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EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF TURKEY

(Articles 1, 9, 15, 18, 20, 24 and 25
for the period 01/01/2007 – 31/12/2010)

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CYCLE 2012

**REPUBLIC OF TURKEY
MINISTRY OF LABOUR AND SOCIAL SECURITY
General Directorate of External Relations and
Services for Workers Abroad**



REVISED SOCIAL CHARTER

**4th National Report on the Implementation of
the Revised European Social Charter**

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**THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**

**For the period 1st January 2007 to 31st December 2010
on Articles 1, 9, 10, 15, 18, 20, 24 and 25
within the Thematic Group 1**

(February 2012)

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ARTICLE 1- RIGHT TO WORK

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

Article 1 Paragraph 1

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

Scope of the provisions as interpreted by the European Committee on Social Rights (ECSR)

A policy of full employment should be pursued by means of economic measures conducive to creating and preserving jobs and assisting those who become unemployed in finding jobs.

1-LEGAL FRAMEWORK

1.1- Employment Policies Implemented in Turkey

Fight against unemployment and improving employment are amongst the national objectives. Turkish government has been carrying on multi-dimensional works in line with those national objectives. Global economic crisis left its mark on the reference period of 01/01/2007-31/12/2010 with its still-continuing influence. Employment policies in Turkey mainly focused on minimizing the impact of this crisis as was the case in many developed and developing countries.

In this period, two employment packages were prepared with the aim of raising the number of persons benefiting from the services carried out in the scope of active labour market programmes and providing new services in the same field.

The service area of the national employment organisation (İŞKUR) was extended and it was provided with new financial means in order to prevent unemployment, increase employment and train labour force to be equipped with qualities that labour market requires.

Hence, thanks to the new adjustments, while the İŞKUR is provided with new financial means for active labour policies on one hand, the utilization of this financial resource was, on the other hand, lifted out of the stringent procurement processes of the Public Tender Act no. 4734. In doing so, implementation of vocational training activities in accordance with the requirements of the labour market was ensured without delay.

Department of the General Directorate of Labour of the Ministry of Labour and Social Security was reorganised under the title of Department of Employment Policies and Statistics and a new department was organised under the title of Department for Disadvantaged Groups within the scope of improving the administrative/institutional capacity with a view to supporting the employment.

Furthermore, 170 regulations were amended in order to simplify the administrative procedures and reduce red-tape when providing active labour market policies including other public services.

1.2- Amendments Made to the Legislation Regarding Employment and Implemented Reforms

1.2.1- Legal Regulations

a) First Employment Package

Publicly known as the first employment package, with the Act no. 5763 on Amendments to the Labour Law and Some Other Laws dated 15.05.2008, several measures were taken in order to reduce the burden on employers resulting from employment for the purpose of protecting and improving employment, and to simplify and to reduce red-tape for the purpose of increasing the effectiveness of policies and instruments in fighting against unemployment. The said measures are as follows in brief:

1. Employer's share of insurance premium for women recruited in addition to the existing employment and youth aged 18-29 was gradually covered by the Unemployment Insurance Fund for a period of 5 years.
2. The amount corresponding to the 5% of the employer's share of invalidity, old age and survivors' insurances premiums for the insured workers employed by private sector employers was covered by the Treasury.
3. Resources of the Unemployment Insurance Fund was commenced to be utilized for the purpose of enabling the unemployed people registered by the İŞKUR to enjoy the services provided within the scope of active labour market programmes.
4. The Treasury covered employer's share of insurance premiums for the people with disabilities.
5. The coverage of the unemployment insurance was extended. The provisions regarding the short-time working and short-time working allowances as well as the insolvency of employer were transferred from the Act no. 4857 to the Act no. 4447 on Unemployment Insurance. Hence, the legal obstacle restraining some employees, to whom different laws apply, such as Maritime Labour Law, to benefit from allowances for short-time working was abolished.
6. Flotation permit required by the Ministry of Labour and Social Security at the stage of business start-up was abolished.
7. The requirement of nursery and breastfeeding room was made possible to be provided by the employer by way of service procurement.
8. The obligation of the employer to provide sports facility in workplaces of 500 hundred and more employees was abolished.
9. Resources were transferred from the Privatisation Fund and Unemployment Insurance Fund to be used for the investments in economic and social development.
10. For the purpose of reducing informal employment, the police was made responsible for the notification of permanently and temporarily employed workers to the relevant provincial directorates or central directorates of the Social Security Institution.
11. The obligation of the private sector to employ victims of terror and ex-convicts was abolished and those obligations were left only applicable for the public sector.
12. All the employer's social insurance contributions for the disabled persons, who had to be employed by private sector and for the disabled persons at protected workplaces, as well as 50% of the employer's social insurance contributions for the disabled persons, who were employed additionally to the quota or without any obligation, were paid by the Treasury.
13. The Law on Turkish Employment Organisation was amended and former Provincial Employment Boards and Provincial Vocational Training Boards were merged. Hence, these boards were intended to act as bodies to detect the labour force, employment and training needs of the provinces, to develop policies at local level in order to improve efficiency and productivity of vocational trainings that are to be held in vocational and technical training

schools and workplaces and employment issues, to provide opinions and recommendations to relevant agencies and organisations.

14. Unemployment allowance was granted in a shorter period and raised by 11%.
15. By way of amendment made to Article 17 of the Act no. 4904, the persons who are not Turkish citizens were also enabled to start private employment agencies.
16. The coverage of the unemployment insurance extended. The expenditures for finding job, consulting services, vocational training, labour force adjustment, social work and labour market research and planning were enabled to be covered by the Unemployment Insurance Fund.

b) Second Employment Package

Publicly known as the second employment package, with the Act no. 5838 on Amendments to Some Laws dated 18.02.2009 following major regulations was introduced:

1. Being exclusive to the applications made in the years 2008 and 2009 the short time working allowance, which is an important tool for the protection of employment, was increased by 50% and benefiting period was raised to 6 months from 3 months.
2. Short time working allowance was enabled applicable for another 6 months by a decision of the Council of Ministers.
3. The incentive period, introduced by the Law no. 5763, for the promotion of employment of women and young persons aged 18-29 was extended for one more year.

c) Unemployment Insurance Law

The Act no. 4447 on Unemployment Insurance was amended and some incentives were introduced by the Act no. 5921 dated 11.08.2009 as follows:

1. Employer and employee shares of the insurance premiums and universal health insurance premiums, calculated as 1% of the amount of short term insurance premium based on the lower limit of the earning, on condition that the persons who receive unemployment insurance allowance are employed under the provisions of the Law, are to be covered by the Unemployment Insurance Fund for the remaining period of unemployment allowance.
2. Being exclusive to the year 2009, three-fourths of the interest revenue of the Unemployment Insurance Fund was transferred to the accounts of the Internal Payments Accounting Unit of the Treasury by the Fund and registered as revenue to the table B of the general budget and the Finance Minister was authorised to register them to the relevant administration budget as allowance to be utilized in infrastructure investments for economic and social development and as priority given to the South-eastern Anatolian Project on the grounds of Higher Planning Council decision.
3. Three-fourths of the interest revenue of the year 2010 and one-fourths of the interest revenue of the year 2011 to be collected by the Unemployment Insurance Fund shall be registered as the budget estimates to the table B of the relevant year's general budget and, allowance shall be envisaged up for the estimated income to the relevant administration budgets in order to finance the infrastructure investments for economic and social development and priority given to the South-eastern Anatolian Project.
4. The amount of employer's share of insurance premiums, calculated on the basis of lower limit income for the additionally employed persons within the procedures specified by the Law and the persons who are actually employed, were envisaged to be covered by the Unemployment Insurance Fund for six months. The Council of Ministers was delegated the power to extend the said period for reimbursement of the premiums by the Fund up to another six months.

1.2.2 Administrative Regulations

a) Regulation on Domestic Job Placement Services

“Regulation on the Employment of the Disabled Persons, Ex-convicts and Victims of Terror” was abolished by the Regulation on Domestic Job Placement Services published in the Official Gazette no. 27210 dated 25.04.2009. Several provisions were added to the new Regulation such as enabling access to services provided by the İŞKUR for job seekers and employers through Internet, adjustment to the recent changes in legislation, non-discrimination in recruitment and selection of the disabled and ex-convicts, disability-friendly organisation of workplace and working conditions.

b) Regulation on Procedures and Principles Regarding the Recruitment of Workers at Public Agencies and Organisations

“Regulation on Examinations Applicable to Persons to be employed for the First Time as Permanent Staff in Public Agencies and Organisations” was abolished by the Regulation on Procedures and Principles Regarding Recruitment of Workers at Public Agencies and Organisations published in the Official Gazette no. 27314, dated 09.08.2009. The purposes of the introduction of a new Regulation were adjustment to amendments made to the legislation, reducing the red-tape with a view to recruitment of workers by public agencies and organisations within a shorter time, achievement of flexibility in employment of personnel for the works requiring specialists and elimination of issues resulting from implementation.

c) Regulation on Procedures and Principles Regarding the Recruitment of Ex-convicts at Public Agencies and Organisations

“Regulation on Examinations Applicable to the Disabled Persons and Ex-convicts to be Employed as Workers in Public Agencies and Organisations” was abolished by the Regulation on Procedures and Principles Regarding the Recruitment of Ex-convicts in Public Agencies and Organisations published in the Official Gazette no. 27354, dated 19.09.2009. The purposes of the introduction of a new Regulation were adjustment to amendments made to the legislation, reducing the red-tape with a view to recruitment of workers by public agencies and organisations within a shorter time.

d) Regulation on Private Employment Agencies

“Regulation on Private Employment Agencies” was abolished by the Regulation on Private Employment Agencies published in the Official Gazette no. 26954, dated 01.08.2008. This regulation was introduced in order to overcome the shortcomings and meet the emerging needs resulting from the implementation of private employment agencies, which is quite a new intermediation activity for finding workers and jobs.

e) Regulation on Placement of Workers Abroad

The Regulation on Placement of Workers Abroad published in the Official Gazette no. 26789, dated 16.02.2008 was introduced to regulate the employment services abroad.

f) Regulation on Employment Mediation in Agriculture

Procedures and principles with regard to giving permission to employment mediation in agriculture, working conditions and inspection of the mediators and, relations among mediators in agriculture, seasonal workers and their employers were regulated with the introduction of Regulation on

Employment Mediation in Agriculture published in the Official Gazette no. 27593, dated 27.05.2010.

2- IMPLEMENTATION

2.1- Vocational Skills Development and Awareness Raising Project

The “Project on Groups at Risk in Working Life-Vocational Skills Development and Awareness Raising” which was carried out and completed in December 2010 by the Ministry of Labour and Social Security (ÇSGB) General Directorate of Labour, aimed at raising employment capacity of women, elimination of discrimination and ensuring equal opportunities as well as providing vocational training for the family members of working children. As one of the activities of the project, vocational training on elderly care was organised for unemployed mothers and big sisters of working children with the collaboration of the İŞKUR and the Centre for Children Working in the Streets of the Metropolitan Municipality of Ankara and as a result, they were employed and hence, the children were taken out of working life. The project was completed as of December 2010 and will be re-started in 2011.

2.2- Activities of National Employment Strategy

A National Employment Strategy was developed in order to solve the structural issues in Turkish labour market, find permanent solutions to the unemployment by way of raising the contribution of growth to employment in medium and long term. This strategy, developed by the Employment Advisory Committee composed of specialist academics and bureaucrats, and under the coordination of the ÇSGB, was built on four political pillars.

- Strengthening the relation between education and employment
- Flexibilisation of the labour market
- Raising the employment of women, youth and disadvantaged groups
- Strengthening the relation between employment and social protection

Main purposes, objectives, policies and measures envisaged to be achieved until 2023 in relation with the policy pillars mentioned above were tangibly determined. The major goals envisaged to be achieved until 2023 are as follows:

- To reduce the unemployment rate down to 5%
- To reduce the unregistered employment rate in non-agricultural sector down to 15%
- To raise the participation rate of women up to 35%
- To provide vocational training courses for 400.000 people each year under the Active Labour Market Programmes beginning from the year 2013
- To develop National Qualifications Framework in compliance with the European Qualifications Framework until the end of 2012
- To draw up national occupational standards determined in accordance with the requirements of the labour market until the end of 2012

In the Strategy, several employment policies were also developed specific to certain sectors determined by taking into account the potential employment and employment flexibility of growth.

2.3- Action Plan for Strengthening the Relation between Employment and Vocational Training (APSREVT)

Considering the fact that the education in Turkey is not capable of meeting the requirements of the labour market, the Action Plan for Strengthening the Relation between Employment and Vocational Education, drawn up by the participation of all parties under the coordination of the Ministry of Labour and Social Security (ÇSGB) and with the help of the Vocational Authority (MYK) as secretariat, was adopted by the Decision no. 2010/660 of the Council of Ministers on 07.07.2010 and published in Official Gazette no. 27642 dated 15.07.2010 and put into effect on the same date.

APSREVT aims at providing vocational and technical training in accordance with the requirements of the labour market, strengthening the relation between education and employment, effectively establish the understanding of lifelong learning in labour market, increasing the employability of the workforce by way of eliminating occupational illiteracy. Improvement in the coordination and collaboration between ministries, public agencies and organisations and private sector is envisaged for this purpose.

In addition to continuous activities, several other activities that need to be completed in 2010-2011 period are also included in the APSREVT. 9 priority areas and 38 active measures are included in the Action Plan as of 2011. 14 of these 38 measures are being carried out under the responsibility of the Ministry of National Education (MEB), 3 measures under the Ministry of Customs and Trade, 14 measures under the Ministry of Labour and Social Security (MYK and the İŞKUR) and 2 of them are under the responsibility of the Council of Higher Education (YÖK) (there are 2 measures that are being carried out under the joint responsibility of the MEB and the YÖK).

The priorities included in the APSREVT are as follows:

1. Drawing up the national qualifications framework,
2. Updating and bringing the curriculums into conformity with the national occupational standards,
3. Making periodical analysis and assessments of the requirements of labour market,
4. Improving the vocational and technical training environments, raising the qualities of the educators and designing a new school administration system,
5. Accreditation of vocational education and training institutions,
6. Cooperation in the implementation of instruments developed by the European Union regarding mobility, qualifications and vocational education,
7. Strengthening the cooperation in raising the effectiveness of vocational skills courses,
8. Developing incentive mechanisms necessary for the employment of and starting business for vocational and technical education graduates and the Vocational Qualification Certificate holders, eliminating the inconsistencies in the legislation as regards business start-up,
9. Improving the cooperation within the scope of the memorandum on cooperation and understanding in the field of vocational knowledge, guidance and counselling services.

As a result of activities, 19 measures were already realized, and 19 other measures have been carried out in accordance with the plan.

2.4- Measures Taken for Fighting Against Youth Unemployment

2.4.1- Programme for Promoting the Employment of the Youth

This project is one of the projects carried out by the İŞKUR under the scope of the EU Instrument of Pre-accession Assistance (IPA). The project will be carried out 24 months in the years 2009-2011 and targets young people aged 15-29.

The objectives of the project are raising the employability of young people by way of active labour market policies, organising entrepreneurship trainings for certain professions determined in accordance with the labour market of each province and providing guidance and counselling services for setting up their own businesses, raising the opportunities for facilitating school to business transition, improving professional competencies, raising the number of people who have already enjoyed the apprenticeship programmes.

2.4.2- Decent Job for All: Youth Employment Programme in Antalya

Under the scope of Millennium Development Goals signed by Turkey, “Decent Job for All: Youth Employment Programme” commenced in November 2008 in Antalya, chosen as the pilot province, carried out in collaboration with the United Nations agencies (UNDP, ILO, IOM and FAO) and the İŞKUR. Total financial resource of the project is USD 3,980.000. Having been envisaged to last 3 years, the project aims at raising the employability of women and migrant young people and their participation into labour force.

3- STATISTICS AND OTHER INFORMATION

Table 3 and 4 (Appendix 1) show employment, unemployment and labour force statistics.

4-RESPONSE TO THE CONCLUSIONS XIX-1 OF THE EUROPEAN COMMITTEE ON SOCIAL RIGHTS (ECSR)

4.1- Measures Taken to Encourage the Employment of the People with Disabilities

Unemployment rate among people with disabilities is not precisely known since there is no adequate up-to-date research regarding the situation of the disabled persons in labour market. When examined, the data regarding the participation of the people with disabilities in the labour force, included in the Main Indicators of the Research for the Disabled Persons in Turkey, reveals that approximately 78% of the people with disabilities do not participate in the labour force. Approximately 20% of the disabled persons within the 22% participation rate is employed. The disabled persons who have chronic diseases participate in labour force at the rate of 23% and 20% out of this rate is employed. The rate of people with disabilities in this group who do not participate in labour force is 77%.

Regulations in legislation and projects that have been implemented with regard to the disabled persons are explained under Article 15 in detail.

4.2- Policies to Support the Employment of Mature Workers

The İŞKUR provides vocational training and rehabilitation services for mature workers within its own organisation. However, no policy specific to mature workers has been developed in Turkey yet.

4.3- The Time Elapsed between the Registration to an Employment Agency and the Implementation of an Active Measure

No information or data is available regarding this issue.

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

Article 1 Paragraph 2

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

Appendix to Article 1§2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

Scope of the provisions as interpreted by the ECSR

This paragraph covers three different issues:

1. the prohibition of all forms of discrimination in employment,
2. the prohibition of forced or compulsory labour,
3. the prohibition of any practice that might interfere with workers' right to earn their living in an occupation freely entered upon.

Under this Paragraph, legislation should prohibit any discrimination in employment on grounds of sex, race, ethnic origin, religion, disability, age, sexual orientation and political opinion. The law should make the prohibition of discrimination effective. It must at least provide for:

- the power to set aside, rescind, abrogate or amend any provision contrary to the principle of equal treatment which appears in collective agreements, in employment contracts or in firms' own regulations;
- protection against dismissal or other retaliatory action by the employer against an employee who has lodged a complaint or taken legal action;
- appropriate and effective remedies in the event of an allegation of discrimination; remedies available to victims of discrimination must be adequate, proportionate and dissuasive.

As regards discrimination on grounds of nationality while States party may make foreign nationals' access to employment on their territory subject to possession of a work permit, they cannot ban nationals of States party, in general, from occupying jobs for reasons other than those set out in Article G of the Charter.

Forced or compulsory labour in all its forms must be prohibited. The definition of forced or compulsory labour is based on Article 4 of the European Convention on Human Rights and on ILO Convention 29 on forced labour: "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Article 2§1). It also covers the coercion of a worker to carry out work he previously freely agreed to do, but which he subsequently no longer wanted to carry out. It may also under certain circumstances cover prison work.

Several other practices may give rise to issues under Article 1§2 including the length of service to replace military service.

1- LEGAL FRAMEWORK

No amendment was made to the national legislation within the reporting period.

2- IMPLEMENTATION

2.1- Circular Note on Preventing Mobbing

Circular Note no. 2011/2 of the Prime Ministry on mobbing was published in the Official Gazette no. 27879. This notice announces that measures will be taken in order to prevent mobbing and a “Committee for Fight against Mobbing” will be established.

3- STATISTICS AND OTHER INFORMATION

No statistics or any other information pertinent to this issue is available.

4-RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

4.1- Regulations in Turkish legislation pertaining to discrimination on grounds of age and sexual orientation and measures to prevent these two kinds of discrimination

According to the Article 5 of the Labour Law no. 4857 on, which regulates employer’s equal treatment, no discrimination can be made on grounds of language, race, gender, political thought, philosophical value, religious belief, religious sect and so forth.

4.2- Regulations in Turkish national legislation regarding direct and indirect discrimination

Any decision on direct or indirect discrimination given by Turkish courts could not be detected.

4.3- Protection of employees who are out of the scope of the Law no. 4857 against dismissals on grounds of discrimination

Thanks to collective agreements, the condition of employing 30 workers can be disregarded. Workplaces with less than 30 workers can be covered under job security by collective agreements.

Besides, the provisions of the Turkish Code of Obligations apply to works and workers that fall out of the scope of the Law no. 4857.

4.4- Agencies and institutions exclusively responsible to ensure equal treatment in Turkey

The Law on Commission for Equal Opportunities was published in the Official Gazette no. 27179 dated 24 March 2009 and put into force on the same date.

The law aims at protecting and improving women, ensuring gender equality, specifying the basis and procedures of the Committee’s competence and work.

To follow the developments to ensure women’s rights and gender equality in other countries and international organisations, investigate abroad where appropriate and submit information to the Grand National Assembly of Turkey, determine the necessary changes and adjustments to be made in national legislation and in the Constitution of the Republic of Turkey in order to harmonise with the provisions of international agreements, signed by Turkey, on women’s rights and gender equality, to investigate the claims and appeals regarding gender equality relegated by the Grand National Assembly of Turkey and transfer the cases to competent authorities where appropriate, to organise activities to raise awareness of gender equality in public are among the responsibilities of the Committee.

On the other hand, a draft bill on founding a "Committee for Equality and Fight against Discrimination" has been drafted in order to fight against all kinds of discrimination. Besides, it has been decided that a "Task Force for Fight against Discrimination" to be established. With the participation of all the concerned parties, this Task Force will carry out works regarding enactment of a "framework law" in compliance with the EU acquis including the definitions of direct and indirect discrimination, aggravation of punishment for offences on grounds of discrimination and initiation of a national campaign for fight against discrimination.

4.5- Occupations made exclusive to Turkish citizens

1. In accordance to the Act no. 815 on Cabotage; exporting fish, oysters, mussels, sponges, pearls, corals, mother-of-pearl, sand and pebbles, removing of cast away sea-going vessels and wrecks, diving, searching, pilotage, marine grocery, in vessels; ship master, engineer, purser, mariner, labourer, dock porter, marine monger.
2. In accordance to the Act no. 2920 on Civil Aviation, carrying passengers and goods within Turkish borders.
3. In accordance with the Act no. 3213 on Mines, mining right.
4. In accordance with the Act no. 5680 on Press, editor-in-chief in periodical publications.
5. In accordance with the Act no. 5680 on Trades Unions, union founding.
6. In accordance with the Act no. 1618 on Travel Agencies and Association of Travel Agencies, managing director in travel agencies.
7. In accordance with the Act no. 4458 on Customs, customs consultancy.
8. In accordance with the Act no. 1163 on Cooperatives, board member of a cooperative.
9. In accordance with the Act no. 1219 on the Mode of Execution of Medicine and Medical Sciences, doctorship, nursing, dentistry, midwifery and patient care.
10. In accordance with the Act no. 6197 on Pharmacy and Pharmaceutics, Pharmacist.
11. In accordance with the Act no. 3958 on Optician, oculist.
12. In accordance with the Act no. 6343 on Veterinary, veterinarian.
13. In accordance with the Act no. 2219 on Privately Run Hospitals, managing director.
14. In accordance with the Act no. 2802 on Judges and Prosecutors, judge and prosecutor.
15. In accordance with the Act no. 1136 on Legal Practitioners, attorneyship.
16. In accordance with the Act no. 1512 on Notary, notaryship.
17. In accordance with the Act no. 2495 on Provision of Security and Protection for Certain Agencies and Institutions, security stuff in public and private organisations.

4.6- Employment of detainees in or out of penal institutions, in private or public organisations

National legislation on employment of detainees, type of work that can be carried out by them and employment conditions are cited below:

- Act no. 5275 on the Execution of Sentences and Security Measures dated 1 June 2005,
- Bylaw on the Administration of Correction and Execution Institutions and the Execution of Sentences and Security Measures dated 6 April 2006,
- Bylaw no. 6/8517 on the Administration of Correction and Execution Institutions and Penitentiaries and the Execution of Sentences dated 5 July 1967,
- Regulation on Correction and Execution Institutions and Penitentiary Workshops and Administration of and Tenders for Workshops published in the Official Gazette no. 26036 dated 27 December 1995,
- Turkish Penal Code no. 5237.

Paragraph 1 of Article 114 of the Act no. 5275, under the title of "Rights of Detainees", includes the following provision: "Detainees may be requested to work but they cannot be forced. The detainees

are allowed by the administration to work in the rooms they are accommodated upon their request. In this case, the provisions of the regime for the working detainees apply to them.” The same provision is also included, under the title of "Detainee Rights” in the paragraph 1 of the Article 184 of the Regulation on the Administration of Correction and Execution Institutions and the Execution of Sentences and Security Measures dated 6 April 2006.

Similarly, the provision of “the detainees may be requested to work but they cannot be forced” is included in the paragraph 2 of Article 20 of the bylaw mentioned above, under the title of Principles of Employing the Prisoners and Detainees” and it is regulated that the detainees may be employed when they consent.

It is also envisaged in the sub-clause (b) of the paragraph 4 of Article 51 of the Turkish Penal Code no. 5237 that a convict who has an occupation or skill can be employed by way of a court decision, in a private or a public organisation, under the surveillance of another person who has the same occupation or skill.

Article 198 of the Regulation on the Administration of Correction and Execution Institutions and Penitentiaries and the Execution of Sentences and Article 20 of the -Regulation on Correction and Execution Institutions and Penitentiary Workshops and Administration of and Tenders for Workshops rule that detainees may be requested to work but they cannot be forced.

Article 21 of the aforementioned regulation envisages that the detainees can only be employed in workshops and workplaces within correction institution.

When the detainees are employed, the rules to apply to them are determined in the Articles 29, 30, 31 and 32 of the Act no. 5275 that regulates the regime for the detainees. According to the provisions of the said Act, the detainees, who are determined by the medical doctor of the institution as mentally and physically healthy, may be employed in ateliers or workshops for a certain fee determined within the means of the institution. The employed detainees are paid from the revenues obtained from their production and they benefit from social rights.

According to Article 5 of the Act no. 5510 on Social Insurances and Universal Health Insurance, work accident, occupational disease and maternity insurances apply to the detainees and prisoners who are employed in facilities, ateliers and similar units within the correction institutions and they are recognised as insurants.

4.7- Protection of privacy at work or in employment relation

Protection of privacy is secured under the Article 20 of the Constitution and the Article 134 of the Turkish Penal Code in general.

Furthermore, Articles 24 and 25 of the Labour Law no. 4857 recognises for the parties the right to abolish the employment contract in case of interference in private lives of either the employer or the employee.

The employee has the right to resort to the general protection rules and dissolve the contract immediately in the case of employer interferes unlawfully in employee’s private life in person or in the case of the third person’s interference on the instruction of the employer.

On the other hand, the provisions on the protection of personal life of the Civil Code and the Code of Obligations no. 818 protect the private life against unlawful interference.

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

Article 1 Paragraph 3

the Parties undertake to establish or maintain free employment services for all workers.

Scope of the provisions as interpreted by the ECSR

Free and effective employment services should be guaranteed. Basic placement services such as registration of job-seekers and notification of vacancies must be provided free of charge.

1- LEGAL FRAMEWORK

A provision of not charging any fee or having interest from jobseekers except professional sportsmen, technical directors, fashion models, models, artists and senior managers prevails in the Regulation on Private Employment Agencies published in the Official Gazette no. 26954 dated 1 August 2008.

2- IMPLEMENTATION

The amount of fines in the cases of breaching the Regulation and the Act no. 4904 were stipulated by the Communiqué on Administrative Fines published in the Official Gazette no. 26959 on 6 August 2008.

3- STATISTICS AND OTHER INFORMATION

Table 11: Number of workplaces visited in the reporting period

Years	Number of workplaces
2010	65.327
2009	60.129
2008	61.630
2007	62.825
Total	249.911

Table 12: Number of persons registered to and placed by the İŞKUR

	2007	2008	2009	2010
Number of vacancies	186.922	178.620	165.890	368.636
Number of persons placed	111.375	109.595	118.278	205.231
Placed persons as percentage of vacancies	%59,5	%61,3	%71,2	%55,6

Source: İŞKUR

Note: cancelled vacancies in 2010 are not included

4-RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

4.1- Fees charged by the İŞKUR for employers who demand workforce

No fee is charged by the İŞKUR for the employers who demand workforce from the said Organisation.

4.2- Coordination between the İŞKUR and the private employment agencies

Placement of job seekers to convenient jobs and mediation for finding suitable workers for various jobs are carried out by the İŞKUR or private employment agencies founded by natural or legal persons. Private employment agencies are allowed to mediate for finding certain number of jobs and workers determined by the İŞKUR by taking into account the needs of the labour market.

Private employment agencies are obliged to forward regularly the statistics on job seekers, vacant jobs and placements that are necessary to monitor the labour market as well as to send the İŞKUR on request other information and documents as regards monitoring the implementation. Moreover, inspectors of the İŞKUR supervise the activities of private employment agencies, licensed by the İŞKUR,

Applications of private employment agencies have been accepted since June 2004 by the İŞKUR. 51 agencies in 2007, 74 agencies in 2008, 54 agencies in 2009 and 59 agencies in 2010 were licensed. The number of private employment agencies was 445 as of the end 2010. According to the data from the İŞKUR, the number of operational private employment agencies between June 2004 and September 2010 was 316.

4.3- Information on the number and status of the staff employed by the İŞKUR

Table 13: Number and status of staff of the İŞKUR

	2002	2003	2004	2005	2006	2007	2008	2009	2010
Civil servant	1.749	1.669	1.890	2.331	2.437	2.458	2.519	2.579	2.582
Staff on contract	9	9	9	8	7	7	7	248	607
Total	1.758	1.678	1.899	2.339	2.444	2.465	2.526	2.827	3.189

The İŞKUR has 4189 staff by law and carries out its duties with its 3189 personnel composed of civil servants and staff members on contract, 534 of them in central offices and 2655 of them in provincial organisation. 16.5% of the occupied staff is in central offices and 83.3% of the occupied staff is in provincial organisation. Occupied position ratio is 76.1%.

58% of the personnel have bachelor or postgraduate degrees. Including the staff members who have associate degrees or 3 years higher education, the rate of personnel who holds higher education certificate is almost 80%. In figures, 2543 staff members out of 3189 have higher education.

1049 of the 3189 staff members were women and 2140 of them were men as of 2010.

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

Article 1 Paragraph 4

the Parties undertake provide or promote appropriate vocational guidance, training and rehabilitation.

Scope of the provisions as interpreted by the ECSR

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

1- LEGAL FRAMEWORK, 2- IMPLEMENTATION, 3- STATISTICS AND OTHER INFORMATION

Information and statistics pertinent to this section are given under the Articles 9 and 10 on vocational guidance and right to vocational training.

4- RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

4.1- Information on the geographical distribution of the vocational guidance services

This question is replied under Article 9 on vocational guidance.

4.2- Number of persons with disabilities benefitted from the vocational guidance services

4.3- Number of persons with disabilities awaiting vocational training

These two questions are replied under Article 15 on the rights of the disabled persons.

ARTICLE 9- THE RIGHT TO VOCATIONAL GUIDANCE

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

Scope of the provisions as interpreted by the European Committee on Social Rights (ECSR)

Article 9 establishes a right to vocational guidance in the education system, with information on training and access to that training, and concerning the labour market, with information on vocational training and retraining and career planning.

In assessing vocational guidance services, the main factors taken into account are their specific responsibilities, how they are organised and operate, how much is spent on them, their staffing and the number of persons served. Vocational guidance is particularly concerned with young persons who have left school, job seekers and the unemployed.

Vocational guidance for persons with disabilities is dealt with under Article 15 of the Charter for countries that have accepted both provisions.

Such guidance must be provided by a sufficient number of qualified staff, such as trained counsellors, psychologists and teachers, to a significant number of persons and receive appropriate State financing. The information available and the means used to disseminate it must reach the widest possible audience.

Finally, everyone, including non-nationals, must be granted equal treatment regarding vocational guidance. Pursuant to the Appendix to the Charter, nationals of other States party lawfully resident or working regularly in the country concerned must be granted equal treatment. This means that length of residence or employment conditions and reciprocity agreements are incompatible with this provision of the Charter.

1- LEGAL FRAMEWORK

1.1- Regulation on Labour Harmonization Services of the Turkish Employment Organization

Procedures and Principles of the Labour Harmonization Services, which are set to facilitate the Turkish Employment Organisation (İŞKUR) to protect and increase employment, to improve the vocational qualification of the unemployed persons and to decrease unemployment, are stipulated by this Regulation, published in the Official Gazette no. 27097 bis 6, dated 31.12.2008. The aforesaid Regulation covers the training activities on acquiring, developing and changing jobs and entrepreneurship with a view to ensuring to establish their own business, job placement, facilitating the job-hunting of the unemployed persons, registered with the İŞKUR, by enhancing their employability in line with the demands of the labour market, guidance and counselling services, social work programs for the benefit of the society, on the job training programs as well as training seminars concerning the active labour force.

1.2- Regulation on Psychological Counselling and Guidance of the Ministry of National Education

The Regulation on Psychological Counselling and Guidance of the Ministry of National Education (MEB) published in the Official Gazette no. 24736, dated 17.04.2001 was amended by the Regulation published in the Official Gazette no. 27169 dated 14.03.2009.

Article 8 of the Regulation titled “Vocational Guidance” deals with the vocational guidance services. According to the said Article;

“Every pupil is granted guidance and psychological counselling services with a view to making his/her own choice of occupation, direct himself/herself towards a job that is most suitable for himself/herself and being prepared for work life and employment.” These services are designed in accordance with the following:

- a) Services are regarded as a process and supplied at the beginning of preschool and primary education.
- b) The stage of the pupil’s development and his/her individual characteristics are taken into account.
- c) Updated information about the characteristics of the pupil, business world, occupations and the ways to acquire professions is systematically supplied with the pupil and his/her parent/custodian.
- d) The pupil cannot be forced to make a choice on a specific vocational area or occupation.

2- IMPLEMENTATION

2.1- Job and Vocational Counselling Services

The İŞKUR, with its 64 Vocational Information Service, 61 Vocational Counselling Service and 79 Job Counselling Service units, assists persons who are about to choose an occupation, want to develop their professional skills, desire to change their occupation or job and experience difficulty in job-hunting.

- Young and adult persons who join the labour market for the first time and do not have any occupation yet,
- Long term unemployed persons,
- Persons who are not employed although they were offered job opportunities four or more times,
- Persons who have lost their job due to privatization, closure of the business or economic recession and hence, have been in receipt of unemployment benefit, desire to develop their skills, have difficulty in finding a new job or changing their or adapting to their occupation,
- Persons who asked for information about available vocational training opportunities,
- Persons who are employed at occupations which tend to be out-of-date and who need additional vocational training (with a view to choosing the said additional training) to enhance their employability,
- Persons who do not have any occupation and want to join a labour training course,
- Persons who want information on how they can find potential jobs they can work,
- Persons who need guidance at job- seeking and hence, may profit from job-seeking skills training,
- Persons who want to establish their own business,

may enjoy job counselling services.

- Persons who are about to choose an occupation,
- Persons who so desire to develop their vocational skills,
- Persons who want to change their occupation,
- Students who are in need of information and assistance for selecting disciplines at general high school as well as selecting occupational field and branch at vocational high school and for making preferences at their post-high school education programs choices,
- Persons who want to join non-formal education programs (Labour training course of the İŞKUR, courses rendered by vocational training centers, public training centers etc.), persons who need assistance in selecting an occupational field and education program as well as basic education students who want to continue with higher level of education,

may benefit vocational counselling services.

- Young persons who are about to choose an occupation,
- Persons who want to get information on occupations for which training is rendered at vocational training centers and courses,
- School administrators, guiding teachers, parents/custodians,
- Adult persons who already have an occupation and so desire to develop or change it,
- Everyone who wants to be informed on occupations and vocational training opportunities,

may enjoy the services of vocational information centres.

Whilst the job and vocational counselling services are rendered, persons who requested this service are assisted with the following;

- to get to know their merits,
- to be informed on work life, occupations and vocational training places,
- Guiding them to training or placing them into a job just comparing the knowledge they have acquired and the qualifications and merits they own with the qualifications and conditions which jobs or occupations require.

Duties of the consultants who perform job and vocational counseling service are mentioned below:

- Within the context of vocational counseling to assist persons who are in the phase of choosing an occupation to get to know their merits better, to get information about occupations and training places and to, evaluate those information,
- To assist persons to interpret the information on occupation and training – they got from the occupation information centers and use them,
- Within the context of job counselling to give seminars on job searching skills to unemployed persons, participants of vocational training center, students of vocational high-school, vocational school of higher education and pre-graduate university students as well as privates corporals and sergeants who are about to complete their military service, applied to the İŞKUR,
- To assist persons who want to change their job or occupation due to health or other reasons to choose the most convenient job or occupation for themselves.

2.2- Job and Vocational Counseling Activities

Table 14: Job and Vocational Counseling Activities (2007-2010)

Years	Number of Visited Workplaces	Number of Investigated Occupations and Training Places	Individual Interviews		Number of Students Worked n	Number of Meetings and Parents/Custodians Participated	Updated Occupation/Training Places Files
			Vocational Counselling	Job Counselling			
2007	1.232	38	1.098	1.502	90.015	276	427
2008	1.664	187	919	3.235	110.445	215	632
2009	2.499	68	1.598	5.255	133.950	291	69
2010	2.728	46	3.576	16.058	163.501	307	189
Total	8.123	339	7.191	26.050	497.911	1.089	1.317

Table 15: Number of Visited Workplaces

Years	Number of Workplaces
2010	65.327
2009	60.129
2008	61.630
2007	62.825
Total	249.911

Besides, the İŞKUR has been functioning as the Turkish Office of the Euroguidance since 2009.

The “Vocational and Technical Training Action Plan 2008-2012” has been carried out under the coordination of the General Directorate of Technical Education for Boys of the MEB since 11.07.2008. Besides seminars at primary education schools were given to 4th to 8th grade pupils, parents and teachers by Guidance and Psychological Counselling Services. These seminars will continue in the coming years ahead. The number of pupils, parents/custodians and teachers who participated -in the seminars given within the Vocational and Technical Training Action Plan 2008-2012 are shown in Table 16 below.

Table 16: The number of participants of the seminars by years

YEARS	2008	2009	2010	TOTAL
TOTAL NUMBER OF TEACHERS PARTICIPATED IN THE SEMINARS	61.067	222.552	221.333	504.952
TOTAL NUMBER OF PARENTS/CUSTODIANS PARTICIPATED IN THE SEMINARS	281.018	1.443.419	1.087.789	2.812.226
TOTAL NUMBER OF PUPIL PARTICIPATED IN THE SEMINARS	631.293	2.317.859	2.206.865	5.156.017

3- STATISTICS AND OTHER INFORMATION

3.1- Resources Allocated to Vocational Guidance Services at the Labour Market

2007 TL 316.720
2008 TL 256.042
2009 TL 342.000
2010 TL 438.500
Total TL 1.352.762

3.2- Geographical Distribution of Vocational Guidance Services

- Job counselling in 79 provincial directorates,
 - Vocational Counselling in 61 provincial directorates and branch offices,
 - Service of Vocational Information Centers in 64 provincial directorates and branch offices
- have been supplied.

3.3- Number of Staff in Vocational Guidance Services

- There are 298 job counselors and 94 vocational counselors. In 2011 the recruitment of 2000 job and vocational counselors is planned.

3.3.1- Number of teachers working in guidance and psychological counseling services in formal education by years:

- In 2007 :12.524
- In 2008 :13.666
- In 2009 :14.282
- In 2010 :15.049

Table 17: Beneficiaries of Vocational Guidance Services

Year	Number of Vocational Information Center Interviews	Number of Personal Job and Vocational Counselling Interviews	Vocational Counselling Group Interviews (Student)	Job Searching Skills Group Work	Total
2008	62.562	4.154	110.445	91.746	268.907
2009	70.653	6.853	133.950	129.365	340.821
2010	54.499	19.692	163.501	134.375	372.067

3.3.2- Beneficiaries of Personal Job and Vocational Counseling Services within 2008-2010 Period

Males : 18.329
Females: 12.119

4- RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

4.1- Information on vocational guidance services in formal education and efforts to develop these services, measures taken to increase the number of vocational guidance services beneficiaries

Vocational guidance services include services which aim at helping individuals make a conscious choice in education and occupation during their lifetime and manage their vocational development. Vocational guidance services are supplied by the MEB through school guidance and psychological counseling services in primary and secondary education institutions, guidance and research centers in 81 provinces and in some big districts by approximately 17.000 guidance teachers.

In primary education;

- The Primary Education Class Guidance Program is carried out in the “free activities lesson” for grades 1-5 and in the “guidance lesson” for grades 6-8 in primary education. One of the proficiency areas of the program is “educational and vocational development” and “educational success”. Both proficiency areas provide that vocational development of students is supported and their personal areas of interest, skills, values on occupations and achievements are comprehended. Besides that all syllabuses of the primary education institutions contain vocational guidance gains as an intermediate discipline.
- School trips and carrier fair visits are organized by guidance teachers for students to help them comprehend upper education programs; school representative of occupations is invited to occupation days with a view to contributing to students’ knowledge on different occupations.
- The “Managing Directive” for primary education institutions is also a regulation that aims at tracking down the occupational developments of pupils of 6-8th grades. As a result of the activities carried out in line with the Directive, the guidance board issues a recommendation for any pupil to let him/her turn to a proper area.
- Consultancy service is supplied to teachers and students of the schools with no guidance teachers.
- Consultancy service is supplied by guidance teachers or guidance and research centers in the period of choosing the proper area for pupil following the Placement Test.

In secondary education;

- The “guidance” lesson in secondary education is designed as “guidance and orientation” lesson in 2010. In this scope the “Primary and Secondary Education Institutions’ Class Guidance Program” which had been implemented since 2006, was amended as “Secondary Education Guidance and Orientation Lesson Program”. Innovations notably on “vocational guidance and orientation” were introduced by the amended program and guidelines were prepared for teachers. The program includes innovations which support the vocational development of the student and aim at comprehending their personal areas of interest, skills, values on occupations and achievements in the proficiency areas of “educational and vocational development “ and “educational achievements”.
- School trips and carrier fair visits are organized by guidance teachers for students to comprehend upper education programs school representative of occupations is invited to occupation days with a view to contributing to students’ knowledge on different occupations.

- Preference consultancy service is provided during the period where students get in to the most proper upper education program which suits to their areas of interest, skills, occupational value and achievements.
- In secondary education level as well, consultancy service is supplied to teachers and students of the schools with no guidance teachers.

By the educational assessment and identification services of the Guidance and Research Centers (RAM) it is aimed that the guidance service standards will be set until the end of 2012, every year %20 of service delivery is ensured to be in line with the set standards and the number of services will be increased by %12 till the end of the plan period.

4.2- The amount of resources allocated to vocational guidance services in the labour market

- In 2007 : TL 316.720
- In 2008 : TL 256.042
- In 2009 : TL 342.000
- In 2010 : TL 438.500
- Total : TL 1.352.762

ARTICLE 10- RIGHT TO VOCATIONAL TRAINING

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

Article 10 Paragraph 1

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

Scope of the provisions as interpreted by the European Committee on Social Rights (ECSR)

Provide or promote technical and vocational training for everyone, including general and vocational secondary education, university and non-university higher education and continuing training, and ensure that access to higher technical and university education is based solely on individual aptitude. Nationals of other States party lawfully resident or working regularly in the country concerned must be granted equal access to vocational training.

1- LEGAL FRAMEWORK

1.1- Amendment to the Article 85 of the Labour Law

The legal arrangement introduced as the workers who have not relevant vocational training cannot be employed in heavy and dangerous jobs were put in the effect by the amendment to the Article 85 of the Labour Law on 01.01.2009. In accordance with this legal arrangement the Communiqué on Vocational Training of Workers to be employed in Heavy and Dangerous Jobs to regulate the principles and procedures of the training or workers to be employed in heavy and dangerous works were published in the Official Gazette no. 27244 dated 31 May 2009.

1.2- The Act no. 5763 on Amendments to the Labour Law and Some Other Laws

By article 21 of the Act no. 5763 provincial Employment Committees and Provincial Vocational Training Committees, meeting and working separately, were merged and converted into Provincial Employment and Vocational Training Committees with a view to strengthening the relations between education and employment at local level, fighting against unemployment, contributing to the economy of the provinces by way of improving employment, supporting the improvement of human resources and establishing reinforced social dialogue mechanism at local level.

1.3- Regulation on Drawing National Vocational Standards

The Regulation on Drawing National Vocational Standards was published in the Official Gazette no. 26664 dated 5 October 2007. The objectives of the said Regulation are the preparation and approval of the occupational standards and put into effect as national vocational standards, selection of the agencies and organisations to draw vocations and their standards and determine the principles for the issues concerned.

1.4- Regulation on the Foundation, Duties, Working Principles and Procedures of the Sectoral Committees of the Vocational Qualifications Authority

The Regulation on the Foundation, Duties, Working Principles and Procedures of the Sectoral Committees of the Vocational Qualifications Authority was published in the Official Gazette no. 26713 dated 27 November 2007. The objectives of the said regulation are to regulate the principles and procedures of the foundation, duties, working and activities of the committees organised for sectors where appropriate by the Governing Board of the Vocational Qualifications Authority.

1.5 Regulation on Vocational Qualifications Examination and Certification

The Regulation on Vocational Qualifications Examination and Certification was published in the Official Gazette no. 27096 dated 30 December 2008. The objectives of the said regulation are to determine the national qualifications in technical and occupational fields in order to establish and maintain a national qualifications regime, determine and create the framework for national qualifications, determine the principles for examination and certification, authorise certification agencies and accreditation agencies for education within the scope of national qualifications and determine the principles and procedures for the accreditation of educational institutions.

1.6 The Regulation on Working Principals and Procedures of the Provincial Employment and Vocational Training Committees

The Regulation on the Provincial Employment and Vocational Training Committees that is the new regulation for Provincial Employment Committees and Provincial Vocational Training Committees, merged by the article 21 of the Act no. 5763, was published in the Official Gazette no. 27031 dated 21 October 2008 and entered into effect.

Moreover, working effectiveness and flexibility of the Committees have been improved by way of an amendment made to the regulation published in the Official Gazette no. 27816 dated 15 January 2011.

2- IMPLEMENTATION

2.1- Vocational training targets and measures included in national plans and programmes

2.1.1- Ninth Development Plan 2007-2013

- a) In accordance with the requirements of a changing and developing economy and the labour market, lifelong learning strategy will be developed to improve the skills of individuals. This strategy will include mechanisms to support private sector and NGOs to operate in this area in order to improve the individual's skills and capabilities, to increase opportunities for formal and mass education, to strengthen horizontal and vertical relationship between the types of education, restructure of apprenticeship and public education to address these issues.
- b) Manpower will be trained in the areas demanded by the economy by taking account the life-long learning strategy in order to develop labour market information systems, enable training and labour market to achieve a more flexible structure and increase employment and labour productivity.

2.1.2- Medium Term Financial Programme 2007-2009

The transition to a modular and flexible system will be accelerated and integrity of programme between the different levels of vocational training will be provided in order to train manpower in vocational training in accordance with the needs of the market.

2.1.3- Annual Programme 2010

- a) Vocational Education and Training Strategy will be prepared.
- b) Modular system of vocational and technical secondary education will be improved and vocational and technical programmes in higher education will be made compatible with this structure.
- c) Activities for strengthening the system of national vocational qualifications and improvement of the occupational standards in priority sectors will be accelerated.

2.2- Improving vocational training opportunities

Two very important arrangements regarding Active Labour Policies (ALP) carried out by the İŞKUR were included in the Act no. 5763 on Amendments to the Labour Law and Some Other Laws publicly known as the First Employment Package, which comprised several measures, for generally accepted as one of the most important problems of Turkey, to reduce unemployment and raise employment.

First of all, thanks to the amendment made to the Act no. 4447 on Unemployment Insurance the following are facilitated:

- a) Utilization of the resources to be transferred from the Unemployment Insurance Fund to the İŞKUR “for the vocational training of all the unemployed registered to the agency” and raising the transferred amount by way of raising the share of state transferred to the fund in previous year as unemployment insurance premiums up to 30% with reference to the possibility of raising the state share up to 50% by the decision the Council of Ministers.
- b) By way of an amendment to the Act no. 4734 on Public Procurement, it is enabled that all services within the scope of active labour programmes to be purchased by direct supply method.

With these legal arrangements, resources required for the active labour policies were facilitated to the Agency on one hand, and by way of taking the utilization of this resource out of the rigid procurement procedures of the Public Procurement Act, implementation of vocational training activities in line with the needs of the labour market was enabled to be executed without losing time on the other hand. Thus, the process of service purchase was made simple and fast.

The second employment package, announced on 4 June 2009, pursued the goal of bringing down the rate of unemployment which had been on the rise under the influence of the latest economic crisis encountered all over the world by way of increasing the employability of the workforce.

The package includes raising the number of persons benefitting from services provided by the İŞKUR within the scope of the active labour policies and some new services under the same coverage. Within this framework, intended goal has been to significantly raise the resources transferred to vocational training activities and social work programmes while the execution of Entrepreneurship and Probation programmes have been left to the İŞKUR within the scope of active labour policies.

Within the framework of goals envisaged in the package, a Council of Ministers decision on enabling the transfer of resource on the maximum rate of 50% was adopted and published in the Official Gazette no. 27278 dated 4 July 2009 and put into effect. f The funds of TL 511 million and TL 495 million totalling TL 1.006 million, were allocated in 2009 and 2010 respectively.

2.3- Action Plan for Strengthening the Relations between Employment and Vocational Training

The Action Plan for Strengthening the Relations between Employment and Vocational Training, which was prepared by the participation of all the concerned parties, was published in the Official Gazette no. 27642 dated 15 July 2010 and put into effect. The Action Plan aims at vocational and technical training to be given in accordance with the needs of the market, strengthening the relationship between employment and training, effective execution of active labour policies concurrent with the concept of life-long learning, raising employability by way of elimination of occupational illiteracy.

A Monitoring and Assessment Committee was founded for the sake of measures to be taken in order to implement the Action Plan at the right time while taking the right steps. The Committee, founded to meet the requirement of effective implementation, monitoring and assessment, ensures the effectiveness and coordination for the attainments determined in the Action Plan by convening at least three times in one year. The Monitoring and Assessment Committee, chaired by the Undersecretary of the Ministry of Labour and Social Security (ÇSGB) and the secretariat is being carried out by the MYK, consists of senior officials from the Ministry of National Education (MEB), the ÇSGB, Ministry of Science, Industry and Technology, Ministry of Customs and Trade, Ministry of Development, the Council of Higher Education (YÖK), Turkish Statistical Institute (TÜİK), Vocational Qualifications Authority (MYK), Turkish Employment Organisation (İŞKUR) , Small and Medium Enterprises Development Organisation (KOSGEB), National Agency, Anadolu Agency, Turkish Radio and Television (TRT), the Union of Chambers and Commodity Exchanges of Turkey (TOBB), the Confederation of Tradesmen and Craftsmen of Turkey (TESK), Confederation of Turkish Trade Unions (TÜRK-İŞ), Confederation of Progressive Trade Unions of Turkey (DİSK), the Confederation of Real Trade Unions (HAK-İŞ), Turkish Confederation of Employer Associations (TİSK), Turkish Industry and Business Association (TÜSİAD), Independent Industrialists and Businessmen's Association (MÜSİAD), Confederation of Businessmen and Industrialists of Turkey (TUSKON), Turkish Entrepreneur and Business Confederation (TÜRKOFED) and Anatolian Lions Businessman Association (ASKON).

There are the following 9 priority areas and 38 measures in the Action Plan.

Priority areas included in the APSREV are as follows:

- a) Drawing up the national qualifications framework,
- b) Updating and bringing the curriculums into conformity with the national occupational standards,
- c) Making periodical analysis and assessments of the requirements of labour market,
- d) Improving the vocational and technical training environments, raising the qualities of the educators and designing a new school administration system,
- e) Accreditation of vocational education and training institutions,
- f) Cooperation in the implementation of instruments developed by the European Union regarding free movement, qualifications and vocational education,
- g) Strengthening the cooperation in raising the effectiveness of vocational skills courses,
- h) Developing incentive mechanisms necessary for the employment of and starting business for vocational and technical education graduates and the Occupational Qualification Certificate holders,

- i) Improving the co operational environment within the scope of memorandum of cooperation and understanding in the field of craft knowledge, guidance and counselling services.

2.4- Vocational Education Strategy Paper

The MEB started a work for preparing an action plan in order to reveal the current situation of vocational education, identify the problems in vocational training, and develop new proposals to enable effective and extensive execution of vocational training. Numerous meetings were held with the participation of concerned institutions and organisations within the scope of works started by the MEB in 2010. A report was drawn up regarding six major subjects by sharing the task among the participant organisations.

The draft document was discussed in a meeting held on 13-14 July 2010 with broad participation and measures and actions were determined for the implementation of priorities included in the document. A concluding document will be prepared by the Ministry in accordance with the discussions at the meeting and the reviewed document will be presented to the concerned institutions and organisations once more, and will subsequently be submitted to the Prime Ministry for assessment as a Government paper.

2.5- Life-long Learning Strategy Paper and Drafting a Law

Works for the preparation of a Strategy Paper for Life-long Learning started with the participation of social partners including State Planning Organisation (DPT), the YÖK, the TÜİK, the ÇSGB, Social Services and Child Protection Agency (SHÇEK), the İŞKUR, Centre for European Union Education and Youth Programmes, the MYK, the TESK making use of the outputs of the Project for Strengthening the Vocational Education and Training Systems and other projects in the field of vocational training and in conformity with the Strategic Plan of the MEB.

Life-long Learning Strategy Paper was approved by the Decision no. 2009/21 dated 5 June 2009 of the YÖK. Certain priorities are included in the Paper such as legal arrangement for the coordination of life-long learning activities, awareness raising in general public, raising the schooling rate, support for and improvement of the occupational qualifications system.

21st Vocational Education Committee discussed the works in respect of the Paper and a working group was organised to make a plan for implementing the activities pertinent to priorities.

Works for a legislation on the first priority area within the scope of the first priority of the Paper. The draft bill, prepared by the General Directorate of Life-long Learning that is also the secretariat of the works on the Paper, was discussed in two separate meetings with the participation of concerned public agencies and social partners. The works for a final document and implementation is in progress.

2.6- Change, Transformation and Support Strategy Paper and Action Plan for Tradesmen and Craftsmen

The Ministry of Industry and Trade has been assigned to prepare a strategy and action plan for tradesmen and craftsmen by the Action Pan of the 60th Government Programme. The Ministry organised working groups composed of representatives from public institutions and organisations, occupational organisations of tradesmen and craftsmen, specialist academicians and nongovernmental organisations.

As a result of works lasted almost 2 years of all contributions from the shareholders, researches and meetings, the Change, Transformation and Support Strategy Plan for Tradesmen and Craftsmen (CTSSPTC) was drawn up. Thus, for the first time in the history of the Republic, a document, exclusively for the tradesmen and craftsmen, analysing, investigating and offering solutions solely for tradesmen and craftsmen was produced.

The CTSSPTC was discussed in the Council of Ministers on 31 March 2010 and put into effect following the adoption by the Higher Planning Council.

The main goal of CTSSPTC has been identified as "raising the competitiveness of the tradesmen and craftsmen and supporting change and transformation". Third of the seven priorities of the CTSSPTC has the title of Improvement of Training and Counselling Services. Under this title:

- a) Vocational training provided for tradesmen and craftsmen will be improved and made efficient
- b) Development and adjustment courses for tradesmen and craftsmen in occupations where required
- c) Legal arrangement to eliminate the problems within the scope of apprenticeship training
- d) Standardizing the training in occupations out of the scope of apprenticeship training
- e) Providing training and counselling services for tradesmen and craftsmen in accordance with their needs

The commission within the scope of CTSSPTC started to work in June 2010 and the works for the implementation of the measures is in progress in accordance with the work schedule.

3- STATISTICS AND OTHER INFORMATION

3.1- Number of teachers and students, technical and vocational training institutions

Secondary education technical and vocational training institutions and the numbers of teachers and students are attached (Appendix 2).

Numbers of students and educators in vocational and technical higher education are shown in Table 18 below.

Table 18: Numbers of students and educators in vocational and technical higher education

Years	2008		2009		2010	
The unit	Student	Educator	Student	Educator	Student	Educator
Technical Education Faculty	27372	910	28381	903	28861	920
Vocational Education Faculty	6869	250	6815	252	6642	245
Technical Education Faculty	502622	7783	548695	8216	593955	8925

3.2- Provided trainings and formations

The İŞKUR has been carrying out labour force training activities within the scope of Active Labour Programmes in four groups; Workforce Training Courses, Entrepreneurship Courses, On-the-job Training Programmes, Social Work Programmes.

Information on workforce training activities organised by the İŞKUR is given under Paragraph 3. The figures regarding workforce-training activities are given below.

Courses and programmes organised by the İŞKUR within the scope of workforce training activities and the number of person benefitted from them are shown in table 19.

Table 19: Courses and programmes organised within the scope of workforce training activities and the number of persons benefitted

	2007	2008	2009	2010
Course/Programme	1.200	1.806	10.113	11.821
Female	6.371	11341	93.753	97.306
Male	16. 463	20.586	120.099	114.321
Persons	22.834	31.927	213.852	211.627

480,240 persons benefitted from the workforce training activities organised between en 2007 and 2010.

3.3- Total public expenditures allocated to vocational training

Public expenditures as of 2002 for general and vocational education are shown in the attached tables Appendix: 3, 4, 5). In addition, the expenditures through the İŞKUR for vocational training is shown in Table 20 below.

Table 20: Courses and programmes organised by the İŞKUR and the numbers of participants to courses/programmes and the amount of resources

Year	Course		Social work		Probation		Entrepreneurship		Total	
	Persons	Expenditure (Thousand TL)	Persons	Expenditure (Thousand TL)	Persons	Expenditure (Thousand TL)	Persons	Expenditure (Thousand TL)	Persons	Expenditure (Thousand TL)
2007	22.834	29.672	-	-	-	-	-	-	22.834	29.672
2008	31.788	35.000	139	511	-	-	-	-	31.927	35.511
2009	167.100	192.907	45.467	111.359	1.285	2.100	-	-	213.852	306.366
2010	156.584	242.243	42.066	138.225	4.671	8.684	8.306	3.461	211.627	392.644

4- RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

4.1- Rate of unemployment among the higher education graduates

According to the TÜİK's data, unemployment rate among the higher education graduates is 11% throughout the country.

4.2- Information on the Vocational Qualifications Authority

The Vocational Qualifications Authority (MYK) was founded by the Act no. 5544 on 21 September 2006 with the purpose of establishing national qualifications system and maintaining it and carrying out the activities regarding surveillance, measurement, evaluation, documentation and certification, and identifying the principles of national qualifications in technical and vocational areas on the basis of national and international occupational standards. The MYK is a public organisation having legal entity with its own administrative and financial autonomy within the organisational structure of the ÇSGB.

Medicinal doctorship, dentistry, nursing, midwifery, pharmacy, veterinary, engineering, architecture and other occupations entering upon which is regulated by law and following at least an undergraduate academic degree are out of the scope of the MYK legislation.

The Agency has a Plenum, a Governing Board, service units, and Sectoral Committees.

Duties and Mandate of the MYK

- To identify the occupations the standards of which are to be determined and determine the agencies and organisations to prepare those standards.
- To determine the principles of national qualification standards in technical and vocational fields on the basis of national occupational standards.
- To determine the agencies to accredit the educational and vocational institutions in technical and vocational fields and their programmes on the basis of national occupational qualifications.
- To determine the authorised agencies to document the competencies within the scope of examination and documentation and ensure issuing certificates for those who are successful in examinations.
- Support and encourage life-long learning.

4.3- Filling the vacant quotas in higher education

The Act no. 2547 on Higher Education published in Official Gazette no. 17506 dated 6 November 1981 is in effect in substitution for the Act no. 1472 introduced in 1971. According to Article 45 of the said Act, the Student Selection and Placement Centre makes additional placements centrally to quotas left vacant either as a result of general placement in accordance with the results of Student Selection and Placement System (including open admissions) or failed registrations and to recently started higher education programmes if available.

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

Article 10 Paragraph 2

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

Scope of the provisions as interpreted by the ECSR

Provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls, combining theory and practice. Non-nationals must be granted equal treatment, as specified in Paragraph 1.

1- LEGAL FRAMEWORK

In terms of the application in vocational branches, that fall out of the scope of the Act no. 3308, for training and certification required to be executed by the occupational organisations in accordance with the provisional Article 10 of the same Act, the Bylaw on Issuing Vocational Certificates in

Vocational Branches for which Apprenticeship Training is Not Applicable was published in Official Gazette no. 26757 dated 14 January 2008 and was put into force.

2- IMPLEMENTATION

2.1- Programme for Strengthening the Vocational Education and Training System

This programme includes the foundation of the national certification system, establishment of quality management concept in vocational education as well as internalisation of lifelong learning policies.

2.2- Activities of the occupational organisations regarding vocational education

Activities started by the TESK may be summarised as follows:

- All units of the Confederation are obliged to allocate 5% of their gross revenues for the activities of vocational education
- A Vocational Education was founded in order to support the vocational education activities to be held by the units of the Confederation
- Vocational Counselling Units were organised at chambers, associations and federations levels in order to plan, implement and monitor the vocational education activities at local level for the purpose of facilitating the participation
- Workplace Surveillance and Counselling Groups were organised at chambers, associations and federations levels in order to ensure young people can work in convenient environments and provide counselling services to enterprises for the purpose of quality vocational education carried out at enterprise level
- Training, examination and certification activities have been being carried on by affiliated chambers in the vocational branches that fall out of the scope of the Act no. 3308 on Vocational Education
- Confederation of Turkish Tradesmen and Craftsmen (TESK) founds vocational training centres by using the means of resources from the fund found by the Confederation and obtaining State support. 16 Centres have already been completed but some of them were transferred to the Ministry of National Education because of lack of finance.
- With the support from international resources, certain projects to promote woman entrepreneurship, identify problems of children employed in small enterprises and offer solutions, provide counselling services to enterprises were carried out and technical assistance were provided to some other projects carried out by other organisations.
- The vocational trainings provided by the units of the Confederation are designed in accordance with the requirements. The chambers may organise courses for skill development as well as courses for the improvement of management skills upon the requests received from their members.
- The Confederation and its affiliated units provide vocational training services on improving employing skills since they are mostly designed in accordance with the requests received from their members.

3- STATISTICS AND OTHER INFORMATION

3.1- Number of young persons benefitted from vocational education system

The number of young persons benefitted from the vocational education system is shown in Appendix 2.

3.2- Duration of apprenticeship training

The durations for apprenticeship trainings varies from 2 to 3 years with regard to the field of vocation and branches.

3.3- Total amount of public and private funds allocated to apprenticeship training

The allocations transferred from the budget of the MEB to the Apprenticeship Training and Vocational Education Centres by years are as follows:

2007	TL 35.970.425
2008	TL 31.410.294
2009	TL18.242.046
2010	TL 19.261.886
2011	TL 25.805.303 (as of October)

Staff costs and allocations sent to some entries are not included in the figures since they were transferred commonly to the institutional code of the provincial and township National Education Directorate. Besides, there are increases and decreases in the amounts of transferred allocations since travelling allowances were sent to the institutional code of provincial and township National Education Directorate in some years or to the Centre's own code in some other years.

3.4- Number of students received apprenticeship training

The number of persons who received training at Vocational Education Centres in 2009-2010 curriculum year is shown in Table 21 below.

Table 21: Numbers of junior apprentices, apprentices and semiskilled-workers who received training at Vocational Education Centres
[End of curriculum year 2008/ '09]

	Persons	Male	Female
Junior apprentices	314	279	35
Apprentices	133 658	107 165	26 493
Headworkers	57 700	48 329	9 371

Source: TSI National Education STATISTICS AND OTHER INFORMATION, Non-Formal Education 2008-2009

3.5- Equal Treatment in accessing the apprenticeship training

Young persons who are employed in a workplace can receive vocational training in their branches at the vocational education centres of the Ministry of National Education while they are working without being subjected to any discrimination. Those young persons can receive Certificate of Semi-Skilled Worker or Certificate of Mastership at the end of their vocational trainings.

Besides, no discrimination of any kind may be imposed upon on grounds of sex or disability.

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

Article 10 Paragraph 3

the Parties undertake to provide or promote, as necessary:

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

Scope of the provisions as interpreted by the ECSR

Provide or promote appropriate and readily available training facilities for adult workers and unemployed persons and special facilities for retraining adult workers in response to technological developments or new trends in employment. Non-nationals must be granted equal treatment, as specified in paragraph 1.

1- LEGAL FRAMEWORK

The MEB has been carrying on works regarding legislation to be in harmony with the Decree with the Force of Law on the Organisation and Duties of the Ministry of National Education published in Official Gazette no. 28054 dated 14 September 2011 and put into force forming a ground for restructuring the MEB.

2- IMPLEMENTATION

Public mass education and training is substantially under the responsibility of the MEB. The MEB maintains vocational education both contained within itself and supporting other agencies and organisations. The MEB provides educational and training services in various fields for people of all kinds and all ages with its Public Education Centres, Vocational Courses, Apprenticeship Trainings, and Practical Art Schools for Girls, Advanced Technical Schools for Girls as well as technical and vocational education by means of its units. The MEB also works to meet the needs of the market by way of enabling citizens gain skills in skill courses and various educational facilities.

Training of adult employees are mainly provided in 969 Public Education Centres giving education with its 1185 vocational course programmes and in Vocational Education Centres leading to Certificate of Semi-Skilled Worker and Certificate of Mastership at the completion of apprenticeship training given in 31 lines and 153 branches designed for primary school graduates at minimum within the scope of the Act no. 3308 on Vocational Education.

As being an organisation responsible for employment, the İŞKUR in 1988 started to implement Active Labour Policies in order to improve and protect employment, fight against unemployment and developed various projects on the subject.

The İŞKUR provides employment guaranteed courses, labour adjustment programmes, vocational rehabilitation project for the disabled, active labour policy for the convicts, courses of professional development, occupational change, vocational training for the unemployed who are entitled to

unemployment allowance under the coverage of unemployment insurance in order to ensure them trained for occupations the labour market needs and carries on job and career counselling services.

The goals of these projects can be sorted as providing vocational training for the unemployed whose skill level is low, improve labour market information system and raise the employment of women.

The İŞKUR provides various trainings to the unemployed, women, the disabled persons and the ex-convicts either in units within its own organisational structure or in collaboration with other public and private organisations. These training programmes may be market-oriented skills courses as well as entrepreneurial training for the people mentioned above.

On the other hand, the activities within the scope of active labour policies are carried out by the İŞKUR following the concept of lifelong learning. Vocational training programs, given to the persons who have no profession at all, are designed in such a way that they also have a structure of allowing the persons, whose professional knowledge and skills have become obsolete in the face of constantly changing and evolving labour market, acquire new occupations.

The İŞKUR organises employment guaranteed courses and vocational training courses based on its own resources or by using project supports from EU resources. The sub-units of the TESK may organise vocational training courses financed by the İŞKUR in accordance with the requirements in the regions where they are established. Dates and times of these courses are organised in a flexible fashion in line with the demands of the participants and without any charge.

The courses organised by the İŞKUR can be sorted under four main heading: vocational training courses, entrepreneurship courses, on-the-job trainings and social work programmes.

Information on vocational training is mentioned below.

2.1- Vocational training courses

If one of the major problems of Turkey is unemployment, the other major problem is occupational illiteracy. Rapidly changing technology and, almost at the same rate, changing production techniques consequently in today's world, increase the need for qualified labour force every day. If the labour force to gain quality it will not only actualise with vocational training but also either by adjusting themselves to the new developments in their occupations by assimilating the strategy of life-long learning or to be open to learning new professions.

In this context, the İŞKUR has been organising vocational courses since 1988. Between 1993 and 2000, the vocational courses began to reach more people within the scope of "Employment and Training Project" and have been enlarged year by year thanks to the support from national and international projects and has become more comprehensive. The courses have become more widespread by both increasing transfers to the courses and external finance since 2000. The funds transferred to these courses have increased even more since the first and second employment packages announced in May 2008 and June 2009 respectively, the service purchase process has become faster thanks to minimizing red-tape regarding sourcing, and because of this, reaching the unemployed has been ensured to be faster and the scope of the services provided within the framework of Active Employment Policies has been enlarged.

No fee is charged from the participants to vocational training courses/programmes moreover, TL 15 is paid to any participant for each actual course day. Besides, work accident, occupational disease and universal health insurance premiums are covered by the İŞKUR during courses. However, duration of the courses is not included in the working times of the trainees.

The information given below explains the vocational training initiative of the İŞKUR better:

- The funds of TL 511 million and TL 509 million was made available for Active Labour Programmes by the decision of the Council of Ministers in 2009 and 2010 respectively.
- A total of 211.627 individuals benefitted from –Active Labour Programmes in 2010
- The fund totalling TL 392.644 was used for 211.627 participants. Out of the 211.627 participants 156.584 persons benefitted from the courses, 42.066 persons benefitted from social work programmes, 8.306 persons benefitted from entrepreneurship training, 4.671 persons benefitted from probation programmes.
- The target for 2011 is to ensure 400.000 persons to benefit from these programmes.

2.2- Labour force training courses

The İŞKUR organises labour force training courses in collaboration with the educational and training institutions of the MEB, Universities, educational organisations, private sector enterprises, companies founded for educational and rehabilitation purposes, associations, foundations, workers', employers', tradesmen's and other occupational organisations, occupational associations and the like, public agencies and organisations, banks established by special law and their organs and by purchasing service. Each trainee is granted pocket money TL for each actual course day he/she participates. Work accident and occupational disease insurance premiums of the trainees are covered during the courses. Besides, the courses ensure 20% guaranteed employment at the least.

2.3- Vocational Training and Rehabilitation for the Disabled Persons and the Convicts / Ex-convicts

The İŞKUR, establishes regular contact with associations, foundations and rehabilitation centres founded for the benefit of the disabled, in accordance with the interest and abilities of the disabled persons, and designs projects for the benefit of the disabled persons by identifying their qualifications according to occupations and taking account the opinions and demands of the Provincial Employment and Vocational Training Committees, and organises vocational and rehabilitation programmes within this context. The İŞKUR also organises courses and programmes for the convicts and ex-convicts by making co-operation with relevant institutions and organisations in general as well as criminal enforcement organs of the Ministry of Justice. Participants of these courses are also paid pocket money like other participants to labour force training courses and their work accident and occupational disease insurance premiums are covered by the İŞKUR during the courses.

2.4- Entrepreneurship trainings

The İŞKUR provides entrepreneurship trainings in order to ensure that the unemployed people to establish their own businesses. In this way, which was launched in 2009, while ensuring the unemployed start their own businesses by way of Applied Entrepreneurship Training Programs for the unemployed registered to the İŞKUR, new business areas are targeted for the employment of the other unemployed people in those new enterprises. The unemployed people who want to establish business and registered to the İŞKUR participates in this training and they prepare a business plan for their future business. At the end of the training given to trainees who successfully complete receive a certificate, and the certificate holders can apply for 'KOSGEB New Entrepreneur Support' with this certificate.

2.5- On-the-job (Probation) Training

The İŞKUR organises probation programmes in order to facilitate the entrance into labour market of the unemployed and to enable them to gain vocational experience. The participant probationers receive a trainee pocket money during their courses, and their work accident and occupational disease premiums are covered.

2.6- Social Work Programmes

By organising Social Works Programmes within the scope of “Employment and Training” project carried out in 1993-2000 the İŞKUR has aimed at both ensuring short-term employment of the unemployed and creation of a work or service for the benefit of society. Within this framework the İŞKUR has organised social work programmes in order to prevent the unemployed suffering from financial distress, losing their work habits and discipline and ensured that they were employed for short term especially in periods of economic crisis, natural disasters, privatization, economic structuring and at times of heavy unemployment. For example, in 17 August and 12 November 1999 earthquakes, significant efforts were made in Düzce, Kocaeli, Yalova, Sakarya, Bolu provinces and hence 140 programs were implemented covering 4605 earthquake victims. The İŞKUR accelerated its works with the help of legal regulations; financial resources for social work programmes were raised. The İŞKUR, in cooperation with the contractors in 81 provinces, has developed and still continues the projects for various works regarding environmental cleanup, tree planting and cultivating trees, erosion prevention, parks maintenance and repair, renewal of public infrastructure, protection of cultural heritage, valley, stream, channel improvement works, meeting the worker requirements of schools for works such as cleaning and staff. Since 2009, almost half of the surface area of Istanbul (2 thousand 190 square kilometres) has been planted, 35.971.506 trees have been planted across the country. In addition, services have been provided to 15.433.573 students in cooperation with schools. The people employed in these activities have been placed at least for 6 months of full-time work, have been paid minimum wages, their social insurance premiums were covered by the İŞKUR, and thousands of people who were employed in this way have had partial income support.

2.7- Job and Vocational Counselling

Following works have been carried out within this scope:

- Introduction of the recognition and description of Job and Occupational Counselling as a profession in the Civil Servants Act no. 657
- The persons who are to be employed in the public agencies as job and occupational counsellor are required to hold bachelor’s degree and must have a certificate of the MYK Occupational Qualification Certificate in Job and Occupational Counselling National Qualification in accordance with the Civil Servants Act no. 657. Job and Occupational Counselling National Qualification was put in effect on 19 July 2011.
- In order to raise the quality and the standard of the services given, the training of the İŞKUR staff increasingly continues.

In 2011, two thousand Job and Occupational Counsellors and in 2012 an additional two thousand Job and Occupational Counsellors, totalling for thousand persons, have been planned to be employed.

3- STATISTICS AND OTHER INFORMATION

Table 22: Vocational Training Courses for Adults

Years	Number of courses	Number of participants
2010	11.821	211.627
2009	10.113	213.852
2008	1.806	31.927
2007	1.200	22.834

Vocational training courses are organised in 969 Public Education Centres of the MEB for the persons, who left formal education system and do not have necessary skills to be employed, in order to prepare them for the jobs that have the opportunity of employment.

In addition, vocational courses are organised for adults in vocational and technical schools of the MEB. Formal education institutions of the Ministry of National Education and the numbers of students and teachers are given in Appendix 6.

4- RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

4.1- The rate of job finding of persons participated in training courses and formations organised.

It was stated that 23% of the unemployed persons who participated in the courses organised by the İŞKUR within the scope of the Active Labour Programmes were placed in a job in 2010. The target rate for the year 2011 is 32%.

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

Article 10 Paragraph 4

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

Scope of the provisions as interpreted by the ECSR

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

1- LEGAL FRAMEWORK

No amendments have been made to the national legislation within the reference period.

2- IMPLEMENTATION

In the Strategic Plan, prepared and carried out by the İŞKUR, it is envisaged that the disadvantaged groups including long-term unemployed persons should benefit from the active labour programmes.

The project of “Increasing Labour Market Intermediary Activities for the Purpose of Employability of the Long-term Unemployed” under the Strengthening the Budget Planning and Preparation Project (MATRA) was carried out in collaboration with the Netherlands. This project started in January 2008 and finalised on 1 November 2010. The budget of the project was EUR 800.000 and Adana and Malatya were selected as pilot provinces.

Goals of the Project

- To increase the capacity of the İŞKUR for analysing regional labour market
- To identify the labour market control instruments in pilot provinces including the co-operation with the concerned organisations
- To mediate for waged jobs at least for 100 workers in the pilot activity area

Activities carried out

- Job coaches were identified in each of the pilot provinces where the project was to be implemented
- Provincial directors, job coaches and senior officials from the İŞKUR visited the Netherlands to observe the experiences on the spot
- Dutch experts trained job coaches 3 days for labour market analysis
- Job coaches received 2 week counselling training in the year 2009
- “Employer’s Interview Form” and “Job Seeker’s Interview form” were developed
- A promotional leaflet including the services of the İŞKUR, “Guide for Visiting Enterprises” and “Guide for Job Counselling Interview Assessment” were published and distributed to provincial offices
- Works on the preparation of a time sheet for services to employers have been going on. A “handbook” and a “Vision Document” were prepared for guidance to the İŞKUR staff jointly with Dutch experts.
- 13 courses were launched on the occupations in accordance with the needs of labour market and the long-term unemployed people in Malatya and 8 courses in Adana. 42 persons and 68 persons participated in these courses respectively. 160 job counsellors were trained within the scope of the project.

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

Article 10 Paragraph 5

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

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

Scope of the provisions as interpreted by the ECSR

Encourage full use of the facilities provided by appropriate measures such as:

- a) reducing or abolishing any fees or charges;
- b) granting financial assistance, such as study grants or low-interest loans;
- c) including time spent by workers on supplementary training, at their employer's request, in normal working hours;
- d) ensuring that training arrangements work efficiently, through appropriate supervision, in consultation with employers' and employees' organisations.

1- LEGAL FRAMEWORK

No amendments have been made to the national legislation within the reference period.

2- IMPLEMENTATION

Pursuant to the Act no. 3308 the Employment and Vocational Training Committees were established in the provinces with the participation of relevant ministries and social partners. Provincial Employment and Vocational Training Committees and Central Vocational Training Committee develop, assess and implement vocational training policies at local and country levels respectively.

Minor contribution to training and some fees are charged for the participants of the vocational training services provided by the TESK. Besides, a contribution may be charged to cover training costs for the courses organised within the scope of vocational training of occupational development organised for adults by occupational associations. The amount of the contribution may change in accordance with the duration of the course and the cost. The TESK annually determines the fees to be charged for the examinations of the participants of the occupational certificate examinations organised by the chambers. The examinations fees charged in the year 2010 are as follows:

- TL 7,50 for the provinces for priority development
- TL 15 for other provinces

The participants for labour force training courses receive TL 15 pocket money for each actual course day they attend in addition; work accident and occupational disease insurance premiums are covered.

3- STATISTICS AND OTHER INFORMATION

3.1-Fees and financial assistance concerning vocational training

According to article 25 of the Act no. 3308, the education given in Vocational Education Centres of the General Directorate of Apprenticeship and Non-Formal Education of the MEB is free of charge and the said Ministry covers insurance expenditures of the apprentices. In addition, lunch expenditures of the apprentice students who receive education in Vocational Education Centres are covered by the State.

According to the Constitution, vocational education given in the state schools are free of charge and according to Article 25 of the Act no. 3308 the insurance expenditures of candidate apprentices, apprentices and students who receive vocational training in enterprises are covered by the MEB.

Besides, lunch expenditures of the apprentice students who receive training in Vocational Education Centres are covered by the state.

3.2- Training duration and working time

According to Article 20 of the Act no. 3308, training duration of the students who receive vocational training are included in their working time.

3.3- Control and assessment measures taken in order to ensure effectiveness of the apprenticeship training given to young workers upon consultation with the social partners.

Preparing and updating the programmes applied in Vocational Education Centres of the MEB are conducted in co-operation with the social partners.

Besides, the MEB signed a protocol with the Ministry of Industry and Trade and the TESK on 12 February 2009 with a view to organising vocational courses for employment and mass vocational training activities for occupational improvement of tradesmen and craftsmen and their employees, and put it into effect throughout the country.

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

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

Article 15 Paragraph 1

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

Scope of the provisions as interpreted by the European Committee of Social Rights (ECSR)

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

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

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

1- LEGAL FRAMEWORK

The guidance, education and vocational training of the persons with disabilities are secured notably by the Constitution of the Republic of Turkey and by various laws and international conventions.

1.1- Constitution of the Republic of Turkey

Article 42 of the Constitution states that “the Government takes necessary measures for making the persons, who are in the need of special education due to their conditions, beneficial to the society”.

Article 10 of the Constitution indicates that, in order to ensure equality, the Government may take special measures in favour of the persons with disabilities.

1.2- Law no. 5378 on Persons with Disabilities and Introducing Amendments in some Laws and Decrees with the Force of Law

Law no. 5378, which came into force by being published in the Official Gazette no. 25868 dated 7 July 2005, provides provisions for the classification, care, rehabilitation, education, training, vocational rehabilitation and employment of the persons with disabilities and for the sheltered workshops and for the analysis of jobs and professions.

Major changes that brought about by the aforementioned law are as follows:

- a) A tax exception has started to be applied for the purchase of all kinds of tools and equipment and special computer programmes produced specifically for the training, professions, and daily lives of the disabled persons (Article 32).
- b) The establishment of the service units for disabled persons in the Metropolitan Municipalities is envisaged in order to provide information, awareness-raising, steering,

consultancy, social and vocational rehabilitation services to the disabled persons (Article 40).

- c) The phrase “disability” has been added to follow the phrase “language, race, colour, sex” in the first clause of Article 122 titled “Discrimination” of the Turkish Criminal Law (Article 41).

Article 12 titled “Job and Profession Analysis” and Article 13 titled “Vocational Rehabilitation” of the Law include new regulations related with the vocational rehabilitation of the persons with disabilities. The major ones are as follows:

- a) Making job and profession analysis in deference to the types of disability, and in the light of these analyses, developing vocational rehabilitation and training programs that are well-suited to the conditions of the disabled persons
- b) The rights of the disabled persons to choose their profession in accordance with their skills and to obtain training on this matter cannot be restricted
- c) Enabling the disabled persons to take advantage of the vocational rehabilitation services in order to provide that they are trained in a profession they can carry out, they are enabled to acquire a profession, their economic and social welfare is secured by making them efficient
- d) Taking measures to develop the job and skills of the individuals according to their individual developments and abilities in the private vocational rehabilitation centres to be opened by natural or legal persons, skill improvement centres and various types of sheltered workshops
- e) Providing social and vocational rehabilitation services through municipalities as well.

1.3- Regulation on the Private Vocational Rehabilitation Centres

The Regulation on the Private Vocational Rehabilitation Centres entered into force by being published in the Official Gazette no. 26153 dated 2 May 2006. It regulates the procedures and the principles of the opening, inspection and operation of the private vocational rehabilitation centres founded in order to enable disabled persons to be efficient in a profession that they can carry out and to secure their economic and social welfare.

1.4- Regulation on the Reimbursement of the Costs of the Supportive Education Programs Applied to Persons with Disabilities

The Regulation, which was published in the Official Gazette dated 9th August 2009, specified the procedures of supportive education modules applied by the private education institutions.

2- IMPLEMENTATION

2.1- Administrative Decisions

- a) The Directive of Prime Ministry dated 12 August 2008, which was designed in order to guide (local administrations being in the first place) all state institutions and organizations in the execution of legal obligations and in taking necessary measures for making regulations in line with legislation, was sent to all state institutions and organizations.
- b) Regulation on the Binding Principles and Procedures Regarding the Supply of Public Services, which was published in the Official Gazette no. 27305 dated 31 July 2009, includes the provision that necessary measures shall be taken with a view to ensuring accessibility of the public services supplied by administrations for disabled persons.

2.2- Projects

2.2.1- Accessibility Strategy and Action Plan

In order to enable disabled persons to fit fully, equally and effectively into society with the help of the implementation of related legislation and ensuring accessibility, it has been decided to design a National Action Plan under the coordination of the Administration for Disabled Persons of the Prime Ministry (re-structured as the General Directorate of Services for the Disabled and the Elderly, affiliated to the newly established Ministry of Family and Social Policy, as of 8 June 2011) for enabling all state institutions and organizations, and local administrations in particular, to perform their related responsibilities promptly. Furthermore, with the intent of effective implementation of this Plan, the year 2010 had been declared as the “Accessibility for Everyone Action Year” with the Approval of the Prime Ministry dated 17 November 2009.

The Action Plan in question has three dimensions: “Legislative Arrangements”, “Raising Public Awareness”, and “Implementation”. Action Plan consists of 8 priorities and 19 measures for implementation that aim enforcement of the provisions of current laws and regulations, initiation of integrated and systematic studies by central and local administrative institutions, direction of satisfactory and good practices, and improvement in access to information.

Besides, the implementation of the accessibility is monitored by the “Commission for Monitoring and Evaluating the Accessibility Action Plan”, which consists of the institutions and organizations in charge of the implementation of the Plan.

2.2.2- Project of Improved Integration of Disabled Persons into Society

The project on “Improved Integration of Disabled Persons into Society”, which is a 2009 National Program of Turkey Pre-Accession Financial Assistance (IPA-I) project, implemented by the General Directorate of Services for the Disabled and the Elderly, is one of the projects that aim the fulfilment of Copenhagen Political Criteria. The Grant Contract of the project was signed between Republic of Turkey and European Commission and published in the 2nd Reiterated Official Gazette no. 27800 dated 29 December 2010.

The reasons behind the project are negative impacts of the shortcomings in the capabilities of disability related non-governmental organizations (NGOs) on making disability policies in Turkey and NGOs’ experiencing shortage of resources necessary for the projects they developed. Besides, in order to improve the equal and full participation of disabled persons into society, the infrastructural capacity of the General Directorate of Services for the Disabled and the Elderly and the knowledge, understanding and experience of the staff of the institution have to be enhanced. Lastly, the cooperation between General Directorate of Services for the Disabled and the Elderly and the NGOs operating in the field has to be developed and the knowledge, experience, opinions and recommendations of these organizations related with the implementation of disability policy should be more comprehensively included.

Aforementioned project has two targets. The first target is to strengthen the capacities of the NGOs, working in disability field, through training programmes and providing support to projects that can be regarded as examples of good practice. Second target is to provide the staff of the General Directorate with knowledge and experience in the field of disability and to improve the institutional capacity, through removing the legal and institutional challenges before the aforementioned institution.

The implementation of the project is planned to be two-step and the first step will be dealing with the strengthening of the capacities of the NGOs working in disability field through training programmes and providing support to projects that can be regarded as examples of good practice.

For this purpose, a sum of € 2,000,000 out of total € 3,600,000 project budget will be allocated to the NGOs as grant. The NGOs working in disability field will be able to apply for the grants for their projects that are in line with their priorities on projects. Hence, capacity development of the related NGOs will be ensured and they will be able to provide a better quality service in the field. The NGOs, whose capacity of project development and management will be strengthened, are expected to play a more active role in the field of disability by offering more qualified solutions to the problems in this field.

The second step of the project is composed of development of the technical infrastructure of the General Directorate of Services for the Disabled and the Elderly. In order to contribute to the knowledge and experience of human resources specialists of the said institution, elaborating public and civil organizations of similar nature in the EU member states is planned. Besides the requirements of IT services will be met through this project. In this way, the technical infrastructure and human resources of the General Directorate will be strengthened and hence, it will be able to provide better quality service in this field. The project will reinforce the institutional capacity of the General Directorate of Services for the Disabled and the Elderly through enhancing the knowledge and experience of its staff on disability and overcoming the challenges arising from both the legislation and infrastructural shortcomings.

2.2.3- Project of Providing Free Access to Schools and Institutions of Students in Need of Special Education

The project has been designed in cooperation with the Administration for Disabled Persons of the Prime Ministry and the General Directorate of Special Education, Guidance and Counselling Services of the Ministry of National Education (MEB), for children who need special education with a view to ensuring their free access to schools and equal opportunity in education as well as encouraging disabled students to have education.

The number of students that benefitted from the project and the funds allocated to the project is as follows (the first step of the project started in the second term of the 2004-2005 academic year, in the 2010-2011 academic year step VII is in process);

Table 23: The number of students benefitted from the project and the funds allocated to the Project

	Number of Students	Amount of Funds
Step IV 2007-2008	24,117	TL 24,981,217
Step V 2008-2009	27,178	TL 35,000,000
Step VI 2009-2010	31,982	TL 43,640,182

Source: General Directorate of Services for the Disabled and the Elderly

Currently the possibility of the inclusion of private sector special education schools to the project is under review.

2.2.4- Life-long Learning Strategy and Document of Turkey and Life-long Learning Action Plan for the 2009-2013 Period

Life-long Learning Strategy and Document of Turkey and Life-long Learning Action Plan for the 2009-2013 Period has been prepared for ensuring individuals in need of special education to receive vocational training in line with the demands of free market and to be furnished with skills that lead up to employment and participation into society and for promoting related and responsible agencies/institutions in their efforts to fulfil their obligations. The project is being carried out under the coordination of General Directorate of Apprenticeship and Non-Formal Education and with the participation of various related and responsible agencies/institutions. The activities that are being performed within the scope of this project are as follows;

- Development of non-formal education programs in accordance with disability conditions,
- Adaptation of current educational programs and equipment to the requirements of the individuals in need of special education,
- Raising knowledge and awareness of the staff employed in the institutions providing non-formal education services to persons with disabilities about the learning abilities, disabilities and educational requirements of persons in need of special education,
- Reorganization of the educational environment in line with the needs of persons who require special education,
- Carrying out coordinated efforts with related units in order to ensure satisfying the requisite, namely, “one’s compliance with the health and physical conditional requirements of the learning program he/she asks for”, applied by the educational institutions in student acceptance process understandable for everyone.

2.2.5- Turkey without Disabilities Project

Within the scope of “Turkey without Disabilities Project”, which is implemented across Turkey, it is planned to hold one day contact meetings (for the related public service administrators in daytime, for non-governmental organizations, the disabled and their relatives in the evenings) in the provinces in order to inform the state, local administration officials, the related non-governmental organizations, the disabled and their relatives about raising awareness on disability and the whole society through media.

The basic objective of the project is to overcome the problems arising during implementation process through giving exact information to the State, local administration officials and the related non-governmental organizations about the Disability Act and the related legislation and to raise awareness through informing the disabled persons, their relatives and the whole society via conferences and media. The target is to raise awareness among 8.5 million disabled persons and their families about disability as a result of these catch-up works.

In the contact meetings and conferences held during the project, implementation processes are explained through giving information about;

- raising awareness about disability,
- introduction to the disability legislation,
- Education, care, vocational training and rehabilitation, employment, accessibility, social security of the disabled persons and the social benefits provided for them.

2.2.6- General and Vocational Training Activities for the Disabled

The MEB has adopted social integration of the students requiring special training in the educational environment as a basic approach. Integration practices in the field of special education were accepted as a principle in recent years and hence, it is ensured for all branch teachers in the Ministry of National Education and the elementary school teachers to participate in the seminars for integration training in various periods.

Furthermore, teacher candidates in the faculty of education of the universities are subject to various trainings on the approach, attitude and directing for the people with disabilities. The other teacher candidates in the departments of special education are instructed in more detail in the field of disability they are specialized within the framework of being responsible from the education and training of the disabled persons.

Within this framework, the individuals requiring special training sustain their vocational training at a level of secondary education primarily together with their counterparts with no disabilities through integration in the vocational and non-formal education institutions. Where this is not

possible, these persons are educated in the special training schools and institutions affiliated to the Directorate General of Special Training Guidance and Counselling Services (DGSTGCS) of the MEB.

Vocational training is offered for the individuals having impaired hearing or orthopaedic handicaps via vocational special training high schools, for the visually-impaired persons via business schools, for the individuals with mental disabilities via business schools and business training centres and for the autistic persons via business training centres under the DGSTSCS. In this context, 243 schools/institutions giving vocational training are available under the DGSTSCS.

“Vocational and Technical Education Programmes” are implemented in the vocational special training high schools for the students who sustain their vocational training through integration and for the individuals having impaired hearing and are orthopedically handicapped under the related provisions of the Regulation on Special Training Services. Besides, personalized education programmes are prepared for the students.

Furthermore, the individuals completed their primary education and below the age of 21 and in need of special education, continue their education in the business schools opened in accordance with Article 45 of the Regulation on Special Training Services. Individuals are given academic information as well as business and vocational training here. The aim is to integrate them into the society as self-sufficient individuals. The study period of the business school is four years and the students graduated from this school are granted Business School Diploma. This diploma is equal to the secondary education diploma and provides the same rights in job placement. However, it does not provide the right to higher education. Within this scope, 82 business schools offer education for the people with mental disabilities and two of them serve for the visually-impaired persons.

Persons who require special education and are out of compulsory education age and cannot benefit from general education programmes, attend the business training centres opened in accordance with Article 46 of the same Regulation.

Individuals are offered programmes in these institutions targeted to provide academic information and skills as well as skills for business and profession. In these institutions, where the course programmes in different periods and subjects exist, the student having completed any of the courses is given a Certificate of Business Training Centre Course Completion which shows that he/she has completed that course. However, this certificate is not equal to the certificate granted by the vocational training centres.

Moreover, vocational courses for disabled persons are organized by the Turkish Employment Organisation (İŞKUR) and the Directorate General of Apprenticeship and Non-Formal Education of the MEB.

3- STATISTICS AND OTHER INFORMATION

Statistics on the persons with disabilities are as follows:

Table 24: Disabled population by type of disability

Özrün türüne göre özürlü nüfus, 2002 - Disabled population by type of disability, 2002													
A. Toplam-Total			B. Erkek-Males			C. Kadın-Females							
Özrün türü - Type of disability													
Toplam Total			Ortopedik özürlü Orthopedical disability		Görme özürlü Seeing disability		İşitme özürlü Hearing disability		Dil ve konuşma özürlü Speaking disability		Zihinsel özürlü Mental disability		
A	B	C	B	C	B	C	B	C	B	C	B	C	C
Toplam-Total	1 772 315	1 039 942	732 373	503 552	354 078	238 304	174 009	137 998	114 809	164 940	98 068	199 028	132 215
0-9	216 805	123 922	92 883	48 370	41 572	25 903	20 437	15 689	11 740	41 108	23 117	36 517	23 164
10-19	243 580	142 039	101 541	58 136	37 730	24 793	20 484	18 108	17 640	32 563	21 511	42 415	30 285
20-29	312 743	198 051	114 692	96 258	55 334	35 235	20 587	23 149	16 674	32 864	19 731	51 846	29 978
30-39	268 354	164 160	104 194	84 833	47 556	31 514	16 769	18 506	18 141	21 451	11 422	31 212	25 214
40-49	209 959	132 167	77 792	69 139	41 013	30 930	18 534	14 679	12 913	13 815	6 956	20 971	9 833
50-59	164 852	94 146	70 706	52 943	38 334	26 496	19 749	10 938	9 882	9 965	5 357	7 691	5 333
60-69	180 813	96 682	84 131	50 661	48 062	30 047	24 718	15 503	11 493	7 819	6 590	5 008	4 570
70+	173 987	88 151	85 836	43 073	43 879	33 076	32 731	21 287	16 326	5 216	3 384	3 054	3 838
Bilinmeyen	1 222	624	598	139	598	310	-	139	-	139	-	314	-
Unknown													

Source: State Institute of Statistics (SIS), Turkey Disability Survey 2002

Table 25: The proportion of disabled population by type of disability

Özrün türüne göre özürlü nüfus oranı, 2002

The proportion of disabled population by type of disability, 2002

(%)					
	Ortopedik özürlü Orthopedical disability	Görme özürlü Seeing disability	İşitme özürlü Hearing disability	Dil ve konuşma özürlü Speaking disability	Zihinsel özürlü Mental disability
Türkiye - Turkey	1,25	0,60	0,37	0,38	0,48
Yaş grubu					
Age group					
0-9	0,64	0,33	0,20	0,46	0,42
10-19	0,77	0,36	0,29	0,43	0,58
20-29	1,21	0,45	0,32	0,42	0,65
30-39	1,26	0,46	0,35	0,31	0,54
40-49	1,39	0,62	0,35	0,26	0,39
50-59	1,79	0,91	0,41	0,30	0,26
60-69	2,80	1,56	0,77	0,41	0,27
70+	3,94	2,98	1,70	0,39	0,31

Source: State Institute of Statistics (SIS), Turkey Disability Survey 2002

Table 26: Number of programs for disabled persons organized by the İŞKUR

Vocational training and rehabilitation activities of the İŞKUR for persons with disabilities		
Years	Number of Programs	Number of beneficiaries
2007	162	2,133
2008	273	3,582
2009	220	2,619
2010	351	3,638

Source: İŞKUR

Table 27: Number of schools, students and teachers in Special Education Institutions

Özel Eğitim Kurumlarında okul, öğrenci ve öğretmen sayısı						
Number of schools, students and teachers in Special Education Institutions						
[2007/08 Öğretim yılı- The education year 2007/08]						
A. Toplam-Total		B. Erkek-Males		C. Kadın-Females		
Eğitim kademesi Level of Education	Okul/sınıf/ kurum School/ class/ institution	Öğrenci sayısı Number of students			Öğretmen Teacher	
		A	B	C	Kadrolu Permanent	Sözleşmeli Contractual
Toplam - Total	744	33 036	20 257	12 779	6 479	95
Özel Eğitim Örgün Eğitim Toplamı Total of Special Education, Formal Education	579	24 613	15 620	8 993	5 923	95
Özel Eğitim Okulu Bünyesindeki Anasınıfları Kindergartens within Special Education Schools	69	646	397	249	109	-
İşitme Engelliler İlköğretim Okulu Total of Special Education, Formal Education	48	4 967	2 871	2 096	1 027	46
Görme Engelliler İlköğretim Okulu Primary School for the Visually-Impaired	16	1 349	785	564	386	6
Ortopedik Engelliler İlköğretim Okulu Primary School for the Orthopedic-Impaired	3	442	231	211	74	-
Eğitilebilir Zihinsel Engelliler İlköğretim Okulu Primary School for the Educable Mentally Impaired	50	2 889	1 885	1 004	864	10
Otistik Çocuklar Eğitim Merkezi Training Center for Autistic Children	22	692	551	141	230	2
Uyum Güçlüğü Olanlar İlköğretim Okulu Primary School for Children with Adaptation Problems	1	29	29	-	12	-
Öğretilebilir Zihinsel Engelliler (Eğt.Uyg.Okul.İlköğrt.) Mentally Impaired capable of Learning (Training Imp.School-Primary Education)	121	5 328	3 406	1 922	1 488	23
Özel Özel Eğitim İlköğretim Okulu Private Special Education Primary School	168	4 138	2 508	1 630	1 201	-
Ortopedik Engelliler Meslek Lisesi Vocational High School for the Orthopedic Impaired	2	96	64	32	25	-
İşitme Engelliler Meslek Lisesi Vocational High School for the Hearing Impaired	15	1 301	894	407	214	8
Eğitilebilir Zihinsel Engelliler Meslek Lisesi Vocational High School for the Educable Mentally Impaired	64	2 736	1 999	737	293	-
Özel Eğitim Yaygın Eğitim Toplamı Total of Special Education, Non-Formal Education	165	8 423	4 637	3 786	556	-
Öğretilebilir Zihinsel Engelliler (İş Eğitim Merkezi) - Mentally Impaired Capable of Learning (Vocational Training Center)	120	2 578	1 736	842	48	-
Bilim ve Sanat Merkezi (Yetenekli ve Üstün Zekalılar) Science and Arts Center (for Talented and Gifted Children)	43	5 756	2 828	2 928	508	-
Otistik Çocuklar İş Eğitim Merkezi Vocational Training Center for Autistic Children	2	89	73	16	-	-

Source: TÜİK; National Education Statistics, Formal Education 2009-2010

Table 28: Number of schools, students and teachers in Special Education Institutions

Özel eğitim kurumlarında okul, öğrenci, öğretmen ve derslik sayısı								
Number of schools, students, teachers and classroom in special education institutions								
[2008/'09 Öğretim yılı- The educational year 2008/'09]								
Eğitim kademesi Level of Education	Okul/ sınıf/ kurum School/ class/ institution	Öğrenci sayısı Number of students			Öğretmen Teacher			Derslik Classroom
		Toplam Total	Erkek Males	Kadın Females	Toplam Total	Kadrolu Permanent	Sözleşmeli Contractual	
Toplam - Total	945	33 936	20 848	13 088	7 135	6 748	387	5 120
Özel Eğitim Örgün Eğitim Toplamı Total of Special Education, Formal Education	583	25 386	16 022	9 364	6 481	6 351	130	4 746
Özel Eğitim Okulu Bünyesindeki Anasınıfları Kindergartens within Special Education Schools	65	513	304	209	57	51	6	121
İşitme Engelliler İlköğretim Okulu Primary School for the Hearing-Impaired	48	4 821	2 756	2 065	1 113	1 067	46	675
Görme Engelliler İlköğretim Okulu Primary School for the Visually-Impaired	15	1 354	775	579	396	391	5	278
Ortopedik Engelliler İlköğretim Okulu Primary School for the Orthopedic-Impaired	3	461	253	208	81	81	-	62
Eğitilebilir Zihinsel Engelliler İlköğretim Okulu -Primary School for the Educable Mentally Impaired	50	2 881	1 857	1 024	918	901	17	537
Otistik Çocuklar Eğitim Merkezi Training Center for Autistic Children	25	580	478	102	278	264	14	253
Uyum Güçlüğü Olanlar İlköğretim Okulu Primary School for Children with Adaptation Problems	1	40	40	-	14	14	-	10
Öğretilbilir Zihinsel Engelliler (Eğitim Uygulama Okulu)(İlköğretim) Mentally Impaired capable of Learning (Training Imp. School-Primary Education)	125	5 706	3 612	2 094	1 579	1 544	35	1 099
Özel Özel Eğitim İlköğretim Okulu Private Special Education Primary School	171	4 302	2 620	1 682	1 461	1 461	-	1 446
Ortopedik Engelliler Meslek Lisesi Vocational High School for the Orthopedic Impaired	2	118	79	39	28	28	-	20
İşitme Engelliler Meslek Lisesi Vocational High School for the Hearing Impaired	16	1 692	1 133	559	233	229	4	108
Eğitilebilir Zihinsel Engelliler Meslek Lisesi Vocational High School for the Educable Mentally Impaired	62	2 918	2 115	803	323	320	3	137
Özel Eğitim Yaygın Eğitim Toplamı Total of Special Education, Non-Formal Education	362	8 550	4 826	3 724	654	397	257	374
Öğretilbilir Zihinsel Engelliler (İş Eğitim Merkezi) Mentally Impaired Capable of Learning (Vocational Training Center)	112	2 867	1 918	949	56	26	30	20
Bilim ve Sanat Merkezi (Yetenekli ve Üstün Zekalılar) Science and Arts Center (for Talented and Gifted Children)	50	5 534	2 787	2 747	598	371	227	354
Otistik Çocuklar İş Eğitim Merkezi Vocational Training Center for Autistic Children	2	149	121	28	-	-	-	-
Rehberlik ve Araştırma Merkezi Guidance and Research Centre	198	-	-	-	-	-	-	-

Source: TÜİK; National Education Statistics, Formal Education 2009-2010

Table 29: Number of schools, students and teachers in Special Education Institutions

Özel eğitim kurumlarında okul, öğrenci öğretmen ve derslik sayısı								
Number of schools, students, teachers and classrooms in special education institutions								
[2009/'10 Öğretim yılı - The educational year 2009/'10]								
Eğitim kademesi Level of education	Okul/ sınıf/ kurum School/ class/ institution	Öğrenci sayısı Number of students			Öğretmen Teacher			Derslik Classroom
		Toplam Total	Erkek Males	Kadın Females	Toplam Total	Kadrolu Permanent	Sözleşmeli Contractual	
Toplam - Total	1 136	61 801	37 526	24 275	7 579	7 223	356	5 992
Özel Eğitim Örgün Eğitim Toplamı Total of Special Education, Formal Education	602	28 195	17 915	10 280	6 928	6 579	349	5 536
Özel Eğitim Okulu Bünyesindeki Anasınıfları Kindergartens within Special Education Schools	77	659	401	258	87	61	26	130
İşitme Engelliler İlköğretim Okulu Primary School for the Hearing-Impaired	49	4 598	2 637	1 961	1 096	1 053	43	678
Görme Engelliler İlköğretim Okulu Primary School for the Visually-Impaired	15	1 325	777	548	392	389	3	280
Ortopedik Engelliler İlköğretim Okulu Primary School for the Orthopedic-Impaired	3	485	259	226	79	79	-	63
Eğitilebilir Zihinsel Engelliler İlköğretim Okulu Primary School for the Educable Mentally Impaired	54	2 933	1 882	1 051	1 001	950	51	672
Otistik Çocuklar Eğitim Merkezi Training Center for Autistic Children	33	1 206	964	242	404	349	55	362
Uyum Güçlüğü Olanlar İlköğretim Okulu Primary School for Children with Adaptation Problems	1	39	39	-	13	13	-	10
Öğretilebilir Zihinsel Engelliler (Eğitim Uygulama Okulu)(İlköğretim) Mentally Impaired capable of Learning (Training Imp. School-Primary Education)	129	6 973	4 403	2 570	1 750	1 598	152	1 225
Özel Özel Eğitim İlköğretim Okulu Private Special Education Primary School	145	4 117	2 500	1 617	1 448	1 448	-	1 795
Ortopedik Engelliler Meslek Lisesi Vocational High School for the Orthopedic Impaired	2	135	95	40	28	27	1	5
İşitme Engelliler Meslek Lisesi Vocational High School for the Hearing Impaired	17	1 822	1 192	630	258	249	9	156
Eğitilebilir Zihinsel Engelliler Meslek Lisesi Vocational High School for the Educable Mentally Impaired	77	3 903	2 766	1 137	372	363	9	160
Özel Eğitim Yaygın Eğitim Toplamı ⁽¹⁾ Total of Special Education, Non-Formal Education ⁽¹⁾	534	33 606	19 611	13 995	651	644	7	456
Öğretilebilir Zihinsel Engelliler (İş Eğitim Merkezi) - Mentally Impaired Capable of Learning (Vocational Training Center)	130	3 824	2 550	1 274	62	56	6	11
Bilim ve Sanat Merkezi (Yetenekli ve Üstün Zekalılar) - Science and Arts Center (for Talented and Gifted Children)	57	6 942	3 459	3 483	589	588	1	445
Otistik Çocuklar İş Eğitim Merkezi Vocational Training Center for Autistic Children	5	278	220	58	-	-	-	-
Özel Özel Eğitim Okulu (Yaygın Eğitim) Private Special Education School (Non-Formal Education)	137	22 562	13 382	9 180	-	-	-	-
Rehberlik ve Araştırma Merkezi Guidance and Research Centre	205	-	-	-	-	-	-	-

(1) Yaygın Eğitim Kurumlarına ait kursiyer sayısı bilgileri 2008/09 öğretim yılı sonu itibarıyla verilmiştir.

(1) The figures on the number of trainees in non-formal education institutions refer to the end of educational year 2008/09.

Not.

1. İlköğretim okullarında 9 727 erkek, 5 980 kız olmak üzere toplam 15 707 öğrenci özel eğitim sınıflarında öğrenim görmektedir.

2. İlköğretim okullarında 23 064 erkek, 48 078 kız olmak üzere toplam 71 142 öğrenci, ortaöğretim okullarında 2 854 erkek, 2 208 kız olmak üzere toplam 5 062 öğrenci kaynaştırma eğitimi almaktadır.

Note.

1. In primary education institutions total of 15 707 students (9 727 boys, 5 980 girls) receive instruction in special education classes.

2. Total of 71 142 students (23 064 boys, 48 078 girls) in primary education institutions and 5 062 students (2 854 boys, 2 208 girls) in secondary education institutions receive inclusive education.

Source: TÜİK; National Education Statistics, Formal Education 2009-2010

4- RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

For the period 1st January 2007 to 31st December 2010, detailed information on the number of persons with disabilities waiting for vocational training does not exist however; the number of persons with disabilities applied to the İŞKUR was 161,540. The numbers of persons by years are shown in the table below:

Table 30: Number of persons with disabilities applied to İŞKUR for attending vocational training

Years	Number of persons with disabilities applied to İŞKUR
2010	36,144
2009	40,519
2008	48,480
2007	36,397
Total	161,540

Source: İŞKUR

Article 15 Paragraph 2

the Parties undertake, in particular; to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;

Scope of the provisions as interpreted by the ECSR

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

1- LEGAL FRAMEWORK

1.1- The Constitution of the Republic of Turkey

In accordance with Article 50 of the Constitution; “No one shall be required to perform work unsuited to his age, sex and capacity. Minors, women and persons with physical or mental disabilities shall enjoy special protection with regard to working conditions.”

Again pursuant to Article 61 entitled “Persons Requiring Special Protection in the Field of Social Security” of the Constitution; “The State shall take measures to protect the disabled and secure their integration into community life.”

1.2- Labour Law No. 4857

In Article 30 of the Labour Law (LL) No. 4857, employers are obliged to employ persons with disabilities at the share of 3% in the workplaces where they employ 50 or more workers and in addition to this, the principle of employing the worker having these qualifications appropriate to his/her profession, physical and mental condition was accepted. The Council of Ministers has introduced incentives concerning the insurance premium for the employers hiring more disabled persons than the determined rates shall pay. In case of contradiction fines are stipulated to be imposed.

In cases contradicting this Article, the fines to be collected under Article 101 shall be used for professional training and professional rehabilitation, business set-up of the persons with disabilities and ex-convicts as well as supportive technologies that facilitate the disabled persons’ job-hunting and in similar projects.

1.3- Civil Servants Law No. 657

In accordance with Article 53 of the Civil Servants Law No. 657, public institutions and agencies are obliged to employ disabled persons at the share of 3% in the positions belonging to the staff employed within the scope of the abovementioned Law.

1.4- Regulation on Domestic Job Placement Services

The following stipulations concerning the employment of the disabled persons take place in the Regulation on Domestic Job Placement Services published in the Official Gazette No. 27210, dated 25 April 2009:

- a) introducing no upper limit to the disability degree and not discriminating against any disability group as long as the nature of work so justifies,
- b) imposing no discrimination against disabled persons while recruiting , notably at the stages of job choosing, designing the application forms, selecting process, technical assessment, suggested working periods and conditions,
- c) no segregative treatment against disabled persons,
- d) designing the workplaces with a view to facilitating the employment of disabled persons and supplying disabled-friendly jobs, taking necessary measures for their health, employing them in the jobs compatible with their profession or the like, improving their knowledge and skills about their jobs, supplying necessary equipment for their work and fixing the working hours in accordance with the situation of the disabled persons observing the stipulations in the labour law, if suitable conditions prevail.

Furthermore, the abovementioned Regulation involves the provision that an administrative fine shall be imposed on the employers failing to fulfil his/her obligations on employing disabled persons.

1.5- Regulation on Procedures and Principles Regarding the Recruitment of Workers at Public Agencies and Organisations

The abovementioned regulation, which entered into force following its publication in the Official Gazette no.27314, dated 09.08.2009, covers provisions regarding the recruitment of workers, including the disabled persons, at public agencies and organisations.

The above-mentioned Regulation includes provisions, on

- exclusion of the stipulation of not being disabled, while public agencies and organisations demand labour force, as long as the nature of work so justifies,
- introducing no upper limit to the disability degree, and not discriminating against any disability group,
- carrying out the examinations for persons with disabilities in an appropriate environment,
- determining the type and questions of the examination regarding knowledge and skills of the persons with disabilities about the occupation and job, taking into consideration their hearing and/or speaking levels and, in regard to the mentally disabled persons, their learning and perception levels, as well as language development and verbal communication difficulties,
- assignment of one of the members of the committee, established notably for the entrance examination of disabled persons by the Confederation of the Turkish Disabled Persons.

2- IMPLEMENTATION

2.1- The Council of Disabled Persons

The Fourth Meeting of the Council of Disabled Persons was held in Ankara on 16 to 20 November 2009, with the main theme of “Employment”, with a view to contributing to the studies which would be carried out within the scope of employment of the persons with disabilities. The sub

themes of the abovementioned activity were; “Employment Methods and New Approaches”, “Preparing for the Job and Job Placement”, “Sustainability of Employment”, “Equal Opportunities and Discrimination Based on Disability in Employment”. 125 council decisions were taken with the participation of academicians, disabled persons, related agencies and organisations and the representatives of NGOs.

2.2- An Improved Employment Strategy and Vocational Rehabilitation Project for the Disabled

The project, realized within the framework of “MATRA Pre-accession Project Programme” in cooperation with the Netherlands during EU accession process, was implemented in Izmir, a pilot province, between 2007 and 2008 and was completed by the end of 2008 with a budget of EUR 450.000.

The activities of the Project for the disabled were as follows:

- a) The persons with disabilities, as one of the disadvantaged groups, were placed at the top of the employment agenda during the Project.
- b) The Netherlands-Turkey legislation cross-match made within the scope of the Project, paved the way for both contributing to the perspective of all the parties on the employment of the disabled and establishing new cooperation possibilities for the İŞKUR, as a public employment agency.
- c) 100 disabled persons were employed in Izmir, the pilot province of the Project.
- d) An introductory film was made to be featured in national channels with the purpose of raising awareness about the employment of the disabled in Turkey and sharing the outputs of the project.
- e) The forms of “Description of Working Conditions”, “General Registration” and “Jobseeker Working Skill” were developed in order to be used in the job placement of the disabled. These forms were used during the Project in Izmir, the pilot province, and they are still being used after the Project.
- f) A programme was developed in Access/database in order to be used again in the employment of the disabled. It was used in 5 computers in the pilot province and is still being used. The İŞKUR has initiated the necessary studies to integrate both the forms and the Access programme to the work processes.

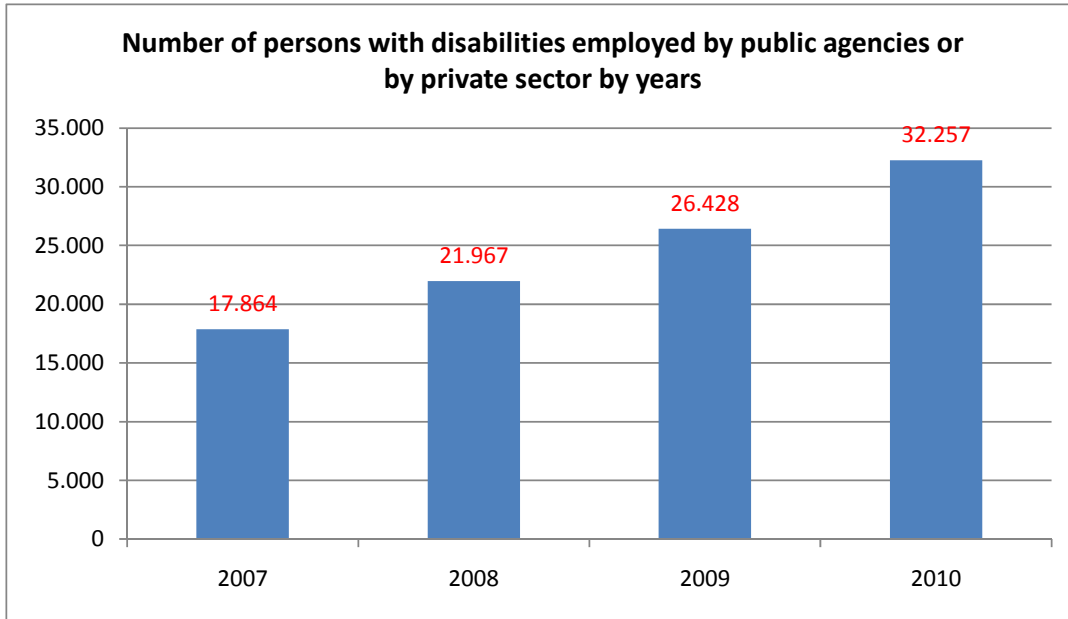
2.3- Reimbursement of the insurance premiums of the employees with disabilities by the State

The whole employers’ shares of insurance premiums of disabled insured persons, employed by the private sector employers pursuant to Article 30 of the LL and those employed in sheltered workplaces in accordance with Article 14 of the Law No. 5378 **on Persons with Disabilities**, are paid by the Treasury. Similarly, 50% of the employers’ shares of insurance premiums of the employers, employing disabled workers over the quota or employing disabled although they are not obliged to do so are again met by the Treasury.

3- STATISTICS AND OTHER INFORMATION

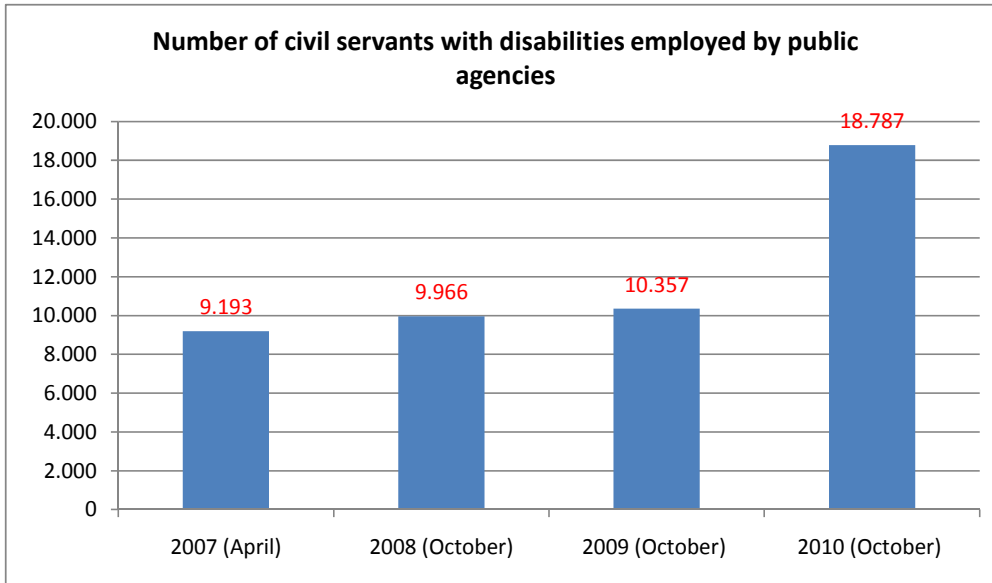
Statistics on the employment of the persons with disabilities is as follows:

Figure 1: Number of persons with disabilities employed by public agencies or by private sector by years



Source: İŞKUR

Figure 2: Number of civil servants with disabilities employed by public agencies by years



Source: State Personnel Administration

Table 31: Disabled civil servants by their educational status, degree and type of disability

		Female	Male	Persons
Degree of Disability (%)	40-60	2,893	10,502	13,395
	61-80	372	2,651	3,023
	81-100	471	1,898	2,369
Total		3,736	15,051	18,787
Type of Disability	Hearing Impaired	252	787	1,039
	Speaking Impaired	69	184	253
	Hearing and Speaking Impaired	116	686	802
	Mental Disability	175	959	1,134
	Orthopaedic Disability	1,968	7,136	9,104
	Visually Impaired	642	2,607	3,249
	Other	514	2,692	3,206
Total		3,736	15,051	18,787
Educational Background	Primary Education	476	4,251	4,727
	Secondary Education	1,536	6,157	7,693
	Undergraduate	554	1,659	2,213
	Graduate	1,092	2,759	3,851
	Postgraduate	78	225	303
Total		3,736	15,051	18,787

Source: State Personnel Administration

Article 15 Paragraph 3

the Parties undertake, in particular; to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

Scope of the provisions as interpreted by the ECSR

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

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

1- LEGAL FRAMEWORK

1.1- United Nations Convention on the Rights of Persons with Disabilities

United Nations Convention on the Rights of Persons with Disabilities, which is regarded as part of the national law in accordance with Article 90 of the Constitution, signed on 30 March 2007 and ratified on 3 December 2008 by Turkey.

1.2- Circular Note No. 2009/12 of the Prime Ministry

The Circular of the Prime Ministry no. 2009/12, published in the Official Gazette dated 3 July 2009, contains provisions related with the right of persons with disabilities to independence, social integration and participation in the life of the community.

2- IMPLEMENTATION

2.1- Projects

2.1.1- Project on Fight against Discrimination on the Basis of Disability in Turkey

This project has been implemented by the Administration for Disabled Persons of the Prime Ministry with the cooperation of the Human Rights Authority of the Prime Ministry under the European Union (EU) Program on Employment and Social Solidarity Program (PROGRESS) 2009. Within the scope of the project, the "Survey on the Measurement of Discrimination on the Basis of Disability" has been implemented with a view to contributing to the strategies on fight against discrimination on the basis of disability in Turkey and to fact-based policy-making in this area. In an effort to provide the platform for sharing the survey results, assessing the disability policies pursued by the EU and Turkey EU policies and legislation, the "Fight against Discrimination on the Basis of Disability Symposium" was organized on 4-5 November 2010 in Ankara with the participation of whole public authorities and social partners.

2.1.2- Pilot Project on Model Disability-Friendly Cities

The Administration for Disabled Persons, the Metropolitan Municipality of Konya Province, the Municipality of Karaman Province, the Municipality of Hendek District and the Municipality of Keçiören District have been carrying out the "Project on Model Cities without Disability" within the framework of a protocol. With a view to ensuring accessibility;

- a) extending modern practices of accessibility via best practises,
 - b) Informing public and enhancing the public awareness
- have been targeted in those efforts.

2.1.3- Project on Model Disability-Friendly Higher Education Dormitories

This project has been carried out by the Administration for Disabled Persons and the General Directorate of Higher Education Allowances and Dormitories Institution and within the scope of this project, following a training seminar for the technical staff of the Institution as regard accessibility, a higher education dormitory has been picked up as a model application site and its open air areas, entrance and interior have been modified with regard to accessibility.

2.2- Other Activities

2.2.1- Sports Complex for Persons with Disabilities

An initiative launched by the General Directorate of Youth and Sports together with Sports Federations of Persons with Disabilities, construction of a sports complex suitable any group of disabled persons is planned.

2.2.2- Publications

Within the scope of the Project on Fight against Discrimination on the Basis of Disability in Turkey, 1,000 symposium books and 1,000 copies CD versions of the said books, 1,500 books with regard to the survey carried out within the framework of the project and 200 research CDs were produced and distributed to the relevant agencies and organizations.

The publications prepared by the European Conference of Ministers of Transport, namely, “A Guide to Improving Transport for People with Mobility Disability” and “Improving Accessibility for All – Guide to Good Practice” translated and published by the Administration for Disabled Persons in 1999 and 2008 respectively. These guides introduce accessibility and bring forward solution alternatives from different countries particularly for the executive institutions serving in the transportation sector.

First and second editions of “Basic Information about Accessibility-Technical Handbook for Local Administrations”, which contains basic norms and standards of necessary adjustments for persons with disabilities for the use of technical staff of municipalities of all size, were published in 2009 and 2010 respectively.

2.2.3- Standardization

In order to modernize existing standards, which are referred to by the legislation concerning public works and by the Law **on Persons with Disabilities** and are an important guide for accessibility improvements, revision of “TS 9111 Rules for the Adjustment of the Buildings Settled by the Persons with Disabilities” standards in progress have been reviewed and revised in close cooperation with Turkish Standards Institution.

Besides, the initiative concerning the review and revision of the “TS 12576 Rules for the Planning of Urban Roads – Structural Precautions in Streets, Avenues, Squares and Roads for the Disabled and the Elderly” has been launched in cooperation with Turkish Standards Institution and Ministry of Internal Affairs.

2.2.4- Cultural Activities

With an effort of by the Administration for Disabled Persons, accessibility of the persons with disabilities to libraries, museums, theatres, opera and ballet halls, cultural centres, movies, ruins of ancient civilizations, tourist facilities, service buildings and the like, under the Ministry of Culture and Tourism, has been ensured and their enjoyment of services have been made possible in accordance with the 2nd Provisional Clause of the Law No. 5378 on Persons with Disabilities. In this context, the Draft Cultural Action Plan for Persons with Disabilities was prepared jointly by the Administration for Disabled Persons and the Ministry of Culture and Tourism in 2008. A protocol was signed between the General Directorate of State Theatres and the Administration for Disabled Persons for staging disability-themed dramas.

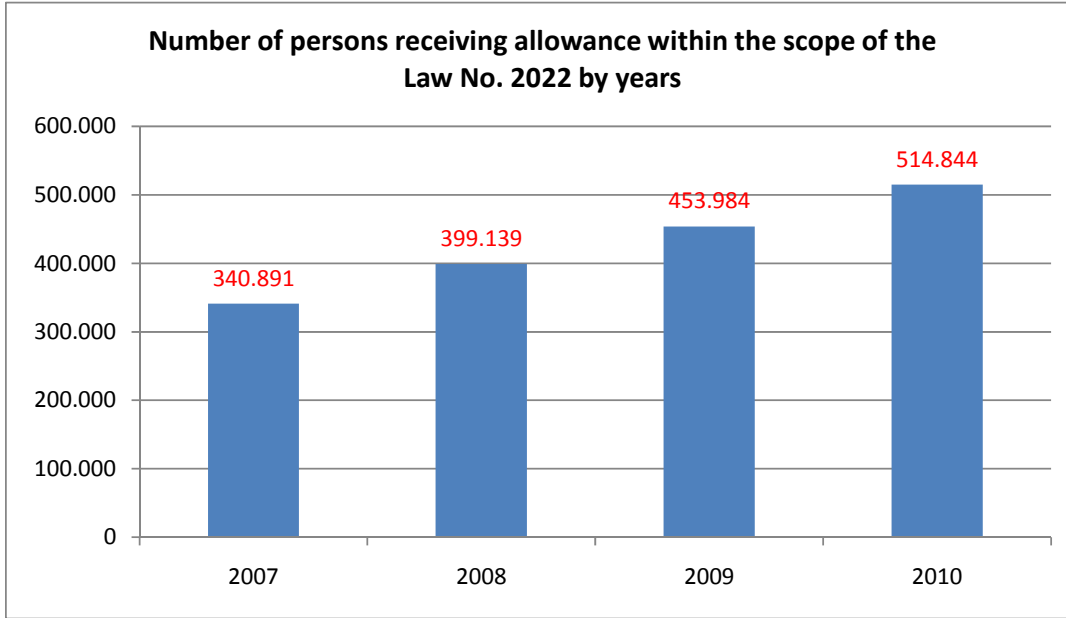
Besides, the persons with disability receiving allowance within the scope of the Law No. 2022 have right to enjoy museums and ruins of ancient civilizations free-of-charge, just submitting their ID

cards. Similarly, persons with disability can enjoy National Parks, Natural Parks, Natural Conservation Areas and Natural Monuments by submitting their ID cards. Furthermore, tent and caravan site fees are discounted at 50% for the persons with disabilities.

On the other hand, General Directorate of Libraries and Publications has been providing books for the house-bound ill, elderly and disabled persons in 20 provinces within the scope of the Project of “Home Delivery Books” since 2006. In the various libraries in 13 provinces “Speaking Library Sections” provide cultural publications support for visually-impaired persons.

3- STATISTICS AND OTHER INFORMATION

Figure 3: Number of persons receiving allowance within the scope of the Law No. 2022 by years



Source:

Social Security Institution (SGK)

Persons within this framework are as follows:

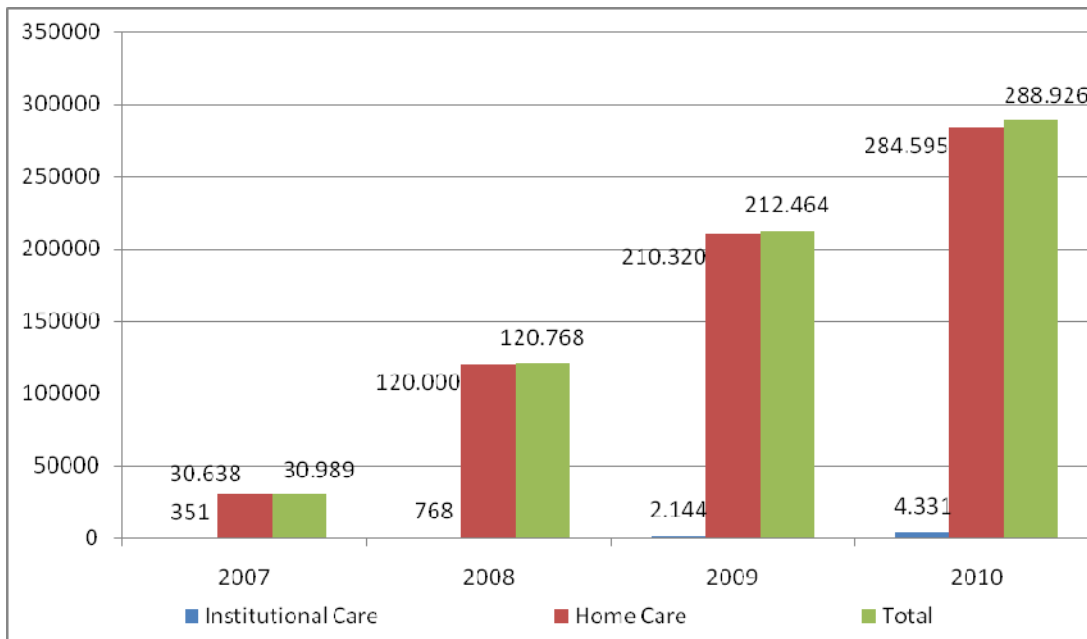
- Elderly people who are in need of care (over 65, degree of disability more than 70%) and receiving allowance for the elderly
- Persons receiving allowance for the disabled (degree of disability 40% - %69)
- People who are in need of care (degree of disability 70%) and receiving allowance for the disabled
- Relatives of the persons with disabilities (degree of disability 40% - below the age of 18) receiving allowance

Table 32: The number of persons benefiting from tax credit due according to the degree of incapacity for work by years

DEGREE OF INCAPACITY FOR WORK (%)				
Years	40-59	60-79	80-100	Total
01.01.2007-31.12.2007	7,324	3,291	3,268	13,883
01.01.2008-31.12.2008	6,997	3,316	2,739	13,052
01.01.2009-31.12.2009	7,295	3,875	2,467	13,637
01.01.2010-31.12.2010	9,254	4,699	2,948	16,091

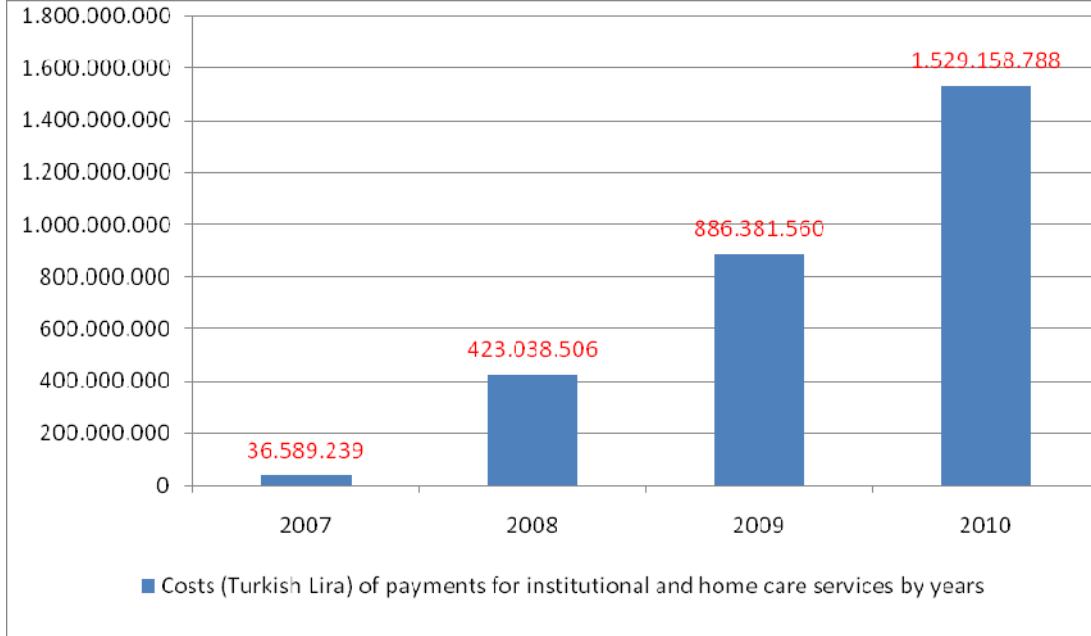
Source: Revenue Administration

Figure 4: Number of persons benefiting from institutional care or home care services by years



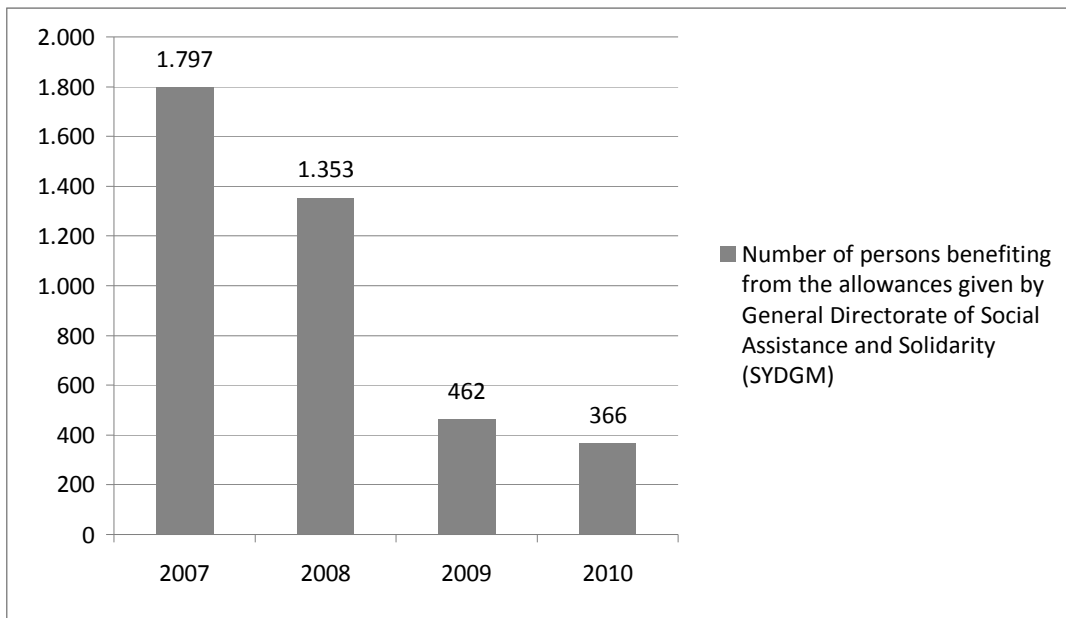
Source: Social Services and Child Protection Agency

Figure 5: Costs (Turkish Lira) of payments for institutional and home care services by years



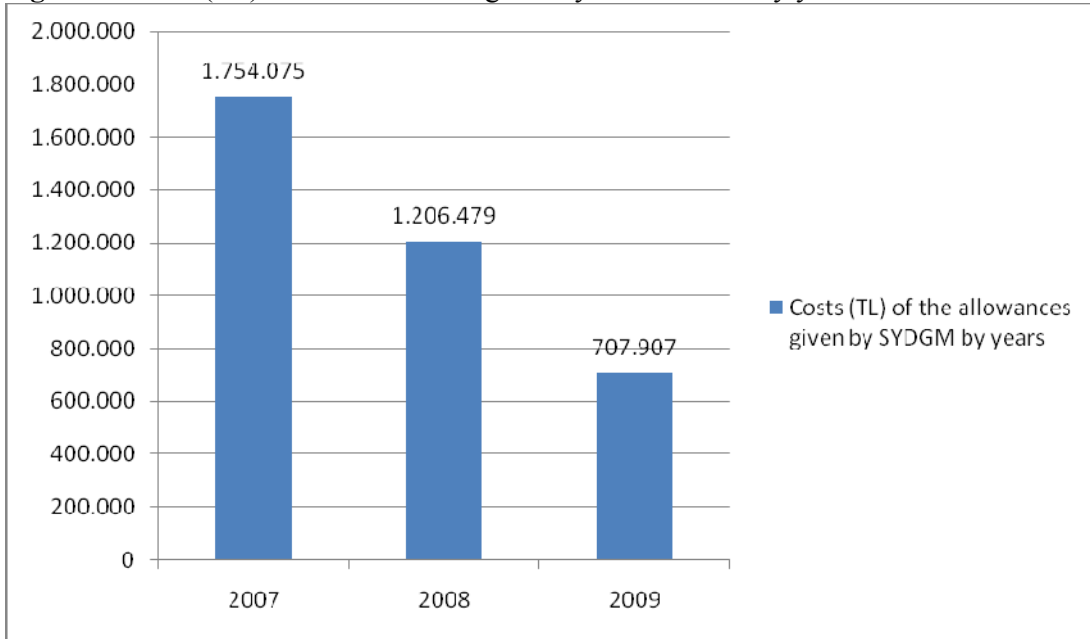
Source: Social Services and Child Protection Agency

Figure 6: Number of persons benefiting from the allowances given by the General Directorate of Social Assistance and Solidarity (SYDGM)



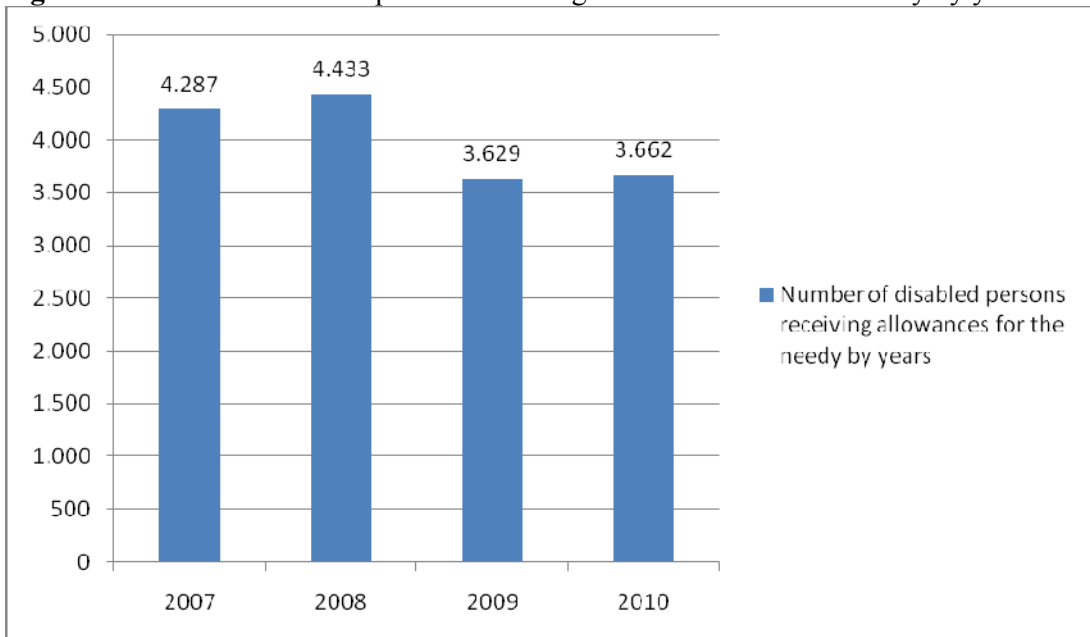
Source: SYDGM

Figure 7: Costs (TL) of the allowances given by the SYDGM by years



Source: SYDGM

Figure 8: Number of disabled persons receiving the allowance for the needy by years



Source: General Directorate of Foundations

ARTICLE 18 – THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party,

Article 18 Paragraph 1

the Parties undertake to apply existing regulations in a spirit of liberality.

Scope of the provisions as interpreted by the European Committee of Social Rights (ECSR)

Liberal application of existing regulations concerning the right to engage in a gainful occupation of foreign employees and self-employed who are nationals of a State party and who apply for a work permit in another State party as well as with respect to members of their family allowed to the country for the purpose of family reunion.

1- LEGAL FRAMEWORK

1.1- Law no. 4817 on the Work Permits of Foreigners

Article 21 of the Law no. 4817 on the Work Permits of Foreigners was amended on 23 January 2008 and hence, the administrative fines for employers who employ foreigners without permit and foreigners working without permit were increased.

Through the amendment made in Article 12 of the same Law on 23 January 2008, the implementation of granting preliminary work permit to foreigners who will work as engineer or architect was started besides it was envisaged that the process of work permit applications duly made in shall be finalized within 30 days which were originally 90 days.

1.2- Implementing Regulation of the Law on the Work Permits of Foreigners

Amendments were introduced to the above-mentioned Regulation with a view to concluding the work permit applications in a faster manner, easing the process and reducing the number of requested documents of application.

Another amendment made in to e said Regulation on 31 July 2010 introduced the compulsory electronic applications for work permit. By the amendment introduced on 28 April 2011 forwarding scan versions of required documents of work permit application electronically to the Ministry of Labour and Social Security (ÇSGB) instead of hard copies was started and work permit holding foreigners' shifting business was made easier.

2- IMPLEMENTATION

The Foreigners' Work Permits Automation Project which was prepared with a view to concluding the work permit applications of foreigners in a faster manner and handling the cases electronically, was initiated on 2 August 2010. Work permit applications have been received electronically via internet and applicants have been informed about all stages of processes electronically.

3- STATISTICS AND OTHER INFORMATION

Statistics are given below. Detailed information is available in the following section of this Report as regards the response to the Conclusions of the ECSR.

Table 33: Results of work permit applications in 2010

Number of granted permits	%	Number of refused applications	%	Number of returned or canceled applications	%	Total Applications
14.201	77,7	1.669	9,1	2.419	13,2	18.289

4-RESPONSE TO THE CONCLUSIONS XIX-1 OF THE EUROPEAN COMMITTEE ON SOCIAL RIGHTS (ECSR)

4.1- Foreign nationals who benefit from the exceptions provided in the Law n0. 4817 on the Work Permits of Foreigners No: 4817 dated 28 February 2003

According to Article 8 titled “Exceptional cases” of the Law no. 4817, the expression of “foreigner who are regarded in the scope of exceptional cases” means; foreigners married to a Turkish citizen, refugees, citizens of EU member states, spouses and children of diplomats, as well as administrative and technical in of embassies, consulates and representations of international organizations located in Turkey and foreigners who will work in public sector as key personnel.

4.2- Statistics on work permits

4.2.1- The proportional distribution of granted work permits and refused applications by countries are as follows:

Table 34- The proportional distribution of granted work permits and refused applications by countries in 2004-2010 period

Country		Percentage of Granted Work Permits (%)	Percentage of Refused Applications (%)
1	China	16,0	7,4
2	Russian Federation	9,7	15,9
3	Germany	6,0	3,8
4	USA	5,2	1,7
5	Ukraine	5,1	6,3
6	France	5,0	1,1
7	UK	4,8	3,1
8	Azerbaijan	3,1	6,4
9	Italy	2,7	0,8
10	Bulgaria	2,5	3,8
11	Japan	2,1	0,3

12	Islamic Republic of Iran	1,8	5,9
13	Greece	1,7	0,6
14	Indonesia	1,6	2,3
15	Moldavia	1,5	3,3
16	Canada	1,4	0,3
17	Republic of Korea	1,4	0,9
18	Iraq	1,3	4,3
19	Romania	1,3	1,5
20	Netherlands	1,2	0,8
21	Other Countries	24,5	29,7
	Total	100	100

4.2.2- Number of residence permits granted to work permit holders

2004: 21140
2005: 22128
2006: 22636
2007: 24881
2008: 18900
2009: 17483
2010: 19187

Article 18 Paragraph 2

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers.

Scope of the provisions as interpreted by the ECSR

Right of foreign workers to complete formalities required for the exercise of a gainful occupation from within the country of destination as well as from the country of origin, to obtain the residence and work permits at the same time, through a single application and within a reasonable time.

1- LEGAL FRAMEWORK

Article 33 and 34 of the Law no. 4817 on the Work Permits of Foreigners and the Law no. 492 on Charges stipulate the fees for the work permit of foreigners. Following the implementation of the Foreigners' Work Permits Automation Project the deposit of fees for work permits could be electronically monitored and hence, work permits could immediately be issued.

2- IMPLEMENTATION

Work permits which were used to be signed by the deputy director general in the ÇSGB , were started to be signed by heads of sections as a result of authorization introduced as of 18 September 2009.

Through the Foreigners' Work Permits Automation Project work permits were started to be received electronically as of 2 August 2010 and applicants have been informed electronically about missing documents, fee notification and permit approval.

It can be electronically controlled whether the amounts of fee for work permits have been deposited or not and actions are taken accordingly.

3- STATISTICS AND OTHER INFORMATION

3.1- The amount of fees for work permits of foreigners (for the year 2011)

3.1.1- Time bound (Termed) work permits:

- a) Up to 1 year (including 1 year) TL 119,70
- b) Up to 3 years (including 3 years) TL 360,20

The extensions are subject to the same amount of fees.

3.1.2- Indefinite work permits: TL 600,80

3.1.3- Work permits for self employment: TL 1.202,40

3.2- Waiting time for obtaining the work and residence permit

Work permit applications are processed and finished within 30 days maximum.

4-RESPONSE TO THE CONCLUSIONS XIX-1 OF THE EUROPEAN COMMITTEE ON SOCIAL RIGHTS (ECSR)

4.1- Waiting time to get an entry visa and work permit

4.1.1- Residence permit with the motive of employment

Foreigners who come to Turkey to work have to obtain a residence permit within one month after they came and in any case before starting to work.

Foreigners who come to Turkey to work have to come with a work permit they got from the Turkish Consulate in their country and get a residence permit within 30 days at the latest and before starting to work.

4.1.2- Application time for residence permit

Foreigners who come to Turkey for different purposes with long term or short term visas, with visa exemption, or with banderol or cachet visas have to obtain a residence permit.

Foreigners mentioned below have to obtain a residence permit from the police in the following periods:

- Foreigners who come with a visa exemption for 3 months: at the end of the 3 months,
- Foreigners who come with a visa exemption for less than 3 months or with other visas: at the end of those periods,
- Those who hold a residence permit: within 15 days following the end date of the permit,
- Foreigners who will work in Turkey: within 30 days following their date of entry and before they start to work.

Therefore the end date of the period for foreigners that they can stay without residence permit is also the start date of the residence permits that will be issued. On the other hand, residence permits

are issued on their request as of date of their entry for foreigners, who arrived, after obtaining a visa from Turkish foreign missions, for the purpose of employment, education, research and long-term stay.

But for the residence permits for foreigners who arrive holding banderol or cachet visas or enjoying a visa exemption, the expiry date of these visas will be considered as the start date of the residence permit.

4.1.2.1- Those who will get residence permit for the first time: These foreigners have to apply during the period of the visa or visa exemption.

4.1.2.2- Foreigners who got a residence permit and will extend the period: These foreigners have the right to extend their permit within **15 days** following the end date of the permit.

4.2- The fees to be paid for obtaining residence permit

The fees which have to be paid for obtaining a residence permit are given below:

Table 35: The fees for residence permits

RESIDENCE PERMIT BOOK	GENERAL	GERMANY	HOLLAND	ITALY	BELGIUM	SWITZERLAND	S. ARABIA	AUSTRIA	JAPAN	UK
	TL 138	TL 138	TL 138	TL 138	TL138	TL138	TL 138	TL 138	TL 138	TL 138
FIRST MONTH	77,85 TL	€ 4	€ 40	€ 1	€ 1	€ 4	\$ 40	€ 9	\$ 1	GBP 40
NEXT MONTH	TL 117,90	€ 2	€ 35	€ 1	€ 1	€ 4	\$ 38	€ 6	\$ 1	GBP 30
3 MONTHS (90 DAYS)	TL 181,45	€ 8	€ 110	€ 3	3 €	€ 12	\$ 116	€ 21	\$ 3	GBP 90
6 MONTHS (180 DAYS)	TL 336,85	€ 14	€ 215	€ 6	€ 6	€ 24	\$ 230	€ 39	\$ 6	GBP 180
1 YEAR (365 DAYS)	TL 647,85	€ 26	€ 425	€ 13	€ 13	€ 48	\$ 458	€ 75	\$ 13	GBP 370
5 YEARS (1825 DAYS)	TL 3.185,85	€ 122	€ 2.105	€ 60	€ 48	€ 196	\$ 1.826	€ 291	\$ 61	GBP 1800

* Austrian citizens married to Turkish citizens are exempt from fee.

* Citizens of the Czech Republic are exempt from fee.

* Citizens of Slovakia are exempt from fee.

* German citizens married to Turkish citizens and their children are exempt from fee.

* Penalty charge payments (Time exceeding 5 years are penalty-exempt)

4.3- Lowering the dual application procedure for residence and work permits to one

There are new regulations on one-stop-shop for work and residence permits in the new Draft Law on Foreigners which is elaborated by the Ministry of Interior. Article 27 of the Draft Law titled “work permit regarded as residence permit” envisages that valid work permit shall be considered as

residence permit. Therefore, with this regulation a foreigner who obtains a work permit will not need to apply again for a residence permit.

Article 18 Paragraph 3

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake to liberalize, individually or collectively, regulations governing the employment of foreign workers.

Scope of the provisions as interpreted by the ECSR

Periodic liberalisation of the regulations governing the employment of foreign workers. Conditions laid down for access by foreign workers to the national labour market must not be excessively restrictive. Restrictions of access for persons legally resident for a given length of time on the territory of another State party should be gradually lifted. Extension of the validity of the residence permit in the event of job loss so as to provide sufficient time for a new job to be found.

1-LEGAL FRAMEWORK

1.1- The Law no. 5951 introducing amendments to the Law no. 4817 on the Work Permits of Foreigners, was published in the Official Gazette no. 27484 dated 5 February 2010.

1.2- The Implementing Regulation of the Law on the Work Permits of Foreigners was amended by the Regulations published in the Official Gazettes nos. 27469 and 27918, dated 21 January 2010 and 28 April 2011 respectively.

The legislation has been liberalized by these amendments as follows:

1.2.1- Refugees and asylum seekers

The following provisions were added on 21 January 2010 to Article 7, titled “Domestic Applications” of the Implementing Regulation of the Law on the Work Permits of Foreigners and hence, the regulations and the practical applications turned out to be more liberal in respect of the mentioned persons:

“No satisfaction of the prerequisite concerning the residence period is sought in regard to the foreigners to whom refugee or asylum seeker status is granted by the Ministry of Interior. While assessing the work permit requests of those ascribed this status, all necessary measures are taken to finalize their work permit processes at the soonest possible, disregarding the provisions in Paragraph 4 of Article 13 of the Regulation.”

1.2.2- Exercise of preliminary permit

The preliminary permit is a new exercise introduced by the new provision, added to Article 12 of the Law no. 4817 by the Law no: 5951. The new provision reads as follows:

“A preliminary permit not exceeding one year may be granted, without prejudice to the legal provisions, to the foreigners who will work within the scope of professional services until the process with regard to their academic and professional qualifications.”

1.2.3- Limiting the scope of foreigners for whom consultations with other agencies are needed

Pursuant to Article 13 of the Law no. 4817 numerous agencies and organisations are consulted while the work permit applications are evaluated. Awaiting positive or negative opinions of those agencies and organizations might extend the evaluation process of the work permit application plus asking opinion for any application might put a negative effect on the processing period of other applications. In line with those concrete facts Article 12 of the Law has been amended and the following provision has been added:

“Opinions stated in this Law are not taken for foreigners who will be employed outside the scope of vocational education. Those persons are not subject to any academic and professional qualification exercise or demand of license and qualification exercise.”

Hence, lessening the procedures of the work permits of the foreigners who will be employed outside the scope of vocational education has been ensured.

1.2.4- Waiting time for processing and finalizing applications

The period for processing applications which was stated as 90 days in Article 12 of the Law no. 4817, has been reduced to 30 days. According to the new regulation; “the process of duly made application finalized by the Ministry within 30 days at the latest on condition that all required documents are complete.”

1.2.5- Electronic application

Amendment introduced on 21 January 2010 to Article 5 of the Implementing Regulation paved the way to “electronic work permit applications” which had been previously required to be made in “writing”. This regulation contributes to finalization of the process of work permits in shorter time as well as reducing the amount of expenses incurred in obtaining the permits.

1.2.6- Period of time envisaged for producing the documents as regards applications made from abroad

Article 6 of the Implementing Regulation has been amended and the period of time, stated as 3 workdays at the latest from the date of application for delivering the documents asked from the employers, has been raised to 10 workdays.

1.2.7- Period of time for agencies and organisations to give an opinion

Article 10 of the Implementing Regulation has been amended and the time period previously stated as 30 days for giving information and opinion by the relevant authorities has been reduced to 15 days and the expression of “reasonable time”, mentioned regarding extension in necessary cases, has been replaced with the expression of “additional time not exceeding 15 days”.

1.2.8- Work permits exemptions

Significant amendments have been introduced to Article 55 of the Implementing Regulation concerning the exemptions.

The new regulation cites exemptions in 13 subsections. As mentioned in detail below, new exemption added, the time period of some exemptions have been extended or redefined while some has been kept same:

- Foreigners whose permanent residence are abroad and will come to Turkey temporarily for sports activity for a period less than 4 months are exempted from work permit (Article 55/b).
- Those who will come for show business or the like employed at the circuses and fairs which will perform outside the certificated tourism establishments and who certify his/her situation with the documents he/she has produced are cited within the scope of exemptions for a period not exceeding 6 months following their entry to Turkey (Article 55/d).
- Foreigners who come to universities or public agencies or organizations with a view to enhancing their knowledge and experience had been previously exempted from work permit limited to their education/training period, provided that they certify their situation.. The new regulation introduced an additional stipulation on time limit to that prerequisite. According to that the exemption period for those foreigners cannot exceed “2 years”. In other words those foreigners will have to obtain a work permit following the completion of the 2 years (Article 55/e).
- The exemption period, which previously had been stated as 3 months for foreigners who were unveiled by relevant public authorities that they would render significant service or contribute dearly regarding education or in socio-cultural sphere and the field of technology have been raised to 6 months (Article 55/f).
- Foreigners who come in the scope of the programmes of the Centre for European Union Education and Youth Programmes (Turkish National Agency) have been exempted from work permit within the course of the program (Article 55/g).
- The expression in regard to the exemption of trainee students i.e. “..of the foreign students who will perform, limited to their period of training within the framework of student exchange programs, as trainee in public or private agencies or institutions pursuant to the principle of reciprocity..” has been amended as “..of foreigners who will perform as trainee within the framework of international trainee student exchange programs on the scope and length of which the Ministries of Labour and Social Security, Interior and Foreign Affairs as well as the Higher Education Council have agreed..” (Article 55/ğ).
- While in the previous regulation “foreign tour operator representatives who come to Turkey provided that their tenure will not exceed 6 months within one year” were exempted” foreign tour operator representatives who come to Turkey provided that their tenure will not be over 8 months” have been exempted by the new regulation (Article 55/h).
- Another exemption added by the new regulation was about seafarers. According to that, foreign seafarers who work in ships which hold the“Conformity Approval Certificate” issued by the related authority, are registered at the Turkish International Ship’s Register and work outside the cabotage borders pursuant to bilateral protocols signed between states in accordance with Article I/10 of the “International Convention on Standards of Training, Certification and Watch keeping for Seafarers” have been exempted from work permit (Article 55/i).
- According to the new regulation foreign experts, who have been employed in projects carried out in the scope of Turkey-EU Financial Cooperation Programs, have been exempted as well from work permit during their employment (Article55/j).

2- IMPLEMENTATION

The unit which regulates the work permits being has been steadily strengthened administratively and technically.

3-RESPONSE TO THE CONCLUSIONS XIX-1 OF THE ECSR

3.1- Access to the labour market

Article 13, titled “Evaluation Process at granting and Extending Permits” of the Implementing Regulation of the Law no. 4857 on the Work Permits of Foreigners covers criteria as regards “sectoral, geographical and economic conjuncture variations in regard to employment”. The aforementioned Article states that:

“The Ministry assesses the work permit applications taking into consideration the opinions of related authorities. ... While assessing work permit and extension of permit applications, the Ministry, unless otherwise stipulated by the bilateral or multilateral conventions to which Turkey is Party, takes into account the situation in the labor market, in the specific workplace or business and job, being exclusive to that specific job, according to the periods of work and residence permits, the labour contract and length of employment period of the foreigner, developments in the work life, sectoral, geographical and economic conjuncture variations in regard to employment.”

Article 13 of the mentioned Regulation was added the following sentence by the amendment introduced on 28 April 2011 so as to make clear that evaluation criteria shall be specified by the ÇSGB: “The Ministry specifies the evaluation criteria with regard to the issues mentioned in this Paragraph”. In this context the “Evaluation Criteria that the Applicant Businesses and Foreigners are Obligated to Meet in regard to Work Permit Requests of Foreigners” that were specified pursuant to the mentioned Article and started to be used as of 2 August 2010, were made public by the ÇSGB as follows:

3.1.1. In working places where work permit is requested, at least 5 Turkish citizens have to be employed. If the foreigner who requests the permit is a partner of the company, the requisition of employing 5 Turkish citizens will be applied for the last 6 months of the one year work permit granted by the ÇSGB.. In case work permit applications are made for more than one foreign worker, requisition of employing 5 Turkish citizens will be separately applied for work permit requests of each subsequent foreign worker.

3.1.2. The paid-up capital of the working place has to be at least TL 100.000 or their total gross sale has to be at least TL 800.000 or its last years year’s total exports has to be at least USD 250.000.

3.1.3. When assessing the work permit requests for foreigners who will work in associations and foundations the item 3.1.2 and for foreigners who will work in agencies of foreign state air lines in Turkey in the education sector and in domestic works the items 3.1.1 and 3.1.2 will not be applied.

3.1.4. The share of the foreign partner of the company has to be at least %20 and not less than TL 40.000.

3.1.5. The amount of monthly salary which is said by the employer to be paid to the foreigner has to comport with the duty and qualifications of the foreigner. According to that, taking into consideration the minimum wage amount which is valid as of the date of application, the salary which will be paid to the foreigner has to be at least;

- a. 6.5 times of the minimum wage for high level executives, pilots and engineers and architects who request a preliminary permit,
- b. 4 times of the minimum wage for unit and branch managers and engineers and architects,

- c. 3 times of the minimum wage for those who will work in jobs which -require expertise and mastership, teachers and foreigners who will work as psychologist, physical therapist, masseur, masseuse, musician, performing artist, acrobat the like,
- d. 1.5 times for foreigners who will work in domestic works and other occupations (i.e. salesperson, marketing and export employee).

3.1.6. The request of minimum four star tourism establishments holding a certificate granted by the Ministry of Culture and Tourism which prove that they have massage saloon and of certified holiday villages for occupations like masseur, masseuse and SPA therapist that require expertise and mastership will be taken into consideration. The requests of businesses and workplaces which are not in this scope will not be approved.

3.1.7. For foreigners who will be employed in jobs which require expertise and mastership of the entertainment sector and tourism-animation organization companies, the quota of 5 employed Turkish citizens for each foreigner will not be applied, if at least 10 Turkish citizens are employed.

3.1.8. The criteria mentioned in items 3.1.1 and 3.1.2 above will not be applied in cases where bilateral or multilateral conventions so envisages, to which Turkey is Party, and for evaluation of work permit requests of foreigners who will be employed by public agencies and organizations in procurement of goods and services by tender.

3.1.9. In jobs where hi-tech is involved or in cases where no Turkish expert with the same skills are available, the criteria mentioned in items 3.1.1 and 3.1.2 above will not be applied by the approval of the head of the General Directorate of Labour.

3.1.10. The criterion mentioned in item 3.1.1 above will be applied to foreigners who will be employed other than key personnel by considering whole Turkish citizens working all workplaces throughout the country of the enterprise which satisfies the requirements for direct foreign investment.

3.2- Required period of residence for self-employment

Reducing the 5 year period of residence requisite for applications of work permit for self-employment, which means an indefinite permit as well, has not been scheduled. Yet, a time bound (termed) work permit may be granted to foreigners who establish a business or are a shareholder of a company, without seeking any limit of residence period.

3.3- Case of a foreign worker whose work permit has expired and who got unemployed

Residence permits have been regulated by the Law no. 5683 on Residence and Movements of Foreigners in Turkey. According to that;

3.3.1- Foreigners who want to renew or extend their residence permit in Turkey, have to directly or indirectly apply to the Alien's Office of the Provincial Security Directorate (Police Department) of the province where they domicile, which is considered as the first step for applications , within 15 days following the expiry date of the period written therein.

3.3.2- Expired residence permits may be extended 4 times at the most.

3.3.3- Even if the situation of the foreigner has changed (address, job, status, marital status or moving to another province from the province where he/she got the residence permit etc.), the extension shall be made on the same permit.

Article 18 Paragraph 4

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties recognize the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.

Scope of the provisions as interpreted by the (ECSR)

Right of nationals to leave their country to engage in a gainful occupation in the territories of other States party.

1- LEGAL FRAMEWORK AND IMPLEMENTATION

There is no legislation and practical application which limits the right of Turkish citizens to go abroad to work.

ARTICLE 20- THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.

Appendix to Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing *de facto* inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Scope of the provision as interpreted by the European Committee of Social Rights

Right to equal treatment between women and men at all stages of working life – access to employment, remuneration and other working conditions, including dismissal and other forms of detriment, vocational training and guidance and promotion, as well as with respect to social security. The principle of equal treatment of women and men is understood to mean the absence of any direct or indirect discrimination on grounds of sex.

The right of women and men to equality must be guaranteed by a sufficiently detailed law. Any legislation, regulation or other administrative measure that fails to comply with the equality principle must be repealed or revoked. National legislation must provide for appropriate and effective remedies in the event of alleged discrimination. The burden of proof must be shifted. Anyone who suffers discrimination on grounds of sex must be entitled to adequate compensation, i.e. compensation that is sufficient to make good the damage suffered by the victim and act as a deterrent to the offender. Employees who try to enforce their right to equality must be legally protected against any form of reprisals from their employers.

Occupational activities – and the training required for them – which, by their nature or the context in which they are carried out, can only be entrusted to persons of one sex may be excluded from the scope of Article 20. Provisions protecting women are not deemed to be discrimination if they are objectively justified by needs that apply exclusively to women, such as those relating to maternity (pregnancy, childbirth and the postnatal period).

Along with legislation, States party are required to take specific steps aimed at removing *de facto* inequalities affecting women’s training or employment opportunities, including positive action.

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Along with legislation, States party are required to take specific steps aimed at removing *de facto* inequalities affecting women’s training or employment opportunities, including positive action.

1- LEGAL FRAMEWORK

There are regulations in the Constitution, the Labour Law, other laws and circulars, which aim at preventing discrimination on the grounds of sex, in matters of employment and occupation.

1.1- Constitution of the Republic of Turkey

According to Article 10 of the Turkish Constitution, titled “Equality before the law”,

“All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice. *Measures enacted to ensure this, shall not be interpreted as contrary to the principle of equality.*

*Measures enacted to protect children, elderly people, disabled people, widows and orphans of martyrs as well as for invalid and veterans shall not be interpreted as contrary to the principle of equality.*¹

No privilege shall be granted to any individual, family, group or class.

State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.”

Again, it is stated in Article 49 of the Constitution that “Everyone has the right and the duty to work” and equality between men and women is emphasized in this context.

¹ The last two additional provisions were added in the wake of the referendum on 12 September 2010 which were approved by the majority of the “yes” votes and hence, -positive action for women was introduced.

1.2- Labour Law (LL) no. 4857

1.2.1- Equal treatment

Article 10 of the Constitution is taken into consideration in the provisions of Article 5 of the -LL, titled “The principle of equal treatment” and it is stated that “No discrimination based on language, race, sex, political thought, philosophical belief, religion, sect and similar grounds can be made in the working relation.”

According to Article 5 of the LL,

- i. The employer can not treat a worker differently in concluding the labour contract, establishing the conditions thereof, implementation and termination thereof due to sex or pregnancy, unless biological reasons or those pertaining to the work qualifications oblige.
- ii. A lower wage can not be decided for an equal or equivalent job on the grounds of sex. Implementation of special protective provisions due to the sex of the worker does not justify the application of a lower wage.
- iii. Legal sanction for the violation of the principle of equal treatment and prohibition of discrimination is also indicated in the same Article. In case of contradiction to the provisions of the above paragraphs in the working relation or termination, the worker can demand the rights that he/she has been deprived of besides an appropriate indemnity equivalent up to four months’ wage.
- iv. There is also an important regulation regarding the burden of proof. Without prejudice to the provisions of Article 20, the worker is obliged to prove that the employer has contradicted to the provisions of the above paragraph. However, when the worker puts forward a situation strongly suggesting the probability of the existence of an infringement, the employer becomes obliged to prove that no such infringement exists.

1.2.2- Maternity

Prohibition of working is regulated by Article 74 of the LL and extended to 16 weeks in total, 8 weeks –in ante-natal and 8 weeks in post-natal periods.

- The eight-week ante-natal period is extended by two weeks, in case of multiple pregnancies.
- But if the health condition allows, the female worker, if she so wants, can work until the end of three weeks preceding the potential delivery, with the approval of the doctor. In this case, the worked periods are added to the length of the post-natal period. Thus, post-natal leave, which is a need for the mothers to look after their babies can be extended up to 13 weeks.
- It’s also stated that female workers are granted paid leave for periodic checks during pregnancy. Besides, the pregnant worker is employed in lighter positions suitable for her health, when required by physician report, without any discount in her wage.
- Female workers are granted breast feeding leave for one and a half hours a day in total to feed their infants below the age of one. The worker is entitled to determine the time segments and the number of parts in which she should use such leave.

Detailed information about maternity in Turkish legislation can be found under Article 8 in the Third National Report covering the period from 01.01.2003 to 31.12.2009.

1.2.3- Employment of women in heavy and dangerous work

The prohibition of employment of women in underground or underwater positions is regulated by Article 72 of the LL. According to that it is prohibited to employ men below the age of eighteen and

women at any age in underground or underwater positions such as mine galleries, cabling, sewerage and tunnel construction.

1.2.4- Protection of women against unjust and arbitrary dismissal

Female workers are protected against arbitrary and unjust termination of the labour contract without a valid reason in the LL. Accordingly,

- any employer who terminates the indefinite-termed labour contract of a worker with at least six months of service at a business employing thirty or more workers has to ground the termination on a valid reason arising out of the qualification or behaviours of the worker or the requirements of the enterprise, business or work.
- terminations due to race, colour, sex, marital status, family obligations, pregnancy, birth, religion, political opinion and similar reasons and for not coming to work during the periods set forth in Article 74 and when it is prohibited to employ female workers are considered as unjust termination.
- pregnancy and birth can not be affirmed as valid reasons for termination of indefinite-termed labour contracts of female workers within the job security, by the employer. Not coming to work during the periods before and after the birth, when it is prohibited to employ female workers, as set forth in article 74, is not a valid reason for termination as well.
- provisions and consequences of termination for invalid reasons are applied in the termination of the labour contract due the reasons stated above.

1.2.5- Protection of women employees against sexual harassment

Sexual harassment is regarded as a just cause for termination of the labour contract in Article 24 of the LL.

- It constitutes a justified ground for termination by the worker, if the required measures are not taken although the worker becomes subject to sexual harassment at the business by another worker or third persons and notifies the employer thereof,
- Sexual harassment by the employer also constitutes a justified ground for the employee, for the termination of the labour contract.

1.3- Income Tax Law no. 193

With the amendment to the Income Tax Law in 2007, tax exemption has been granted to the income generated by women through the sale of products produced domestically by women, in bazaars, festivals, fairs, or other areas designated on a temporary basis by a public agencies or institutions.

2- IMPLEMENTATION

2.1- Implementing Regulations, Circular Notes and Other Administrative Decisions Regarding Women Employees

2.1.1- Circular Note of the Prime Ministry on Acting in Accordance with the Principle of Equality in Employee Recruitment

According to the Circular Note of the Prime Ministry of 2004, no discrimination shall be made in the employment processes of public agencies and organizations on the basis of sex, unless the nature of the job makes it justifiable.

2.1.2- Communiqué on Procedures and Principles for Employment of Workers by Public - Agencies and Organizations as Permanent Staff

By the amendments made to the Communiqué published by the Turkish Employment Organisation (İŞKUR) in 2006 to remove the obstacles before women's employment and eliminate sex discrimination in job placements, any segregation with regard to sex is not allowed in public labour force demands. Besides, it was communicated to the provincial directorates of the İŞKUR on 25. 05. 2006 that activities should be implemented for private enterprises and other employers to raise awareness that no sex discrimination is allowed in work relations, unless the nature of the job or biological reasons make it justifiable.

2.1.3- Circular Note of the Prime Ministry on Increasing the Employment of Women and Achieving Equal Opportunity

This Circular Note came into force following its publication in the Official Gazette no. 27591, dated 25.05.2010, with the aim of socio-economical empowerment of women, providing gender equality in social life, increasing the employment of women to achieve the goals of sustainable economic growth, social development and providing the opportunity of equal remuneration for equal work. In the scope of the Circular Note, "National Council for Monitoring and Coordination of the Employment of Women" is established to increase the employment of women and the Council gathers once every four months under the chairmanship of the Undersecretary of the Ministry of Labour and Social Security (ÇSGB).

2.1.4- Circular Note of the Prime Ministry Pertaining to the Prevention of Mobbing at Workplaces

The Circular Note came into force following its publication in the Official Gazette dated 18 March 2011, with a view to preventing psychological harassment in public agencies and organizations and private sector workplaces. "Council for Fighting Against Psychological Harassment" has been established under the ÇSGB, with the participation of State Personnel Administration, NGO's and other stakeholders to monitor and evaluate the mobbing cases and generate preventive policies.

2.2-Regulations about Women in Employment Packages

According to the "employment package" which brought into force by the Law no. 5763, which was explained in detail before in the section of this Report concerning the Paragraph 1 of Article 1 of the Revised Charter, the employer's share of the social security premiums of women who were employed in addition to the existing labour force, would be covered by the Unemployment Insurance Fund for 5 years gradually and the obligation of opening nurseries by the employers could be delivered through service procurement. It was stated that the provisions would continue to be in effect, in the "New Employment and Promotion Package" which came into force in 2009.

2.3- Measures and Provisions in Development Plans and Financial Programs

2.3.1- 9th Development Plan

The following measures have been mentioned in the Development Plan:

- Article 568- Equal opportunities will be provided for women, youth, the long-term unemployed, the disabled and ex-convicts, who -experience difficulties in the labour market. With the aim of increasing participation of women in the labour force and employment, their access to childcare and other care services will be facilitated. Programs will be developed to provide young people with experience in the labour market.

- Article 621- With a view to increasing the participation of women in economic and social life, employability of women will be increased by improving vocational education opportunities targeting the women.

2.3.2- Medium-Term Financial Programs

- It was stated in the Medium-term Financial Program for 2007-2009 that: “Women’s participation in economic and social life shall be ensured, and necessary measures shall be taken to remove their -disadvantaged status, particularly in education.”
- It was stated many times in the Medium-term Financial Program for 2008-2010 that policies targeting disadvantaged groups will be developed and active labour programs will be supported in this sense. It is aimed to “increase women’s employability in order to improve their participation in economic and social life by developing vocational educational opportunities.”

2.3.3- Annual Program for 2010

In the context of equal opportunities, the Article in the Annual Program for 2010 is as follows: “Labour market will be made effective and transformed into a structure in which a balance between flexibility and security is achieved, a wage system based on productivity is established and equal rights and opportunities are provided for everyone, particularly with a gender based approach, with employment opportunities that are capable of adjusting to technological changes and developments.”

2.4- Projects

2.4.1- Vocational Skills Development and Awareness Raising Project

As explained in detail before in the section of this Report concerning the Paragraph 1 of Article 1 of the Revised Charter, the “Project on Groups at Risk in Working Life-Vocational Skills Development and Awareness Raising” which was carried out and completed in December 2010 by the ÇSGB aimed at raising employment capacity of women, elimination of discrimination and ensuring equal opportunities as well as providing vocational training for the family members of working children. As one of the activities of the project, vocational training on elderly care was organised for unemployed mothers and big sisters of working children with the collaboration of the İŞKUR and the Centre for Children Working in the Streets of f the Metropolitan Municipality of Ankara and as a result, they were employed and hence, the children were taken out of working life. The project was completed as of December 2010 and will be re-started in 2011.

2.4.2- Project on Supporting Women Entrepreneurship

As the “Project on EU/TESK Supporting Women Entrepreneurs” carried out by the Confederation of Tradesmen and Craftsmen in Turkey (TESK) through EU funding between 2002 and 2004 achieved successful results, a more detailed project, “Supporting Women Entrepreneurship” was prepared on the same issue, following the approval of the EU institutions and it was officially launched on 24. 07. 2007.

The Project has two components: The aim of the first component is developing the institutional capacities of the TESK and Tradesmen and Craftsmen Chambers Union, in the field of supporting women entrepreneurship. The aim of the second component is to support women entrepreneurs and promising ones for entrepreneurship by providing training and counselling services.

Due to the financial shortcomings experienced in establishing business following the training, meetings were held with banks for micro-credit supply as well as with Governorates and Small and Medium Enterprises Development Organization (KOSGEB) for support. Some of the Special Provincial Administrations followed the Project closely and provided credit for the participants. The project ended on 24.04.2009.

The activities carried out with a view to achieving the goals of the Project are as follows:

- Entrepreneurship Training Preceding Business Start-up and Training on Establishing Business have been carried out in the scope of the general training program.
- In the scope of the Business Development program, 12 training and consultancy materials have been prepared and published, on the subjects of Marketing, Sales and Promotion, Strategy and Development of Business Plans, Management and Leadership, Access to Financial Sources of Credit for Small and Medium Enterprises, Efficient Production and Quality, Human Resources Management and sector-based publications on textile, food products, handicrafts and restaurant management.
- Guidelines and manuals about Women Entrepreneurship Centres and business plans for the Centres have been prepared.
- Leaflets about the project outcomes and results, and a booklet on “Success Stories” of the participants of the training and consultancy programs have been published.
- During the project term, 6291 women participated in entrepreneurship trainings preceding business start-up, 3614 women participated in trainings on establishing business, 1593 women in sectoral trainings and 118 women in computer literacy trainings, in 25 provinces.
- 11,571 certificates have been issued.
- 255 women have established their own business.

2.4.3- Gender Equality National Action Plan

Gender Equality National Action Plan (2008-2013), prepared under the coordination of General Directorate of the Status of Women, with the participation and contribution of all stakeholders and came into force, takes the critical issues indicated in the Beijing Action Platform as the basis. Goals and strategies for the improvement of women’s employment, supporting women’s entrepreneurship and fighting against poverty among women are included in the chapters titled “Women and Economy” and “Women and Poverty”, and the institutions in charge and to be cooperated are set as well. The activities carried out within the scope of the Action Plan have been monitored through periodical meetings and reports every six months.

2.4.4- Active Labour Programs Project

“Active Labour Programs Project has been carried out by the İŞKUR in collaboration with the European Commission and projects about women in the scope of the Active Labour Programs Project have been supported, in order to improve employment of women in Turkey. There has been also an increase by years in the number of women who participated in the courses with employment guarantee, organised by the İŞKUR. 213,852 trainees participated in 10,113 courses in 2009. 50 % of the participants were women. 141,184 people benefited from 8063 courses and programs organized as of 31.08.2010. 23 % of the participants of vocational training courses in 2009 and 28 % of the participants in 2010 were employed.

On the other hand, through the “Active Employment Measures and Support to Turkish Employment Organisation at Local Level Project (AIPP/2)”, carried out in the framework of the European Union Financial Cooperation Programming for the years 2008 to 2010, it was aimed at improving the capacities of designing and implementing the active labour market measures in 28 cities with a

view to increasing the participation and employment level of unemployed women and youth aged 15-29 in the labour market. In this context, 30 projects for women were implemented 19,780 women benefited.

2.4.5- Promoting Women's Employment Operation

“The Project on Promoting Women's Employment” has been carried out in order to increase women's employability, facilitate access to better jobs, combat against the challenges that hinder women's participation in the labour market, and improve the public employment services provided particularly at local level by the İŞKUR,. This Project aims at ensuring the Provincial Directorates of the İŞKUR and other stakeholders to provide a more efficient public employment service for the women who want to participate in the labour market, increasing the employability of women by means of vocational training, social empowerment, consultancy and entrepreneurship trainings, developing care services for the children and the elderly and raising awareness on combating against the challenges that hinder women's participation in the labour market. Providing 4,000 women with entrepreneurship training, 1,200 women with child/elderly care training, 18,000 women with career consultancy and guidance services, and 12,000 women with courses which guarantees employment have been targeted by this Project as well.

2.4.6- Project on Achieving Gender Equality through Decent Work for Women

In the context of “Project on Active Labour Market Policies for Achieving Gender Equality through Decent Work for Women in Turkey”, vocational training, job-seeking skills, entrepreneurship skills, self-employment and social empowerment trainings were provided for the target group in 2009 and 2010. 746 women attended the vocational courses organised in 13 different fields and 112 women benefited from entrepreneurship trainings.

2.5- Other Projects and Activities

2.5.1- “Applied Entrepreneurship Training Program Cooperation Protocol” (UGEP) was signed by İŞKUR and the Small and Medium Enterprises Development Organization (KOSGEB) on 18.09.2009. In the context of the program which also targets women, the objectives are providing entrepreneurship training for 10,000 people and ensuring employment of 30% of the participants by starting their own business. 2626 people (1581 men and 1045 women) benefited from the entrepreneurship trainings as of September 2010.

2.5.2- Vocational courses designed according to current demands are provided in Public Training Centres, which are affiliated to the Ministry of National Education, aiming to increase the participation of women and young girls in the economic and social life, who are the most disadvantaged groups particularly in the context of labour markets. Furthermore, socio-cultural development of women is ensured by awareness raising aspect of the trainings.

2.5.3- In the Vocational Training Centres, women and young girls who have received training in 153 fields of occupation within the scope of the Law, have got their certificate of semi-skilled worker and certificate of mastership and they have either established their own business or started working in various sectors.

2.5.4- The General Directorate of Social Assistance and Solidarity provides income-generating project supports for starting a business in urban areas and for sustainable activities suitable for local circumstances in rural areas, in order to ensure integration of socioeconomically deprived citizens by meeting their social needs and their access to sustainable income by being economically active and productive. 10.8% of the applicants for income-generating projects are women.

2.5.5- In the scope of the “Project on Supporting Women’s Entrepreneurship by KOSGEB Business Centres t”, “Business Development Centres for Women Entrepreneurs” have been opened in İstanbul (Pendik), Nevşehir (Hacıbektas), Kütahya and Çorum Provinces. These centres provide the women entrepreneurs who want to set up their own business with support.

2.5.6- In the scope of “New Loan Support Package” all small and medium enterprises of tradesman and craftsmen have been provided with loan -amounting up to TL 25,000 per enterprise, with no repayment in the first three months. A positive action has been introduced for sole proprietorship enterprises and hence, the upper limit has been increased to TL 30,000 in case the owner of the enterprise has been a woman.

2.5.7- The Social Support Program (SODES) has been launched under “Achieving Social Development” component of the Southeastern Anatolia Project (GAP) Action Plan for the years 2008-2012. Women have been one of the priority target groups of the SODES which aims at achieving social solidarity and cohesion through raising living standards. The number of projects targeting women is 237 for 2009 while the total of allocated funds is TL 16.5 million.

2.5.8- Efforts have continued to extend micro-credit practice which is an important tool for promoting women’s entrepreneurship and preventing poverty. To that end, studies have been carried out in 81 provinces, in order to ensure that the Article in the Law on Provincial Special Administration in regard to supplying micro-credit -to the poor is implemented with a view to reducing poverty among women, absorbing positive action. In this context 40,247 women in 48 provinces have received loans and the total amount of the -loans is TL 73,377,082.50.

2.5.9- Special support measures have been implemented by banks aiming at -upholding and promoting women’s entrepreneurship. In the scope of Entrepreneur Support Package and Women Entrepreneur Support Package provided by -the Halk Bank, women entrepreneurs who do not own a business or job and want to start a new business for goods and services production, self-employment or commercial activity credit supplied with ranging from TL 5,000 to TL 25,000, with up to 36 months repayment period including 6 month no repayment period. 38 women benefited from the packages and the total credit amount is TL 467,500 as of end 2009.

In the scope of the Women Entrepreneur Support Package prepared in cooperation with the Women Entrepreneurs Association, the Garanti Bank supplies investment loans cash loans and workplace loans besides project loans up to USD 30,000 for SMEs. Women entrepreneurs who benefit the said package may also enjoy training organised by the Garanti Bank for free or with a discount. In regard to benefitting from the support programs the entrepreneur’s establishing her company is conditional. Total amount of loan granted for 9,500 projects is TL 280 million as of May 2010.

3- STATISTICS AND OTHER INFORMATION

Statistics on employment and unemployment and disparities in the wages of female and male workers as well as other relevant statistics compiled according to gender are provided in the Tables 1, 2, 5, 6, 7, 8, 9, 10 and 11 (Appendix 1).

ARTICLE 24- RIGHT OF WORKERS TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognize:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b. the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Appendix to Article 24

1. It is understood that for the purposes of this article the terms "termination of employment" and "terminated" mean termination of employment at the initiative of the employer.
2. It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:
 - a) workers engaged under a contract of employment for a specified period of time or a specified task;
 - b) workers undergoing a period of probation or a qualifying period of employment,
 - c) provided that this is determined in advance and is of a reasonable duration;
 - d) workers engaged on a casual basis for a short period.
3. or the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:
 - a) trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;
 - b) seeking office as, acting or having acted in the capacity of a workers' representative;
 - c) the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
 - d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
 - e) maternity or parental leave;
 - f) temporary absence from work due to illness or injury.
4. It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

Scope of the provision as interpreted by the European Committee of Social Rights

Under Article 24, the following are regarded as valid reasons for termination of an employment contract:

- i) reasons connected with the capacity or conduct of the employee certain economic reasons;
- ii) these must be reasons “based on the operational requirements of the undertaking, establishment or service”

The “Appendix” to Article 24 lists reasons for which it is prohibited to terminate employment.

Prohibition to terminate employment for most of these reasons is also a requirement for conformity with other Articles of the Charter.

Two reasons are examined only under Article 24, namely:

- a. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities.
National legislation or case-law must contain express safeguards against retaliatory dismissal.
- b. temporary absence from work due to illness or injury.
A time limit can be placed on protection against dismissal in such cases.

Any employee who considers him- or herself to have been dismissed without valid reason must have the right to appeal to an impartial body. Employees dismissed without valid reason must be granted adequate compensation or other appropriate relief. Compensation systems are considered appropriate if they include the following provisions:

- reimbursement of financial losses incurred between the date of dismissal and the decision of the appeal body, the possibility of reinstatement;
- and/or compensation of a high enough level to dissuade the employer and make good the damage suffered by the employee.

1- LEGAL FRAMEWORK

Information on Turkish national legislation relating to the right of workers to protection in cases of termination of employment is mentioned below.

Regulations relating to the right of workers to protection in cases of termination of employment are envisaged by the Labor Law (LL) no. 4857 for the workers who are subject to the said Law and by the Code of Obligations for the workers who are out of the scope of the LL.

1.1- Labor Law no. 4857

The right of workers to protection in cases of termination of employment are guaranteed by Article 17 entitled “Termed termination”, Article 18 entitled “ Grounding termination on valid reasons”, Article 19 entitled “Procedure for termination of contract”, Article 20 entitled “ Objection against notice of termination and its procedure”, Article 21 entitled “Consequences of termination based on invalid grounds”, Article 22 entitled “Change in working conditions and termination of labour contract”, Article 24 entitled “Right of immediate termination of worker on justified grounds”,

Article 25 entitled “Right of immediate termination of employer on justified grounds”, Article 29 entitled “Mass dismissal” of the LL and detailed information on the aforesaid Articles were mentioned in our National Report covering the period 1 January 2005 to 31 December,2008.

Further information about other Articles are given below:

1.1.1- Article 23 entitled “Responsibility of the new employer”

In case any worker working for an employer on a definite or indefinite-termed labour contract quits work and starts to work for another employer prior to the expiry of contract period or without observing the notification period, the new employer is jointly responsible with the worker for such termination of the contract in the following cases:

- a) If the new employer has caused such behavior of the worker,
- b) If the new employer has employed the worker by knowing this behavior,
- c) If the new employer continues to employ the worker after learning about this behavior.

1.1.2- Article 26 entitled “Term of exercise of the right for immediate termination”

The power for terminating the contract bestowed upon the worker or employer based on the cases contradicting the rules of ethics and goodwill can not be exercised after the elapse of six business days from the knowledge of one of the parties of the performance of such behaviors by the other party and one year after the realization of the act in any case. However, the term of one year does not apply when the worker has material benefits in the occurrence.

The rights of indemnification by the other party of the workers or employers who terminate the labour contract within the period set forth in the above article based on such cases are reserved.

1.1.3- Article 27 entitled “Permission for seeking a new job”

The employer is obliged to give the worker permission to seek a job for finding a new job within business hours and without any deduction from his/her wage within the notification periods. The duration of job seeking permission can not be less than two hours a day and the worker may merge the job seeking hours and use them in mass, if he/she desires. However, any worker willing to use the job seeking permission in mass is obliged to choose the days immediately before his/her quitting the work for this and to inform the employer thereof.

If the employer does not give permission for seeking a new job or allows for it less than required, the wage pertaining to such missing period is paid to the worker.

If the employer makes the worker work during the permission for seeking a new job, he/she pays the wage of such work period twice as normal wage in addition to the wage that the worker shall receive without any work correspondence by using a leave.

1.1.4- Article 14 entitled “Severance pay” of the (annulled) Labor Law no. 1475 which is still in force

According to this Article,

- in the event of termination of the contract of employment of an employee by the employer for reasons other than those set forth in Subparagraph II of Article 25 of the LL no. 4857 or by the employee in accordance with the Article 24 of this Act or on

account of compulsory military service or for the purpose of qualifying for an old-age or disability insurance pension or a lump-sum payment from an insurance organization or a fund established by an Act,

- voluntary termination of the contract by a woman employee within one year from the date of her marriage,
- in the event of the death of the employee,

the employer shall pay out the severance pay.

Severance pay is equal to 30 days' wages for each full year of service and is effective from the date of employment and for the entire duration of the employment contract. The severance pay is computed according to the latest wage. In cases where the wage is not fixed such as per piece, accord, lump sum or percentage, the average wage that will be calculated by adding the amount earned in one year and dividing it by the days of work during that period will be taken as the basis for computation of the severance pay.

In the lawsuit for the non-payment of the severance pay on time, the court should conclude that severance pay should be paid with the interest set according to the highest rate applied to deposit accounts.

The seniority (length of service) of the employee shall be calculated by taking into consideration the periods of employment of the employee at one or more businesses of the same employer, regardless of whether the labour contract has continued or interrupted and renewed from time to time. In case of the transfer of the business from one employer to another or moving it to another place the seniority of the employee shall be calculated by taking into consideration the sum of the employment periods in the business or businesses.

The severance pay pertaining to the 30 day period mentioned in this Article can be altered in favor of the employee with the labor contracts and collective labor agreements. However, the annual amount determined by collective labor agreements and labor contracts cannot exceed the amount of maximum retirement bonus for one service year that is to be paid to the highest ranking civil servant.

1.2- Code of Obligations (CoO) no. 818

The provisions of the CoO no. 818 are applicable to the employees and the jobs which are out of the scope of the LL. The new Turkish Code of Obligations no. 6098, published in the Official Gazette no. 27836 dated 04.02.2011, will enter into force as of 01.07.2012

Related Articles of the CoO no. 818 are mentioned below.

1.2.1- Termination of the contract with a definite or indefinite period and termination of contract during probationary period

The termination of the fixed term contract is regulated by Article 430 of the CoO. According to this Article; "Unless otherwise stipulated in the contract, a fixed term contract comes to an end automatically on the expiry of the fixed term without the notice of termination. If an employer continues to accept an employee's labor after the end of the fixed term, the employment contract becomes automatically an indefinite contract. However, if there are valid grounds, a fixed term contract can be concluded more than once. If the contract includes a fixed term and both sides do not give the notice of termination, the contract becomes an indefinite contract".

Termination of the contract for an indefinite period is regulated by Articles 431 and 432 of the CoO. According to those Articles;

“Either party has the right to terminate the employment contract for an indefinite period by observing the notice period (Article 431).”

“However, the situation has to be notified to the other party prior to the termination of indefinite-termed labor contracts. Labor contracts are considered to be terminated after the notification of the other party; after two weeks for workers who have worked for one year, after four weeks for workers who have worked between one year and five years, and after six weeks for workers who have worked for more than five years. These are minimum periods and may be increased by contracts between the parties. The employer may terminate the employment contract by paying in advance the wages corresponding to the term of notice. The periods of notice should be equal for the both sides. If the periods of notice set forth in the contract is different for the employer and employee, the longest period of notice should be valid for the both sides. In cases where the employment contract is in abeyance, the term of notice does not apply (Article 432).”

According to Article 433 which states termination of contract during probationary period “the parties may put the probationary period in the employment contract; the duration of the probationary period shall not exceed two months. Within the probationary period the parties are free to terminate the employment contract without having to observe the notice term and without having to pay compensation.”

1.2.2- Protection against the termination of the contract

Protection against the termination of contract is regulated by the Articles 434 and 438 of the CoO. According to those Articles;

“In cases where service contracts have been terminated by the abusive exercise of the right to terminate, the employer has to pay compensation amounting to three times the wages for the term of notice to the employee (Article 434).”

“If the employer terminates immediately the service contract without any just cause, the employee who works under an indefinite contract may demand as compensation the amount corresponding to the term of notice. If the employer terminates immediately the employment contract without any just cause, the employee who works under a fixed term contract may demand as compensation the wage corresponding to the working period which the worker would earn if the aforesaid period had been observed. Furthermore, the judge can decree on a payment, the amount of which can be determined by the judges’ free will, as a compensation to the worker. However, the amount of the compensation that will be determined cannot exceed the amount of six months wage of the worker (Article 438).”

1.2.3- An immediate termination of employment

Provisions concerning the immediate termination of employment are mentioned in the Articles 434, 436 and 437 of the CoO. According to this;

“Each party may immediately terminate the contract for just causes. The party who terminates the contract has to notify the grounds of termination in written. All grounds and conditions that employment relation shall not be continued in accordance with the good faith are considered as valid grounds for the party who terminates the contract (Article 435).”

“In cases where the employer becomes insolvent, if employee’s rights arising from the contract are not guaranteed by the employer in an appropriate time, the employee may immediately terminate the contract (Article 436).”

“If the just causes of the termination arise from the fact that one of the parties does not observe the contract, this party is liable to compensate completely all the loss caused, by taking into consideration all the rights based on the employment relation. On the other cases, the judge evaluates freely the substantial results of the termination for just causes, considering all the cases and conditions (Article 437).”

2- IMPLEMENTATION

Implementation of the provisions of the LL no. 4857 is mentioned below.

The burden of proof concerning that the termination was based on a valid reason shall bear upon the employer. However, the burden of proof shall lie with the employee if he/she so alleges that the termination was based on another reason. The courts steadily explore whether the employer has the possibility to avoid from the termination or not, while they construe the concept of “valid reason”. Notably, in the case of employer’s terminating the contract of employment based on the grounds i.e. requirements of the job, the workplace or the undertaking, the employer is expected to consider the dismissal as the last resort. The principle that the termination of the employment should be the last resort both constitutes the basis for the Law and is clearly mentioned in the decisions of the Supreme Court. Hence, availability of justifiable grounds for the termination may be considered if reasons, arising from the requirements of the job, the workplace or the undertaking, render it impossible for the employee to work in the business. The employer could make decisions, determining the content and the purpose of which is at absolute discretion of him/her, as regards the undertaking though, the termination which is considered as a measure at the end of this decision should turn out to be inevitable. The aforesaid principle is strictly observed by the High Court.

While reinstatement is considered as a principle by the Turkish labour law, the judge or the special arbitrator, when declaring the termination void in his/her verdict, defines as well the amount of the compensation to be paid to the employee in case he/she would not be reinstated. The employee, whether he/she would be reinstated or not, shall be paid, up to maximum four months of his/her wages and other entitlements until finalization of the court’s verdict, belonging to the period of redundancy. This provision of the Law is imperative. The compensation, wage and other entitlements envisaged by the Law cannot be remised nor could they be relegated by the collective or individual contracts disadvantaging the employee, nor could they be enhanced favoring the employee. It is assumed that the contract of employment continues uninterruptedly, when the termination is declared void and the termination is considered to start on the date that the employee is reinstated. However, the part of this period for which it is decided that maximum four months’ wage and other de jure entitlements to be paid should be considered in the assessment of the rights of the employee pertaining to his/her seniority.

Regarding terminations depending on just causes, the employee shall be entitled to the wage belonging to the period as well as the severance pay, on condition that he/she has fulfilled the requisition of one year service. Moreover the employee may also receive the unemployment benefit granted pursuant to the Unemployment Insurance Law no. 4447.

The employee whose labour contract has been terminated due to the cases contradicting the rules of ethics and goodwill and the like may not be entitled either to the unemployment benefit granted pursuant to the Unemployment Insurance Law no. 4447, or to the severance pay, on the other cases aforesaid entitlements may be bestowed upon him/her.

ARTICLE 25- THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

Appendix to Article 25

1. It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.
2. It is understood that the definition of the term "insolvency" must be determined by national law and practice.
3. The workers' claims covered by this provision shall include at least:
 - a) the workers' claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;
 - b) the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;
 - c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or the termination of the employment.
4. National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.

Scope of the provision as interpreted by the ECSR

The claims arising from contracts of employment or employment relationships shall be guaranteed by a guarantee institution or by any other effective form of protection.

The protection afforded, whatever its form, must be adequate and effective, also in situations where the assets of an enterprise are insufficient to cover salaries owed to workers.

1- LEGAL FRAMEWORK

Information on the Turkish national legislation relating to the protection of workers' claims in the event of the insolvency of their employer is given below.

1.1- Constitution

Legal and administrative regulations made in our country concerning the protection of workers' claims in cases of the insolvency of employer are based on Article 55 of the Constitution of the Republic of Turkey. According to that "Wages shall be paid in return for work. The state shall take the necessary measures to ensure that workers earn a fair wage commensurate with the work they perform and that they enjoy other social benefits. In determining the minimum wage, the living conditions of the workers and the economic situation of the country shall be taken into account".

1.2- Labor Law (LL) no. 4857

Article 33 entitled “Insolvency of the employer” of the LL entered into force on 10 June 2003, states that in case of the employer’s inability to pay, a separate Wage Guarantee Fund (WGF) shall be established within the Unemployment Insurance Fund with a view to meeting the employees’ wage claims for the last three months arising from the employment relationship.

The WGF has been established to pay the salaries of the last three months of workers, applicable in cases where the employer turns out to be unable to discharge liabilities and hence “have a concordat with the creditors”, “he/she is adjudged unable to satisfy any just claims” or “he/she is adjudged bankrupt” and the first payment in this context was made in February 2005.

The WGF shall comprise one percent of the annual sum of the unemployment insurance contributions paid by employers. The payments within this scope are made in accordance with the base wage which must not exceed the upper earning limit, based on the condition that the employee must have worked in the same workplace for a minimum of one year prior to his/her employer’s being unable to discharge liabilities.

1.3- Code of Obligations (CoO) no. 818

Provisions concerning the protection of wage are stated in Article 123 of the CoO. According to this, the portion of wage which is necessary for the subsistence of worker and their family cannot be settled and deducted without the consent of the employee. However, if there is an employee’s intentional act in the occurrence of the damage, these limitations do not apply. Additionally it is stated, in Article 346 of the same Code that the employee may request a guaranty for his wage in an appropriate time, in the event of insolvency of employer. If this condition is not fulfilled, the employee may terminate the employment contract.

1.4- Bankruptcy and Enforcement Law (BEL) no 2004

Regulations relating to the protection of wage are stated in Articles 206 and 207 of the BEL. According to these regulations, worker claims are privileged and comes immediately after public claims and pledged claims.

Article 317 of the same Law states that the Ministerial Cabinet may allow the debtors to pay off their debts over an extended period of time in states of emergency such as economic crisis, however, postponement of this nature and extending period of settlement in discharging debts shall not be applied to payment of wages.

1.5- Regulation on Wage Guarantee Fund

The Regulation on Wage Guarantee Fund”, prepared pursuant to the amendments introduced by the Law no. 5763, came into force following its publication in the Official Gazette no. 27272 dated 28 June 2009 and being effective as of 26 May 2008. This Regulation repealed the previous Wage Guarantee Fund Regulation dated 18 October 2004.

Provisions of the new Regulation are applied to insured persons covered by the Unemployment Insurance Law no. 4447, dated 25 August 1999.

In Article 4 entitled “Definitions” of the Regulation the terms i.e. the date of becoming insolvent, the base wage and the wage claim are defined.

Provisions concerning the management, revenues and expenditures of the Fund are stated in Articles 5 and 6 of the Regulation. According to these provisions, revenues of the Fund consist of 1% of annual sum of the employer shares of the unemployment insurance contributions and the yield of it.

The procedures to be followed and the documents to be provided in regard to the payment of wages in cases of the employer’s being adjudged unable to satisfy any just claims or being adjudged bankrupt or having a concordat with the creditors or the postponement of the employer’s bankruptcy are envisaged in Article 8, entitled “Application”.

Article 9 of the Regulation, entitled “Procedures and Principles Regarding the Payment” states that the “Worker Claim Record” must cover the period prior to the employer’s becoming insolvent and the employee must have worked in the same workplace for at least one year immediately preceding the employer’s becoming insolvent.

2- IMPLEMENTATION

Implementation is carried out pursuant to the above-mentioned legislation.

3- STATISTICS AND OTHER INFORMATION

In the reporting period, statistics relating to the protection of workers claims, in the event of insolvency of employer are indicated in table 36 below:

Table 36- Payments made to employees by the WGF in the event of the insolvency of employer.

Months	2007		2008		2009		2010	
	Number of Beneficiaries	Amount of Payments (TL)	Number of Beneficiaries	Amount of Payments (TL)	Number of Beneficiaries	Amount of Payments (TL)	Number of Beneficiaries	Amount of Payments (TL)
January	6	7.418,55	36	34.101,27	46	52.239,61	929	1.548.555,21
February	74	113.424,23	61	69.293,34	19	37.931,97	980	1.736.822,95
March	657	1.428.278,86	35	49.846,03	784	1.288.116,17	832	1.409.348,07
April	305	472.396,82	18	24.917,96	978	1.563.770,60	2.841	4.775.754,73
May	42	50.138,96	25	54.238,83	1.812	2.980.591,92	3.464	3.779.899,25
June	44	69.295,51	12	19.248,44	1.303	2.496.450,57	377	739.015,94
July	184	290.634,45	88	98.455,93	1.543	2.735.093,03	1.167	2.507.788,78
August	358	472.618,63	342	389.552,73	1.823	3.379.074,22	642	1.281.262,02
September	160	217.182,57	162	257.688,96	2.155	5.242.507,92	576	1.894.764,63
October	245	272.278,61	34	35.587,81	569	761.240,65	609	1.201.200,22
November	144	205.215,16	4	3.267,00	743	818.577,43	194	493.932,83
December	4	3.251,96	10	35.608,55	596	982.939,99	294	701.009,94
TOTAL	2.223	3.602.134,31	827	1.071.806,85	12.371	22.338.534,08	12.905	22.069.354,57

Total Number of Beneficiaries	28.326
Total Amount of Payments	49.081.829,81

Source: Unemployment Insurance Fund October 2011 Monthly Press Release

APPENDIX 1

Table 1: Labour Force Status by Years and Sex

	2007	2008	2009	2010
PERSONS (Thousand)				
Non-institutional population	68.901	69.724	70.542	71.343
Population- 15 years and over	49.994	50.772	51.686	52.541
Labour force	23.114	23.805	24.748	25.641
Employed	20.738	21.194	21.277	22.594
Under-employed	689	779	-	-
Time-related underemployment	-	-	673	754
Inadequate employment	-	-	407	412
Unemployed	2.376	2.611	3.471	3.046
Labour force participation rate	46,2	46,9	47,9	48,8
Unemployment rate	10,3	11,0	14,0	11,9
Non-agricultural unemployment rate	12,6	13,6	17,4	14,8
Employment rate	41,5	41,7	41,2	43,0
Not in labour force	26.879	26.967	26.938	26.901

	MALE			
Non-institutional population	34.178	34.589	35.000	35.401
Population- 15 years and over	24.513	24.917	25.369	25.801
Labour force	17.098	17.476	17.898	18.257
Employed	15.382	15.598	15.406	16.170
Under-employed	585	647	-	-
Time-related underemployment	-	-	482	522
Inadequate employment	-	-	351	352
Unemployed	1.716	1.877	2.491	2.088
Labour force participation rate	69,8	70,1	70,5	70,8
Unemployment rate	10,0	10,7	13,9	11,4
Non-agricultural unemployment rate	11,4	12,3	16,0	13,2
Employment rate	62,7	62,6	60,7	62,7
Not in labour force	7.415	7.441	7.471	7.544

	FEMALE			
Non-institutional population	34.722	35.134	35.541	35.941
Population- 15 years and over	25.480	25.855	26.317	26.740
Labour force	6.016	6.329	6.851	7.383
Employed	5.356	5.595	5.871	6.425
Under-employed	104	132	-	-
Time-related underemployment	-	-	191	232
Inadequate employment	-	-	56	60
Unemployed	660	734	979	959
Labour force participation rate	23,6	24,5	26,0	27,6
Unemployment rate	11,0	11,6	14,3	13,0
Non-agricultural unemployment rate	17,3	18,1	21,9	20,2
Employment rate	21,0	21,6	22,3	24,0
Not in labour force	19.464	19.526	19.466	19.357

Source : Turkish Statistical Institute (TurkStat)

Table 2: Labour Force Status of 15-24 Age Group by Years and Sex

	2007	2008	2009	2010
PERSONS (Thousand)				
Population between age 15 and 24	11.583	11.490	11.513	11.548
Labour force	4.364	4.381	4.454	4.426
Employed	3.493	3.484	3.328	3.465
Under-employed	133	157	-	-
Time-related underemployment	-	-	98	11
Inadequate employment	-	-	109	97
Unemployed	871	897	1126	961
Labour force participation rate	37,7	38,1	38,7	38,3
Unemployment rate	20	20,5	25,3	21,7
Non-agricultural unemployment rate	23,3	24,2	29,8	25,9
Employment rate	30,2	30,3	28,9	30
Not in labour force	7.218	7.109	7.059	7.122
MALE				
Population between age 15 and 24	5.647	5.616	5.623	5.643
Labour force	2.916	2.905	2.937	2.872
Employed	2.345	2.321	2.190	2.269
Under-employed	103	121	-	-
Time-related underemployment	-	-	66	73
Inadequate employment	-	-	86	75
Unemployed	571	584	746	604
Labour force participation rate	51,6	51,7	52,2	50,9
Unemployment rate	19,6	20,1	25,4	21
Non-agricultural unemployment rate	21,5	22,3	28,4	23,7
Employment rate	41,5	41,3	39	40,2
Not in labour force	2.731	2.712	2.686	2.771
FEMALE				
Population between age 15 and 24	5.936	5.874	5.890	5.905
Labour force	1.449	1.477	1.517	1.554
Employed	1.148	1.163	1.137	1.196
Under-employed	30	36	-	-
Time-related underemployment	-	-	32	37
Inadequate employment	-	-	23	22
Unemployed	301	313	379	358
Labour force participation rate	24,4	25,1	25,8	26,3
Unemployment rate	20,8	21,2	25	23
Non-agricultural unemployment rate	27,4	28,5	32,9	30,7
Employment rate	19,3	19,8	19,3	20,3
Not in labour force	4.488	4.397	4.373	4.352

Source : Turkish Statistical Institute (TurkStat)

Table 3: Some Data on Employment (%)

	2007	2008	2009	2010
Growth rate	4,7	0,7	-4,8	8,9
Employment rate	41,5	41,7	41,2	43,0
Labour force participation rate	46,2	46,9	47,9	48,8
Unemployment rate	10,3	11,0	14,0	11,9
Youth unemployment rate	20,0	20,5	25,3	21,7
Women unemployment rate	11,0	11,6	14,3	13,0
Mature* workers unemployment rate	0,8	1,0	1,4	1,5
Long term unemployment rate	3,1	2,9	3,5	3,4

* persons over 65

Source: Turkish Statistical Institute

Table 4: Total funds allocated for employment, ratio to GDP, by active and passive labour policies

YEARS	GDP*	PASSIVE EMPLOYMENT POLICIES				PASSIVE TOTAL / GDP RATIO
		UNEMPLOYMENT ALLOWANCE TL	SHORT-TIME WORK BENEFIT TL	WAGE GUARANTEE FUND PAYMENT TL	PASSIVE TOTAL TL	
2007	843.178.000.000	351.906.552	22.051	3.602.134	355.530.738	0,0004
2008	950.534.000.000	517.054.113	70.640	1.071.807	518.196.560	0,0005
2009	952.559.000.000	1.114.274.973	162.473.091	22.338.534	1.299.086.598	0,0014
2010	1.103.750.000.000	807.411.810	39.144.355	22.069.355	868.625.520	0,0008

* Turkish Statistical Institute, GDP Newsletter

Table 5- Labour Force Status -of Non-Institutional Population-by Years and Sex 2007-2010

		Non-institutional population	Population- 15 years and over	Labour force	Employed	Unemployed	Labour force participation rate (%)	Unemployment rate (%)	Long-term Unemployment rate (%)	Employment rate (%)	Not in labour force
PERSONS	2007	68 901	49 994	23 114	20 738	2 376	46,2	10,3	3,1	41,5	26 879
	2008	69 724	50 772	23 805	21 194	2 611	46,9	11,0	2,9	41,7	26 967
	2009	70 542	51 686	24 748	21 277	3 471	47,9	14,0	3,5	41,2	26 938
	2010	71 343	52 541	25 641	22 594	3 046	48,8	11,9	3,4	43,0	26 901
FEMALE	2007	34 722	25 480	6 016	5 356	660	23,6	11,0	4,3	21,0	19 464
	2008	35 134	25 855	6 329	5 595	734	24,5	11,6	4,0	21,6	19 526
	2009	35 541	26 317	6 851	5 871	979	26,0	14,3	4,6	22,3	19 466
	2010	35 941	26 740	7 383	6 425	959	27,6	13,0	4,8	24,0	19 357
MALE	2007	34 178	24 513	17 098	15 382	1 716	69,8	10,0	2,7	62,7	7 415
	2008	34 589	24 917	17 476	15 598	1 877	70,1	10,7	2,6	62,6	7 441
	2009	35 000	25 369	17 898	15 406	2 491	70,5	13,9	3,1	60,7	7 471
	2010	35 401	25 801	18 257	16 170	2 088	70,8	11,4	2,8	62,7	7 544

Notes:1) Figures for thousand person ('000)

2) Long term unemployment is the ratio of unemployed persons seeking job for more than one year to the total labour force.

Source: Turkish Statistical Institute

Table 6- Labour Force Status by Years and Sex (%) 2007-2010

		15-19	20-24	25-34	35-54	55+	Total
PERSONS	2007	21,6	39,9	55,6	51,5	19,3	41,5
	2008	22,0	39,9	55,8	51,9	19,6	41,7
	2009	21,0	38,1	54,8	51,6	20,1	41,2
	2010	21,6	39,9	57,2	54,1	21,0	43,0
FEMALE	2007	13,5	25,1	27,3	24,4	10,0	21,0
	2008	13,9	25,7	28,2	25,3	10,1	21,6
	2009	13,5	25,3	29,4	26,4	10,8	22,3
	2010	13,8	26,9	31,2	29,4	11,4	24,0
MALE	2007	29,1	57,7	83,9	78,4	30,2	62,7
	2008	29,3	57,3	83,2	78,2	30,7	62,6
	2009	28,0	53,4	80,1	76,5	31,0	60,7
	2010	28,8	55,6	83,1	78,7	32,1	62,7

Note: 1) Employment rate is the ratio of the number of employed to the population of 15 years and over in the non-institutional population.

Source: Turkish Statistical Institute

Table 7- Unemployment Rates by Age and Sex (%) 2007-2010

		15-19	20-24	25-34	35-54	55+	Total
PERSONS	2007	19,7	20,1	10,6	6,9	3,3	10,3
	2008	19,6	21,0	11,5	7,7	4,0	11,0
	2009	23,6	26,3	15,1	10,2	5,0	14,0
	2010	18,8	23,5	12,6	8,9	4,7	11,9
FEMALE	2007	18,9	21,7	12,3	5,8	0,9	11,0
	2008	18,6	22,6	13,2	6,7	1,1	11,6
	2009	22,2	26,5	16,8	9,0	1,2	14,3
	2010	18,5	25,2	15,4	8,4	1,1	13,0
MALE	2007	20,0	19,3	10,1	7,3	4,2	10,0
	2008	20,1	20,1	11,0	8,0	5,0	10,7
	2009	24,2	26,2	14,5	10,6	6,5	13,9
	2010	19,0	22,4	11,5	9,0	6,1	11,4

Note: 1) Unemployment rate is the ratio of the number of unemployed to the labour force population
 Source: Turkish Statistical Institute

Table 8- Unemployment Rates by Educational Levels and Sex (%) 2007-2010

		Illiterate	Literate but without a degree	Primary education	Lower secondary and vocational lower secondary education	8-years primary education	General high-school education	Vocational school equivalent of high-school education	Post-secondary and tertiary education	Total
PERSONS	2007	5,2	10,6	8,7	10,2	16,8	13,9	12,0	9,7	10,3
	2008	6,3	12,1	9,4	10,9	17,7	14,1	11,7	10,3	11,0
	2009	8,0	15,3	12,2	14,0	22,2	18,0	15,6	12,1	14,0
	2010	6,0	12,5	10,0	11,5	18,3	15,9	13,2	11,0	11,9
FEMALE	2007	1,7	4,3	6,5	14,7	14,0	22,1	20,9	13,9	11,0
	2008	2,5	5,9	7,5	17,6	14,2	20,6	20,6	14,3	11,6
	2009	3,0	9,1	9,4	20,0	18,3	26,3	25,9	16,3	14,3
	2010	2,4	6,8	8,6	18,9	16,7	24,9	22,5	15,9	13,0
MALE	2007	12,4	14,3	9,4	9,6	17,8	11,0	9,7	7,4	10,0
	2008	14,1	16,0	10,0	10,0	19,0	11,8	9,2	8,1	10,7
	2009	17,6	19,2	13,0	13,2	23,6	15,1	12,7	9,6	13,9
	2010	13,7	16,3	10,5	10,4	18,9	12,6	10,5	8,0	11,4

Source: Turkish Statistical Institute

Table 9-Employment rates by Economic Activity, Years and Sex (%) 2007-2010

		Agriculture	Industry	Services	Total
PERSONS	2007	23,5	26,7	49,8	100,0
	2008	23,7	26,8	49,5	100,0
	2009	24,6	25,3	50,1	100,0
	2010	25,2	26,2	48,6	100,0
FEMALE	2007	42,7	16,1	41,2	100,0
	2008	42,1	15,7	42,2	100,0
	2009	41,6	15,3	43,1	100,0
	2010	42,4	15,9	41,7	100,0
MALE	2007	16,8	30,4	52,8	100,0
	2008	17,1	30,8	52,1	100,0
	2009	18,1	29,1	52,7	100,0
	2010	18,3	30,3	51,4	100,0

Note: 1) For the codification of economic activities, NACE.Rev.1 was used for the years 2007-2008 and NACE.Rev.2 for the years 2009-2010

Source: Turkish Statistical Institute

Table 10- Employment Rates by Occupational Status (%) 2007-2010

		Wage earner or casual employees	Employer or self-employed	Unpaid family worker	Total
PERSONS	2007	60,4	26,9	12,7	100,0
	2008	61,0	26,3	12,7	100,0
	2009	60,0	26,5	13,5	100,0
	2010	60,9	25,4	13,6	100,0
FEMALE	2007	52,4	12,9	34,6	100,0
	2008	53,2	12,4	34,4	100,0
	2009	51,1	14,1	34,8	100,0
	2010	50,7	14,1	35,2	100,0
MALE	2007	63,2	31,8	5,0	100,0
	2008	63,9	31,3	4,9	100,0
	2009	63,4	31,2	5,4	100,0
	2010	64,9	30,0	5,1	100,0

Source: Turkish Statistical Institute

Table 11- Average annual main job incomes of individuals by employment status at main job (YTL)								
Status in employment		Turkey			Rural		Urban	
		Total	Male	Female	Male	Female	Male	Female
2006								
	Total	8754	9297	6453	6968	3719	10269	7452
	Regular employee	9069	9268	8262	7180	6568	9677	8465
	Casual employee	3289	3782	1875	2930	1408	4299	2096
	Employer	20403	20864	15476	15978	6643	21895	17386
	Self employed	7002	7757	3390	7030	3221	8876	3739
2007								
	Total	10005	10616	7470	7861	4156	11792	8651
	Regular employee	10308	10529	9490	8116	7202	11002	9782
	Casual employee	4241	4837	2263	4064	1492	5278	2624
	Employer	25411	26279	14501	18533	9228	28176	15855
	Self employed	8106	8801	4176	7860	3587	10227	5349
2008								
	Total	10922	11542	8400	8692	5214	12875	9558
	Regular employee	11471	11770	10422	9685	8652	12242	10696
	Casual employee	4511	5071	2496	4171	1566	5664	3007
	Employer	26846	27450	19765	19701	14678	29575	22425
	Self employed	8344	9224	3724	8176	3419	10960	4314
2009								
	Total	11966	12613	9443	8988	5220	14180	10717
	Regular employee	13006	13399	11732	11268	9536	13816	11996
	Casual employee	4450	5010	2446	4195	1682	5467	2932
	Employer	27247	27989	17821	17444	8459	31021	23055
	Self employed	8565	9422	3935	7791	3373	11867	4709
Source: Turkish Statistical Institute , Income and Living Conditions Survey, 2006- 2009								