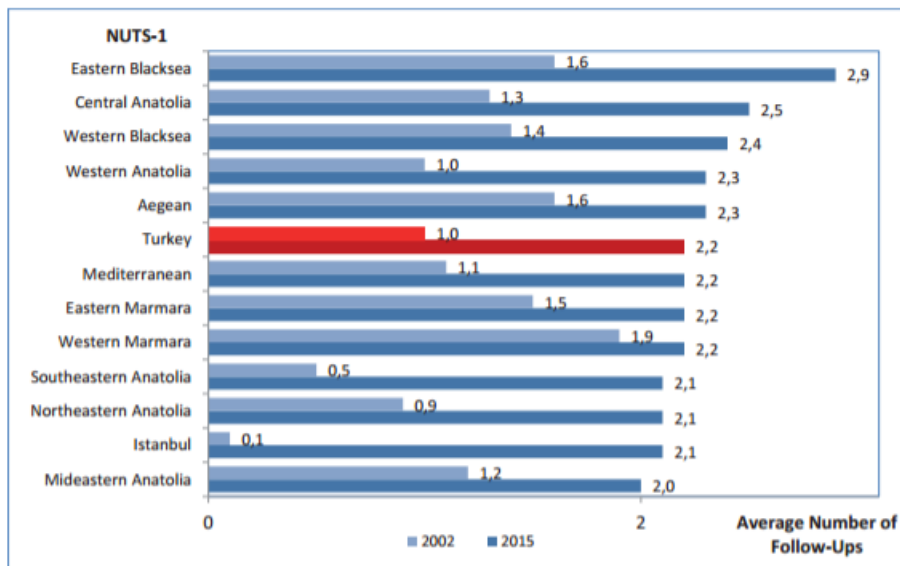
Source: Public Health Institution of Turkey

Average Number of Follow-Ups per Infant by NUTS-1, 2002, 2015



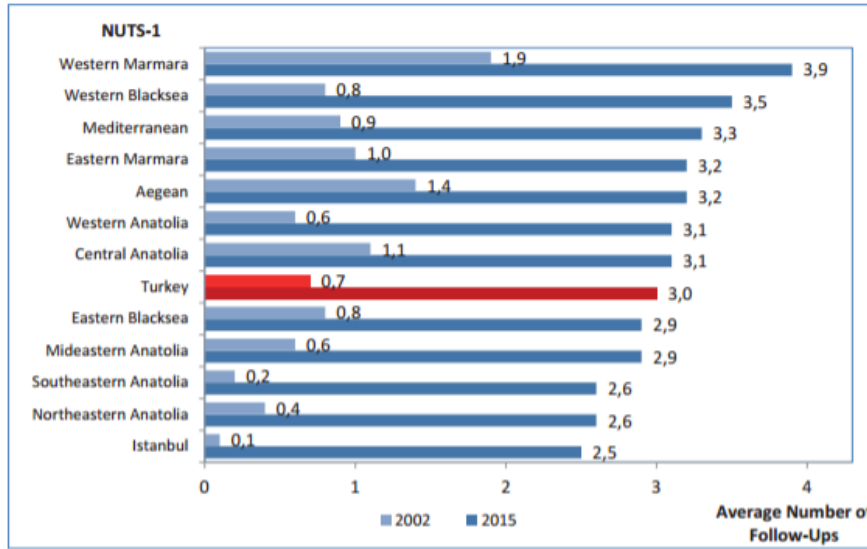
Source: Public Health Institution of Turkey

Average Number of Follow-Ups per Child by NUTS-1, 2002, 2015



Source: Public Health Institution of Turkey

Average Number of Follow-Ups per Puerperant Women by NUTS-1, 2002, 2015



Source: Public Health Institution of Turkey

White Flag Project

The “White Flag Cooperation Protocol” was signed between the Ministry of National Education and the Ministry of Health on 03.08.2006 in order to encourage the educational institutions affiliated to the Ministry of National Education towards cleaning and hygiene and to improve school health to a better level. Schools inspected in accordance with the criteria specified under the scope of the aforesaid Protocol. Then they are evaluated according to scoring system and schools which score 90 or more over 100 points are granted with the “White Flag”, the “Certificate” and the “Brass Plate” valid for two years, which resemble the health and cleaning state of the school.

Nutrition Friendly Schools Project

Studies have been launched within the scope of the Protocol on Nutrition Friendly Schools signed on 21.01.2010 between the Ministry of National Education and the Ministry of Health, and the schools are assessed whether they bear the conditions required concerning healthy nutrition criteria. 202 schools have received the “Nutrition Friendly School Certificate” as of 03.08.2011. And this Protocol is renewed on the date of 20.09.2013 for another 5 years.

Detailed information about the activities related with the nutrition, obesity, food safety and school health done by the Ministry of Health can be found on the web page of the Ministry <http://beslenme.gov.tr/>.

Studies on Oral and Dental Health

In order to raise the awareness of mouth and teeth health in schools, the “Protocol of Collaboration on Development of Mouth and Teeth Health Awareness” has been signed between the Ministry of National Education and Colgate Palmolive Cleaning Products Industry and Trade Incorporation. In total 2.535.824 students have been reached in 53 provinces within 5 years (2008 – 2013). This Protocol is renewed on the date of 04.02.2013 for another 5 years.

Works for Struggling Against Tobacco, Alcohol and Substance Abuse

The Circular No. 2005/90 on the implementation of the Law on Prevention of Hazards of Tobacco and Tobacco Products No. 4207, has been sent to central and peripheral organizations of the Ministry of National Education and the Circular No. 2008/ 16 on the implementation of said Law has been sent to the Governor's Offices. The Ministry of National Education has actively participated in studies of the National Tobacco Control Program Action Plan and the Tobacco and Health National Committee. Detailed information on this issue is given under the 3rd Paragraph.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Ministry Of Health Routine Vaccines during Childhood and in Schools

	On birth,in hospital	1st month	2nd month	4th month	6th month	12th month	18th month	24th month	Elementary school 1st grade(6years)	Elementary school 8th grade (13years)
Hepatit B	I	II			III					
BCG(Tuberculosis)			I							
DaBT-IPA-Hib			I	II	III		R			
KPA			I	II	III	R				
KKK						I			R	
DaBT-IPA									R	
OPA					I		II			
Td										R
Hepatit A							I	II		
Varicella						I				
DaBT-IPA-Hib : Diphtheria acellular pertussis tetanus inactive polio hemophilus influenza type b – 5 mix vaccines										
KPA : Pneumococcus										
KKK : Measles rubella mumps										
DaBt-IPA : Diphtheria acellular pertussis tetanus inactive polio – 4 mix vaccines										
OPA : Oral polio (poliomyelitis)										
Td: Adult type Diphtheria										
R: Rapel (strengthening-repeating)										
ALL VACCINES ARE FREE OF CHARGE										
Source : Ministry of Health										

Adult Vaccines Table

Vaccines	18-49 Age	50-64 Age	65> Age
Tetanus,Diphtheria(Td)1	Every 10 years rapel vaccines		
Measles rubella mumps	1 or 2 dozes vaccines		
Hepatit B	3 dozes vaccines		
Influenza	1 doze vaccine in a year		1 doze vaccine in a year
Pneumococcus	1-2 dozes vaccines		1 doze vaccine
Hepatit A	2 dozes vaccines		
Varisella	2 dozes vaccines		
Neisseria meningitidis	1 or more dozes vaccines		

Yellow box : Cover all individuals who do not have immunity and contraindication

Blue box : Cover all individuals who have risk factor and who do not have contraindication

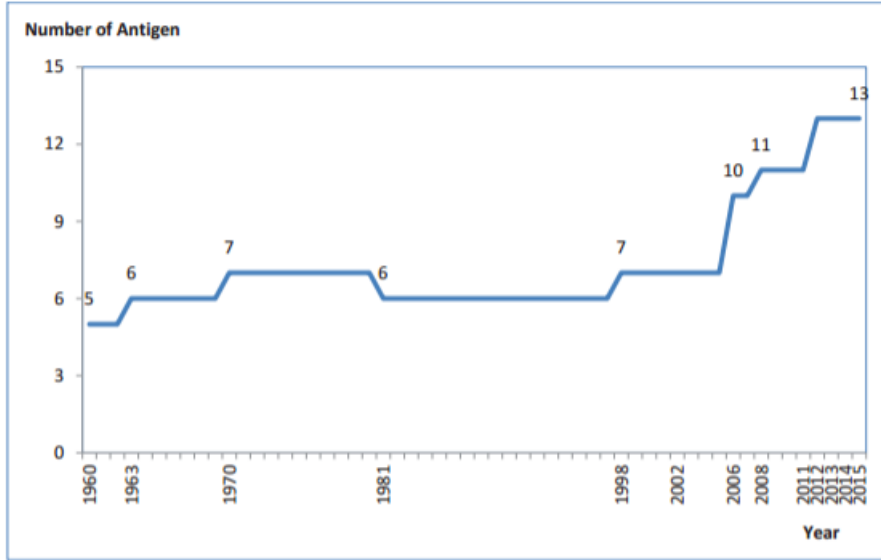
Source : Ministry of Health

Immunization Coverage by Years, (%), Turkey

	2002	2011	2012	2013	2014	2015
DaPT 1	82	98	97	97	97	98
DaPT 2	80	98	97	98	96	97
DaPT 3	78	97	97	98	96	97
BCG	77	95	96	96	95	96
HBV-3	72	96	97	97	95	97
MMR	82	98	96	98	94	97
CPV 3	-	96	97	97	96	97

Source: Public Health Institution of Turkey

Number of Vaccine Antigens by Years and Vaccine Schedule, Ministry of Health



Source: Public Health Institution of Turkey

Body mass index distribution of individuals by sex, 2014 [15 ≥ yaş - age]

(%)

Yerleşim yeri ve cinsiyet Permanent residence and sex	Düşük kilolu Underweight	Normal kilolu Normal weight	Fazla kilolu Overweight	Obez Obese
Türkiye - Turkey				
Toplam - Total	4,2	42,2	33,7	19,9
Erkek - Male	2,8	43,7	38,2	15,3
Kadın - Female	5,5	40,7	29,3	24,5

Kaynak: TÜİK, Türkiye Sağlık Araştırması, 2014

Source: TurkStat, Turkey Health Interview Survey, 2014

Not. Tablodaki rakamlar yuvarlamadan dolayı toplamı vermeyebilir.

Note. Figures in table may not add up to totals due to rounding.

Distribution of Weight, Height and Body-Mass Index Z-Scores of Children (Age 7-8) by Residence, (%), 2013

	Boy			Girl			Total
	Rural	Urban	Total	Rural	Urban	Total	
Weight Z-Score							
Severe Underweight	1,0	0,0	0,2	0,2	0,1	0,2	0,2
Underweight	3,2	1,8	2,1	3,1	1,9	2,1	2,1
Normal	92,9	87,8	88,6	93,7	91,5	91,9	90,2
Heavy	1,5	7,5	6,5	2,5	5,4	4,9	5,7
Very Heavy	1,5	2,8	2,6	0,4	1,1	1,0	1,8
Height Z-Score							
Severe Stunting	0,2	0,1	0,1	0,4	0,1	0,2	0,1
Stunting	5,4	1,5	2,1	5,6	1,7	2,4	2,3
Normal	93,9	95,0	94,8	93,7	96,3	95,8	95,3
Tall	0,5	3,1	2,7	0,2	1,7	1,4	2,0
Very Tall	0,0	0,3	0,3	0,0	0,2	0,2	0,2
BMI Z-Score							
Severe Thinness	0,2	0,3	0,3	0,0	0,2	0,2	0,3
Thinness	2,2	1,8	1,9	1,3	1,7	1,7	1,8
Normal	82,8	72,9	74,5	85,0	74,6	76,5	75,5
Overweight	11,1	13,7	13,3	10,5	16,0	15,0	14,2
Obesity	3,7	11,2	10,0	3,1	7,4	6,6	8,3

Source: Ministry of Health, Turkish Childhood (Age 7-8) Obesity Research (COSI-TUR) 2013

Distribution of the Consumption Frequencies of Some Foods and Drinks by Children (Age 7-8) According to the Statements of Parents, (%), 2013

Foods	Every Day	4-6 Times a Week	1-3 Times a Week	Never
Fresh Fruit	42,8	23,3	32,5	1,4
Vegetables	18,3	26,3	47,2	8,3
100% Canned Fruit Juice	14,2	13,9	50,2	21,7
Freshly Squeezed Fruit Juice	5,8	11,5	47,0	35,6
Carbonated Drinks Including Sugar	4,2	8,5	50,3	37,0
Diet Carbonated Drinks	1,7	2,2	10,7	85,4
Low-Fat/Semi-Skimmed Milk	23,6	15,4	29,0	32,0
Whole Milk	27,9	18,1	30,9	23,1
Flavoured Milk	8,3	8,8	35,6	47,3
Cheese	51,0	16,5	22,1	10,5
Ayran (Drink made of yoghurt and water)	28,7	25,7	41,2	4,3
Yoghurt	36,9	26,9	31,0	5,2
Pudding with Milk	5,9	11,6	59,2	23,3
Red Meat, Chicken, Turkey	9,8	30,1	55,0	5,1
Fish	4,1	9,2	67,0	19,7
Egg	42,4	28,1	25,4	4,1
Dry Legumes	8,8	28,6	56,4	6,2
Dried Nuts	13,8	23,7	56,6	6,1
Grains, Bread	43,1	30,4	25,3	1,2
Chips, Pop Corn	8,7	13,4	59,6	18,3
Candy Bars or Chocolate	14,4	22,0	55,8	7,8
Biscuit, Cake, Cookie, etc.	16,5	26,2	53,6	3,7
Pizza, Turkish Bread with Ground Meat, Fried Potato Chips, Burger etc.	4,2	12,6	66,1	17,2

Source: Ministry of Health, Turkish Childhood (Age 7-8) Obesity Research (COSI-TUR) 2013

Distribution of Feeding Time with Breast Milk of the Babies by Sex, (%), 2014

Month	Boy	Girl	Total
0-6	28,2	28,2	28,2
7-12	23,2	25,2	24,2
13-18	18,2	24,1	21,1
19-24	22,7	18,5	20,7
25-64	7,8	4,1	6,0

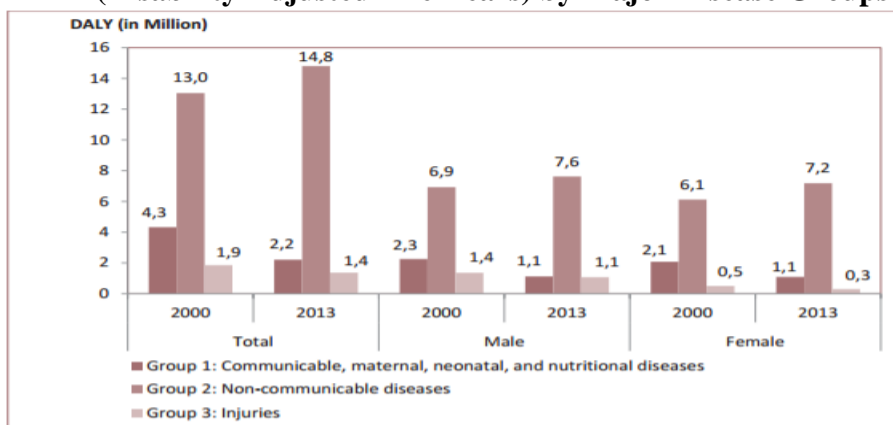
Source: TURKSTAT, Turkey Health Interview Survey 2014

Distribution of 15 and Over Aged Individuals' Habits of Eating Vegetable by Sex, (%), 2014

	Male	Female	Total
Once a Day or More	57,7	62,9	60,3
4-6 Times a Week	20,4	18,8	19,6
1-3 Times a Week	17,9	15,2	16,6
Less Than Once a Week	3,0	2,4	2,7
Never	1,0	0,7	0,8

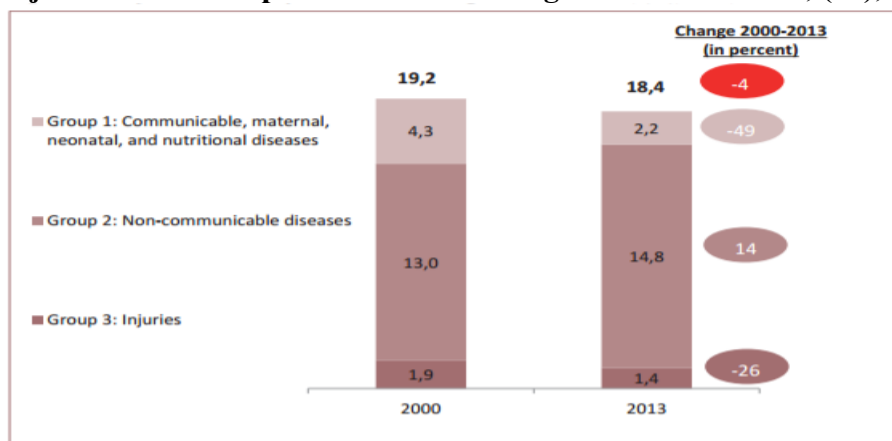
Source: TURKSTAT, Turkey Health Interview Survey 2014

DALY (Disability Adjusted Life Years) by Major Disease Groups and Sex, 2000, 2013



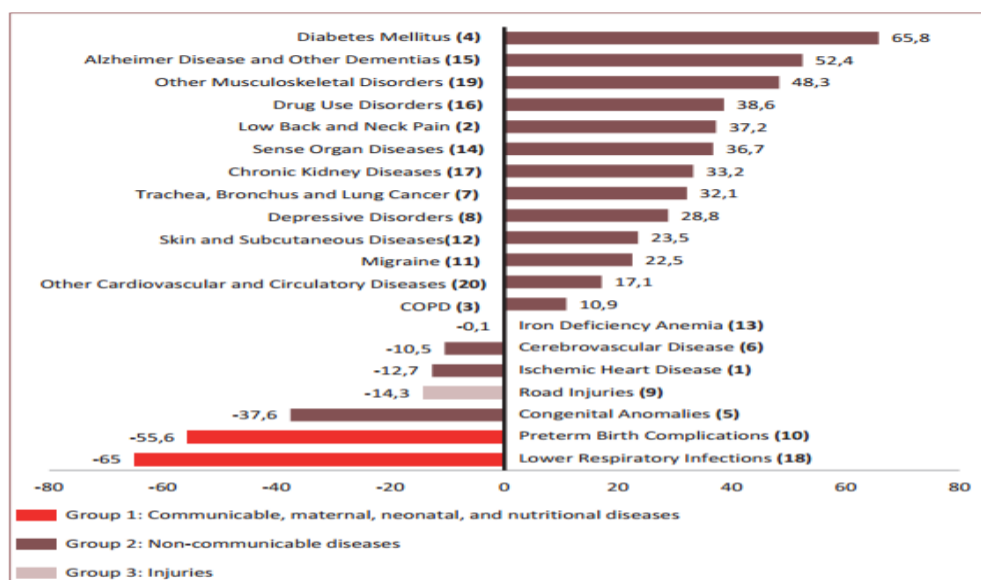
Source: Ministry of Health, National Burden of Disease 2013

Major Disease Groups' DALY and Change in Their Percent, (%), 2000, 2013



Source: Ministry of Health, National Burden of Disease 2013

Change in 2013 Top 20 DALY Causes Compared to 2000, (%)



Source: Ministry of Health, National Burden of Disease 2013

Note: The numbers in parenthesis written with causes show the rank of related causes in the "2013 Top 20 DALY Causes".

Change in 2013 Top 10 DALY Causes Compared to 2000, (%), Male

Rank	Cause	Change (%)
1	Ischemic Heart Disease	-18,8
2	Trachea, Bronchus and Lung Cancer	34,8
3	Low Back and Neck Pain	37,7
4	Chronic Obstructive Pulmonary Disease	13,8
5	Congenital Anomalies	-37,2
6	Road Injuries	-9,2
7	Diabetes Mellitus	80,2
8	Cerebrovascular Disease	-22,6
9	Preterm Birth Complications	-56,3
10	Skin and Subcutaneous Diseases	25,2

Source: Ministry of Health, National Burden of Disease 2013

Change in 2013 Top 10 DALY Causes Compared to 2000, (%), Female

Rank	Cause	Change (%)
1	Low Back and Neck Pain	36,8
2	Ischemic Heart Disease	3,7
3	Diabetes Mellitus	55
4	Depressive Disorders	29
5	Cerebrovascular Disease	3,8
6	Congenital Anomalies	-38,2
7	Migraine	20,6
8	Chronic Obstructive Pulmonary Disease	6,8
9	Iron-deficiency Anemia	3,2
10	Preterm Birth Complications	-54,7

Source: Ministry of Health, National Burden of Disease 2013

Attributable DALY per 100.000 Population for Selected Risk Factors by Sex, 2000, 2013

Risk Factors	2000			2013		
	Male	Female	Total	Male	Female	Total
Tobacco Smoke (Active+ Passive)	5.513	1.572	3.512	4.842	1.231	3.004
High Body-Mass Index	2.932	2.574	2.750	2.683	2.868	2.777
Dietary Risks	4.176	2.007	3.075	3.310	1.918	2.602
High Systolic Blood Pressure	3.447	2.029	2.727	2.347	1.794	2.066
High Fasting Plasma Glucose	1.664	1.292	1.475	1.708	1.516	1.610
High Total Cholesterol	1.846	642	1.235	1.271	581	920
Alcohol and Drug Use	1.244	535	884	1.223	549	880
Air Pollution	1.703	822	1.256	1.144	548	841
Occupational Risks	1.138	554	842	1.123	434	772
Low Physical Activity	1.133	601	863	902	624	760
Child and Maternal Malnutrition	1.595	1.747	1.673	604	812	710
Low Glomerular Filtration Rate	611	476	542	591	512	551
Unsafe Water, Sanitation and Handwashing	607	556	581	290	259	275
Other Environmental Risks	428	147	285	329	118	222
Sexual Abuse and Violence	102	427	267	60	315	190
Low Bone Mineral Density	116	71	93	110	72	91
Unsafe Sex	87	172	130	51	111	81

Source: Ministry of Health, National Burden of Disease 2013

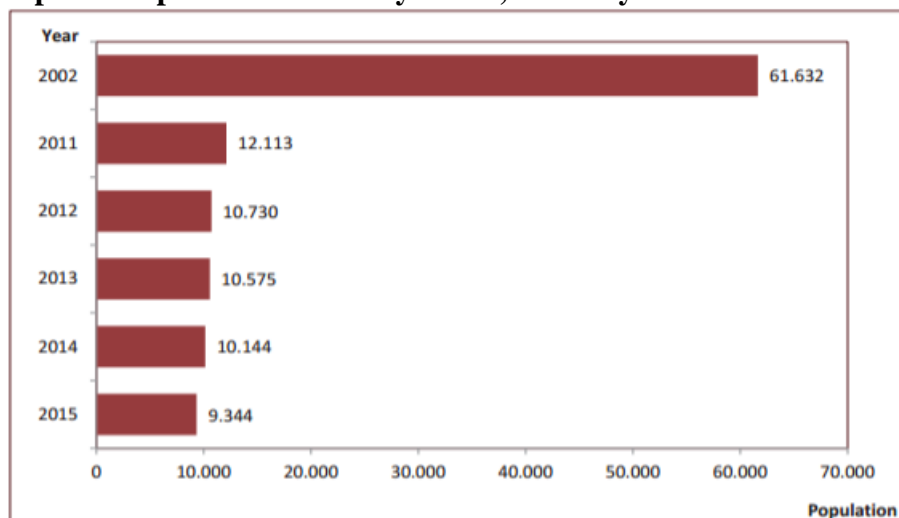
Number of the Institutions Providing Oral and Dental Health Care Services by Sectors, Turkey, 2015

	Ministry of Health		University		Private		Other		Total	
	Institution	Dental Unit	Institution	Dental Unit	Institution	Dental Unit	Institution	Dental Unit	Institution	Dental Unit
Oral and Dental Health Center	132	4.261	-	-	69	778	-	-	201	5.039
Dental Hospital	14	1.211	-	-	3	90	-	-	17	1.301
Dental Training Hospital	1	106	38	4.460	-	-	-	-	39	4.566
Dental Polyclinic (Hospital)	790	2.849	16	222	202	381	35	194	1.043	3.646
Dental Polyclinic	-	-	-	-	1.462	5.629	-	-	1.462	5.629
Total	937	8.427	54	4.682	1.736	6.878	35	194	2.762	20.181

Source: Turkish Institution of Public Hospitals, General Directorate of Health Services

Note: Data related to dental clinic and dental prosthesis center belonging to oral and dental health center and hospital exist in Dental Polyclinic (Hospital).

Population per Dental Unit by Years, Ministry of Health



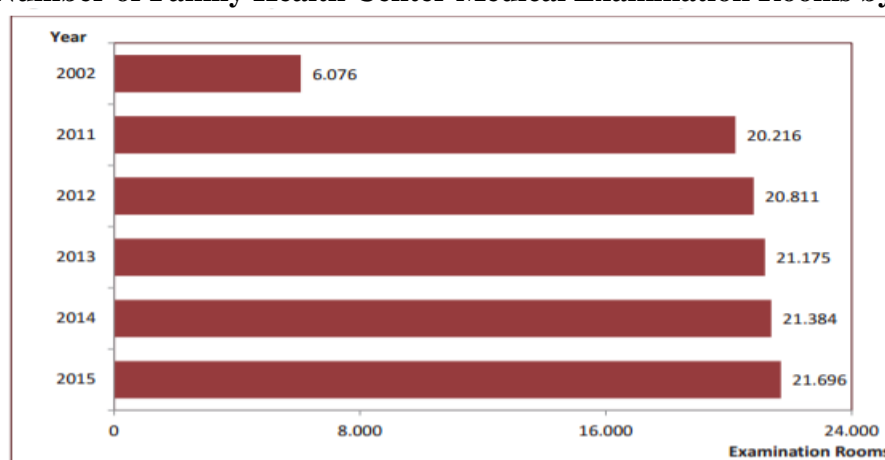
Source: Turkish Institution of Public Hospitals, General Directorate of Health Services

MoH-Affiliated Primary Health Care Facilities by Years, Turkey

	2002	2011	2012	2013	2014	2015
Health Center	5.055	-	-	-	-	-
Family Medicine Unit	-	20.216	20.811	21.175	21.384	21.696
Family Health Center	-	6.520	6.660	6.756	6.829	6.902
Community Health Center	-	957	957	971	970	970
Health House	2.899	4.344	5.691	5.594	5.572	5.544
MCHFP Center	298	183	189	183	182	182
Tuberculosis Control Dispensary	277	194	179	177	179	181
Cancer Early Diagnosis, Screening and Training Centers (KETEM)	84	124	124	134	132	156
112 Emergency Care Station	481	1.710	1.863	2.072	2.186	2.323
Number of Public Health Laboratories	-	-	-	83	83	83

Source: Public Health Institution of Turkey, General Directorate of Emergency Health Services

Number of Family Health Center Medical Examination Rooms by Years, Turkey



Source: Public Health Institution of Turkey

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

Information on the activities undertaken by public health services, or other bodies, to promote health and prevent diseases, with examples of specific information campaigns.

All the requested information is already given in the related part of the above explanations.

Information on mass screening programmes available in the country, and also the situation concerning school health services

All the requested information is already given in the related part of the above explanations. Some additional information is indicated below:

Reproductive Health Training:

Years	The number of Sessions on Reproductive Health Training	The number of persons trained on Reproductive Health
2014	4.826	127.133
2015	13.693	220.533
2016 (First half)	12.590	220.442

On the other hand, Turkey is a member of the SHE (Schools for Health in Europe) network since 2012. In 1994 Turkey has participated to WHO European Region's "Health Promoting

Schools Project” and joined to The European Network of Health Promoting Schools-ASGOP in 1995. Ministry of Health and Ministry of Education have signed a protocol and our studies have begun about Health Promotion in schools. Then, with the protocol signed between the two Ministries in 2010; “Nutrition Friendly Schools Initiative” of the WHO European Region was initiated together with 17 other countries and still continuing with 1.430 schools.

Currently MoH of Turkey is conducting “Healthy Nutrition and Active Life Program of Turkey 2010-2017”. One of the subtitles of the program is “To Gain the Habit of Adequate and Balanced Diet and Regular Physical Activity for Obesity Prevention in Schools”. Our aim is to improve healthy nutrition and promoting physical activity in the schools.

“School Milk Program” is conducted in Primary Schools with the collaborations of Ministry of Education, Ministry of Agriculture and Ministry of Health since 2011 with the guidance of School Health Scientific Committee.

“School Raisins” Program begun in 2014 school year with the collaborations of the three ministries. Regulations for the school cantinas, food services and restricting food marketing pressure on children and curriculum changes about health issues within schools are continuing.

School Diabetes Program is carried out with the collaborations of Ministries of Health and Education and the NGO’s. Nutrition and Physical Activity educational serials and brochures in Childhood, Adolescent and School children can be found here: <http://beslenme.gov.tr/index.php?lang=tr&page=322>

In terms of promoting physical activity in school children; currently Turkey is working on “physical activity education certificates” in primary, secondary and high schools. Promoting cycling with the collaborations of municipalities and schools are in the agenda.

Turkey is also an active member of The WHO European Childhood Obesity Surveillance Initiative - COSI; Phase 3 of the surveillance was implemented in the 2012-2013 school year in primary schools 2nd grades.

Article 11§3:

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia, to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

Scope of the provisions as interpreted by the ECSR

There must be sufficiently advanced and detailed legislation and specific preventive and protective measures to deal with air, water and noise pollution, nuclear risks, asbestos, food safety and, for States party that have not accepted Article 31, public health standards in housing. There must also be a policy to prevent smoking, alcoholism and drug addiction, a widely available vaccination programme and measures to deal with contagious diseases.

Finally, there should be measures to prevent accidents on the road, in the home, during leisure time and in the work place, other than occupational accidents covered by Article 3.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

a. Turkey signed WHO Framework Convention on Tobacco Control (WHO FCTC) status on 28 April 2004 and ratified it on 31 December 2004. In 2005, Turkey became a Party to the Convention.

b. The Turkish Penal Code no. 5237:

The Turkish Penal Code was amended in accordance with the Council of Ministers Decision number 2014/6545 dated 18 June 2014, which was published in the Official Gazette number 29044 dated 28 June 2014.

c. Anti-Smuggling Law number 5607;

In accordance with the Council of Ministers Decision dated 28 March 2013, published in the Official Gazette number 28615 dated 11 April 2013; Article 19 of the Anti Smuggling Law number 5607 was amended as follows by Article 60 of the “Law regarding the Amendment of the Customs Law and of Certain Laws and Decree Laws” number 6455: “The identity of those who report the offenses covered by Article 3 of this Law, as well as the identity of informants who are entitled to a reward in accordance with Article 23, shall not be revealed under any circumstances without their permission, or unless their act of reporting/informing has in itself constituted an offence. The provisions regarding the protection of witnesses shall apply for these individuals.”

Pursuant to the same law, Article 23, Subclause (b) of the Law no. 5607 was amended as follows by Article 61 of the “Law no. 6455: “In the seizure of drug substances and of plants cultivated for producing drug substances, the applicable premium will be calculated according to the quantity of all types of drug substances that were seized and/or the total surface area in which plants were cultivated for the production of drug substances.

d. Highway Traffic Law no. 2918;

In accordance with the Council of Ministers Decision dated 25 May 2013, published in the Official Gazette number 28674 dated 11 June 2013; Article 48 of the Highway Traffic Law number 2918 was amended as follows by Article 19 of the “Law regarding the Amendment of the Decree Law number 375 and Certain Laws” number 6455: “It is prohibited for drivers to drive vehicles on highways when they have used drugs or stimulants, or are under the influence of alcohol.

In case a driver is involved in an accident that has resulted in injury or death, or has caused material damage as determined by law enforcement officers, it shall be mandatory for the driver to undergo the examinations described in the second clause. Drivers who object to the measurements performed by a breathalyzer device, or who refuse to perform measurements with a breathalyzer, will be taken to the nearest forensic medicine institution or forensic practitioner, or to the nearest healthcare institution affiliated with the Ministry of Health, in order to undergo tests that involve the collection and analysis of blood, saliva, or urine samples in order to detect drug or stimulant substances or alcohol. Throughout this process, the provisions of Article 75 of the Code of Criminal Procedure number 5271 dated 4 December 2004 shall apply, with the exception of this article's fifth clause. In case the driver dies in the traffic accident, or becomes injured to the point where he/she is unable to exhale into a breathalyzer; blood, saliva, or urine samples will be collected from these persons in accordance with the provisions of the third clause.

In case the results of the analysis determines that the person was driving with a blood alcohol level above 0.50 promil, the person will, in addition to any other offence he/she might have committed, receive an administrative fine of 700 Turkish Liras, and have his/her driving license suspended for six months. For all other vehicles other than private cars, the maximum level of blood alcohol that is permitted is 0.21.

For persons whose driving licenses have been suspended once within the past five years for driving under the influence of alcohol, an administrative fine of 877 Turkish Liras will be applied on the second instance of driving under the influence of alcohol, with the driving license being suspended for two years; while an administrative fine of 1407 Turkish Liras will be applied on the third and following instances of driving under the influence of alcohol, with the driving license being suspended for five years in each one of these instances.

In case the driving licenses are suspended for any reason, the abovementioned periods will begin at the end of the suspension period. For drivers who are identified with a blood alcohol level above 1.00 promil based on the results of the analysis, the provisions of Article 179, Clause 3 of the Turkish Penal Code shall apply.

The relevant provisions of the Turkish Penal Code shall apply for drivers of private cars identified with blood alcohol levels above 0.50 and for drivers of other types of vehicles identified with blood alcohol levels above 0.20 in case their actions resulted in a traffic accident. Drivers who are identified as having used drugs or stimulant substances will receive an administrative fine of 3600 Turkish Liras, and have their driving license suspended for a period of five years.

The relevant provisions of the Turkish Penal Code shall also apply for these drivers. Drivers who refuse to use the test devices presented by law enforcement officers to assess blood alcohol levels or to determine whether the driver used drug or stimulant substances will receive an administrative fine of 2000 Turkish Liras, and have their driving license suspended for a period of two years. In case there is suspicion that the driver has used drug or stimulant substances, the provisions of Law number 5271 regarding the judicial police shall apply.

Drivers, whose driving licenses have been suspended twice within a period of five years for driving under the influence of alcohol, will be required to participate to training programs organized by the Ministry of Health for improving driving behavior, whose procedures and practices shall be defined through directives issued by the Ministry of Interior, the Ministry of National Education, and the Ministry of Health. Drivers, whose driving licenses have been

suspended three or more times within a period of five years for driving under the influence of alcohol, will be subject to psycho-technical evaluations as well as the examination of a psychiatry specialist. The temporary suspension of driving licenses will be performed by officials listed in Article 6 of this law.

To receive driving licenses that have been suspended, according to the provisions of this article, drivers must fully pay the administrative fine(s) issued for the violation of traffic rules, which are described by the provisions of this article, while drivers whose licenses have been suspended for drug or stimulant substance use must also produce a medical board report provided by an official health institution which confirms there is no impediment for them to drive once again.

The minimum requirements for the technical devices to be used for the detection of alcohol, drugs and stimulants, as well as the other relevant procedures and principles regarding the examination of drivers, will be described in the relevant regulations.”

e. The Turkish Radio and Television Law no. 2954

The section regarding the Basic Principles and Broadcasting Guidelines of the Turkish Radio and Television Law number 2954 includes a provision which mentions the responsibility to “prevent any broadcast that might harm the physical and mental health of society.”

f. Decree Law on the Organization and Duties of the Ministry of Youth and Sports:

The provisions of the Decree Law number 638 dated 3 June 2011 regarding the “Organization and Duties of the Ministry of Youth and Sports” specifies the Ministry’s obligations

- to “conduct studies and activities to protect youth from harmful habits” in Article 7 subclause (e);
- to “provide guidance and counseling services to the youth, and
- to conduct activities for the development of educational service and capabilities” in Article 8/A subclause 1(e); and
- to “prioritize support for projects towards the disadvantaged youth and for promoting the mobility of the youth” in Article 8 subclause (b). 1.2.1.2. Regulations

g. The Regulation on Substance Addiction and Treatment Centers.

h. The “Regulation regarding the Implementation of Law number 6284 for the Protection of the Family and the Prevention of Violence Against Women,”

The regulation was published in the Official Gazette number 28532 and dated 18 January 2013, includes the following articles and clauses:

Article 17, Subclause (h): “Persons under protection should not use alcohol or drugs and stimulant substances at the location in which they are sheltered, nor should these persons be in the proximity of other persons under protection and their shelter while under the influence of such substances. In case these persons have addictions, they should be provided with examination and treatment services, including hospitalization, if necessary.”

Article 27, Clause 1: “A judge may decide that the perpetrator of violence towards a person cannot use alcohol or drug and stimulant substances at the location in which this person is being sheltered, and that the perpetrator cannot be in proximity of the person under protection and his/her shelter while under the influence of substances. A judge may also decide for the perpetrator to receive treatment and examination services, including hospitalization, in case they have addictions.”

Article 27, Clause 2: “For a person subject to a preventive measure decision; examinations and treatments will be performed and the effect of these activities on the relevant person will be monitored by the Centre for Preventing and Monitoring Violence (ŞÖNİM) in coordination of the relevant institutions or organizations. Depending on the characteristics of the activities that are necessary, ŞÖNİM may also request the support of law enforcement.”

Article 27, Clause 3: “In case a person subject to a preventive measure decision refuses to undergo treatment; the person’s refusal will be officially recorded and promptly reported to the Chief Public Prosecutor’s Office and ŞÖNİM”.

Article 27, Clause 4: “Expenses relating to the implementation of this measure will be covered in accordance with the procedures and principles outline in Article 44, Clause 3.”

i. Ministry Circular number 2013/51,

According to the circular, Governorships were requested:

- To revise the structure of their Provincial Coordination Committee on Drugs in accordance with the procedures and principles outlined in the circular;
- To prepare Provincial Action Plans Against Drugs within three months at the latest in case these documents have not yet been prepared, or in case the current ones have expired; and
- To forward to TUBİM the Governor’s approval relating to the revision of the Committee Structure, as well as a copy of their Action Plans within three months at the latest.

The Regulation on Substance Addiction and Treatment Centers, With Circular number 79687 (2013/7) dated 19 July 2013 of the Turkish Ministry of Health’s Pharmaceuticals and Medical Devices Agency (TİTCK), combined medications containing ephedrine and pseudoephedrine salts were included into the list of controlled medications on the Medication Tracking System.

j. Legal Regulations regarding the Policies for Tobacco and Alcohol Control

A number of regulations aimed at controlling tobacco and alcohol are introduced under the coordination of the Turkish Public Health Agency under the Ministry of Health and Tobacco and Alcohol Market Regulatory Authority. These regulations include provisions ensuring that 58 non-users or individuals in at-risk groups lead healthy lives. Regulations since 2008 in particular have helped Turkey make progress in its efforts to control both tobacco and alcohol.

Preventive Regulations regarding the **Policies for Tobacco Control Provisions** established in **Law no. 4207** on November 7, 1996 on the Prevention and Control of Hazards of Tobacco Products provided a basis for the tobacco policies. Amendments passed into this law on January 3, 2008 in particular aimed to protect non-smokers from harmful effects of tobacco products. Within the scope of smoke-free zones, Article 2 of the relevant Law was amended as follows on January 19, 2008; “Tobacco products shall not be consumed:

- In closed spaces of public utilities;
- In closed spaces, including corridors, of buildings that are used for the purposes of education, health, production, commerce, social, cultural, athletic, and recreation activities, are owned as private entities and that more than one person can have access to (excluding residential houses);
- In road, rail, sea and air transportation vehicles including taxicab services;

- In closed and open spaces of pre-schools, primary and secondary schools including private preparatory institutions and private educational establishments, and cultural and social service buildings; and
- In recreational establishments such as restaurants, coffeehouses, cafes, and pubs owned by private entities.”

The Law no. 4250, on the **Monopoly of Alcohol and Alcoholic Beverages**, enacted on June 12, 1942, lays down the basic provisions related to alcohol control. Pursuant to the amendments passed in Article 6 of the law in 2013:

- Advertising activities and promotions aimed at consumers shall under no circumstances be conducted. No campaign, promotion or activity that encourages or promotes the use of such products shall be conducted.
- Producers, importers, and sellers of alcoholic beverages shall under no circumstances provide sponsorship to any event by using their trademarks, logos, or signs.
- No positive image of alcoholic beverages shall be presented in TV series, movies, and music videos.
- Producers, importers, and sellers shall under no circumstances distribute alcoholic beverages gratuitously, for promotion or incentive nor as samples.
- Alcoholic beverages cannot be sold and cannot be served to people under the age of 18.
- People under the age of 18 cannot be employed in the production, marketing, sale, or serving of alcoholic beverages. This provision does not apply to educational activities carried out as per the relevant legal arrangements.
- Alcoholic beverages cannot be sold by vending machines, and cannot be offered in any game or bet through slot machines or different methods. Alcoholic beverages cannot be sold to customers between 10 p.m. and 6 a.m.

Moreover the amended law stipulates increased penalties for breaching the aforementioned articles. As per the amendments to Article 9 of the Law in 2013, enterprises selling retail or serving alcoholic beverages are required to be situated at least 100 meters away from educational institutions, student dormitories, and places of worship.

k. Legal Regulations regarding the Environment

Turkish Constitution of 1982 has provided environment right through its article 56, according to which: “Everyone has the right to live in a healthy and balanced environment. It is the duty of the State and citizens to protect the environment”. The concept of environment therein is to embody all environmental components such as water, air, soil. Therefore, the provision of the article 56 can be considered as the basic principle about air pollution.

In addition to the Constitution, which is the highest norm and brings an abstract rule on prevention of air pollution, Turkish Penal Code includes concrete rules on this matter. Article 181 of the Penal Code prescribes imprisonment of those who deliberately discharges waste or residues into the air in a manner which will harm the environment. In case waste has a lasting effect, the penalties shall be increased up to twice as much as the applicable penalties.

The Environment law No. 2872, which is framework legislation, also includes provisions about air pollution and its prevention. A general frame is formed by setting the objective of the Law as follows: “to ensure preservation of the environment, which is a common asset of all living beings, through sustainable environment and sustainable development principles”.

Environmental pollution is defined in the Environment law as follows: “Any kind of adverse effect on the environment that may damage the health of living beings, environmental values and ecological balance”. The conditions under which the environmental pollution will be considered as existent are regulated under the article “Prohibition of Pollution”.

According to this article, it is forbidden to directly or indirectly discharge any kind of waste and residuary into the receiving environment, or to store, transport, send away the same, or to be engaged in similar activities in a manner that will harm the environment or is contrary to the standards and methods stipulated in the relevant regulations. Thus, the Law which forms the general frame includes provisions relating to air pollution. Through one of these provisions, the Law prohibits “to discharge any kind of waste and residuary into the receiving environment in a manner that will harm the environment” (Article 8). However, these provisions are of a very general nature. It is convenient to include such a provision in terms of its being a framework regulation and in order to throw a light on the other regulations.

The Road Traffic Law No. 2918 of 1983 includes a provision indirectly relating to air pollution. Causing smoke and dust emission in a manner that will disturb the surroundings when driving a motorized vehicle is considered as a crime subject to a fine by the Law. Exhaust emissions are one of the important factors that cause air pollution, and it is compulsory to include an arrangement on this matter in the Law taking into consideration the number and age of motor vehicles used in Turkey, particularly in the big cities. Turkish Standards Institution determined limit values for the exhaust emissions by relevant studies.

Heating is also one of the factors that affect air pollution. Air pollution has significantly decreased as a result of using natural gas as fuel. The first Law on this matter is the **Authorization Law No. 3378 on Amendment of Some Laws on Natural Gas Use** issued in 1987. Then, this law is superseded by the Natural Gas Market Law No. 4646 (Took effect upon publication in the Official Gazette Issue No. 24390 of 02.05.2001). Both laws share the objective “to ensure supply of good-quality natural gas at competitive prices to consumers in a regular and environmentally sound manner under competitive conditions” and to preserve environment during use of the authorization arising from the law.

Regulation on Protection of Air Quality (Took effect upon publication in the Official Gazette Issue No.19269 of 02.11.1986), which is directly related to Air Pollution, has entered into force in order to put forth details of concrete application of the matter, for which a frame is formed under the Environment law. Objective of this Regulation is to control the smoke, dust, gas, steam and aerosol emissions that are discharged into the atmosphere as a result of any kind of activities, and to protect human and environment against any hazard that may arise from pollution of atmospheric environment.

This regulation, which includes a detailed arrangement, has set the limit values for air quality, limits of emissions for the plants that are subject to permission, limits of discharge of waste gases and limits of special emissions for high-pollution plants.

The annexes to the regulation deal with the limit values for motor vehicles, measurement and determination of air pollution, special substances in dust emissions, organic steams and gases, carcinogens, determination of chimney height of the plants that are subject to special permission, plants for disposal of garbage and wastes, plants of soil products, foundries, acid production plants, chipboard and similar wood products manufacturing plants, oil refineries, hard coal gasification plants, bituminous road construction materials production and processing plants, graphite and similar products manufacturing plants, glass manufacturing

plants, fertilizer complexes, chicken coops and stables. The places allowed and the qualifications required in connection with the said plants are dealt with in a detailed manner under the annexes.

Article 4 of the Regulation on Protection of Air Quality regulates the exceptions. The regulation will not be applicable to protection of human health and environment against nuclear fuel and radiation of other radioactive substances. At this point, the Law No. 2690 on Turkish Atomic Energy Institution (Took effect upon publication in the Official Gazette Issue No. 17753 of 13.07. 1982) has brought arrangements. In the article “Environmental Health” of this Law, it is stipulated that during performance of the duties specified in the Law, the Institution shall take the necessary measures to protect human health and environment against radiation.

Turkey has developed several communiqués about air pollution. For example, import of some substances under **Montreal Convention**, to which Turkey has become a party, is regulated. The Communiqué on Imports of Substances that Deplete the Ozone Layer (Took effect upon publication in the Official Gazette Issue No. 23579 of 10.01. 1999) is in connection with this matter and prohibits import of the substances specified in the Montreal Protocol. Such substances are listed in the annexes. Also, the Communiqué on Imports of Radioactive Substances and Apparatus Using Such Substances has been published in the Official Gazette with the same date and issue number as the above Communiqué. The substances listed in the Communiqué shall be subject to a special examination by Turkish Atomic Energy Institution during customs registration process.

Furthermore, national regulations directly related to the air pollution caused by certain factors were issued. These regulations are as follows: **Assessment and Management of Air Quality Regulation (2008)**, **Regulation of Controlling Air Pollution Caused by Industry (2004)**, **Regulation of Controlling Air Pollution Caused by Heating (2009)**, **Regulation of Controlling Air Pollution Caused by Industrial Facilities (2004)**.

Waste Management

The 1982 Constitution recognizes the right of all Turkish citizens to a healthy environment, as well as the duty of the State and of citizens to upgrade the environment, protect environmental health and prevent pollution. Turkey is a party to all key international environmental conventions which provide appropriate policy frameworks and promote cooperation and coherent action at global, regional and national levels to address environmental problems.

International Agreements

Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal

Decision on Approval of the Amendment of Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal

Decision on Approval of Protocol on Prevention of Pollution Originated from Transboundary Movements and Disposal of Hazardous Wastes in the Mediterranean Sea

Laws

Law on Approval of the Amendment of Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal

Law on Approval of Protocol on Prevention of Pollution Originated from Transboundary Movements and Disposal of Hazardous Wastes in the Mediterranean Sea

Water Quality

International Agreements

Convention on the Protection of Mediterranean Sea Against Pollution (Barcelona Convention)
Law Protocol on the Protection of the Mediterranean Sea Against Pollution from Land-based Sources
Protocol on the Protection of the Mediterranean Sea Against Pollution from Disposal from Ships and Planes

Protocol on Special Protected Areas in the Mediterranean Sea

Decision on Participation with Reservation to the Protocol for the Collaboration in Prevention of Pollution From Ships and Struggle Against Pollution of Mediterranean Sea in Case of Emergency
Decision on Participation to “Convention on Protection of Sea Environment and Coastal Region at Mediterranean Sea”, “Protocol on Protection and Removal of Pollution Originated from Discharges of Ships and Planes or Combustion in the Sea”, “Protocol on Protection of Mediterranean Sea against Pollution from Land-Based Sources and Activities” and “Protocol on Special Protected Areas and Biodiversity in Mediterranean Sea”

Protocol on Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency

Convention on Prevention of Black Sea against Pollution

Protocol on the Protection of the Black Sea Marine, Environment against Pollution by Dumping

Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergencies

Protocol on the Protection of the Black Sea Marine Environment against Pollution from Land Based Sources

Decision on Approval of Privilege and Exemption of Commission for the Protection of Black Sea against Pollution Signed in Istanbul

International Convention on the Prevention of Sea Pollution from Ships (MARPOL – 1973)

Decision on Participation to International Agreement on Legal Responsibility of Damage Caused by Petroleum Pollution with Declarations

Decision on Participation to an International Convention for the Establishment of an International Fund for the Compensation of Damage from Oil Pollution with a Declaration

Laws

Law on Groundwater

Law on Water Products

Law on Amendment of Law on Water Products

Law on Water

Law on Approval of Participation to International Convention and Annexes on Preparedness, Response and Cooperation for Oil Pollution in 1990

Law on Approval of Central Agreement between Turkish Government and Commission for the Protection of Black Sea Against Pollution

Law on Decision on Approval of Privilege and Exemption of Commission for the Protection of Black Sea Against Pollution

Law on Geothermal Sources and Natural Mineral Waters

Law on Village Drinking Water

Law on Principles of Emergency Response and Compensation of Damages for the Pollution of Marine Environment with Petroleum and Other Hazardous Substances

Law on Protecting Safety of Life and Goods on Seas

Law on Supplying Drinking, Usage and Industrial Water for Settling Areas That Has Communal Organizations

Statutes

Statute on Groundwater
Statute on Water Products

Air Quality

International Agreements

Montreal Protocol on Substances that Deplete the Ozone Layer
Amendment of Montreal Protocol on Substances that Deplete the Ozone Layer
Kopenhagen Amendment of Montreal Protocol on Substances that Deplete the Ozone Layer
Decision on Approval of the Amendment of Montreal Protocol on Substances that Deplete the Ozone Layer
Decision on Approval of the Amendment of Montreal Protocol on Substances that Deplete the Ozone Layer
Vienna Agreement on the Protection of the Ozone Layer
Decision on Participation to Framework Agreement of United Nations on Climate Change
Decision No: 2003/6458
Protocol to the 1973 Convention on Long Range Transboundary Pollution Air Pollution on Long-Term Financing of the The Co-operative Program for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP)
Convention on Long Range Transboundary Air Pollution

Laws

Law on Traffic Law on Approval of the Amendment of Montreal Protocol on Substances that Deplete the Ozone Layer
Law on Approval of the Amendment of Montreal Protocol on Substances that Deplete the Ozone Layer
Law on Approval of Participation to Framework Agreement of United Nations on Climate Change

The regulations issued for air pollution control purposes are given below:

Regulation of reduction of sulphur rate in some types of fuel oils
Some Gasoline and Diesel Quality Regulation
Large Combustion Plants Regulation
Regulation of air pollution control caused by heating
Regulation of control of emissions causing odour
Industrial Air Pollution Control Regulation

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Tobacco, alcohol and drugs

There are a number of activities in order to reduce both the supply and demand of drugs. The entire Law Enforcement Agency, especially the Ministry of Interior, Turkish National Police, Department of Anti Smuggling and Organized Crime, Gendarmerie, Ministry of National Education, Ministry of Justice, and Ministry of Health have embraced the fight against drugs.

RTÜK, which is responsible for the supervision of broadcasting services, has continued its supervision activities concerning the prevention of broadcasts that encourage and promote the use of drug substances. In this context, RTÜK has imposed sanctions on eight different occasions within 2013 for the violation of a provision of Law number 6112 which states that:

"Broadcasts should not encourage gambling or the use of addictive substances such as alcohol, tobacco products, and drugs" (RTÜK 2014).

The following additions were made to Article 4 of the Communiqué regarding Social Security Institution Health Practices, which was originally published in the Official Gazette number 28725 and dated 01 August 2013: "Treatment for alcohol and substance addiction will be invoiced on a 'per service' basis. As such, the sums listed in the Annex2/A of SUT will not be invoiced. In accordance with the per service payment method, the additional examinations and/or treatments that are considered necessary during or following a patient's outpatient examination can be performed without the requirement of a new application to the relevant health institution."

Since July 19, 2009, smoking has been banned in public transportation vehicles and closed areas of all public and private buildings except for residential houses. The success that was achieved in the reduction of tobacco use as part of the National Tobacco Control Program and Action Plan implemented between 2008 and 2012 are to be boosted by the National Tobacco Control Program and Action Plan to be effective between 2014 and 2018. The new action plan covers 133 activities under 10 titles, and 21 responsible institutions and organizations.

In line with the new action plan, entrances of establishments such as shopping malls, theaters and cinemas where people are concentrated, and certain parts of spaces such as playgrounds, restaurants and coffeehouses are planned to be designated as smoke-free zones. The action plan foresees increased supervision capacity to ensure absolute prevention of the use of tobacco products in areas defined as "closed spaces" in the relevant legislation, 59 and activities to be carried out to prevent tobacco use in all spaces such as public parks, from which children benefit.

Preventive Regulations regarding the Policies for Alcohol Control Alcohol, besides tobacco, is also considered as a transition substance to starting drug use. Each and every step taken to regulate alcohol and its products, in addition to tobacco products, contribute to the prevention of drug use. To restrict individuals' access to tobacco and alcohol according to certain criteria will help them refrain from other addictive substances.

Universal Prevention

Universal prevention activities aim to inform individuals about drugs and their health hazards. Such activities are carried out at school, family, and community levels.

School-based Prevention Educational institutions are suitable for drug use prevention activities, because it is easier to convey educational content in a school setting, and students are rather more open to taking in information they are provided. Thus educational institutions are significant players in the efforts to protect youngsters from addictive substances.

As part of school-based prevention, school counselors under the Ministry of National Education, and Counseling and Research Centers, and ILTEM officials carry out preventive activities at schools to protect youngsters against drugs.

The Ministry of National Education organizes seminars and conferences throughout the country in order to prepare students for life, help them cope with their problems and explain how they should respond to offers that will be detrimental to their lives such as drug use.

Primary protection-and-prevention-based activities carried out by counseling services in schools, and Counseling and Research Centers in provinces and districts are as follows:

- To raise awareness among students, teachers, and school administrators about substance addiction and bad habit prevention;
- To implement training programs for refusal skills, communication skills, and conflict resolution skills; and
- To raise awareness among people/enterprises that are close to schools and students such as Internet cafés, kiosks, and gaming center personnel and bus drivers.

ILTEM officials employed in TUBIM's Department for Combatting Drug Use organize seminars, conferences, plays, movie screenings, and distribute posters and brochures at schools. ILTEM officials who receive the basic training on combatting drug use held by TUBIM inform youngsters about the harmful effects of drugs, how to avoid such substances, what to pay attention to, and the threats posed by drug use. ILTEM officials reached 476,885 students in their preventive activities in 2013. In addition to activities such as seminars, conferences, and plays, more enduring project-based-activities including social and athletic activities are carried out.

Family-based Prevention

Families are certainly those to shoulder the most important responsibility in protecting children and youngsters from bad habits. Families guide their children in both their physical and psychological development paths starting from birth. One of the criteria of good parenting is related to how effectively parents can protect their children from drugs in particular and all bad habits in general. Parents should take all necessary measures to remove existing risk factors associated with the initiation of drug use, get to know their children's close friends, and follow their children's school lives.

In addition to providing appropriate education, parents are also responsible for creating necessary conditions to ensure their children's healthy developments. Preventive activities aimed at families to realize all these objectives are classified under family-based prevention activities.

The Ministry of National Education carries out the following activities as part of family-based prevention:

- To ensure increased numbers of implementers of the Parenting Training Program for the 0-18 years age group, and the Parenting Counseling Program for the 7-19 years age group throughout the country and thus provide training to parents;
- To ensure that school counseling services and Counseling and Research Centers raise awareness among families about drug addiction and bad habit prevention; and
- To ensure that teachers and school counselors inform parents during parent-teacher meetings about how to avoid bad habits and characteristics of adolescence.

Moreover, TUBIM Provincial Contact Personnel carry out informative activities for families on the prevention of drug use. As a result of these activities, 62,244 parents were provided awareness raising activities in 2013.

Community-based Prevention

Community-based prevention activities do not target a specific group; but rather they aim to ensure increased awareness in general about drugs within the society. A society's perspective and perception of addiction influence drug use rates. All activities aimed to ensure certain levels of awareness among all groups in a society fall under the scope of community-based

prevention. There are a large number of institutions and organizations that target the whole community in their preventive activities.

The Presidency of Religious Affairs prepared 3349 sermons, 13 khutbahs, 5 TV programs and 1 radio program, organized 8 conferences, 3 seminars, and 4 meetings, and trained 300 religious officials concerning the reduction of demand to ensure the prevention of drug use in 2013.

TUBİM targeted different groups including students and parents as part of their preventive activities. The number of preventive activities carried out by 162 specialists employed in the Department for Combatting Drug Use aimed at different groups amounted to 3,848 in 2013 with a 28.31% increase compared to 2,999 activities in 2012. These specialists carried out awareness raising activities in 2013 to 673,195 people with a 29.62% rise compared to 519,363 people in 2012.

TUBİM held Basic Trainings on Combatting Drug Use three times during 2013 to train both the ILTEM personnel and representatives of other relevant institutions engaged in activities to ensure the prevention of drug use and addiction. TUBİM provided training of trainers to 211 officials in total: 55 from ILTEM, 43 from the General Staff of the Republic of Turkey, and 113 school counselors and representatives of the Provincial Coordination Committee on Drugs.

Prevention in At-Risk Groups

Drug use patterns observed throughout the world indicate that individuals start using drugs at early ages, leading to higher drug use rates among youngsters. Thus, high school and university years have been designated as particularly at-risk years, and these groups as groups at-risk, with research-based and preventive measures concentrated on these groups. The Ministry of Family and Social Policies, Ministry of Youth and Sports, Ministry of Health, Turkish National Police, and municipalities lead the preventive activities for these at-risk groups. Groups at-risk are addressed in three groups: children and youngsters, children living/working on the streets, and inmates.

Prevention for Children and Youngsters

Children and youngsters are among the groups at risk for the use of addictive substances. In addition to drugs, they should be protected from tobacco and alcohol as the gateway substances in the transition to drugs. The United Nations Convention on the Rights of the Child established a provision to ensure the protection of children and youngsters from drugs and drug addiction. Article 33 of the Convention stipulates that: “State Parties shall take all appropriate measures, including legislative, administrative, social, and educational measures to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties and to prevent the use of children in the illicit production and trafficking of such substances.”

As a result of efforts by the Ministry of Family and Social Policies, the “National Strategy Document on the Rights of the Child,” which identifies the main objectives of the activities to be conducted to protect and expand the rights of the child throughout the country, was adopted by the Higher Planning Council’s decree no 2013/33 on December 10, 2013.

Led by the Ministry of Family and Social Policies, psycho-social support and awareness-raising activities are conducted for families as part of protective and preventive services, and the adaptation activities are carried out for cases where families and children can be reunited to facilitate their common lives. Furthermore, children are oriented towards social, athletic, artistic, and cultural activities and pastime habits as part of social support. The Ministry of Youth and Sports also conducts various activities within this scope. The Ministry, with its mission to ensure that youngsters move healthily towards the future, published the National Youth and Sports Policy Document in 2013. The Ministry shapes its activities according to the points made in the Policy Document to protect youngsters from all addictive substances.

Five objectives were established in the policy-related section of the document. These objectives include efforts:

- To increase the number and enhance the accessibility of treatment and rehabilitation centers for adolescents addicted to drugs;
- To provide psychosocial services to adolescents addicted to drugs and to their families;
- To raise awareness among families by means of trainings to be held by specialists in drug addiction through youth centers; and
- To render more effective and expand treatment centers for drug addict youngsters,

Prevention for Children Living/Working on the Streets

Children living and/or working on the streets are at a greater risk of being introduced to addictive substances. Lack of families and closer contact with user groups render it easier for these children to start using drugs themselves. These factors suggest that children in this group require special attention and care, and necessitate specialized measures to be taken. Based on the National Strategy Document on the Rights of the Child, the Ministry of Family and Social Policies aim, primarily, is to reinforce family ties of children living on the streets and ensure their reunification with families. Furthermore, the Ministry has agreed to provide improved care and social support services to these children in cooperation with all the relevant institutions and organizations, and lead an effective effort to prevent child labor.

In order to ensure that children working on the streets, that have been forced into beggary and are addicted to drugs are protected and rehabilitated within the society as part of the “Service Model for Children Living and/or Working on the Streets” put into effect by Circular no. 2005/5 issued by the Prime Minister’s Office, the Ministry and Social Services Centers carry out various activities.

These activities aim to reintroduce these children into the education system and support them in the system, help them acquire professional skills, support their psychosocial developments, refer drug user children to treatment facilities and provide post-treatment social support.

Activities conducted by the Ministry of Family and Social Policies aim to integrate children working on the streets into formal or professional education systems, and help them conclude their rehabilitation processes as educated or employed adolescents. To this end, the Ministry works to ensure that children working on the streets, that are forced into beggary and addicted to drugs are removed from the streets and reintroduced into formal or vocational education systems, treated for drug addiction, have all their needs such as clothing and health needs satisfied, and reintegrated into the society.

Child and Youth Centers are responsible for providing all the relevant services aimed at removing from the streets children that are working on the streets and open to all forms of substance addiction, meeting their needs care, housing, health and education needs, ensuring their social rehabilitation and reintegrating them into the society.

Within the framework of the Regulation of February 9, 2013 on Social Services Centers, 29 day Child and Youth Centers, which offer counseling services to families, and protective and 67 preventive services to children that work on the streets, are forced to beg and are at-risk and, have been transformed into Social Services Centers or affiliated additional units. Social Services Centers, developed to provide easy access, have completed their organizational processes at provincial levels, but such efforts are still in progress at the district levels. One hundred thirty-six Social Services Centers are functional throughout the country. Nine boarding Child and Youth Centers serving children living on the streets and addicted to drugs continue with their social support services on a temporary basis.

National and Local Media Campaigns

Printed and visual media, as means of communication, ensure that messages are conveyed to the masses in the most effective and fastest manner. As such, they are inevitably used in communicating positive helpful messages to society. Individuals should be well-informed through public service announcements and messages included in programs, thus encouraged to abstain from addictive substance.

In accordance with The Turkish Radio and Television Law number 2954, the Turkish Radio and Television Corporation (TRT) will conduct its broadcasting activities according to the requirements listed below, which are part of the TRT's General Broadcasting Plan:

- To plan programs for youth.
- To focus on content that contributes positively to the physical and emotional developmental stages of the youth, that supports their mental development, that enables them to acquire positive new attitudes and behaviors, that allows them to further develop their personalities, and that allows them to participate to society as honest, healthy, happy, and productive individuals.
- To prepare programs relating to health. The content of these programs shall focus on instilling social awareness regarding attitudes and behaviors associated with healthy living. These programs will also place emphasis on health services, diseases, and treatment capabilities; the institutions and organizations which provide health services, and the capabilities of these organizations; the opinions of scientists and specialists; and subjects relating to the preservation and improvement of health. Subjects relating to health should be covered in the news, discussed in various programs, and included into forums, panels and open sessions in a manner that reflects the views of ordinary citizens.
- Advertisements should avoid themes that are exploitive towards the elderly, which negatively influence children and youth, and which encourage harmful habits.
- Health programs should mention and cover the activities of public institutions and non-governmental organizations that conduct studies regarding the use of cigarettes, alcohol, and drugs.
- Programs for the youth should provide information on problems that affect family, friends, social relations, and society; on social and psychological problems; on the problems encountered by young persons who abandon their families and are forced into a life of crime; on studies regarding juvenile courts and persons discharged from juvenile detention centers; on the problems experienced by the youth and their solutions; on the

problems associated with adolescence; and on the effect of bad habits on youth such as frequenting coffeehouses, drinking alcohol, smoking, and using drugs.)

- News programs should, in cooperation with radio and television agencies, provide information regarding efforts against illicit money and drug trafficking; describe – especially to children – the harms associated with harmful habits such as smoking, alcohol, and gambling; and cover the efforts conducted for limiting harmful habits.

The Turkish Radio and Television (TRT) Corporation ensured that different topics such as combatting addiction, the harmful effects of tobacco, smoke-free zones, and the day against drug abuse are addressed in public service announcements and on various radio and TV 68 shows in different formats such as educational-cultural programs, sports programs, news, documentaries, on local radio channels (such as TRT Trabzon Radio, TRT GAP Diyarbakır Radio), and on TRT Okul (School), TRT Haber (News), TRT Turizm (Tourism), TRT Belgesel (Documentary), and TRT Arapça (Arabic) to raise awareness among society. In 2013, TV and radio channels under the Turkish Radio and Television (TRT) Corporation broadcasted 75 activities and programs on drug addiction for different target groups.

Drug Addiction Treatment

Public hospitals under the Ministry of Health, psychiatry wards of medical schools under universities, university hospitals in partnership with the Ministry of Health, and several private hospitals provide treatment for drug addiction in Turkey. In total, there are 26 treatment centers designed for drug addiction, where 706 beds are allocated to drug addicts. 469 of these beds are in hospitals under the Ministry of Health, and 227 are in the relevant units under university and public hospitals. These are the total number of beds that are allocated both to alcohol and substance addicts.

Two centers for drug addiction treatment opened in 2013 in order to ensure an increased number of treatment centers and thus beds, and as a result render addiction treatment more accessible. According to the plans, the number of treatment centers will be multiplied in provinces that are populated and constantly receiving migrants. Meanwhile, a new understanding will guide the efforts to develop new treatment centers specific to children and adolescents addicted to drugs. In addition to ensuring enhanced accessibility to treatment, it is essential to improve the quality of treatment as well.

To identify the aspects that require improvement, patients' medical records should be kept regularly. Based on the analyses and assessments to be made from medical records, the existing problems and measures to be taken will be identified, and solutions will be formulated in order to achieve higher success in addiction treatment.

The General Directorate of Health Services under the Ministry of Health collects and processes data of individuals addicted to drugs. In this section, data from all 25 centers that offer addiction treatment are included. The objective is to ensure higher-quality and standardized treatment in addition to more accessible treatment centers with increased capacity. To this end, the Ministry of Health developed a standard training program for the personnel to be employed in these treatment centers. In 2013, 35 individuals received certificates at the end of this six-month training that includes both theoretical and applied modules.

The Tobacco, Alcohol and Drug Addiction (SAMBA) Treatment Program is a standardized, psychosocial program that is implemented in 17 sessions in most of the centers. There are

different implementations of this program for adults, adolescents and families. In 2013, 65 individuals attended the training of implementers designed for this program in 23 centers.

In Turkey, the Ministry of Health conducts its activities related to addiction treatment, and the fight against drug addiction according to national action plans and policies, and in cooperation with the relevant institutions and organizations.

The Turkish government has made many efforts to stop drug trade and to provide more treatment. Besides governmental institutions, there are several nongovernmental organizations (NGOs) that aim to increase social awareness against drug and alcohol use in Turkey. In terms of treatment, the Turkish Ministry of Health established the AMATEM (Alcohol and Substance Abuse Treatment and Training Center in ANKARA) in order to create more possibilities individuals who want to be treated for their drug addiction problems. Since 1983, the government has established nine treatment facilities and supported treatment facilities established at university hospitals.

The Turkish Monitoring Centre for Drugs and Drug Addiction (TUBİM) also manages Turkey's National Early Warning System for monitoring new psychoactive substances. Comprised of academics from a range of disciplines, TUBİM's Scientific Committee reviews evidence related to drug policy issues and provides advice to government.

In 2011 TUBİM conducted an attitude and behaviour survey on tobacco, alcohol and drug use among students in the second year of high school (age range: 14–19), using a self-administered questionnaire. About 1.0 % of 15-year-old students reported lifetime use of any drug, while the proportion increased to 1.5 % if all respondents were considered. About 0.3 % of all respondents reported ever having used cannabis, although this rate should be treated with caution as it was calculated based on open-ended questions to which responses were frequently not given.

The new Action Plan, adopted in 2015, tasks the Ministry of National Education to coordinate all prevention activities in the country. Moreover, the Ministry of Family and Social Policies, Ministry of Health and Turkish Green Crescent society are mentioned as the main implementing agencies for prevention activities. From 2015 TUBİM Provincial Contact Points were no longer involved in prevention activities at the provincial level.

In addition to its overall coordinating role, the Ministry of National Education is directly responsible for the implementation of universal drug prevention in Turkish schools. At the local level, provincial steering committees chaired by deputy governors have been established to prepare action plans in line with the needs of their provinces.

The main prevention programmes undertaken in Turkey focus on increasing people's awareness of drugs and the dissemination of information. Some initiatives have recently been launched that aim to increase individual and social skills among young people and to support environments that may deter drug-taking among vulnerable populations. Treatment demand data in Turkey are provided by the Directorate-General for Health Services of the Ministry of Health through a drug treatment notification form. In 2014 data were reported from all 32 operational inpatient treatment centres.

In 2014 a total of 10 630 clients entered inpatient treatment, of which 5 600 were new clients entering treatment for the first time. Some 70 % of all treatment clients reported opioids as

their primary drug, followed by 9 % for cannabis and 2 % for volatile inhalants. A similar pattern was identified among new treatment clients, with 61 % reporting opioids, mainly heroin, followed by 11 % for cannabis and 2 % for volatile inhalants. It is notable that about 16 % of all treatment entries were linked to other substances, among which the vast majority were synthetic cannabinoids. Injecting drug use was reported by 30 % of all treatment clients and 20 % of new treatment clients who demanded treatment due to the use of opioids. From 2006 to 2014 the number of clients entering treatment for opioid use, and heroin in particular, has increased fivefold, primarily due to the increased availability of treatment for opioid addiction in Turkey.

The mean age of all treatment clients was 26, while the average age of new treatment clients was 25. The gender distribution was similar among all and new treatment clients, with 95 % and 96 % male clients respectively. The Public Health Agency of the Ministry of Health and the Directorate-General for Health Services of the Ministry of Health provides data on human immunodeficiency virus (HIV) in Turkey. In 2014 the Public Health Agency recorded 10 new HIV cases among people who inject drugs (PWID).

Hepatitis B virus (HBV), hepatitis C virus (HCV) and HIV testing is also carried out among PWID admitted to the Alcohol-Substance Addiction Research, Therapy and Education Centres (AMATEM). In 2014 some 0.2 % of 3 090 clients tested were HIV positive, 4.2 % were HBV positive and 42.8 % were HCV positive.

In 2014 some 497 drug-induced deaths were reported, which is twice as many as in 2013 and the highest number reported during the observation period. The overall trend indicated a steady increase in reported drug-induced deaths from 2007 to 2009, with a slight decrease in 2010, while in 2011 the increasing trend resumed.

In 2014 the majority of the deceased were male (467). The mean age of victims was 30.4 years. Toxicological analysis was available for all confirmed drug-induced deaths, and opiates were involved in 287 reported death cases. However, more than one substance was detected in over two-thirds of the deaths. In one in five cases synthetic cannabinoids were present, while in 40 cases they were identified as a cause of deaths.

It is hypothesized that fluctuations in the number of drug-induced deaths in Turkey may be linked to changes in the heroin supply as a result of fluctuations in opium production activities in Afghanistan, where a decline was observed in 2010 and a subsequent increase in 2012. The high purity of illicit substances, heroin in particular and also ecstasy, together with an increase in stimulant and poly-substance use, are also mentioned as likely reasons for to the most recent increase in reported drug-induced deaths. Part of the increase might be due to improved detection and reporting capacity in Turkey.

The drug-induced mortality rate among adults (aged 15–64) was 9.2 deaths per million in 2014, lower than the most recent European average of 19.2 deaths per million.

The implementation of drug-related treatment in Turkey falls under the responsibility of the Ministry of Health, and the Science Committee for Substance Addiction is responsible for its national coordination, while since the end of 2013 Provincial Healthcare Directorates have been authorised to license and supervise substance abuse treatment centres.

Treatment is provided through the Alcohol-Substance Addiction Research, Therapy and Education Centres (AMATEMs), psychiatric clinics of public hospitals under the Ministry of

Health, and university-based treatment units. In 2015 there were 36 treatment centres in Turkey, of which 33 also provided inpatient services. The majority of drug-related treatment services take place in inpatient settings. Funding for drug-treatment services is mainly provided by the state through social or health insurance funds.

The majority of treatment services for drug users treat addiction in general, providing treatment for both alcohol and illicit drugs. The primary approach of treatment programmes is to help clients achieving a drug-free state. An essential part of the treatment is detoxification, usually in the inpatient setting, which is complemented with other interventions consisting of motivational interviewing techniques and cognitive therapies that aim to prevent relapse.

In 2009 a combined buprenorphine/naloxone medication was licensed in Turkey, and it has been used in drug addiction treatment for detoxification and substitution since 2010. Opioid substitution treatment (OST) was initially prescribed by psychiatrists within AMATEMs, but since 2014 all addiction centres licensed by the Ministry of Health have been able to implement OST. Up to 80 % of OST medication costs are covered by the General Health Insurance, while client contribute 20 % of the costs. The latest available data from 2012 indicate that about 28 656 clients in Turkey receive OST with a buprenorphine-based medication.

The Turkish Penal Code, updated in 2014, sets prison sentences of two to five years for those who use drugs or buy, receive or possess drugs for personal use. There is also the option of treatment and/or probation of up to three years, but since 2014 probation as an alternative to prison cannot be given more than once. If addicts refuse treatment or do not comply with probation requirements, the courts can decide on sentencing.

The production and import or export of drugs are punished by a sentence of 20–30 years, and sale or supply by a sentence of not less than 10 years, or 15 years if supplied to a minor. In this case, punishments are linked to drug type, with a specific requirement to increase these sentences by 50 % if the drugs involved are cocaine, heroin, morphine or morphine base, or synthetic cannabinoids; a similar increase is imposed in cases where a group of people is involved, or where those convicted held positions linked to legal trades, such as doctors, pharmacists, health officers, etc. If organised crime is involved, the penalty is doubled.

Turkey's drug policy is expressed in its 2015 National Anti-Drug Strategy Paper. The Strategy is built around the pillars of drug demand and drug supply reduction and addresses key issues across 12 thematic areas. These are: preventing access to drugs; taking measures in relation to educational institutions; identifying target groups; anti-drug counseling units; strengthening drug dependence treatment. social reintegration; scientific advisory board for anti-drug activities; anti-drug decision support system; legislation for anti-drug activities; coordination and cooperation; communication with the public; diagnosis and laboratory services. The strategy is a long-term document with an open-ended timeframe. It is supported by the 2015 National Anti-Drug Action Plan. The Action Plan sets out a range of measures to implement the objectives of the 12 thematic areas of the National Anti-Drug Strategy Paper.

Coordination Mechanism in the Field of Drugs

The High Council for the Fight against Drugs is responsible for inter-ministerial coordination on drug policies issues in Turkey. It is tasked with high-level strategy development, inter-

institutional coordination, and monitoring of strategy implementation. The High Council includes ministers from all relevant ministries involved in delivering the national drug strategy.

The Board for the Fight against Drugs supports the work of the High Council. It is responsible for executive operational day-to-day coordination and oversees the implementation and monitoring of the national drug strategy. The Technical Board for the Fight against Drugs is an advisory body that assists the Board in its work and includes a range of specialised members.

The Turkish Monitoring Centre for Drugs and Drug Addiction (TUBİM) is attached to the Ministry of Interior/Turkish National Police/Counter Narcotics Department. It is responsible for the coordination and implementation of the national drug strategy on behalf of the Ministry of Interior and for monitoring the drug situation of the whole country. It does this through its network of Provincial Focal Points around the country. There are currently 81 Provincial and District Boards for the Fight Against Drugs throughout Turkey, covering all provinces. Provincial drug action plans have been established in 81 provinces. The tasks of the Secretariat for the provincial action plans and the Provincial Coordination Committees are carried out by a governorship in one province, and coordinated by the Provincial Health Directorates in all provinces.

Considering the multisectoral and sensitive nature of the topic, a Prime Ministerial Circular was published in 12 November 2014 to ensure immediate and timely intervention to recent developments. The Circular has presented a highlevel multidisciplinary approach which resulted in the preparation and implementation of Anti-Drug Emergency Action Plan in 2015 upon the approval of Higher Anti-Drug Board which is chaired by the Deputy Prime Minister and composed of eight relevant ministers and the Head of Health Commission of the Parliament. Field work is carried out by the Anti-Drug Provincial Coordination Boards chaired by the governors in all 81 provinces of Turkey.

A Higher Anti-Drug Board has been established under the chairmanship of the Deputy Prime Minister, composed of the following members:

- Minister of Justice;
- Minister of Family and Social Policies;
- Minister of Labour and Social Security;
- Minister of Youth and Sports;
- Minister of Customs and Trade;
- Minister of Interior;
- Minister of National Education;
- Minister of Health (Coordinator);
- Head of the Commission on Health, Family, Labour and Social Affairs of the Grand National Assembly of Turkey.

UMYK meetings take place every six months. The UMYK determines the basic anti-drug policies, monitors activities at a high level, and gives instructions for these activities. UMYK has met twice since July 2014; it aims to identify anti-drug activities, and develop and assess relevant policies in Turkey.

In order to monitor and ensure coordination at a high political level, undersecretaries from eight ministries were commissioned to participate in the Anti-Drug Board. The UMK meetings take place once a month, under the chairmanship of the Head of the Commission on Health, Family, Labour and Social Affairs of the Grand National Assembly of Turkey.

The members of the UMK are:

- Deputy Undersecretary of the Ministry of Justice;
- Deputy Undersecretary of the Ministry of Family and Social Policies;
- Deputy Undersecretary of the Ministry of Labour and Social Security;
- Deputy Undersecretary of the Ministry of Youth and Sport;
- Deputy Undersecretary of the Ministry of Customs and Trade;
- Deputy Undersecretary of the Ministry of Interior;
- Deputy Undersecretary of the Ministry of National Education;
- Deputy Undersecretary of the Ministry of Health;
- Advisor to Deputy Prime Minister;
- Coordinator of Prime Ministry Office of Public Diplomacy;
- Turkish Green Crescent Society.

Anti-Drug Technical Board (UMTK) Experts from relevant ministries meet in the Anti-Drug Technical Board, to work on the technical aspects of the subjects that fall under the responsibilities of the ministries. The Deputy Undersecretary of the Ministry of Health is the chair of the UMTK. The UMTK has 31 members from ministries and relevant institutions and meetings take place every two weeks. The UMTK has met 39 times since July 2014. The Board works on the technical implementation of anti-drug activities, including those defined in the 2015 Anti-Drug Action Plan, in line with the defined policies.

Anti-Drug Provincial Coordination Boards Anti-Drug Provincial Coordination Boards follow up antidrug efforts, ensure that activities specified in the action plan are carried out in cooperation and coordination with the relevant institutions and organizations, and monitor the whole process at provincial level. The first and the last meetings of the year take place under the presidency of the Provincial Governor; other meetings are presided by the Governor or Deputy Governor. It is planned to establish Anti-Drug District Boards in relevant districts, which will meet under the presidency of the District Governor, with the secretariat provided by community health centres.

Turkey's government began stepping up its environmental actions in the early 1980s and has only accelerated its embrace of laws and regulations designed to protect the environment. The country's environmental stance received a major boost when it began signing onto environmental agreements as part of the European Union.

Turkey has been experiencing environmental pressures due to population growth, industrialization and rapid urbanization. These pressures translate into a range of environmental challenges such as climate change, desertification, deforestation, water scarcity, nature degradation and marine pollution. To address these challenges, Turkey has adopted new legislation and institutional practices as part of an effort to comply with the EU environmental acquis.

Enforcement of environmental law began in the early 1980s, since which time there has been increasing regulation in the environmental sphere. This has led to improvements in a number of environmental indicators. Some of these improvements are described below:

- From 2007 to 2010, there has been a 29 % decrease in air pollution from PM₁₀, and a 43% decrease in air pollution from SO₂.
- Figures show a decrease in total water consumption by 4.4% since 2008, while there has been a 4% annual increase in the number of people served with wastewater treatment since that time.
- Between 2008 and 2010, collection of municipal waste increased by 3.8%. Regarding waste sites in urban areas in Turkey, the number of landfills which was 15 by 2001 rose to 38 in 2008, 59 in 2011, and 69 in 2012. Between 2009 and 2010, there was a 25% increase in the amount of hazardous waste treated.
- Turkey is a centre of genetic diversity for plants. In Turkey, out of 11 466 taxons of species and sub-species, 3 650 are endemic. Moreover 8.1% of the total surface area of Turkey is protected.
- According to the 2000 and 2006 CORINE studies, artificial areas in Turkey increased from 1.56% of the territory to 1.61% between 2000 and 2006, while the share of land covered by forests and semi-natural land remained roughly the same.

Main policy responses to key environmental challenges and concerns

Turkey has achieved progress in waste management, noise control, industrial pollution control and risk management, forestry, erosion control, and in the quality of its water and air.

Turkey's convergence with the EU environmental acquis requires comprehensive and costly investment, both in human and institutional capacity development as well as in infrastructure for activities such as environmental monitoring, inspection and reporting. An Annual Inspection Report for Turkey has been published since 2009.

Turkey confronts the challenge of ensuring the integration of environmental protection and social inclusion into its plans for economic growth. Turkey's Tenth Development Plan (2014-2018) puts sustainability at the core of its development endeavors. The plan promotes, inter alia, eco-efficiency and cleaner technologies in production processes and in the services sector. Turkey has been diversifying its energy mix by increasing the use of renewables. Today, renewables constitute 20% of power generation capacity in Turkey.

As it is mentioned in the above, Turkey is a party to all key international environmental conventions, which provide appropriate policy frameworks and promote cooperation and coherent action at global, regional and national levels to address environmental problems.

Regional Sea Conventions for the Black Sea and Mediterranean are major policy instruments for Turkey to protect the marine and coastal environments of these valuable ecosystems.

Turkey has developed and implemented a number of strategy documents for sectors such as mitigation and adaptation to climate change, conservation and sustainable use of biodiversity, erosion control and combating desertification, reforestation, and afforestation. New strategy documents regarding different aspects of biological diversity are also being prepared.

Turkey has also created and put in place several environmental strategy documents for sectors such as prevention and adaptation to climate change, conservation of biodiversity, soil erosion control, reforestation and fighting desertification.

With respect to reviving degraded landscapes, Turkey is making extensive investments and pushing reforestation programs. A few years back, the International Soil Reference and

Information Center mapped Turkish land degradation as a way to facilitate watershed rehabilitation investments.

Healthy environment and pollution

Air Pollution

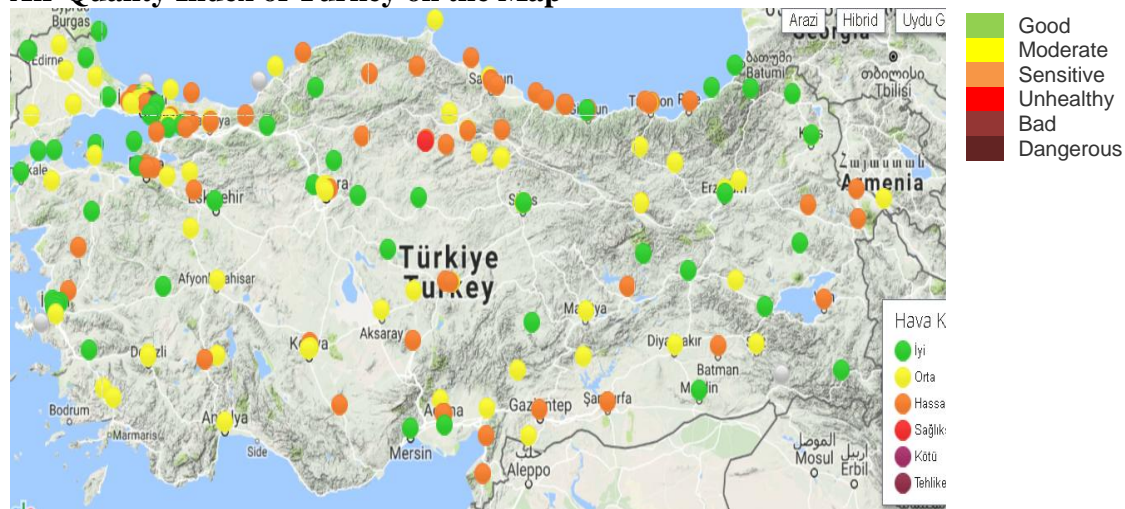
Turkey's environmental policy has been shaped by international regulatory frameworks. Of particular importance here is the EU. As a candidate state to the EU, Turkey has been harmonizing the national environmental legislation with the EU environmental acquis. An important impetus to strengthen air management policy in Turkey came when Turkey adopted its EU Integrated Environmental Strategy which called for the full harmonization of the Turkish legal frame work with the EU Air Quality Framework Directive.

Comparison of the Turkish air quality standards with those of the EU shows that for nearly all pollutants the standards are higher than the EU limit values. The only exception is annual mean of SO₂ and NO_x since the standards for those pollutants are the same from 2014 on.

The Ministry of Environment and Urbanization is working on improving the air quality management scheme in Turkey. Since 2012, air quality data have been available in a new format. They come from 195 stable air quality measurement stations and four mobile air quality measurement stations in the context of National Air Quality Observation Network program. The data are made available in real time to the public through the Ministry of Environment and Urbanization website.(<http://www.havaizleme.gov.tr/Default.ltr.aspx>)

To meet the basic requirements for an efficient air quality control, it is essential to provide measurements and data sufficiently accurate and representative on both time and space, adopting evaluation and monitoring strategies capable. In this context, the National Air Quality Index of Turkey launched in 2007. This real-time index has been developed by modification of EPA Air Quality Index according to national regulations and limit values. This study presents a new approach to evaluate and compare the pollution concentrations in different cities to assess their air quality.

Air Quality Index of Turkey on the Map



Environmental Indicator Reports and Provincial State of the Environment Reports are published annually. These two documents are the main sources of the National State of the Environment Reports.

Noise Pollution

In order to combat with noise pollution, in accordance with the European Union Directive Number 2002/49/EC on Environmental Noise, Management Assessment and Management of Environmental Noise Regulation were prepared on 4 June 2010.

[Regulations on noise exposure](#) provide the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise). It implements EU Directive No. 2003/10/EC of the European parliament and of the Council of 6 February 2003.

With this Regulation Environmental Noise Limit Values have been introduced to the following places:

- Transportation resources (roads, railways, waterways, airports)
- Industrial facilities
- Construction activities
- Offices, workshops, plants
- Entertainment places

Noise Maps should be prepared for the places mentioned in the below table.

NOISE MAPS	Within the Border of the Municipalities (In the residence areas)	Railways	Noise Maps prepared by Ministry of Transportation, Maritime and Communication
		Airports	
		Highways	
		Industrial facilities and other small facilities, entertainment places, metro and trams above the grounds	
	Out of the Border of the Municipalities (out of the residence areas)	Main railways	Noise Maps prepared by Ministry of Transportation, Maritime and Communication
		Main airports	
		Main highways	Noise Maps prepared by Provincial Administration
		Harbors and industrial facilities near to main transportation	

Again, with the above mentioned Regulation, it has been made compulsory to prepare noise maps for the areas having more than 100,000 resident population and settlements which have more than 1,000 people per km, also for the main highways, for major railways and airports. It is also compulsory to prepare prevention and control measures taking into account the results of the noise maps. The programs, duties, authorizations, responsibilities are determined for the preparation of noise maps and action plans.

Detailed information on this issue can be found on the web page of Ministry of Environment and Urbanization.

(<http://gurultu.cevreorman.gov.tr/gurultu/AnaSayfa/GurultuHaritalama.aspx?sflang=tr>)

Water Pollution

In Turkey, The General Directorate of Water Management under the Ministry of Forestry and Water Affairs is established by Promulgation in 4 July 2011 Dated and 27984 (Repetitive) Numbered Official Gazette. Several plans prepared by the Ministry of Forestry and Water Affairs and waste water treatment in the basin and water pollution prevention activities are

carried out by this Directorate. The project with the title «Preparation of River Basin Protection Actions for 11 river basins in Turkey» was started in 2009 and it was completed in 2010. The project has been done by Turkish Scientific and Technological Research Council of Turkey-Marmara Research Center.

The aim of RBPAP is to attain good water status in all waters in line with the environmental objectives and ensure the active participation of stakeholders in this process.

The purpose of this action, at the first instance, was investigation of the water resources potential, point and diffuse pollution sources and existing water quality and the making of more economically viable, sustainable and efficient plans in the short, medium and long term.

River Basins in Turkey



There are 25 river basins in Turkey

This Directorate is studying to determine Quality and Pollution Status of Water Bodies and Water Resources by;

- Water Quality Thematic Maps and Protection Action Plans of 25 River Basins,
- Ergene Basin Action Plan
- Water Quality Reports
- Water Quality of Drinking Water Reservoirs of Metropolitan Municipalities
- 2011 and 2013 Data of Integrated Pollution Monitoring Project in Water, Sediment and Biota

Using of pesticides and fertilizers is the most important polluter factor affecting water qua, in Turkey, causes of deterioration in the quality of water resources are;

- Industrialization
- Mining activities
- Unplanned urbanization
- Livestock activities
- Agricultural activities

Completed Activities by The General Directorate of Water Management, Ministry of Forestry and Water Affairs

No	Completed Activities	Their Outputs
1	Water Quality Strategy Paper and Action Plan (2014-2023)	<ul style="list-style-type: none"> • Planning technical, legal and institutional national instruments to determination, remediation and improvement of water quality across the country
2	Projects about Wastewater and Drinking Water Treatment Plants	<ul style="list-style-type: none"> • Guidebook on basic principles and norms related with construction, design and planning of waste water treatment plants • Guidebook on design and operation principles of drinking water treatment plants • Research project on integrated management of olive and olive oil production wastes in Susurluk River Basin
3	National Project on the Control of Pollution Caused by Hazardous Substances Having a Risk for Inland Waters	<ul style="list-style-type: none"> • The hazardous substances that may be present in inland waters were identified • The maximum allowable concentrations (environmental quality standards) of these substances in the receiving bodies were determined.
4	Project on the Total Maximum Daily Load (TMDL)	<ul style="list-style-type: none"> • Methodology for the development of TMDL was adopted to Turkey. • TMDL study was employed on the pilot region, Nilüfer River, in terms of COD, TN, TP and metals.

Ongoing Projects of The General Directorate of Water Management, Ministry of Forestry and Water Affairs

No	Ongoing Projects
1	Project on the Determination of Sensitive Areas and Water Quality Objectives on the Basis of Watershed in Turkey (2012-2016)
2	Project on the Determination of Hazardous Substances in Coastal and Transitional Waters
3	Project on the Determination of the Water Pollution Caused by Use of Plant Protection Products
4	Project on Development of the Methodology for the Determination of Environmental Objectives for Surface, Coastal and Transitional Waters: Great Menderes River Basin Pilot Study
5	IPA Project On Assessment of Drinking Water Resources and Treatment Plants in Turkey

Detailed information on this issue can be found on the “Water Quality” booklet (web page: http://www.suyonetimi.gov.tr/Libraries/su/SU_KALITESI_ING.sflb.ashx) prepared by the General Directorate of Water Management, Ministry of Forestry and Water Affairs.

Radiation Rays and Asbestos

Turkish Atomic Energy Authority (TAEK) is the regulatory body for safe use of sources of ionizing radiation, radiation protection, safe management of radioactive waste and safe transport of radioactive material. TAEK is responsible for licensing, inspection, preparation of legislation and determination of principles concerning radiation protection, nuclear installations and radiation sources and practices, transportation and storage of the radioactive materials; and to perform other related tasks.

Some important legislation on protection against particular hazards are:

- Regulations of the Labour and Social Security Ministry of January 2013 on the Health and Safety measures with respect to Asbestos. This Regulation deals with safety measures

when handling asbestos and applies to works and workplaces entering under the scope of Act No. 6331 on Occupational Health and Safety.

- **Regulations on Safe Transportation of Radioactive Materials.** Regulates the transportation of radioactive materials including during the stages of loading, transportation, unloading, temporary storage and delivery. It is based on the Regulations for the Safe Transport of Radioactive Material published by the International Atomic Energy Agency. Regulations made under Law No. 2690 on Turkish Atomic Energy Institution of 9/7/1982, Article 4(d).
- [Regulation on Radiation Safety](#). Regulates the safety of people and the environment with respect to exposure to ionizing radiation. It was revised by Radiation By-Law Official Gazette: 24 March 2000, No. 23999 and Official Gazette: 29 September 2004, No. 25598.
- **Regulation on Nuclear and Radiological National Emergencies** describes the responsibilities of the relevant Ministry, institutions and affiliates and governorships relating to accident or dangerous situations before and after any nuclear and radiological accident. Regulations made under Law No. 2690 on Turkish Atomic Energy Institution of 9/7/1982, Article 4 and the Radiation Safety Statute, No. 85/9727 Article 4 which entered into force 24/07/1985.

Accidents

Measures on preventing traffic accidents

Road traffic accident statistics, 2006-2015

Year	Total number of accidents	Number of accidents involving death or injury	Number of accidents involving material loss only	Number of persons killed			Number of persons injured
				Total	At accident scene	Accident follow-up ⁽¹⁾	
2006	728 755	96 128	632 627	4 633	4 633	-	169 080
2007	825 561	106 994	718 567	5 007	5 007	-	189 057
2008	950 120	104 212	845 908	4 236	4 236	-	184 468
2009	1 053 346	111 121	942 225	4 324	4 324	-	201 380
2010	1 106 201	116 804	989 397	4 045	4 045	-	211 496
2011	1 228 928	131 845	1 097 083	3 835	3 835	-	238 074
2012	1 296 634	153 552	1 143 082	3 750	3 750	-	268 079
2013	1 207 354	161 306	1 046 048	3 685	3 685	-	274 829
2014	1 199 010	168 512	1 030 498	3 524	3 524	-	285 059
2015	1 313 359	183 011	1 130 348	7 530	3 831	3 699	304 421

(1) Includes the deaths within 30 days after the traffic accidents due to related accident and its impacts for people who were injured and sent to health facilities.

- Denotes magnitude null.

Among the people killed in the accidents occurred in the road network of Turkey during year 2015, 40.7% of them were drivers, 35.3% were passengers and 24% were pedestrians.

There are four acting councils regarding road safety

- Road Traffic Safety Council under the presidency of Deputy Director General of Turkish National Police (**four meeting/year**),
- High Council for Road Safety under the presidency of Prime Minister (**one meeting/year**),
- Council of Coordination for Decade of Action (2011-2020) under the presidency of Minister of Interior (**two meeting/year**),
- Province and town traffic commissions under the presidency of governor and district governor (**meet when required**),

Decade of Action for Road Safety (2011-2020) (In progress)

Turkish Road Safety Action Plan was developed under the coordination of the Turkish National Police of the Ministry of Internal Affairs and in cooperation with the relevant institutions and agencies for the purpose of preventing road traffic crashes, minimizing road traffic fatalities and injuries and mitigating impacts.

In the Action Plan, ultimate goal is to contribute the recommendation of United Nations to reduce by half the total number of casualties on our roads by 2020.

<u>Main Topics</u>	} <i>Totally 43 activities</i>
• Education (7)	
• Enforcement (18)	
• Infrastructure (12)	
• Health (2)	
• Campaigns (4)	

As an actor in road safety, DG Highways claims responsibility for the following actions within the scope of Decade of Action:

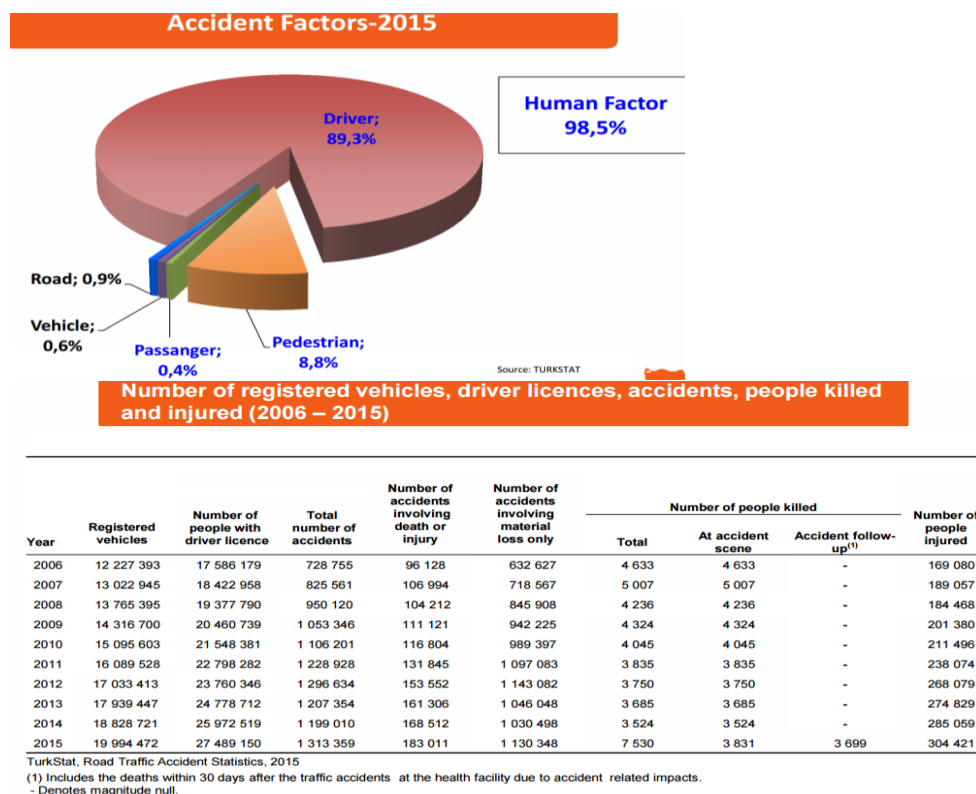
- To increase the length of the divided roads from 37% to 46% within the road network of DG Highways
- To remove black spots on the road network of DG Highways
- To improve level crossings
- To conduct road safety audit and road safety inspection on all roads which has over 5000 AADT
- To provide harmonization with international road conventions
- To comply with EU Directive 2008/96/EC on road infrastructure safety management
- To establish 18 Traffic Management Centres in scope of Extending Intelligent Transportation Systems in Road Network

Some of the road safety target of Turkey's Strategic Vision 2023

According to the Transportation and Communication Strategy of Turkey (Vision 2023) prepared by Ministry of Transport, Maritime Affairs and Communications:

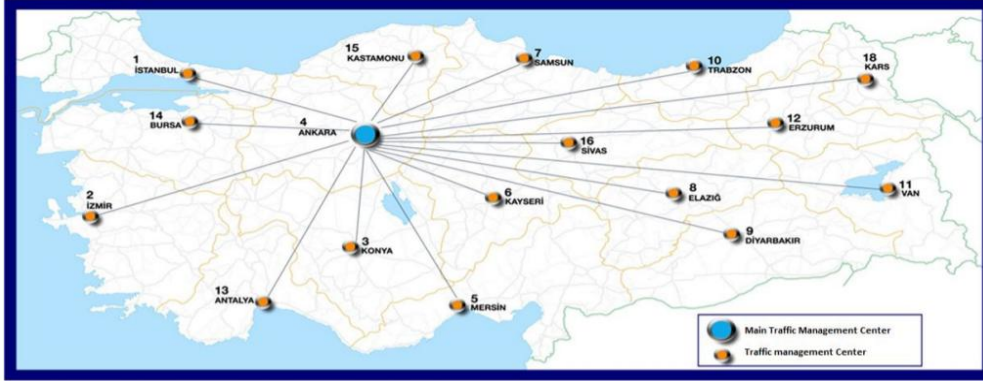
1. To have divided highway network for 36.500 km (%52) (includes motorway) under the scope of Emergency Action Plan.
2. Removal of black spots on roads
3. To apply safer road design countermeasures that promote forgiving roads.
4. To generalize Intelligent Transport Systems (ITS) which minimize accident risks and improve service level on the roads to ensure efficient utilization of existing road infrastructure.

In order to reduce the number of road accidents which occur on road construction, maintenance, and rehabilitation sites, especially on the road sections in which dual carriageway merge into two-way roads and traffic flow converts into two-way, it is aimed to improve traffic safety on these sites by means of a more efficient marking and physical arrangements.



60% decrease in the number of people killed at accident site in terms of vehicle - km in last 13 years.

Traffic Management Systems Centers (for ITS)



➤ Intelligent transport systems will be built on the main arterial roads and expanded.

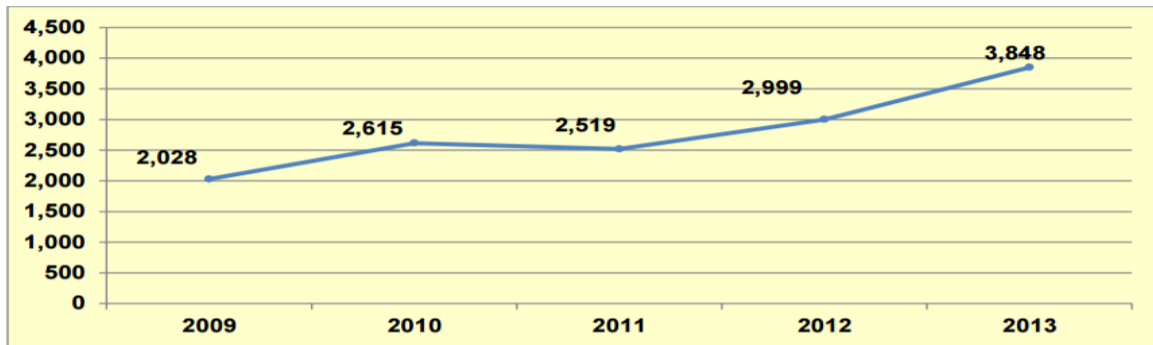
➤ Structure of Traffic Management Systems Centers;

- A Traffic Management Systems Center for each Highways Division (17 Units)
- A Main Traffic Management Systems Center in Ankara
- Integrated System



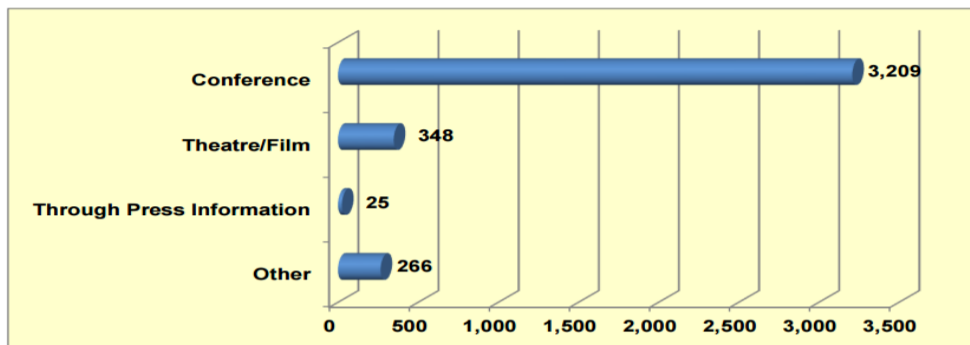
3. STATISTICS AND OTHER RELEVANT INFORMATION

Distribution of the Number of Activities carried out by the Department for Combatting Drug Use Personnel by Years



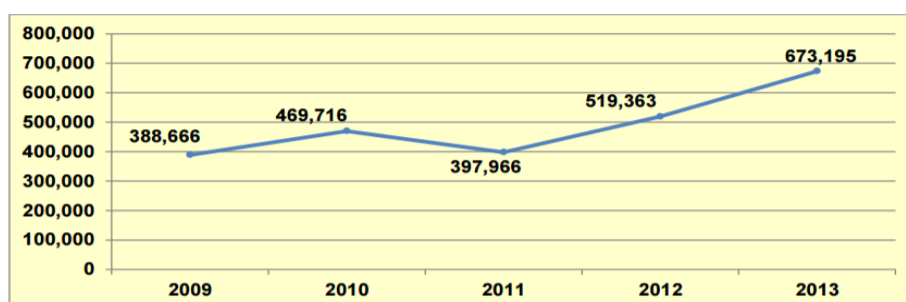
Source: Turkish Monitoring Centre for Drugs and Drug Addition, 2014.

Distribution of the Numbers of Activities carried out by the Department for Combatting Drug Use Personnel in 2013 by Type



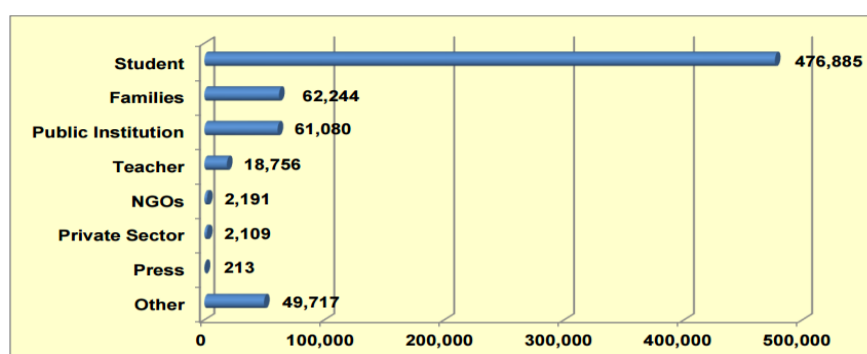
Source: Turkish Monitoring Centre for Drugs and Drug Addition, 2014.

Distribution of the Activities carried out by the Department for Combatting Drug Use Personnel by Number of Participants



Source: Turkish Monitoring Centre for Drugs and Drug Addition, 2014.

Distribution of the Activities carried out by the Department for Combatting Drug Use Personnel in 2013 by Type of Participants



Source: Turkish Monitoring Centre for Drugs and Drug Addition, 2014.

Some Tobacco Statistics of Turkey by WHO:

National tobacco control programme as at 31 December 2014

	2014
Specific national government objectives in tobacco control	Yes
National agency or technical unit for tobacco control	Yes
Number of full-time equivalent staff	8
Government's expenditures on tobacco control, latest available year, in currency reported by country	TRY 2 000 000

Prevalence of tobacco use

Tobacco use data from the latest survey results as at 31 December 2014

Smoking prevalence (%)	Youth tobacco use		Adult tobacco smoking		Adult cigarette smoking	
	Current tobacco use	Current cigarette smoking	Current	Daily	Current	Daily
Male	20.3	12.1	41.4	37.3	41.3	...
Female	12.8	8.3	13.1	10.7	13.0	...
Both sexes	16.8	10.4	27.1	23.8	26.9	...

Youth: Global Youth Tobacco Survey, 2012; National, ages 13-15
 Adult: Global Adult Tobacco Survey, 2012; National, ages 15+

WHO age-standardized estimated prevalence of smoking among those aged 15 years or more: Year 2013

Adult prevalence, smoking (%)	Any smoked tobacco		Cigarettes	
	Current	Daily	Current	Daily
Male	41.6	35.7	38.1	33.9
Female	13.2	9.9	12.0	9.6
Both sexes	27.0	22.4	24.7	21.4

Smoke-free environments

	2014	Compliance 2014§
Public places with smoke-free legislation:		
Health-care facilities	Yes	10
Educational facilities except universities	Yes	10
Universities	Yes	8
Government facilities	Yes	8
Indoor offices and workplaces	Yes	8
Restaurants	Yes	8
Cafés, pubs and bars	Yes	6
Public transport	Yes	10
All other public places	No	
Compliance score §		10
National law requires fines for smoking	Yes	
Fines levied on the establishment	Yes	
Fines levied on the smoker	Yes	
Funds dedicated for enforcement	Yes	
Complaint system that requires an investigation after a complaint	Yes	

§ A score of 0–10. Scores of 8 and above will be described in the report as high compliance, scores of 5 to 7 as medium compliance and scores below 5 as low compliance.

Three to five experts were asked to provide assessments independently by interview. These experts included at least three of the following persons:

- the most senior government official in charge of tobacco control or tobacco-related conditions;
- the head of a prominent NGO dedicated to tobacco control;
- a health professional (e.g. physician, nurse, pharmacist) specializing in tobacco-related conditions;
- a staff member of a public health university department;
- the Tobacco Free Initiative focal point of the WHO country office.

Treatment of tobacco dependence as at 31 December 2014

	2014	
Is there a toll-free telephone quit line/help line with a live person available to discuss cessation with callers in Turkey?	Yes	
Nicotine replacement therapy (e.g., patch, gum, lozenge, spray or inhaler)	Is this product legally sold in the country?	Yes
	Where and how can this product be legally purchased in your country?	In a pharmacy without a prescription
	Does the national/federal health insurance or the national health service cover the cost of this product?	Fully
	Is any NRT on the country's essential drugs list?	Yes
Bupropion (e.g., Zyban, Wellbutrin)	Is this product legally sold in your country?	Yes
	Where and how can this product be legally purchased in your country?	In a pharmacy with a prescription
	Does the national/federal health insurance or the national health service cover the cost of this product?	Partially
Varenicline	Is this product legally sold in your country?	Yes
	Where and how can this product be legally purchased in your country?	In a pharmacy with a prescription
	Does the national/federal health insurance or the national health service cover the cost of this product?	Partially
Is smoking cessation support available in the following places in your country?	Health clinics or other primary care facilities	Yes in some
	Hospitals	Yes in some
	Office of a health professional	Yes in some
	In the community	Yes in some
	Other	Yes in some
Does the national/federal health insurance or the national health service cover the cost of this support?	Health clinics or other primary care facilities	Fully
	Hospitals	Fully
	Office of a health professional	No
	In the community	Partially
	Other	Fully

Health warnings on tobacco packages

	2014		
	Cigarettes	Other smoked tobacco	Smokeless tobacco
Does the law mandate that health warnings appear on tobacco packages?	Yes	Yes	Yes
What percentage of the principal display areas of the package is legally mandated to be covered by health warnings? FRONT AND REAR COMBINED	65	65	65
What percentage of the principal display areas of the FRONT of the package is legally mandated to be covered by health warnings?	65	65	65
What percentage of the principal display areas of the REAR of the package is legally mandated to be covered by health warnings?	65	65	65
Does the law mandate that the warning be placed at the top of the principle display areas of the package?	Yes	Yes	Yes
Does the law mandate font style, font size and colour for package warnings?	Yes	Yes	Yes
Are the health warnings rotating on packages?	Yes	Yes	No
Are the health warnings on packages written in the principal language(s) of the country?	Yes	Yes	Yes
Does the law require that health warnings on packages are not obscured in any way, including by required markings such as tax stamps?	Yes	Yes	Yes
Do the health warnings on packages include a photograph or graphic?	Yes	Yes	Yes
Do health warnings appear on each package and any outside packaging and labelling used in the retail sale?	Yes	Yes	Yes
Does the law on health warnings apply to products whether manufactured domestically, imported, AND for duty-free sale?	Yes	Yes	Yes
Does the law state that warnings on packages do not remove or diminish the liability of the tobacco industry?	No	No	No
Do health warnings on packages describe the harmful effects of tobacco use on health?	Yes	Yes	Yes
Does the law mandate specific health warnings on packages?	Yes	Yes	Yes
How many specific health warnings are approved by the law?	16	16	1

Health warnings on tobacco packages (continued)

	2014		
	Cigarettes	Other smoked tobacco	Smokeless tobacco
Does the law require or establish fines for violations regarding health warnings on packages?	Yes	Yes	Yes
Are there any laws requiring that tobacco packaging and labelling do not use misleading terms which imply the product is less harmful than other similar products, such as "low tar", "light", "ultra-light", or "mild"?	Yes	Yes	Yes
Are there any laws requiring that tobacco packaging and labelling do not use figurative or other signs, including colours or numbers, as substitutes for prohibited misleading terms and descriptors?	Yes	Yes	Yes
Are there any laws requiring that tobacco packaging and labelling do not use descriptors depicting flavours?	No	No	No
Does the law ban the display of quantitative information on emission yields (such as tar, nicotine and carbon monoxide) on tobacco packaging, including when used as part of a brand name or trademark?	No	No	No
Does the law mandate the display of qualitative information on relevant constituents and emissions of tobacco products on tobacco packaging?	No	No	No
Does the law mandate that this information is displayed on one or more of the principal display areas (front, rear) of the package?	-	-	-
Does the law prevent the display of expiry dates on tobacco packaging?	No	No	No
Is it mandatory for the quit line number to appear on packaging or labelling?	Yes	Yes	Yes
Does the law mandate plain packaging (ie. prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style)?	No	No	No

Anti-tobacco mass media campaigns between 1 July 2012 and 30 June 2014

Name of mass media campaign	Death is lurking at its tip
Was this campaign national?	Yes
The campaign was sponsored or run by:	Non-government organization
Was the campaign aired on television and/or radio?	Yes
Before the campaign, was any research about the target audience conducted or used to develop the campaign messages/materials?	Yes
Were the campaign materials tested with the target audience before the campaign was run?	Yes
Did you obtain air time (radio, television) and/or placement (billboards, print advertising, etc) by purchasing or securing them using either your organisation/institution's internal resources or an external media planner or agency?	Yes
Did you, or your media planner/agency, use a monitor to confirm that the campaign materials were used as planned/scheduled on television, radio, print, billboards, internet, etc?	Yes
Did you work with journalists to gain publicity or coverage in the news for the campaign?	Yes
Was an evaluation done to assess the impact of the campaign?	Yes
Was this campaign part of a comprehensive government tobacco control program?	Yes

Bans on tobacco advertising, promotion and sponsorship

	2014	Compliance 2014§
Bans on direct tobacco advertising		
National TV and radio	Yes	10
International TV and radio	Yes ¹	
Local magazines and newspapers	Yes	10
International magazines and newspapers	Yes ²	
Billboards and outdoor advertising	Yes	10
Advertising at point of sale	Yes	8
Advertising on internet	Yes	
Other direct bans	Yes	
Compliance score of direct bans §		10
Law requires fines for violations of direct advertising bans	Yes	
Bans on tobacco promotion and sponsorship		
Free distribution	Yes	10
Promotional discounts	Yes	8
Non-tobacco products identified with tobacco brand names	Yes	7
Brand name of non-tobacco products used for tobacco product	Yes	8
Appearance of tobacco brands in TV and/or films (product placement)	Yes	10
Appearance of tobacco products in TV and/or films	Yes	7
Sponsored events	Yes	8
Tobacco companies/the tobacco industry publicizing their CSR activities	NA	
Entities other than tobacco companies/the tobacco industry publicizing the CSR activities of the tobacco companies	NA	
Tobacco companies funding or making contributions (including in-kind contributions) to smoking prevention media campaigns, including those directed at youth	NA	
Prescribed anti-tobacco advertisements required to be presented before, during or after the broadcasting or showing of any visual entertainment media product that depicts tobacco products, use or images	NA	
Law explicitly bans tobacco products display at point of sale	No	
Other indirect bans	Yes	
Compliance score of indirect bans §		8
Law requires fines for violations of indirect advertising bans	Yes	
Law completely bans tobacco vending machines	Yes	
Law bans internet sales of tobacco products	Yes	
Subnational laws or regulations ban some or all types of tobacco advertising, promotion and sponsorship	No	

¹The law does not explicitly address cross-border advertising. However, given that advertising is banned on all TV's and radios, it is interpreted that both domestic and international levels are covered by the ban.

²The law does not explicitly address cross-border advertising. However, given that advertising is banned on all magazines and newspapers, it is interpreted that both domestic and international levels are covered by the ban.

§ A score of 0–10, where 0 is low compliance. Scores of 8 and above will be described in the report as high compliance, scores of 5 to 7 as medium compliance and scores below 5 as low compliance.

Three to five experts were asked to provide assessments independently by interview. These experts included at least three of the following persons:

- the most senior government official in charge of tobacco control or tobacco-related conditions;
- the head of a prominent NGO dedicated to tobacco control;
- a health professional (e.g. physician, nurse, pharmacist) specializing in tobacco-related conditions;
- a staff member of a public health university department;
- the Tobacco Free Initiative focal point of the WHO country office.

Regulation of e-cigarettes

Note: In this table the term "e-cigarettes" is interpreted as including all forms of electronic nicotine delivery systems.

	2014
National laws or regulations completely ban the sale of e-cigarettes	No
National laws or regulations regulate e-cigarettes	Yes
E-cigarettes are regulated as a therapeutic product	No
E-cigarettes are regulated as a tobacco product	Yes - independent of nicotine level
E-cigarettes are covered by national laws and regulations on smoke-free environments	Yes
E-cigarettes are covered by national laws and regulations on health warnings on packaging	Yes - exactly like cigarettes
E-cigarettes are covered by national laws and regulations on tobacco advertising, promotion and sponsorship	Yes

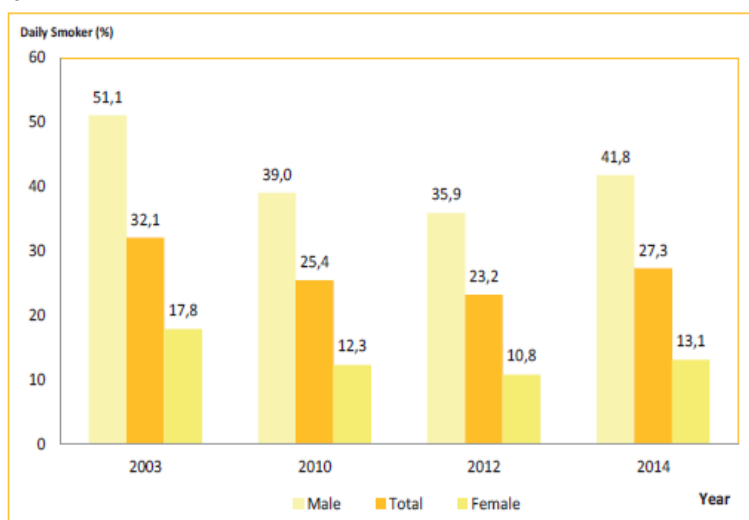
Distribution of Individuals Using Tobacco Product by Sex and Age Groups, (%), 2010,2012, 2014

Tobacco Consumption	Age Group	2010			2012			2014		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
Daily Smoker	15-24	27,1	6,1	16,4	24,1	4,6	14,3	31,4	5,7	18,5
	25-34	48,2	17,0	32,7	45,9	14,9	30,5	51,2	18,8	35,1
	35-44	49,2	19,5	34,5	44,4	17,3	30,9	49,9	19,7	34,9
	45-54	43,7	13,8	28,8	42,0	13,4	27,7	48,7	16,5	32,7
	55-64	32,7	8,8	20,4	27,9	7,4	17,4	38,2	10,2	24,0
	65-74	20,6	4,2	11,2	17,8	3,8	10,1	22,4	3,4	12,1
	75+	15,1	0,9	7,3	12,6	0,8	5,6	8,9	2,4	5,0
	Turkey	39,0	12,3	25,4	35,9	10,8	23,2	41,8	13,1	27,3
Occasional Smoker	15-24	4,3	2,6	3,4	4,3	1,5	2,9	6,1	3,7	4,9
	25-34	5,6	5,6	5,6	4,6	4,9	4,8	6,9	6,5	6,7
	35-44	4,4	4,8	4,6	4,9	4,4	4,6	6,4	6,8	6,6
	45-54	4,8	5,0	4,9	4,1	3,1	3,6	4,4	4,8	4,6
	55-64	4,3	0,9	2,6	4,1	0,5	2,3	3,6	3,3	3,4
	65-74	2,4	0,8	1,5	2,7	0,9	1,7	5,2	2,2	3,6
	75+	1,7	0,9	1,2	2,9	1,2	1,9	2,9	1,4	2,0
	Turkey	4,5	3,7	4,1	4,3	2,9	3,6	5,6	4,8	5,2
Non-Smoker	15-24	11,7	7,2	9,4	6,5	5,0	5,7	10,2	7,5	8,8
	25-34	12,6	13,7	13,2	11,7	11,2	11,5	12,6	12,8	12,7
	35-44	21,1	13,7	17,4	18,2	9,8	14,0	20,6	13,0	16,8
	45-54	29,1	12,4	20,7	26,3	10,6	18,5	29,6	14,1	21,9
	55-64	43,1	13,0	27,7	38,0	10,1	23,8	43,4	14,5	28,8
	65-74	47,4	9,3	25,5	44,9	7,4	24,4	51,8	10,9	29,7
	75+	55,3	7,7	29,3	42,2	5,7	20,4	58,7	8,4	28,4
	Turkey	23,0	11,5	17,1	19,8	8,9	14,3	23,8	11,8	17,7
Never Smoker	15-24	56,9	84,2	70,8	65,1	88,9	77,1	52,3	83,2	67,7
	25-34	33,6	63,7	48,6	37,8	69,0	53,3	29,3	61,8	45,5
	35-44	25,2	62,0	43,5	32,5	68,5	50,5	23,1	60,4	41,7
	45-54	22,5	68,8	45,6	27,6	72,9	50,2	17,2	64,6	40,8
	55-64	19,9	77,3	49,3	30,0	82,0	56,5	14,8	72,1	43,8
	65-74	29,6	85,6	61,8	34,5	88,0	63,8	20,5	83,5	54,6
	75+	27,9	90,5	62,2	42,3	92,3	72,1	29,5	87,8	64,6
	Turkey	33,5	72,6	53,4	40,0	77,3	59,0	28,7	70,3	49,8

Source: TURKSTAT, Turkey Health Interview Survey 2010, 2012, 2014

Note: "Non-Smoker" includes former smokers but not current smokers.

Distribution of Individuals Using Tobacco Product Daily by Sex, (%), 2003, 2010, 2012, 2014



Source: Ministry of Health National Burden of Disease and Cost Effectiveness Study, Household Survey 2003, TURKSTAT Turkey Health Interview Survey 2010, 2012, 2014

Distribution of Current Tobacco Product Consumers' First Tobacco Product Consumption Age by Sex (%), 2014

Age at the First Use of Tobacco Products	Male	Female	Total
<10	5,6	1,5	4,5
10-14	26,3	14,9	23,1
15-19	47,3	48,9	47,8
20-24	15,5	20,2	16,8
25-29	3,5	6,7	4,4
30-34	0,7	3,8	1,5
35+	1,1	4,0	1,9
Total	100	100	100

Source: TURKSTAT, Turkey Health Interview Survey 2014

Distribution of 15 and Over Aged Individuals' Alcohol Consumption by Sex and Age Groups, (%), 2014

Alcohol Consumption	Age Group	2014		
		Male	Female	Total
Consumes	15-24	20,9	5,8	13,3
	25-34	31,0	10,0	20,5
	35-44	27,4	6,7	17,1
	45-54	25,6	4,7	15,2
	55-64	22,6	2,9	12,6
	65-74	11,2	1,3	5,8
	75+	4,4	0,5	2,0
	Turkey	24,3	5,8	14,9
Doesn't Consume	15-24	11,9	7,1	9,5
	25-34	22,4	11,5	17,0
	35-44	31,0	10,9	21,0
	45-54	34,2	8,3	21,3
	55-64	39,7	6,8	23,1
	65-74	44,0	5,5	23,2
	75+	37,0	2,5	16,2
	Turkey	27,6	8,6	18,0
Never Consume	15-24	67,2	87,1	77,2
	25-34	46,6	78,6	62,5
	35-44	41,6	82,4	61,9
	45-54	40,2	87,0	63,5
	55-64	37,7	90,3	64,3
	65-74	44,8	93,1	71,0
	75+	58,6	97,1	81,7
	Turkey	48,2	85,6	67,1

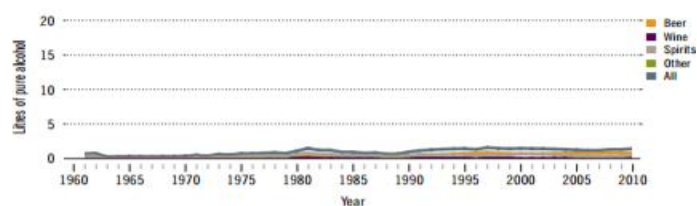
Source: TURKSTAT, Turkey Health Interview Survey 2014

Note: "Doesn't Consume" includes former consumer but not current consumer.

ALCOHOL CONSUMPTION: LEVELS AND PATTERNS

Recorded alcohol per capita (15+) consumption, 1961–2010

Data refer to litres of pure alcohol per capita (15+).

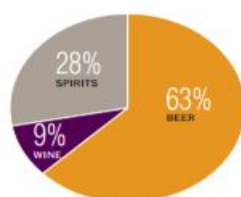


Alcohol per capita (15+) consumption (in litres of pure alcohol)

	Average 2003–2005	Average 2008–2010	Change
Recorded	1.4	1.4	→
Unrecorded	2.0	0.6	↘
Total	3.4	2.0	↘
Total males / females		4.4 0.5	
WHO European Region	11.9	10.9	

Source: WHO

Recorded alcohol per capita (15+) consumption (in litres of pure alcohol) by type of alcoholic beverage, 2010



Total alcohol per capita (15+) consumption, drinkers only (in litres of pure alcohol), 2010

Males (15+)	19.7
Females (15+)	8.2
Both sexes (15+)	17.3

Abstainers (%), 2010

	Males	Females	Both sexes
Lifetime abstainers (15+)	65.9	92.4	79.6
Former drinkers* (15+)	11.6	2.0	6.7
Abstainers (15+), past 12 months	77.5	94.4	86.2

*Persons who used to drink alcoholic beverages but have not done so in the past 12 months.

Patterns of drinking score, 2010

LEAST RISKY < 1 2 3 4 5 > MOST RISKY

Source :WHO

HEALTH CONSEQUENCES: MORTALITY AND MORBIDITY

Age-standardized death rates (ASDR) and alcohol-attributable fractions (AAF), 2012

	ASDR*		AAF (%)	
Liver cirrhosis, males / females	8.5	4.2	22.3	10.6
Road traffic accidents, males / females	23.5	6.0	4.2	0.3

*Per 100 000 population (15+).

Years of life lost (YLL) score*, 2012

LEAST < 1 2 3 4 5 > MOST

*Based on alcohol-attributable years of life lost.

Prevalence of alcohol use disorders and alcohol dependence (%), 2010*

	Alcohol use disorders**	Alcohol dependence
Males	4.5	1.3
Females	1.0	0.4
Both sexes	2.7	0.8
WHO European Region	7.5	4.0

*12-month prevalence estimates (15+).

**Including alcohol dependence and harmful use of alcohol.

POLICIES AND INTERVENTIONS

Written national policy (adopted/ revised) / National action plan	No / —
Excise tax on beer / wine / spirits	Yes / Yes / Yes
National legal minimum age for off-premise sales of alcoholic beverages (beer / wine / spirits)	18 / 18 / 18
National legal minimum age for on-premise sales of alcoholic beverages (beer / wine / spirits)	18 / 18 / 18
Restrictions for on-/off-premise sales of alcoholic beverages: Hours, days / places, density Specific events / intoxicated persons / petrol stations	No, No / Yes, No Yes / No / No (beer), Yes (wine, spirits)

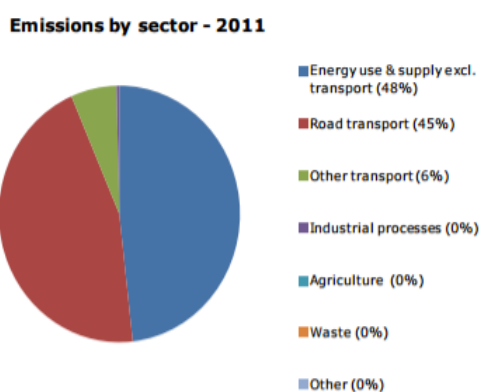
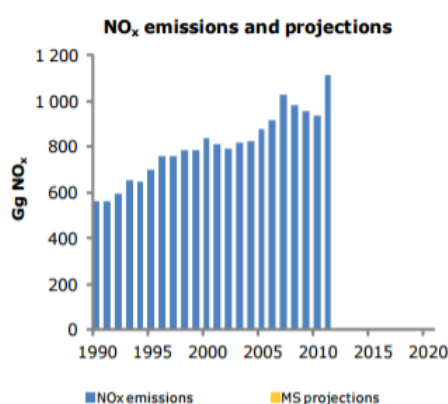
© World Health Organization 2014

National maximum legal blood alcohol concentration (BAC) when driving a vehicle (general / young / professional), in %	0.05 / 0.05 / 0.00
Legally binding regulations on alcohol advertising / product placement	Yes / Yes
Legally binding regulations on alcohol sponsorship / sales promotion	Yes / Yes
Legally required health warning labels on alcohol advertisements / containers	No / No
National government support for community action	No
National monitoring system(s)	No

Pollution:

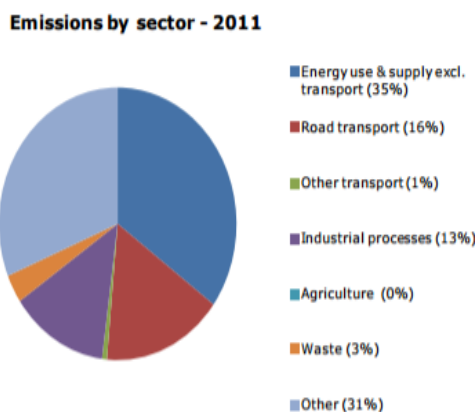
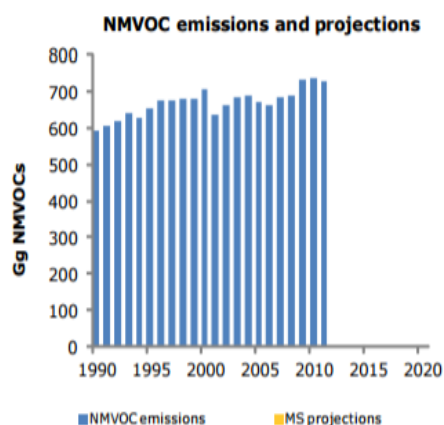
Nitrogen oxides (NO_x)

Turkey



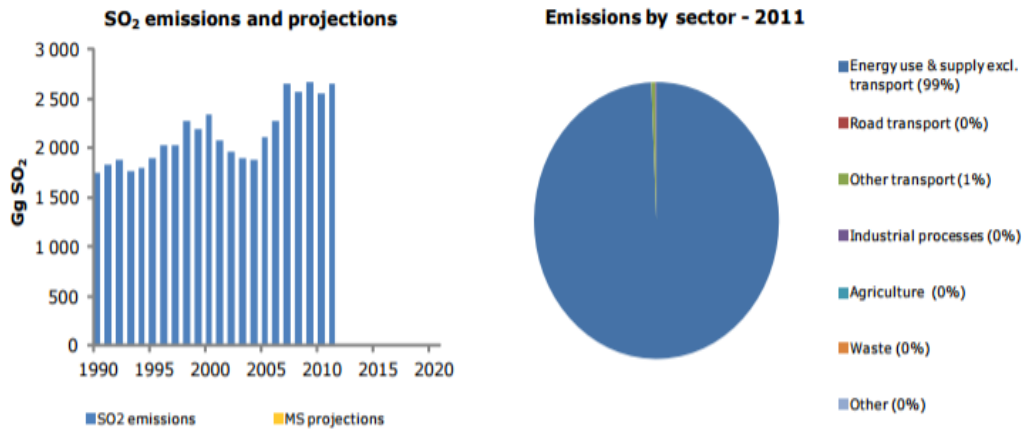
Non methane volatile organic compounds (NMVOCs)

Turkey



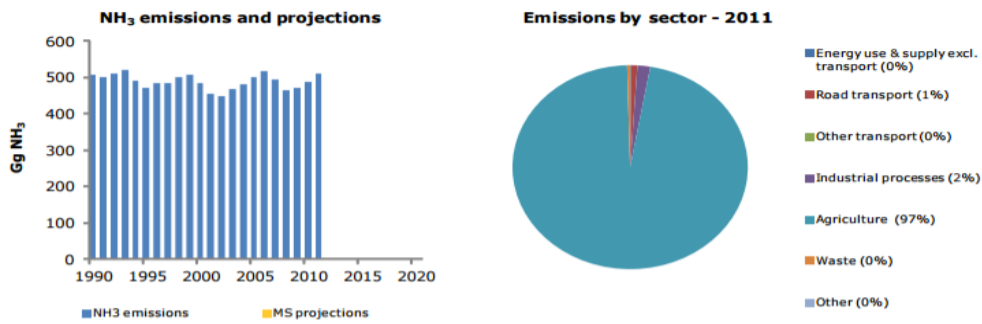
Sulphur dioxide (SO₂)

Turkey



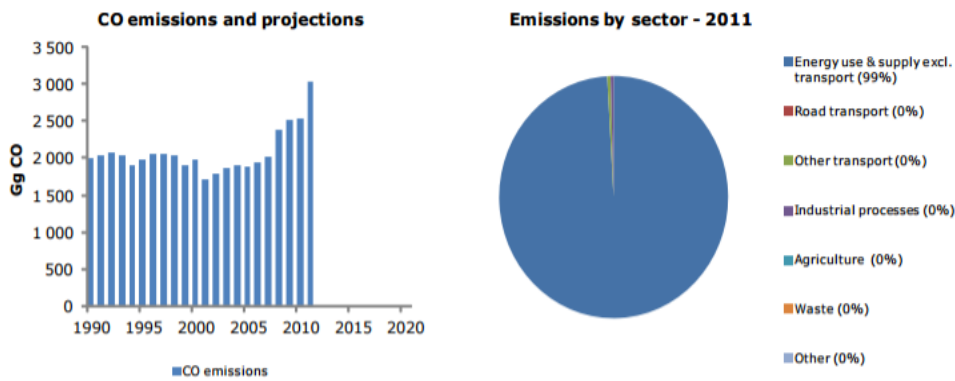
Ammonia (NH₃)

Turkey



Carbon monoxide (CO)

Turkey



Source : Air pollution Fact Sheet, 2013 –Turkey by European Environment Agency

Road Safety:

INSTITUTIONAL FRAMEWORK

Lead agency	Road Traffic Safety Strategy Coordination Council and Road Traffic Safety Council
Funded in national budget	Yes
National road safety strategy	Yes
Funding to implement strategy	Partially funded
Fatality reduction target	50% (2012–2020)

SAFER ROADS AND MOBILITY

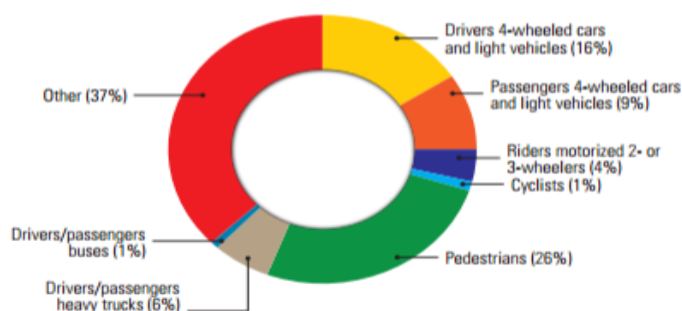
Formal audits required for new road construction projects	Yes
Regular inspections of existing road infrastructure	Yes
Policies to promote walking or cycling	Subnational
Policies to encourage investment in public transport	Yes
Policies to separate road users and protect VRUs	No

SAFER VEHICLES

Total registered vehicles for 2013	17 939 447
Cars and 4-wheeled light vehicles	14 240 786
Motorized 2- and 3-wheelers	2 722 826
Heavy trucks	755 950
Buses	219 885
Other	0
Vehicle standards applied ^a	
Frontal impact standard	Yes
Electronic stability control	Yes
Pedestrian protection	Yes

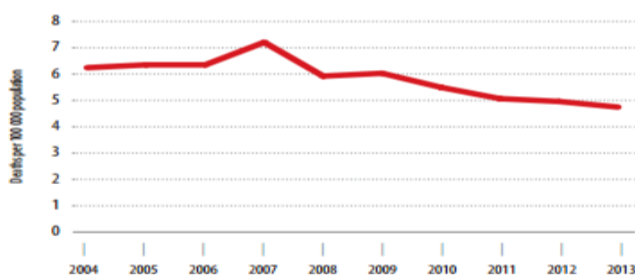
* UNECE WP29.

DEATHS BY ROAD USER CATEGORY



Source: 2013, Turkish Statistical Institute, Turkish National Police.

TRENDS IN REPORTED ROAD TRAFFIC DEATHS



Source: Turkish Statistical Institute.

SAFER ROAD USERS	
National speed limit law	Yes
Max urban speed limit	50 km/h
Max rural speed limit	110 km/h
Max motorway speed limit	120 km/h
Local authorities can modify limits	No
Enforcement	0 1 2 3 ④ 5 6 7 8 9 10
National drink-driving law	Yes
BAC limit – general population	≤ 0.05 g/dl
BAC limit – young or novice drivers	≤ 0.05 g/dl
Random breath testing carried out	Yes
Enforcement	0 1 2 ③ 4 5 6 7 8 9 10
% road traffic deaths involving alcohol	3% ^c
National motorcycle helmet law	Yes
Applies to drivers and passengers	Yes
Law requires helmet to be fastened	No
Law refers to helmet standard	Yes
Enforcement	0 1 2 ③ 4 5 6 7 8 9 10
Helmet wearing rate	—
National seat-belt law	Yes
Applies to front and rear seat occupants	Yes
Enforcement	0 1 ② 3 4 5 6 7 8 9 10
Seat-belt wearing rate	44% Drivers ^d , 36% Front seats ^d
National child restraint law	Yes
Restrictions on children sitting in front seat	Yes
Child restraint law based on	Age/Weight/Height
Enforcement	0 1 2 ③ 4 5 6 7 8 9 10
% children using child restraints	—
National law on mobile phone use while driving	Yes
Law prohibits hand-held mobile phone use	Yes
Law also applies to hands-free phones	Yes
National drug-driving law	Yes

^c 2012, Turkish National Police.

^d 2013, Turkish National Police. Final report of safety belts usage for drivers and front seat passengers.

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

Information on air pollution levels and trends, or cases of pollution of drinking water or food poisoning during the reference period.

All the requested information is given in the related part of the above explanations.

Drug Consumption

All the requested information is already given in the related part of the above explanations.

Information on measures taken to prevent domestic accidents, accidents at school

The Ministry of Health, Turkish Public Health Institution is running several programs for awareness raising in order to increase the public information on the measures to prevent domestic accident and accident at school. Detailed information on this issue can be found from the web page of the Ministry <http://cocukergen.thsk.saglik.gov.tr/#>.

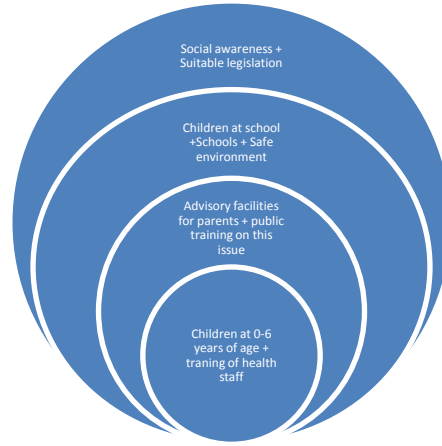
According to statistics, domestic accidents in Turkey is about %25 of all accidents. Domestic accidents are at the second level just after the road accidents. %45.4 of domestic accidents are happened at the age of 0-6 years of age.

This Institution is implementing “Providing Child Safety Programme” together with Pediatric Emergency Intensive Care Association, academicians from related sciences such as Children's Health and Diseases, Public Health etc, General Directorate of Health Information Systems, Community Health Center personnel, Family Physicians and Family Health personnel. Under this programme, a science committee was established.

Steps of the programme:

- 1- Measures to be taken before the accident
- 2- What to do during the accident
- 3- What to do after the accident

Road Map of the “Providing Child Safety” Programme :



Detailed information can be found on the web page of Turkish Public Health Institution http://www.malatyahalksagligi.gov.tr/resim/userfiles/files/cocuk_Guvenliginin_Saglanmasi_Programi_Aile_Hekimi_Egitimi_1_ders_2016.pdf .

Information and statistics related to immunization and epidemiological monitoring are given in this report, Article 11, Paragraph 1 and 2.

ARTICLE 12

THE RIGHT TO SOCIAL SECURITY

Article 12§1:

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

to establish or maintain a system of social security;

Scope of the provisions as interpreted by the ECSR

Paragraph 1: Establishment and maintenance of a social security system for the traditional risks (health care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' branches); material and personal scope of the social security system; social security (contributory and non-contributory) benefits and their adequacy.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- Article 5 of the **Law no 6283 on Amending the Law On Social Insurances and Universal Health Insurance** published in the Official Gazette no. 28227 dated 8 March 2012 and Article 39 added into the Law No 5510, provide that invalidity, old age and survivor's pensions granted according to the indicator system by virtue of the abrogated provisions of the Law No 506, the date of latest request for granting or the date of decease being before the beginning of January 2000 and survivor's pensions of those who deceased after the said date while receiving invalidity or old age pension before this date, shall be recalculated in accordance with the provisions which appear in the said Article and existing pensions shall continue and no payment of any kind shall be made retrospectively for the calculated pensions and it is aimed to ensure that those retired before 2000 may get a share of the prosperity through the said arrangement.
- With Article 41 of the **Law No 6552** dated 10 September 2014, age requirement which is imposed for granting old age pension on workers who work underground in mining locations has been amended. With the said amendment, the number "55" which appears in Article 28 of the Law No 5510 has been transformed into "50". Thus, the new version of the Paragraph in question reads that "the age limit stipulated in paragraph 2 shall be applied as 50 for the insured persons who perform underground works of mining in workplaces determined by the Ministry continuously or in rotations for at least 20 years"
- With Article 59 of the **Law No 6645** dated 4 April 2015 and the Provisional Article 66 supplemented into the Law No 5510, it is stipulated that with regard to the insured persons deceased as a result of work accident that took place in underground workplaces of coal and lignite mines between 10 June 2003 (included) and 13 May 2014, all their debt of

contributions deriving from their own insurance, universal health insurance included, shall be erased; a pension shall be granted to survivors without seeking for conditions on the date of decease; pensions and allowances shall be granted to survivors of those so insured without seeking for conditions required in the relevant Law (No 506 or 5510 depending on the date of decease).

- With Article 45 of the **Law No 6645** dated 4 April 2015, the rate of social security support premiums which used to be collected from those who kept working while receiving pension has been lowered. With the said arrangement, the wording “15 %” which appeared in Article 30 of the Law No 5510 has been changed to “10 %”. Accordingly, the new version of the Law reads that of those who start working subject to other Subclauses (self-employed), than Subclause 4 of Clause b of Paragraph 1 of Article 4, those who have submitted a written request in order for their pensions not to be cancelled shall keep receiving old age pension. A 10 % cut of Social Security Support Premiums is deducted from the pensions they continue receiving.

As a result of the amendment done by the **Law No 6663** to the Law No 5510, social security support premiums have been abrogated as of 1 March 2016 for workers who work on the basis of 4/1-(b), with regard to those who are contributors or insured before the date of entry into force of the Law, those for whom pension of invalidity of public servants, and old age or retirement, has been granted and those who keep working while paying social security support premiums at the date of entry into force of the said Law, those insured who started working between the dates of the beginning of October 2008 and 1 March 2016 on the basis of 4/1-(b) and have submitted a written request for their old age pension not to be cancelled, social security support premiums shall be deducted from their old age and invalidity pensions since the beginning of October 2008 till 1 March 2016. The rate of social security support premiums that are to be deducted from pensions will be 12 %. It will be increased by a point on January of every year in a way not to exceed 15 %, it will be applied as 10 % since July 2015 till 29 February 2016. The amount of social security support premiums that are to be deducted from pensions shall not be more than social security support premiums deductible from the highest old age pension paid on January of the relevant year to the insured persons under 4/1-(b). Besides, the working periods of those insured under 4/1-(b) as of 1 March 2016 shall not be considered as insured working periods, no social security support premiums shall be deducted from their pensions, neither shall their pension be terminated.

Aside from the fact that those who started working between the beginning of October 2008 and 1 March 2016 on the basis of 4/1-(b) and while having already submitted a written request for their pensions not to be cancelled, have submitted a written request for their pensions to be cancelled as of 1 March 2016, shall undergo a social security support premium cut in the aforementioned fashion, and their pensions shall be terminated as of the beginning of the month following the date when they submitted a written request for their pensions to be terminated and for as long as they worked subject to the Law, a premium shall be collected for short and long term insurance branches and universal health insurance by virtue of Article 81 on the account of earnings taken as basis to premiums determined according to Article 80.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

With Article 58 of the Law No 6645 dated 4 April 2015, the insured persons and survivors who work on a service contract (4/a) based on Provisional Article 65 supplemented into the Law No 5510, have been given a raise on equal basis added into the increment set forth in Article 55 of the Law (Pensions and allowances granted are determined by increasing the rate as high as the exchange rate in general index of the last declared annual basic consumer's prices by Turkish Statistical Institution according to the proceeding six-month-long period as of January and July every year). In the said Article, it is stipulated that the amounts of the earnings and pensions granted to the insured persons and survivors who work based on service contract (4/a) and those self-employed before 2015 and increased in accordance with Paragraph 2 of Article 55 of the Law in period of January in 2015 shall be increased in accordance of Paragraph 2 of Article 55 of the Law as of July 2015, on condition that the amount of earnings and pensions to be paid based on each insurance, is taken as basis, so those who receive 1000 TL (included) and less in the period of July 2015 shall get a rise of 100 TL, and those who receive more than 1000 TL shall also receive a rise which would not exceed 1100 TL.

The required notice by the banks to the Social Security Institution concerning earnings/pensions sent in the name of the retired and survivors as per Article 53 of the Law No 6552 dated 10 September 2014 has been increased up to 12 months from 6 six months. Hence, especially victimhood of those who cannot have access to their earnings/pensions longer than six months due to being abroad or on health-related grounds has been eliminated.

3. STATISTICS AND OTHER RELEVANT INFORMATION

A protocole between the Social Security Institution and Türkiye Halk Bankası Inc. has been signed on 26 November 2014 so as to extend credits in proper conditions not only to those insured as (4/b) who work independently from the Social Security Institution in order for their debt to the Institution to be settled but also to those insured though ineligible for an old age pension on grounds of social security premiums debt, who keep working independently (4/b) on the basis of the Law No 6552 dated 10 September 2014 to entitle to a pension by giving them a chance to get a bank loan or some other way which they choose, to pay off their debt of accumulated social security premiums. In this context, 12750 people had the opportunity to use bank loans and 45276 self-employed (4/b) people have been granted old age pensions by 31 December 2014.

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

Unemployment

Information on the share of the total insured out of the total active population, in the scope of unemployment insurance.

Considering data from Turkish Statistical Institute, according to the results of address-based population registration system, the population 15-64 is 53,4 million, the number of people in employment in 2015 is about 26,6 million. According to the Social Security Institution's data, the number of the insured persons in 2015 is 20,7 million, the number of workers protected against

unemployment by paying unemployment premium is 14,1 million. Under the light of this information, 26 % of active population, 52,9 % of the employed, 68,1 % of total of the insured persons are within the scope of this unemployment insurance.

Information on unemployment benefits and refusal of a job offer

According to the system of unemployment premium available in Turkey, a person who benefits from unemployment insurance allowance is not in a position to;

- turn down a job offer which is professionally appropriate and close to wage and working conditions of the last job he / she worked for and within the municipal adjacent area where he / she resides without putting forward a valid reason. In the event that he / she turns down the job offer, unemployment allowance shall cease. However, in the event that the person turns down a job offer which is not appropriate compared to the previous profession of the person, unemployment allowance shall not cease.
- turn down a vocational development, acquisition and training course without a valid reason. In case of turndown, his / her allowance shall cease. In the event that he / she agrees to take the course after his / her allowance has ceased, the time passed without allowances shall not be reimbursed, however the rest of the allowances shall resume.

Old-age

Information on the share of total insured out of the total active population

	2011	2012	2013	2014	2015
Total insured*	17.076.451	18.046.242	18.566.259	19.461.874	20.380.319
Population of the ages 15-64**	50.346.979	51.088.202	51.926.356	52.640.512	53.359.594
Total insured/ Population 15-64	34%	35%	36%	37%	38%

*Apprentices have not been included in the calculation on the grounds that they are not within the scope of long-term insurance.

**Population 15-64 data has been retrieved from the results of Address-based Population Registration System kept by Turkish Statistical Institution.

Sources: www.tuik.gov.tr and Social Security Institution monthly statistical bulletin.

Sickness

Information on the share of total insured out of the total active population

	2011	2012	2013	2014	2015
Total of the insured receiving sickness allowance*	14.549.651	15.494.694	15.897.256	16.795.470	17.635.257
Population between 15-64	50.346.979	51.088.202	51.926.356	52.640.512	53.359.594
Total of the insured receiving sickness allowance / Population between 15-64	29%	30%	31%	32%	33%

*Article 15 of the Law No 5510 defines diseases causing incapacity else from work accidents and occupational disease suffered by insured self-employed persons (4/b) and those working on service contract (4/a) as sickness and provides that the insured persons in this case shall receive daily provisional incapacity allowances for as long as incapacity continues. Only the insured persons who work on service contract (4/a) and those self-employed (4/b) have been included in the calculation within this context, government officials / public servants (4/c) and insurance on voluntary basis have not been taken into account.

Adequacy of the benefits

Information on unemployment and sickness benefits

Unemployment allowance is 40 % of gross average earnings of the last 4 months before the date of cancellation of work contract. The amount so calculated cannot exceed 80 % of gross minimum wage. Accordingly, in the second half of 2015, unemployment allowances paid were at least 505,53 TL and 1.011,07 TL at the most.

According to Paragraph 3 and 4 of Article 18 of the Law No 5510, provisional incapacity allowance, a sickness insurance branch is; the temporary incapacity benefits payable in cases of work accident, occupational disease, sickness, and maternity of insured women, shall be half of daily earning to be calculated as per Article 17 in inpatient treatments and two third of the same in outpatient treatments.

In cases of changes in the lower limits of daily earning to be used in the calculation of insurance premiums and benefits, such benefits of individuals who are receiving, or have received or will be granted the right to receive a daily earning under the re-determined lower limit, shall be payable according to the changed daily earning lower limit, starting from the effective date of changes in lower limit of daily earnings.

As for Paragraph 1 of Article 17 to which an allusion is made in Article 18 of the said Law,

“Daily earning to be used as basis in the calculation of benefits or pensions to be granted in cases of sickness, work accident, occupational disease or maternity, shall be calculated by dividing the sum of earnings taken as basis for premiums to be calculated pursuant to Article 80 in the last three months of the last twelve months before the date of the work accident or birth or, in case of occupational disease or sickness, the date on which the temporary incapacity starts, divided by the number of days of paid premiums taken as basis for such earnings.” Article 80 explains issues taken into consideration in calculation of allowances to be paid. While calculating by virtue of mandatory provision of Article 82 “Lower limit of daily earning taken as basis for premium in calculation of premiums to be collected and benefits to be granted is one thirtieth of the minimum wage decent for age status of the insured persons and the upper limit is 6.5 times the lower limit of gross daily earnings of the insured persons older than 16 years”

As far as sickness is concerned, temporary incapacity allowances paid in times where the said lower limits are increased, the provisional incapacity allowances are updated based on the increased lower limits; victimization of the insured persons is thus avoided. Calculation of the said allowances is done automatically by e-payment, a computer program used in payment calculation of temporary incapacity allowances.

Information on minimum pension

The Turkish social security system does not have a standardized minimum pension limit for the long-term insurance branches. Pensions are calculated specifically for the insured applicant file. However, when the pensions are entitled, certain minimum limit controls are made.

The amounts of the pensions entitled between 01/01 / 2012-31 / 12/2015 are stated below. (including additional payment/pensions paid in the system): *

Period	4/a Insured		4/b Insured				4/c Insured	
			According to the Law no.1479		According to the Law no.2926			
	Minimum Pension TL	Maximum Pension TL	Minimum Pension TL	Maximum Pension TL	Minimum Pension TL	Maximum Pension TL	Minimum Pension TL	Maximum Pension TL
January-July 2012	689,87	2.895,61	677,23	1.830,92	501	1.151	1.002,27	4.597,17
July-December 2012	370,49	3.106,76	690,40	1.866,60	510	1.174	1.042,37	4.781,10
January-June 2013	385,83	3.235,38	719,00	1.944,20	532	1.222	1.075,10	4.931,23
July-December 2013	381,82	3.392,48	747,76	2.021,97	553	1.271	1.118,11	5.128,51
January-June 2014	394,30	3.503,40	772,21	2.088,09	571	1.313	1.261,12	5.273,59
July-December 2014	339,00	3.952,90	816,23	2.207,11	603	1.388	1.298,96	5.431,80
January-June 2015	407,80	4.076,60	835,25	2.258,54	618	1.420	1.360,80	5.690,42
July-December 2015	535,10	4.270,60	975,01	2.366,05	747	1.487	1.455,52	5.779,22

**through the individual files*

Article 12§2:

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

to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;

Scope of the provisions as interpreted by the ECSR

Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security.

Turkey has ratified the European Code of Social Security and its Protocol on 7 March 1980 and has accepted parts I, II, III, V, VI, VIII, IX, X, XI, XII, XIII and XIV of the Code.

Article 12§3:

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

to endeavour to raise progressively the system of social security to a higher level;

Scope of the provisions as interpreted by the ECSR

Improvement of the social security system. When reforms restrict the social security system, they must be justified, including with respect to sustainability, and must maintain at least a basic compulsory and sufficiently extensive social security system.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Legal amendments have been introduced to eliminate problems experienced in the implementation of certain fields and in the choice of ways to enable more people to be covered by the insurance scheme as per Article 60 of the Law concerning bringing those uninsured under universal health insurance effective since 1 January 2012.

- a.** The wording “of Turkish citizens who are not under the universal health insurance scheme or those who have no dependents, children who haven’t turned 18 years old yet” has been added into Subclause 1 of Clause (c) of Paragraph 1 of Article 60 by the Law No 6486 dated 21.05.2013, thus enabling those children below 18 years old who don’t have the right to benefit from healthcare services of the scope of his / her curator nor the right to benefits on the grounds that they are not covered by the universal healthcare insurance scheme, to have access to healthcare services the premiums of which are paid by public fund.
- b.** The wording “of those fatherless and motherless Turkish citizens, children who haven’t turned 18 yet” has been incorporated into Subclause 7 of Clause (c) of Paragraph 1 of Article 60 by the Law No 6486 dated 21 May 2013. Thus, children below 18 years old whose mother and father are absentee or deceased, are enabled access to healthcare services while their premiums are paid by State budget.
- c.** Article 61 has been changed by the Law No 6486 dated 21 May 2013 into “those who are listed on Clause (d) are considered as insured by universal healthcare insurance as from the date of completion of one full year of legal residence provided that they submit a written

request for a pension. Universal health insurance of these people terminates on the grounds indicated in the Law”. Through this change, obligation for foreign nationals who have legally resided in Turkey longer than a year to be included in the scope of universal health insurance has been lifted, leaving the option for them to prefer whichever scope they request to be within.

- d. Paragraph 7 of Article 60 has been changed by the Law No 6486 dated 21 May 2013 into “foreign students who study in our country shall be considered as under the universal health insurance scheme provided that they submit a request within 3 months after the date of their first enrollment without seeking for the conditions defined in the second sentence of Paragraph 2 of Article 52 and in Clause (d) of Article 1. For those who don’t submit a request, provisions of the universal health insurance scheme are not applicable during their studies. Universal health insurance premiums are collected on the basis of the amount of 30 days of one third of average daily earning taken as basis for premiums calculated in accordance with Article 82 concerning person in question. Through this change, obligation for foreign students to be included into the scope of universal health insurance has been lifted, leaving the option for them to prefer whichever scope they request to be within.
- e. The wording “in accordance with the provisions of the Law No 6284 dated 8 March 2012 on Protection of Family and Prevention of Violence Against Women, those who are not insured under universal health insurance and for whom a protective injunction has been issued, and those who don’t fall within the scope of ‘the person who depends on the insured persons under universal health insurance’ or ‘those who don’t benefit from health benefits while insured under the universal health insurance’, are considered as insured under universal health insurance within the context of Subclause 1 of Clause c of Article 1 without income test as long as the aforesaid situations continue” has been added as Paragraph 9 to Article 60 of the Law No 5510 by the Law No 6486 dated 21 May 2013. Thus, it has been aimed to enable those who cannot benefit from healthcare services due to a protective injunction issued on their name by the Ministry of Family and Social Policies on various grounds, to have access to healthcare services.
- f. The provision “According to the scope of the Law No 4769 dated 29 July 2002 on Education Centers of Personnel of Penal Institutions and Jails, those who receive pre-service training are considered as insured by the universal health insurance scheme during their training. The universal health insurance premiums of these persons are paid by the Budget of Ministry of Justice on the basis of the amount of 30 days of one third of average daily earning taken as basis to premiums calculated in accordance with Article 82. Wife and children and mother and father of these persons identified according to Clause 10 of Paragraph 1 of Article 3 shall be allowed to benefit from universal health insurance in the capacity of ‘the dependent’” has been added into Article 60 of the Law No 5510 with the Law No 6494 dated 27 June 2013. Thus, it has been ensured that the afore described persons and their dependents have access to healthcare services during their pre-job training, moreover, their premiums are paid by the Ministry of Justice.
- g. The provision “those who are not considered as dependents on their mother or father, are considered as insured under universal health insurance within the scope of Subclause 1 of Clause c of Article 1 without income test for the next two years as of the day following the date of their graduation on condition that those graduated from highschools or an equivalent school are not older than 20 years old, and those who graduate from higher education are not older than 25 and those who are neither a dependent nor an insured person under universal health insurance except those listed in Clause g of Paragraph 1 of this Article” has been added into Article 60 of the Law No 5510 by the Law No 6663 dated 29 January 2016. With the

arrangement, those graduated who are not insured within the scope of “dependents” thus “not having right to healthcare services”, have now access to healthcare services during job-seeking period while their premiums are paid on State budget.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

The scope of the Universal Health Insurance has been extended by amendments to Articles 60 and 61 of the Law, in terms of universal healthcare service implementation, as explained above.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Concerning the insured persons and survivors within the scope of 4/1 (a);

The number of persons for whom a pension has been granted for the first time is 472.346. Pensions of totally 15.488 have been cancelled on the grounds that it has been detected that they live together de facto although they declared they were divorced in order to entitle to a pension on an unlawful basis.

Concerning the insured persons and survivors within the scope of 4/1 (b);

The number of persons for whom a pension has been granted for the first time is 159.467. Pensions of totally 684 have been cancelled on the grounds that it has been detected that they live together de facto although they declared they were divorced in order to entitle to a pension on an unlawful basis.

Concerning the insured persons and survivors within the scope of 4/1-(b);

62.042 people have been granted a retirement pension, survivors of 3.516 people who deceased while they were still contributing and those of 20.116 people who deceased while they were receiving pension, have been granted a pension. Pensions of 3.105 people have been cancelled upon disclosure of the fact that couples live together de facto despite their declared divorce. 1.944.336 people have been granted retirement and/or survivor’s pension. 5.974 people have entitled to 43.044.467,40 TL as marriage grant. 25.740 people have entitled to 45.829.137,39 as death benefit. 52.554 people have been paid 91.561.305,08 TL as a bonus. 4.443 people have been paid 7.938.053,07 TL as training allowances.

Non-contributory pensions

808 files were sent to Invalidity Detection Board to be examined and they have been finalised. 68 rank and file soldiers have been granted invalidity pension pursuant to Article 56 of the Law No 5434, 5 rank and file soldiers have been granted war-related invalidity pension pursuant to Article 64 of the Law No 5434, 22 rank and file soldiers have been granted invalidity pension pursuant to the Anti-Terror Law No 3713. 129 rank and file soldiers who are orphans pursuant to Article 56 of the Law No 5434 have been granted war-related invalidity pension pursuant to Article 64 of the Law No 5434. Besides, 141 insurance holders have been granted invalidity pension, including 5 pursuant to the Law No 2330 and 5 pursuant to the Anti-Terror Law No 3713. Survivors of 74 rank and file soldiers who deceased according to Article 56 of the Law No 5434 have been granted survivor’s pension; survivors of 3 rank and file soldiers who deceased according to

Article 64 of the Law No 5434 have been granted survivor's pension; survivors of 10 rank and file soldiers have been granted survivor's pension pursuant to the Law No 2330 on Granting Pensions and Indemnity in Cash; survivors of 21 rank and file soldiers who deceased according to the Anti-Terror Law No 3713 have been granted survivor's pension. The total number of files so treated is 108. 13 temporary/voluntary village guards and civilians who have become disabled on duty have been granted pension according to the Law No 3713. Survivors of 6 of these village guards who deceased according to the Law No 3713 have been granted pensions; survivors of one of these village guards who deceased according to the Law No 2330 have been granted pension.

Pension-granting average periods of 4/1-(a), 4/1-(b), 4/1-(c) based on the date of transaction					
Months	4/1-(a)		4/1-(b)		4/1-(c)
	services of 4/1-(a)	All services	services of 4/1-(b)	All services	All services
January	18,82	27,42	11,33	12,59	11,32
February	16,01	26,03	15,01	17,6	10,37
March	21,4	31,2	20,15	22,31	10,02
April	27,38	37,19	8,04	8,15	11,57
May	27,38	38,86	8,83	8,39	70,5
June	26,3	36,24	7,77	7,72	10,69
July	24,54	34	7,1	7,12	9,67
August	22,66	33,17	7,06	6,83	14,15
September	21,73	31,88	7,66	7,27	15,77
October	22,14	32,81	8,24	7,63	14,18
November	21,11	31,63	7,89	7,99	12,31
December	19,29	28,93	7,7	7,61	11,25

Number of those receiving funeral pay/death benefits and amounts paid, 4/1-(a), 4/1-(b), 4/1-(c)						
Months	4/1-(a)		4/1-(b)		4/1-(c)	
	Number of people	Amounts paid (TRY)	Number of people	Amounts paid (TRY)	Number of people	Amounts paid (TRY)
January	5.602	2.368.153	3.184	1.309.053	1.821	2.759.438
February	7.156	3.119.561	3.559	1.489.682	1.943	2.996.708
March	6.190	2.739.333	4.557	1.967.113	1.980	3.049.738
April	7.513	3.344.367	3.847	1.671.851	2.264	3.572.700
May	5.178	2.309.943	4.003	1.767.899	2.051	3.179.902
June	6.815	3.045.079	4.582	2.027.555	2.144	3.370.962
July	3.056	1.364.734	3.195	1.420.581	1.713	2.686.693
August	5.880	2.631.571	2.945	1.313.996	1.623	2.654.787
September	5.172	2.313.600	3.242	1.448.093	1.294	2.113.361
October	7.978	3.572.378	3.615	1.616.225	2.507	4.145.340
November	7.387	3.307.814	3.511	1.571.588	1.821	3.071.989
December	7.939	3.555.070	3.987	1.785.892	4.579	12.227.519
Total	75.866	33.671.603	44.227	19.389.528	25.740	45.829.137

Note: The amount of funeral pay / death benefit for the insured persons of 4/1-(a) and 4/1-(b) in 2015 is 449 TL.

Number of people paid to and the amount of payments				
Months	4/1-(a)		4/1-(b)	
	Number of people	Amounts paid (TRY)	Number of people	Amounts paid (TRY)
January	6.539.799	7.112.661.220	2.465.705	2.034.734.175
February	6.563.528	7.137.501.285	2.481.963	2.056.088.346
March	6.593.527	7.168.802.507	2.500.613	2.075.615.868
April	6.626.859	7.204.554.935	2.516.106	2.102.785.663
May	6.656.592	7.234.249.785	2.523.631	2.080.163.513
June	6.670.674	7.258.734.551	2.528.949	2.082.784.826
July	6.699.949	7.746.885.634	2.530.103	2.337.417.930
August	6.727.590	7.777.553.675	2.531.845	2.338.628.143
September	6.752.190	7.805.374.560	2.534.804	2.340.998.791
October	6.779.289	7.835.259.400	2.538.471	2.346.196.520
November	6.813.687	7.869.749.226	2.538.972	2.344.810.208
December	6.839.751	7.894.828.348	2.543.484	2.353.145.431
Total		90.046.155.126		26.493.369.414

Number of people receiving pension abroad (2015/December)				
Type of pension	4/1-(a)	4/1-(b)	4/1-(c)	Total Number of People
Invalidity	3.803	275	359	4.437
Old age	362.743	65789	2.751	431.283
Survivor's	79.102	9.990	451	89.543
OSH allowance	197	0	-	197
OSH death	244	0	-	244
Total	446.089	76.054	3.561	525.704

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

Information and statistics on the coverage of the social security system and the measures taken

<i>SOCIAL SECURITY COVERAGE (4/a, 4/b, 4/c)</i>								
Years	Change (%)	Population	Social Security Coverage	Insured Population Rate (%)	Uncovered Population Rate (%)	Registered under the Universal Health Insurance	Those who Pay Universal Health Insurance Premiums on Their Own	Those whose Universal Health Insurance Premiums are paid on Public Budget
2005		69.000.225	52.391.314	76%	24%	7.256.000		7.256.000
2006	4,34	69.837.252	54.667.326	78%	22%	8.279.000		8.279.000
2007	3,21	70.586.256	56.423.907	80%	20%	9.355.279		9.355.279
2008	1,62	71.517.100	57.338.454	80%	20%	9.337.850		9.337.850
2009	2,19	72.561.312	58.591.604	81%	19%	9.647.131		9.647.131
2010	5,01	73.722.988	61.526.547	83%	17%	9.395.185		9.395.185
2011	4,16	74.724.269	64.088.909	86%	14%	8.865.470		8.865.470
2012	-1,86	75.627.384	62.899.356	83%	17%	11.357.306	3.798.485	7.558.821
2013	-0,17	76.667.864	62.789.365	82%	18%	12.351.352	4.699.867	7.651.485
2014	3,62	77.695.904	65.060.709	84%	16%	11.385.011	4.043.415	7.341.596
2015	3,49	78.741.053	67.330.236	86%	14%	10.180.009	2.787.922	7.392.087
2016 Nov.		78.741.053	67.330.258	86%	14%	10.096.453	2.705.492	7.390.961

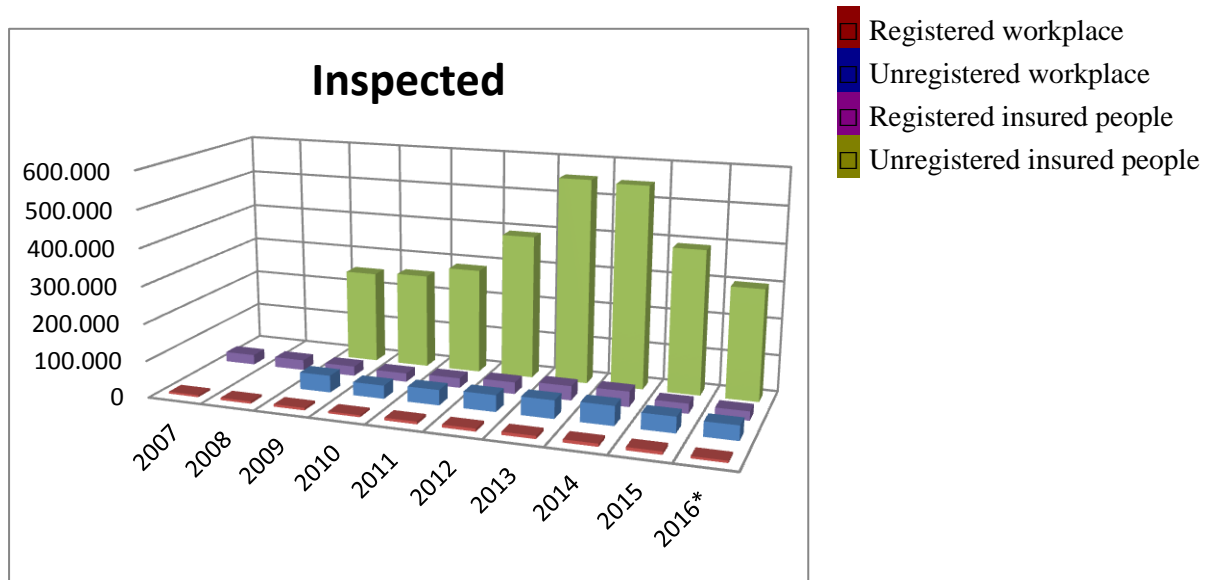
The reason for the increase in 2010: although the Law N° 5510 which entered into force in 2008 has regrouped all the insured under the roof of SGK (Social Security Institution), the public servants subject to 4/c have got transferred from State Retirement Fund to SGK in 2010. The reason behind the decrease in 2012; the decrease in the number of insured people in grounds of economic crisis in 2011 (due to dismissals). The green card holders have been included in the GSS (Universal Health Insurance) in 2012. As of 2012, a new rule prescribing that persons whose income is above a certain level shall pay their premiums on their own because income test has started as of 2012 has been brought. As a result, the scope of the Universal Health Insurance has been increased by 28 % with the inclusion of green card holders. Some technological novelties have been done in the system where all date come together and some corrections have been done accordingly. For this reason, some repetitive registries of some insured people have been discarded.

A big part of the fight against unregistered unemployment by the Social Security Institution is the on-going inspections. The inspections are carried out by social security inspectors in office within the Presidency of Counseling and Inspection and social security controllers on duty in field-based organisation. Inspections carried out by both groups are indicated below:

PRESIDENCY OF COUNSELING AND INSPECTION- Social Security Institution							
Results of Social Security Inspections (2010-2016)							
	2010	2011	2012	2013	2014	2015	2016
Number of Workplaces inspected	8.150	5.610	12.984	5.078	4.477	8.976	8.401
Number of Workplaces Registered	646	569	635	657	345	723	576
Number of Insured People Inspected	159.708	49.813	46.318	56.682	61.941	234.649	275.209

INSPECTIONS BY SOCIAL SECURITY CONTROLLERS						
Year	Registered workplace	Unregistered Workplace	Registered Insured People	Unregistered Insured People	Basic Premium for Accrue Suggested (TL)	Administrative fines for accrue suggested (TL)
2007		5.528		27.186	3.229.164	24.030.666
2008		6.301		28.042	7.324.852	54.151.339
2009	46.418	6.507	251.227	26.462	7.012.992	44.164.801
2010	36.465	5.481	257.565	23.611	9.559.171	50.093.268
2011	41.678	7.055	286.111	26.627	103.856.619	205.493.310
2012	45.342	7.852	390.849	32.230	117.246.599	212.601.690
2013	49.492	8.248	554.349	39.291	51.706.723	714.357.013
2014	53.122	8.158	548.666	41.851	76.720.340	468.840.457
2015	43.502	8.324	391.672	27.281	31.740.467	223.160.724
2016*	39.968	5.787	301.944	24.960	41.039.635	221.199.768
Total	355.987	69.241	2.982.383	297.541	449.436.561	2.218.093.035

*31 December 2016



Article 12§4:

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

to take steps, by the conclusion of appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements, in order to ensure:

a. equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;

b. the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties.

Appendix to Article 12§4

The words “and subject to the conditions laid down in such agreements” in the introduction to this paragraph are taken to imply inter alia that with regard to benefits which are available independently of any insurance contribution, a Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Parties.

Scope of the provisions as interpreted by the ECSR

a. Equal treatment of nationals of other States party who are or were lawfully resident or working regularly on the territory of a State party with respect to social security benefits; prohibition of direct (nationality requirement) and indirect (residence condition and length of residence requirement, employment requirements) discrimination for contributory benefits; non-excessive residence and length of residence requirement for non-contributory benefits, such as family benefits. Refugees and stateless persons, self-employed, and workers on secondment, to the exception of long-term contingencies, for which they remain ensured in their country of origin, are included in the personal scope of the provision. Right to maintenance of acquired rights whatever the movements of the beneficiary (invalidity, old age, survivors', employment injury or disease); obligations must be fulfilled through bilateral agreements or any other means such as unilateral, legislative or administrative measures.

b. Right to retention of accruing rights through aggregation of employment or insurance periods completed abroad; obligations must be fulfilled through multilateral conventions, bilateral agreements or any other means such as unilateral, legislative or administrative measures.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

According to Article 60 of the Law No 5510 titled “Those deemed to be insured under the Universal Health Insurance scheme”;

Of those having residence in Turkey;

a) according to paragraph 1 of Article 4;

- 1) those who are deemed to be insured according to Clause
 - (a) – those who work on the basis of service contract and Clause
 - (c) – those who are public servants,
 - 2) according to Clause (b)
 - those self-employed,
- b) individuals who are deemed to be optional insurance holders,
c) of those who are not deemed to be insurance holders under the foregoing Clauses (a) and (b);

.....
2) Those recognized as heimatlos and those having international protection application or have the international protection status,

.....
d) provided that principle of reciprocity is also taken into consideration, individuals of foreign countries who have residence

are deemed to be insurance holders

Foreign students studying in our country shall be insured under Universal Health Insurance upon their request within three months as of the first registration date without seeking for the conditions;

- “not being insured under an insurance scheme of a foreign country who has acquired residence, in good faith with the principle of reciprocity
- No premiums shall be collected from nationals of foreign countries and these persons shall not be deemed as insured”

The provisions of Universal Health Insurance shall not be applicable to those who don't submit a written request within the time given throughout their studies. They shall pay the universal health insurance premiums at a rate of the amount of 30 days of one third of minimum limit of daily earning taken as basis for premiums.

Social aid programs carried out in Turkey by Directorate General of Social Aids of the Ministry of Family and Social Policies are implemented within the framework of the Law No 3294 on Encouraging Social Aid and Solidarity and the Law No 2022 on Granting Pensions to Turkish Citizens who have turned 65 years old and are needy, weak and solitary and the Law No 2828 on Social Services and other legal arrangements.

That said, Directorate General of Migration Management has been created by the Law No 6458 on Foreigners and International Protection dated 4 April 2013. Article 103 of the Law No 6458 governs the establishment of Directorate General of Migration Management within the Ministry of Interior.

Temporary protection regulation prepared by the Directorate General of Migration Management has entered into force after its publication on the Official Gazette No 29153 dated 22 October 2014.

The provision in Paragraph 1 of Article 30 titled “Social Aid and Services” of the Regulation is as in “of foreigners subject to this regulation, those who are in need can be allowed to benefit from the social aids within the framework of rules and procedures defined by the Council of Social Aid and Solidarity Encouragement Fund appearing in Article 3 of The Law No 3294 on Encouraging Social Aid and Solidarity”; and that in Paragraph 2 is as in “of foreigners subject to this regulation, those who are in need can have access to social services in accordance with rules and procedures determined by the Ministry of Family and Social Policies.

Other amendments:

- Articles 44 and 89 of Law No 6458 on Foreigners and International Protection dated 4 April 2013.
- Articles 22 and 2 of the Law No 6735 on International Workforce.
- Article 15 of the Regulation No 24508 dated 20 August 2001 on Implementation of the Law on Work Permit for Foreigners.
- Article 13 of the Regulation No 2016/8375 dated 11 January 2016 on Work Permit For Foreigners under Temporary Protection Status.
- Clauses c and ç of Article 27 of the Temporary Protection Regulation No 2014/6883 dated 22 November 2014.
- Article 23 of the Regulation on Employment of Persons whom are International Asylum-seekers and have International Protection Status in effect after its publication on the Official Gazette No 29695 dated 26 April 2016.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

a. The social security rights defined in international bilateral social security agreements are accessible to the insured persons of State Parties which signed the agreement and their survivors and family members in case of decease of the insured persons.

These agreements have ensured that the insured persons whom shall enjoy the provisions of agreements on an equal footing with citizens of the hosting State Party in terms of rights and interests. Thus, the insured persons who work in countries where a social security agreement has been signed between our countries and their dependent family members and survivors in case of their decease can enjoy social security rights on an equal footing with the citizens of the country where they work.

Bilateral social security agreements are not citizen-focused but worker-focused documents. For this reason, workers and their family members enjoy equal rights.

b. Following workforce agreements, bilateral social security agreements have been concluded within the framework of arrangements provided by our Constitution concerning bilateral agreements between our country and counterparties which employ our citizens whom we have sent abroad and their dependents in the past in order for them to have social security in the country where they work and to fully enjoy the social security rights they entitled in that particular country when they are back in Turkey.

Social security agreements in effect currently in 28 countries, provide that citizens of the signatory State Parties and persons deemed equal to them along with their dependent family members and survivors can enjoy rights defined in these agreements in case of their decease.

Scope of social security agreements

- Equal treatment of citizens of each State Party in terms of rights and obligations,
- Aggregation of insured periods respectively spent in each of the State Parties in determination of entitlement to any pension,
- Enjoyment of healthcare services by the insured persons and their family members when they become sick while they are in the other State Party,
- Enjoyment of family benefits (child benefits and raises) by the insured persons and their family members even if they reside in the other State Party,
- Granting a pension for the insured persons who would complete the age criteria for entitlement to a pension when they return to the other State Party,
- Ensuring that the insured persons entitled to a pension based on their works in the State Party can keep receiving their pension even if they change their place of residence,
- Conferring such rights as lump sum payment and granting survivor's pensions for family members in the capacity of survivors who reside in the other State Party.

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

Equality of treatment and retention of accrued benefits (Article 12§4a)

Right to equal treatment

Individuals residing in the territory of one of the State Parties to whom the provisions of agreements are applicable unless otherwise is provided in the relevant agreement, can benefit from the rights given by the legislation of the country they reside in on an equal footing with the citizens of that country.

The fact that the insured persons and their family members who move between the two States party to the relevant agreement can enjoy social security rights is based on the principle of equality. While this process is fulfilled, any form of direct discrimination based on nationality and indirect discrimination based on residence and on other criteria is prohibited.

Right to retain accrued benefits

The insured persons and their family members and their survivors under the agreement can enjoy benefits from the State Party taking into account the periods of insurance spent in the other State Party, thus in avoidance of any loss of rights.

The insured periods spent on the other State party to the relevant agreement are deemed as spent in the other State Party provided that these periods don't overlap.

The number of people who requested a pension to be granted and of people to whom a pension has been granted within the context of Social Security Conventions between 2012-2015 is as follows:

Years	Number of people
2012	668
2013	644
2014	454
2015	333

Besides, by virtue of the Law no. 3201 on “Evaluation in Terms of Social Security of the Periods which Turkish Expatriate Citizens” between 2012-2015, the number of those who have incurred debt the periods spent by working or as a housewife (applications to provincial directorates included) together with the number of those to whom a pension has been granted for the same periods within the framework of the Law is below.

The number of those who’ve incurred debt by virtue of the Law no.3201 – the number of those to whom a pension has been granted.

Years	The number of those indebted	The number of those granted pension
2012	45.064	38.871
2013	57.071	32.180
2014	55.306	43.894
2015	112.722	32.737

ARTICLE 13
THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

Article 13§1:

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition.

Scope of the provisions as interpreted by the ECSR

Social assistance – adequate benefits must be payable to “any person” on the sole ground that he/she is in need. To be adequate the assistance should enable any person to meet his/her basic needs, i.e. the level of the benefits should not fall below the poverty threshold.

Medical assistance - everyone who lacks adequate resources must be able to obtain free of charge “in the event of sickness the care necessitated by his condition”

The right to assistance must constitute an individual right laid down in law and be supported by an effective right of appeal to an independent body.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

a. Regulation on the Sharing of Social Assistance Data

Public social benefits were gathered under the roof of the Ministry of Family and Social Policy (ASPB) and institutional unity was ensured with the legislative arrangements made in 2011. The General Directorate of Social Assistance (SYGM), which is structured as the main service unit of the Ministry, has become the biggest public institution in terms of both the target group reached and the amount of the resources used in the field of social assistance in Turkey. Currently, it conducts its services through Social Assistance and Solidarity Foundation (SYDV) established in every province and district in Turkey.

The Regulation on the determination of the principles about sharing social assistance data was published in September, 2014. It is aimed to determine the principles and procedures regarding the registration, sharing and security of personal and institutional data held in the database on social assistance activities carried out by SYGM in cooperation with the SYDV, and the data to be kept in the institutions and organizations that SYGM and SYDV will share the data with.

b. Amendment on the Elderly Pensions in the Scope of the Law no. 2022

The Ministry of Family and Social Policy has been developing the services about the pension payments carried out under the Law No. 2022, which it has taken over in 2012.

In the Elderly Pensions applied within the scope of the Law no. 2022 on the grant of pensions to Turkish citizens who are over the age of 65 and who are destitute, infirm and without any means of support, the income per person in the household was used to be taken into account in the determination of the neediness. Thanks to the new regulation, the elderly in need and their spouses are provided a certain regular income no matter who they are living with.

217.48 TL monthly payment is made to those entitled in the scope of the Law no. 2022 and the number of elderly citizens who received payments is 546.207.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

a. Integrated Social Assistance System

The Integrated Social Assistance Information System, which is integrated with 22 public institutions is an information system which enables the receipt of applications of the poor and needy, the creation of household files, questioning of personal data and socio-economic information and wealth from central databases, keeping the reports related to the on-site social examination related to the socio-economic status of the family, giving the decision of necessity, issuing the bank instructions on the payment of benefits, and all of the automatic accounting actions for the benefits.

Thanks to the new system, which provides a "social welfare inventory" including all the socio-economic data, payment information of the aids received from other institutions, general health insurance coverage and income test results of the applicants are held, the following items have been realized:

- All information about the persons based on households, including socio-economic data, social examination reports, help received by persons are started to be kept in electronic environment,
- All the processes from the application for the assistance to the payments are started to be realized in electronic environment,
- Online payments have been started through integration with banks,
- All aid and income test applications were initiated via the system launched in October 2011 and used by 9000 active users in the country,
- Social benefits beneficiaries started to be registered in the İŞKUR database through the integrated system, so that employment-social assistance relationship was established and "activation" policies started to be implemented,
- Repeated assistance by public institutions is prevented; the workload in the relevant public institutions has been reduced and the social benefits have been provided to the real needy persons. The bureaucratic process for preventing repeated assistance has been reduced and thus contributed to the effective use of public resources,

- A database of healthy statistical information needed to develop effective social policies was created,
- As of January 2012, General Health Insurance Income Test procedures started to be carried out through the system and the citizens were provided health service by being transmitted to the Social Security Institution online via the system,
- The bureaucratic burdens on poor citizens have been lifted and an important step has been taken regarding social inclusion.

b. Social Assistance Message (SMS) Service

The project is about sending SMS to mobile phones of the citizens who receive regular social assistance during the application process and payment periods. When it is considered together with the application of Social Assistance Card, it is aimed to reduce the payment queues by informing the citizens and to provide transparency by reaching the information of our citizens quickly. Currently, the necessary coordination with PTT (post office) and TURKSAT (satellite communication company) is ensured by ASPB and the necessary information is provided via SMS to our citizens during payment periods and application process. 700 thousand citizens are informed via SMS.

c. Social Assistance Card

ATM cards have been provided for persons receiving regular social assistance, and no fees / commissions or other charges are requested, as a result of the coordination between ASPB and PTT. It is aimed to reduce the crowds in the distributions by enabling about 2 million people who benefit from regular assistance to use their bank cards in shopping and withdraw their money from ATMs whenever they want. 1 million 762 thousand social assistance beneficiaries have been distributed Social Assistance Cards and 1 million 163 of them are actively using their cards.

d. Case Management System

Case Management System has been designed to ensure that the social risks can be identified with a proactive approach, rather than improvement of poverty situations, and intervened by the relevant institutions and the results can be monitored. The system has begun to be implemented. It is aimed to direct the relevant public institutions to the citizens who are in need of public services and to supply the services to the families under risk, with the supply-oriented approach.

Currently, the infrastructure for directing the related institutions to the households and follow up the situation instead of directing households to the related institutions after identifying social and other risks has been completed. Also, the infrastructure has been completed for communication between the institutions via the E-government gate. Provincial-based analyzes were prepared by reporting needs assessments for social services, employment activities, health and education services and other public services.

e. Decision Support System

In determining household needs and macroeconomic policies to combat poverty, it is necessary to take into account the social characteristics of the households and the specific characteristics of

the places they live in, which cannot be converted to economic value. In this framework, the Social Assistance Decision Support System has been implemented to be used as a guideline for the decision makers in determining the entitlement. At present, the System provides the household social assistance history, the central database inquiries of the persons, and the distributions of the decisions given for the persons with similar scores, in addition to the need assessment scoring formulas, for the use of the Board of Trustees.

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

Types of benefits and eligibility criteria

Information on the new social assistance system and the level of benefits

Ministry of Family and Social Policies is the responsible authority at national level to develop and implement social services and social assistance policies and strategies, to monitor the implementation and to update policy and strategies in line with emerging new mission paradigms under the mandate of Decree dated 03.06.2011 No:633 on the Organization and Duties of the Ministry.

Social benefits are given to those who are in need and who meet certain criteria without reciprocity. These criteria are broken down in the “Social Assistance and Solidarity Encouragement Law” No. 3294. On the other hand, Turkish Statistical Institute (TUIK) is the responsible body to define poverty threshold which is used to qualify individuals' and families' eligibility for particular kinds of aid and services and also is an important guideline for certain plans and programmes to be pursued.

Applications for social benefits in the provinces and districts where the applicants reside are accepted through the Integrated Social Assistance Information System within the framework of social assistance schemes implemented by the Social Assistance and Solidarity Foundations of General Directorate of Social Assistances of the Ministry of Family and Social Policies. Upon receipt of an application, as a first step, central database inquiry is conducted regarding the application so as to identify income level and clarify wealth factors related to the applicant's household. The inquiry is carried out by online questioning via web sites of relevant public authorities according to some parameters as per involvement in social security, deed of real estate, motor vehicle, tax, education and income level etc. The information obtained from this inquiry is saved on the system database. Following this profiling process, Social Assistance and Solidarity Encouragement Foundation staff makes visits on the addresses of the applicants and conducts inspections on-the-spot. During the visit, individual information of the household regarding the parameters of educational status, demographic information, employment, housing facilities, consumption patterns and expenditure and finally according to data obtained social service needs are recorded on the visit information form and this form transferred to the Integrated Social Assistance Information System database.

Total information obtained from the household is evaluated by using a scoring scale considering the regional differences and rural-urban distinction. Following the assessment the scores are categorized to determine the levels of need and presented to decision makers through the Decision Support System established in the Integrated Social Assistance System.

The social assistance scheme currently implemented by The General Directorate of Social Assistances is carried out on two principal categories as regular and periodical basis. In this context, the number of 699.927 household benefited only from periodical aids in 2015, while 1.093.320 was benefiting from regular aids. On the other hand, 1.224.722 household benefited from both regular and periodical aids at the same time during that year. The General Directorate of Social Assistances by its Solidarity Foundations reached approximately 3 million poor and needy families in 2015 with more than 30 social assistance programs in Turkey.

Regular aids implemented by The General Directorate of Social Assistances continue as long as the need remains and other necessary conditions are met (disability, proper education, etc.) because of the fact that aids are dependent on both poverty and secondary condition.

For example, within the framework of the Law no. 2022, aids are based on condition of disability and/or old age besides the condition of poverty. Likewise, citizens who want to be eligible in the Conditional Education Grants need to meet the second condition of having children who is/are in primary and/or secondary education in addition to being poor. Payments made under Conditional Education Assistance may be suspended if their children do not qualify for school attendance.

In respect of employment, since dependency is the principal condition, sanctions in case of nonfulfillment are imposed by Social Assistance and Solidarity Encouragement Foundation as a result of consideration of the linkage in between social assistance and prerequisites relationship i.e. employment.

For instance, the beneficiary is provided with about 40.- to 100.- TL for the expenses to get health report and taking photos maximum 3 times a year which are needed for the procedure of job interview. In the case of acceptance to work, the beneficiary are paid in cash amounting to 1/3 of the gross monthly minimum wage for those aged over sixteen years old once in a year. If a member of a targeted household rejects to get a job without any reasonable excuse then cash aids are suspended as a sanction by a decision of Council but regular assistance still continues. If a person continues to work regularly, then the priority is given to their claim for coal, food and aid for education as periodical assistance.

Conditional education and health benefits are not stopped for a yearlong in case that the beneficiary or a member of the family find a job.

Information on the criteria of economic need to qualify for social benefits according to different laws are as follows:

Law Number	Aid Category	Criteria of Economic Need
3294	Periodical Aids (Food aid, Accommodation and heating materials):	Having no person with social security in the family or in the case of having person with social security in the family lower income per household than 1/3 of net minimum wage. (392.-TL)
	Regular Aids (Conditional education and health assistance; aids for widows; Martial families in need,	In cases of no household with social security.

	orphan and children of military officers)	
	Disaster and Emergency Assistance	Condition “of indigence” is not required for 30 days as of the date of disaster.
2022	Old Age and Handicapped Assistance	For handicapped people it is required that the handicaped must have no social insurance and the income per capita in the family must be lower than 1/3 of net minimum wage. (392.-TL) As for old age benefits , the old age person must have no social insurance and average income together with the spouse must be lower than 1/3 of net minimum wage.(392.-TL)
5510	Universal Health Insurance is paid by the state	Per capita income in the family must be lower than 1/3 of gross minimum wage.(549.-TL)
2828	Home care assistance	Per capita income in the family must be lower than 2/3 of net minimum wage.(785.-TL)

Foreigners are particularly included in social protection coverage by the “Law on Foreigners and International Protection” No: 6458 dated 2013. 2nd article of the said law stipulates that “This Law shall be implemented without prejudice to provisions of international agreements to which Turkey is party to and specific laws.”

In the first article of the law duties, jurisdiction and responsibilities of the Directorate General of Migration Management under the Ministry of Interior were clarified and also the procedures and principles regarding entry of foreigners into Turkey, their stay and departure from Turkey regulated as well as the scope and application procedures of protection for foreigners demanding protection from Turkey. Furthermore, Temporary Protection Regulation was issued in accordance with Article 91 of the Law No. 6458, by the Directorate General of Migration Management dated 22.10.2014 accordingly.

According to this Regulation (first paragraph of Article 30), the foreigners who are in need may benefit from the social assistance in accordance with the procedures and principles to be determined by the Council of Social Assistance and Solidarity Encouragement Fund under the Law No:3294. In addition, the same Regulation enables the foreigners who are in need to benefit from social services in accordance with the procedures and principles determined by the Ministry of Family and Social Policies. So as to ensure the fulfillment of above said procedures properly interpretation facility is obtained free of charge for the foreigner to establish clear and understandable communication.(Article 31)

Likewise, Part I-“General Provisions” in “Department of Disaster and Emergency Management”’s (AFAD) Circular under heading "Implementation of Services for Foreigners under Temporary Protection" stipulates that social assistance services will be granted only to those who are under temporary social protection on condition that they fulfill the required obligations. Under title of “Social Aid” Part 7, it is clarified that social assistance to be provided for foreigners under temporary protection, determination of the procedures and principles for granting of the benefits

and the provision of just and equitable distribution of social assistance is under responsibility of Ministry of Family and Social Policies in such a way not to allow for the recurrence of social assistance services.

Other relevant regulations which enable the social assistance programmes to be implemented for foreigners are the Law No:3294, the Law No:2022 on “Grant of Pension to Old Age Turks who are 65 years old and over and Destitute, Helpless and Weak” and the Law No:2828 on “Social Services”.

Article 1 title “Personal Scope” of the Law No. 3294 implies that "Purpose of this Law; To help the citizens who are in need and when necessary, the people who are accepted or come to Turkey anyway, to ensure that income distribution is fairly managed by taking measures to reinforce social justice, to encourage social assistance and solidarity.”

Based on the above mentioned legal context, social assistance and solidarity funds provide various social assistance aids for foreigners in Turkey through Social Assistance and Solidarity Encouragement Foundation.

In this context, the procedures and principles regarding the aid programs to be carried out through the said Foundations are determined by the Fund Board and various social benefits are provided to the Syrian nationals under temporary protection.

However, there is no specific data available about foreign nationals who benefit from social assistance services provided by the foundation through the The General Directorate of Social Assistance.

The General Directorate of Social Assistances has financed approximately 90% of social assistance expenditures from public budget in Turkey in 2015 and reached approximately 3 million poor and needy families at the same year throughout the country by way of more than 30 social assistance programs which were conducted through Social Assistance and Solidarity Encouragement Foundations.

In cooperation with Turkish PTT, the Ministry of Family and Social Policies has distributed debit cards free of charge to citizens who receive regular social assistance under Social Assistance Debit card Project. Distribution of debit card is aimed at to facilitate daily life of approximately 2 million card holders in their purchases and withdrawing money from ATMs whenever they want without losing time on bank queues.

At this moment, total number of 1 762 000 debit card had been distributed to beneficiaries. It is supposed that about 1 163 000 cardholder is actively using their cards in their daily life.

According to records, regarding the number of people to those supplementary funds are granted is 163.419, 119.049 and 198,162 during the respective years of 2013, 2014 and 2015.

Turkish Statistical Institute (TUIK) has been implementing household income and living conditions research since 2006 by using household budget surveys to define income distribution among household and individuals, poverty as per income etc. and declares the poverty threshold. The value of annual poverty threshold (50% of the median income) by equivalised household

disposable earnings according to the income and living conditions survey was 5.554 TL for 2014 in other words 462.8 TL per month. But, in 2015, actual monthly average assistance value for household was 210.-TL.

Social assistance services provided with public resources have been improved remarkably in the last decade; and within a time schedule it was planned to increase the ratio of transfers of social assistance to GDP from 0.3% in 2002 to 1.37% in 2015 and raise it up to 2.5% by 2023 which is the average ratio in EU.

Information on the situation of the green card holders and social security coverage.

According to Article 65 of the Turkish Constitution, the State is obliged to fulfill its social and economic obligations in conformity with the sufficiency of financial resources considering the priorities compliant to purposes of these obligations.

Within this framework, green card holders became general health insurers as of 01.01.2012 since whole citizens was included in the universal health insurance scheme by entrance into force of the Law no: 5510 Article 60. Having international protection status from Turkey or applicant of international protection or persons with stateless status are under the scope of the scheme as well. On the other hand, foreigners with at least one year long residence permit who are excluded social insurance scheme in their home country (taking reciprocity principle into account) are also accepted by Turkish Social Security Institution as beneficiary of general health insurance on condition to pay the premiums on equal footing with Turkish nationals.

Right of appeal and legal aid

A beneficiary can file a legal action before administrative court about monthly social payments or implementations of social assistance services against public institutions and organizations according to Laws no. 2022 and 3294. In accordance with article 45 of Administrative Procedure Law no. 2577, objection can be made on disputes arising from the implementations of the public institutions. The decisions of the regional administrative courts are decisive and lodging an appeal with the Supreme Court is not available.

Personal scope

Social benefits are given to those who are in need and who meet certain criteria without reciprocity. These criteria are broken down in the “Social Assistance and Solidarity Encouragement Law” No. 3294. On the other hand, Turkish Statistical Institute (TUIK) is the responsible body to define poverty threshold which is used to qualify individuals' and families' eligibility for particular kinds of aid and services and also is an important guideline for certain plans and programmes to be pursued.

Healthcare services rendered to foreigners covered by GSS (Universal Healthcare Insurance);

In Article 63 of the Law N° 5510 are the healthcare services provided to people sponsor to their dependents and those cover by the GSS on the account of Social Security Institution. These services are offered in order to ensure that the persons insured by the Universal Health Insurance and their dependents can stay healthy; they can recover from their illness; they can obtain

medical services deemed medically necessary as a result of maternity, sickness, work accident and occupational disease; they can recover fully from their incapacitated status or their incapacity can mitigate and their financing is done by the Institution.

Nevertheless, in compliance with Paragraph (c) of Article 64 of the said Law “chronic diseases present prior to the date where foreign national is deemed covered by the Universal Healthcare Insurance or dependent of an insured person covered by the Universal Healthcare Insurance” shall not be financed by the Institution.

Article 13§2:

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;

Scope of the provisions as interpreted by the ECSR

Persons receiving assistance must not suffer as a result any diminution of their political or social rights. Any discrimination against persons receiving assistance that might result from an express provision must be eradicated.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

According to Article 65 of the Turkish Constitution, the State is obliged to fulfil its social and economic obligations in conformity with the sufficiency of financial resources considering the priorities compliant to purposes of these obligations.

Having international protection status from Turkey or applicant of international protection or persons with stateless status are under the scope of the scheme as well. On the other hand, foreigners with at least one year long residence permit who are excluded social insurance scheme in their home country (taking reciprocity principle into account) are also accepted by Turkish Social Security Institution as beneficiary of general health insurance on condition to pay the premiums on equal footing with Turkish nationals.

Social benefits are given to those who are in need and who meet certain criteria without reciprocity. These criteria are broken down in the “Social Assistance and Solidarity Encouragement Law” No. 3294. On the other hand, Turkish Statistical Institute (TUIK) is the responsible body to define poverty threshold which is used to qualify individuals' and families' eligibility for particular kinds of aid and services and also is an important guideline for certain plans and programmes to be pursued.

Besides, the Law no. 6701 on Human Rights and Equality Institution became effective with its publication in the Official Gazette of 20 April 2016. According to Article 3 of the Law entitled "Principle of Equality and Prohibition of Discrimination", Discrimination based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnicity, wealth, marital status, health status, disability, age and also on birth is prohibited.

Article 13§3:

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;

Scope of the provisions as interpreted by the ECSR

Provision of appropriate public or private services such as advice and personal help to persons without adequate resources, as may be required to prevent, to remove, or to alleviate personal or family want.

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

Information on the assistance provided by Social Assistance and Solidarity Funds

With the legislative arrangements made in 2011 and public social aids were gathered under the roof of the Ministry of Family and Social Policies and corporate unity was ensured. General Directorate of Social Assistance (SYGM), which is structured as the main service unit under the Ministry, has become the largest public institution in terms of the target population reached in the area of social assistance and the resources used.

Currently, SYGM, providing services by SYD (Social Assistance and Solidarity Fund) which is established in every province and district in Turkey, has realized approximately 90% of social assistance expenditures made with public resources during the year 2015. With more than 30 social assistance programs carried out via SYD Foundations, nearly 3 million poor and needy households were reached in 2015.

Information on the sufficiency of the resources

Social assistance services provided with public resources have been improved remarkably in the last decade; and within a time schedule it was planned to increase the ratio of transfers of social assistance to GDP from 0.3% in 2002 to 1.37% in 2015 and raise it up to 2.5% by 2023 which is the average ratio in EU.

Article 13§4:

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.

Appendix to Article 13§4:

Governments not Parties to the European Convention on Social and Medical Assistance may ratify the Charter in respect of this paragraph provided that they grant to nationals of other Parties a treatment which is in conformity with the provisions of the said convention.

Scope of the provisions as interpreted by the ECSR

Emergency social and medical assistance for everyone lawfully or unlawfully present (but not resident) in the territory. States party are required to provide for those concerned to cope with an immediate state of need (accommodation, food, emergency care and clothing).

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

Information on emergency medical assistance available to non-resident foreign nationals from States Parties to the Charter

In 17 of the 28 social security conventions which have been signed by our country and are in effect, healthcare practices are included within the scope. These countries are : Germany, Albania, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Czech Republic, France, Croatia, Netherlands, Turkish Republic of Northern Cyprus, Luxembourg, Macedonia, Montenegro, Serbia, Italy and Romania. However, provisions in relation to healthcare insurance appearing in the conventions signed between Azerbaijan and Albania and Italy due to grounds resulting from legislations of Azerbaijan and Albania and absence of an administrative arrangement in the case of Italy.

In the event that those insured of a country where a healthcare insurance practice exists rising from the social security conventions signed by our country, need immediate medical treatment while they are temporarily in our country, they are supposed to get a form of right to healthcare assistance which they have obtained from social security institutions of the country from which they have come, to get it registered in the Healthcare Provision and Activation System Abroad (YUPASS) by submitting it to the “ Service of Actions Abroad” in social security centers / social security provincial directorates in Turkey where they live otherwise trade it with “Healthcare Assistance Paper by Virtue of Social Security Conventions”. Furthermore, it is possible to do so in social security centers accredited by social security provincial directorates.

The insured persons abroad could get healthcare benefits by contacting private or university healthcare facilities or those with which healthcare service contract has been signed by the

Ministry of Health and Social Security Institution by submitting “YUPASS number” for Germany, Austria, Belgium and Netherlands insurance holders and “Healthcare Assistance Paper by Virtue of Social Security Conventions” for other contracted countries. They could benefit from healthcare facilities which haven’t signed a contract with the Institution only through forwarding process from the contracted units. The insured people of contracted foreign countries are not supposed to make any other payment for the necessary treatment than the contributory and participatory share just like the insured people of our Social Security Institution. The treatment expenses incurred by those who have contacted non-contracted healthcare facilities directly regardless of this above-mentioned rule, shall be reimbursed by the Institution in the event that the treatment done in accordance with the provisions of Healthcare Application Announcement is an emergency case.

As to whether the healthcare services are considered as a case of emergency or not, the situation is defined according to the legislation of the country providing the benefits, and the decision-making authority herein is the healthcare facilities having a contract with the Institution.

The expenses paid for by the Institution for the urgent healthcare services delivered to the insured people of the contracted countries who reside temporarily in Turkey are recoured to relevant contracted countries on the basis of de facto payments and they get paid by them.

In line with the principle of equality, one of the basic foundations of social security conventions, the tariff applicable to the insured people of the contracted foreign countries who receive healthcare benefits in our country shall be based on an equal footing.

In relation to urgent healthcare services delivered to foreigners: in Article 98 of the Law no 2918 on Highway Traffic, it reads that “all expenses for healthcare-related services provided by all public and private healthcare facilities and hospitals affiliated to universities because of traffic accidents shall be reimbursed by the Social Security Institution within the framework of reimbursement rules and procedures for healthcare services determined for those deemed insured by universal healthcare services irrespective of whether the victim has social insurance or not”. Thus accordingly, the healthcare expenditure caused by road accidents of foreign nationals within our country. No statistical data has been recorded since the receipts for road accidents of foreign nationals are created manually and not entered in MEDULA system.

Information on the assistance is available to migrants in an irregular situation

Social assistance programs implemented by SYGM in Turkey are carried on in accordance with the legal regulations such as Law on Social Assistance and Solidarity Fund No. 3294, Law on payment of pension to the old aged persons (65 years old and over) who are destitute No. 2022, and Law on Social Services No. 2828.

Pursuant to Article 1 of the Law No. 3294, which is among these legal regulations, “Purpose of this Law; To help the citizens who are in need and when necessary, the people who are accepted or come to Turkey anyway, to ensure that income distribution is fairly managed by taking measures to reinforce social justice, to encourage social assistance and solidarity.”

Based on the above-mentioned legal arrangement, SYD foundations provide various social assistances for foreigners in our country.

On the other hand, Directorate General of Migration Management was established by the Law on Foreigners and International Protection No. 6458 dated 04.04.2013. Article 103 of the Law No. 6458 regulates the establishment of the General Directorate.

In Article 1 of this Law entitled "Purpose", it is stated that 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 under the Ministry of Interior." As to Paragraph 2 of the Article 91 of the same Law, "The actions to be carried out for the reception of such foreigners into Turkey; their stay in Turkey and rights and obligations; their exit from Turkey; measures to be taken to prevent mass influxes; cooperation and coordination among national and international institutions and organisations; determination of the duties and mandate of the central and provincial institutions and organisations shall be stipulated in a Directive to be issued by the Council of Ministers." Temporary Protection Regulation prepared by the General Directorate of Migration Management has been published by the Official Gazette dated 22.10.2014 and numbered 29153.

Article 30 of the Regulation titled 30 stipulates that (1) Those among the foreigners under this Regulation, who are in need may be allowed access to social assistances within the scope of the Law No. 3294 on Encouraging Social Assistance and Solidarity of 29/5/1986 in accordance with procedures and principles to be determined by the Board of Encouraging Social Assistance and Solidarity Funding as indicated in Article 3 of the aforementioned Law. (2) Access to social services by foreigners under this Regulation, who are in need, shall be granted pursuant to the procedures and principles determined by the Ministry and the Ministry of Family and Social Policies.

In this framework, the procedures and principles regarding the assistance to be made through Social Assistance and Solidarity Foundations (SYD) foundations for the foreigners under temporary protection are regulated by the principle decision of the Fund Board dated 17.10.2014 and numbered 2014/6. With the decision of the Fund Board dated 22.01.2015 and numbered 2015/1, the implementation of the decision on "Social Assistance to Meet the Basic Needs of Refugees, Conditional Refugees, Secondary Protection Application or Status Holders, Those under Temporary Protection and Stateless Persons, such as Food and Shelter" was found appropriate. The decision was updated with the decision on 02.07.2015, numbered 2015/4.

Additionally, pursuant to "Circular for Execution of the Services for Foreigners under Temporary Protection" dated 18.12.2014, published the Disaster and Emergency Management Authority (AFAD),

It is the responsibility of the Ministry of Family and Social Policies to determine the social assistance to be provided for foreigners under temporary protection, to determine the principles and procedures for granting these benefits, and to ensure that the social benefits are distributed equally and fairly.

In this context, the procedures and principles regarding the aid programs to be carried out through SYD Foundations are determined by the Fund Board and various social benefits are provided to Syrian nationals under temporary protection.

ARTICLE 14

THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES

Article 14§1:

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment.

Scope of the provisions as interpreted by ECSR

A network of social services to help people to reach or maintain well-being and to overcome any problems of social adjustment must exist. Social services include in particular counseling, advice, rehabilitation and other forms of support from social workers, home help services (assistance in the running of the home, personal hygiene, social support, delivery of meals), residential care, and social emergency care (shelters). Under Article 14§1 it is reviewed the overall organisation and functioning of social services. Access to social services should be guaranteed to those who lack personal capabilities and means to cope, in particular the vulnerable groups and individuals who have a social problem. Groups which are vulnerable – children, the family, the elderly, people with disabilities, young people with problems, young offenders, refugees, the homeless, alcohol and drug abusers, victims of domestic violence and former prisoners – should be able to avail themselves of social services in practice.

Effective and equal access to social services implies:

- an individual right of access to counselling and advice from social services;
- the protection of rights of the client, including the availability of remedies;
- services should be provided free of charge for persons lacking adequate financial resources and may be provided subject to fees for the others;
- the geographical distribution of these services shall be sufficiently wide;
- social services must have resources matching their responsibilities and the changing needs of users.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

1. Legislative amendments and reforms

Regarding the elderly care services in Turkey, there has been no change in fundamental legislation between the years 2012 and 2015. Although the Regulation containing amendments on allowance payments to elderly whom are staying in public institutions free of charge was published in the Official Gazette and entered into force on 31.01.2015.

The elderly service centers established to plan and carry out social activities to ensure an active aging period and to plan and carry out psycho-social counseling and training activities

for elderly individuals, their families, community groups and institutions and organizations in need, which also aim to solve the need for the care of the elderly who need day care services because they do not have nurses or they are with working family members, were closed with the Social Service Centers Regulation dated 12.12.2013. The duties of the elderly service centers were transferred to the Social Service Centers.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Services provided for the elderly are home care support services, day care services, residential care services and rehabilitation services.

1. Nursing homes

In Elderly Care and Rehabilitation Centers; health, social support and counseling, psychological support and counseling, rehabilitation, social activities, nutrition and cleaning services are provided to the elderly, who are in need of continuous care and psychological, social and physical rehabilitation to persons who are deprived of social and/or economic orientation over the age of 60 and who are in need of protection, care and assistance. Economically and socially deprived elderly and the elderly who are granted the Medal of Independence according to the Law No. 1005 can benefit from these services free of charge and they are provided monthly allowance from the Ministry of Family and Social Policy budget. Monthly allowances are paid to 4.435 elderly who stay in the public care centers and to approximately 300 elderly who stay in private care centers.

As of July 2016, the Ministry of Family and Social Policy provides service to 12.612 elderly people in 136 Nursing Home and Elderly Care and Rehabilitation Centers with total 13.819 capacities. A total of 11.254 elderly individuals are served in 226 nursing homes with a capacity of 15.842 by the municipalities, associations, foundations and other sectors in Turkey. However, private nursing homes and elderly care centers operate at 70% capacity and have 2.806 vacant bed capacities.

2. Elderly houses

It is envisaged that elderly people will be provided with care in the Elderly Houses in community settlements, intertwined with the society with the family environment instead of high-level institutional care (nursing homes) within the framework of Turkey's new service policy towards the elderly.

The aim of the Elderly Houses is to maintain their lives in the home environment (apartment or house) by raising their standard of living without isolation from the social environment of the elderly who carry the acceptance conditions to nursing homes and preferring to stay in the elderly home.

Elderly Houses can be opened as an additional unit connected to an existing nursing home in the provinces. The Elderly Houses are arranged to allow an average of 3-4 and up to 6 elderly residents to live in one room each. Elderly individuals can stay in these houses alone or with their spouses, and all the needs and expenses are covered by the establishment they are connected with.

Elderly Houses can be opened as detached houses or apartments in urban centers and public living areas, mostly considering the needs and socio-cultural characteristics of the elderly who will benefit from the service. As of July 2016 in 41 Elderly Houses 154 elderly are served with a capacity of 160 people.

Within the framework of the Law No. 2022, which aims to improve the quality of life of the elderly people, the elderly and the disabled are paid a wage for the elderly who have reached the age of 65 and the disabled with the obstacle rate of over 40%. In addition, the elderly who are in need of assistance and disability that do not require institutional care by the Ministry of Family and Social Policy are paid a home care fee at a monthly minimum wage.

In terms of disabled persons, care for the disabled in need of care and support is primarily based on care in family environment. In this context, social support services are provided for the disabled people without leaving their homes and their social environment. Three different types of care services are offered by the General Directorate for Disabled and Elderly Services for disabled people in need of care in Turkey.

1. Public Institutional Care:

In this model, persons with disabilities who are in need of care are provided with residential and daytime care and rehabilitation services at public centers.

1.1. Boarding Public Institution Care Services

1.1.1 Care and Rehabilitation Centers

It is the center where disabled people are placed according to their age, sex and disability, and where care and rehabilitation services are offered. As of August 2016, in our 93 care and rehabilitation centers, 6500 disabled individuals receive residential care.

1.1.2. Barrier-Free Life Centers

It was aimed to improve the physical conditions of the public institutions that provide services to disabled people from 2006 onwards on more modern physical conditions. In this regard, the "Barrier-Free Life Centers" have been opened for the purpose of getting better-quality residential care services for disabled people.

In the Barrier-Free Life Centers; services are provided to disabled people in single-storey houses with gardens with four bedrooms each with three persons, with living room, kitchen, dining room, bathroom, toilet and personnel room. There are individual and group study rooms, physiotherapy room necessary for the rehabilitation of disabled people in these centers. Through these units, efforts are being made to develop the abilities of disabled people and to harmonize in social life. Currently there are 31 Barrier-Free Life Centers throughout the country.

1.1.3. Community Supported Services (Hope Homes)

It is aimed to provide active participation of persons with disabilities in life and community life in houses or flats in order to integrate them with the society they live in.

These houses, also known as the Home Type Social Services Unit, provide care to 4 to 6 disabled persons in the homes accompanied by a caregiver. As of August 2016, in 124 homes care services are provided to 685 disabled individuals.

1.1.4. Temporary and Guest Care

It is a free service model for disabled people who are being looked after by their families, which the families are out of the city or the country or unable to look for a temporary period for health, holiday or for other reasons.

Individuals with disabilities can receive nursing care services from our nursing centers that provide boarding services for 30 days within one year. As long as they remain in these centers, all the needs of the disabled are met by the institution. As of August 2016, 302 disabled individuals benefit from temporary and guest care services.

1.1.5. Visually Impaired Rehabilitation Center:

It is a boarding center aimed at providing educational, social and vocational rehabilitation programs for the blind and visually impaired individual for ensuring full participation of the disabled individual in social life.

1.2. Public Day Care Services

It is aimed to provide full or part-time care from the family counseling and rehabilitation center for the disabled person in order to relieve the caregiver and to ensure that they have time for themselves, especially those who take care of the disabled themselves. Counseling and rehabilitation services are also provided to these families on the basis of their needs. As of August 2016, in 6 centers 420 disabled individuals are benefiting from these centers, which were opened in line with the nationwide requests.

2. Private Care Centers

Individuals with disabilities who are in need of care may also be provided with day care or boarding care services in private care centers opened by individuals and supervised by the Provincial Directorates of Family and Social Policies. As of August 2016, in 159 private care centers 11.646 people with disabilities benefit from boarding care services.

3. Home Care Support Service

Care staff working in public care centers or private care centers provides half-time service by going to the residence address of the disabled person if the disabled person needs support in personal care.

Home care support services can be provided through public care centers and private care centers. As of August 2016, 30 disabled people are benefiting home support services from public care centers. We do not yet have a home care support center from private care centers.

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

1. Organization of the social services

Information on the related legislation and its implementation.

With the new ministry structure, the Elderly Services and Elderly Care Services Department under the General Directorate for Disabled and Elderly Services have been established. The regulations issued by the abolished General Directorate of Social Services and Child Protection Agency (SHÇEK) maintain their validity. These Regulations have not yet been amended. Services are provided by nursing homes operated by the Ministry, and elderly care institutions run by associations, foundations, municipalities and private organizations.

On the other hand; Legislation in force in the field of women and implementation of these legislations can be listed as follows:

Istanbul Convention (Council of Europe Convention on the Preventing and Combating Violence against Women and Domestic Violence)

Turkey was the first country to sign the Convention on May 11 2011, it started its approval process before the other countries by ratifying from the parliament on 24 November 2011 and decision of the Council of Ministers which concluded the approval process was published in the Official Gazette on the World Women's Day on 8 March 2012 and following the publication was the first country to transmit the ratification certificate to the Council of Europe Secretariat on 14 March 2012. The necessary measures are taken to ensure that the convention is implemented in the best possible manner in our country.

Law on Protection of the Family and Prevention of Violence against Women Nr.6284

With the aim of eliminating the deficiencies caused by the implementation of the "Family Protection Law", which was enacted in 1998 in order to combat violence against women and which aims to protect the victims of violence by defining the concept of domestic violence for the first time in our legal system, Law on Protection of Family and Prevention of Violence Against Women " was prepared. The law was prepared within the scope of the opinions of non-governmental organization representatives, prosecutors in charge of domestic violence and judges of the Family Courts in Ankara, the presidents of Bar Associations of 16 provinces which are metropolitan municipalities and all the related public institutions and NGOs. It was accepted unanimously by the Turkish Grand National Assembly on 8 March 2012. With the said law, the following regulations were introduced:

- The concept of "violence" has been defined to include physical, verbal, sexual, economic and psychological violence in accordance with the "Council of Europe Convention on the Preventing and Combating Violence against Women and Domestic Violence".
- Decisions of preventive measures such as; providing shelter and temporary financial assistance; psychological, professional, legal and social support services; provisional protection, can be taken by the local authority and in case of inconveniences (shelter and temporary protection) by law enforcement chiefs and the decisions will be made without any evidence or documents.

- The judge can take protective measures such as; changing the workplace, putting the family residence in the common dwelling, and change of identity, other information and documents within the framework of the Witness Protection Law in case of life threatening situations.
- Violent or potentially violent persons are required to deliver their weapons to the relevant units, even if they carry out a mandatory public service.
- In case of urgency, it is arranged that preventive measures can be taken by law enforcement, provided that it is presented to the judge's approval within 24 hours.
- If the person who is obliged to pay alimony is associated with the Social Security Institution, regardless of any application by the person under protection, the alimony will be cut from their monthly salary or wage by the enforcement authority.
- In case violence or danger of violence everyone is obliged to report this situation to the authorities; public officials who receive such notifications are obliged to fulfill their duties without delay and take other measures in the scope of the law.
- Preventive measures decisions in case of violence will be given without evidence or documents, without delay and the implementation of the decisions cannot be delayed and that the decision on refusal of the precautionary order will be notified only to the protected person.
- If necessary, the information and addresses that may reveal the identity of the person who is protected or the identity of other family members will be kept confidential in all official records.
- The non-notification of the prevention decision shall not constitute an obstacle to the execution of the judgment.
- Person under protection may be temporarily sheltered in the social institutions, residence or similar places belonging to the public institutions and organizations upon request of the municipal administrator, or law enforcement chief in case of emergency in case the accommodation places of the Ministry are inadequate.
- The services mentioned in this Law, will be carried out by law enforcement personnel who have been trained on children, women and human rights and equality between men and women.
- Technical tools and methods can be used in the implementation of the judicial decision and injunctions given in accordance with the provisions of the Law but that no voice and images of the persons can be listened, monitored and recorded.
- If the person who committed the violence acts against the injunctions of the injured party, he or she shall be subjected to forced detention from three days to ten days and the offense shall be subject to forced detention for fifteen days to thirty days in each repetition but if the total duration of the forced detention does not exceed six months, It is also subject to an investigation and prosecution.
- In addition, the establishment of "Violence Prevention and Monitoring Centers (ŞÖNİM)" and the support services to be provided by the support and monitoring services for the prevention of violence and effective implementation of preventive measures will be carried out by means of seven days and twenty four hours.
- All public institutions and organizations as well as professional institutions are required to ensure that their staff and members participate in training programs on "women's human rights and gender equality", and that lectures on women's human rights and education on gender equality should be introduced into primary and secondary education curricula.
- Responsibilities has been brought to the media in creating awareness and in this context, TRT and other national, regional and local broadcast television and radio

have been obliged to publish materials to be prepared or prepared by the Ministry on violence control mechanisms and similar policies, in particular on women and children.

- Those who are not in the scope of universal health insurance and the rehabilitation expenses that are not covered by universal health insurance are to be paid from the budget of the Ministry of Family and Social Policy.
- In addition to not taking any costs from the transactions made for execution and enforcement of the decisions made with the applications made under the Law, the payments made are arranged to be exempted from all kinds of taxes.
- It is stipulated that the Ministry of Family and Social Policy can participate in all kinds of legal, criminal and administrative cases and disagreement of the judiciary which are opened due to the threat of violence or violence against women, children and family members if deemed necessary by the Ministry.

Implementation Regulation of the Law on the Protection of the Family and the Prevention of Violence against Women No. 6284

Based on Article 22 of the Law on the Prevention of Violence against Women and the Protection of the Family, the implementing regulation of the said Law was prepared and published by the Official Gazette dated 18 January 2012 and entered into force. With the said Regulation;

- Women, children, family members are protected from violent or potentially violent persons.
- It has been stipulated how to make a notice and complaint about the situation of the victims of violence. Accordingly, the complaint may be made by anybody to the relevant authorities, and the complaint must be made by the officers of public institutions that are aware of the situation. The notice and complaints coming to the Directorate and ŞÖNİM are to be reported without delay, according to the nature of the incident, to the law enforcement officials, civilian supervisors, prosecutors and judges.
- It has been stipulated that the injunctions given shall be immediately reported to ŞÖNİM.
- It is stipulated that the expenses of the temporary accommodation in social facilities, dormitories or similar places belonging to the public institutions and organizations upon emergency situations or by the request of the Ministry shall be provided by ŞÖNİM, and information about the place where these persons are located shall be given to ŞÖNİM.
- The transfer and compulsory expenditures of the victim of violence to the place of shelter shall be met from the ŞÖNİM's budget and the decision of the injured and the victim of the violence brought to the places of public institutions and institutions shall be immediately accepted without any decision or approval. If the victim does not want to stay in these places, upon their consent they are to be taken to the place they want to stay by ŞÖNİM, and those who are in danger of life can be escorted by the police.
- Provisional financial aid shall be paid to the bank account of the victims on the fifteenth and thirtieth of each month after the notification of the decision to ŞÖNİM, and this payment shall be met from the appropriation for provisional financial aid to the budget of the Ministry.
- Guidance and counseling to be provided to the protected person shall be provided by the relevant public institutions and organizations in order to provide the psychological

and socio-economic status of the person and to provide them with the information and skills necessary for the development and adaptation of some subjects, making the necessary choices, comments, plans and decisions. If the protected person needs legal guidance, he/she will be provided with necessary support and counseling services including the involvement of the lawyer.

- The scope and content of the judgment of the temporary decision of the temporary protection shall include the phone number of the police that can be reached in the presence of violence or the threat of violence, the responsibilities of the police, the circumstances in which the victim must inform the police, which police department is responsible for the temporary protection service, shall be communicated to the victim.
- If the decision is made by the judge according to the provisions of the relevant legislation that the workplace of the protected person should be changed within the province or out of the province where the workplace is located, the decision shall be executed by the authorized institution or person.
- If the circumstances of the Turkish Civil Code exist and the decision on the placement of the family home is stated by the judge, the decision shall be sent to the related title deed registry office for immediate execution.
- The changing of identity and other information and documents shall be based on the consent of the victim, and the decision shall be executed by the Ministry of Internal Affairs.
- The violator will continue to pay the rent, electricity, water, telephone, gas and similar expenses of the house where the violent person is removed from the common house and the violator will not terminate the lease agreement of the family home during the protection decision and will not be required to remove the public housing allocation.
- The violators must deliver their weapons and deposit them until the end of the measure period.
- It is stated that if the person is to be examined or treated in a health institution and if the results are to be fulfilled by ŞÖNİM in coordination with the relevant institution or organization and if the treatment is refused, the situation shall be determined with a record and immediately reported to the Public Prosecutor and to the ŞÖNİM.
- In case of emergency preventive measures taken by the relevant law enforcement unit will be notified immediately by a report to the violence practitioner and it will be reported to ŞÖNİM and the court.
- In accordance with the Istanbul Convention, mediation between violent victims and those who commit violence cannot be offered in the course of taking and implementing preventive injunctions.
- Public institutions and organizations and other real and legal persons are obliged to cooperate and assist in matters concerning their duty in relation to the implementation of the Law and to promptly implement the injunctions.

Regulation on Violence Prevention and Monitoring Centers (ŞÖNİM)

Violence Prevention and Monitoring Centers (ŞÖNİM) are opened in accordance with the provisions of Article 14 of Law No. 6284. The services and activities to be carried out with the opening of these centers are regulated by the related law. Article 14 of this Law stipulates that the "working procedures and principles of ŞÖNİM shall be determined by regulation.

"Regulation on Violence Prevention and Monitoring Centers" which determines the working procedures and principles of Violence Prevention and Monitoring Centers was put into effect by publication in the Official Gazette dated March 17, 2016. With the said regulation, the

procedures and principles regarding the establishment, operation and operations of ŞÖNİM and the duties, powers and responsibilities of the personnel working in ŞÖNİM's have been determined. "Psycho-social support services," "legal support services," "education support services," "health support services," and "call support" services are provided to the persons who are victims of violence.

Duties within the scope of the Regulation of ŞÖNİM;

- a. Coordination service:** Taking applications and injunction decisions, ensuring cooperation between institutions for processing, evaluation and monitoring of all information in the field of responsibility,
- b. Psycho-social support service:** Conducting the guidance services to victims of violence and the accompanying children, preparation of the reports, presentation of the appropriate services and solution of the problem, in coordination with the related public institutions and organizations and monitoring the results,
- c. Legal support service:** Providing necessary legal support to the victims of violence and their accompanying children within the scope of the Law or directing them to the relevant institutions,
- d. Education and professional support services:** Guidance for victims of violence and directing them to the related institution,
- e. Health support service:** In situations where health support is needed, adequate supplies of medical supplies to support the urgent needs of victims of violence and the accompanying children,
- f. Economic support service:** In order for violence victimization and the economic strengthening of the accompanying child to be supported by making and paying financial aid payments within the scope of the related legislation and providing childcare services for accompanying children,
- g. Intervention and referral service:** Taking the applications that come to the call lines and delivered to ŞÖNİM, making communication with related institutions and organizations in the direction of needs and demands,
- h. Preventive service:** Social awareness and awareness-raising activities on prevention of violence

2. Effective and equal access

Information on access to social services

Elderly people who need care can apply directly to institutions, as well as their relatives, neighbors, hospitals, headmans, etc. can notify the Ministry units. By investigating the problems and expectations of the elderly and taking the information from the elderly service personnel, solutions are provided in accordance with expectations and needs. Those who are in need of institutional care due to their physical, psychological and social inadequacies over 60 years of age can benefit from these establishments.

Persons with disabilities or legal representatives who need care can apply directly to disabled care and rehabilitation centers or Ministry units, or people such as relatives, neighbors, hospitals, headman can also report to Ministry units. Care needs and expectations of the disabled are examined in the places where they reside and the appropriate service model for the condition of the disability is determined together with the disabled or legal representative. All disabled citizens can benefit from disabled care service models.

Women Guesthouses

In the women guesthouses and the first admission units of the Ministry, services are provided to the victims of physical, sexual, psychological or economic violence with no discrimination and only taking into account the declaration of the woman.

Violence Prevention and Monitoring Centers (ŞÖNİM)

In Article 14 of the Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women, it is stipulated that Violence Prevention and Monitoring Centers (ŞÖNİM) will be opened. The services and activities to be carried out by these centers are regulated by the related law.

ŞÖNİM is an effective and speedy service that carries out the work with the necessary expert personnel, preferably female staff, with the prevention of violence and support and monitoring services for the effective application of preventive measures. ŞÖNİM carries out its works with the open door system in seven days and twenty four hours basis, focused delivering services to strengthen women economically, psychologically, legally and socially.

The services to be carried out are determined in three main subjects:

1. Services for the prevention of violence and monitoring of injunction decisions,
2. Services for victims of violence,
3. Services for those who commit or are likely to commit violence.

As of December 2012, ŞÖNİM's were opened in 14 provinces which are; Ankara, Adana, Antalya, Bursa, Denizli, Diyarbakır, Gaziantep, Istanbul, Izmir, Malatya, Mersin, Samsun, Şanlıurfa and Trabzon. Assessment reports, Impact Analysis Study of Law No. 6284, Domestic Violence Survey and Parliament Research Report on Violence; has showed that the services provided for the victims of violence are provided more regularly, faster and healthier and coordination between the institutions are stronger and the secondary traumas that the victims could be exposed decreased in the provinces where ŞÖNİM's are opened compared to the provinces without ŞÖNİM's. Decision to disseminate ŞÖNİM's to all 81 provinces was taken.

In line with this decision, as of August 2016, 47 provinces (Bursa, Adana, Antalya, Ankara, Denizli, Trabzon, Samsun, İzmir, Istanbul, Şanlıurfa, Mersin, Malatya, Gaziantep, Diyarbakır, Erzurum, Bingöl, Muş, Kilis, Elazığ, Sakarya Kars, Sivas, Adıyaman, Zonguldak, Erzincan, Tekirdag, Gümüşhane, Eskisehir, Çorum, Manisa, Canakkale, Uşak Konya, Hatay, Düzce, Burdur, Van, Osmaniye, Bartın, Hakkari, Tunceli, Kocaeli, Kocaeli, Isparta, Amasya, Kayseri) offers ŞÖNİM services. The efforts to spread the ŞÖNİM's to 81 provinces are continuing.

Victims of violence may benefit from the services provided by ŞÖNİM by personal application, call line "Alo 183", inter-agency referrals, and with the notice of third parties. The applicants are assessed by professional staff in a safe environment and through private interviews. As a result of these evaluations, those who are found to be eligible to settle in the guest house and those who are found to be under life-threat are placed directly in the guest houses.

Proper orientation and guidance work are carried out by taking into account the needs and special circumstances of women and the information about women and services given is filed and processed in the data bank. All services are provided for the victims of violence at the centers.

For women who are found to be in need of support other than shelter, applications for protection measures in accordance with the Law No. 6284 are made on the request of the protected person or law enforcement officers or the Ministry. If the requested injunctions are not given, appeal is made to the judiciary through the lawyer of ŞÖNİM or Family and Social Policies Provincial Directorate.

Monitoring activities are continuing in the periods that will be determined according to the vulnerability of the cases within the average of one year period for women and children who have benefited and separated from the women's guesthouse services.

Addresses and phone numbers of the Violence Prevention and Monitoring Centers (ŞÖNİM) are shared with the public and ŞÖNİM have a web page. Victims of violence can access information and centers through these channels.

“Alo 183” Social Support Line

Through the Alo 183 Social Support Line from the Ministry of Family and Social Policy Ministry Call Centers, guidance and counseling services are provided by evaluating calls related to family, women, children, disabled, elderly, martyr relatives, veterans and veteran relatives. In addition, precautions are taken to prevent neglect, abuse and violence or honor killings, and the emergency response team officers and/or law enforcement officers are informed about the case in accordance with the urgency of the situation. The Emergency Response Team assesses the case and, if necessary, coordinates with the police or gendarmerie units to ensure intervention in the shortest possible time. Alo 183 Line provides uninterrupted service 7 days 24 hours. Alo 183 line is free of charge and Turkish, Kurdish and Arabic speaking staff also responds to calls from these languages.

Staff who knows sign language is also assigned to Alo 183 Line for persons with hearing and speech impairments, who can video call via 3G compatible phones to 0 549 382 0 183 between 08:00 - 24:00 on weekdays and between 08: 00-17: 00 on Saturdays.

In order for services to be provided more effectively, correspondence was made with all mobile and fixed telephone operators, enabling people to send free messages (sms) to the Alo 183 Line. In particular, persons with hearing and speech impairments can send a message containing their name, surname, identity number and requests to 183 in all mobile phone operators. The requests are evaluated by the related personnel and the information is given by returning to the citizens via phone or sms.

Citizens living abroad can reach the Call Center from the telephone number +90 312 253 92 00 and necessary guidance will be given about the services within the scope of the Ministry's mission.

Information on access to social services for nationals of other States

Within the scope of Regulation on Foreigners and International Protection and Temporary Protection, disabled and elderly care services are offered to people under international protection status in Turkey. Services are carried out according to individual or institutional requests or on-site evaluations.

In order to provide collective harmony with Syrian children living outside the camps through the Children's Rights Provincial Children's Committees and to create a platform that will allow mutual dialogue and exchange of information between Turkish children and Syrian children within the scope of the EU-MADAD Funded project "No More Lost Generations" "Social Cohesion Program" is organized in cooperation with UNICEF Turkey Representation.

Within the scope of the program, it is aimed to decrease the social adaptation problems of the Syrian children, to increase their awareness about the existing risks and resources in the society, to ensure that they live a proper life and to develop mutual understanding and tolerance between cultures at the same time.

The program is carried out in the form of trainings given by Turkish and Syrian children registered with the Provincial Children's Rights Committees with peer education. In the Social Adaptation Training Module, trainings are given in Turkish and Arabic on the subjects below;

- Convention on the Rights of the Child
- Society in which we live in
- Security, Violence-Abuse, Discrimination, Child Labor and Premature Marriage Concepts and Prevention
- Culture-Tolerance-Assistance
- To understand each other
- Important Institutions for Services

Around 7120 children were reached in the trainings given in Hatay, Gaziantep, Mardin, Adıyaman, Osmaniye, Adana, Kahramanmaraş, Kilis, Mersin and Şanlıurfa provinces.

The studies that are being carried out in 10 provinces will be extended to Ankara, Bursa, Istanbul, İzmir, Kayseri, Konya, Kocaeli, Malatya, Edirne and Muğla provinces in 2016, where the number of Syrian children living outside the camp is higher.

Article 60 of the Istanbul Convention covers "Gender-based asylum claims" and Article 61 contains "Non-refoulement".

In Article 60, parties are asked to consider gender-based violence as a pressure to recognize the status of refugees. Thus, international protection can be provided to a third-country citizen or non-state citizen who is not identified as an asylum seeker, but who may be subjected to acts of gender-based violence, inhuman or degrading treatment, or serious threats to life in this context when returned to the country of origin or to the country of previous residence. What is important here is that the adoption of the social gender-sensitive interpretation does not mean that all women will automatically be granted asylum status. Which reasons leading to the fear of exposure to pressure are considered to be valid shall be determined in light of their specific circumstances.

Article 61 of the Istanbul Convention, states that parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.. The non-refoulement policy also prohibits the prevention of persons entering the country who have come to the border of the country for asylum. This safeguard against repatriation shall be valid for any person who may be subjected to gender-based violence in the context of ill-treatment as exemplified above in case of asylum seekers, asylum seekers who are not finalized pursuant to the 1951 Convention, violence against women, regardless of country of origin or residence status. Even if the asylum seekers in this position are rejected, states should ensure that they are not sent to countries where they are at risk, torture, inhuman or degrading treatment or punishment.

In this context, Ministry Family and Social Policies fulfills the necessary work and procedures to serve through the above-mentioned units for the citizens of other states who have suffered or are likely to suffer violence.

In addition, the Ministry provides services to all women, including temporary sheltered women, who are victims of violence and domestic violence through women's guesthouses, First Admission Units and Violence Prevention and Monitoring Centers (ŞÖNİM). In this context, psycho-social support services are provided in order to protect violence victims from violence, to provide safe shelter in order to prevent secondary traumas, to minimize the effects of the violence they experience while they are staying at the women's guesthouses, to improve and strengthen their problem solving capacities, and to support their social cohesion. These services are provided in Womens Guesthouses, First Admission Units, and ŞÖNİM's regardless of any distinction in religion, language, race, nationality, status etc.

3. Quality of services

Information on the qualification and number of staff in social services

Elderly care institutions affiliated with the Ministry of Family and Social Policy and local governments are serving elderly people in 64 provinces, especially where the elderly population is higher. In residential areas without elderly care institutions, elderly houses affiliated to the institutions serve 24 hours a day under the supervision of nursing personnel.

There are also 96 official handicapped care and rehabilitation centers in 63 of 81 provinces and 159 special handicapped care centers in 56 provinces.

According to the "Free Care Service" model which is developed as a protection and preventive service model requires 3% of the capacities of special nursery and day nursing homes and special children clubs to provide services to the children of families with economic difficulties free of charge. Children of martyrs and veterans, children under the protection, children with detained and arrested mothers in prisons, children living with a single parent, children with a disabled parent, and children of women who are in or out of a guesthouse can benefit from this service regardless of their economic situation. There is no statistical data showing the geographical distribution of the number of children who receive services free services from Private Nurseries and Day Cares and Private Children's Clubs.

Elderly care facilities include administrators, social workers, psychologists, doctors, nurses, physiotherapists and dieticians, as well as elderly care workers and other administrative and technical support staff who perform the personal care of the elderly. 877 of the 7524 personnel working in organizations are health service and social service personnel. 12,600 elderly people are receiving services from these institutions.

Qualifications of the Disabled Care Service Personnel

The education conditions for all personnel who will be working in private or public institutions are regulated by legislation. Annual training programs are planned and implemented for personnel in all the titles that are serving in official establishments.

Regarding the personnel working in the field of child services, the legislative amendments that have been implemented recently has taken into consideration the benefit of the child and provisions on number of staff that will be assigned to number of children have been changed. According to this amendments for every 3 children in the 0-3 age group 3 personnel, for every 5 children in the 3-6 age group 3 personnel, for every 10 children in the 7-12 age group 3 personnel and 3 personnel for the children in the 13-18 age group have been determined.

In women guest houses; managers, social workers, psychologists, child development experts, teachers, child educators, nurses, officers, cooks, maintenance staff, security and cleaning personnel are employed, and employees are preferably selected from female staff. There are 101 women guest houses affiliated with the Ministry of Family and Social Policy with a capacity of 2.647 women and 25 first acceptance units with a capacity of 363 women. 1.718 personnel are employed in these institutions.

As of June 2016, 71.794 women, 6.027 men and 21.756 children with a total of 99.535 people have received services from Violence Prevention and Monitoring Centers.

Social Workers, Psychologists, Child Development Experts, Sociologists and Psychologists and Guidance Counselors are employed in Violence Prevention and Monitoring Centers. Nurses, lawyers and educators from the relevant public institutions and organization are also planned to perform part-time/full-time duty in the operation.

Within this scope, a total of 630 personnel are employed in ŞÖNİM's throughout Turkey and 118 of them are specialized personnel (child development, psychologist, social worker, and sociologist). As of June 2016, the numbers of the specialized personnel working in ŞÖNİM's are as follows:

Child development specialists	4
Psychologist	29
Social worker	60
Sociologist	25
TOTAL	118

Control Mechanism of Public and Private Institutions:

Public and private institutions are inspected on the basis of the provisions of the Regulation on the Presidency of the Inspection Services of the Ministry of Family and Social Policy, Social Services and Child Protection Agency Law No 2828 and Regulation on Nursing Homes and Elderly Care and Rehabilitation Centers. The Ministry of Family and Social Policy inspectors and the provincial directorate personnel perform regular or unplanned inspections on institutions.

Public institutions are inspected by the Ministry of Family and Social Policy inspector according to Regulation on Inspection Services of Ministry of Family and Social Policies and Regulation on Social Services and Child Protection Agency General Directorate Rehabilitation and Family Counseling Services of Disabled Persons.

Inspection of Special Care Centers is regulated by Regulation on Special Care Centers for Persons with Disabilities in Need of Care. The Provincial Commission for Special Care Centers are established with the approval of the Governor's Office in provinces which take recommendation decisions regarding the evaluation of the service quality of the special care centers. The Commission shall assess the centers at least once a year and where deemed necessary. In addition, the Ministry may ask the committee to evaluate special care centers when it deems necessary.

Inspection of these institutions is carried out by the personnel of the Ministry and provincial directorate. The Center is inspected by the Ministry inspectors according to the provisions of the Regulation on Inspection Services of the Ministry of Family and Social Policy. If deemed necessary, the center shall be inspected by the authorized personnel of the Ministry. The inspections carried out by the provincial directorate are conducted at least every six months with the provincial director and at least two staff. The findings of the inspection shall be communicated to the center in writing. If the center has not been granted a period of time, the center must correct the deficiencies and make the deficiencies within a maximum of one month. On-site inspections shall be carried out at the end of the period given for the correction of the findings determined by the provincial directorate. If the deficiencies or irregularities detected by the inspection report are not corrected, the provincial director shall give administrative fines from ten times up to fifty times of the monthly net minimum wage. The center shall be notified in writing by giving an appropriate period of time not later than thirty days for the payment of administrative fines and the elimination of deficiencies or irregularities. In the event that the said deficiency or irregularity are not remedied by the center within the specified time, the administrative fines shall be applied again twice the amount of administrative fines given and additional time shall be given for not exceeding thirty days in order to eliminate deficiency or irregularity. In case the deficiencies or irregularities are not remedied within this period, the center shall be closed down by the Ministry. A new disabled individual is not admitted to the center until the deficiencies or irregularities are eliminated within the given period of time. In addition, the center which receives five administrative fines within one year will be closed by the Ministry. In case of any kind of physical, sexual, medical, psychological or economically harmful attitudes and behaviors, or arbitrary obstruction of freedom towards persons receiving services from the centers, not less than 400 days of judicial fines will be given to the founder or responsible person who has not taken any necessary precautions to prevent such attitudes and behaviors.

Inspection of female guesthouses, according to Article 9/1 of the Regulation on the Opening and Operation of Women Guesthouses, guest houses and first admissions units are inspected by the administrations they are affiliated with and by the Ministry Inspection Services Presidency at latest every two years. The provincial directorates can always request the inspection of first admission units and the guest houses by the Ministry. A copy of the inspection report is sent to the provincial directorate and the General Directorate. In addition, complaints received by the Ministry regarding the women's guesthouses are inspected by the Provincial Governorships and Inspection Services Presidency of the Ministry and the process is monitored by the General Directorate of Women.

With regard to the protection of personal data, the Law on the Protection of Personal Data No. 6698 has been published in the Official Gazette on 24/03/2016. In addition, "Confidential" phrases are marked on paper works and transactions carried out for the children and the access of the third persons to this confidential data is prevented.

Article 8/6 of the Law on the Protection of Family and Prevention of Violence Against Women provides that in the case of necessity, information and addresses which may reveal the identity of the protected person or the identity of other family members with the decision of injunction, together with the other information of importance shall be kept confidential in all official records. A separate address is determined for the notifications to be made. The relevant provisions of the Turkish Penal Code dated 26/9/2004 and numbered 5237 shall apply to the person giving, disclosing or explaining this information to other persons. In addition, Article 16/1-(e) of the Regulation on Women's Guest Houses stipulates "In all official correspondences carried out by public institutions and organizations concerning women and children in guesthouses must be in accordance with the confidentiality rules. Measures must be taken to prevent breaches of confidentiality in the units without delay " and in Article 16/1-(h) of the same Regulation, there is a clause "A contract shall be issued from the institutions for which service is purchased, that the person or company to be charged shall observe the confidentiality principle". In addition, the Article 17 of the Regulation is entitled "Confidentiality" which states that "When the guesthouse is opened, the privacy principle is followed. The address the phone numbers of the guesthouses are kept secret. The name of the women, children and employees are not specified in the correspondence to be made, the codes agreed upon in case of necessity are used, and information which is important with the identity information and addresses of the third persons deemed necessary with women and children are kept secret in all official records. The relevant provisions of the Turkish Criminal Code dated 26/9/2004 shall apply to those who violate the confidentiality rule and notifications to be made to the women and children staying at the guesthouse shall be made in accordance with Article 18 of the Notification Law No. 7201 dated 11/2/1959. In order to ensure the confidentiality of women victimized by violence and to protect the confidentiality of information that leads to public services, Ministry of Family and Social Policy carries out cooperation and coordination activities with other related public institutions and foundations.

Article 14§2:

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

to encourage the participation of individuals and voluntary or other organizations in the establishment and maintenance of such services.

Scope of the provisions as interpreted by ECSR

States parties are required to support the voluntary sector (non-governmental organizations and other associations), private individuals, and private firms seeking to establish social welfare services. Public and private services must be properly coordinated, and equal access and efficiency must not suffer because of the number of providers involved. Effective preventive and reparative supervisory system must also be in place.

Information on accessible services for all

Regarding the nursing home, care and rehabilitation services offered by the private sector in the context of the right of elderly people to benefit from social welfare services in Turkey, the elderly people's conditions of acceptance have been determined by the Elderly People Care and Rehabilitation Centers Regulation. According to the regulation conditions of acceptance are:

- Being 60 years old or older,
- Being able to independently perform daily living activities such as eating, drinking, bathing, toilet, and so on, without having any obstacles that prevent them from meeting their own needs;
- Being mentally healthy,
- Not having contagious disease,
- Not be addicted to drugs or alcohol,
- To be determined by the "Social Review Report" in social and/or economic deprivation

Services are provided without distinction between elderly people who meet these conditions. Despite having nursing home acceptance conditions, a social investigation report is prepared for the elderly people who are thought to be victims until the relevant documents are issued, and they are accepted as a guest to the establishment with the approval of the municipal administration. Later on, the related documents are prepared so that elderly people can stay in the same institution or be placed in another institution. However, in the case of elderly who applied for entering nursing homes and centers and who have determined economic deprivation but needs to wait for an opening, the same economic benefits are provided from the provincial directorate if needed.

Activities of voluntary organisations

There are protocols between the Ministry of Family and Social Policy and donators who want to make a nursing home or make a donation.

There are 159 special handicapped care centers opened by private persons and private legal entities. Within the framework of the protocols between the public -NGO, official residential or day care services are provided for disabled people.

Voluntary associations, organizations and private people can make cooperation with the construction of the service building, the renting of the children's house, the furnishing of the house and the personnel requirements.

Pursuant to the Article 7, paragraph v of the Law no. 5216 on Metropolitan Municipalities, the following are stated among the duties and responsibilities of the Metropolitan and District Municipalities: "Managing and developing health centers, hospitals, mobile health units and all kinds of social and cultural services for adults, elderly people, people with disabilities, women, youth and children, establishing social facilities for this purpose, opening, operating or having operated vocational and skill-building courses, and cooperating with universities, colleges, vocational schools, public institutions and non-governmental organizations while carrying out these services."

Between 2010-2015, the Ministry of Interior provided support for 454 projects by associations in the context of social assistance and the total amount is 24.152.279 TL. For the same period, 542 projects focusing on women, youth, children and protection from crime were supported by the same Ministry, with an amount of 28.412.500 TL.

ARTICLE 23

RIGHT OF THE ELDERLY TO SOCIAL PROTECTION

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

– to enable elderly persons to remain full members of society for as long as possible, by means of:

a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them;

– to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a. provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;

b. the health care and the services necessitated by their state;

to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.

Appendix to Article 23:

For the purpose of the application of this paragraph, the term “for as long as possible” refers to the elderly person’s physical, psychological and intellectual capacities.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

Regarding the provision of elderly care services in Turkey, there is no change in the basic legislation between 2012 and 2015. However, Regulation for the payment of allowance to the elderly staying in social service institutions free of charge entered into force by publishing in the official gazette no. 29253 dated 31.01.2015.

Moreover, elderly service centers established for the care of the elderly who want to live with her/his family or stay at home alone or who need day care services due to the lack of a family member and to provide home care support and to carry out planned social activities that will enable an elderly person living in the house dependent and unable to participate in social activities to live an active aging period, to plan and carry out psychosocial counseling and training activities for elderly people, their families, community groups and institutions and organizations in need were closed in accordance with the "**Regulation on Social Service Centers**" dated 09.02.2013 and no. 28554 with the approval no.1524 dated 12.12.2013 of the General Directorate. The duties of the elderly service centers are transferred to the Social Service Centers.

The law no. 6701 on Human Rights and Equality Institution of Turkey became effective with its publication in the Official Gazette dated 20 April 2016 no. 29690. The law aims to protect and develop human rights, to secure the right to equal treatment of persons on the basis of human dignity, and to prevent discrimination in the enjoyment of legally recognized rights and freedoms. In the article no. 3 titled "The Principle of Equality and the Prohibition

of Discrimination", it is said that the discrimination based on age is also prohibited besides sex, racial or ethnic origin, religion or belief, sect, disability, philosophical and political belief, colour, language, wealth, birth, marital status and health conditions.

Regarding the elderly care services, no legislative amendment and reform was made in 2016. However, work is under way to make amendments to the Regulation regarding nursing homes under the Ministry of Family and Social Policy.

Amendment on the Elderly Pensions Applied in the Scope of the Law no. 2022

New regulation takes into account only the income of the citizens who are 65 and over whoever lives with and the income of their spouses according to the income limit prescribed in the law. Previously, per capita income was taken into account in determination of the elderly pensions within the scope of the Law on putting needy, weak and forlorn Turkish citizens over the age of 65 on pension.

The elderly in need and their spouses whoever live with them are provided with a certain regular income.

217,48-TL is paid monthly to the citizens entitled in accordance with the law no. 2022. An amount of 652,44.-TL per person is paid in three-month periods. In the period of June 2016, 546.207 elderly citizens were paid.

The elderly beneficiary must not be social secured and the average income of the elderly and his/her spouse must be less than one third of the net minimum wage. Moreover, the elderly who do not demand institutional care and who are disabled and in need of care are paid home care payment in the amount of a monthly minimum wage by the Ministry of Family and Social Policy. Services provided for the elderly are home care support services, day care services, residential care services and rehabilitation services. Detailed information on the services is contained in the Article no. 14.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Situation of the Elderly Persons in Turkey and Ageing National Action Plan and the Implementation Program

In order to put into practice the actions in the Situation of the Elderly Persons in Turkey and Ageing National Action Plan and determine the prior actions, the Implementation Program on the Situation of the Elderly Persons in Turkey and Ageing National Action Plan was adopted in 2013. The priorities of the National Action Plan on Situation of the Elderly Persons in Turkey and Ageing were determined under three main titles: Elderly persons and development, increasing health and wellbeing in old age, providing supportive and offering facilities environment in old age. Under these main titles, there are comprehensive actions to achieve the targets that can be implemented in short, medium and long term by taking into account the international commitments.

The implementation programme on national ageing action plan has been completed in 2015, the articles determined priorly for increasing the effectiveness of the actions have been updated in 6 articles in accordance with the needs of the elderly persons and it has been planned to be realized in six months period.

1. The works for the analysis and evaluation of the data in database for the planning and effective execution of the services for the elderly will be shared with the public annually, research will be done in order to determine the current situation.
2. In order to ensure sustainability in meeting the needs of the elderly for determination of the criteria of the care services, the effectiveness of the overnight and day time services presented based on performance indicators in care services offered to the elderly will be increased.
3. Social benefits will be provided to the all elderly who are in need with the necessary arrangements for housing to be planned for the elderly to facilitate their everyday lives (living with their relatives in their own environment).
4. Work will be done to make the cities “elderly friend” for minimizing the problems met in the old age period, facilitating the lives of the elderly and ensuring the active and healthy ageing.
5. In order to increase the quality of the services given to the elderly, education opportunity will be provided to the personnel in care services and health workers and in this context personnel for the elderly care will be employed in qualified and sufficient number.
6. In order to ensure that society's recognition of the authority, wise, productive characteristics and other important contributions of the elderly is publicly acknowledged, it will be encouraged to conduct studies on the subject in written and visual media in order to be able to raise social awareness about agedness and the elderly.

These revised articles have been sent to the relevant public institutions, non-governmental organizations, relevant departments of the universities and 81 Provincial Directorates of the Ministry of Family and Social Policy. Reporting of the work done within this scope is realized by the General Directorate of Disabled and Elderly Services. The articles titled “aging perspective”, “ensuring the access to universal and equitable access to health and care services” and “abuse, neglect and violence” in the action plan of the implementation programme are among the significant articles in terms of prevention of the age-based discrimination.

Under the title of the “aging perspective”, with the aim of ensuring the society's recognition of the authority, wise, productive characteristics and other important contributions of the elderly is publicly acknowledged it is planned to encourage conducting studies on the subject in written and visual media in order to be able to raise social awareness about agedness and the elderly.

Under the title of “Abolition of All Forms of Neglect, Abuse and Violence Against Aging”, it is planned to make legal regulations for the prevention of neglect, abuse and violence against the elderly.

Under the title of “ensuring the access to universal and equitable access to health and care services”, it is planned to conduct surveys on services provided to the elderly and their relatives for performance indicators and outcome evaluations in elderly services with the aim of ensuring sustainability in care services.

YADES

The Elderly Support Program (YADES) entered into force in 2016 with the aim of supporting and protecting the elderly aged over 65 who are living in Turkey and needing care and facilitating the lives of those in need of bio-psychological social care by making the necessary

care in the places where they live and spreading these services nationwide. The programme envisages project-based fund transfer to the Metropolitan Municipalities by the Ministry of Family and Social Policy. 4.125.000 TL has been allocated for the implementation of YADES in the 2016 Central Administration Budget.

The procedures and principles regarding the execution of the program have been prepared and the services planned to take priority in the framework of the projects are listed below:

- Support for home care for the elderly and home care services
- Psychosocial support services
- Technical support services at home
- Mobile team building
- Establishment of coordination center
- Daytime solidarity, awareness / awareness raising services

The opening meeting of the program was held on 22 March 2016 with the participation of the relevant institutions, organizations, universities, non-governmental organizations, governorships, municipalities and press representatives within the framework of the elderly week for the promotion of the YADES Programme.

On 24-25 May in 2016, YADES programme and project preparation training was given to the personnel of the metropolitan municipality in Antalya. A total of 15 project proposals submitted to the General Directorate of Disabled and Elderly Services to benefit from the YADES Program have been evaluated.

Project proposals of five metropolitan municipalities, Kahramanmaraş, Kayseri, Trabzon, Şanlıurfa and Sakarya, which were determined as of the end of the fiscal year 2016, were accepted and financially supported.

Social Assistance

Public social assistances were gathered under the roof of the Ministry of Family and Social Policy with the legislative amendments made in 2011 and the institutional unity was ensured. General Directorate of Social Assistance (SYGM), which is structured as the main service unit under the Ministry of Family and Social Policy has become the biggest public institution in terms of target group reached and usage of resources in the field of social assistances in Turkey.

Information on the minimum pension

The amounts of the pensions entitled between 01/01 / 2012-31 / 12/2015 are stated below. (including additional payment/pensions paid in the system): *

Period	4/a Insured		4/b Insured				4/c Insured	
			According to the Law no.1479		According to the Law no.2926			
	Minimum Pension TL	Maximum Pension TL	Minimum Pension TL	Maximum Pension TL	Minimum Pension TL	Maximum Pension TL	Minimum Pension TL	Maximum Pension TL
January-July 2012	689,87	2.895,61	677,23	1.830,92	501	1.151	1.002,27	4.597,17
July-December 2012	370,49	3.106,76	690,40	1.866,60	510	1.174	1.042,37	4.781,10
January-June 2013	385,83	3.235,38	719,00	1.944,20	532	1.222	1.075,10	4.931,23
July-December 2013	381,82	3.392,48	747,76	2.021,97	553	1.271	1.118,11	5.128,51
January-June 2014	394,30	3.503,40	772,21	2.088,09	571	1.313	1.261,12	5.273,59
July-December 2014	339,00	3.952,90	816,23	2.207,11	603	1.388	1.298,96	5.431,80
January-June 2015	407,80	4.076,60	835,25	2.258,54	618	1.420	1.360,80	5.690,42
July-December 2015	535,10	4.270,60	975,01	2.366,05	747	1.487	1.455,52	5.779,22

**through the individual files*

The Turkish social security system does not have a standardized minimum pension limit for the long-term insurance branches. Pensions are calculated specifically for the insured applicant file. However, when the pensions are entitled, certain minimum limit controls are made.

Prevention of elder abuse

In the Implementation Programme on the Situation of the Elderly Persons in Turkey and Ageing National Action Plan under the two targets in the context of the article on negligence, abuse and violence, it is planned to:

- Create awareness in the society and in the elderly persons on the issue of negligence, abuse and violence with the target on “Providing Support and Consultancy Service for the prevention of elderly abuse and establish a mechanism related to the notice.
- Prepare legal arrangements for the prevention of violence against the elderly and negligence and abuse and give in-service training for the elderly abuse and negligence and elderliness to the people working in the field of elderly occupations with the target on the elimination of all kinds of negligence abuse and violence against elderly people.

In the context of the said articles, trainings have been given for the service suppliers and the elderly people on the elimination of negligence and abuse against elderly people. Moreover, a survey covering the years 2013-2014 on the identification of negligence and abuse victims of the elderly in the nursing homes of the Ministry of Family and Social Policy was conducted and the following conclusions were reached.

- 395 women were provided service in the age group of 60-70, and the proportion of the women who settled with the reason of abuse and who received the care service was 13.7% among the total settled women.
- The settlement proportion of women in this age group who are served by reason of negligence is 9.4% among 395 women.
- In this age group, 916 men were provided care services and the rate of men who settled due to abuse and benefited from the services in this group was 3.7%. The rate of negligence is %8,2. In the 71+ age group, the rate of settlement among 1709 women is %7 due to abuse. The proportion of women who are settled and provided service due to negligence is 10,6% in total of 1709 women.

In the 71 + age group, 1872 males were provided services and the rate of males who settled due to abuse and benefited from the services in this group was 4.2%. The rate of settlement due to negligence is %10,3.

Services by municipalities

Within the framework of the Municipality Law No. 5393 and the Metropolitan Municipality Law No. 5216, local administrations have been given duties, authorities and responsibilities for providing services for elderly people. In this context, services are provided for elderly people in a wide range by local administrations such as benefit in-kind and financial aid, home health service, home technical service (maintenance, repair, renovation etc.), house cleaning, personal hygiene, catering services, shopping, assignment of accompanying person (paying salary, going to doctor, invoice deposit etc.) benefiting from social support services (social cultural events and sightseeing), and psychological support. The services offered by the local authorities to elderly people vary according to the regions and needs.

In order to support the Metropolitan Municipalities, the protection and support of elderly people aged over 65 who live in Turkey and facilitating the lives of those in need of bio-psychological social care by making the necessary care in the places where they live and the Elderly Support Program (YADES) was launched in 2016 in order to widen these services throughout the country.

Housing policies

The housing policy for elderly people in Turkey is shaped by a concept of service aimed at enabling elderly people to live as much as possible at their home, in the environment they are accustomed to and under conditions that are easier and arranged for the elderly.

Within the scope of "Housing Aids" for the elderly to live in economically affordable houses, support via the sources of Social Assistance and Solidarity Fund is given to the elderly who live in old, neglected and unhealthy houses at the age of 65 years and over who are in need and in need under the Law No. 3294 for housing construction and repair.

In order to benefit from house construction assistance it is necessary to have a separate deed registered in the name of the person. The fund committee allocate 25.000 TL per person for the reinforced concrete house construction, this amount is maximum 20.000 TL for prefabricated house construction. The maximum amount of allowance per person is 15.000.-TL for houseowners who have detached house registration in house repair assistance. House repair demands of up to 7,500.-TL do not require land registry conditions. An approved commitment letter of the local authority indicating that they have been residing in the house for at least 5 years in which they have requested the repair must be submitted and confirmed by the decision of the Board of Trustees of the Foundation.

In the housing projects of the sub-income group of the Housing Development Administration (TOKİ), retired citizens are allocated 25% of the housing quota. Housing projects are being developed by TOKİ in areas that are appropriate for the demands of the pensioners.

In this regard, requests are collected in the Governors' Offices and the Administration is informed, project studies are initiated in case the necessary technical, financial and administrative conditions arise on the land / land proposed by the governors and approved by the administration. Within this scope, selling of 7717 houses with monthly installments starting from 250 TL for up to 240 months has been initiated in 35 provinces for the elderly who do not have their own houses These projects will be disseminated to other cities as much as possible.

In this way, efforts are made to ensure that elderly citizens who are in the retired category primarily benefit from social project model of TOKİ developed according to patterns of the saving and income of the target groups with appropriate selling prices over construction costs.

Health Care

For the development of health system response in accordance with the increase in elderly population in our country, it is aimed to realize our country's targets and strategies similar to the World Health Organization European Region, in line with the goals of the European Healthy Aging Strategy and Action Plan (2012-2020) and Health 2020 targets. Ministry of Health carries out the studies on improving the health services offered to the elderly, supporting the efforts to combat noncommunicable diseases and chronic situations, improving the health level of our society and developing policies for healthy aging, implementing monitoring and evaluating these policies. In order to provide individual and collective accessible, appropriate and effective health services and to better respond to their needs by providing easier access to appropriate health services for persons with special needs due to physical, mental, social or economic conditions. "Turkey Healthy Aging Action Plan and

Implementation Program 2015-2020" prepared in line with the 2013-2017 Strategic Plan has been put into effect for the development of elderly and elderly health services to provide individuals and groups with accessible, appropriate and effective health services and to better respond to their needs by providing easier access to appropriate health services for people with special needs due to physical, mental, social or economic conditions.

Healthy Aging Action Plan Strategies

1. Lifelong Health Promotion and Healthy Aging
2. Protecting the Community from Health Risks
3. Development of health services for elderly persons and full access to health services
4. Strengthening Monitoring and Evaluation

Primary Intervention Approaches

1. Development of Exercise, Physical Activity and Rehabilitation Services for all the Elderly
2. Development of Home Health Care Service for the Elderly
3. Planning and Activities in Neuropsychiatric Diseases, Capacity Inadequacy, Elderly Abuse and Violence in Old Age
4. Providing Appropriate and Effective Treatment of Diagnosis, Treatment and Monitoring Services in Old Age
5. Arrangement of Education for Health Care Providers for the Elderly
6. Providing Awareness of Infectious and Non-communicable Diseases in the Elderly

Supporting Interventions:

1. Providing Access to Food Materials and Adequate Nutrition for All the Elderly
2. Improvement of Home Care Services
3. Providing Collaboration with Stakeholder Organizations to Ensure Full Access to Care Services.

Healthy Aging Application Program:

1. Development of Lifelong Health Services / Healthy Aging
2. Provision of full access to health services / Welfare Enhancement
3. Long-Term Care, Nursing Homes, Nursing Homes and Institutional Care in Geriatrics
4. Elderly Home Health Care and Home Care
5. Training of Health Workers, Health Service Providers
6. Geriatric Acute Care and Urgent Situations
7. Diagnosis / Treatment / Monitoring in old age
8. Elderly Neuropsychiatric Diseases / Dementia / Geriatric Psychiatry / Capacity Disability / Elder Abuse
9. Nutrition / Exercise / Physical Activity / Rehabilitation in Elderly Patient
10. Providing Full Access to Long-Term Maintenance and Maintenance Services in geriatrics
11. Provision of Geriatric Acute Care and Emergency Organization

Turkey Healthy Aging Action Plan and Implementation Programme 2015-2020 can be accessed through the website below.

http://kronikhastaliklar.thsk.saglik.gov.tr/Dosya/Dokumanlar/kitaplar/Saglikli_yaslanma_eylem_plani_22_03_2016.pdf

Regarding primary health care services for the elderly; currently, "periodic health examinations and screening test guidelines" recommended for the family medicine practice is used, in the "Geriatric Period" section of this guide it is stated that what family physicians should do. The guideline can be reached from the web address below:

http://www.thsk.gov.tr/dosya/birimler/ah_egitim_gelis_db/dokumanlar/rehberler/30062015.pdf

In addition, elderly monitoring guide preparation studies are being carried out in first care step for comprehensive geriatric assessment.

On the issue for the Coordination of Social and Health Care Services;

In order to coordinate the health, care and social support services at home at the provincial level, Home Health and Social Services Evaluation Commission convened under the chairmanship of the governor or the deputy governor and in order to provide coordination in central level Central Coordination Commission has been defined under the chairmanship of the Undersecretary of the Ministry of Health or the Deputy Undersecretary.

"Protocol on the Implementation of Healthcare and Social Support Services at Home" in cooperation with the Ministry of Family and Social Policy, the Minister of Interior, the Minister of Health and the Chairman of the Union of Turkish Municipalities, was signed on 31.03.2015.

The Provincial Protocol on the Implementation of Home Health, Care and Social Support Services in Cooperation has been sent to our provinces on 13.04.2015.

Institutional Care

The fees of the official institutions in the context of the Regulation on Nursing Homes and the Elderly Care and Rehabilitation Centers, based on the social review report, "elderly people who do not have legally obligated person to take care of themselves, are not retired from social security institutions, do not take widows and orphans' pensions, do not have any movable and immovable properties registered on their behalf as a result of the investigations to be carried out or have a poverty certificate as a result of determining that they can not continue their lives with the income they provide are accepted free. Elderly people who have legally obliged people to take care of themselves but whose obligations are not sufficient for their economic power is accepted free. The elderly whose economic power is sufficient and who are in social deprivation are accepted by fee. Within the scope of the same regulation, fees to be collected from the elderly people staying in the institutions are determined annually by the General Directorate of Disabled and Elderly Services.

The elderly institutions affiliated to the Ministry are divided into 8 (A, B, C, D, E, F, G, H) wage groups and elderly rooms are divided into 7 rooms composing of suits and special care department. The elderly rooms of the institutions that serve retired elderly people subject to the Retirement Fund are divided into 6 rooms type including studio type and geriatric unit.

Discounts are implemented considering the income situation of the elderly people accepted or to be accepted by fee.

- There is no maintenance fee for elderly individuals whose monthly income is less than one third of the net monthly minimum wage.
- After the assessment if monthly total income of the elderly is less than 2/3 of the net minimum wage, the allowance ratio given to them can be increased up to 60%.

- If the person who is obliged to look after the elderly person and paying the care fee declares of the payment difficulty with the documentation, maximum 40% discount is made on monthly maintenance fee.

The establishment fee for the group A for the official nursing homes and rehabilitation centers for 2016 is 298 TL for the class A single room, 195 TL for a class A double room. The establishment fee for the group B is 309 TL for a class A single room, for Class A double room is 253.50 TL. The establishment fee for the group C Class a single room is 360 TL, class A double room is determined as 273 TL and there has been no increase in fees for the last three years.

The *supervision of the institutions* is mainly carried out within the framework of the Regulation on the Board of the Inspection Services of the Ministry of Family and Social Policy and the Regulation on Elderly Care and Rehabilitation Centers for Nursing Homes and the Elderly Care Centers for Nursing Homes and Private Nursing Homes. Inspectors and officers perform their auditing and guidance activities independently in accordance with the basic principles regulating their current duties.

Demands and expectations of the elderly people in the elderly care institutions are evaluated with continuous and focused information collection efforts and the ones evaluated as positive are realized. Elderly people are allowed to personalize their living spaces. Elderly people can be visited by their relatives and can be accepted as a guest. In addition, elderly people can go to their relatives on leave.

Ministry of Family and Social Policy Call 183 line is open to the use of all our citizens as a service providing information and guidance about services for women, children, disabled, elderly, families of war and martyr veterans. In addition, within the scope of Article 74 of the Constitution, right to petition and information and the Prime Minister's Communication Center (BİMER), which was established with the Prime Minister's Circular No. 2006/3 are the channels used for complaints.

Private institutions for elderly care

Within the framework of Regulation on Private Nursing Homes and Nursing Homes Elderly Care Centers, the monthly care fee of the private institutions is determined by a commission. The fees are determined as the ceiling and floor according to the conditions of that year by the commission by taking into account annual inflation figures. In this context, the number of elderly given service in 169 private nursing homes is 6546. Private elderly care institutions are monitored according to the notifications and the inspections made twice a year by provincial directorates and according to the inspections carried out once a year by inspectors of the Ministry.

In case the situations such as social and psychological neglect and exploitation of the elderly in terms of health and cleanliness, violence and violation of general moral rules are determined, it is possible to take a decision to close the establishment on the basis of the inspections and notifications made within the scope of the same regulation.

3. STATISTICS AND OTHER RELEVANT INFORMATION

In addition to the institutional care model offered to the elderly by the Ministry of Family and Social Policy in Turkey, the model of elderly housing sites in which elderly people can live in groups of 3 to 6 people in private houses or apartment buildings in the community and city centers with specific support are being tried to be widespread.

In 2016, 8 nursing homes affiliated to the Ministry of Family and Social Policy were opened to the service and the total number of nursing homes increased to 140. Approximately 140 nursing homes with 14.400 capacity and 13.159 elderly people are given service in the Nursing Home Care and Rehabilitation Center.

As of November 2016, the number of elderly people who benefit from the nursing homes free of charge affiliated to the Ministry of Family and Social Policy is 4.533. The elderly whose situation is urgent are accepted to the institutions regardless of the line. The number of elderly people waiting in line for resettlement is 7.341. In 41 elderly housing sites affiliated to the Ministry with a capacity of 160 people, 154 elderly people are given service.

In Turkey, 566 elderly people in 2 nursing homes with 570 capacity affiliated to the other ministries, 2.083 elderly people in 21 nursing homes with 2.977 capacities affiliated to the municipalities, 1704 elderly people in 29 nursing homes with 2.435 capacity belong to the associations and foundations, 355 elderly people in 5 nursing homes with 508 capacity belong to the minorities, 6.659 elderly people in 170 nursing homes with 9.514 capacity belong to the private entities are given service.

24.680 elderly people are provided residential care services in totally 367 elderly care institutions.

Social service centers affiliated to the Ministry of Family and Social Policy produce solutions for the psycho-social and socio-economic problems of the elderly and provide counseling and guidance services to increase social solidarity and active aging.

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

Information on anti-discrimination legislation to protect elderly persons

The law no. 6701 on Human Rights and Equality Institution of Turkey became effective with its publication in the Official Gazette of 20 April 2016 no. 29690. The law aims to protect and develop human rights, to secure the right to equal treatment of persons on the basis of human dignity, and to prevent discrimination in the enjoyment of legally recognized rights and freedoms. In the article no. 3 titled "The Principle of Equality and the Prohibition of Discrimination", the discrimination based on age is also prohibited besides sex, racial or ethnic origin, religion or belief, sect, disability, philosophical and political belief, colour, language, wealth, birth, marital status and health conditions. In case of violation of the prohibition of discrimination, natural and legal persons with responsibility and mandate on the issue have to take measures necessary to end the violation, to avoid its consequences, to prevent its reoccurrence, and measures for pursuance of claims in judicial and administrative proceedings.

ARTICLE 30

THE RIGHT TO PROTECTION FROM SOCIAL EXCLUSION AND POVERTY

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a) to take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b) to review these measures with a view to their adaptation if necessary.

Scope of the provision as interpreted by the ECSR

States party shall adopt a comprehensive and coordinated approach with the aim of reducing poverty and social exclusion.

The measures taken must promote and remove obstacles of persons who live or risk living in a situation of social exclusion and poverty, as well as their families, to access to fundamental social rights, in particular employment, housing, training, education, culture and social and medical assistance.

The measures should strengthen access to social rights, improve the procedures and management of benefits and services, improve information about social rights and related benefits, combat psychological and socio-cultural obstacles to accessing rights.

As long as poverty and social exclusion persist, there should be an increase in the resources deployed to make social rights possible. Adequate resources should be allocated to attain the objectives of the strategy.

Measures adopted in the context of this Article should be reviewed and adapted to new situations. Social partners and civil society should participate in the formulation, evaluation and adaptation of measures.

A. DEVELOPMENTS DURING THE REFERENCE PERIOD

1. LEGAL FRAMEWORK

- a. With the law amendment in February 2014, new promotion policies for protected workplaces aiming at increasing employment of disabled citizens were put in the practice. The inclusion of a new provision to the **Revenue Tax Law No. 193** dated 31/12/1960 provided tax reductions for mentally or psychologically disabled employees who are employed in the protected workplaces in order to protect the most disadvantaged individuals against social exclusion.
- b. Free of charge travel for the handicapped and old aged citizens became official on July 12, 2013 with an amendment in the **Law No. 4736** and has gone into force with the publication of a regulation in the Official Gazette on 04.03.2014 with the number 28931. Accordingly, the following persons became able to benefit from free travel:
 - Those who are handicapped above 40 percent and those who are seriously handicapped and a person accompanying them will benefit from intercity and inner city rail and sea travel, and all mass transportation facilities provided by municipalities, transportation companies set up by the municipalities or private companies authorized by the municipalities to carry passengers inside the cities.

- Citizens above the age of 65 will benefit from intercity and inner city rail and sea travel, and all mass transportation facilities provided by municipalities, transportation companies set up by the municipalities or private companies authorized by the municipalities to carry passengers inside the cities. They will also benefit from a 50 percent discount in travelling by rail between cities.
- c. **The Law on Disabilities no. 4736**, which entered into force in 2005, introduced a provision that all open spaces and buildings open to public use and urban public transport services provided or controlled by metropolitan municipalities and municipalities shall be made accessible for disabled. **The Law No. 6353** dated 12/07/2012 (Art. 34), added some provisions to this Law and introduced monitoring and supervision mechanisms for the implementation of the provision. The functioning of this mechanism was regulated by “**Accessibility Monitoring and Supervision Regulation**” which was put into force on July 20, 2013. Law No. 6353 also introduced special criminal sanctions for those who do not fulfill their obligations.
 - d. **The Law No: 6284 on the “Protection of the Family and Prevention Violence Against Women”** has been accepted on 8 March 2012 and published in the Official Gazette on March 20, 2012, with the number 28239. The aim of this law is to protect the women, the children, the family members and the victims of stalking, who have been subject to the violence or at the risk of violence, and to regulate procedures and principles with regard to the measures of preventing the violence against those people.
 - e. A regulation was adopted in 2013 (dated 09.02.2013, published in Official Gazette no. 28554) on **social service centers**. The aim of the Regulation is to define the procedures and principles related to the establishment and operation of the social service centers affiliated to the Ministry of Family and Social Policies and to assign duties, competences and responsibilities of the staff working at these centers. With this Regulation, along with application-oriented services, supply oriented, more holistic and monitorable social service approach is targeted.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

2.1. Projects

a. Support to the Implementation and Monitoring of the UNCRPD in Turkey Project

Ministry of Family and Social Policies, The General Directorate of Services for Persons with Disabilities and the Elderly has implemented the Project on “Support to the Implementation and Monitoring of the UNCRPD in Turkey” since 2013 in coordination with the Turkish Office of United Nations Development Fund to strengthen the Government of Turkey in her current efforts on monitoring the implementation of the Convention on the Rights of Persons with Disabilities as well as its preparation of the report on the progress of the implementation in Turkey. Within this project, the awareness among line ministries and relevant public authorities and civil society organizations on CRPD and their required inputs for Turkey’s Report preparation process increased through seminars and workshops. In addition, indicator and related data sets under eight titles one of which is participation in political and public life was developed that will be used for monitoring of implementation of the Convention are developed in coordination with all relevant public authorities, civil society organizations especially the ones of persons with disabilities, human rights organizations and academia.

- b. “Technical Assistance for Promoting Social Inclusion in Densely Roma Populated Areas” Project**, which is co-financed by the European Union and the Republic of Turkey has been commenced in November 2015. The target groups of the Project are: a) Disadvantaged people living in poverty or facing the risk of poverty, b) People living in densely Roma populated areas and other migrants. The objectives envisaged to be achieved with the Project are:
- Improvement of institutional capacity of the public institutions and service providers that offer education, health, employment, social protection and social assistance services for Roma citizens.
 - Fighting against discrimination through dialogue established between public institutions, NGOs, stakeholders and general public.
 - Improving Roma children’s academic achievement through guaranteeing easier access to education.
 - Increasing the demand of Roma people on health services and other requests.
 - Facilitating access to and ensuring participation in the labour market by increasing the number of employment services of professional qualifications.
- c. The Social Assistance Card Project** was implemented in cooperation with the General Directorate of Post and Telegraph Organization (PTT) in June 2013. With the Project, ATM cards with no commissions/other charges are given to the people who are the beneficiaries of regular social assistance. The Social Assistance Cards were distributed to a total of 1 million 762 thousand persons and 1 million 163 thousand of them uses their cards actively.
- d. The Social Assistance Message Project** began to be implemented for the same beneficiaries. With the project, the information regarding the amount of assistance and the bank branches in which the amount can be withdrawn is notified to via SMS. Within this scope, 700 thousand citizens are informed via SMS.

2.2. Implementation of Legislation, Plans, Strategies

- Regulation on *central placement exam for Persons with Disabilities* was issued and the first Public Personnel Selection Examination for Persons with Disabilities was organized in 2012.
- A *national Roma integration strategy* is being prepared.
- Since 1st January 2012 *general health insurance (GSS) scheme* has been extended to all population and the compulsory health insurance has been initiated. Accordingly, those who are out of general health insurance status as well as those whose general health insurance status ends are registered directly by the Social Security Institution. Moreover, health insurance premiums of the individuals who are determined to have domestic average monthly income per capita less than one thirds of gross minimum wage according to the results of income test are financed by the State
- The scope of *social assistance programs* has been expanded. New programs providing cash transfers for widows and for families of soldiers conducting compulsory military service were implemented in 2012 and 2013, respectively. The following table shows the main social assistance programs in implementation:

Regular Social Assistance Programs	Temporary Social Assistance Programs
Conditional Education Assistance	Food Assistances
Conditional Health Assistance	Heating Assistances
Conditional Pregnancy Assistance	Sheltering Assistances
Assistance for Widowed Women whose Husbands are Dead	Education Assistances
Assistance for Needy Families whose Children are in Compulsory Military Service	Health Assistances
Assistances implemented under the Law No:2022 (for elder and handicapped)	Assistances for Handicapped People
Assistance for the Orphan Children	Assistances for Specific Purposes
Assistance for Needy Children whose Fathers are in Compulsory Military Service	Clothing and Other Family Assistances
Home Care Service Assistance (for nursing the handicapped people)	Employment Assistances
Maternity Assistance	One-time Assistances
	Terror-loss Assistances

The statistics for the number of beneficiaries of these programs and the amount paid to the beneficiaries are covered under “3. Statistics and Other Information” title.

- ***Integrated Social Assistance Information System*** was put into practice which allows carrying out all kinds of transactions concerning the social assistance provided for poor citizens in an electronic environment. During the reporting period many modules and 22 public institutions were integrated to the system. More information on this system is given below under “Response to the Conclusions of European Committee on Social Rights” part.

- In order to ***strengthen the social assistance - employment link***, a cooperation protocol has been signed between MoLSS and Ministry of Family and Social Policies on 17th February, 2012. An action plan was drafted in 2013. Within the scope of this action plan, İŞKUR Service Points have been established in all Social Assistance and Solidarity Foundations. The foundation staffs were authorized to use the İŞKUR system and they were provided with training and duty to serve as employment officers in these foundations. As of 14.07.2014, by means of all Social Assistance and Solidarity Foundations, a new model has started to be implemented which anticipates incentive on condition that social assistance beneficiaries should attend employment-generating activities and envisages sanction in case they do not attend those activities.

3. STATISTICS AND OTHER RELEVANT INFORMATION

a. Poverty Statistics

- **Poverty rates according to poverty lines based on purchasing power parity, Turkey, 2007-2015**

Poverty lines	Percentage of poor individuals (%)								
	2007 ⁽²⁾	2008	2009	2010	2011	2012	2013	2014	2015
Below 2.15 \$ per capita per day ⁽¹⁾	0,52	0,47	0,22	0,21	0,14	0,06	0,06	0,03	0,06
Below 4.3 \$ per capita per day ⁽¹⁾	8,41	6,83	4,35	3,66	2,79	2,27	2,06	1,62	1,58

TurkStat, Poverty Study, 2015

(1) Here 0.926 TL, 0.983 TL, 0.917 TL, 0.990 TL which were the equivalents of 1 \$ purchasing power parity (PPP), were used for 2007, 2008, 2009 and 2010 respectively; 1.004 TL was used for years 2011 and 2012; 1.10 TL was used for 2013 and 1.20 TL was used for 2014 and 1.24 TL was used for 2015.

(2) New population projections are used since 2007

Based on the \$2.15-a-day poverty line in current purchasing power parity (PPP), percentage of poor in 2015 was 0.06%. The percentage did not change compared to 2012 or 2013, however increased from 0.03% in 2014 to 0.06% in 2015.

Based on the \$4.3-a-day poverty line in current PPP, percentage of poor in 2015 was 1.58% while it was 1.62% in 2014 and fell steadily year to year.

- **Number of the poor, poverty rate and poverty gap by equivalised household disposable income, 2012-2015**

	2012	2013	2014	2015
40%				
Poverty threshold (TL)	3 611	4 008	4 443	4 997
Number of poors (Thousand person)	7 344	6 788	6 572	6 652
Poverty rate (%)	10,0	9,1	8,7	8,7
Poverty gap ⁽¹⁾	23,7	22,6	22,3	22,3
50%				
Poverty threshold (TL)	4 515	5 007	5 554	6 246
Number of poors (Thousand person)	11 998	11 137	11 332	11 219
Poverty rate (%)	16,3	15,0	15,0	14,7
Poverty gap ⁽¹⁾	26,9	26,0	24,4	25,3
60%				
Poverty threshold (TL)	5 418	6 012	6 665	7 495
Number of poors (Thousand person)	16 741	16 706	16 501	16 706
Poverty rate (%)	22,7	22,4	21,8	21,9
Poverty gap ⁽¹⁾	29,2	26,7	27,2	26,8

70%				
Poverty threshold (TL)	6 320	7 016	7 775	8 744
Number of poors (Thousand person)	22 252	21 979	22 223	22 546
Poverty rate (%)	30,2	29,5	29,4	29,5
Poverty gap ⁽¹⁾	31,2	29,0	29,3	28,4
Source: TURKSTAT, Income and Living Conditions Survey				

Reference period of incomes is the previous calendar year.

(1) Poverty gap ratio informs about poverty level. It represents the severity of poverty is too much if it approaches to "100" and it represents the poverty risk degree is lower if it reduces.

Poverty gap is calculated as this formula: $\text{Poverty gap} = ((\text{Poverty threshold} - \text{Median income of poors by EII}) / \text{Poverty threshold}) * 100$

As it can be seen from the tables, in the reporting period poverty rates and poverty gap ratios were decreased. The at-risk-of-poverty-rate according to poverty threshold set at 50% of median equivalised household disposable income was 14.7% in 2015 with a decrease of 0.3 points in relation to 2014. As for the at-risk-of-poverty-rate according to poverty threshold set at 60% of median income, it was 21.9% in 2015 with an increase of 0.1 points in comparison with 2014.

▪ Severe material deprivation rates¹

	2010	2011	2012	2013	2014	2015
Severe material deprivation rates (%)	59,4	57,9	55,0	43,8	29,4	30,3

Severe material deprivation rates fell steadily from year to year.

¹ Material deprivation refers to a state of economic strain and defined as the enforced inability to pay mortgage or rent payments, utility bills or other loan payments; one week's annual holiday away from home; a meal with meat, chicken, fish (or vegetarian equivalent) every second day; unexpected financial expenses; a telephone (including mobile phone); a color TV; a washing machine; a car and heating home adequately warm.

The severe material deprivation rate defined as the rate of people faced with the enforced inability to afford at least four of the above-mentioned items

b. Social Protection Statistics

▪ **Distribution of means-tested and non means-tested social protection benefits by risks/needs groups, 2012, 2015**

	Total benefits				Means-tested benefits				Non means-tested benefits			
	2012	2013	2014	2015	2012 ⁽¹⁾	2013	2014	2015	2012	2013	2014	2015
Total social protection benefits	190 843	216 363	242 912	274 862	17 216	20 071	23 250	25 409	173 627	196 292	219 662	249 453
Sickness /health care	59 047	65 859	73 322	80 435	3 486	3 752	4 946	5 090	55 562	62 106	68 376	75 345
Disability	6 794	7 924	9 251	10 203	5 102	6 147	7 203	7 827	1 692	1 777	2 048	2 377
Old age	91 805	104 222	117 390	134 914	1 183	1 144	1 587	1 852	90 622	103 077	115 804	133 063
Survivors	22 414	25 601	28 931	31 418	573	969	1 052	1 097	21 841	24 632	27 880	30 322
Family/ children	5 669	7 000	7 580	8 713	5 185	6 220	6 754	7 710	484	780	826	1 003
Unemploy ment	2 395	2 595	3 167	5 255	132	50	36	9	2 263	2 546	3 132	5 246
Social exclusion n.e.c.	2 719	3 162	3 271	3 923	1 555	1 789	1 674	1 825	1 164	1 373	1 597	2 098

Source: TurkStat, Social Protection Statistics

Figures in the table may not add up to totals due to the roundings

Social protection encompasses all interventions from public or private bodies intended to relieve households and individuals of the burden of a defined set of risks or needs, provided neither a simultaneous reciprocal nor an individual arrangement is involved. The data on social protection expenditure and receipts have been drawn up by TURKSTAT according to the methodology of the European System of Integrated Social Protection Statistics (ESSPROS). The ESSPROS Manual classifies social benefits under the following eight risks or needs;

1. Sickness/health care,
2. Disability,
3. Old age,
4. Survivors,
5. Family/children,
6. Unemployment,
7. Housing,
8. Social exclusion and not elsewhere classified (n. e. c.).

Expenditure on social protection benefits accounted for 11.8% of GDP in 2015. The largest part of the means-tested benefits was provided under the disability function with 30.8% followed by family/children with 30.3% and sickness/health care with 20% in 2015. The majority of the cash benefits (93.6%) was related to the pensions (disability, old age and

survivors pensions) followed by the unemployment function with 2.6% and the family/children function with 2.4%.

▪ **Number of pension beneficiaries, 2014, 2015**

	(Thousand people)					
	2014 ^(r)			2015		
	Total	Male	Female	Total	Male	Female
Total pension beneficiaries⁽¹⁾	12 009	7 004	5 005	12 498	7 261	5 237
Pension beneficiaries in disability	806	500	306	831	508	324
Pension beneficiaries in old age	8 205	6 292	1 913	8 534	6 536	1 998
Pension beneficiaries in survivors	3 244	245	2 999	3 368	250	3 118
Total beneficiaries in old-age and survivors⁽¹⁾	11 206	6 505	4 701	11 669	6 754	4 915

(1) The related numbers don't give the totals for the reason of cleaning the double countings.

(r) 2014 data have been revised due to the update of the administrative registrations.

While the number of pension beneficiaries (old age, survivors and disability pension) were 12 million 9 thousand in 2014, it became 12 million 498 thousand by increasing 4.1% in 2015. Number of old age and survivors pension beneficiaries reached to 11 million 669 thousand in 2015 while it was 11 million 206 thousand in 2014.

c. Income Distribution Statistics

▪ **Gini coefficient and S80/S20 ratio by equivalised household disposable income, 2006-2015**

	2010	2011	2012	2013	2014	2015
Gini coefficient	0,402	0,404	0,402	0,400	0,391	0,397
S80/S20 ratio	7,9	8,0	8,0	7,7	7,4	7,6

Source: TURKSTAT, Income and Living Conditions Survey

Reference period of incomes is the previous calendar year.

Gini coefficient as one of the measures of inequality was estimated at 0.397 in 2015, with a decrease of 0.005 points compared to 2012.

S80/S20 ratio calculated as the ratio of total income received by the 20% of the population with the highest income to that received by the 20% of the population with the lowest income has fallen from 8,0 to 7,6 from 2012 to 2015.

d. Social Assistance Statistics

▪ **Social Expenditure in Numbers (2012-2015)**

	2012	2013	2014	2015
Total Expenditure for Social Assistance (Public)	19 billion TL	21 billion TL	23 billion TL	26,7 billion TL
Number of Households Benefiting from Social Assistance	2.891.165	3.069.526	3.005.898	3.017.969
Number of Households Benefiting from Regular Assistances	2.171.614	2.266.500	2.274.182	2.318.042
Number of Households Benefiting from Temporary Assistances	1.719.226	1.999.333	1.892.656	1.924.649
Number of Households Benefiting from both Regular and Temporary Assistances	999.675	1.196.307	1.160.940	1.224.722
Percentage of Fund Transferred to Regular Assistances (as of total social assistance)	82%	78%	78%	78%
Percentage of Fund Transferred to Temporary Assistances (as of total social assistance)	18%	22%	22%	22%
Percentage of Cash Assistance (as of total social assistance)	87%	89%	92%	89%
Number of people whose general health insurance premium is paid by the State	9.1 million	9.3 million	9,3 million	8,9 million
Percentage of women social assistance beneficiaries	60%	60%	61%	61%
Share of Social Assistances in GDP	1,18%	1,35%	1,31%	1,37%

In the reporting period (2012-2015) expenditure for social assistance (public) was increased by 40,5%, and the share of social assistance in GDP increased from 1,18% to 1,37%.

▪ **Social Assistance provided by the Municipalities (thousand TL)**

	2013	2014	2015*
Social Assistance provided by Municipalities	805.000	939.592	1.250.000

Source: Ministry of Family and Social Policies

* The amount is based on the projections /estimations made by the Experts of the Ministry of Family and Social Policies

▪ **Number of social service centers and number of people reached by years**

Years	Number of social service centers	Number of people reached
2013	122	
2014	150	1.003.552
2015	175	1.267.304

Source: Ministry of Family and Social Policies

Social Service Centres (SHM) are established in order to identify people in need of social assistance, carry out social service interventions and follow up and to provide protective, preventive, supportive, developmental guidance and consultancy-oriented social services for the children, young, women, men, disabled, elderly individuals and their families. These centers aim to gather centers serving at different segments of the society under a single roof in order to provide a more comprehensive framework of activities. As it is seen from the table, the number of social service centers and the number of people reached via these centers were increased by years.

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

Measuring poverty and social exclusion

Information on indicators used to measure poverty and extent of social exclusion.

Turkish Statistical Institute (TURKSTAT) produces data about two different sides of poverty based on “income” and based on “expenditure” in order to identify the characteristics of poor part of population and to establish proper policies.

The annual indicators related to poverty have been produced by TURKSTAT in 2002-2009 period. In the frame of the methodology used, absolute (food and food + non-food) and relative poverty limits based on expenditures, the poverty lines (1 dollar, 2.15 dollars, 4.3 dollars) used for international comparisons; the poor population ratio under these lines are calculated and the main characteristics of poor people are analyzed.

Relative poverty statistics based on income in compliance with methodology determined by EUROSTAT, have been calculated from Income and Living Conditions Survey data in order to analyse income poverty of Turkey and shared with public beginning from 2006. Along with poverty rate of individuals and some characteristics of these individuals, other crucial indicators has been calculated with respect to poverty threshold which is formed by using certain ratio (50%, 60% or 40%) of equivalised individual median income. The difference of data between the previous report and EUROSTAT stated in the Conclusion can be result of comparing indicators with respect to different poverty thresholds. The data of at-risk-of-poverty-rates according to different poverty thresholds are given in this Report.

With regard to the lack of information on the situation of ethnic minorities and single mothers, it should be noted that the Turkish authorities do not collect, maintain or use either qualitative or quantitative data on ethnicity just like many CoE countries for reasons of privacy and nonprofiling. Individuals are naturally free to self-identify themselves as they wish. Although acknowledging that disaggregated data on ethnicity may have in devising policies for special measures targeting a specific group, like some other countries we believe that this is a sensitive issue, especially for those nations living in diverse multicultural societies for a long period of time. Official collection of data on ethnicity and single mothers for good governance and due diligence purposes always runs the risk of interfering with the right to privacy.

Finally, as demanded by the Committee, this Report contains statistics regarding not only poverty, but also social protection, social exclusion, income distribution and social assistances.

Approach to combating poverty and social exclusion

Information on measures taken to combat poverty and social exclusion

Turkey has taken significant steps in combating poverty and inequalities. As the aim of social inclusion and combatting against poverty, a more comprehensive social security system and a more efficient and extensive social support system have been installed. Share of population covered by social security insurance has risen to 85,5% in 2015 from 83% in 2012. As of January 1, 2012, general health insurance became compulsory and all citizens have been included in general health insurance. Social assistance programs have been increased to promote persons in, or at risk of finding themselves in, a situation of poverty or social exclusion access to employment, health, housing, education etc. The following table shows social assistances for the year 2015 by programmes, together with the fund allocated to these programs and the number of beneficiaries:

Classification		Programme Name	Number of Beneficiaries	Total Amount Allocated to the Program (TL)
Income Support	Family	Food	681.364 (HH)	199,790,000
		Coal	2.139.667 (HH)	804,985,0000
		Widowed Women	295,697	820,475,750
		Soldier's Family	101.517	164,129,000
	Education	Education Materials	82.865	15,340,000
		Conditional Cash Transfer	2.018.870	664,130,245
	Health	Conditional Cash Transfer	1.023.079	343,848,510
	Law No: 2222	Old-Age Pension	601.793	1.275.183.231
		Disabled Pension	692.956	2,852,745,655
	Home-care	Home Care Support	467,778	4,378,200,241
Access to Health		Universal Health Coverage	8,983,853	6,405,637,865
Access to Housing		Sheltering	22.098 (HH)	70,720,000
		Social Housing	4.664	210,000,000
Access to Food		Soup Kitchen	30.391	12,250,000
Access to Education	Basic and Secondary Education	Free School Book	17.000.000	240,000,000
		Lunch	672.000	460,000,000
		Transport & Shelter Subsidy	1756	1,232,132
		Disabled Student Transport	61.000	155,000,000
		School Milk Project	5,848,375	150,663.334
		MOE ² Scholarship	244.141	442,668,000
	Tertiary Education	KYK ³ Scholarship	375.284	1,266,752,000
		KYK Food Support	454.631	482,244,000
Municipalities		Miscellaneous		1,250,000,000

Many projects have been developed for people who are at risk of social exclusion. EU funded projects such as “Improving Social Integration and Employability of Disadvantaged Persons”,

² Ministry of Education

³ Credit and Dormitories General Directorate

“Promoting Social Inclusion in Densely Roma Populated Areas” “Coordination and Training for Employment Project⁴” (İSKEP)” are started to be implemented.

The National Strategy on Social Inclusion of Roma Citizens for the period 2016-2021 and its Action Plan was adopted on 26 April 2016. The Strategy is composed of 5 main policy areas; education, employment, housing, health, social assistance and social support services, and it will be implemented by three-year action plans. The National Roma Integration Strategy, inter alia, aims to increase the effectiveness of social inclusion policies, to enhance access to general public services, to combat discrimination and to prevent hate crimes and to ensure social participation with strengthened civil society. Basic implementation principles such as antidiscrimination, equal treatment, participation of civil society, regional policy approach are also set forth as the strategic targets. Funds for the implementation of the projects under the framework of the Strategy and Action Plan will be provided by each governmental institutions’ own budget. Monitoring and Evaluation Board will be established to monitor the implementation of the policies in the National Strategy Document.

Regarding the institutional arrangements, establishment of the Ministry of Family and Social Policy in 2011 created a unified system in which the division of tasks and functions are clearer and the problem of ambiguity that diffuses the responsibilities have been overcome. The Ministry has brought institutions responsible for social assistance and social care services together within the framework of a coordinated and overall approach. Social assistance in Turkey is managed at the national level by the General Directorate of Social Assistances under the Ministry of Family and Social Policies which is basically responsible for carrying out coherent national social assistance activities, and is implemented by locally based Social Assistance and Solidarity Foundations. Integrated Social Assistance Information System ensured to establish efficient control and monitoring mechanisms to ensure fair distribution of resources.

Monitoring and assessment

Information on Integrated Social Assistance Information System and assessment of the measures to combat poverty and social exclusion

Integrated Social Assistance Information System is an e-government system that electronically facilitates all steps related to the management of social assistance, including the application, assessment of eligibility requirements, disbursement of funds, and auditing. With the system:

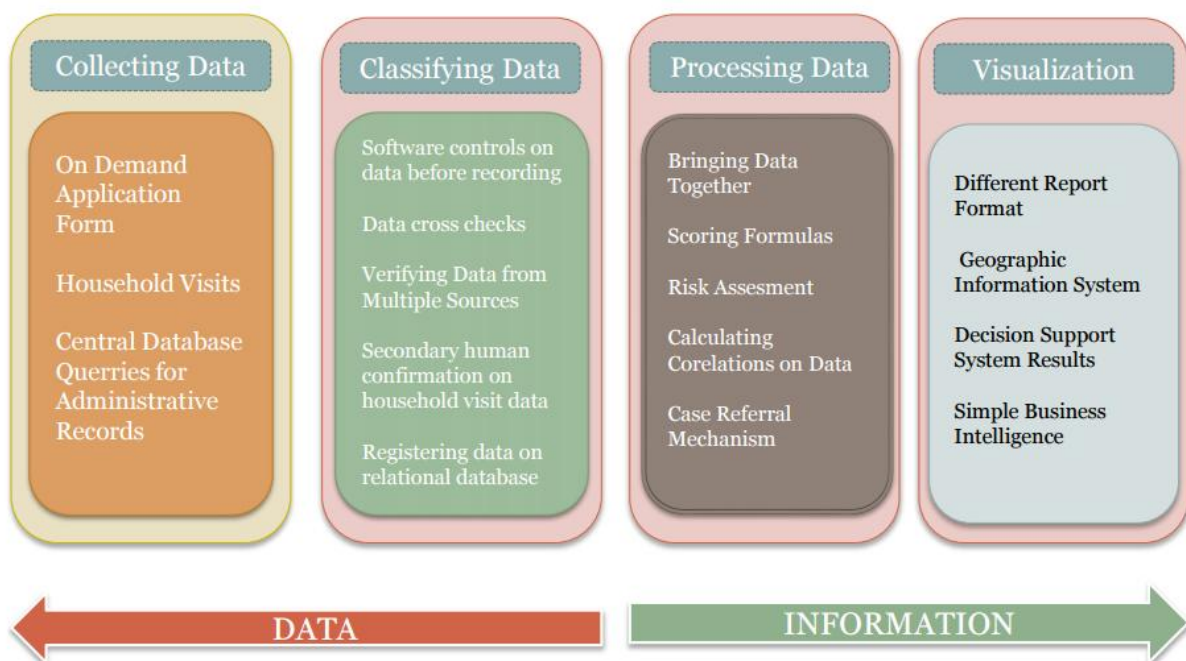
- *All socio-economic data of the households, social survey reports, and assistance received by them are kept in an electronic environment,*
- *All the processes from the application to the payment and accounting are done in electronic environment,*
- *Online payment was enabled by integrating the system with banks,*
- *Social assistance beneficiaries started to be registered in the İŞKUR database through the system, so that employment-social assistance linkage was established and activation policies started to be applied,*

⁴ The projects aims to contribute to the employability of people with disabilities, people who are in poverty or at the risk of poverty, women suffering from domestic violence, Roma citizens, parents of working children, drug addicts, ex-convicts and ex-prisoners.

- *Duplications in the assistances by different public institutions are prevented; the workload and the bureaucracy of the relevant public institutions has been reduced*
- *A database of statistical information for the development of effective social policies was created,*
- *Social assistance application process was shortened and eased, the bureaucratic burdens on poor citizens have been lifted (documents needed decreased from 30 to 1-only identity card with Turkish ID number)*

The application integrates data from 22 different public institutions and provides 111 web-based services in one easily accessible online portal.

The following schema shows the functioning of the system from data collection to producing information:



Source: Ministry of Family and Social Policy

The Project was started in 2010 and finished at the end of 2015. The system was developed in modules as shown in the table below:

Program Modules (Development Timeline)	In Service
Conditional Cash Transfer Module	2010
Social Assistance Module (Temporary Assistance Module)	2011
Accounting and Resource Management Module	2011
Human Resources Module	2012
General Health Insurance Module	2012
Cash Assistance for Widowed Women	2012
Disabled and Elderly Salaries Module	2012
Home Care Module	2013
Cash Assistance for Needy Military Families	2013
Project Assistance Module (Income Generating and Social Service Projects)	2013
Fund Committee and Directorate Module	2013
Employment Aid Module	2014
Inventory Stock Management and In-Kind Aid (for disasters) Module	2014
External User and Communication Module (e-government portal integration)	2015
Central Risk Assessment and Inspection Module	2015
Decision Support System Module	2015
Case Management Module	2015

Regarding assessing and monitoring measures to combat poverty and social exclusion, Social Assistance and Solidarity Foundations was established in each province and district. Through these foundations, the service is provided from the nearest point to the target group so as to find needy people quickly and understand their needs locally. Thus, these foundations serve as a bridge between the state and poor citizens, in terms of direct and immediate delivery of social benefits to citizens. Successive implementation of the subsidiarity principle can be seen in these foundations.

Social Assistance and Solidarity Foundations are private law legal entities. The decision-making bodies of the foundations are the “Board of Trustees”. All assistance programs in the provinces and districts are implemented by the decisions of these boards of trustees. In order to increase and encourage local participation in decision making process, the board of trustees chaired by province and sub province governors, also include elected mayors, village and district headman, NGO representatives, charitable citizens in addition to appointed directors of governmental institutions and ministries. This governing structure allows fair and impartial distribution of social assistances in fast and flexible manner.



EUROPEAN SOCIAL CHARTER

Additional Report

submitted by

**THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**

on Thematic Group IV

“Children, families, migrants”

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

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ARTICLE 7
THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

Article 7§5:

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

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

Scope of the provisions as interpreted by the ECSR

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

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

Young workers

Information on Minimum wage

Minimum Wage Commission gathered together in 2013 and took the decision by large majority to remove the age criteria of 16 in setting the minimum wage. Within the scope of the Regulation that entered into force by publication in the Official Gazette No. 28977 dated 19 April 2014, age criteria of 16 in setting the minimum wage has been abrogated and a principle of setting one minimum wage for all of our workers of all ages. Gross minimum wage in 2013 was 1.000,05 TL in 2014, 1.102,5 TL in 2015, 1.237,5 TL, 1.647 TL in 2016.

In 2016, minimum wage has been given a rise by 33,1 %. A detailed analysis was carried out about the potential expenses which this rise might possible lead to for Turkish economy and employers and additionally opinions of social partners were consulted during the process. In this context, in order to alleviate the effect of additional cost which the minimum wage shall bring to employers, it has been ensured that monthly 100 TL of the additional cost is paid from the Treasury through a legal arrangement.

A single minimum wage is set for all workers irrespective of age categories. For 2017, this minimum wage is set at 1.777,50 TL as gross, and 1.404,06 TL as net. An additional 133.31 TL of minimum living allowance has been added to the net minimum wage. The said net wage is the remaining wage after deductions of taxes and social security premiums for a single worker.

Apprentices

Wages that are paid to apprentices shall be set by the “Law on Vocational Education” No. 3308 dated 19 July 1986 of the Ministry of National Education.

Paragraph 1 of Article 25 entitled “Wages and Social Security” of the Law no. 3308, stipulates that wages and wage rise that shall be paid to apprentice candidates, apprentices and

trainees who receive vocational training in enterprises shall be set by an agreement -between parents of the apprentice candidate or apprentices, or their legal guardians or the person himself/herself if the apprentice or candidate is an adult, school board for students and the owner of the business. On the other hand, the wage that shall be paid to formal students that are being trained in enterprises, cannot be less than 30 % of the net minimum wage in enterprises where 20 or more personnel are employed, and less than 15 % of the net minimum wage in enterprises with less than 20 personnel, and the wages of the candidate apprentices and apprentices cannot be less than 30 % of the minimum wage, appropriate for their age.

Accordingly, apprentices and candidate apprentices are paid at least 30 % of the minimum wage.

Article 7§6:

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

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

Scope of the provisions as interpreted by the ECSR

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.

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

Inclusion of time spent on vocational training in the normal working time

In our country, the time spent by child and young workers and arrangements pertaining to their vocational trainings are governed in the Labor Law No. 4857 and in the Law on Occupational Health and Safety No. 6331 and in the “Regulation Procedures and Principles of the Work of Child and Young Workers” issued by virtue of the said Law N° 4857.

According to the Article 15 titled “working age and restrictions on the employment of children” of the Labour Law N° 4857, employment of children who have not completed the age of fifteen is prohibited; However, children who have completed the full age of fourteen and their primary education on light works that will not hinder their physical, mental and moral development, and for those who continue their education, in jobs that will not prevent their school attendance”.

In the Labor Law appears the stipulation that children who turn 14 and have completed mandatory primary school education could be employed in light works such as artistic, cultural and commercial activities which would not prevent their bodily, mental, social or moral development and which would not stop students from continuing their school afterwards provided that they sign a written contract and they ask for permission for every single activity and those workers who fall into such category are considered as child worker. According to the Labor Law “those workers who’ve turned 15 and have not yet turned 18” are considered as young workers. According to the Labor Law, Article 71 working time of children who have completed the mandatory primary schooling age and who don’t attend formal education shall not exceed 7 hours a day nor 35 hours a week; that of those who work in artistic, cultural and commercial activities shall not exceed 5 hours a day nor 30 hours a week. This working time limitation could be altered up to 8 hours a day and 40 a week for children who have turned 15 years old. As to the working time for pre-school children and children who attend school, it shall be outside the school hours and up to 2 hours a day and 10 a week at the most. These work hours shall not exceed the predetermined time limitation even in periods when the school is closed.

Working conditions and works that child and young workers can be employed at are governed by the “Regulation Procedures and Principles of the Work of Child and Young Workers” dated 06 April 2004 (revised on 25 October 2013). Article 7 titled “Times that count as part of Daily Work Periods”, indicates the time, that count as part of daily work period, in addition to the times which count as part of daily work periods pursuant to Article 66 of the Labour Law No 4857. Accordingly, periods spent in training which the employer must provide, periods spent in courses and meetings which the employer sends people to outside the workplace and periods in vocational training programs arranged by the authorized institutions and establishments periods when people may not continue their work because they are participating representatives at conferences, congresses, commissions and similar meeting arranged in regards to children and young workers by national and international institutions and establishments shall count as working periods.

Training of Employees

In the Law No. 6331 on Occupational Health and Safety which governs the duties, competences, responsibilities, rights and obligations in the field of occupational health and safety of the employers and employees, the Article 17 titled “Training of Employees” regulates as to under which conditions and form the employer shall dispense training of occupational health and safety and specifies in particular that the time spent on such trainings shall be added to working hours calculation. Since the said Law covers all workers and employees by the term “employees”, child workers, young workers, adult workers and even government functionaries included, the provisions make it clear that the time spent in such trainings about occupational health and safety dispensed by the employers to the employees shall be considered as the time spent working.

Activities of the Labour Inspectorate

Working conditions and works that child and young workers can be employed at are governed by the “Regulation Procedures and Principles of the Work of Child and Young Workers” dated 06 April 2004 (revised on 25 October 2013). There lies no ambiguity as to whether time spent in trainings (which could be vocational trainings or occupational health and safety trainings) which employer must give to the young worker whom he’s employed by virtue of the said Article shall count as working periods. Moreover, in the event that besides the pre-job trainings he gives in the workplace, the employer may send the young worker to a course or a meeting outside the workplace for job-related trainings or ask him/her to take part in vocational training programs organized by competent institutions and establishments, time spent on these courses and meetings shall count as working periods.

Article 7§9:

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

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

Scope of the provisions as interpreted by the ECSR

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

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

Regular medical examinations

The “Regulation Procedures and Principles of the Work of Child and Young Workers” published in the Official Gazette N° 25425 and dated 06 April 2004 prepared for the purposes of determining working conditions of children and young workers without prejudice to their educational life nor to their health and safety, nor to their physical, mental, moral and social development and preventing economic abuse of them has been published. The said Regulation not only determines the prohibited works in terms of child and young workers who haven’t yet completed their 18th year of age and works permissible for young workers who have not yet completed their 18th year of age but have completed their 15th year of age and light works where children who have completed their 14th year of age and primary school but also modalities which are related to such works.

According to Article 10 titled “Risk assessment, control, measurement and research” of the Law N° 6331 “An assessment of risks shall be conducted taking account of the situation of female workers and other workers such as young workers, older workers, disabled, pregnant or breastfeeding workers who need specific policies.” Additionally, Article 15 titled “Health Surveillance” of the Law N° 6331 governs works that entail medical report and conditions where medical examination shall be carried out and amongst the obligations of the employer defined in the Paragraph 1 of the said Article are;

- a. ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work.
- b. Health examination of workers is required under the following situations:
 1. Pre-assignment.
 2. Job change after the assignment.
 3. Upon request in case of return to work following repetitive absence from work due to occupational accidents, occupational diseases or health problems

4. In the course of employment, at regular intervals recommended by the Ministry regarding the workers, the nature of work and hazard class of the enterprise.

In addition, in Article 9 titled “duties of occupational physician“ of the “Regulation on education, duties, powers and responsibilities of Occupational Physicians and Other Healthcare Personnel” published in the Official Gazette N° 28713 dated 20 July 2013, are detailed issues in relation to health surveillance. In particular, in Subclause 5 of Clause (c) of Paragraph 2 of the said Article, amongst the duties of occupational physicians appears “conduct medical examinations, which is necessary for appropriate work placement for workers such as members of groups who need specific policies, those diagnosed or pre-diagnosed with occupational disease, those with chronic diseases, drug abuse, and those who underwent work accidents more than once, and also to issue medical reports and reiterate medical treatments of other workers in the workplace where an employee has been diagnosed or prediagnosed with an occupational disease.”

Information on categories of workers exempted from medical examination requirement

“Occupational Health And Safety Law” No. 6331, published in the Official Gazette No. 28339 date 30 June 2012, have entered into force on 1 January 2014. By virtue of Article 37 of the Law No. 6331, Article 86 titled “Report on Heavy and Dangerous Works” of the Labour Law 4857 has been abrogated and replaced by an arrangement on health surveillance of workers based on Article 15 of the Law 6331.

In this context, pursuant to Article 2 of the Law No. 6331, this Law shall apply to all works and workplaces in both public and private sector, employers of these workplaces and their representatives, all workers including apprentices and interns regardless of their field of activity. However, this Law shall not be applicable to the following activities and persons: activities of the Turkish Armed Forces, law enforcement forces, and the Undersecretary of National Intelligence Organisation except for those employed in workplaces such as factories, maintenance centres, sewing workshops and the like, intervention activities of disaster and emergency units, domestic services, persons producing goods and services in their own name and on their own account without employing workers, prison workshop, training, security and vocational course activities within the framework of improvements carried out throughout the enforcement services for convicts and inmates.

From this viewpoint, all young workers who are employed at activities else from the exceptions defined in Article 2 of the Law No. 6331 as well as workers who are employed at agricultural and forestry works or at establishments which employ less than 50 workers must be given medical examinations by the employer pursuant to Article 15, at their recruitment, at job changes, and on their request at their return to work after repeated dismissals on grounds of work accidents, occupational diseases and health conditions.

Information on monitoring activities of the Labour Inspectorate

Article 26 of the Law No. 6331 regards “administrative fines and their procedure”, monitoring and inspection of these provisions of the Law are conducted by labour inspections authorised to carry out inspections in terms of occupational health and safety. An administrative fine is imposable as per Clause (f) of Paragraph 1 of Article 26 of the Law which states “For the employer who violates the obligations laid down in the first and second paragraphs of the Article 15, one thousand TL per each worker who hasn’t gone through health surveillance or

who doesn't have a health report". Article 15 of the Law governs provisions which stipulate that workers undergo periodical health surveillance.

Within the framework of inspections carried out by the Inspectorate Board in terms of occupational health and safety between 01 January 2014 and 01 October 2016, no infringement of Article 15 of the Law No. 6331 in relation to medical examinations of workers under the age of 18 stipulated in Paragraph 9 of Article 7 of European Social Charter has been detected.

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 ECSR

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

A. DEVELOPMENTS SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

a. The Law on Foreigners and International Protection No. 6458

The Law on Foreigners and International Protection No. 6458 was adopted on 4 April 2013 in order to regulate the rules and procedures in relation to implementation and scope of the protection services offered to foreigners requesting asylum from Turkey and their entry to, stay in and exit from Turkey and also foundation, duties, authorities and responsibilities of the Directorate General of Migration Management of the Ministry of Interior. Working groups intended for protection of victims of human trafficking have been formed in an organisation outspread all across 81 provinces within the Department of Protection of Victims of Human Trafficking.

b. Council of Europe Convention on Action against Trafficking of Human Beings

Act no. 6667 on Ratification of Council of Europe Convention on Action against Trafficking of Human Beings was published in the Official Gazette dated 30.01.2016. The Convention took effect as of 01.09.2016.

c. Regulation on Combatting Human Trafficking and Protection of Victims

In line with Council of Europe Convention on Action against Trafficking of Human Beings, Palermo Convention, EU Directives and other international legal instruments we are party to, Regulation on Combatting Human Trafficking and Protection of Victims entered into force in 17 March 2016, after it was published in the Official Gazette. The aim of the regulation is to determine the principles and procedures regarding prevention of the crime of human trafficking, fighting against human trafficking, protecting the victims of trafficking within the scope of human rights without regard to Turkish citizenship, granting of foreign residence permits and the support services to be provided to the victims.

- d. Law on Approval of Our Participation in the Convention Relating to the Status of Stateless Persons No. 6549 was adopted on 1 July 2014.
- e. **The Law “Human Rights and Equality Institution of Turkey” No. 6701** was adopted on 6 April 2016 to regulate organization, duties and powers of the Institution to fulfill its mission in protecting and developing human rights on the basis of human dignity, to prevent discrimination in enjoying legally recognized rights and freedoms, to fight against maltreatment and torture, and guarantee the right of persons to equal treatment.
- f. **Child Support Centers** 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 practice after its publication in the Official Gazette dated 19 February 2014.
- g. **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 09 January 2015.
- h. **Law on Amendments in the Turkish Penal Code and Some Other Laws, No. 6545, dated 18 June 2014**

Pursuant to the amendments introduced by the Law No. 6545 on 18.06.2014, punishments for crimes against sexual immunity were regulated. Accordingly, a reasonable balance has been reached between punishments imposed for simple sexual acts (molestation) and those imposed for heavier acts (statutory rape) and punishments have been aggravated gradually. The provision that stipulates that the punishment shall be aggravated in case of impairment of physical and mental health has been abrogated and the punishment of basic form of the crime has been increased. Thus, especially children victims shall be prevented from being distressed repetitively. In the events of sexual harassment (verbal), crimes against sexual immunity that do not exceed the framework of molestation, the crimes against the sexual immunity committed by heavy acts, and in heavier cases, punishment of imprisonment is set to be up to two times of the punishment for the crimes against adults. Some factors facilitating the commitment of the crime are assessed as a matter of aggravation. Guardianship, public service, custodial parents, affinity by marriage, stepfather, stepmother, stepchild and adoptive relationship are indicated for this purpose; additionally, in case of perpetration of the crime taking place in such places as dormitories and hostels where collective life is dispensable, the punishment shall be aggravated by 50 %.

5. In the event that children older than 15 have sexual intercourse without compulsion,

threat or cheat, the punishment that is applicable to the suspect was 6 month to 2 years, the punishment has been set to 2 years to 5 years. Deprivation of some rights and medical treatment obligation which keep perpetrators away from children or victims has been established. For those convicted of sexual assault to prison sentence, time limit of release on probation has been pushed up to the rate of 3/4 from the retrospective rate of 2/3.

The Constitutional Court has repealed the law on 12.11.2015 for it is argued that the quantity of the punishments is not in the degree to be implemented for all cases and the draft including the amendments has been sent to the Prime Ministry for the process of enactment. There are new amendments in the Penal Code dated 24.11.2016 regarding the issue and the next report will include the related provisions.

- i. **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 81 Province 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

Fighting against human trafficking

Two **National Action Plan in Fight against Human Trafficking** were developed by the National Task Force and put into practice. The Action Plans aim at achieving relevant international standards in the fight against human trafficking, eradicating human trafficking in Turkey, strengthening relevant institutions, enhancing harmonization with the EU Acquis and strategy development in combatting human trafficking. The last meeting of the National Task Force was held in December 2014.

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.

Turkey is providing two type of services for the victims of human trafficking. The first one is Victim Support Program and the second one is Voluntary and Safe Return Program. Victims of human trafficking can benefit from support services to be provided in Turkey upon their consent or can return to their home countries if they choose so on a voluntary basis.

Turkey is also engaged in efforts to address the issue of human trafficking at the regional level. In this context, Turkey has signed bilateral cooperation agreements with Belarus, Georgia, Ukraine, Moldova and Kyrgyzstan.

Communication Center for Foreigners (YIMER 157)

YIMER 157, which has begun to operate as an emergency communication line to help the victims of human trafficking in May 2005, has started to provide services in the name of Communication Center for Foreigners after it was taken over and expanded by Directorate General of Migration Management since 20 August 2015.

YIMER 157 has started to provide services with 2 additional foreign languages (German and Persian) dated on April 1st, 2016 as an addition to Turkish, English, Arabic and Russian which were initially provided.

YIMER 157 provides 7/24 services to save victims of human trafficking as an emergency and help line, in addition to answering all questions which were asked by foreigners about visa, residence permit, international protection and temporary protection.

Report on Sexual Abuse of Children on the Internet

The report has been prepared by the Department of Victim Rights of the Ministry of Justice prior to Global Alliance Congress Against Sexual Abuse of Children on the Internet organized by the Directorate General of European Union of the Ministry of Justice on April 2014 and has been put online on our Website for our citizens' use. In the report, after explicit explanations of such conceptual info as negligence, abuse, obscenity, pornography, Internet and child pornography, appear legal arrangements concerning child pornography in our country. Finally, activities which could be done for victims exposed to abuse and prevention of sexual abuse of children on the Internet have been mentioned in the report.

Report on Assessment of the Consent of Victim in the Context of Proportionality of Punishments and International Law as regards Crimes of Sexual Abuse of Children

The report has been drawn up on December 2015 by the Department of Victim Rights of the Ministry of Justice and put on the Internet. In the first chapter of the report which comprises 2 chapters the topics are; the consent (approval) of the victim in sexual child abuse, consent capacity of the child in sexual child abuse, consent (approval) in sexual child abuse in the context of early marriage, reasons for early marriage, relevant international and national legislation, sexual child abuse in comparative law (German, French, Italian, Austria, English, Danish, Bulgarian sample). In the second chapter such topics as evaluation of the consent in sexual child abuse within the context of Turkish Penal Code No. 5237, practice of court of Cassation and court decisions, statistics in relation to current application, and solution offers within the context of the principle of proportionality of crimes and veto decisions of the court of constitutional court.

“Protection of Victims of Human Trafficking” (2014-2016)

The project was launched in collaboration with International Organization for Migration funded by European Union and the Ministry of Interior Directorate General of Migration Management is a beneficiary of the project. The objective of the project is to ensure that national strategies and policies are efficiently implemented in accordance with “The Council of Europe Convention on Action against Trafficking in Human Beings” as far as fight against organised crimes, human trafficking included.

- Information programs have been organised in order to boost cooperation in practice towards representatives of relevant institutions, District Directorate's staff, provincial organization of the Ministry of Family and Social Policies and security units being in the first place.
- Information sessions have been conducted for tour operators, cab drivers and hotel owners. Information programmes have been carried out for labour inspectors and social security supervisors.
- Information meetings have been organized one in İstanbul the other in Ankara towards embassies of countries of origin.
- Posters and brochures have been devised in six different languages (Turkish, English, Arabic, Farsi, Russian and Uzbek) in order to raise awareness and consciousness as far as combating human trafficking is concerned.
- Financial aid has been brought to NGOs which run social shelters and deal with human trafficking.
- A consultation meeting which brought together representatives from other beneficiary institutions and from central and provincial organisation of the Ministry of Family and Social Policies has been organized in Ankara in 25-26 February 2015. A workshop activity was organized with the participation of police officers tasked with human trafficking and units of the Ministry of Family and Social Policies and Non-governmental Organizations in 18-19 March 2015. A regional workshop activity was organized in Adana with 50 participants from the Ministry of Justice, National Police, Gendarmerie, Ministry of Family and Directorate General of Migration Management. Another regional workshop was in Samsun with the participation of judges and prosecutors being in the first place, police officers, representatives of the Ministry of Family and Social Policies and the Ministry of Justice.

Activities in the scope of “Judicial Reform Strategy 2015” and “Ministry of Justice Strategic Plan 2015-2019”

In the Papers drawn up by the Ministry of Justice “Judicial Reform Strategy 2015” and “Ministry of Justice Strategic Plan 2015-2019”, lie such objectives, amongst various others, as fortification of child justice system, reforming judicial processes for children, taking precautions necessary to efficiently protect children, strengthening coordination between institutions and organisations and developing actions towards children with the understanding of restorative justice system, and it has been intended to meet the need in this particular field with a strategic approaches in the coming years. Amongst the strategies projected in this context are “Reforming the legislation of penal and private law intended for children in compliance with decent international standards” and “setting up a unit within the Ministry which shall carry out work involving child justice system”.

Activities of the Ministry of Interior

- A regulation has been issued which is a comprehensive regulation in the field of Combating Human Trafficking and Protection of Victims. The provisions which appear in the Draft Law on Combating Human Trafficking and Protection of Victims are governed by the said Regulation.

- The Law on Approval of the Law N°. 6707 on Ratification of Turkey's Accession to the Convention on the Authorization, Applicable Legislation, Recognition, Enforcement and Cooperation for Custody Responsibility and Measures for the Protection of Children was adopted on 25 April 2016.

- Department of Combating Migrant Smuggling and Human Trafficking of General Command of Gendarmerie, which was approved on 10 February 2016, was established and started on July 27, 2016.

- A course of "Combating Traffic of Human Being and Migrants" have been organized for a total of 96 personnel divided in 5 semesters in 2015 by the Turkish National Police of the Ministry of Interior it has been planned to give courses to 200 people in 2016.

- Within the context of combating irregular migration; Preventive Services and Road Security and Checking Patrols 75000 per month on average are carried out by the Gendarmerie 24 hours, and also besides in-service trainings, activities of informing citizens are underway.

The National Child Rights Strategy Paper and Action Plan (2013-2017)

The plan covering the years 2013-2017 aims to ensure well-being of all children, raise their life quality and maximize their basic rights such as living, growing, protection and participation. In the National Child Rights Strategy Paper and Action Plan prepared by the Ministry of Family and Social Policies with the participation of all relevant sectors; strategic objectives, targets and actions have been regulated in order to prevent violence and abuse against children and to take necessary measures to protect victimized child and his / her family.

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.

Self-Evaluation Project

Self-Evaluation Project has been executed in coordination of the General Directorate of Child Services of the Ministry of Family and Social Policies through consultancy of Internal Auditors Department and technical support of UNICEF.

Self-Evaluation is the evaluation process of the efficiency of attainment of quality objectives in the field of childcare services by the executives of child-related bodies, on the basis of

minimum standards within the framework of objectives and criteria recently developed, together with the participation of children, families, employees and other stakeholders.

“Safe School-Safe Education” Project

The project, which is implemented in all provinces, includes necessary measures for children to be protected from abuses, bad habits and violence of all sorts in their schools where they spend most of their time. Approximately 12500 police officers are assigned as “school liaison officer” every year and perform joint work with the school administration to detect and remove all kinds of risks and dangers in and around the school. In this context, inspections within the framework of educational institutions are on the go as planned and uninterruptedly.

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

Protection against sexual exploitation

According to Paragraph 3 of Article 226 of Turkish Penal Code No. 5237, a person who uses children in the production of obscene written or audio-visual materials shall be sentenced to a penalty of imprisonment for a term of five to ten years and a judicial fine of up to five thousand days. Any person who conveys such material into the country, who copies or offers for sale such material or who sells, transports, **stores**, exports, **retains possession** of such material or offers such material for the use of others shall be sentenced to a penalty of imprisonment for a term of two to five years and a judicial fine of up to five thousand days.” That said, according to Turkish Penal Code, retaining possession of child pornography is subject to punishment.

Crimes related to sexual abuse of children, child pornography and child prostitution impose efficient sanctions in the Turkish Penal Code No. 5237. Use of children in prostitution has not been included within the scope of crime of “sexual exploitation” in Article 103 of the Turkish Penal Code, however, it has been governed as a separate crime in Article 227 of the said Code. By virtue of the Paragraph 1 of the said Article; inciting children into prostitution, facilitating prostitution, supplying children for prostitution, accommodating children for prostitution, mediation child prostitution are all penalised with a heavier punishment. By virtue of Paragraph 3 of Article 80 of the same Code, in case of victimisation of children in human trafficking, even if instrumental acts related to the crime have not been resorted to, it has been provided that the perpetrator shall be punished according to Paragraph 1 of the same Article.

Crimes against sexual immunity, which may victimize children, shall be subject to sanctions in Section 6 of the Code. Sexual exploitation of children, sexual intercourse and sexual harassment acts are stated together with their sanctions in Articles 103, 104 and 105 respectively. Follow-up of crimes depending on complaint or not, crimes being simple or major are governed in the said Articles. In addition, provisions regarding the protection of children against obscenity and such harmful publications are indicated in Article 226 of the Code No. 5237.

Sexual abuse which is the heaviest form of child abuse have been described in the Article 103 of the Turkish Penal Code, together with its sanction. Aside from that, “obscenity” has been described in Article 226 of the said Law, and “adultery” in Article 227, and in the event that

the victim of the crime is a child, it has been accepted that the punishment shall be increased accordingly. Child police who is in charge for all judiciary and administrative actions concerning the delinquent children or child victims of crime, are given trainings in the fields of Child abuse and investigation, sexual abuse being in the first place. Since 2010, 10.481 persons have attended trainings given for the purpose of enabling these investigations of crimes committed against children.

The former Turkish Penal Code No.765, enacted on 01.03.1927 was abolished totally with all amendments on 01.06.2005 and the new Penal Code No. 5237 was published the Official Gazette on 12.10.2004. Articles 103 and 104 regulate crimes of sexual harassment and exploitation of children and protective provisions for children has been enacted, including punishment without the requirement of the complaint of the victim in certain cases.

Child victims of sexual prosecution

Protection from other forms of exploitation

Act no. 6667 on Ratification of Council of Europe Convention on Action against Trafficking of Human Beings was published in the Official Gazette dated 30.01.2016. The Convention took effect as of 01.09.2016. In line with Council of Europe Convention on Action against Trafficking of Human Beings, Palermo Convention, EU Directives and other international legal instruments we are party to, **Regulation on Combatting Human Trafficking and Protection of Victims** entered into force in 17 March 2016, after it was published in the Official Gazette. The aim of the regulation is to determine the principles and procedures regarding prevention of the crime of human trafficking, fighting against human trafficking, protecting the victims of trafficking within the scope of human rights without regard to Turkish citizenship, granting of foreign residence permits and the support services to be provided to the victims.

Accordingly,

Victims for whom a process of childhood detection by age is still underway are considered as children till the end of the said process. In the process of defining child victim, principle of high welfare of the child shall be applied. A psychologist or social worker shall always be present in interviews with children. Procedures related to the child assessed as victim are carried out according to the provisions of the Child Protection Law No. 5395 dated 3 July 2005. The victim assessed as a child shall be guided to the relevant units of the Ministry of Family and Social Policy. High welfare of children shall be observed by carrying out risk and safety evaluation also in the process of voluntary and safe return program of victimized children.

- The regulation governs the fundamentals and principles in terms of identification, protection and guidance to support services, of human trafficking victims without discrimination between Turkish nationals and foreigners.
- It has been prescribed to establish Commission and Provincial Commission for the purposes of ensuring coordination between institutions and agencies and to determine strategies and policies in combatting human trafficking in the headquarters and in other cities.

- The Directorate General of Migration Management of the Ministry of Interior has been assigned to publish annually in terms of human trafficking which shall be submitted to the Commission.
- New arrangements have been introduced as far as awareness-raising in terms of human trafficking is concerned amongst both institutions and organisations under titles of decreasing the demand and education and awareness-raising activities.
- All data concerning human trafficking crimes must be communicated to the Directorate General and a new arrangement has been also formed so as to deal with the confidentiality of these data.
- Cooperation with all stakeholders has also been legally arranged.
- Duties and responsibilities of all stakeholders in support services that are to be offered to victims and the identification phase of victims have been structured in detail.

In order to align with the international instruments, necessary amendments are made in relevant legislation, most significantly in the Turkish Penal Code and Law on the Work Permits for Foreigners and the Turkish Nationality Law to help combatting Trafficking in Human Beings.

Article 80 of Turkey's penal code prohibits both sex and labor trafficking, and Article 227 of the Turkish Penal Code prohibits the facilitation of child prostitution. The 2013 "Law on Foreigners and International Protection" provides a legal definition of trafficking and establishes trafficking victims' eligibility for a special type of residence permit that can be renewed for up to three years.

Information concerning other legal developments and measures about trafficking and sexual exploitation has been indicated above.

ARTICLE 8

RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

Law on the Amendment of Income Tax Law No. 6663 and Some Laws

The Act, which entered into force as of 10 February 2016, involves provisions regarding the regulation of the personal rights of female employees and parents, such as Assessment of the duration of civil servants' unpaid maternity leave in grade of services, Regulation of paid part-time work rights of the employees' due to birth, Regulation of part time working rights for working parents, Arrangements for premature births and rights of leave for workers in case of maternal death, and Rights of leave for those who have adopted a child.

Law No. 6701 on Human Rights and Equality Institution of Turkey

The Law no. 6701 on Human Rights and Equality Institution became effective with its publication in the Official Gazette of 20 April 2016. The law involves regulations on

prohibition of discrimination, principle of equality and establishment of the Human Rights and Equality Institution.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Pursuant to Law on the Amendment of Income Tax Law No. 6663, which entered into force as of 10 February 2016, involves provisions aiming to prevent women from leaving their professional life, by contributing to reconciliation of family and work life. According to the regulation, the workers will be able to work half-time, any time following the end of the maternal leave unpaid maternity leave, until the beginning of the first month after the beginning date of child's of compulsory primary education. The worker is protected by stating that this claim is not considered as the reason for the valid termination. In addition, the worker who has started to work in this way will be able to return to full-time work on condition that he/she will not benefit from this right for the same child again.

In terms of business and human resource planning in the public and private sector, one parent can benefit from this right once for every child. The legislative process is still in progress for civil servants.

Article 3 of the Law no. 6701 on Human Rights and Equality Institution, entitled "Principle of Equality and Prohibition of Discrimination", indicates that Discrimination based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnicity, wealth, marital status, health status, disability, age and also on birth is prohibited.

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

Prohibition of dismissal

1. Information on dismissal, regarding Section 125, Paragraph E of the Civil Service Act no. 657

The conditions of civil service status are regulated in the Civil Servants Law No. 657 of 14.07.1965. The public personnel perform certain functions within the framework of their duties and responsibilities determined by objective rules and have certain subjective rights such as salary, salary, appointment, promotion transfer for that status. The legislator sets out the conditions concerning the beginning of civil service, the duties and responsibilities, the rights and authorities, and ending of civil service in accordance with the constitutional principles. The disciplinary punishments to be given to civil servants and the acts and situations resulting each disciplinary punishment have been stated in Article 125 of Act no. 657. Disciplinary punishments are warning, reprimand, suspension of wage, suspension of one year's promotion, and dismissal from service. Dismissal from civil service is stipulated in paragraph E of Article 125. Paragraph E is indicated below:

E- Dismissal from civil service: Implies dismissal, providing that he/she will not be assigned again for civil service. The acts and situations which require dismissal from the civil service are:

a. Disturbing the peace and order of institutions for ideological or political purposes, to participate in acts such as, boycott, occupation, obstruction of public services, slowing down

work and striking, or collective absence for the same purpose, encouraging and assisting these acts, b. To print, reproduce, distribute, or hang or expose any prohibited publication or posters, banners, bands, statements etc. with political or ideological purposes in the institutions, c. Membership to a political party, d. Being absent for a total of 20 days in a year without excuse, e. Not to perform duties or orders given by superiors in matters relating to war, emergency or disasters, f. Assault to supervisors, employees and business owners, g. To conduct dishonorable and disgraceful actions, not compatible with the title of civil service, h. To disclose confidential information without authorization, i. To hide persons sought for political and ideological actions in the place of duty, j. To have attitudes and behaviors abroad, that will harm the reputation of the State or impair dignity of the duty, k. To deal with acts contrary to the Law No. 5816, l. To cooperate with terrorist organizations, to help these organizations, to use or make use public facilities and resources to support these organizations, to propagate these organizations.

Pursuant to Article 126, this punishment is given by Higher Board of Discipline, upon request of the administrative supervisor. The board doesn't have the authority to decide for another punishment, but may accept or reject the request, and the supervisor, who has the power of appointment, may give another disciplinary punishment in 15 days, in case of rejection. The disciplinary punishment shall not be given without the defense of the civil servant.

It is not possible to end the civil service of the female employee during the maternity leave, and before or after the birth, and all civil servants based on reasons other than the provisions mentioned above.

2. Information on dismissal, regarding employees covered by the Labour Law No. 4857

Pursuant to Article 5 of the Law No. 4857, no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his (her) employment contract due to the employee's sex or maternity.

In addition, pursuant to Article 18 of the same Law, titled "Justification of termination with a valid reason", reasons such as race, colour, sex, marital status, family responsibilities, pregnancy, birth, religion, political opinion, and absence from work during maternity leave when female workers must not be engaged in work (maternity and breastfeeding leaves), as foreseen in Article 74, shall not constitute a valid reason for termination

Thus, the Labor Law prohibits discrimination and dismissal of women from work due to reasons of pregnancy and maternity.

3. Information on dismissal of the workers in companies with less than 30 employees

Article 18 of the Labour Law, titled "Termination with a valid reason" indicates that: "The employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with

the capacity or conduct of the employee or based on the operational requirements of the establishment or service.”

According to the said Article, those shall not constitute a valid reason for termination: “race, colour, sex, marital status, family responsibilities, pregnancy, birth, religion, political opinion, and similar reasons” (Item d) and “absence from work during the times when female workers must not be engaged in work, as foreseen in Article 74” (Item e)

Procedure in termination and appeal against termination are regulated with Articles 19, 20, and 21 of the Law. Article 17 indicates that a notice to the other party must be served before terminating an employment contract made for an indefinite period, the party who does not abide by the rule to serve notice 2-8 weeks before the termination according to the duration of the employment, shall pay compensation equal to the amount of the wages which correspond to the term of notice, and the employer may terminate the employment contract by paying the wages corresponding to the term of notice in advance. Besides, the employer’s breach of the rule of giving notice or his terminating the employment contract by paying in advance the wages corresponding to the term of notice shall not preclude the application of Articles 18, 19, 20 and 21 of the Law.

According to Article 5 of the Labour Law, No discrimination shall be made based on language, race, colour, sex, disability, political opinion, philosophical belief, religion, sect or similar reasons in the employment relationship. Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee due to sex or maternity, in signing, formation, implementation and termination of the employment contract.

In this context, women are protected against discrimination and dismissing due to pregnancy and maternity.

Protection is provided with the provision that request of the worker, who wants to work part-time to look after the child until the beginning of the month following the date of the compulsory primary education age shall not be considered as a just reason for the termination of the contract.

The Law no. 6701 on Human Rights and Equality Institution became effective with its publication in the Official Gazette of 20 April 2016. According to Article 3 of the Law entitled "Principle of Equality and Prohibition of Discrimination", Discrimination based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnicity, wealth, marital status, health status, disability, age and also on birth is prohibited.

4. Information on Section 25 of the Labour Law, *dismissal without notice*

The employer may terminate the contract, whether for a definite or indefinite period, before its expiry or without having to comply with the prescribed notice periods, in the cases indicated in the Law. However, in the case of birth and pregnancy, the employer's right to terminate without notice begins at the end of the term mentioned in Article 74 of the Labor Law, which regulates the maternity leave.

There is not a different regime indicated in Press Labour Act no. 5953 and Maritime Labor Code no. 859, regarding dismissal during pregnancy or maternity leave.

Redress in case of unlawful dismissal

Reinstatement in case of unlawful dismissal during pregnancy or maternity leave.

There is no amendment in the legislation regarding reinstatement of employees with an open-ended contract, in an enterprise employing less than thirty workers, in case of unlawful dismissal.

Information on ceilings to compensation for pecuniary and non-pecuniary damage, claim for non-pecuniary damage, competent court and duration of the decision

a. With regard to the question whether the ceiling calculation of the compensation stipulated in Articles 17 and 21 of the Labour Law is valid or not both for material and moral damage;

Pursuant to Article 17 of the Labour Law No. 4857, although termination of a contract of employment for an indefinite period is always possible by notification or severance pay, this right, as every right, should be enjoyed in accordance with the rules of honesty and objective good faith in accordance with Article 2 of Civil Code. Otherwise, the right to termination is mentioned to be abused.

Pursuant to Article 17, the employer abusing the right to termination should pay compensation at the amount of three times of the cost corresponding to the term of notice. The said compensation is also called compensation for bad faith damages in practice.

Pursuant to Article 21 of the Law, if the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him in work, compensation to be not less than the employee's four months' wages and not more than his eight months' wages shall be paid to him by the employer.

Pursuant to Article 5 of the same Law, no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. If the employer violates the above provisions in the execution or termination of the employment relationship, the employee may demand compensation up to his (her) four months' wages plus other claims of which he (she) has been deprived. Article 31 of the Trade Unions Act is reserved.

The process of termination due to pregnancy is invalid in accordance with Article 18/3-d of the said Law. If an employee is not re-engaged in work, the compensation of occupational safety shall be adjudged. Due to this specific regulation, the courts in cases of reemployment, shall decide to the determination of invalidity of termination and to the compensation of reemployment and not re-engage in work and shall not adjudge also to the compensation of discrimination as well as not re-engage in work. Since compensation is not a means of enrichment, unless provided otherwise in the Law, the damage of an illegal behaviour is compensated once. Therefore, compensation for discrimination cannot be demanded together with compensation for job security. Yet, termination on the basis of discrimination is not a termination on a valid reason. Supreme Court of Appeals is also of the same opinion. Opposite views also exist in the doctrine.

On the other hand, any of the severance pay, notice pay or compensation for bad faith damages in the Labour Law has the purpose of protection against attacks directed towards personality or recovery of material-moral damage arising from the attack. In this respect, the provisions in Civil Code and Code of Obligations which should be applied in case of attacks of personality should be taken into account also in employment relation.

In this regard, the ceiling calculations stipulated in Articles 17 and 21 of the Labour Law are not valid for material and moral damages.

ii. With regard to the question whether the persons have the right to sue or not due to moral damages;

As was explained above in short, compensation for discrimination is the compensation given to the employee up to his (her) four months' wage in case of violation of the obligation of equal treatment of the employer. Four months' compensation is the peak of the compensation whereas; the lower limit was not specified. The employee can demand his/her other rights except for compensation for discrimination. Social benefits, bonus and wage increases on equal basis can be cited. The obligation of equal treatment was regulated in Article 10 of the Constitution of the Republic of Turkey and in Article 5 of the Labour Law. Again, Article 14 of European Convention on Human Rights (ECHR) regulates the prohibition of discrimination.

Since Article 5 of the Labour Law explicitly stipulates this compensation "in employment relation or in its termination", it should not be demanded in the establishment of employment relation in case of violation of equal treatment. In this case, the employee who was exposed to discrimination can demand compensation according to the general provisions. The compensation for discrimination is not compensation in technical terms, but since it is a legal sanction for the violation of equal treatment, in order for the employee to demand discrimination compensation it is enough for him/her to be exposed to a process or behaviour constituting an absolute discrimination. Moreover, it is not necessary for a damage to be emerged.

Within this scope, it is considered possible for the employee to demand moral indemnity due to attacks to his/her personal rights within the framework of general provisions of the Code of Obligations due to the reasons arising from the employment contract.

iii. *With regard to the question whether the same court ruled or not about material and moral compensation and about how long the decision of compensation was taken approximately;*

As is known, pursuant to Article 1 of the Law of Labour Courts No. 5521, the place for the settlement of disputes arising from employment contract or from any demands on the basis of employment contract or Labour Law between the persons deemed to be an employee, the employers or employer representatives according to the Labour Law is the "labour courts".

Again, special provisions are included in Article 20 of the said Law in order to decree legislative and objection to termination cases rapidly compared to other labour cases considering the specific significance. Pursuant to Article 20 of the Law entitled "Procedure of appeal against termination", the employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not

valid to justify the termination shall be entitled to lodge an appeal against that termination with the labour court within one month of receiving the notice of termination. If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period of time. Under Article 20 of the Labour Law No. 4857, the court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month.

European Court of Human Rights, in its consideration about a case of reemployment lasting for a year and five months, has ruled that “reasonable time” was not exceeded in the context of the first paragraph of Article 6 of the Convention since there were no delays in the presence of national courts when the whole period of judgement is taken into consideration by stating that the attitude of national courts about the matter of dispute does not show a specific complexity in the said case, that the judgement lasted for a year and five months in front of two-level jurisdiction, that the national courts have analysed the core of the case to decide the claims of the applicant during this period and that received the statements of the witness as well as the expert’s report. (Çalık/Türkiye, B. No: 3675/07, 31/8/2010; for a similar decision please see. Dildirim/Türkiye, B. No: 42927/10, 12/3/2013).

In addition, The Law no. 6701 on Human Rights and Equality Institution became effective with its publication in the Official Gazette of 20 April 2016. According to Article 3 of the Law entitled "Principle of Equality and Prohibition of Discrimination", Discrimination based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnicity, wealth, marital status, health status, disability, age and also on birth is prohibited.

ARTICLE 16

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

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

Scope of the provision as interpreted by the ECSR

Notion of "family" as defined in domestic law.

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

a. Social protection

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

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

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

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

b. Legal protection

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

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

c. Economic protection

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

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

A. DEVELOPMENTS SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

a. Regulation on the Sharing of Social Assistance Data

Public social benefits were gathered under the roof of the Ministry of Family and Social Policies (ASPB) and institutional unity was ensured with the legislative arrangements made in 2011. The General Directorate of Social Assistance (SYGM), which is structured as the main service unit of the Ministry, has become the biggest public institution in terms of both the target group reached and the amount of the resources used in the field of social assistance in Turkey. Currently, it conducts its services through Social Assistance and Solidarity Foundation (SYDV) established in every province and district in Turkey.

The Regulation on the determination of the principles about sharing social assistance data was published in September, 2014. It is aimed to determine the principles and procedures regarding the registration, sharing and security of personal and institutional data held in the database on social assistance activities carried out by SYGM in cooperation with the SYDV, and the data to be kept in the institutions and organizations that SYGM and SYDV will share the data with.

b. Amendment on the Elderly Pensions in the Scope of the Law no. 2022

The Ministry of Family and Social Policies has been developing the services about the pension payments carried out under the Law No. 2022, which it has taken over in 2012.

In the Elderly Pensions applied within the scope of the Law no. 2022 on the grant of pensions to Turkish citizens who are over the age of 65 and who are destitute, infirm and without any means of support, the income per person in the household was used to be taken into account in the determination of the neediness. Thanks to the new regulation, the elderly in need and their spouses are provided a certain regular income no matter who they are living with.

c. Law on the Protection of the Family and the Prevention of Violence against Women and related legislation

Law no. 6284 on the Protection of the Family and the Prevention of Violence against Women was published in the Official Gazette dated 20.03.2012. Purpose of the law is to regulate the procedures and principles concerning the protection of women, children, family members and victims of stalking who are exposed to violence or are at risk of violence, and prevention of violence against them.

"Implementation Regulation of Law no. 6284 on the Protection of the Family and Prevention of Violence against Women", was published in the Official Gazette on 18 January 2013 and "Regulation on Violence Prevention and Monitoring Centers" on 17 March 2016 and entered into force. The Ministry of Justice General Directorate of Criminal Affairs issued a circular no. 154 dated 20.02.2015 for the implementation of the promised law.

d. “National Action Plan to Combat Violence against Women (2016-2020)”

"National Action Plan to Combat Violence against Women (2016-2020)" entered into force following the expiration of the implementation period of the National Action Plan to Combat Violence against Women (2012-2015), which sets out basic policy priorities in the field of combating violence against women in Turkey.

e. Regulation on Establishment and Operation of Women Guesthouses

The regulation entered into force on 5 January 2013. The aim of this Regulation is to determine the procedures and principles regarding the opening and functioning of women guesthouses belonging to municipalities, municipal special administrations, non-governmental organizations, and the Ministry of Family and Social Policies, the type and quality of service, supervision, cooperation between institutions and duties and responsibilities of the employees.

f. Regulation on Social Service Centers

The regulation was published in the Official Gazette dated 09.02.2013 and numbered 28554.

Accordingly, the centers shall provide services that are supply-oriented as well as services upon application, on-site, with an integrated approach and monitorability.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

▪ Projects on Social Housing:

Social Assistance and Solidarity Funds and Social Assistance and Solidarity Foundations provide housing assistance programs to meet the need for housing, one of the basic and essential needs of the poor and needy persons within the scope of Law No. 3294 and to provide them with "shelter" in the framework of humanitarian standards of living.

House construction/repair aids are funded by Social Assistance and Solidarity Fund and Foundations, in order to support poor household mostly living in rural areas in their own houses, to provide better living conditions for them. In this regard, shelter aid of maximum 25.000 TL is paid to persons having their own land to help them constructing their own house or buying a new one and aid of maximum 15.000 TL is paid to persons living in unfavorable and unhealthy conditions for repair of the houses. 336 million TL was allocated for this purpose between the years 2010-2016, to 28.000 families.

In order to meet the housing needs of the poor, construction of housing is carried out by TOKI, with the resources of Social Assistance and Solidarity Fund (Fund), in the context of "Social Housing Project". Within the scope of the Social Housing Project, the construction of 1 + 1 and 2 + 1 houses has started with the repayment method, from 2010 in line with the Protocols signed between the ASPB and the Housing Development Administration.

Within the scope of "Social Housing Project", it is aimed to build 100.000 houses by 2023 in line with 2023 Vision. As of October 2016, construction of 29.268 social dwellings has been completed and delivered to the rights holders, and construction works for 4.261 dwellings are in progress and a total of about 33.529 dwellings have been planned.

▪ **Workshop on Family, Children and Woman in Turkish Legal System**

The workshop was organized with the contributions of Department of Ministry of Justice Directorate of Strategy Development, Ministry of Family and Social Policies, and the Supreme Court of Appeals on 13-15 April 2016.

The workshop focused on the problems and solution suggestions regarding the issues of operation of family courts, divorce, custody, personal relationship, division of matrimonial property, and adoption.

According to the conclusion regarding the family courts, there is a necessity to distinguish between the couples who have applied to the court to divorce with an instant disagreement and the couples where the marriage union has breakdown, with the help of a family counselor to be consulted at the beginning of the trial.

It has been suggested that common custody should apply in case of agreement of the couples who are in the divorce process, otherwise custody should be given to one of the parents as usual. In addition, it was suggested that it would be appropriate to follow the exercise of custody of the child for a certain period of time after the divorce. It is stated that it is appropriate to organize the establishment of personal relations according to the characteristics of the individual and the child and the family rather than establishing it in the same way in different files. It has been decided by consensus that it would be appropriate to establish a unit for the delivery of children in the district governorships. It hasn't been concluded which ministry will be responsible for the follow up of exercise of the custody and delivery of the child. Penalties of punitive and heavy fines and change of custody have been suggested for the parents holding the custody, who prevent the child from seeing the other parent. It has also been concluded that Ministry of Family and Social Policies should be the obligatory mediator institution and included in the process in all adoption cases.

▪ **ASPB Institutional Service Units**

Guest houses:

The existence of supportive services and institutional structures presented to victims of violence against women, which are violations of fundamental human rights and freedoms, is of great importance. In this context, guesthouses for women, one of the ASPB institutional service units, are provided with no discrimination against women who are physically, sexually, psychologically or economically victimized, or are likely to suffer from violence, and this service is provided by taking only the woman's statement into consideration.

Regulation on the Establishment and Operation of Women Guest Houses entered into force on 5 January 2013, aiming to reorganize the guesthouses.

Professional studies aiming to examine the situation of women and address their problems are carried on in ASPB affiliated women's guesthouses, along with services and support about issues such as security, counseling, temporary financial aid, kindergarten, vocational training courses, group work, scholarship for children, social, artistic and sports activities, directly or by redirecting to the related institutions. Psychological support is also provided to women in order to be able to determine new life options. In addition to psycho-social support services, guesthouses are cooperating with Bar Associations for legal support, and Public Education

Centers affiliated to National Education Directorates and Provincial Directorates of the Employment Agency for employment and acquiring a profession.

First admission units:

These are the units where the first analysis about the women who have applied to ASPB Provincial Directorates or Violence Prevention and Monitoring Centers are made, their psycho-social and economic situations are examined, and temporary accommodation can be provided for up to two weeks. According to the first observational result made by the professional staff in the first admissions units, the appropriate social service model and procedures to be carried out are determined and, if necessary, the admission to guesthouses is provided. As of December 2016, there are 25 first admission units at service. (The work on the prevention of domestic violence is mentioned in detail in Part B)

Alo 183 Social Support Line:

Guidance and counseling services are provided through the Alo 183 Social Support Line, one of the ASPB Call Centers, by evaluating calls related to family, women, children, disabled, elderly, martyr relatives, veterans and veteran relatives. In addition, precautions are taken in order to prevent negligence, abuse and violence or honor killings, and the emergency response team officer and / or law enforcement officers in the province are informed according to the consideration of the urgency of the situation. The Emergency Response Team assesses the case and, if necessary, coordinates with the police or gendarmerie units to ensure intervention in the shortest possible time. Alo 183 Line provides uninterrupted service 7/24. Alo 183 line is free of charge for domestic calls and the staff who speak Kurdish and Arabic answer incoming calls in these languages. Alo 183 line service is also provided to hearing and speech disabled persons by the staff who can speak sign language, through video calls via 3G compatible phones between 08:00 - 24:00 hrs. on weekdays and between 08: 00-17: 00 hrs. on Saturdays from the line no. 0 549 381 0 183.

3. STATISTICS AND OTHER RELEVANT INFORMATION

SOCIAL BENEFITS

	2012	2013	2014	2015
Total Social Assistance Expenditure (Public) (TL)	19 billion	21 billion	23 billion	26,7 billion
Number of Households Benefiting from Social Benefits	2.891.165	3.069.526	3.005.898	3.017.969
Number of Households Benefiting from Regular Assistance	2.171.614	2.266.500	2.274.182	2.318.042
Number of Households Benefiting from Temporary Assistance	1.719.226	1.999.333	1.892.656	1.924.649
Number of Households Benefiting from Both Regular and Temporary Assistance	999.675	1.196.307	1.160.940	1.224.722
Rate of Resources Transferred to Regular Assistance to All Assistance (%)	82	78	78	78
Rate of Resources Transferred to Temporary Assistance to All Assistance (%)	18	22	22	22
Household Annual Social Benefit Amount (TL)	1.760	1.966	2.346	2.524
Household Monthly Social Benefit Amount (TL)	147	164	195	210
Number of Registered Households in Integrated Social Assistance Information System	8 million	8.4 million	8.9 million	10 million
Share of Cash Benefits in All Benefits (%)	87	89	92	89
Number of Persons, whose Social Security Premiums are Paid by State	9.1 million	9.3 million	9.3 million	8.9 million
Rate of Women Entitled to Social Benefits to all Beneficiaries (%)	60	60	61	61
Rate of Women Entitled to Social Benefits to all Regular Assistance Beneficiaries (%)	75	70	75	75
Rate of Women Entitled to Social Benefits to all Temporary Assistance Beneficiaries (%)	50	50	49	50
Rate of Social Assistance Beneficiaries Age 45 and Above (%)	50	47	48	48
Rate of Married Social Assistance Beneficiaries (%)	65	68	68	68
Rate of Social Assistance Beneficiaries Living in Urban Area (%)	56	73	75	74

Number of persons benefited from ASPB Guesthouses

Years	Number of women	Number of accompanying children	Total
2012	6.547	2.754	9.301
2013	8.844	3.804	12.648
2014	14.123	5.742	19.865
2015	18.562	9.199	27.761
2016 (October)	20.874	12.855	33.639

Women guesthouses and capacities

Years	Affiliated institution	Guesthouse	Capacity
2012	ASPB	80	1923
	Local governments	32	730
	Total	112	2653
2013	ASPB	90	2406
	Local governments	32	730
	Total	122	3136
2014	ASPB	95	2617
	Local governments	33	761
	Total	128	3378
2015	ASPB	100	2636
	Local governments	31	723
	Total	131	3359
2016 (December)	ASPB	101	2657
	Local governments	32	741
	NGO's	4	45
	Total	137	3443

Statistics in the scope of the Law no. 6284 on the Protection of the Family and the Prevention of Violence against Women		
YEARS	TRAINED STAFF	DECISIONS OF PROTECTIVE / PREVENTATIVE MEASURES
2013	79.774	6.031
2014	186.437	6.856
2015	10.392	7.492
2016 (inc. August)	379	4.967
TOTAL	276.982	25.346

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

1. Social Protection of Families

1.1. Family Counseling Services

1.1.1. Information on Social Service Centers:

Functions of Social Service Centers, which are affiliated to the Ministry of Family and Social Policies, are indicated in Social Services Act no. 2828, Article 3, Item 15. Accordingly, the Social Service Centers are the institutions working day-time and determine the persons in need, take necessary social service measures to intervene and follow up, provide preventive, protective, supportive, and developmental services, guidance and counseling for children, young people, women, men, disabled, elderly people and their families in the most convenient and accessible way. They are also responsible for providing services in coordination with local authorities, universities, non-governmental organizations and volunteers when needed and facilitating coordination of these services.

The regulation on Social Service Centers was published in the Official Gazette dated 09.02.2013 and numbered 28554. Accordingly, the centers shall provide services that are supply-oriented as well as services upon application, on-site, with an integrated approach and monitorability. The number of social service centers and service areas have been determined considering geographical location of the districts, distance to the nearest social service center, social and demographic structure and the existence of institutions and organizations that can cooperate in the provision of services, together with the opinions of ASPB Provincial Directorates.

Services provided at Social Service Centers:

- Protective, preventive, educative, supportive guidance and rehabilitative social work activities in order to enable the community members in the service area to attain better living conditions, to cope with problems they face due to rapid social change, urbanization and migration, and to become participative, productive and self-sufficient.
- Identification of individuals and families in need, taking into account the information obtained from individuals, institutions and organizations and fieldwork, monitoring and analysis of the situation, and the necessary guidance to benefit from the services they need.
- Services for the development and strengthening of family life (education, counseling, social economic support etc.), directing them to the services they need, providing guidance on access to and the contents of those services, implementation of training programs such as Pre-marriage Education Program and Family Education Program.
- Family Counseling/Family Therapy services for families who are experiencing problems and conflicts within the family and whose marital union is at the point of breakdown, provision of all kinds of financial, psychological and social support to the members of broken families who are in need of protection, help and care, Divorce Process Counseling services for the elimination of problems before, during and after divorce.
- Activities to protect children and young people from addiction, crime and working/begging on the streets, providing support for the families of those children and

young people at risk, with the principle that children should be kept apart from adults in the places they get services and the high benefit of children.

- Trainings and awareness raising programs aimed at increasing knowledge about citizenship and human rights, children's rights and other rights, ensuring participation in social life, organization of social, cultural and artistic activities
- Organizing events such as seminars, panels, conferences, and symposiums in the framework of programs to improve social determination and sensitivity about elimination of domestic violence.

The number of Social Service Centers opened to service in 81 provinces has reached 217. 1.267.304 people benefited from 175 Social Service Centers in 2015.

Social Service Centers	
Years	Number of SSC
2013	122
2014	150
2015	175

Number of persons accessed	
Years	Number of persons
2014	1.003.552
2015	1.267.304

1.1.2. Information on Family Counseling Centers

Family Counseling Centers were established as affiliated to the Social Services and Child Protection Agency (abolished) and were defined as "centers opened for the protection, support and empowerment of the families in order to cope with economic, social, cultural and psychological problems". These centers were established with the Decree Law No. 572, which was published in the Official Gazette No. 23011 dated 06.06.1997 and entered into force. Within this scope, 58 Family Counseling Centers provided service.

Number of beneficiaries of Family Counseling Centers

Years	Number of beneficiaries
2002	801
2003	2.340
2004	1.731
2005	6.817
2006	14.076
2007	21.378
2008	17.244
2009	21.696
2010	19.039
2011	112.660*
2012	45.277
Toplam	263.059

Regulation on Family Counseling Centers no. 26666 dated 07.10.2007, was issued by the General Directorate of Social Services and Child Protection Agency, in order to determine the principles regarding the organization, physical features and functioning of Family Counseling Centers and the qualifications, duties, authorities and responsibilities of personnel to be employed in these centers.

* Number of services provided at Community and Family Counseling Centers

The daytime services provided by Social Services and Child Protection Agency , which was taken over by the Ministry of Family and Social Policies later, continued its activities under different names (Social Services, Community Centers, Family Counseling Centers, Child Youth Centers, Elderly Service Centers, etc.) but the provision of similar services by different organizations in different places by different staff caused both service repetition and resource waste and necessary measures were taken to provide protective and preventive services together, under a single administrative structure. In this context, with an addition to Article 10 of the Social Services Act No. 2828 with the Decree No. 662 dated 11.10.2011, a new daytime service model was established with the name "Social Service Center".

Aims of the establishment of the new service model are, integration of the daytime organizations operating under the Ministry of Family and Social Policies under the Social Service Center (SHM); provision of protective, preventive, supportive, developing services, guidance and counseling services to children, young, women, men, disabled, elderly, veterans and martyrs and their families at one service center; determination of persons in need for social services intervention and follow-up; taking the necessary measures to ensure that the individuals who need care to become self-sufficient with the help of the fieldwork, along with application-oriented services; and making social services accessible to all groups of need.

The Family Counseling Centers serving as a separate unit were closed down at the end of 2013, after the Social Service Centers Regulation was published in the Official Gazette dated 09.02.2013, numbered 28554 and entered into force. Family Counseling service has started to be provided under the Education and Counseling Unit within the Social Service Centers.

Family and Divorce Counseling in Provincial Directorates

Family and Divorce Counseling is the counseling service provided to couples who in the decision making process about divorcing due to problems in communication, relationship etc., or in the legal process and need to get counseling. They either apply to relevant institutions or they are advised to get counseling to go through this process in a healthy way.

This service is provided free of charge by the experts in the 81 Provincial Directorates of Family and Social Policies and Social Services Centers in three phases: Pre-Divorce Counseling Service, Divorce Counseling Service and After-Divorce Counseling Service.

Services for helping to gain family communication skills, to resolve conflicts in a constructive way and to support family, directing the individuals who are evaluated to have psychiatric disorders to health care institutions, advising on the solution of the problems they have with each other and their children are among the services offered to families applying for counseling before and during divorce. Child-focused counseling is being provided on issues related to single parenting and the relationship with the children after the divorce. In addition, counseling services are provided about the new position of the person in the society, adapting to his/her new home and life, and to cope with financial problems.

Pilot application of the service took start in 2012 and started to be available country wide in 2013. About 75 couples (16.6%) among 450 applicants at the end of the pilot implementation in 2012 and 316 couples (29,5%) among 932 applicants in 2013 in Adana, Ankara, Antalya, Burdur, Bursa, Diyarbakır, Erzurum, Karabük, Kırıkkale, İstanbul, İzmir and Samsun decided to continue their marriage. A total of 8.320 applications have been made to the Provincial

Directorates and Social Service Centers to receive Family and Divorce Counseling services. The number of persons benefiting from the service is indicated below:

YEAR	Applications for pre-divorce and divorce counseling	Decision to continue marriage partnership during the service	%	Post-divorce Counseling Applications
2012	450	75	16,6	-
2013	932	316	33,9	
2014	1922	724	37,6	403
2015	2379	908	38,1	707
2016 (not finalized)	1382	655	47,3	145
TOTAL	7065	2678	37,9	1255

In order to carry out this service, 432 professional staff were provided in-service training on Family and Divorce Process Consulting. The "Family and Divorce Process Counseling Guide" was prepared in 2013 in order to guide counselors.

Private Family Counseling Centers

“Regulation on Family Counseling Centers to be Opened by Real Persons and Private Legal Entities and Public Institutions and Organizations” was prepared and published in the Official Gazette dated 04.09.2012 and numbered 28401 and entered into force. The aim of the regulation is to set the basic criteria and working principles for reaching certain standards of the existing family counseling services. The Regulation sets the procedures and principles regarding personnel and service standards, ethical rules, fee schedules, opening and closing procedures, activities, audits and other aspects of family counseling centers opened by real persons and private legal entities and public institutions. There are 47 Private Family Counseling Centers opened and still operating according to the regulations.

Regulation on Family Counseling Centers was prepared on the basis of the Decree Law on the Organization and Duties of the Ministry of Family and Social Policies no 633 dated 3.06.2011 and Social Services Act no. 2828 dated 24.5.1983.

Family Counseling Centers are defined in the Regulation, as organizations that provide protective, preventive, educative, developmental, guidance and rehabilitative services, for the development and strengthening of the family and for individuals to become participative, productive, self-sufficient with the capacity for problem-solving.

Number of Private Family Counseling Centers	
Provinces	Number
Adana	1
Ankara	3
Antalya	5
Aydın	2
Balıkesir	2
Bursa	3
Denizli	1
Edirne	3
Eskişehir	1
Giresun	1
Hatay	1
İstanbul	5
İzmir	13
Kocaeli	1
Konya	2
Malatya	1
Manisa	1
Mersin	1
TOTAL	47

Social Services Act no. 2828, Article 3 defines “social services” as systematic and scheduled services aimed at helping to prevent and solve social problems individuals and families, to improve and raise living standards, to meet their needs and eliminate the material, immaterial and social deprivations that arise from their own living conditions or outside their control. In order to obtain the title of Family Counselor, graduation from at least one of four years of undergraduate programs in social work, psychology, sociology, psychological counseling and guidance, medicine, nursing and child development is required. It is then necessary to attend a training program approved by the Ministry of National Education, the Council of Higher Education or one of the universities. Who successfully complete this program and receive the certificate will be awarded the title of Family Counselor. Those who obtain this title may work in Private Family Counseling Centers within the scope of the said regulation. Those who want to open Family Counseling Centers are required to make official application to Provincial Directorates of Family and Social Policies. The Provincial Directorate, which conducts examination for startup, opens the center with the approval of the Governor's Office.

1.2. Participation of associations representing families

Information on Family Councils

Ministry of State, Regulation on Family Councils was published in the Official Gazette on 31.07.1990 by the General Directorate of Family and Social Researches. Purpose of this Regulation is to establish a working order which will ensure that the work to be carried out in the General Assembly and its Committees is handled in a system and concluded in an effective and positive manner. The aim of the Family Council is to gather and discuss views and approaches related to the family, and to make decisions on principles and programs that are fundamental to a national policy in the direction of the Turkish society's preferences. However, many institutional changes have been made since the publication of the directive.

The first Family Council meeting was convened between 17-20 December, 1990 with the aim of getting the views of universities, voluntary organizations, other public institutions and organizations on the subject of the family and ultimately forming a national family policy. Family Councils became a platform on which family policies are dealt with at national level and many opinions and suggestions on the issue are expressed. In the face of the rapid changes in the world and our country and the effects it creates on the family, Ministry of Family and Social Policies (ASPB) took action with the need to support this institution and the fifth Family Council was held on 4-7 November 2008 by ASPB under the main theme of "Family Support Services", with broad participation. VI. Family Council was held in Ankara on 14-16 May 2014. The main theme of this meeting was “Family Centered Protective and Preventive Social Services”, and the subtopics were Elderly, Disability and Progressive Diseases; Child, Adolescence and Youth; Combating Violence, Abuse and Addiction; Family and Marriage Counseling and Guidance, Family Trainings; Social Effects of Internet and Communication Technologies. Regarding the subtopics, while the Committees are flexible in their working methods, social services implemented in the framework of protective and preventive social policies have been assessed and the aims and outcomes of these services have been evaluated by ASPB, other public institutions and organizations and NGOs. The committees included public institutions as well as representatives of various academicians, foundations and associations. (<http://familysummit.athgm.gov.tr/komisyonlar>) Reports of the committees and reports prepared by academics and experts have been published by ASPB General Directorate of Family and Community Services.

(http://ailetoplum.aile.gov.tr/data/542936a3369dc32358ee2a94/VI_%20Aile%20Surasi_Raporlar%20ve%20Bildiriler_Kitabi.pdf)

2. Legal protection of families

2.1. The rights and responsibilities of spouses

Information concerning the use of maiden name by the women:

The Supreme Court Assembly of Civil Chambers has recently decreed about using maiden name of women. Pursuant to the principal decision of The Supreme Court Assembly of Civil Chambers No. 2014/2-889 2015/2011, it is stated in brief that "As a result of judgement due to the case of "using maiden name" between the Parties; the case was accepted by Ankara Family Court No. 11 and upon the request for investigating the decision with the verdict of The Second Civil Chamber of the Court of Appeals dated 21.02.2013 and No. 2012/2319 E. 2013/4523 K.; "... In this regard, besides the result reached by the local court based on Article 90/final of the Constitution of the Republic of Turkey in which it is not possible to be implemented with regard to the case is not true, it has the quality to remove the impact of bindingness of constitutional court decisions. Such approach procures the result of "deciding contrary to the current provision." This disturbs the general principle and peace concerning the maintenance of the unity of family and integrity over the surname of the husband adopted by the Turkish Civil Code. Thus, it should be ordered a peremptory nonsuit. It was disagreed to be given a written decision with illegal reasons without considering the issues explained. As a result of a new judgement, the previous decision was resisted by the court.

The dispute gathers at the point of whether the Constitutional Court decisions are binding or not against European Convention on Human Rights; according to the result whether a woman can use only her surname within the unity of marriage despite Article 187 of the Turkish Civil Code.

As for the basis of the issue;

Besides European Court of Human Rights indicates that Article 8 of the Convention (Protection of personal and family life) does not contain an explicit provision with regard to name and surname, due to being a means in the determination of the identity and family ties of the person, it accepts that the surname is significant in terms of both profession and to establish social, cultural or other kinds of relations in the private and family lives of individuals. It also undertakes the function of introducing them to the outer world and is related with respect to private and family life including getting in touch with other people insofar and the Court also accepts that the society and the State being interested in arranging the names as an issue of public law shall not suspend this issue from the terms of private and family life. In this respect, it is understood that by changing surname, the surname also which is mentioned in jurisprudences of European Court of Human Rights and in terms of the surname of the child and the woman is within the protection area of Article 8 of the Convention (Burghartz/Switzerland, B.No: 16213/90, 22/2/1994, § 24; Stjerna/Finland, B.No: 18131/91, 25/11/1994, § 37; Niemietz/Germany, B.No: 13710/88, 16/12/1992, § 29).

It was accepted by the Assembly of Civil Chambers that using a joint surname has no effect in ensuring family unity against the justification that the use of maiden name shall have negative effect in ensuring family unity, a joint surname does not contribute to this issue except a

traditional approach, in case family unity is not reflected with a joint family name, the married couples and/or the third parties shall not face a concrete or important problem and that certain defects which may emerge in carrying out population services can be overcome by some technical arrangements.

The Assembly of Civil Chambers did not ignore the significance of problems in transition from a family name system based on traditional husband's surname to another system with regard to keeping the records of birth, marriage and death that allows married couples to use their own surnames. However, it shall be reasonable to wait for the society to experience some problems to ensure individuals to live in respect according to the name they choose. (Mutatis mutandis, Christine Goodwin/The United Kingdom [GC], No. 28957/95, § 91, ECHR 2002-VI).

Therefore, when taken into consideration the obligation of eliminating gender discrimination in many subjects including choosing surname in international texts mentioned above which our country is also a party to, the purpose of reflecting the family unity with a joint family name does not constitute a valid reason for gender discrimination. Thus, when the abovementioned treatment is considered together with Article 8, it is clear that it is in contrary to Article 14.

As for the concrete incident: the claimant wants to use only her maiden name within marriage unity without the reason being important. To use maiden name, there is no need for a valid ground. This right is a human right within the scope of Article 8 of European Convention on Human Rights and Article 17 of the Constitution of the Republic of Turkey and it should be applied for both men and women equally without subject to gender discrimination. Otherwise, it shall constitute a contradiction to Article 14 of European Convention on Human Rights.

Due to the reasons explained above, the decision of the local court is in accordance with the procedure and the law; therefore it should be approved."

Following the decision of The Assembly of Civil Chambers, Second Civil Chamber of the Court of Appeals which is the related department has also changed its view and started to approve the decisions given by the courts of first instance in the cases demanding using the maiden name. As it stands, it has become possible for the married women to use only their maiden name via judicial remedy.

2.2. Mediation services

Information on The Law on Mediation in Civil Disputes No. 6325 and mediation in family disputes:

The Law on Mediation in Civil Disputes No. 6325 was published in the Official Gazette dated 22.06.2012 and No. 28331. Articles 28-32 regulating the structure, organization and duties of The Head of Department of Mediation and Board of Mediation entered into force at the date of publication of the Law whereas the other provisions on 22.06.2013. The Regulation of The Law on Mediation in Civil Disputes also entered into force on 22.06.2013, the same date at which the said Law entered into force. On 22 June 2013 The Head of Department of Mediation was established on 22 June 2012 within the Directorate General of Legal Affairs of the Ministry of Justice.

Upon getting the status of mediator of the respective persons who succeeded in written and practice exams made by the Ministry of Justice and fulfilled the conditions mentioned in Article 20 of the Law and in Article 24 of the Regulation and getting into the mediators' registry kept by the Head of Department of Mediation as of 13 November 2013, the activity of mediation has started to be implemented actually in our country.

Pursuant to sub-paragraph (b) of paragraph 1 of Article 2 of the said Law, mediation is defined as the method used for the resolution of disputes, employing systematic techniques, carried out voluntarily and with the participation of an impartial and independent third person with specialty training, bringing the parties together to discuss and negotiate, and establishing a communication process between the parties in order to help them to understand each other and thus enabling them to work out their own solutions. Furthermore, under Article 3 of the Law, mediation is not an obligatory but a voluntary method of resolving disputes.

Pursuant to the second paragraph of Article 1 of the Law entitled "Purpose and Scope"; "This Law shall be applied in private law disputes, arising solely from the affairs or actions on which the parties may freely have a disposal, including those possessing the element of alienage. However, disputes containing domestic violence are not suitable of mediation." Under this provision, the disputes of "welfare allowance", "property" and "compensation" concerning family law that do not involve domestic violence are suitable for mediation.

As stated in Article 18 of the Law No. 6325, the scope of the agreement reached as the result of the mediation activity shall be determined by the parties; in case of preparation of an agreement document, this document shall be signed by the parties and the mediator. Should the parties reach an agreement at the end of the mediation process, they may submit such agreement to an enforcement court - whose authority is to be determined according to the rules of authority concerning the actual dispute - and may demand for the issuance of a commentary regarding its enforceability. The agreement containing such commentary shall be considered as a document with the force of a verdict. The issuance of the commentary of enforceability is an undisputed judgment affair, and the examination concerning this is carried out on the file. However the examination concerning family law disputes suitable for mediation shall hold by oral hearing. The scope of such examination is limited to whether the content of the agreement is suitable for mediation and compulsory enforcement. In case that an application is made to the court for the issuance of commentary of enforceability for the agreement document, and in case that the concerned party appeals decisions given upon such application, the fixed fees shall be collected. Should the parties wish to use the agreement document in another official transaction without obtaining a commentary of enforceability, then fixed stamp duty shall also be collected.

On the other hand, under sub-paragraph (d) of paragraph 1 of Article 17 of the Law, the mediation activity shall be considered to be completed in case determination that dispute is not suitable for mediation or related a crime does not under the scope of reconciliation according to Code of Criminal Procedure No. 5271 and dated 4/12/2004.

Under Article 7 of the Law No. 6325, the mediator has the right to demand for wages and expenses in return of the activity she/he carried out. The mediator may also demand an advance for the wages and expenses. Unless agreed otherwise, the wage of the mediator shall be determined according to the Mediation Minimum Wage Tariff in effect on the date of

completion of the activity; and again unless agreed otherwise, the wages and expenses shall be covered equally by the parties.

The Law on Establishment, Duty and Rules of Procedure of the Family Courts No. 4787 has partially regulated the means of mediation in family law disputes. Pursuant to Article 6 of the Law;

“The Family Court without prejudice to the provisions in the other laws may decide in its own sphere of duty;

1. About adults;

a) To advise the spouses about the obligations arising from the union of marriage by warning them where necessary,

b) To take necessary measures regarding the meeting of financial obligations arising from the union of marriage or for the protection of the economic existence of the family,

c) To place them into official or private health or social service organizations, eventide homes or similar places,

d) To send them to classes for gaining a professional qualification or to a suitable educational institution

2. About children;

a) To take necessary measures about statutory duties to furnish maintenance directed to care and custody,

b)) To take a child whose language, mental or spiritual development is at risk, or who is abandoned, or whose parents cannot take care of them, or a child who is difficult to educate, into the care of the state and then placing the child with a new family or with a state or private health organization,

c) To take measures to manage and protect children’ property,

d) To place the child to the organizations, administrations or enterprises or similar workplaces established by general and annexed budget departments, local administrations, state economic enterprises and banks or to someone owning a profession.

In following and carrying out of the decisions given by the Family Court one or more than one expert can be assigned under Article 5. In case of violation of these decisions Article 113/A of Code of Civil Procedure applies.”

Pursuant to Article 7 of the same Law, “(1) Family Court, according to the features of cases and work, encourages the settlement of the problems faced by spouses and children by peaceful means in terms of securing mutual love, respect and tolerance through benefitting from the experts, where necessary. Where peace cannot be ensured, it is adjudged by continuing the judgement.”

In this respect, the judge of family court is authorized to reconcile the parties in the above mentioned disputes. In fact, according to Article 7 of the Law, by using the term “...encourages” the judge is assigned with as a compulsory procedural provision.

2.3. Domestic violence against women

Information on legislation and practices on the prevention of domestic violence:

2.3.1. Activities carried out by the Ministry of Family and Social Policies

Ministry of Family and Social Policies continues to work with determination with the conviction that any violence against women is unacceptable. The work is carried out in a very wide range, with extensive cooperation of all parties. Priority topics are as follows:

- Legislative work in combating violence against women,
- Training and awareness raising activities,
- Increasing cooperation and coordination among institutions,
- Strengthening institutional mechanisms for the protection and support of women victims of violence

Turkey is among the first signatories to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) which was signed in Istanbul during the period of our Presidency of the Council. It was ratified on 24 November 2011 before the other countries in its parliament and became the first country to transmit the ratification certificate to the Council of Europe Secretariat on 14 March 2012, following its publication in the Official Gazette. With the signing of the Istanbul Convention, preparations for the fulfillment of the provisions of the Convention have been initiated. Within this scope, special attention has been paid to the fulfillment of the obligations under the Convention in the process of the drafting of the Law on Protection of the Family and the Prevention of Violence against Women numbered 6284. The enactment of the Law in the framework of the provisions of the Convention is the most important indication that the legal infrastructure has been strengthened and that the violence against women has moved to a higher level.

Implementation Regulation of Law no. 6284 was published in the Official Gazette on 18 January 2013 and "Regulation on Violence Prevention and Monitoring Centers" was published on 17 March 2016 and entered into force.

Within the scope of the Regulation on Violence Prevention and Monitoring Centers, in order to ensure that the services provided in struggling violence are carried out effectively, The Provincial Coordination, Monitoring and Evaluation Commission for Combating Violence Against Women, has been established with the participation of representatives of relevant public institutions and organizations, non-governmental organizations and professional

organizations, under the chairmanship of the governor or the vice governor. Also, the Ministry of Justice General Directorate of Criminal Affairs issued a circular no. 154 dated 20.02.2015 for the implementation of the promised law.

"National Action Plan to Combat Violence against Women (2016-2020)" entered into force following the expiration of the implementation period of the National Action Plan to Combat Violence against Women (2012-2015), which sets out basic policy priorities in the field of combating violence against women in Turkey. The Action Plan has been drafted having regard to international conventions, especially the Istanbul Convention, and legislation.

National Action Plan to Combat Violence against Women (2016-2020) aims improvements in 5 basic areas with 31 activities.

- Legislative regulations,
- Awareness raising and mentality transformation,
- Provision of protective and preventive services and strengthening of victims of violence,
- Regulation and implementation of health services,
- Institutional cooperation and policy development

In addition to the developments in the legislation, important steps have been taken for the development of institutional service units in the fight against violence against women.

▪ Violence Prevention and Monitoring Centers (ŞÖNİM)

The centers were first introduced to service in 14 pilot provinces in 2012 in order to combat violence with its causes, existence and consequences, by a single institution in a multi-dimensional way. As a result of the evaluation of the pilot implementation, it was decided to extend all of the service to all of the provinces and as of December 2016, the service is available in 49 provinces. Work is underway to ensure that Violence Prevention and Monitoring Centers serve in 81 provinces. As of December 2016, 121.220 persons, 87.823 women, 6.990 men and 26.407 children have benefited from the service.

- Survey on "Domestic Violence Against Women in Turkey in Turkey", first conducted in 2008 was repeated in 2014, aiming to understand the variation in the prevalence of violence by evaluating the effects of the policies and programs implemented in the last 5 years.
- "Impact Analysis for the Implementation of the Law No. 6284 on the Protection of the Family and the Prevention of Violence Against Women" was carried out to analyze the effectiveness of Law No. 6284. Studies are underway to address the problems encountered in the implementation of the Law No. 6284 on the basis of research results.
- In the context of "Pilot Implementation for the Use of Follow-up Systems with Technical Methods in the Scope of Combating Violence against Women" carried out with the cooperation of ASPB, Ministry of Justice and Ministry of Interior" pursuant to the provisions of the Protocol signed on 8 March 2015 and renewed on 19 April 2016 in order to use technical means and methods for combating violence against women, those committing violence and the victims are followed up at the same time, using electronic monitoring system infrastructure established by the Ministry of Justice General

Directorate of Prisons and Detention Houses within the Department of Probation Office and the systems of electronic clamping devices. Pilot application is being carried out in Ankara and Izmir provinces.

- Within the scope of "Combating the Domestic Violence Project", which is funded under the IPA-2009 program between 2014 and 2016, for the purpose of developing institutional services of ASPB for combating violence against women, improvements were made in application and service process, as a result of analysis of the current situation and training needs in 26 provinces.
- For the aims of awareness raising and mentality transformation, training and seminars on gender equality and prevention of violence against women are being carried out for the university students and the staff working in public institutions and organizations throughout the country. Protocols have been signed between the Ministries of Justice, Interior, Health and National Defense, the General Command of Gendarmerie, the Directorate of Religious Affairs and the Ministry of Family and Social Policies in order to ensure the continuity of the trainings. In the scope of the "Training Protocols" signed with Ministry of Interior, Ministry of Health, Ministry of Justice, Directorate of Religious Affairs, 71.000 policemen, 65.000 health personnel and 47.566 religious officers were trained. Seminars were held with the participation of 326 Family Court Judges and Public Prosecutors.
In addition, seminars were organized for 250 Civil Inspectors and 190 district governor candidates on gender, violence against women, etc.
- In the scope of the "Protocol on Strengthening Institutional Capacity, Cooperation and Co-ordination in Ensuring Gender Equality and Combating Violence against Women" signed between ASPB and Ministry of National Defense, 180.650 persons in 2014 and 317.152 persons in 2015 participated in the training and conferences on "Gender Equality" and "Combating Violence against Women" and making total of 497.802 persons.
- In-service training was organized for 250 staff members working in the field of violence against women in Ankara in April 2009 as part of the "Project for Increasing the Efficiency in Implementing National Policies for Combating Violence against Women" in cooperation with ASPB and the British Embassy. The training included information on trauma and trauma intervention methods, gender equality and practices related to violence against women in the Netherlands, provided by local and international experts. In this context, "Handbook for the Employees Working in the Field of Combating Domestic Violence" has been prepared.
- In the scope of the project "Training of Trainers for Employees Working in the Field of Domestic Violence", the second step of the project in the field of fighting domestic violence in the province, "training for trainers" was organized for 106 people, by the Ministry, the British Embassy and the Ministry of the European Union, in the province of Antalya in October-November 2013 and in Ankara in January 2014. In addition, "Handbook for Trainers" is prepared.
- "In-service Training Program for Administrators and Professional Staff in Women's Services", which was previously conducted in 2012 and 2013 in coordination with ASPB

Training and Publication Directorate and in cooperation with the General Directorate of Women's Status was organized in Antalya between 20.04.2015- 1.5 2015 in Antalya. The training included the issues of international and national legislation, problems in service delivery and solution proposals, procurement and budget operations and development of professional skills. The topics included "Istanbul Convention", "Law No. 6284 and Implementing Regulations", "Legislation and Implementations", "Women's Guesthouses Regulations and Evaluations on Implementation", "Discussions on the Problems Faced in Services in First Acceptance Units and Women's Guesthouses and Solutions", "Discussions on the Problems Faced and solutions for Services of ŞÖNİM", "Purchasing Transactions", "Budget Transactions", "Stress Relief Methods", "Anger Control", "Conflict Resolution Management", "Crisis and Crime Intervention Methods", "Project Preparation and Project Cycle Management".

- In-service training programs for personnel working in ASPB institutions were carried out in 2016. Within this scope, training materials were prepared for the personnel working in the Ministry and 124 ASPB employees working in ŞÖNİM, First Acceptance Units, Women's Guesthouses and Provincial directorates, have participated in the training program under five headings; Trauma, burnout, supervision, empowerment of women and training of support personnel.
- **Project to Combat Domestic Violence 2014-2016**

The aim of the project is to ensure effective protection of women through the creation of support services for women exposed to domestic violence and / or the development of existing services and the strengthening of cooperation between central and local governments and NGOs to improve the fight against violence. The total budget is € 10.150.000 (Technical support: € 6.850.000, Grant: € 3.300.000)

The provinces for project implementation are Adana, Afyon, Ankara, Antalya, Bursa, Çanakkale, Denizli, Diyarbakır, Düzce, Erzurum, Eskişehir, Gaziantep, Isparta, İstanbul, İzmir, Kırşehir, Kocaeli, Konya, Manisa, Mersin, Nevşehir, Sakarya, Samsun, Şanlıurfa, Trabzon, Van.

The project consists of 2 components; technical support and grants.

Technical Support Component:

1. Development of Provincial Action Plans for Each Province with Situation and Training Needs Analysis

Provincial Action Plans stand for four main objectives: "Harmonization of Local Regulations with Legislation", " Public Awareness and Transformation of Mentality", "Protective and Preventive Service Provision" and "Cooperation and Coordination".

2. Improvement of Counseling Centers and Alo 183 Line

Employees of ALO 183 Social Support Line and other call centers such as ALO 112, ALO 157 and ALO 155 and ALO 156 were interviewed with. In line with the interviews, an in-service report was prepared containing recommendations on improving the service delivery of existing call lines that provide services in the field of combating violence against women.

3. Training of Service Providers and Establishment of a Supervision Mechanism

Training material was created for each sector in line with the analysis results and the sectoral meetings. Trainings were held for a total of 1.374 persons. Training modules have been prepared for police, health workers, judges and public prosecutors, editorial staff, family court experts and personnel of ASPB. As a result of these trainings, it is expected that Institutions will reach to 35.000 health workers and 140.000 security personnel. These trainings include the trainings for 4.365 employees of the General Directorate of Security in 56 provinces.

4. Establishment of a Model for Coordination, Supervision and Monitoring

A model for Support / Supervision has been developed in order to monitor violence against women at local and national levels, and for staff working at guesthouses. In this context, meetings with representatives of institutions and organizations that provide services have been held.

5. Ensuring standardization of the services to be provided for victims of violence

In order to provide standardization, it aimed to identify service standards for ŞÖNİM, guesthouses and the mechanisms before and after the guesthouses. Forms and service processes have been revised.

6. Communication Strategy

Meetings were held for different target groups in order to raise awareness about domestic violence, and 3.565 people attended the meetings. Public announcements, posters and brochures have been prepared and distributed. A campaign titled "Stop the Violence against Women" was launched on 25.11.2015.

7. Study Visits

Local visits to provinces and international study visits were conducted. An international workshop was organized on 28-29 November 2016 on Services for offenders, Psycho-Social Support and Post-Guesthouse Services.

Grant Component:

Project support was given to 19 NGOs in 11 provinces, for strengthening the capacity to fight against domestic violence. The projects have been prepared on the issues such as prevention of violence against women, empowerment of women and protection of their rights, and development of gender equality.

2.3.2. Activities carried out by the Ministry of Interior

General Directorate of Security

- "Combating Domestic Violence Project- Training of Trainers for the Police" was conducted for 498 employees in 2016, and the training activities are continuing.

- “Department for Combating Domestic Violence” was established within the General Directorate of Security, Department of Public Order on 3.08.2011, in order to ensure that the services related to fighting against domestic violence are carried out more effectively throughout the country, determine the standard investigation methods by identifying the problems experienced in practice, improve existing services and take necessary measures for the victims in coordination with the related institutions and organizations.
- "Branch for Combating Violence Against Women and Domestic Violence” was established within 81 Provincial Security Directorate Public Security Branch Offices on 11.11.2015, in order to make combat violence against women more effective, to provide guidance and coordination of crime investigations related to the issue in the provinces, to examine the data related to the incidents of domestic violence and violence against women in the province and to represent the institution in terms of the works and transactions carried out in the province.
- Works and transactions carried out by the police within the scope of the Law No. 6284 on the Protection of the Family and Prevention of Violence against Women were standardized with the printed forms created in Pol-Net. Risk assessment is carried out with one of these standard forms, "Registration Form for Domestic Violence and Acts of Violence against Women" with 22 questions addressed to the victims. Certain protective and preventive measures are taken without delay in the cases where it is considered to be in "high risk" group after risk evaluation, even if the victim does not demand any measures.
- Within the scope of Law no. 6284, protective and preventive measures can be taken by law enforcement authorities in non-delayable cases. These measures are indicated below:

Protective measures against victims of violence:

- Provision of suitable accommodation for them and, where appropriate, their accompanying children, where they are, or elsewhere,
- In the case of the existence of a life-threatening situation, temporary protection on request or directly.

Preventive measures for offenders or those likely to practice violence:

- Measures to prevent the person to approach his relatives, witnesses and children, reserving the right of personal relationship, even if they have not suffered violence,
- Measures to prevent the person to engage in speech and behaviours including threat, insult, humiliation to the victim, reserving the right of personal relationship,
- Immediate removal from the or place of residence,
- Allocation of the common residence to the protected person,
- Measures to prevent the person to approach those who are protected, their residence, school and the workplace.
- The injunctions issued by the judge to "change the identity card and other relevant information and documents" in case of existence of a life threatening situation and considering that protective and preventive measures for the prevention of this danger will not be sufficient, within the scope of Article 4/1-ç of the law no. 6284.

- Police officers are assigned to provide contact in "Violence Prevention and Monitoring Centers" established by the Ministry of Family and Social Policies, in order to prevent violence against women and to provide support and monitoring services for effective implementation of protective and preventive measures.
- A total of 833 personnel were trained in the Gendarmerie General Command between 2013 and 2016 at various course centers, on "Preventing Violence against Children and Women, Combating Violence against Women, Prevention of Domestic Violence against Women, Combating Human Trafficking, Gender Perception and Combating Violence Against Women".
- "Prevention of Domestic Violence against Women Project" initiated by the General Command of Gendarmerie on 23.07.2013 was concluded on 23.07.2015. The project aims to ensure that human rights are respected among citizens in the context of gender equality, in particular to minimize domestic violence against women and to protect human rights in the fight against violence against women.
On-site service support, meetings for experience sharing, workshops, study visits, training of trainers, preparation of reports, educative materials and a web-site was included in the implementation of the project. 2.066 senior staff and 18.967 privates received trainings.
- In the context of developments at national and international level and regulatory changes concerning women victims of domestic violence, Department for Combating Domestic Violence and Children was established within General Command of Gendarmerie General Directorate of Public Security on 16.04.2012, in order to provide improvement, coordination and unity in execution of procedures for women and follow the latest developments.
- "Branch for Children and Women" was established in 48 Provincial Gendarmerie Command in 2016 and Child and Woman Crimes Transaction Sergeants were charged in 33 Provincial Gendarmerie Commands, to work until the establishment of the branches.
- Child and Woman Crimes Transaction Sergeants have been assigned in twinned post in the District Gendarmerie Commands and Gendarmerie Station Commands. It is planned to establish branches for children and women in all provincial commands until 2019. A total of 8.833 law enforcement officers, 169 of them in primary and 8.664 in twin post are in service.
- "Fight against Violence against Women" unit has been added to the "Human Rights" course in the education curriculum of Gendarmerie Security Academy, since 2012-2013 academic year, to be given to officers and sergeants studying at the academy.
- In the scope of in-service training; the regular and twin staff of the Branch for Children and Women receives Course for Prevention of Child Crimes and Violence against Women in the Gendarmerie Security Academy for two weeks a year for two terms. The trainees then conduct trainings for sergeants for 3 days.
- Within the scope of the protocol signed between the Ministry of National Defense and the Ministry of Family and Social Policies on 03.07.2013; trainings are provided on "Gender Equality and Combating Violence Against Women" within the course of "Citizenship

Training" for privates performing their national duties. Citizenship Training Program includes the "Women's Rights and Gender Equality" and the "Children's Rights" modules.

- As a first in the field, “Fight Against Violence against Women and Law Enforcement Practices Conference” was held in Istanbul on 31.05.2013, with 20 country representatives from the countries with military-based law enforcement power, and 31 representatives of institutions, universities and non-governmental organizations, by General Command of Gendarmerie.
- Directive on Gendarmerie’s Duties and Responsibilities in Combating Domestic Violence, Violence against Women and Juvenile Crimes" was prepared on 4.07.2013, with aim of identifying the duties and responsibilities gendarmerie personnel in charge of cases of domestic violence and cases related to children victims of crime, those in need of protection or at risk. The directive was printed and distributed to the gendarmerie units as of December 2013.
- In the scope of EU Instrument for Pre-Accession Assistance (IPA) II Fundamental Rights Sub-scope 2015 program, Project for the Improvement of Institutional Capacity of Branches for Children and Women in Gendarmerie General Command has been conducted.

3. Economic protection of families

3.1. Family benefits

Social assistance in Turkey is presented as "public service" as a requirement of the social state principle that finds the expression of constitution. Since 2003, services have been provided through regular and inclusive social assistance programs according to defined basic principles, entitlement criteria and amounts.

With the legislative arrangements made in 2011 social benefits provided by the state were gathered under the roof of the Ministry of Family and Social Policies and institutional unity was ensured. The General Directorate of Social Assistance (SYGM), which is structured as the main service unit of the Ministry, has become the biggest public institution in terms of both the target group reached and the amount of the resources used in the field of social assistance in Turkey. SYGM has made 90% of the social benefit spending from the public resources and provides services through Social Assistance and Solidarity Foundations (SYDV) established in every province and district in Turkey. In this context, SYGM has reached to approximately 3 million poor and needy households throughout Turkey with the help of more than 30 social assistance programs, which were carried out through SYDV.

Social assistance programs implemented are presented according to two basic categories in the table below:

Conditional Assistance Types	Temporary Assistance Types
Conditional Education Assistance	Food Assistance
Conditional Health Assistance	Fuel Assistance
Conditional Pregnancy Assistance	Housing Assistance
Assistance for Widows	Education Assistance

Assistance for Families of Soldiers in Need	Health Assistance
Assistance in the scope of Law no. 2022	Assistance for the Disabled
Assistance for Orphans	Assistance for Special Purposes
Assistance for Children of Soldiers in Need	Clothing and Other Aids for Families
Assistance for Home Care	Employment Assistance
Assistance for General Health Insurance Premium Payments	Assistance for One-time
Birth Aids	Assistance for Terror Damage

(Detailed information is also available in the 9th National Report, Article 13)

Article 1 of the Law on the Promotion of Social Assistance and Solidarity, numbered 3294 indicates that the purpose of this Law is to assist citizens who are in need and destitution, and those who have been accepted or come to Turkey no matter how, when necessary.(...) According to Article 30 of Temporary Protection Regulation issued on the basis of Article 91 of the Law No. 6458 on Foreigners and International Protection ,“Those among the foreigners under this Regulation, who are in need may be allowed access to social assistances within the scope of the Law No. 3294 on Promoting Social Assistance and Solidarity of 29.5.1986 in accordance with procedures and principles to be determined by the Board of Promoting Social Assistance and Solidarity Funding as indicated in Article 3 of the aforementioned Law.”

In this context, Social Assistance and Solidarity Foundations can provide assistance such as food, clothing, housing, fuel, etc. to foreign citizens with their own financial resources and additional resources can be transferred from the Promotion of Social Assistance and Solidarity Fund to SYDV Foundations.

3.2. Vulnerable families

▪ Project for Development of Applications Regarding Victim Rights in Turkey

The framework of the project involves the main goals of the Ministry of Justice, Department of Victim Rights, which are (i) informing all victims of crime about the rights they have and the assistance and support services that can be provided to them and (ii) facilitating the accessibility of the judicial services for victims belonging to fragile groups, especially women and children victims of crime, by actively supporting them in the judicial process.

To achieve these goals, Department of Victim Rights is involved in a number of projects in cooperation with various stakeholders on the international platform. Within this scope, the project titled Development of Applications Regarding Victim Rights in Turkey has been prepared by the said department to be realized by Twinning under IPA II under the heading of Justice, Home Affairs and Fundamental Rights, in the Judiciary and Fundamental Rights subsector and the project proposal was accepted.

Appropriate service model will be developed for the victims, for the provision of judicial social support services which will be compensatory to the effects and traces of the incident, preventing victimization for a second time, accessible, based expertise and willingness, by evaluating victims' expectations and needs and in the scope of basic standards in international

documents, social law state and restorative justice framework, concerning the developments in the Turkish justice system and in the world.

The project aims to contribute to the establishment of an effective, sustainable and accessible victim support system within the framework of restorative justice and social law state principles for victims and especially vulnerable groups in the judicial process.

The sub-objectives of the project can be summarized as follows:

- Setting a model for the establishment of a new victim support system in Turkey
- Contributing to the drafting of the Victim Rights Act and the secondary legislation.
- Contributing to the provision of integrated, improved and victim-oriented services and to increase the quality and awareness of the service by ensuring the cooperation and coordination between the State and NGOs.

Another aim of the project is creating an infrastructure for disadvantaged victim groups - women, children, disabled, elderly and young people-, especially for child victims and children under the risk of being pushed to crime, in order to provide a more appropriate judicial service. Preparation of an understandable legal guide showing methods of claiming rights for the disadvantaged victims groups, and establishment of units for victims are also planned.

▪ **Protection of the Women Victims in the Judicial Process and the Proposals for Solution Report**

The report was prepared as part of the fight against violence against women. There are duties and responsibilities undertaken by the state through the public institutions and organizations as well as by the civil society through civil society organizations in order to minimize the chances of women, a fragile group in terms of the risk of violence in society, to suffer from violence, to provide social order, justice and peace by ensuring that the offender of violence is punished with the punishment in the shortest time, to prevent repetitive and / or secondary victimization of women, and to support women with supportive services and assistance to be provided. A study has been conducted to present the recommendations of Department of Victim Rights of the Ministry of Justice, regarding the determination of the source of the deficiencies and their repetition in fulfilling these duties and responsibilities.

▪ **Supporting Women Victims of Crime in the Judicial Process: Analysis and Legislative Work**

Legal regulations regarding the support for women, one of the most fragile groups among crime victims in the judicial process, are inadequate especially for victims of domestic violence and sexual crime.

This project aims to eliminate of deficiencies by determining the current situation, contribute to make the services accessible by establishing certain standards, and help to improve the legislative work about women victims of crime in the judicial process.

- **The Strategy Paper for Roma Citizens 2016-2021 and Stage I Action Plan 2016-2018**

The Strategy Paper for Roma Citizens for the period 2016-2021 and Stage I Action Plan for 2016-2018 was prepared by Ministry of Family and Social Policies, Department of Social Inclusion and published in the Official Gazette on 30.04.2016. The strategy paper and the action plan aims to improve the living conditions of Roma citizens with the contributions of the relevant public institutions and organizations and NGOs. Education, health, housing, employment and social services are the main public services in the forefront of improving the socioeconomic status of Roma citizens, both short and long term. In this framework, the strategy document and the action plan cover the objectives, goals and actions related to these headings. Basic implementation principles such as antidiscrimination, equal treatment, participation of civil society, regional policy approach are also set forth as the strategic targets. Monitoring and Evaluation Board will be established to monitor the implementation of the policies in the National Strategy Document. Half of the members of the Board will be composed of the representatives from the relevant Ministries and other public institutions and agencies, and the rest will consist of representatives of other stakeholders such as NGOs, academics and professional organizations.

- **SIROMA Project (Technical Assistance for Promoting Social Inclusion in Densely Roman Populated Areas Project)**

“Technical Assistance for Promoting Social Inclusion in Densely Roma Populated Areas-SIROMA” which is co-financed by the European Union and the Republic of Turkey has been commenced in the scope of EU Instruments for Pre-Accession (IPA) Assistance. The project is aimed at raising the quality of basic public services such as education, vocational training, lifelong learning, health, social protection and social welfare provided to Roma citizens as the target group in general, increasing the necessary coordination among the institutions that provide these services, promoting increasing the access of Roma citizens living in the pilot regions to basic public services and their demand for these services and also increasing the employability of citizens in the target group.

The Contracting Authority is the Ministry of Labour and Social Security and, WYG Turkey is the consortium leader providing technical support to the beneficiaries, namely Ministry of Family and Social Policies, Ministry of National Education, Ministry of Health. These beneficiaries will mutually implement appropriate measures in the areas of social protection, education, health and employment of Roma people. The coordination of the Project carried out by the participation and cooperation of the three ministries is carried out by Ministry of Family and Social Policies, General Directorate of Family and Community Services. The Technical Assistance Project supported by the European Union providing 11.5 million Euro under the Instrument for Instrument for Pre-Accession Assistance (IPA) will be implemented in 12 pilot provinces, including Adana, Ankara, Balıkesir, Edirne, Eskişehir, Hatay, Kırklareli, Manisa, Mersin, İstanbul, İzmir, and Tekirdağ.

The project will carry out activities on the basis of increasing the capacity of the institutions providing Roma service, improving the quality of the services provided and improving the coordination, providing trainings on capacity building and preventing discrimination for the service providers, raising public awareness on the issue and supporting the employment of Roma people in permanent and secure works by improving their professional qualities. In this framework, SIROMA is a policy development, capacity building, training, cooperation and employment project.

In order to implement project activities in 12 pilot provinces, 20 units titled “Social Services Coordination Units” (SSCUs) will be established and one Social Services Coordinator and one Roman People mediator will be recruited in each unit. The following activities will be carried out in 12 pilot provinces for 24 months, within the framework of SIROMA, which took start in November 2015:

- Guidance and consultation services will be offered to Roman people in variable topics,
- Researches will be conducted in Roman populated areas,
- Training events will be held in order to raise awareness concerning anti-discrimination and promote civil dialogue,
- Extracurricular activities will be done with children at schools in Roman populated areas,
- Supportive studies will be carried out to increase the success of Roma children at pre-primary and primary education levels,
- Trainings will be provided regarding the accessibility of health care services,
- Access to vocational courses will be provided and free transport will be offered.
- The professional qualities of the Roma will be improved and their employability will be increased.

Target Groups:

- Roma people,
- People living in densely Roma populated areas and other migrants
- Disadvantaged people living in poverty or facing the risk of poverty

Project Objective: To promote social inclusion of especially Roma and disadvantaged persons, especially in areas where Roma are densely populated, by facilitating access to the labor market on the basis of jobs with social security.

The objectives envisaged to be achieved with the Project are:

1. Improvement of institutional capacity of the public institutions and service providers that offer education, health, employment, social protection and social assistance services for Roma citizens.
2. Fighting against discrimination through dialogue established between public institutions, NGOs, stakeholders and general public.
3. Improving Roma children’s academic achievement through guaranteeing easier access to education.
4. Increasing the demand of Roma people on health services and other requests.
5. Facilitating access to and ensuring participation in the labour market by increasing the number of employment services of professional qualifications.

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

Regulation on Social and Economic Support Services was published and entered into force on 03.03.2015 (Official Gazette No.29284). It regulates principles and procedures concerning social and economic support services to be given to help families in caring for children and young people who are in destitute and unable to meet their basic needs.

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.

A Circular Concerning the Installation of a Security Camera System and its Usage at the Institutions of Child Care was issued on 13.10.2016.

A Draft Regulation on the Coordination Centre for Children's Houses and its Affiliated Children's Houses as well as a Draft Regulation on Children's Houses Complex have been prepared by the Ministry of Family and Social Policies with the purpose of enabling children and young people to effectively enjoy their right to grow up in an environment conducive to the full development of their personality and physical and mental abilities.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Following projects were conducted to ensure effective and standardised implementation of the legislation on the child protection:

Self-Assessment Project:

The Self-Assessment Project was conducted in cooperation with the Directorate-General of Child Services of the Ministry of Family and Social Policies with the advisory support of the said Ministry's department of internal audit and with the technical support of UNICEF.

Self-Assessment is an assessment and reporting method to evaluate the quality of the care services provided at an institution with the participation of the children benefiting from these services, their families, staff and other relevant persons in order to ensure the conformity of the services of the child care institutions to the national minimum standards.

As an outcome of the project, an Implementation Guide was prepared concerning Self-Assessment system with a view to being used by the directors working in the field of child care services as a means for assessing their own services in light of the established quality indicators. With this Guide for self-assessment, a self-assessment framework is provided aiming at increasing the quality of child care services and contributing to the welfare of the children benefiting from these services. The said framework will make a significant contribution to the following:

- Identifying and managing the risks that might obstruct the realisation of the targets in the field of child care services,
- Identifying the areas that need to develop,

- Showing and spreading the best practices,
- Evaluating the effects of the services on the children,
- Ensuring the active participation of the children, their families and staff in the development of service provision processes,
- Fulfilling the responsibility of accountability for the services,
- Increasing the effectiveness of the inspections of the child care institutions.

The institutions that are affiliated to the Ministry of Family and Social Policies and provide services to the children above 6 years of age, i.e., Children's Houses Complexes (Compassion Homes), Children's Houses and Coordination Centres for Children's Houses, Protection Care and Rehabilitation Centres, Care and Social Rehabilitation Centres, and Child's Protection, First Aid and Assessment Units, are covered by the self-assessment system and training of trainers is provided with the support of UNICEF. This system was initiated as of January 2015 and, within the framework of extension of the system during the period of 2015-2018, guidance and follow-up work is conducted for the provinces.

Within the framework of "The Project on the Strengthening Internal Supervision in the Child Care Services and Setting Up Self-Assessment System" 732 personnel attended in-service training in 2014. Self-Assessment System started to be implemented in January 2015 at the child care institutions and first reports were communicated in January 2016.

Supervision of Self-Assessment Project has also been initiated in order to determine how to supervise and inspect self-assessments, and prepare a Supervision Guide and visit the institutions of best practice as well as provide in-service training to the inspectors.

Child Support and Development Programme Project:

Need was felt for setting up a "Child Support and Development Programme" to determine modules to be developed taking into account the needs of the children under protection and care of the child care institutions and to standardise the trainings and to develop a modular system that is able to adapt to changing circumstances and inclusive of the intervention methods. Workshops were held in 2015 and modules related to the program were developed. The work to integrate the Child Support and Development Programme to the Family Information System will be completed in 2017. Moreover, training of trainers and trainings of the staff in the provinces are planned to be completed in 2017.

Minimum Standards Monitoring and Evaluation System:

Minimum Standards for the Children without Parental Care were developed during 2005-2008 within the framework of a project titled "Towards Good Governance, Protection and Justice for Children in Turkey (First Children)" which was conducted in cooperation with UNICEF and with the support of the EU. The work continued in 2016 on the use and extension of the "Minimum Standards Monitoring and Evaluation Software System" which enables reporting and grading on individual basis within the scope of 28 standards on such subjects as professional implementation, individual care, resources, management and personnel in the processes of family-focused care services for the children for whom protection or care injunction was given and care, rehabilitation and after-care monitoring services of the institutions.

Child Support Centres:

Ministry of Family and Social Policies has been setting up Child Support Centres for the children who are victims of a crime or delinquent or have a history of living in the streets. 69 Child Support Centres were established in 39 provinces. 41 Centres serve the children who are victims of a crime; 17 Centres serve the delinquent children; 3 Centres serve the children living in the streets and 8 Centres serve unaccompanied asylum seeking children. Centres were also specialised according to the children's victimisation, delinquency, pregnancy, substance addiction, etc., and to their age and gender. Centres provide services through meeting the children's basic needs, and taking necessary measures by determining their physical, emotional, psychological and social needs, and enabling their return to their families, and making them available for the other social service modules.

Anka Child Support Program:

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. Children who are victims of sexual abuse and their families are given support such as self-protection, confident behaviour development and individual counselling for crisis response and work in groups are also conducted to help them to overcome their trauma. If there is pregnancy as a result of such abuse, pregnancy is monitored and necessary counselling is given and pregnancy group works are carried out.

Anka Child Support Program consists of the following components: Individual Need and Risk Assessment Form (BİRDEF), Supportive Environment Components, Group Works, Individual Counselling, Family Works, Approach Principles for Support Personnel and Institutional Approach in the Crisis Response.

Among the individual counselling services of the Anka Child Support Program there are units dealing with the issues involving the running away from home, self-destructive behaviour, suicide, abuse victims, crisis management, crisis response and trauma.

With the Anka Child Support Program, individual support programs specific to each child are re-assessed every three months and developments in the applied programs are monitored. Decision is made after the said assessment on the return of the child to his/her family or his/her transfer to another social service institution or the continuation of the program.

3. STATISTICS AND OTHER RELEVANT INFORMATION

The Directorate-General of the Services for Children of the Ministry of Family and Social Policies follows a policy based on the principle that healthy development of children in need of protection is only possible within a family and, if the care is not possible within their own families, then foster family, adoption and social and economic support service is provided. Care provided by the institutions is considered as a last resort. Care by the institutions is a collective care model whereby many children live under the same roof. Although these institutions are now started to be refurnished like homes, the said Directorate-General has recently been looking and planning for new models to introduce different service models and establish new institutions. Children's Houses Complexes have a significant place among new plans where the children are cared in small units and family-like environment instead of institutional care.

Directorate-General of the Services for Children As of November 2016		
Name of the Institution (Age Groups)	Number	Number of Persons Benefiting
Nursery (0-12)	6	330
Youth Hostels (13-18)	8	418
Nursery and Youth Hostels for Girls (0-18)	4	244
Total	18	992
Compassion Homes (0-18) Total (631 villa-type houses)	92	5.326
Children's Houses (0-18)	1.091	5.572
Grand Total	1.201	11.890

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

Protection from ill-treatment and abuse

Article 232 of the Penal Code reads that;

- (1) A person who ill-treats any person living with that person in the same dwelling shall be punished with imprisonment from two months to one year.
- (2) A person who abuses the disciplinary power arising from his/her right of tutoring a person under his/her supervision or whom he/she is responsible for his/her upbringing, education, care, protection or teaching a profession or craft shall be punished with imprisonment up to one year.

Abuse of disciplinary power is defined as a criminal offence and it is necessary that the act that abuses this power must not have caused an effect beyond a degree which can be treated with a simple medical attention. Otherwise, the acts in question shall not be considered as ill-treatment or abuse of power but malicious injury which requires a much heavier penalty. Acts such as leaving a person hungry or thirsty, not letting sleep or forcing to work under difficult conditions are examples of ill-treatment. An insulting act is not considered ill-treatment but an offence of libel. Disciplinary power can only be used in a way that does not cause any harm to the physical and mental health of the person concerned and does not put him/her exposed to any hazard. It should be indicated briefly that the disciplinary power considered as a corollary of the right of education is not accepted under the national law and practise a valid reason for the actions' lawfulness and the competent courts sentence the culprits for the offences of ill-treatment, malicious injury or torture depending on the actions of the culprits.

Furthermore, it should be pointed out that under Article 86(3)(a) of the Penal Code, malicious injury to the descendants is not an offence that is prosecuted dependant on a complaint. Public Prosecutor has to open an investigation as soon as the offence is known.

Rights of children in public care

Number of children under foster family care reached 5.004 as of the end of 2016.

In accordance with the provisions of Article 14 of the Child Protection Act No.5395 the right of objection to the injunction of the Juvenile Judge is available. Under the provisions concerning objections of the Code of Criminal Procedures No. 5271 of 04.12.2004, the objection should be filed at the nearest Juvenile Court.

Young offenders

For a cautionary detention injunction to be given there must exist strong suspicion of a person having committed a crime. In pursuance of the provisions of the second paragraph of Article 20 of the Child Protection Act No.5395, in cases where the judicial control decision produces no result or there has been non-compliance with such decisions a detention decision may be given. In accordance with Article 21 of the said Act, no detention decision may be given for children under the age of 15 for criminal acts requiring prison sentences not exceeding 5 years at most. The same provision exists in Article 11 of the Regulation on Principles and Procedures Concerning the Implementation of the Child Protection Act.

National legislation (Articles 11, 15 and 111(3) of the Act No.5275 on the Execution of Sentences and Security Measures) requires that children should be separated from adults and the detainees from the convicts. Under legal regulation, detained children are kept in the closed penitentiary institutions for children or in the provinces where such institution is non-existent or there are not many children, then in the separate units of the closed penitentiary institutions for adults. When there is no separate unit for detained girls in the closed penitentiary institutions for children, these girls are housed in the separate units reserved for them in the closed penitentiary institutions for women. Convicted children are housed in the child educational facilities.

905 children were in the closed penitentiary institutions for children and 157 children in the child educational facilities, grand total of children being 2.461 on the date of 19.09.2016.

With a view to ensuring young convicts and detainees have a vocation with which they can earn their living once they are released, training courses are organised at the penitentiary institutions taking into account institution's physical capacity and the interests and talents of the prisoners, with the participation of such institutions as the people's education centres and vocational training centres attached to the provincial directorates of education and Turkish Employment Agency (İŞKUR) and provincial directorates of the Ministry of Youth and Sports and NGO's.

Right to assistance

If the reason for putting the children in need under protection is an economic deprivation, the minors concerned and their families are supported through economic help and other supportive social services instead of institutional care and without breaking the family. Hence, the children are not placed under institutional care for economic reasons.

Economic support service is provided for the protection of children in pursuance of the provisions of the Regulation on Social and Economic Support Services issued under the Act No.2828 Concerning Social Services.

Average monthly economic support payment for children receiving social and economic support in 2016 was 653,40 TL. Children who are supported while living with their family are monitored with minimum 6 month periods.

Number of children receiving social and economic support:

Years	Total
2013	62.256
2014	80.375
2015	101.561
2016	137.415

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

Article 19§1:

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

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

Scope of the provisions as interpreted by the ECSR

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

A. DEVELOPMENTS SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

j. Council of Europe Convention on Action Against Trafficking in Human Beings

The Law on the Adoption of Council of Europe Convention on Action against Trafficking in Human Beings No. 6667 was published in the Official Gazette dated 30/01/2016. The Convention entered into force on 1 September 2016.

k. Regulation on Combating Human Trafficking and Protection of Victims

Regulation on Combating Human Trafficking and Protection of Victims entered into force by being published in the Official Gazette dated 17 March 2016 in order to determine the rules and procedures concerning the prevention of the crime of human trafficking, combating human trafficking, the protection of victims regardless of whether they are Turkish nationals or foreigners, granting residence permit to the foreign victims and support services provided for victims within the scope of human rights in compliance with the Council of Europe Convention on Action Against Trafficking in Human Beings, Palermo Protocol, European Union Directives and the other international conventions Turkey is a Party to.

Subjects regulated by the Regulation;

- The Regulation draws up the rules and procedures in identifying, protecting and directing the victims of human trafficking to support services regardless of whether they are Turkish nationals or foreigners.

- It was regulated to establish Commission and Provincial Commission for the purposes such as to determine strategies and policies in combating human trafficking and to ensure coordination among institutions at centres and provinces.
 - The duty of publishing an annual report on human trafficking of the Directorate General of Migration Management of the Ministry of Interior was drawn up. This report shall be presented to the Commission.
 - Through reducing the demand regulations were introduced in order to raise awareness both for the public opinion and for the organizations and institutions about human trafficking under the titles of training and awareness raising activities.
 - A regulation was introduced about data privacy through submitting all the data to the Directorate General of Migration Management within the scope of the crime of human trafficking.
 - The issue of cooperation with all the related stakeholders was regulated.
 - The duties of the related stakeholders at the stage of identification of the victim and the support services provided for him/her were regulated in detail. The suspect considered to be a victim during the operations made by the police shall be directed to the Provincial Directorates of Migration and the identification procedures shall be realized through detailed interview with the victim by the officers of the Directorate.
 - Pursuant to sub-paragraphs of (ç), (ğ) of paragraph 1 of Article 54 of the Law, the matter of making interview with the foreigners for human trafficking indicators who were sent to the provincial Directorate of Migration to be deported was regulated.
 - Following the stage of identification, the victim is directed towards victim support programme or voluntary and secure return programme on the basis of the victim's statement.
 - The issue of placing of possible or identified victims to the hostels or to the Ministry of Family and Social Policy, public organizations and institutions, local administrations, or to the one of similar service organizations which belong to non-governmental organizations was regulated.
 - The identified Turkish victims and child victims shall be sent to the related units of the Ministry of Family and Social Policy to be offered support programme following the identification procedures.
 - Support programmes for the victims were determined and it was targeted to ensure standardization in these services.
 - Regulations on providing financial support to the victim, to provide free health care services and of medicine of the victim as well as his/her access to the labour market take place.
- I.** The Law on Foreigners and International Protection No. 6458 entered into force on 11/4/2013 by being published in the Official Gazette. 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 under the Ministry of Interior.

The Directorate General of Migration Management was established with the Law on Foreigners and International Protection No. 6458. Article 103 of the Law No. 6458 regulates the establishment of the Directorate General.

ARTICLE 103-(1) The Directorate General of Migration Management has been established under the Ministry of Interior in order to implement migration policies and strategies, ensure coordination among relevant agencies and organisations, and carry-out functions and actions related to the entry into, stay in and exit from of foreigners in Turkey as well as their removal, international protection, temporary protection and the protection of victims of human trafficking.”

- m.** Turkey Irregular Migration Strategy Document and National Action Plan as well as National Action Plan on the implementation of Readmission Agreement signed between Turkey and the European Union entered into force with the approval of the Ministry dated 5 March 2015.
- n.** The Law on the Approval of Turkey’s Participation to the Convention on the Status of Stateless Persons No. 6549 was adopted on 01 July 2013.
- o.** The Law on the Approval of The Law on the Adoption of Council of Europe Convention on Action against Trafficking in Human Beings No. 6667 was adopted on 30 January 2016.
- p.** The Law of the Institution of Human Rights and Equality of Turkey No. 6701 was accepted on 06 April 2016 for the purpose of regulating the rules concerning the Establishment, Duties and Mandate of the Institution of Human Rights of Turkey to protect and improve human rights, to guarantee the right to equal treatment, to prevent discrimination in benefiting from legal rights and freedoms on the basis of human dignity as well as to act in line with these principles, to fight efficiently against torture and maltreatment and to fulfil the duty of national prevention mechanism on this matter.
- q.** The Law of the Institution of Human Rights and Equality of Turkey No. 6701 was adopted on 06 April 2016.
- r.** The Head of Department of Fight against Migrant Smuggling and Human Trafficking of General Commandership of Gendarmerie which its establishment was approved on 10 February 2016 became operational on 27 July 2016.
- s.** The Law on the International Labour Force No. 6735 has entered into force on 13/8/2016 by being published in the Official Gazette. The purpose of this Law is to identify, implement, follow-up of the policies on international labour force and to regulate rules and procedures on work permits and the exemption of the work permits which shall be granted to foreigners, authorities and responsibilities and the rights and obligations in the field of international labour force.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

a. YİMER 157

The Emergency Communication Line 157 which became operational in May 2005 for the purpose of assisting the victims of human trafficking started to offer service under the name of Foreigners Communication Centre (YİMER 157) as of 20 August 2015 following its takeover by **The Directorate General of Migration Management** and the extension of its service network.

b. workinturkey.gov.tr

Within the scope of the project carried out with IOM, a web site was designed to facilitate getting information for the migrant workers and employers.

c. The Project of Protection of the Victims of Human Trafficking

The Project of Protection of the Victims of Human Trafficking (2014-2016) was carried out in cooperation with International Organization of Migration (IOM), financed by EU, of which **The Directorate General of Migration Management** is the main beneficiary. Detailed information is given in Part B.

d. The Project of Combating Human Trafficking and Organized Crime

Together with ICMPD financed by EU, the Project of Combating Human Trafficking and Organized Crime THB/IFS-2 is being carried out. Within the scope of the Project, training of trainers for the provincial assistant experts was regulated. Trainings shall continue within the scope of the Project.

e. The Project of Prevention, Identification and Combating of Refugee Trafficking in Turkey (PICTOR)

The Project of Prevention, Identification and Combating of Refugee Trafficking in Turkey (PICTOR), financed by the United Kingdom (UK) which is carried out with ICMPD, is going on.

Within the scope of the Project, trainings shall be realized in different provinces which the provincial assistant experts, the police and the representatives of other related institutions shall participate.

f. The Centre of Services for the Migrants

With the cooperation of Social Assistance and Solidarity Foundation of District Governorship of Keçiören, Keçiören Municipality and International Organization of Migration (IOM), the Centre which was established in 2016 to facilitate the access of migrants to public services in the district shall operate within the Municipality service building. It was initiated as a pilot project to contribute to integrated service delivery and social cohesion.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Foreigners Communication Centre (YİMER ALO 157) which was established within the Directorate General of Migration Management and became operational on 20.08.2015 to deliver effective, continuous and rapid service to foreigners 7 days 24 hours responds to all questions and problems of foreigners in Turkish, Arabic, English, Russian, German and Persian. **839.228** calls were received in total as of 22.09.2016 and 53% of them were answered. Majority of these calls is for information purposes.

Statistics of Incidents of Human Trafficking 2013-2016 (including August) (Article 80 of Turkish Penal Code)

Incident	2013	13
	2014	15
	2015	11
	2016	11
	TOTAL	50
Irregular Migrant	2013	24
	2014	38
	2015	15
	2016	18
	TOTAL	95
Organizer	2013	31
	2014	36
	2015	15
	2016	22
	TOTAL	104

Statistics of Incidents of Migrant Trafficking 2013-2016 (including August) (Article 79 of Turkish Penal Code)

Incident	2013	5.452
	2014	5758
	2015	6.495
	2016	5.237
	TOTAL	22.942
Irregular Migrant	2013	46.085
	2014	54.751
	2015	85.759
	2016	79.426
	TOTAL	266.021
Organizer	2013	461
	2014	565
	2015	2.192
	2016	1.384
	TOTAL	4.602

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

Free services and information for migrant workers

YİMER 157

The Emergency Communication Line 157 which became operational in May 2005 for the purpose of assisting the victims of human trafficking started to offer service with the name of Foreigners Communication Centre (YİMER 157) as of 20 August 2015 following its takeover

by **The Directorate General of Migration Management** and the extension of its service network.

Including German and Persian languages to YİMER 157 as of 1 April 2016, which was delivering service in Turkish, English, Arabic and Russian languages at the beginning, continuous service is being delivered in 6 languages 7 days 24 hours at the moment.

YİMER 157 which the foreigners can find answers to their questions with regard to visa, residence, international and temporary protection offers service as a crime and hotline for the victims of human trafficking at the same time.

The representatives of foreigners at YİMER 157 and reply to the calls answer the complaints on all the matters within the scope of authority of the Directorate General of Migration Management except informing the foreigners, record them, submit the abovementioned complaints to the related units of the Institution and provide feedback following their result.

Besides, YİMER 157 assists foreigners in need of urgent help in coordination with the related law enforcement officers. It also provides translation service for the foreigners to communicate with the law enforcement units indirectly, where necessary.

workinturkey.gov.tr

Within the scope of the project carried out with IOM, a web site was designed to facilitate getting information for the migrant workers and employers and shall provide service over “workinturkey.gov.tr” in 5 languages. At the same time an application was designed which shall provide service again in five languages. Its IOS and versions shall become operational.

Getting information is free of charge from the Centre, hotline and provincial directorates of Migration Management. With the mechanisms such as BİMER (The Prime Ministry Communications Centre), CİMER (The Presidency Communications Centre) the foreigners can get information about the matters they request.

Measures against misleading propaganda relating to emigration and immigration

Information on the trainings for the Turkish police and other officials in relation to racism, discrimination and human rights.

During on-the-job training programmes organized by the Department of Public Order of Directorate General of Security of the Ministry of Interior, the course of “Human Rights” takes place under 14 titles. 2926 staff was given “Human Rights” course at the trainings within 2016.

96 staff was given “Combating Migrant Trafficking and Human Trafficking” course in five terms in 2015 by the Directorate General of Security of the Ministry of Interior and 200 persons were planned to be given courses in 2016.

833 staff was given training at the General Commandership of Gendarmerie between the years 2013-2016 at various course centres on “Prevention of Child Courses and Violence Against Women, Combating Violence Against Women, Prevention of Domestic Violence

Against Women, Combating Human Trafficking, Combating Migrant Trafficking and Human Trafficking, Gender Perception and Combating Violence Against Women.”

Detailed information is given below about trainings and other activities within the scope of the Project of Protection of the Victims of Human Trafficking.

Information on any measures taken to target illegal immigration and in particular, trafficking in human beings

a. The Project of Protection of the Victims of Human Trafficking

The Project of Protection of the Victims of Human Trafficking (2014-2016) was carried out in cooperation with International Organization of Migration (IOM), financed by EU, of which **the Directorate General of Migration Management** is the main beneficiary.

The purpose of the project is to implement national strategies and policies compatible with the Council of Europe Convention on Action against Trafficking in Human Beings on organized crime including human trafficking. The budget of the Project is 1.900.000 Euros. During the implementation period of the Project;

- Trainings were held in order to increase the cooperation in implementation for the related institution representatives primarily for the staff of Provincial Directorates of Migration Management, the provincial organization of the Ministry of Family and Social Policy and the law-enforcement units.
- Workshops and consultation meetings were made with the staff of organizations and institutions that is in cooperation on Combating Human Trafficking.
- Trainings of the trainers for judges and prosecutors, provincial assistant experts of migration and law-enforcement staff were held.
- Contact meetings were realized for the tour operators, taxi drivers and hotel owners to create awareness about human trafficking, trainings were held for labour inspectors and auditors of social security institution.
- Two contact meetings were held in Istanbul and Ankara for the Embassies of the countries of origin.
- Posters and leaflets in 6 languages (Turkish, English, Arabic, Persian, Russian and Uzbek) were published about human trafficking to raise awareness.
- Financial support was provided for non-governmental organizations operating on human trafficking and running hostels.
- Working visits were realized to the countries of origin and EU countries improved in the field of human trafficking.

b. The Project of Combating Human Trafficking and Organized Crime

Together with ICMPD financed by EU, the Project of Combating Human Trafficking and Organized Crime THB/IFS-2 is being carried out. Within the scope of the Project, training of trainers for the provincial assistant experts was regulated. Trainings shall continue within the scope of the Project.

c. The Project of Prevention, Identification and Combating of Refugee Trafficking in Turkey (PICTOR)

The Project of Prevention, Identification and Combating of Refugee Trafficking in Turkey (PICTOR), financed by the United Kingdom (UK) which is carried out with ICMPD is going on.

Within the scope of the Project, trainings shall be realized in different provinces which the provincial assistant experts, the police and the representatives of other related institutions shall participate.

d. The Directorate General of Migration Management, Department of Protection of the Victims of Human Trafficking

The Law on Foreigners and International Protection No. 6458 was adopted on 4 April 2013 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 under the Ministry of Interior. The Department of Protection of the Victims of Human Trafficking was constituted within the Directorate General of Migration Management and working groups were constituted for protecting the victims of human trafficking within the organization realized in 81 provinces.

- e. Furthermore, boards were constituted to ensure coordination among related public institutions (Board of Coordination in Combating Irregular Migration) and private offices were composed in the presence of related law-enforcement units.
- f. Again YİMER 157 provides service in 6 languages for 7 days 24 hours free of charge for the victims of human trafficking.
- g. Turkey Irregular Migration Strategy Document and National Action Plan as well as National Action Plan on the Implementation of Readmission Agreement signed between Turkey and the European Union entered into force with the approval of the Ministry dated 5 March 2015.
- h. The Law on the Approval of Turkey's Participation to the Convention on the Status of Stateless Persons No. 6549 was adopted on 01 July 2013.
- i. The Law on the Approval of The Law on the Adoption of Council of Europe Convention on Action against Trafficking in Human Beings No. 6667 was adopted on 30 January 2016.
- j. The Law of the Institution of Human Rights and Equality of Turkey No. 6701 was adopted on 06 April 2016 for the purpose of regulating the rules concerning the Establishment, Duties and Mandate of the Institution of Human Rights of Turkey to protect and improve human rights, guarantee the right to equal treatment, to prevent discrimination in benefiting from legal rights and freedoms on the basis of human dignity as well as to act in line with these principles, to fight efficiently against torture and maltreatment and to fulfil the duty of national prevention mechanism on this matter.
- k. The Head of Department of Fight against Migrant Smuggling and Human Trafficking of General Commandership of Gendarmerie which its establishment was approved on 10 February 2016 became operational on 27 July 2016.

- l.** 96 staff was given “Combating Migrant Trafficking and Human Trafficking” course in five terms in 2015 by the Directorate General of Security of the Ministry of Interior and 200 persons were planned to be given courses in 2016.
- m.** Within the scope of irregular migration; 75 thousand Preventive Service and Road Security and Control Watch are being carried out across Turkey by Gendarmerie on the basis of 24 hours. On-the-job trainings as well as contact activities for the citizens are going on.

Information on the mechanisms to combat discriminatory, racist or hate-inciting speech, particularly in the public sphere.

Related Provisions of Turkish Penal Code No. 5237

Article 122 with the side head “Hate and discrimination”;

“(Alternative Article: 2/3/2014-6529/15)

(1) Any person who makes discrimination between individuals because of their racial, lingual, religious, sexual, political, philosophical belief or opinion, or for being supporters of different sects and therefore;

a) Prevents sale, transfer of movable or immovable property, or performance of a service, or benefiting from a service, or bounds employment or unemployment of a person to above listed reasons,

b) Refuses to deliver nutriments or to render a public service,

c) Prevents a person to be employed,

d) Prevents a person to perform an ordinary economic activity,

is sentenced to imprisonment from six months to one year or imposed punitive fine.”

▪ **Article 216 with the side head “Provoking people to be rancorous and hostile;**

“(1) Any person who openly provokes a group of people belonging to different social class, religion, race, sect, or coming from another origin, to be rancorous or hostile against another group, is punished with imprisonment from one year to three years in case of such act causes risk from the aspect of public safety.

(2) Any person who openly humiliates another person just because he belongs to different social class, religion, race, sect, or comes from another origin, is punished with imprisonment from six months to one year.

(3) Any person who openly disrespects the religious belief of group is punished with imprisonment from six months to one year if such act causes potential risk for public peace.”

In addition, such cases can be followed and supervised by the channels such as Institution of Human Rights of Turkey, Ombudsman Institution, BİMER (The Prime Ministry Communications Centre), CİMER (The Presidency Communications Centre).

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 undertake:

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

The studies to identify the legal status of the persons with Syrian nationality in our country are realized with Article 91 of the Law on Foreigners and International Protection No. 6458 entitled “Temporary Protection”. Within this scope, in Article 29 of the Regulation of Temporary Protection” which entered into force on 22 October 2014, the rights of the foreigners engaged in employment having the Status of Temporary Protection (persons coming from Syria are considered within this scope as of yet) were defined and identification of rules and procedures with a regulation was decreed. The said regulation was prepared by the Ministry and published in the Official Gazette dated 15/01/2016, No. 29594 with the name of “Regulation on Work Permits of the Foreigners Protected Temporarily”.

With an increase in the number of applications for work permits and the need of developing a policy compatible with the changing migration trends in recent years, the thought of introducing qualified work force to our country to benefit from the knowledge and experience comes into prominence. With these goals, following a long preparation process including the views of different parts, Draft Law on International Labour Force was prepared by the Ministry of Labour and Social Security. It was adopted at the General Assembly of Grand National Assembly of Turkey on 28/7/2016 and passed into law. The purpose of this Law is to identify, implement, follow-up of the policies on international labour force and to regulate rules and procedures on work permits and the exemption of the work permits which shall be granted to foreigners, authorities and responsibilities and the rights and obligations in the field of international labour force.

Both the foreigners who are provided with temporary protection granted work permit and the nationals of other countries including those who are member to the Council of Europe cannot be paid below minimum wage. Foreigners do not face with a different application in terms of minimum wage requirement, social security contributions and other payments from Turkish nationals. The Ministry of Foreign Affairs is entitled to the determination of work permit certificate fees and this process is based on principle of reciprocity.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Income tax

Pursuant to articles on liability of the Income Tax Law No. 193, while the foreigners who reside in Turkey (which means their residence is in Turkey or who live in Turkey for more than six consecutive months of the calendar year) as well as Turkish nationals who stay abroad affiliated to the governmental agencies and institutions or affiliated to the organizations and enterprises of which their headquarters are in Turkey due to the work of the above-mentioned agencies, organizations and enterprises are subject to income tax over all the earnings and revenues earned in or out of Turkey. The real persons who do not reside in Turkey are subject to income tax over their earnings and revenues earned only in Turkey. However, businessmen, scholars, scientists, experts, officials, journalists and other such persons who come to Turkey for a specific and temporary job and those for the purpose of education or treatment or rest or travel as well as those who were detained or stayed in Turkey due to arrest, conviction or illness are not considered to have settled in Turkey even if they stay longer than six months in the country.

The migrant workers, within the framework of taxation principles stated above, are subject to tax on the basis of full or limited liability to tax considering their personal situation. Furthermore, the said workers can benefit from exceptions and exemptions in Income Tax Law No. 193 provided that their liability is taken into account.

The studies concerning the secondary legislative regulations which belong to the Law on the International Labour Force which entered into force on 13/08/2016 are at the stage of completion. The related regulations are predicted to enter into force in 2017. Furthermore, consultations on the projects which are planned to be realized with national and international institutions/organizations, particularly with the Directorate General of Migration Management of the Ministry of Interior, World Bank and IOM in 2017 and in the near future are going on.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Years	Work Permits
2014	52.295
2015	64.529
2016 (October)	60.970

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

Information on equal treatment to migrant workers in terms of taxes, charges and social security premiums.

The amounts of fees for work permits which the foreigners will pay who shall work in our country are determined with Article 27 of the Law on the International Labour Force. The amount of fee for one year in leaves for a definite term is 500 TL., whereas it is 5000 TL. in indefinite and independent employment leaves.

Except for work permit fee, foreigners do not face with a different application in terms of social security contributions and other payments from Turkish nationals. The Ministry of Foreign Affairs is entitled to the determination of work permit certificate fees and this process is based on principle of reciprocity.

Pursuant to tariff no. 6 attached to the Law of Fees No. 492, residence permit fee, work permit fee and work permit exemption fee are taken from the foreigners. Besides, according to Valuable Papers Law No. 210, fee of valuable paper is taken from residence permit, work permit for foreigners and work permit exemption certificate.

The foreigners for whom the date of expiry for work permit exemption is issued less than three months, no fee is taken from foreigners having Turquoise Card and their foreign spouse or child who is a minor or a dependent of this person or his/her spouse. In addition, according to Article 88 of the Law, work permit is given free of charge to those having long-term residence permit, who are victims of human trafficking, who have received work permit or work permit exemption form the Ministry of Labour and Social Security and foreigners having Turquoise Card and their foreign spouse or child who is a minor or a dependent of this person or his/her spouse.

In Article 2 of Social Security and Universal Health Insurance Law No. 5510 the scope of the Law is defined as “The present Law covers the individuals to benefit from social insurance and universal health insurance, employers, health - care service providers, real persons and any kind of public and private legal artificial persons and other institutions and organization not having legal personality in terms of the implementation of this Law.

In this regard, since there is no difference for the persons working in our country due to citizenship in terms of rights and obligations on social security services provided by the Social Security Institution, equal treatment exists for the contribution rates. The said contribution rates applied equally for the foreigners and citizens are listed in the table below according to the insurance branches.

Insurance Branches	Employer	Worker	Total	Voluntary insurance
Short Term Insurance Branches (Work accident, Occupational Disease, Illness and Maternity)	2%	-	2%	-
Long Term Insurance Branches (Invalidity, Old-Age and Survivor's)	11%	9%	20%	20%
Universal Health Insurance	7,5%	5%	12,5%	12%
TOTAL	20,5%	14%	34,5%	32%

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

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

Information on provision of judicial assistance for migrant workers

Pursuant to Article 334 of Code of Civil Procedure No. 6100 entitled “Persons Who Shall Benefit From Legal Aid”, persons lacking to pay court or follow-up expenses partially or wholly without putting into trouble the livelihood of himself/herself and his/her family can benefit from legal aid in their claims and defences, temporary legal protection requests and execution proceedings provided that their requests do not lack a base explicitly. To benefit for the foreigners from legal aid is based on the principle of reciprocity. In this regard, where there is an agreement between the country which the migrant workers are the nationals of and our country about benefiting from legal aid mutually, then it shall be possible for the migrant workers to benefit from legal aid in the files and follow-ups of the migrant workers in our country. There is no difference between foreigners and our citizens in our country with regard to the scope of legal aid.

Within the framework of Article 19 of the Charter entitled “The right of migrant workers and their families to protection and assistance”, it is understood that it was advised to assign a lawyer for the migrant workers making legal or administrative proceedings and who do not have their own substitutes, whether a regulation exists where it is possible to assign ex officio lawyer or not when his/her legal interests require (free of charge where he fails to meet the expenses financially), to get free translator assistance in case they fail to understand or speak correctly the national language used in legal proceedings and whether it is possible to translate all the necessary documents or not and that it was requested to be informed whether this kind of assistance can be provided within obligatory preparation trials or not in the national legislation.

Turkey has taken important steps to increase the standards of human rights including offering legal aid services to all who are in need as a part of her efforts with regard to better access to justice.

Within the scope of Turkish legal order, legal aid is to give legal support to all who request and to those who cannot open a lawsuit due to economic reasons. This aid involves exemption from tax, fee and court expenses or to assign a lawyer by the Bar.

Pursuant to legal legislation provisions in our country, legal aid in civil justice is to provide legal aid services to those who cannot afford attorney’s fee, the court expenses due to

economic reasons. In terms of criminal procedure legal aid is the service provided for those who request and under certain conditions though there is no request.

Principally, the legal aid system was regulated by the provisions of;

- Code of Civil Procedure No. 6100 (12.01.2011),
- Code of Criminal Procedure No. 5271,
- Legal Practitioner's Law No. 1136,
- The Regulation of Legal Aid of Union of Turkish Bar Associations,
- The Law on Foreigners and International Protection No. 6458 (Articles 70, 81).

As for the scope of judiciary legal aid was regulated in the Code of Civil Procedure No. 6100, in Legal Practitioner's Law No. 1136 and in the Regulation of Legal Aid of Union of Turkish Bar Associations.

The purpose of legal aid is to guarantee the access of persons to justice who does not have the means to pay the attorney's fee, the expenses of files and court due to economic reasons partially or wholly. In these cases stated in the Law, the beneficiaries are included in the scope of judiciary legal aid.

The persons who made a request for judiciary legal aid should present evidence that they do not have the means to open a lawsuit while filling in the application form.

Pursuant to Article 334 of Code of Civil Procedure, those who shall benefit from legal aid are stated below:

1. The persons who cannot afford the case expenses partially or wholly,
2. Associations and foundations beneficial to the public,
3. Foreigners (subject to the principle of reciprocity)

Legal Aid Offices established in each Bar provide legal aid service. Legal aid office comprises of voluntary lawyers.

This organization shall at the same time determine the name of a representative from legal aid office in the fields of jurisdiction out of the region of Bar where there are more than 5 lawyers. These representatives act within the scope of the supervision and responsibility of the Governing Body of the Bar.

The legal aid office follows the course of the work fulfilled by the assigned lawyer.

The application of the request for legal aid can be made to the legal aid office or to the court in our country.

Courts and legal aid offices are authorized to give legal aid to the applicant or not in line with the documents and reasons submitted with regard to the financial situation. In both cases the decisions upon objection are final. Thus, the decision is given within the scope of economic criteria and the merits of the case. Only the Bar assigns the lawyer. The court decides for the applicant to be exempted from the expenses of jurisdiction wholly or partially.

Pursuant to Article 335 of Code of Civil Procedure, the positive decision for the legal aid request for the beneficiary;

1. Temporary exemption from all court and follow-up expenses.
2. Exemption from collateralizing for court and follow-up expenses.
3. Payment of all the expenses during courtcase and execution proceedings by the State in advance.
4. Where the case is required to be followed with the lawyer, retaining of a lawyer for the cost to be paid afterwards.

The court can also decide for the applicant to benefit from part of the issues regulated in the abovementioned sub-paragraphs. The legal aid continues until the final court order.

Within the framework of the abovementioned legislation provisions and the other issues, it is evaluated that it is possible for the migrants living in our country to benefit from the legal aid service where their legal interests necessitate in case they cannot afford the expenses and from the legal assistance of a lawyer and the assistance of a translator within this scope.

The legal aid continues from opening of a lawsuit to the stage of final court order.

Probation

Probation means “Community-based application where all kinds of service, programme and resources are provided for the suspect, accused or the convict to be integrated within the conditions and time stated by the court in line with the supervision and the inspection plan. The implementation of alternative punishments and measures of which the scope is determined by the laws for the suspect, accused and the convict is the whole activities and practices including the supervision, follow-up and recovery of the suspect, accused and the convict within society.

For the migrant obligator involved in probation system, it is searched whether there are persons who can make translation among the legal experts at courts in the language of the migrant obligator in order to implement Research and Evaluation Form used in the evaluation of the obligators. In case a relevant legal expert is found, determination of the risk and the need is made via translator. In case there is no one capable of translating the language of the migrant obligator among legal experts, other resources (public education centres, consulates, etc.) are searched in the region where probation directorate is located. In case one is found, then the process is carried out. In case it cannot be found in other resources, it is asked for an opinion from Judgement of Execution about the procedure of determining of a risk and need since no contact has been made with the obligator, the search for a legal expert has not given result, the procedure of execution could not be planned since the related proceeding has not been realized. It is acted according to the opinion of Judgement of Execution.

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 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

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

- The Law on the International Labour Force No. 6735 has entered into force on 13/8/2016 by being published in the Official Gazette. 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.
- The Law on Foreigners and International Protection No. 6458 entered into force on 11/4/2013 by being published in the Official Gazette. 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 under the Ministry of Interior.

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

1. Information on the grounds for expulsion of migrant workers

Information with regard to legislation

With the Law No. 6458, a removal decision can be taken only in the following situations. The law-maker has regulated the reasons for removal restrictively.

Persons subject to a removal decision

ARTICLE 54 – (1) A removal decision shall be issued in respect of those foreigners listed below who/whose:

a) are deemed to be removed pursuant to Article 59 of the Turkish Penal Code № 52375237,

b) are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation,

c) submit untrue information and false documents during the entry, visa and residence permit actions,

ç) made their living from illegitimate means during their stay in Turkey,

d) pose a public order or public security or public health threat,

e) has overstayed their visa or the visa exemption period for more than ten days or, whose visas are cancelled,

f) residence permits are cancelled,

g) overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason,

ğ) are determined to be working without a work permit,

h) breach the terms and conditions for legal entry into or exit from Turkey,

ı) are determined to have entered into Turkey despite an entry ban to Turkey,

i) international protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Turkey after the final decision,

j) fail to leave Turkey within ten days in cases where their residence permit renewal application has been refused,

(2) A removal decision may be issued in respect of applicants or international protection beneficiaries solely when there are serious reasons to believe that they pose a threat to national security of the Turkey or if they have been convicted upon a final decision for an offence constituting a public order threat.

With the Law No. 6458, persons who are not subject to removal decision was regulated and the issues such as “the foreigner’s family ties in Turkey, the duration of residence, situation in the country of origin and the best interest of the child during these actions” are considered in Article 25. In addition, the foreigners whose situation complies with the issues in Article 46 can be given residence permit.

Removal decision shall not be issued in respect of those foreigners listed below regardless of whether they are within the scope of Article 54 or not:

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.

Refusal, cancelation or non-renewal of residence permit applications lodged in Turkey

ARTICLE 25 – (1) The refusal of an application lodged in Turkey, non-renewal or cancelation of a residence permit and notification of such actions shall be done by the governorates. The decision on the residence permit may be postponed in consideration of elements such as the foreigner's family ties in Turkey, the duration of residence, situation in the country of origin and the best interest of the child during these actions.

(2) Refusal, non-renewal or cancelation of the application shall be notified to the foreigner or, to his/her legal representative or lawyer. This notification shall also include information on how foreigners would effectively exercise their right of appeal against the decision as well as other legal rights and obligations applicable in the process.

Humanitarian residence permit

ARTICLE 46 – (1) Under the following cases, upon approval of the Ministry, a humanitarian residence permit with a maximum duration of one year at a time may be granted and renewed by the governorates without seeking the conditions for other types of residence permits:

a) where the best interest of the child is of concern;

b) where, notwithstanding a removal decision or ban on entering Turkey, foreigners cannot be removed from Turkey or their departure from Turkey is not reasonable or possible;

c) in the absence of a removal decision in respect of the foreigner pursuant to Article 55;

ç) where there is a judicial appeal against the actions carried out pursuant to Articles 53, 72 and 77;

d) throughout the removal actions of the applicant to the first country of asylum or a safe third country;

e) in cases when foreigners should be allowed to enter into and stay in Turkey, due to emergency or in view of the protection of the national interests as well as reasons of public

order and security, in the absence of the possibility to obtain one of the other types of residence permits due to their situation that precludes granting a residence permit;

f) in extraordinary circumstances.

(2) Foreigners that are granted humanitarian residence permit should get registered with the address based registration system no later than twenty working days as of the issuance date.

Objection

Foreigners may appeal against the removal decision to the Administrative Court within 15 days and object to the decision.

2. Information on expulsion on grounds of public health

Foreigners who would face risk due to serious health condition, age or, pregnancy in case of travel and 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 are not subject to removal. The procedure of removal is suspended until the treatment of the foreigner ends. The removal is realized following the risks of health is removed.

3. Information on the Act No. 5683 and expulsion of non-Turkish citizen gypsies

With the amendment made on 05.01.2011 concerning the Law on Residence and Travels of Foreigners in Turkey No. 5683 dated 15.07.1950, the statement "Ministry of Internal Affairs has the authority to expel stateless and non-Turkish citizen gypsies and foreigners that are not bound to the Turkish culture" was amended as "The Ministry of Interior have the power to drive out stateless or foreign subject gypsies and the foreign nomads who are not connected to Turkish culture."

Pursuant to Article 51 of The Law on Foreigners and International Protection No. 6458, stateless persons shall not be deported unless they pose a serious public order or public security threat.

According to the provisions in the same Law, stateless persons shall obtain a Stateless Person Identification Document. The governorates shall issue this document, upon approval of the Directorate General. This document shall substitute a residence permit and shall be renewed by the governorates every two years without subject to any fee. Persons holding a Stateless Person Identification Document may apply to obtain any of the residence permits set out in this Law shall not be deported unless they pose a serious public order or public security threat and are subject to the provisions of the Law № 4817 in activities and actions regarding work permit.

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

- The Law on Foreigners and International Protection No. 6458, 04.04.2013
- Circular of Education and Training Services for the Syrian Citizens under Temporary Protection in Turkey, 26.09.2013, (MoNE, 2013b), Ministry of National Education
- Regulation of Temporary Protection No. 6883, 22.10.2014, Ministry of Internal Affairs
- Circular of Education and Training Services for the Foreigners No. 2014/21, 23 September 2014, Ministry of National Education

The proceedings and procedures of foreigners with Syrian nationality, arriving *en masse* in Turkey due to the conflicts in their country and demanding protection are conducted under Article 91, entitled Temporary Protection, of the Law dated 04/04/2013 and No. 6458 on Foreigners and International Protection, as well as Regulation on Temporary Protection dated 22/10/2014 No. 6883 issued by the Council of Ministers pursuant to this Article. Within the framework of the aforementioned legislation, Syrian foreigners are considered as being under “**Temporary Protection**” status in Turkey.

A Circular was issued on 26 September 2013 entitled “Education and Training Services for the Syrian Citizens under Temporary Protection in Turkey” (MoNE, 2013b). The following issues were agreed upon in the Circular:

- To offer education for the Syrian children within the camps ensuring them not to experience a loss of year whose education was suspended,
- The Ministry of National Education shall be responsible for the coordination of training services carried out in this context,
- To meet the need of a teacher from supernumerary in that province, in case of lack from among the persons knowing Arabic for a course fee assigned by the MoNE,
- Similarly, assigning of the teachers or suitable persons by the Ministry of National Education wishing to give training to the children among Syrian citizens provided that they shall not demand any fee on a volunteer basis,

- Preparing the content of the training by the National Coalition of the Syrian Higher Education Commission under the control of the Ministry of National Education and moreover to be trained in Turkish curriculum upon the request of the Syrian persons of Turkish origin,
- To open Turkish and vocational training courses in line with the facilities for the Syrians wishing to learn Turkish,
- To ensure schooling for the Syrians having residence permit staying out of the camps within the scope of the Circular on Foreign Students No. 2011/48 published on 16 August 2010.

In 2014 when the Syrian population approaches 2 million, the first comprehensive legal regulation was prepared for the foreigners, refugees and asylum-seekers living in Turkey and entered into force with the Law on Foreigners and International Protection No. 6458 in April 2014. The legal status of the Syrian people and the legal framework they shall benefit within the scope of this Law were constituted within the scope of Regulation of Temporary Protection which entered into force in October 2014. Thanks to the Regulation of Temporary Protection, Syrian nationals living in and outside of the camps had the right to access to health-care, education and social assistance services.

The Ministry of National Education, through further extending the scope of the circular in the previous year for the training of the Syrian nationals who have acquired the right of status of temporary protection and training, issued a new circular. With this Circular entitled “Education and Training Services for the Foreigners” No. 2014/21 dated 23 September 2014 it has been set certain standards for training services for the Syrian children and guaranteed. According to the Circular, education and training services of the foreign students in Turkey are being carried out by the Ministry and Provincial Commissions. Within the provincial Directorates of National Education, under the chairmanship of one deputy manager or branch manager and at least one manager and a foreign language teacher or a translator who is capable of having an interview with foreign students from all types and levels of educational institution as well as one authorized person 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 whom are seen as necessary by the Governor and the training coordinators in the provinces where Temporary Training Centres are located.

Within the framework of the said Circular, some of the services offered for the foreign students are below:

- Students having the necessary qualifications for the enrolment are placed according to their diploma and certificate of education through accreditation and benefit from education and training service through being directed towards the school he/she shall receive training. All the data entry of the foreigners having foreign id number are made over e-school and widespread automation systems.
- Those who do not have residence permit, foreign id number, foreign students who do not have certificate of education under registration through being given foreign credentials including those who are not removed are directed towards education institution on the basis of their statement via interview, written or oral examination where necessary, over the grade in their own country. Furthermore, data entry of Syrian students and teachers holding foreign credentials but do not have foreign id number is made over Information Operating System for Foreign Students (YÖBİS). The information on attendance, marks is

entered over YÖBİS system operating in many languages and handling of report, transcript and diploma is made over this system. The students getting id number later on are transformed into e-school system.

- In case establishing shelters in the provinces for the foreigners coming to Turkey in mass influx, necessary measures are taken for establishing Temporary Training Centres here.
- Turkish language is taught at Temporary Training Centres comprised of education centres of every type and level affiliated to the Ministry of National Education. For the Turkish lessons, teachers in the fields of Turkish and Turkish language and literature, class teachers and foreign language teachers can be assigned.
- Vocational skills are gained via non-formal education institutions and social and cultural courses are held. Non-formal courses and activities are opened in the requested fields except for the courses.
- Refresher courses can be opened by the school management for enabling foreign students to integrate in our country and to the school as well as to place them through guidance.
- In line with the agreements made within the framework of cooperation with the stakeholders, the foreigners who give voluntary support to the training activities conducted at Temporary Training Centres are provided financial, moral and vocational support. (MoNE, 2014).

In short, with the circular issued, the Syrian children were enabled to receive training at the schools affiliated to the Ministry of National Education or at Temporary Training Centres established for the Syrian. Moreover, the Syrian children in Turkey were entitled to enrol legally not only to Temporary Training Centres which the Syrian children attend only but also to public schools in Turkey. Thus, it was determined that “foreign identification document” is sufficient for the Syrian children to enrol to public schools, not the “residence permit” (MoNE, 2014).

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Education services for the Syrians under Temporary Protection in Turkey

The Ministry of National Education of the Republic of Turkey is responsible for everyone living in Turkey to benefit and to be benefited from education services. The Ministry, in cooperation with its all relevant stakeholders, aims to extend education facilities and services involving everyone to ensure that the Syrian children shall not be a lost generation and to offer a qualified education service as a result of studies it carries out to meet the education needs of Syrian nationals under temporary protection in Turkey.

Pursuant to international agreements and national legislation, every child in our country has the right to benefit from education facilities. Following the deepening of the Syrian crisis and after being understood that the process shall not be finalised at short-term, the Ministry of National Education realized urgent studies over the term of temporariness to remove all the barriers concerning the access of the foreigners to formal education services in our country. In this context, with the Circular published on “Education and Training Services for the Foreigners” No. 2014/21, the Ministry has arranged education services. With the same Circular, it expressed its determination to solve the problem by developing alternative models to the most intensive mass influx in history faced as a result of crisis is Syria. Through establishing temporary education centres at Temporary Refuge Centres and in cities being affected most from migration, areas were formed to provide service solely for the Syrian children.

In this context, the Syrian students receive training with the Turkish curriculum at public schools; whereas with a curriculum prepared in their native language over the timetable composed specially by the Board of Education at temporary education centres. It was targeted for the students to learn Turkish through adding Turkish education for five hours a week in average to the Arabic curriculum.

Turkish courses given for five hours a week at Temporary Education Centres were increased to 15 hours a week during 2016-2017 school year and the programme “Turkish Teaching for the Foreigners at the Age of 6 – 12” was prepared. Besides, also at our formal schools Turkish and Native Language (Arabic) can be given as elective courses.

The general education activities carried out by the Ministry of National Education for the Syrian nationals under temporary protection in our country are stated below:

- Studies for improving the access of the Syrian at school age to the education institutions at every type and level affiliated to the MoNE,
- To establish temporary education centres in our provinces where the Syrians live intensely and the studies carried out to meet the needs of these centres,
- Studies which are carried out for supporting Syrian teachers financially, morally and professionally,
- Studies which are carried out for certifying the education the Syrian students receive,
- Preparing and delivering education and training materials for the Syrian students,
- Non-formal education activities for the Syrians.

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

1. Information on the courses foreigners may attend

With Article 96 of the Law on Foreigners and International Protection No. 6458 entitled “Harmonization”, it was aimed to facilitate mutual harmonization between foreigners, applicants and international protection beneficiaries and the society as well as to equip them with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country.

Harmonization

ARTICLE 96 – (1) The Directorate General may, to the extent that Turkey’s economic and financial capacity deems possible, plan for harmonization activities in order to facilitate mutual harmonization between foreigners, applicants and international protection beneficiaries and the society as well as to equip them with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country. For these purposes, the Directorate General may seek the suggestions and contributions of public institutions and agencies, local governments, non-governmental organisations, universities and international organisations.

(2) Foreigners may attend courses where the basics of political structure, language, legal system, culture and history of Turkey as well as their rights and obligations are explained.

(3) The Directorate General shall promote the courses related to access to public and private goods and services, access to education and economic activities, social and cultural communications, and access to primary healthcare services and, awareness and information activities through distant learning and similar means in cooperation with public institutions and agencies and non-governmental organisations.

Protocol of Cooperation between the Directorate General of Migration Management and the Directorate General of Life-long Learning of the Ministry of National Education

In this context; a protocol of cooperation was signed on 25/04/2016 in cooperation with the Directorate General of Life-long Learning and the Directorate General of Migration Management for the purpose of organizing courses and certify those who succeed for Turkish language courses, adaptation courses and for improving vocational and social skills. With regard to the adaptation courses which shall be realized within the framework of the said protocol, a study for the content has been made and submitted to the authorities of the Directorate General of Life-long Learning of the Ministry of National Education. It is expected for the preparatory studies for the package to be completed in a short time.

The Project of Integration of Syrian Students into Turkish Education System was signed between the Ministry of National Education and the Delegation of the European Union to Turkey in 2016. Within the scope of the Project, education in Turkish, Arabic and various support programmes were planned. Within this framework, studies on temporary employment of teachers to teach Turkish to the Syrian students are going on. Furthermore, in order to increase the quality of education at temporary education centres opened for Syrian refugee children and to improve the pedagogical knowledge and skills of the Syrian teachers at these centres, training is organized for the Syrian teachers with UNICEF.

Turkish Language Courses

To facilitate the adaptation of the foreigners into our country Turkish language courses were opened for those having international protection application and status in the provinces of Kayseri, Niğde and Amasya. Courses realized in cooperation with Association for Solidarity with Asylum Seekers and Immigrants have started on 15 December 2015 and ended on 1 April 2016.

The number of participants is 134 in total. 27 of them are in Kayseri province, 57 in Amasya province and 50 in Niğde province. The number of persons who attend regularly to the courses and were entitled to get a certificate is 97. 97 participants who attended the courses regularly were given joint participation certificate by the Directorate General of Migration Management and Association for Solidarity with Asylum Seekers and Immigrants.

Information on the measures to facilitate the integration of children of migrant workers in the local school system

Barriers to enrolling to the schools affiliated to the MoNE were removed within the scope of the Circular No. 2014/21 for the Syrians under temporary protection to access to education.

Besides, as well as education and training activities made in accordance with the Regulation on Secondary Education Institutions of the Ministry of National Education and the Circular of the Directorate General of Primary Education of the Ministry of National Education dated

23/09/2014 and No. 10230228/235/4145933 2014/21 and with the provisions of other legislation, studies are being carried out for the migrant children to learn Turkish and to continue their education in Turkish.

Projects were initiated for the integration of Syrian students into Turkish education system at equal opportunities and quality with their Turkish peers. Intense studies and programmes are being carried out within this scope.

In coordination with the Directorate of Disaster and Emergency, an examination of Bachelor's degree was held between the dates of 18-25 August 2013 for the Syrian students in and out of temporary shelters with the students in Syria simultaneously. In 2014, an examination of Bachelor's degree was made between the dates 1-12 June 2014.

According to the Circular entitled "Education and Training Services for the Foreigners" No. 2014/21 on 23 September 2014, refresher courses may be opened by the school managements in order for the adaptation of the students coming from abroad to our country and to school.

Information on the programmes available for adult migrants to learn Turkish

In case there is need at temporary shelters (camps) and in the provinces where the Syrians are found intensely, temporary education centres were opened also in Arabic language for the Syrians who do not know Turkish out of temporary shelters with the approval of the Governorship. According to the provincial reports dated June 2016, 248 thousand 902 Syrian students received training in total during the school year 2015-2016 only at temporary education centres.

Courses are being organized at public education centres for the Syrians under temporary protection in our country to learn Turkish. According to MEBSİS data dated June 2016, 116 thousand 178 Syrian trainees attended the courses realized at Public Education Centres between the years 2015 – 2016. More than 77 thousand of these trainees attended Turkish courses. No fee is requested for non-formal and formal education service offered for the migrants by the Ministry of National Education.

All the coordination at the container and tent cities is provided by the Directorate of Disaster and Emergency of the Prime Ministry which is the responsible institution about the guests from Syria as in all national and international disasters and emergency cases. **Accommodation, food, health care, security, social activity, education, religious service, translation, communication, banking** and other services are given at the tent and container cities by the related Ministry, public institutions and organizations as well as Turkish Red Crescent.

Education Service

Classroom	Students					Courses for adults			
	Preschool	Primary school	Secondary school	High school	Total	Going on		Completed	
						Course	Trainee	Course	Trainee
1.211	6.857	42.491	20.051	9.308	78.707	298	13.936	2.036	61.749

Number of Syrians at Refugee Centres as of 5 September 2016: **253.045**

2. Further information on teaching of the Turkish language to children of migrant workers and related measures

Various data takes place in the above titles about legislation and implementation. More detailed information on implementation is given below:

1. Schooling

Statistical data which belong to the Syrian students under temporary protection in our country were compiled from provincial directorates of national education in June 2016. In line with the data, the number of students at **official schools** and **temporary education centres** affiliated to the Ministry is presented in the table below on classroom basis.

Accordingly, it was determined that **62.357** students at formal schools affiliated to the Ministry of National Education benefited from education and training services, 248.902 at temporary education centres. **311.259** students in total benefited from education and training services.

When **the rate of schooling of the Syrian students** receiving education in our country is calculated; according to the data of the Directorate General of Migration Management in February 2016, a rate of schooling around **37, 28%** in total is seen. The table showing the rate of schooling by classroom and age is presented below.

The rate of schooling according to the educational level is given in the table below. The highest rate of schooling is at the level of primary school with **195.412** students in total and the gross rate of schooling of **66.76%**. The lowest rate of schooling according to the level is at the high school with a rate of 12.88%.

Level of education	Students	Age population	Rate of schooling
Pre-school	20.540	80.385	25,55%
Primary school	195.412	292.688	66,76%
Secondary school	65.304	228.826	28,54%
High school	30.003	232.943	12,88%
Total	311.256	834.833	37,28%

**The number of students recorded in Official and Temporary Education Centres according to the data of Provincial Directorates of National Education*

When looked at the Rate of Girls-Boys of the Syrian students receiving education in our country, it is seen that the number of girls and boys is quite balanced. When the total number of students is examined by gender, it is seen that the rate of boys is 49, 62%, whereas the rate of schooling for girls is 50, 38 %.

Total Number of Students By Gender		
Girl	Boy	Total
156.819	154.440	311.259

The rate of schooling is shown below when the age population according to the level of class is considered:

CLASS	Official Schools*	Temporary Education Centre	Total	Total Age Population**	Rate of Schooling
Pre-school (5 Years of age)	5.002	15.538	20.540	80.385	25,55%
1 st Class (6 Years of age)	18.787	55.059	73.846	74.395	99,26%
2 nd Class (7 Years of age)	11.361	43.826	55.187	74.086	74,49%
3 rd Class (8 Years of age)	6.815	31.614	38.429	75.658	50,79%
4 th Class (9 Years of age)	5.416	22.534	27.950	68.549	40,77%
5 th Class (10 Years of age)	3.809	17.295	21.104	60.082	35,13%
6 th Class (11 Years of age)	2.714	15.619	18.333	57.157	32,07%
7 th Class (12 Years of age)	2.168	12.228	14.396	57.029	25,24%
8 th Class (13 Years of age)	1.773	9.698	11.471	54.558	21,03%
9 th Class (14 Years of age)	1.360	8.674	10.034	56.786	17,67%
10 th Class (15 Years of age)	1.210	5.872	7.082	53.947	13,13%
11 th Class (16 Years of age)	968	3.724	4.692	62.924	7,46%
12 th Class (17 Years of age)	974	7.221	8.195	59.286	13,82%
Total number of students	62.357	248.902	311.259	834.842	37,28%
*Data received from provincial directorates of national education in June 2016 (only the Syrian students)					
** Data of the Directorate General of Migration Management in February 2016					

The number of students recorded in Official and Temporary Education Centres according to the data of Provincial Directorates of National Education

2. Data for the Syrian Students at Temporary Education Centres

It was facilitated to open temporary education centres with the approval of Governorships within cooperation with other stakeholders within the scope of the Circular No. 2014/21 also out of temporary shelters, where necessary, to ensure foreign students under temporary protection in our country to benefit from the right of education, to increase their access to school and to reduce the effects of conflict of these children and to provide protection physically, legally and psychologically.

In this context, temporary education centres were opened except for “camps” which are temporary shelters, particularly for the Syrian students coming to our country and were put

under temporary protection with the Law No. 6458 due to civil war and chaos in their country within the scope of international migration.

According to the data received from provincial national education directorates in June 2016, **425** temporary education centres exist in total in our country in **21** provinces. 248.902 students in total receive education at these centres.

There are **36** temporary education centres in total at camps which are temporary shelters. **82.503** students in total receive education at these centres. It was reported that 166.399 students in total receive education at **389** temporary education centres opened out of the camps. The number of students according to the level of temporary education centres opened within and outside of temporary shelters which are defined as within and out of camps is given at the table below:

Number of Students In and Out of Camps of Temporary Education Centres (TEC)									
Level of education	In the camps				Outside of the camps				General Total
	TEC	Girl	Boy	Total	TEC	Girl	Boy	Total	
Pre-school	25	4.270	4.022	8.292	136	3.546	3.700	7.246	15.538
Primary school	27	22.034	22.725	44.759	338	53.638	54.636	108.274	153.033
Secondary school	28	9.714	10.117	19.831	301	18.500	16.509	35.009	54.840
High school	27	5.215	4.406	9.621	151	8.708	7.162	15.870	25.491
Total	36	41.233	41.270	82.503	389	84.392	82.007	166.399	248.902

The number of students out of camps is nearly two fold of those in the camps. **66.85%** of the students at temporary education centres are outside of camps.

TEC number of students		
In the camps	Outside of the camps	Total
82.503	166.399	248.902

50, 47% of the students at temporary education centres are girls, 49, 53% of them are boys.

TEC number of students (Girl-Boy)		
Girl	Boy	Total
125.625	123.277	248.902

The number of students in and out of Temporary Shelters in the provinces where Temporary Education Centre is located:

	In the camps	Outside of the camps	TOTAL
Adana	3.739	12.822	16.561
Adiyaman	2893	445	3.338
Ankara		2.690	2.690
Antalya		337	337
Batman		940	940
Diyarbakır		788	788
Gaziantep	13.575	31.975	45.550
Hatay	5.451	45.816	51.267
İstanbul		14.612	14.612
İzmir		1.228	1.228
Kahramanmaraş	4.972	6.612	11.584
Kayseri		290	290
Kilis	12.581	6.859	19.440
Kocaeli		1.141	1.141
Konya		3.330	3.330
Malatya	3.419	584	4.003
Mardin	2.640	2.878	5.518
Mersin		13.559	13.559
Osmaniye	2.545	2.175	4.720
Siirt		107	107
Şanlıurfa	30.688	17.211	47.899
TOTAL	82.503	166.399	248.902

3. Data on Education Staff Assigned at Temporary Education Centres

Syrian and Turkish teachers work voluntarily at temporary education centres. They are paid voluntary education staff incentive in cooperation with UNICEF and within the scope of the Protocol signed.

11.735 Syrian and 1.024 Turkish teachers, 12.759 education staff work in total at 425 temporary education centres. The number of other staff assigned at temporary education centres is 1.076.

Number of Classes, Education and Other Staff at Temporary Education Centres					
Number of TEC	Classes	Turkish Education Staff	Syrian Education Staff	Teachers in Total	Other Staff
425	4.381	1.024	11.735	12.759	1.076

4. Non-formal Training Courses

The Ministry of National Education, along with formal education activities carries out its non-formal activities for the Syrians. It also organizes courses for young and adult Syrians over public education centres in hundreds of fields, particularly Turkish teaching for the foreigners. The Syrians attending vocational skills and hobby courses can both be equipped with an income meeting their daily needs and find activities to get rid of severe trauma and return to normal life.

The Ministry aims to carry out upskilling studies for the Syrians in cooperation with its relevant stakeholders particularly within the scope of non-formal education activity and to reach a specific number of adult Syrian in the fields which shall be determined with the studies on a project basis. It is worked in cooperation with partner organizations to increase physical areas to raise the capacity of non-formal education activities and in providing office equipment. Non-formal education and vocational training are seen as the most productive means to support particularly young Syrians who are about to get out of education age and are not able to continue their education for a long time. Thus, they shall be enabled to gain vocational skills and to find a job to earn their living. Furthermore, the risk of being affected by abuse groups shall be reduced.

Another goal of the Ministry of National Education is to ensure social cohesion and to initiate “Turkish Teaching Campaign” to facilitate the daily lives of the Syrians who are predicted to live in Turkey for a long time. While carrying out its studies on Turkish teaching to the Syrian students, the Ministry has observed the deficiencies in this field with its relevant stakeholders and it was decided to take measures on a project basis.

The number of Syrian trainees who attended the courses realized at Public Education Centres affiliated to the Ministry of National Education between the years 2015 – 2016 is shown in the table below according to different fields:

VOCATIONAL TRAINING	GENERAL EDUCATION	TOTAL
18.615	97.563	116.178

The number of Syrians attending Turkish teaching program at non-formal institutions is given below:

Level	Attendees to Turkish courses for foreigners
A1	65.974
A2	10.743
Other languages	301
Total	77.018

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

- The Law on Foreigners and International Protection No. 6458, 04.04.2013
- Circular of Education and Training Services for the Syrian Citizens under Temporary Protection in Turkey, 26.09.2013, (MoNE, 2013b), Ministry of National Education
- Regulation of Temporary Protection No. 6883, 22.10.2014, Ministry of Internal Affairs
- Circular of Education and Training Services for the Foreigners No. 2014/21, 23 September 2014, Ministry of National Education

Explanations were given within the scope of paragraph 11 about the legislation. The issues with regard to native language are stated again below:

Pursuant to Article 96 of the Law on Foreigners and International Protection No. 6458 entitled "Harmonization", "Foreigners may attend courses where the basics of political structure, language, legal system, culture and history of Turkey as well as their rights and obligations are explained."

In accordance with the Circular issued on 26 September entitled "Education and Training Services for the Syrian Citizens under Temporary Protection in Turkey", the following issues were determined;

- To meet the need of a teacher from supernumerary in that province, in case of lack meeting the need from among the persons knowing Arabic for a course fee assigned by the MoNE,
- Similarly, assigning of the teachers or suitable persons by the Ministry of National Education wishing to give training to the children among Syrian citizens provided that they shall not demand any fee on a volunteer basis.

Under the Circular No. 2014/21 on "Education and Training Services for the Foreigners" Syrian students receive training with the Turkish curriculum at public schools; whereas with a curriculum prepared in their native language over the timetable composed especially by the Board of Education at temporary education centres.

Turkey has also ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Article 30 of the Migrant Workers

Convention reads as follows; “Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.” This article is also part of our national legislation and provision of international human rights treaties are prevail in case any contradiction between the provisions of national legislation and the provisions of international human rights treaties.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Temporary Education Centres

Temporary education centres (TEC) are the education centres involving primary and secondary school giving education in Arabic adhering to the Syrian curriculum operating in and out of the camps established in 25 provinces by the Directorate of Disaster and Emergency for the Syrian children at the school age and for the young Syrians. (MoNE, 2014). The curriculum practiced in the education at these centres is the Syrian curriculum.

In all of the camps, centres were constituted for the education of Syrian children. However, temporary education centres out of the camps do not exist in every province. Syrian and Turkish teachers work voluntarily at temporary education centres. 11.735 Syrian and 1.024 Turkish teachers, 12.759 education staff work in total at 425 temporary education centres. The number of other staff assigned at temporary education centres is 1.076.

Another important alternative with regard to the access of Syrian children to education living out of the camps is the public schools. Hence, according to the Circular No. 2014/21 of the Ministry of National Education, Syrian children are able to enrol to any public school with a foreign identification card given to them. (MoNE, 2014). Thus, Syrian students who want to get training at public schools can benefit from all kinds of education opportunities offered to the children in Turkey and can receive training with their Turkish peers. Within the scope of this system 55.360 Syrian and 11.515 Iraqi children receive education holding foreign identification number from nursery class to the 12th class and were registered to e-school automation system at private and public schools affiliated to the Ministry of National Education.

It is seen that the preference of Syrian children is temporary education centres rather than public schools theoretically. The main reason for this is that the language of education at is Arabic and the curriculum is the curriculum of Syria at temporary education centres.

The Ministry of National Education has organized training courses in cooperation with UNICEF to support the Syrian teachers who teach voluntarily in temporary education centres that are set up for the citizens of Syria under temporary protection in accommodation centres and in the cities, and developed new training modules according to the demands and needs of Syrian teachers who participated in the trainings. So far, the Syrian teachers participated in the trainings below:

- Minimum standards of education in emergency situations
- Providing psycho-social support in the school environment to the war-affected children
- Classroom management in crowded class

- Preparing a lesson plan with basic lines
- Reflective (Reflective) Teachers Model
- Basic Principles and Processes of Development Programme
- Coping with trauma

6,500 participants who participated in “Coping with trauma” training were given a certificate of participation.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Number of Classes, Education and Other Staff at Temporary Education Centres					
Number of TEC	Classes	Turkish Education Staff	Syrian Education Staff	Teachers in Total	Other Staff
425	4.381	1.024	11.735	12.759	1.076

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

1. Information on provision of mother tongue language teaching to migrant workers’ children.

The Ministry of National Education of the Republic of Turkey is responsible for everyone living in Turkey to benefit and to be benefited from education services. Within this scope, in the Regulation on the Training of Children of Migrant Workers, principles and methods on the duties of the respective persons as well as education and training of the children of migrant workers were regulated. To learn the native language and culture, to make cooperation with the relevant countries to preserve their identity, to organize courses to teach students their native language and to take necessary measures to teach Turkish for the students who do not speak Turkish were regulated with the relevant articles of the said Regulation.

The practice of compulsory education in our country involves the children of migrant workers at the same age. With Article 96 of the Law on Foreigners and International Protection No. 6458 entitled “Harmonization”, it was aimed to equip the foreigners to facilitate mutual harmonization and to equip them with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country.

The studies and proceedings for coordinating education and training activities for the foreigners, particularly for the students at the age of compulsory education in our country, for taking necessary measures, access to education and offering quality education services, for carrying out of the studies in coordination with the relevant units and institutions and for taking necessary measures in emergency cases shall be carried out in coordination of a Deputy Undersecretary assigned by the Ministry of National Education and within the scope of the relevant provisions of (a) Primary Education and Training Law No. 222, (b) Basic Law of National Education No. 1739, (c) the Law on Foreigners and International Protection No. 6458, (ç) Law for Provincial Administration No. 5442, as well as the provisions of respective regulations, directives and the guide without prejudice to the provisions of private legislation in line with the explanations in the Circular. The Circular of “Students with Foreign

Nationality” No. 2010/48 was repealed and the conditions for registration has become more flexible.

2. Information on teaching of mother tongue in the normal school system and cooperation with non-governmental organizations.

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.

Adaptation Programmes for Formal Education were planned to teach Turkish language for the Syrian students and migrants receiving training in our country at the age of education and to minimize psycho-social problems of the students by the Head of Department of Migration and Emergency Training established within the Directorate General of Life-long Learning. Within this scope, Turkish courses are given via public education centres. Furthermore, 4.200 temporary trainers (Training Staff) were received to teach Turkish for the foreigners and they were given training for two weeks. The education staff who will teach Turkish to the foreigners shall use 490.000 Turkish training set which was delivered to the Syrian students purchased from Yunus Emre Institution.

On the other hand, Temporary Education Centres giving education in Arabic are located in the provinces where the students under temporary protection in our country live intensely and serve as an education centre for transition to a formal school for enabling them to adapt to the school and to learn Turkish. Turkish courses given for five hours a week at Temporary Education Centres were increased to 15 hours a week during 2016-2017 school year and the programme “Turkish Teaching for the Foreigners at the Age of 6 – 12” was prepared. Besides, also at our official schools Turkish and Native Language (Arabic) can be given as elective courses.

With Article 96 of the Law on Foreigners and International Protection No. 6458 entitled “Harmonization”, it was aimed to equip the foreigners to facilitate mutual harmonization and to equip them with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country. Within the framework of Article 96 entitled “Harmonization”, for these purposes, the Directorate General may seek the suggestions and contributions of public institutions and agencies, local governments, non-governmental organisations, universities and international organisations. The Directorate General shall promote the courses related to access to public and private goods and services, access to education and economic activities, social and cultural communications, and access to primary healthcare services and, awareness and information activities through distant learning and similar means in cooperation with public institutions and agencies and non-governmental organisations.

Two practices can be mentioned as an example to the studies realized in cooperation with non-governmental institutions and other institutions. Within the framework of a Protocol of Cooperation on Organizing of a Vocational Training and Language Course signed between the Directorate General of Life-long Learning of the Ministry of National Education and the

Association of Friendship of Syria, courses shall be organized at Public Education Centres in cooperation with the Association. Planning and practice about courses are made by Public Education Centres whereas counselling and delivery of training materials is done by the Association. Furthermore, Paper of Cooperation was signed to organize Turkish language, adaptation courses as well as courses for improving vocational and social skills across Turkey for the foreigners in our country in cooperation with the Directorate General of Life-long Learning and the Directorate General of Migration Management and to certify successful trainees. Within this framework, in addition to the existing courses, a new course can be opened with the participation of at least twelve people in general by the Directorate General of Migration Management and the Directorate General of Life-long Learning. No fee is demanded from trainees and a certificate of completion is issued at the end of the course.

ARTICLE 27
THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT

Article 27§1:

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

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

Scope of the provisions as interpreted by the ECSR

a. Persons with family responsibilities must be provided with equal opportunities in respect of entering, remaining and re-entering employment, in particular in the field of vocational guidance, training and re-training.

b. The needs of workers with family responsibilities must be taken into account in terms of conditions of employment and social security. Legislation or collective agreements shall regulate the length and organisation of working time, as well as how non-working periods due to family responsibilities are taken into account for pension rights.

c. Child day care services and other childcare arrangements must be available and accessible to workers with family responsibilities.

A. DEVELOPMENTS SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

1. Law on the Amendment of Income Tax Law No. 6663 and Some Laws

The Act, which entered into force as of 10 February 2016, involves the following provisions regarding the regulation of the personal rights of female employees and parents.

- a. Assessment of the duration of civil servants' unpaid maternity leave in grade of services**
- b. Regulation of paid part-time work rights of the employees' due to birth**
 - On condition of the child's survival, half-time paid work for up to 2 months for the first child, 4 months for the second child, 6 months for the third child and more from the end of maternity leave is provided.
 - One month has been added to this period for multiple births.
 - The employee is entitled to paid half-time work for 12 months if the child is disabled.

- Employer shall pay wages and premium payments for the work time of the employees.
- Half working allowance for unworked time will be paid from the unemployment fund and the daily amount is the gross amount of the daily minimum wage.
- Civil servants and workers will be able to start unpaid maternity leave at the end of paid half-time working period.

c. Regulation of part time working rights for working parents

Parents working as civil servants or workers are entitled to work part-time for each child until the age of compulsory primary education. In terms of business and human resource planning in the public and private sector, one parent can benefit from this right once for every child.

d. Arrangements for premature births and rights of leave for workers in case of maternal death

- After premature births, female civil servants have the right to extend maternity leave by the time of premature birth.
- In the case of maternal death of the worker at the time of birth or after the birth, the father will be able to use the unused part of the maternity leave, as in the case of civil servants.

e. Rights of leave for those who have adopted a child have been regulated.

In case of adoption, it is possible to benefit from the rights of leave related to birth.

2. Regulations for the Implementation of Law on the Amendment of Income Tax Law No. 6663 and Some Laws

The following secondary legislative arrangements have been made in order to ensure unity in the use of leaves provided to employees due to birth and adoption, pursuant to the said Law:

- a. Regulations on the use of leaves due to birth and adoption, including part-time leave for civil servants were made with the Public Personnel General Communiqué no. 6, which entered into force as of 13.04.2016.
 - b. Regulations on the use of leaves due to birth and adoption for workers were made with Regulation on Part-Time Work After Maternity Leave and Unpaid Leave, which entered into force as of 08.11.2016
- 3.** There is the possibility of “borrowing”, payment of the unpaid premiums in the past, regarding the assessment of the unworked days due to family responsibilities, for the right of retirement and compensation of this duration. Two important amendments have been made on the issue:
- a. Pursuant to paragraph (i) added to Article 41 of the Law numbered 5510 entitled "Durations subject to borrowing by insurers", by Article 30 of the Law No. 6111, which was adopted on 13.02.2011 and published in the Official Gazette dated 25.02.2011, the insured persons working with part-time employment contract

according to the law numbered 4857 will be able to borrow the unpaid durations during the months they work part-time after 25.02.2011.

- b. The issue of borrowing due to birth regulated in Article 41 Item 1 paragraph (a) of the Law numbered 5510 was rearranged with Article 43 of the Law no. 6552 on Restructuring of Certain Receivables by Making Amendments to the Labour Law and Certain Laws and Decree Laws, adopted on 10.09.2014 and published in the Official Gazette dated 11.9.2014. In the previous regulation, the number of birth borrowing was limited to two children whereas the new legislation lets borrowing for three children. Secondly, only the employees in the category of 4/a (employees with service contracts) were entitled to borrowing but the legislation have been rearranged to cover all insurers. Thus, in the past, 4/b (self-employed) or 4/c (civil servant) workers were also allowed to take advantage of borrowing due to birth without having insurance in the past in 4/a category.

There are no difficult conditions to benefit from the new arrangement. The conditions for the women to benefit from borrowing are:

- To be registered as insured in 4/a and declared / accrued premiums for short or long term insurance branches before giving birth for the first time.
- To be registered/accrued in 4/b regardless of premium payment status before giving birth for the first time.
- To be registered in 4/b status before giving birth for the first time.

Borrowing right has been extended to all employees, for maximum of three children and a maximum of two years of borrowing for each child. In this way, women leaving their work life due to giving birth are given the opportunity to borrow these periods so that they can retire earlier. Thus, losses of women who give a break to working life involuntarily are compensated as indicated. Independent employees and civil servants who had not been able to benefit from these provisions also had the right to borrow for their births before 11.09.2014, when the new regulation entered into force.

4. Law on Supporting Investments on Project Basis and Making Amendments to Certain Laws and Decrees, no. 6745

Within the scope of "Protection of the Family and Dynamic Population Structure Program", the following subjects are legalized by the said Law which entered into force as of 07.09.2016:

- According to the provision added to Article 20 of Income Tax Law no. 193 dated 31.12.1960, "Private daycare and nursing centers are exempted from Income Tax for five taxation periods from the taxation period in which they start up"
- According to the provision added to Article 5 of Corporate Tax Law no. 5520 dated 13.06.2006, "Private daycare and nursing centers are exempted from Corporate Tax for five taxation periods from the taxation period in which they start up."

These regulations are applied to private daycare and nursing centers, which start operating as of 1.1.2017.

5. Positive discrimination has been made in terms of the provision of new employment opportunities for women with the Law No. 6111 enacted in 2011. Accordingly, in case of employment of women over 18 years of age, the employer's share of the insurance premiums will be covered by the Unemployment Insurance Fund for 12 to 54 months on certain conditions. The law also introduced amendments to improve the working life of women. 154.229 women benefited from the mentioned incentives as of August 2016. The duration of implementation of the incentive was extended by the decision of the Council of Ministers until 31.12.2020.
6. A regulation on domestic workers was added to the Law numbered 5510, with Law No. 6552 dated 10.09.2014. Accordingly, the legal action taken for those employing an insured domestic worker varies whether the insured are working less or more than 10 days in one month, as of 1.04.2015. Those working less than 10 days a month will be insured for work accidents and occupational diseases, and the related premiums shall be paid by the employer. The workers are able to pay long term insurance and general health insurance premiums until the end of the following month. Premiums for employees working over 10 days in a month are paid by their employers on easy employing practices.
7. Decision on Principles and Procedures Regarding Treasury Support to be provided to Credit Guarantee Institutions, including provisions of affirmative action for women entrepreneurs was published on 25.02.2015. Accordingly, a new arrangement was made to facilitate the access of women entrepreneurs to financial resources by ensuring that women entrepreneurs benefit from guarantees with more advantageous conditions. In the Treasury supported system, the guarantee rate of 75% for SME loans was set at 85% for loans used by women entrepreneurs. The maximum guarantee amount is 85.000 TL per beneficiary and 130.000 TL for the risk group.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

Information on some of the recent projects to support equal opportunities is mentioned below:

The joint project titled "My Mother's Job is My Future" has been launched in the scope of a protocol signed between Ministry of Family and Social Policies (ASPB) and Ministry of Science, Industry and Technology and Borusan Holding A.Ş., aiming to open daily child care facilities in Organized Industrial Zones. It is aimed to open nurseries in 10 OIZs until the end of 2019. For this purpose, the construction of nurseries in Adiyaman, Afyonkarahisar and Balıkesir OIZ has been completed and they started to serve. In addition, the nursery in Malatya OIZ is planned to be completed and enter service. (<http://www.anneminisi.org>)

A project titled "Increasing Access of Women to Economic Opportunities" of \$ 4.500.000 covering the years 2012-2017 is underway, carried out by Ministry of Family and Social Policies, Directorate General for the Status of Women, with financial support of the Swedish International Development and Cooperation Agency (SIDA), in cooperation with the World Bank. The aim of the project is to establish policies for women to find jobs on better terms, identifying the issues about women's entry into the labor market and enhancing entrepreneurship, developing concrete solution suggestions and policies to address the problems faced by women in this field, by assessment of the problems. In this context, many activities such as women's cooperatives, child care and women's entrepreneurship are carried out. Research on "Supply and Demand of Child Care and Early Childhood Education Services in Turkey" has been carried out under the project's component titled Strengthening the creation of an evidence-based policy. Modeling and simulation studies, based on the results of the research, and carried out in order to extend early childhood education and care services

across the country have been completed and shared with related parties. (<http://kadininstatusu.aile.gov.tr/faaliyetler/projelerimiz/yurutulmekte-olanprojeler/uluslararasi-projeler/kadinlarin-ekonomik-firsatlara-erisiminin-artirilmasi-projesi>)

"Women Masters Project (2016-2017)" has been launched by the cooperation of ASPB, Turkish Employment Agency (İŞKUR) and Betek Boya ve Kimya San., with the purpose to provide employment by giving women professional knowledge and skills in different sectors. Within the scope of the project, it is aimed to give vocational skills and professional qualification certificates to 500 women.

"Turkey's Engineer Girls Project (2016-2020)" has been launched with collaboration of the Ministry of Family and Social Policies, United Nations Development Program (UNDP) and Limak Holding. The aim of the project is to encourage female students who want to be engineers so that they can become role models in their profession. For this purpose, the target is the girls who continue their high school and university education. It is also aimed to contribute to inclusive and sustainable growth through the development of a model for increasing the quality of female employment. (<http://www.turkiyeninmuhendiskizlari.com/>)

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

Conditions of employment, social security

Information on social security benefits on parental leave

Temporary incapacity benefit:

Temporary incapacity benefit is paid to compensate for the loss of income during the period in which the insured cannot work temporarily due to maternity during the rest stated in the physician or health board reports authorized by the Social Security Institution. Those who are protected in terms of temporary incapacity benefit are insured under service contract (4/a) and independent employees (4/b). Personnel who are temporarily incapacitated for work incapacity do not receive temporary incapacity benefit from maternity insurance because public employees (4 / c) are not counted. Public employees (4 / c) are not indicated among those who can receive temporary incapacity benefit from maternity insurance, as they continue getting their salaries fully during maternity leave.

Conditions for receiving temporary incapacity benefit from maternity insurance:

- Insured persons in 4/a category

Declaration of at least ninety days short term insurance premiums in one year before birth.

- Insured persons in 4/b category
 - Payment of at least ninety days short term insurance premiums in one year before birth.
 - Having paid premiums and all kinds of debts related to premium, including general health insurance

The insured is granted daily temporary incapacity benefit from maternity insurance during the period of incapacity. The aforementioned temporary incapacity benefit is half of the daily earnings to be calculated according to Article 17 of Law No. 5510 for inpatient treatments, and two thirds in the case of outpatient care.

Breastfeeding Allowance:

Breastfeeding allowance is paid to (i) women having insurance from maternity insurance, or the insured men whose uninsured wife has given birth, (ii) among insured persons working with service contract or independently, women getting wage or income for their own work, or the men whose uninsured wife has given birth. Allowance is paid on the tariff valid at the date of birth and determined by the SGK Executive Board and approved by the Minister of Labour and Social Security. The allowance has been set as 133 TL for 2017.

Conditions for receiving breastfeeding allowance:

- Live birth,
- Declaration of at least 120 days short term insurance premiums in one year before birth for the employees working with service contract,
- Having paid premiums and all kinds of debts related to premium, including general health insurance for independent employees.

Information on right to pension and leave

There are no specific provisions indicating that unworked periods due to family responsibilities affect the pension entitlement conditions and the monthly amount in the legislation about pensions. Premiums paid for long-term insurance branches are assessed for the rights provided by long-term insurance branches. Whereas, regulations and conditions regarding *borrowing* are mentioned above.

Article 27§3:

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

Scope of the provisions as interpreted by the ECSR

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

A. DEVELOPMENTS SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

▪ Law on the Amendment of Income Tax Law No. 6663 and Some Laws

The Act, which entered into force as of 10 February 2016, involves provisions aiming to prevent women from leaving their professional life, by contributing to reconciliation of family and work life. According to the regulation, the workers will be able to work half-time, any time following the end of the maternal leave unpaid maternity leave, until the beginning of the first month after the beginning date of child's of compulsory primary education. The worker is protected by stating that this claim is not considered as the reason for the valid termination. In addition, the worker who has started to work in this way will be able to return to full-time work on condition that he/she will not benefit from this right for the same child again.

▪ Law No. 6701 on Human Rights and Equality Institution of Turkey

The Law no. 6701 on Human Rights and Equality Institution became effective with its publication in the Official Gazette of 20 April 2016. According to Article 3 of the Law entitled "Principle of Equality and Prohibition of Discrimination", Discrimination based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnicity, wealth, marital status, health status, disability, age and also on birth is prohibited.

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

Protection against dismissal

Information on protection of the workers in companies with less than 30 employees against dismissal due to family responsibilities

Article 18 of the Labour Law, titled "Termination with a valid reason" indicates that: "The employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with

the capacity or conduct of the employee or based on the operational requirements of the establishment or service.”

According to of the said Article, those shall not constitute a valid reason for termination: “race, colour, sex, marital status, family responsibilities, pregnancy, birth, religion, political opinion, and similar reasons” (Item d) and “absence from work during the times when female workers must not be engaged in work, as foreseen in Article 74” (Item e)

Procedure in termination and appeal against termination are regulated with Articles 19, 20, and 21 of the Law. Article 17 indicates that a notice to the other party must be served before terminating an employment contract made for an indefinite period, the party who does not abide by the rule to serve notice 2-8 weeks before the termination according to the duration of the employment, shall pay compensation equal to the amount of the wages which correspond to the term of notice, and the employer may terminate the employment contract by paying the wages corresponding to the term of notice in advance. Besides, the employer’s breach of the rule of giving notice or his terminating the employment contract by paying in advance the wages corresponding to the term of notice shall not preclude the application of Articles 18, 19, 20 and 21 of the Law.

According to Article 18,

In cases where employment contracts of employees who fall outside the scope of Articles 18, 19, 20 and 21 of this Law shall be paid compensation amounting to three times the wages for the term of notice. If the rule to give notice has not been observed either, the employee must be paid an additional compensation in accordance with Item 4.

Accordingly, Article 17 of the Law regulates the termination with valid reason and provides protection against dismissal from work without any distinction between the companies with more or less than thirty employees. However, it is stated that the employer has to re-engage the worker if it is concluded that the termination is invalid, only in companies with more than thirty employees.

According to Article 5 of the Labour Law, No discrimination shall be made based on language, race, colour, sex, disability, political opinion, philosophical belief, religion, sect or similar reasons in the employment relationship. Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee due to sex or maternity, in signing, formation, implementation and termination of the employment contract.

In this context, women are protected against discrimination and dismissing due to pregnancy and maternity.

Protection is provided with the provision that request of the worker, who wants to work part-time to look after the child until the beginning of the month following the date of the compulsory primary education age shall not be considered as a just reason for the termination of the contract.

The Law no. 6701 on Human Rights and Equality Institution became effective with its publication in the Official Gazette of 20 April 2016. According to Article 3 of the Law entitled "Principle of Equality and Prohibition of Discrimination", Discrimination based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnicity, wealth, marital status, health status, disability, age and also on birth is prohibited.

Effective remedies

Information on ceiling compensation and compensation for pecuniary and non-pecuniary damage

a. With regard to the question whether the ceiling calculation of the compensation stipulated in Articles 17 and 21 of the Labour Law is valid or not both for material and moral damage;

Pursuant to Article 17 of the Labour Law No. 4857, although termination of a contract of employment for an indefinite period is always possible by notification or severance pay, this right, as every right, should be enjoyed in accordance with the rules of honesty and objective good faith in accordance with Article 2 of Civil Code. Otherwise, the right to termination is mentioned to be abused.

Pursuant to Article 17, the employer abusing the right to termination should pay compensation at the amount of three times of the cost corresponding to the term of notice. The said compensation is also called compensation for bad faith damages in practice.

Pursuant to Article 21 of the Law, if the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him in work, compensation to be not less than the employee's four months' wages and not more than his eight months' wages shall be paid to him by the employer.

Pursuant to Article 5 of the same Law, no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. If the employer violates the above provisions in the execution or termination of the employment relationship, the employee may demand compensation up to his (her) four months' wages plus other claims of which he (she) has been deprived. Article 31 of the Trade Unions Act is reserved.

The process of termination due to pregnancy is invalid in accordance with Article 18/3-d of the said Law. If an employee is not re-engaged in work, the compensation of occupational safety shall be adjudged. Due to this specific regulation, the courts in cases of reemployment, shall decide to the determination of invalidity of termination and to the compensation of reemployment and not re-engage in work and shall not adjudge also to the compensation of discrimination as well as not re-engage in work. Since compensation is not a means of enrichment, unless provided otherwise in the Law, the damage of an illegal behaviour is compensated once. Therefore, compensation for discrimination cannot be demanded together with compensation for job security. Yet, termination on the basis of discrimination is not a termination on a valid reason. Supreme Court of Appeals is also of the same opinion. Opposite views also exist in the doctrine.

On the other hand, any of the severance pay, notice pay or compensation for bad faith damages in the Labour Law has the purpose of protection against attacks directed towards personality or recovery of material-moral damage arising from the attack. In this respect, the provisions in Civil Code and Code of Obligations which should be applied in case of attacks of personality should be taken into account also in employment relation.

In this regard, the ceiling calculations stipulated in Articles 17 and 21 of the Labour Law are not valid for material and moral damages.

ii. With regard to the question whether the persons have the right to sue or not due to moral damages;

As was explained above in short, compensation for discrimination is the compensation given to the employee up to his (her) four months' wage in case of violation of the obligation of equal treatment of the employer. Four months' compensation is the peak of the compensation whereas; the lower limit was not specified. The employee can demand his/her other rights except for compensation for discrimination. Social benefits, bonus and wage increases on equal basis can be cited. The obligation of equal treatment was regulated in Article 10 of the Constitution of the Republic of Turkey and in Article 5 of the Labour Law. Again, Article 14 of European Convention on Human Rights (ECHR) regulates the prohibition of discrimination.

Since Article 5 of the Labour Law explicitly stipulates this compensation "in employment relation or in its termination", it should not be demanded in the establishment of employment relation in case of violation of equal treatment. In this case, the employee who was exposed to discrimination can demand compensation according to the general provisions. The compensation for discrimination is not compensation in technical terms, but since it is a legal sanction for the violation of equal treatment, in order for the employee to demand discrimination compensation it is enough for him/her to be exposed to a process or behaviour constituting an absolute discrimination. Moreover, it is not necessary for a damage to be emerged.

Within this scope, it is considered possible for the employee to demand moral indemnity due to attacks to his/her personal rights within the framework of general provisions of the Code of Obligations due to the reasons arising from the employment contract.

iii. With regard to the question whether the same court ruled or not about material and moral compensation and about how long the decision of compensation was taken approximately;

As is known, pursuant to Article 1 of the Law of Labour Courts No. 5521, the place for the settlement of disputes arising from employment contract or from any demands on the basis of employment contract or Labour Act between the persons deemed to be an employee, the employers or employer representatives according to the Labour Law is the "labour courts".

Again, special provisions are included in Article 20 of the said Law in order to decree legislative and objection to termination cases rapidly compared to other labour cases considering the specific significance. Pursuant to Article 20 of the Law entitled "Procedure of appeal against termination", the employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not

valid to justify the termination shall be entitled to lodge an appeal against that termination with the labour court within one month of receiving the notice of termination. If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period of time. Under Article 20 of the Labour Law No. 4857, the court must apply fast-hearing procedures and conclude the case within two months. In the case the decision is appealed, the Court of Cassation must issue its definitive verdict within one month.

European Court of Human Rights, in its consideration about a case of reemployment lasting for a year and five months, has ruled that “reasonable time” was not exceeded in the context of the first paragraph of Article 6 of the Convention since there were no delays in the presence of national courts when the whole period of judgement is taken into consideration by stating that the attitude of national courts about the matter of dispute does not show a specific complexity in the said case, that the judgement lasted for a year and five months in front of two-level jurisdiction, that the national courts have analysed the core of the case to decide the claims of the applicant during this period and that received the statements of the witness as well as the expert’s report. (Çalık/Türkiye, B. No: 3675/07, 31/8/2010; for a similar decision please see. Dildirim/Türkiye, B. No: 42927/10, 12/3/2013).

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

Information on current legislation is given below:

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 on 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.

With the latest amendments in 2013, the groups that will receive interest free loans from Housing Development Administration (TOKI) and authorized bodies in determination of application rules and principles were specified.

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)

This 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 the Ministry. 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.

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.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

According to the Tenth Development Plan, covering the 2014-2018 period, the main goal is to regenerate the districts that have disaster risk, infrastructure bottleneck and have lost their value and functions and has 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 need due to the urbanization, population growth, renewal and disaster is 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 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 of all, rights ownership and real estate appraisal works are carried out, and the number of rights 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/content/images/main-page-slider/30102016224921-pdf.pdf>)

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 (ECSR)

Criteria for adequate housing

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. The main legislation about building construction and licensing is mentioned above.

Responsibility for adequate housing

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.

Legal protection

Companies that perform construction and supervise construction legally are liable for 15 years for defective manufacture. Also for hidden defects legal liability continues after 15 years (Such as natural disasters, earthquakes).

Measures in favour of vulnerable groups

▪ Measures in favour of Roma families

As part of the Urban Renewal Projects of TOKI, within the scope of the urban renewal works initiated with the Protocol signed between Istanbul Metropolitan Municipality, Fatih Municipality and TOKI in 2006, regarding the renewal area of Istanbul Fatih district, Neslişah

and Hatice Sultan neighborhoods (Sulukule), houses of the Roma citizens who are the right owners were delivered in return for plot/building.

The houses built by TOKI in the cities of Adana, Ankara, Balıkesir, Bursa, Çanakkale, Düzce, Edirne, Hatay, İstanbul, Kırklareli, Kocaeli, Manisa, Osmaniye, Sakarya and Tekirdag between 2010 and 2015 are in the areas where our Roma citizens live intensively ready-made houses were delivered to the Social Assistance and Solidarity Foundation in that province. In this respect, our Roma citizens showed great interest in the houses, and the houses were delivered to the citizens who were in the demand of them and fulfilled the necessary conditions.

TOKI has been including our Roma citizens in its evaluations for urban transformation projects carried out since 2003 within the framework of cooperation with the local administrations. In TOKI applications, the right to acquire housing is provided within the scope of existing projects and in equal conditions without any distinction.

Projects that include Roma citizens within urban transformation works carried out with local governments are as follows: Edirne-Menzilahir Urban Transformation Projects (UTP), İstanbul- Fatih Sulukule UTP, İstanbul- Gaziosmanpaşa UTP, İstanbul- Fatih Sulukule UTP, İzmir Torbalı UTP, Sakarya- Sapanca UTP ve Yalova Merkez Bağlarbaşı UTP. Projects that include Roma citizens are carried out in the same basic fiction without being different from projects realized by similar logic and method in other provinces.

- **Internally displaced persons**

Transformation Projects

Large-scale projects have been carried out within the framework of laws and regulations on the "Transformation of Areas Under Disaster Risk" numbered 6306 issued by the government for the rehabilitation of slums (gecekondu) created by those who had to migrate to large cities for various reasons. TOKI carries out Urban Transformation Projects together with local administrations. Especially in the cities where the disaster risk and the distorted urbanization are concentrated, conversion projects are being developed taking into account the different needs and changes. Currently, urban transformation works are being carried out in 130 provinces with local governments in 55 provinces. Within this scope, the urban transformation project of 258.049 dwellings has been initiated and 68.254 houses have been completed and handed over to the beneficiaries.

According to the Mass Housing Law no. 2985, the prices of the houses built by the administration in the frame of the Transformation Projects are determined below the construction costs, considering the current economic situation in the related provinces, natural disasters, housing prices and the income situation of the people in the slum areas and by public announcement when necessary. In accordance with this Article, the Minister responsible for TOKI is authorized to determine the housing prices, the form of payment and the period of payment on the proposal of the Chairman of TOKI. The TOKI Presidency may also implement earthquake-related transformation projects by applying the above-mentioned provisions in a comparative manner. The Presidency is authorized to determine the procedures and principles of these projects.

TOKI also takes a leading role in the planning, construction and renovation works of housing, infrastructure and public services in areas affected by natural disasters. Its activities in disaster management and restructuring started with the Erzincan earthquake in 1992. TOKI continues to provide technical assistance to the affected areas in cooperation with the Ministry of Environment and Urban Planning.

Satellite cities

Since the 1980s, almost 18% of the Turkish population has migrated to the cities. The focus of TOKI's work on urban areas is the crisis caused by this population movement. TOKI has focused on generating more housing in large urban areas that are constantly receiving migrants. In this direction, it has increased the projects for the low and middle income groups struggling against the cost of living in big cities.

In this context, the Administration has decided to build "Satellite Towns" in the major cities such as Istanbul, Ankara, İzmir, Adana and Diyarbakir, which are established in connection with the main city and built around the city to reduce its burden. This program will benefit especially in the Thrace region, such as Çorlu, Silivri and Lüleburgaz, which have geographical proximity to Istanbul. The satellite cities in these industrial centers, which play a key role in the economy, will provide housing for employees and provide infrastructure and social facilities to sustain economic growth. TOKI sees satellite city projects as an opportunity for the establishment of sustainable settlements with an environmental focus and has taken a big step with the project of 60.000 houses in Istanbul Kayabaşı. Green area per capita is planned to be 36 square meters in the energy efficient project, with facilities such as condensation type boilers, solar collectors, photovoltaic battery use, garden watering with rainwater storage system, and calorimeters at the entrance of the apartments.

Projects in rural areas

With the cooperation of TOKI and Disaster and Emergency Management Authority (AFAD), new settlement areas are being produced for villagers whose lands have been expropriated for the construction of dam projects or similar infrastructure projects. Particular attention is paid to placing villagers in areas that are compatible with the agricultural and livestock activities they are carrying out.

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 SINCE THE 7th NATIONAL REPORT

1. LEGAL FRAMEWORK

Legal framework is mentioned in Article 31/1.

2. MEASURES TAKEN TO IMPLEMENT THE LEGAL FRAMEWORK

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 equipments and landscape plans.

Within this scope, TOKI:

1. In order to provide housing for lower and middle income groups who cannot own a house in market conditions, by paying monthly installments and long-term installments suitable for saving patterns (like paying rent), TOKI produces and supplies housing in their own lands by 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; large recreation, city parks, city squares, trade centers are also gained in the city.

3. STATISTICS AND OTHER RELEVANT INFORMATION

Within the scope of the "Planned Urbanization and Housing Production Mobilization" of the 58th-65th governments, 3.350 building sites, 753.946 housing units have been produced in 81 provinces by the end of 2016.

64.4617 (85,50%) of the houses produced are in the scope of Social Housing. 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 (ECSR)

Preventing homelessness

▪ **Access of disadvantaged groups to social housing**

The urbanization rate in Turkey is 78%. It is suggested that the urbanized population, which is about 60 Million will be 71 Million in 2023.

In this context, there is housing pressure caused by the low income groups in need in particular, the process caused establishment of slum areas in metropolitan cities. This has also put pressure on infrastructure such as water, sanitation, housing and healthcare.

The access to private funding through banking system to buy a home remains limited for low income groups due to income and savings levels that are inadequate to meet housing loan payments. Articles 56 and 57 of the Turkish Constitution declare that; every Turkish citizen has the right to decent housing and that the State has a responsibility to help meet those needs and to promote mass housing projects.

The Mass Housing Law (Law No. 2985, on 'public housing') is a framework law defining the fundamental principles, which give direction to the solution of the housing problem in Turkey. The Law also determines the tasks of the Housing Development Administration (TOKI). TOKI, which is the leader official institution of Turkey in terms of dealing with housing and settlement issues, has acquired essential knowledge and experience on developing different finance models regarding housing production throughout its 30 year-activity period. For its mass housing projects produced on its own lands, TOKI has the target group of low and middle-income families, who are not able to own a housing unit within the existing market conditions in Turkey.

The Emergency Action Plan for Housing and Urban Development is passed on January 1, 2003, setting a five-year goal of 250,000 housing units to be built through renovation, transformation and production of quality housing, by the end of 2007. TOKI aimed to reach the target of starting the constructions of 500 thousand housing units (in cumulative), with their social facilities, in the first period of 2011 and TOKI has succeeded.

According to Turkish Statistical Institute (TurkStat) data, the total number of buildings throughout Turkey is 19 million 209 thousand 928 (approximately 20 million) and 40 percent of these buildings are shanty and 67 percent lack settlement permit. It is estimated that within the prospective 20 years approximately 6,7 million housing units shall be demolished and reconstructed throughout the country.

Within the scope of the Law No.5162 that underlines "the prevention of shanty settlements in our cities in cooperation with local authorities and the transformation of the existing shanty settlements" in the Emergency Action Plan of the program of the 58th Turkish Government and the regulations adapted in 12.05.2004, TOKI has been assigned to be in service in the urban renewal projects and has been carrying out its projects in this sense.

In this context, major urban transformation projects have been implemented in other cities and districts, particularly in cities with intense population such as Ankara, Istanbul, Izmir, Bursa,

Denizli, Erzurum, Erzincan, Gaziantep, Trabzon. The tender works for 104.896 houses have been started in 229 different projects as a part of the slum transformation project of 276.162 houses in total divided into 336 projects formed within the scope of urban transformation as of 5 January 2015, and 95.534 houses have been produced in 212 projects whose tenders are complete, and 56.354 houses being completed in 128 regions, were delivered to beneficiaries.

Social housing program is also implemented in the provinces where the population of Roma is high and their housing requirements are satisfied. Moreover, work is on-going to provide social housing in neighbourhoods and towns where the population of Roma is high. As of November 2013, a total number of 1856 houses were completed in the areas where the Roma population is high. In addition, 2088 houses are under construction in these areas.

TOKI has many awards thought to world for having provided housing credits to hundreds of thousands of low and medium income families and having implemented housing project for low and medium income families successfully.

▪ **Homeless people living on the streets**

Many projects and practices are being carried out by local governments on homeless people.

The municipalities have legal rights and duties for helping people in need, and Shelter Houses have been established for homeless people, especially in big cities like Ankara, Izmir and Bursa. The needs of homeless people including accommodation, food, clothing and cleaning provisionally met at these centers.

In addition, with an order entitled "Homeless Accommodation Project" published by the Ministry of Family and Social Policies on 26.12.2016 for Social Solidarity Foundations in 81 provinces, the following instructions have been given in order to provide services for the homeless in the period of heavy winter conditions:

- Detection of homeless, placeless and solitary people
- The placement of these persons in the guesthouses of the public institutions located within the provincial borders primarily, and in pensions, hotels, etc. in case they cannot be placed in the guesthouses, or allocation of a place for the accommodation of these people during winter.
- Fulfillment of cleaning, health, basic food, clothing and other needs of the people who are staying
- Provision of these services in cooperation with the ASPB Provincial Directorates, and request for funding from the Ministry if needed.

Forced eviction

Information on rules and procedures regarding eviction

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 is 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.

Provisions regarding the evacuation of the people from the houses where they live for the public interest are: 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 73 of the Municipality Law stipulates that mutual agreement shall be the fundamental rule in dealing with the evacuation, demolition and expropriation of buildings located in urban regeneration and development project areas. The courts shall give priority to the hearing and deciding of cases brought by property owners affected by urban regeneration and development projects, and by municipalities.

Immovable properties owned by the public within the urban regeneration and development areas except for education and health areas shall be transferred to municipalities at the price on the basis of charges. One fourth of the applicable taxes, duties and charges shall be levied on the individual buildings being demolished and rebuilt in the urban regeneration and development areas.

Property owners in the urban regeneration and development project areas shall be granted their rights if they have an agreement with those persons who have become entitled to certain rights based on the Law No. 2981 of 24.2.1984 on Certain Actions Applicable to Buildings Violating the Legislation on Land of Development Planning and Squatter Houses and the Law No. 6785 on Amending an Article of the Law on Land Development Planning and Control. Those squatter house owners who are not covered by the Law No. 2981 shall be paid for the wreckage and tree values or may be given the opportunity to purchase land or housing outside the urban regeneration and development project areas within the means and possibilities of the municipality. Houses may also be sold to such people in cooperation with the Housing

Development Administration. Wreckage and tree values shall be set off against the land or house prices.

Municipalities shall make or cause to make all construction on the immovable properties owned by municipalities or those for which municipalities have secured agreements or those which municipalities have expropriated. Those owners of properties who have not made agreements with the municipality or whose properties were not needed by the municipality for expropriation may go to court against the municipality on grounds of seizure without expropriation if they are not given land development rights on separate building blocks and lots pursuant to Article 18 of the Law No. 3194 in the project areas.

Those constructions ongoing in such places shall be suspended for five years except those approved by the municipality for compliance with the project. The municipality shall, at the expiry of five years, decide whether to continue or cease suspension. The total duration of suspension may not exceed ten years. The municipality shall be authorized to implement land development actions, establish the value of properties in the planned areas and make distributions to the right holders on the basis of such values or make applications on the basis of sharing the proceeds in order to realize the urban regeneration and development projects.

During the implementation of urban regeneration and development projects, those immovable properties for which no owners are identified in the land registry or on which there are pending legal disputes in regard to property rights shall be directly expropriated and their prices shall be blocked in a bank designated by the court for the right holders to be identified. The municipality shall be authorized to obtain decrees of heritance from courts or take action according to the owner recorded in the land registry during the expropriation of immovable properties in the implementation areas of urban regeneration and development projects.

Right to shelter

Information on standards, facilities and procedures regarding shelters,

- Nearly 3 million Syrian with diverse religious and ethnic backgrounds live in Turkey under the “temporary protection status”. In 2016, Turkey was the largest refugee hosting community in the world. Prime Ministry Disaster and Emergency Management Authority (AFAD) is a coordinating body for humanitarian needs of the people who have been forced to leave their countries and cannot return, arrived at our borders in mass for emergent and temporary protection and crossed the borders, and mostly Syrians in Turkey since the onset of the crisis. With the measures have been taken swiftly in order to shelter displaced people from Syria, temporary protection centres have been established, especially near the Syrian border. Turkey is currently hosting about 260 thousand Syrian immigrants in 26 Temporary Protection Centers.

7.65 million Syrians have left their homes since the beginning of the conflicts and 4.8 million of them have crossed the borders as asylum-seekers. Turkey, for over five years, has been implementing the "open door policy" to the Syrians who fled from the war environment in their country and Within the frame of its international obligations, abide by the principle of “non-refoulement”, and also given temporary protective status for the Syrians. Also, the Syrians living outside the protection centres are in temporary protective status and benefit from free health care and education services. As the date of 5 September 2016, there are 253.045 Syrians in temporary protection centers.

The educational activities are provided by the Ministry of National Education; healthcare services are offered by the Ministry of Health; security activities are carried out by the Ministry of Interior and other services are coordinated by relevant ministries and local authorities. Turkey does not only provide temporary protection for Syrians in Turkey, but also prepares them for the post- crisis period.

The needs of Syrian guests have been met by the Ministries of Interior, Foreign Affairs, Health, Education, Finance, Ministry of Food, Agriculture and Livestock, Ministry of Transport, Maritime and Communications, General Staff, Directorate of Religious Affairs, Undersecretariat of Customs and the Turkish Red Crescent, with the coordination of AFAD.

The Directive for Establishment, Administration, and Management of Temporary Protection Centers has been put into force, according to article 91 of the Law on Foreigners and International Protection numbered 6458 and article 37 of the Regulation on Temporary Protection dated 22.10.2013, published in official gazette no. 29153.

a) Security services are provided by taking necessary measures in physical, personnel and systemic means in temporary protection centers. The surrounding of the protection centers are physically closed, entrance and exit from the centers are under control. Gendarmerie, police and private security guards are working for providing security. The centers are watched by surveillance cameras for 24 hours and there are also security measures outside the centers.

Services are provided by service centers such as health, education, psycho- social, security, fire department, administration in temporary protection centers. Regarding hygiene standards, garbage is collected daily by garbage trucks and cleaning services are carried out by the staff employed by service procurement. Clean drinking water is available in all centers and standard lighting is provided in and outside the neighborhood, including additional lighting in certain places. Regarding heating, radiators, heating panels and other electrical heating devices are distributed in the centers in winter, in addition to materials such as blankets and clothes. Ventilators are distributed in summer as well.

- Taking account the capacity, the centers are used for accommodating persons under temporary protection.
- Persons under temporary protection who are staying in temporary protection centers are free to stay or leave the centers. No one can be forced to stay in the centers or leave against his/her will.

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 SINCE THE 7th NATIONAL REPORT

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 month 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. 64.4617 (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.

3. STATISTICS AND OTHER RELEVANT INFORMATION

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 %
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 %
TOPLAM	753.946	

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

Social housing

Information on allocation of social housing

TOKI provides housing for needy and low-income persons with long term (10 years, 15 years, 20 years) installment payments, just like paying rent. Within these groups, there is a separate quota for disabled people, martyrs' families and invalids and retirees. Detailed information is given above, in Article 31/3, A.2.

When TOKI housing is offered for sale, it determines the selling price according to the current cost and does not receive the amount of interest beginning. The balance of debt remaining after the advance payment increases according to the increase of the buyer's income. In this way, the installments paid by the buyers are close to the monthly rental payments and increase with income.

A portion of 10 to 40% of the housing price is taken as a down payment, and payment plan is envisaged following the payment of the down payments by the beneficiaries, according to the monthly payment and the index that the remaining payments are set accordingly, every six months.

The index used to update the debt collectors' housing debt is the salary increase rate of civil servants for the low and middle income groups, and lowest index among Producer Price Index (CPI), Consumer Price Index (CPI), and the lowest rate of civil servant salary increase for the long-term sales of the lower income group in the long term.

The existing demand for TOKI properties far exceeds supply. Every citizen who does not own a house has a right to apply for social housing. Due to the very high demand, houses are sold to applicants through a lottery supervised by a public notary.

Housing benefits

Information on housing aids

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. Housing aid programs are implemented by the Ministry of Family and Social Policies, Department of Shelter Aids, established in September 2013, to meet the need of the poor and deprived persons and provide sheltering facilities with decent living standards.

In order to meet the housing needs of the poor, construction of housing is carried out by TOKI, with the resources of Social Assistance and Solidarity Fund (Fund), in the context of "Social Housing Project". Within the scope of the Social Housing Project, the construction of 1 + 1 and 2 + 1 houses has started with the repayment method, from 2010 in line with the Protocols signed between the ASPB and the Housing Development Administration.

Within the scope of "Social Housing Project", it is aimed to build 100.000 houses by 2023 in line with 2023 Vision. As of October 2016, construction of 29.268 social dwellings has been completed and delivered to the rights holders, and construction works for 4.261 dwellings are in progress and a total of about 33.529 dwellings have been planned.

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Since the property right is owned by TOKI until the debt is over, the repayments of the projects are under guarantee. That is, TOKI is acting as a 'guarantor' for the repayments of the project. TOKI finalizes the construction of housing units within 24 months.

Aids for House Construction/Repair

Social Assistance and Solidarity Funds and Social Assistance and Solidarity Foundations provide housing assistance programs to meet the need for housing, one of the basic and essential needs of the poor and needy persons within the scope of Law No. 3294 and to provide them with "shelter" in the framework of humanitarian standards of living.

House construction/repair aids are funded by Social Assistance and Solidarity Fund and Foundations, in order to support poor household mostly living in rural areas in their own houses, to provide better living conditions for them. In this regard, shelter aid of maximum 25.000 TL is paid to persons having their own land to help them constructing their own house or buying a new one and aid of maximum 15.000 TL is paid to persons living in unfavorable and unhealthy conditions for repair of the houses. 336 million TL was allocated for this purpose between the years 2010-2016 (September), to 28.000 families.