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## **EUROPEAN SOCIAL CHARTER**

15th National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF TÜRKIYE**

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

Complementary information on Articles 3, 11, 12, 13, 14, 23  
and 30 (Health, Social Security and Social Protection)  
for the period 01/01/2018 – 31/12/2021

Report registered by the Secretariat on

30 March 2023

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27/03/2023



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15<sup>th</sup> National Report on the Implementation of  
The European Social Charter (Revised)

submitted by

**THE GOVERNMENT OF THE REPUBLIC OF TÜRKİYE**

**Thematic Group 4:**

**Children, Families, Migrants**

**Report on Articles 7, 8, 16, 17, 19, 27 and 31**

**&**

**Thematic Group 2:**

**Health, Social Security and Social Protection**

**Complementary information on Articles 3, 11, 12, 13, 14, 23 and 30**

for the period 01/01/2018 – 31/12/2021

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## LIST OF ABBREVIATIONS AND ACRONYMS

AFAD	Disaster and Emergency Management Presidency
AGOs	Forensic Interview Rooms
AROPE	At Risk of Poverty and Social Exclusion
BES	Individual Private Pension System
CPI	Consumer Price Index
EBA	Education Information Network
EUROSTAT	European Union Statistical Office
ILO	International Labour Organisation
IOM	International Organization for Migration
IPA	The Instrument for Pre-accession Assistance
İŞKUR	Turkish Employment Agency
MoEUCC	Ministry of Environment, Urbanization and Climate Change
MoFSS	Ministry of Family and Social Services
MoLSS	Ministry of Labour and Social Security
MoNE	Ministry of National Education
NGOs	Non-governmental Organizations
OHS	Occupational Health and Safety
PMM	Presidency of Migration Management
PTT	Post, Telegraph and Telephone Administration
RAF	Research Assessment Form
SASAP	Smoking, Alcohol and Substance Addiction Program
SED	The Social and Economic Support
SHMs	Social Service Centres
SMEs	Small and Medium-Sized Enterprises
SODAMs	Social Solidarity Centres
SSI	Social Security Institution
SUT	Health Practice Communiqué
SuTPs	Syrians Under Temporary Protection
SYDT Fund	Social Assistance and Solidarity Encouragement Fund
SYDV	Social Assistance and Solidarity Foundations
ŞÖNİM Program	Violence Prevention and Monitoring Program
ŞŞY	Conditional Health Benefits
TBM	Addiction Prevention Training Programme of Türkiye
TESK	The Confederation of Turkish Tradesmen and Craftsmen
TİHEK	Human Rights and Equality Institution of Türkiye
TİKA	Turkish Cooperation and Coordination Agency
TNP	Turkish National Police
TOKİ	Mass Housing Administration
TURKSTAT	Turkish Statistical Institute
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organisation
YADES	Elderly Support Program
YŞEY	Conditional Education Assistance for Foreigners

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## PART I

### INFORMATION ON THE NEW PRESIDENTIAL GOVERNMENT SYSTEM

After a new constitutional referendum was held on April 16, 2017, and following the June 2018 presidential and parliamentary elections, Türkiye formally transitioned to the “Presidential Government System” to ensure stability in government and rapid and effective executive performance. Changes aiming to adapt to the new system have taken place in many public institutions, especially the abolition of the Prime Ministry. In the wake of the Prime Ministry’s abolition, a number of public institutions, which were either affiliated to or were accountable to the Prime Ministry, were transferred to the Presidency and relevant Ministries under the new system of government.

As a result of the transition to the Presidential Government System in July 2018, the Ministry of Family, Labour and Social Services was established by merging the Ministry of Family and Social Policies and the Ministry of Labour and Social Security with Decree-Law No. 703, and the authorities, duties and responsibilities of the Ministry were outlined with the Presidential Decree No. 1.

However, the Ministries were separated and replaced by the Ministry of Family and Social Services (MoFSS) and the Ministry of Labour and Social Security (MoLSS) with the Presidential Decree Amending Some Presidential Decrees on the Establishment of the MoFSS and the MoLSS and the Execution of Civil Servants Transactions, published in the Official Gazette dated 21 April 2021 and numbered 31461.



## ARTICLE 7

### Article 7§1

#### Article 7 – The right of children and young persons to protection

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

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

#### MEASURES TAKEN TO DETECT AND COMBAT CHILD LABOUR

##### Statistical Data

Child Labour Surveys were conducted in 1994, 1999, 2006, 2012 and 2019 by Turkish Statistical Institute (TURKSTAT). It is seen that there has been a decrease in child labour since 1994. While the rate of children aged 6-17 engaged in economic activity was 15.2% in 1994, this rate decreased to 10.3% in 1999 and 5.9% in 2006, which remained the same in 2012. Recently, according to the results of TURKSTAT's 2019 Child Labour Force Survey, the rate of children engaged in economic activity in the 5-17 age group was 4.4% (720.000 persons).

When the distribution of economically active children in Türkiye by sectors in the 2019 Child Labour Survey is analysed, it is seen that the highest concentration is in the service sector. The survey shows that 30.8% of working children take part in agriculture, 23.7% of them are in the industry sector and 45.5% of them are in the service sector. According to 2012 data, while working children were in the agriculture sector with the highest rate of 44.7%, according to 2019 data, working children are mostly in the service sector with a rate of 45.5%. The results of the Child Labour Force Survey 2019 are provided in detail under Article 7§3 [below](#).

##### Activities Carried Out

In order to determine and eliminate the existing problems of those who go to other provinces with their families to work as seasonal migrant agricultural workers in terms of transportation, accommodation, education, health, security, relations with the social environment, work and social security, the Prime Ministry Circular No. 6 on “Seasonal Agricultural Workers” was entered into force upon the publication in the Official Gazette dated 19 April 2017 and the Seasonal Agricultural Workers Project (METIP II) started to be implemented.

In order to ensure that child labour is monitored more effectively since 2017 various activities have been carried out together with United Nations Children's Fund (UNICEF) to support institutional capacity building activities for the Directorate of Guidance and Inspection (Labour Inspectorate) in order to strengthen the links between the mechanisms for labour inspection, social protection and the inspection and training of professional organizations. Within the scope of the Work Program, field research activities are carried out with the private sector representatives (The Confederation of Turkish Tradesmen and Craftsmen [TESK], chambers and unions of tradesmen) and public institutions and organizations (Governorates, municipalities, Ministry of National Education [MoNE], MoFSS, Presidency of Migration

Management [PMM]) on the basis of cooperation. Within this scope, research activities were carried out in auto industry sites, furniture production workplaces and workplaces where ready-made clothing is manufactured, which are the sectors where child labour is thought to be intense.

All children (apprentices, children and young workers) identified within the scope of the research activities are reported to the Provincial Directorates of National Education in order to monitor their school attendance, and to the Provincial Directorates of the MoFSS to be evaluated within the scope of social protection, and the results of the notifications are requested to be shared by these institutions.

### **Inspection Activities**

In all inspections carried out by the Labour Inspectorate, child labour is determined as a priority risk group, and complaints and notices regarding child labour are evaluated and included in the scope of the inspections as a priority. In addition, the Provincial Directorates of National Education are notified to direct these children to education.

As a result of the inspections carried out, it is requested to impose administrative fines on workplaces that violate the provisions of Article 71 of the Labour Law No. 4857 titled “Working age and restrictions on the employment of children” and the Regulation on the Procedures and Principles of Employment of Child and Young Workers issued based on this Article.

During the inspections carried out by labour inspectors between 01 January 2018 and 31 December 2021, an administrative fine of 722.823,00 TL in total was imposed on 265 workplaces that violate Article 71 of Labour Law No. 4857. Below is the table showing the fines imposed during the period 2018-2022.

*Table 1. Administrative Fines imposed during the period 2018-2022*

<b>Year</b>	<b>Number of Workplaces</b>	<b>Amount of Administrative Fine (TL)</b>
<b>2018</b>	62	109.947
<b>2019</b>	27	54.831
<b>2020</b>	41	93.094
<b>2021</b>	53	147.806
<b>2022</b>	82	317.145

## **MEASURES ON THE MONITORING OF CHILD LABOUR AND THE WORK DONE AT HOME BY CHILDREN UNDER THE AGE OF 15**

### **Legal Framework**

In the previous report, detailed information on the legislation was given. To summarize briefly, according to Article 71 of Labour Law No. 4857 titled “Working age and restrictions on the employment of children”:

- Employing children who did not complete the age of fifteen is prohibited.

- Children who have completed the age of fourteen and primary education may be employed for light works which will not obstruct their physical, mental, social and moral development and the education of those who attend the school.
- Children who have not completed the age of fourteen may be employed in artistic, cultural and advertising activities which will not obstruct their physical, mental, social and moral development and the education of those who attend the school.
- The working hours for children who have completed their compulsory primary education and do not continue to receive formal education shall not be longer than seven hours a day and thirty-five hours a week.
- Working hours shall not be longer than five hours a day and thirty hours a week for those working in artistic, cultural and advertising activities.
- Working hours during the education term of the children who receive preschool education and attend school may be at most two hours a day and ten hours a week, outside the education hours.

### **Inspection Activities**

In accordance with the relevant article of Labour Law No. 4857, labour inspectors carry out inspection activities within the framework of the provisions of the legislation. In case of detection of a violation of the legislation, it is requested to apply an administrative fine.

Private properties are not subject to labour inspection as they are within the scope of “Domestic Services” exemption pursuant to Article 4 of Labour Law No. 4857 and Article 2 of the Occupational Health and Safety Law No. 6331. However, labour inspection activities can be carried out by labour inspectors in domestic services on whether foreigners have a work permit and whether they are working in accordance with the International Labour Force Law No. 6735. In addition, in accordance with Article 7 of Labour Law No. 4857, inspections can be carried out by labour inspectors in the provisions regarding temporary employment relations and job placements made through private employment agencies.

According to Article 6/ğ of the Regulation on Labour Inspection, in case of detection of violations of the legislation regarding the age, gender and health status of the employees in workplaces, labour inspectors have the authority to request the prevention of these employees from working with a letter to be sent to the relevant civil authority. In this framework, if it is detected that children under the age of 15 are employed in a workplace in violation of the legislation, necessary measures are taken to prevent the children from working and to direct them to education and social services.

## Article 7§2

2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;

### MEASURES ON THE PROHIBITION OF EMPLOYMENT UNDER THE AGE OF 18 FOR DANGEROUS OR UNHEALTHY ACTIVITIES

#### Legal Framework

Article 72 of the Labour Law No. 4857 prohibits the employment of men and women of all ages who have not completed the age of eighteen in underground or underwater works such as mines, cable laying, sewerage and tunnel construction.

Paragraph 1 of Article 73 of the same Law stipulates that “it is forbidden to employ children and young workers under the age of eighteen in industrial work at night”.

As stipulated in Article 71 of the Labour Law No. 4857, in order to determine the principles of the way children and young workers work without jeopardizing their health and safety, their physical, mental, moral and social development or education, and to prevent their economic exploitation, the Regulation on the Procedures and Principles of Employment of Child and Young Workers entered into force in 2004. The said regulation was amended twice in 2013 and once in 2017.

According to the Regulation,

- A young worker is a person who has completed the age of 15 but has not completed the age of 18,
- A child worker is a person who has completed the age of 14 but has not completed the age of 15 and has completed primary education.
- Light work is a work that, due to its structure, nature and the special conditions during its execution, does not have the possibility of harmful effects on the development or health and safety of children and does not prevent their attendance at school, vocational training or participation in a training program approved by the competent authorities and benefiting from such activities.

In Annex-1 of the Regulation, light jobs where child workers are allowed to work, in Annex-2 jobs where young workers are allowed to work and in Annex-3 jobs where young workers who have completed the age of 16 but not completed the age of 18 are allowed to work are specified. Child workers cannot be employed except for the jobs in Annex-1, and young workers cannot be employed except for the jobs in Annex-1 and Annex-2. Young workers who have completed the age of 16 but have not completed the age of 18, cannot be employed except for the jobs in Annex-1, Annex-2 and Annex-3.

However, it is forbidden to recruit workers who are under the age of 18 in the following jobs listed in Paragraph 6 of Article 5 of the Regulation, even if they are listed among the works that are permitted according to their age: preparation, complementation and cleaning works; production and wholesale of alcohol, cigarette and substances leading addiction; wholesale and retail of combustible, explosive, harmful and dangerous substances and their production, processing, storing and all sorts of work where there is possibility of exposure to such substances; the work done in places where there is high noise and/or vibration; the work in

excessive hot and cold environment; the work done with the substances bad for health and leading occupational disease; the work where there is possibility of exposure to radioactive substances and harmful rays; the work that is demanding attention and requiring standing continuously; the work of piece-rate pay with the system of contribution; the work not enabling the person to return to his/her home or parents after work except for educational work; the work over their physical and psychological competencies with the report of workplace physician, the work in which there is possibility of lack of attention for security or lack of education and experience; carrying money and collection of revenues; and the night work specified in Paragraph 1 of Article 69 of the Labour Law No. 4857.

### **Inspection Activities**

In accordance with the legislation given above, inspection activities are carried out by labour inspectors. In case of detection of a violation of the legislation, an administrative fine is requested to be imposed on the workplaces in question. Child labour is determined as the priority risk group in all inspections carried out by the Labour Inspectorate, and complaints and notices regarding child labour are evaluated and given priority in the inspections.

Information on the inspections carried out by labour inspectors between 01 January 2018 and 31 December 2021 is already given in Article 7§1 [above](#).

## Article 7§3

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;

### RECENT DATA ON CHILD LABOUR

#### Child Labour Force Survey, 2019

The results of the Child Labour Survey conducted in 2019 are presented below:

The research called “Working Child Statistics” was conducted in the fourth quarter of 2019 (October-November-December) with the Household Labour Force Survey for 5-17 age group children.

This research includes differences in terms of scope and methodology with the previously conducted Working Child Surveys. These differences are the arrangements in the 2014 Household Labour Force Survey structure and the inclusion of the 5-17 age group in working child statistics of the ILO. The term “working child” in this press release refers to “children engaged in economic activity”.

#### The number of children engaged in economic activity

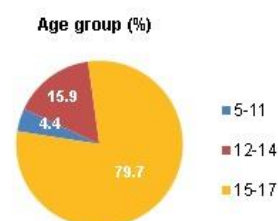
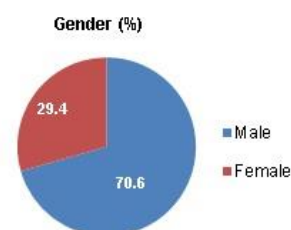
In Türkiye, the number of children in the 5-17 age group was estimated at 16 million 457 thousand persons. Children in this age group were 20.3% of the non-institutional population. By age groups, the number of children in the 5-11 age group was estimated at 9 million 12 thousand, 3 million 796 thousand in the 12-14 age group and 3 million 649 thousand children in the 15-17 age group.

The number of children engaged in economic activities was 720 thousand persons and no 5-year-old child was observed among them. Employment rate which shows the proportion of working children in the 5-17 age group among children in the same age group was estimated at 4.4%.

Figure 1. Basic indicators of children engaged in economic activity, 5-17 age group, Quarter IV: October-December, 2019

	Total		Male		Female	
	(Thousand person)	(%)	(Thousand person)	(%)	(Thousand person)	(%)
<b>Population (5-17 age group)</b>	<b>16 457</b>	-	<b>8 449</b>	-	<b>8 008</b>	-
<b>Persons engaged in economic activity</b>	<b>720</b>	<b>100.0</b>	<b>508</b>	<b>100.0</b>	<b>212</b>	<b>100.0</b>
<b>Age group</b>						
5-11	32	4.4	24	4.7	8	3.8
12-14	114	15.9	77	15.2	37	17.4
15-17	574	79.7	407	80.0	167	78.8
<b>Educational attendance</b>						
Attending school	473	65.7	333	65.6	140	66.1
Not attending school	247	34.3	175	34.4	72	33.9
<b>Sector</b>						
Agriculture	221	30.8	143	28.2	78	36.8
Industry	171	23.7	141	27.8	29	13.7
Services	328	45.5	223	43.9	105	49.4
<b>Status in employment</b>						
Regular or casual employee	455	63.3	319	62.9	136	64.2
Self employed	4	0.5	3	0.5	1	0.5
Unpaid family worker	261	36.2	186	36.6	75	35.3

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



While 79.7% of working children were in the 15-17 age group, 15.9% were in the 12-14 age group and 4.4% were in the 5-11 age group. When examined by gender, it was seen that 70.6% of working children were male and 29.4% were female.

### Children engaged in economic activity by educational attendance

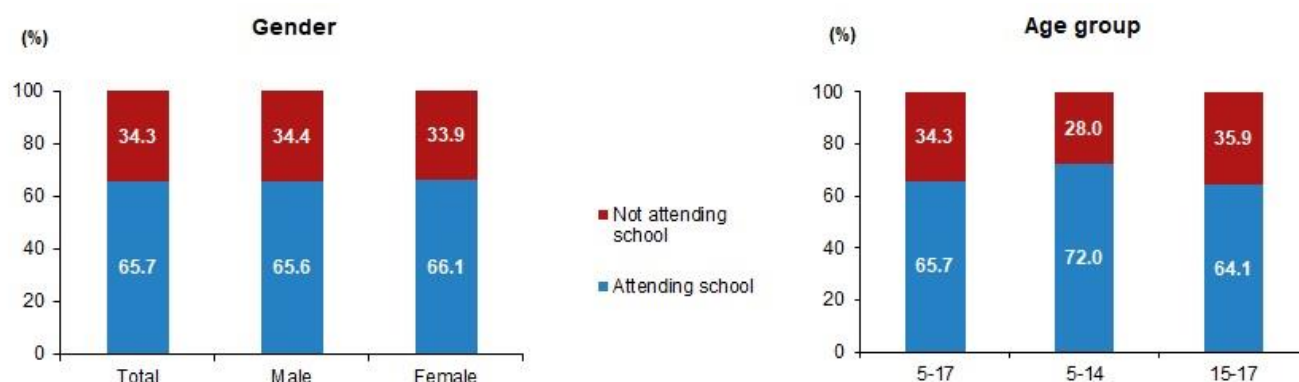
While 65.7% of working children attended education, this rate was 65.6% for males and 66.1% for females. According to age groups; 72.0% of working children in the 5-14 age group and 64.1% of the working children in the 15-17 age group also continued an education program. 34.3% of working children did not continue their education.

Figure 2. Children engaged in economic activity by educational attendance, 5-17 age group, Quarter IV: October-December, 2019

Age group	Total			Male			Female		
	Total	Attending school	Not attending school	Total	Attending school	Not attending school	Total	Attending school	Not attending school
	(Thousand person)								
<b>Total</b>	<b>720</b>	<b>473</b>	<b>247</b>	<b>508</b>	<b>333</b>	<b>175</b>	<b>212</b>	<b>140</b>	<b>72</b>
5-14	146	105	41	101	80	21	45	25	20
15-17	574	368	206	407	253	154	167	115	52
	(%)								
<b>Total</b>	<b>100.0</b>	<b>65.7</b>	<b>34.3</b>	<b>100.0</b>	<b>65.6</b>	<b>34.4</b>	<b>100.0</b>	<b>66.1</b>	<b>33.9</b>
5-14	100.0	72.0	28.0	100.0	79.4	21.0	100.0	56.0	44.0
15-17	100.0	64.1	35.9	100.0	62.2	37.8	100.0	68.8	31.2

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

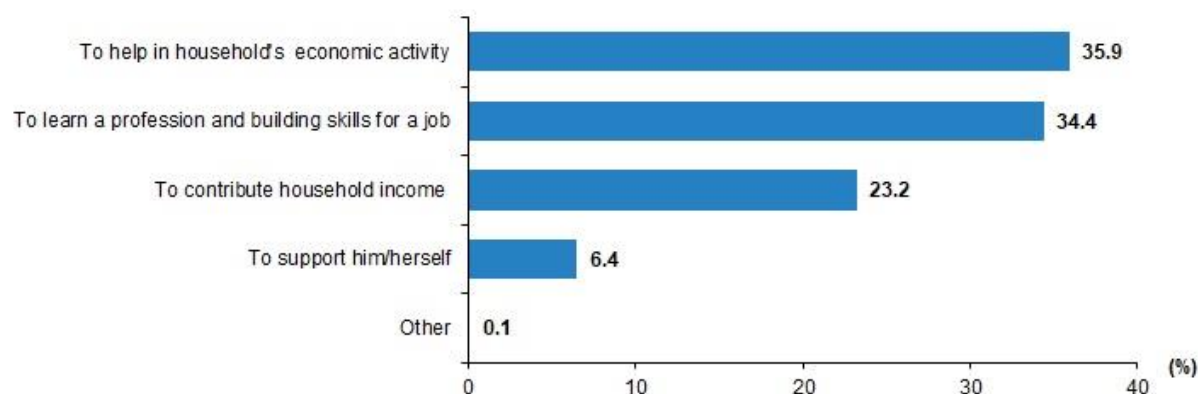
Figure 3. Children engaged in economic activities by educational attendance, 5-17 age group, IV. Quarter: October-December (%), 2019



### Children engaged in economic activities by reason of working

When the reasons for working of children engaged in economic activity are listed; “to help in household's economic activity” was the first place with 35.9%, and others were “to learn a profession and skills for a job” with 34.4%, “to contribute household income” with 23.2% and “to support him/herself needs” with 6.4% ”.

Figure 4. Children engaged in economic activity by reason of working, 5-17 age group Quarter IV: October-December (%), 2019



### Working children by the branch of economic activity

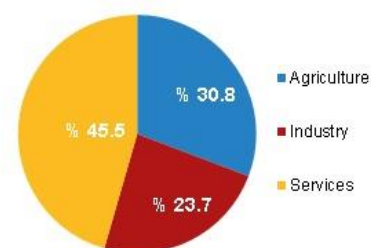
30.8% of working children took part in agriculture, 23.7% were in the industry sector and 45.5% were in the service sector. According to age groups; children working in the 5-14 age group concentrated in the agricultural sector with 64.1%, while children working in the 15-17 age group concentrated in the service sector with 51.0%.



Figure 5. Working children by the branch of economic activity, 5-17 age group, Quarter IV: October-December, 2019

Age group	Branch of economic activity			
	Total	Agriculture	Industry	Services
	(Thousand person)			
<b>Total</b>	<b>720</b>	<b>221</b>	<b>171</b>	<b>328</b>
5-14	146	94	17	35
15-17	574	128	153	292
	(%)			
<b>Total</b>	<b>100.0</b>	<b>30.8</b>	<b>23.7</b>	<b>45.5</b>
5-14	100.0	64.1	11.7	24.2
15-17	100.0	22.3	26.8	51.0

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



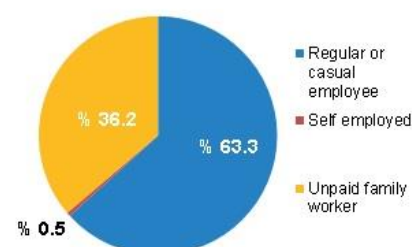
### Working children by status in employment

63.3% of working children worked as regular or casual employees, 36.2% of them worked as unpaid family workers and 0.5% of them worked as self-employed.

Figure 6. Working children by status in employment, 5-17 age group, Quarter IV: October-December, 2019

Age group	Status in employment			
	Total	Regular or casual employee	Self employed	Unpaid family worker
	(Thousand person)			
<b>Total</b>	<b>720</b>	<b>455</b>	<b>4</b>	<b>261</b>
5-14	146	35	2	110
15-17	574	421	2	151
	(%)			
<b>Total</b>	<b>100.0</b>	<b>63.3</b>	<b>0.5</b>	<b>36.2</b>
5-14	100.0	23.8	1.0	75.2
15-17	100.0	73.3	0.4	26.3

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



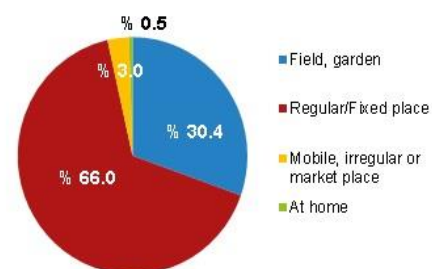
### Working children by type of work place

According to the type of workplace, 66.0% of the working children was at regular/fixed workplaces, 30.4% of them worked in the field/garden, 3.0% of them worked in the mobile, irregular or market place and 0.5% of them worked at home.

Figure 7. Working children by type of work place, 5-17 age group, Quarter IV: October-December, 2019

Age group	Type of workplace				
	Total	Field, garden	Regular/Fixed place	Mobile, irregular or market place	At home
	(Thousand person)				
<b>Total</b>	<b>720</b>	<b>219</b>	<b>475</b>	<b>22</b>	<b>4</b>
5-14	146	94	50	3	-
15-17	574	125	426	19	4
	(%)				
<b>Total</b>	<b>100.0</b>	<b>30.4</b>	<b>66.0</b>	<b>3.0</b>	<b>0.5</b>
5-14	100.0	64.1	33.9	2.1	-
15-17	100.0	21.8	74.2	3.2	0.7

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

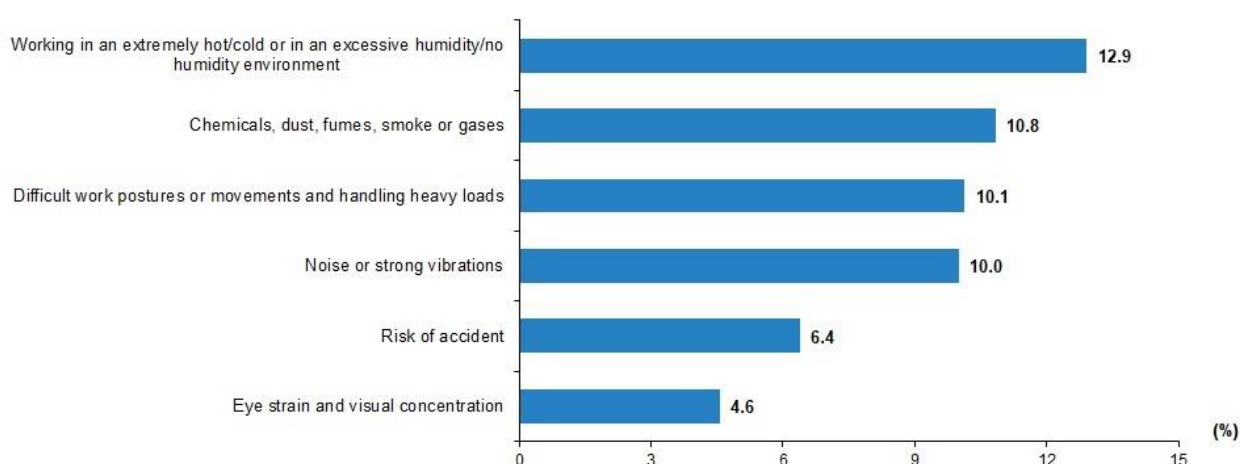


## Factors that negatively affect physical health in the workplaces

When the factors that negatively affect physical health are examined in the workplace; 12.9% of working children worked in an extremely hot/cold or in an excessive humidity/no humidity environment, 10.8% of them were exposed to chemicals, dust, fumes, smoke or gases, 10.1% of them were exposed to difficult work postures or movements and handling heavy loads and 10.0% of them were exposed to noise or strong vibrations.

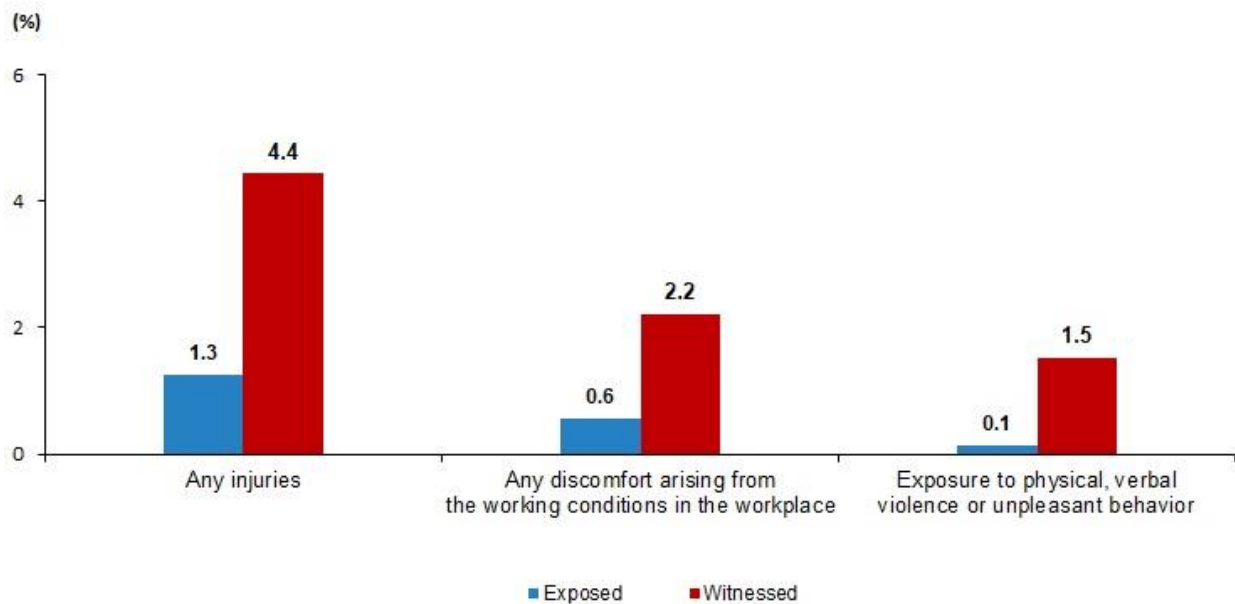
It was determined that 6.4% of working children face the risk of accidents in their workplace and 4.6% of them was at risk for eye strain and visual concentration in their workplace.

Figure 8. Factors that negatively affect physical health in the workplaces, 5-17 age group, Quarter IV: October-December (%), 2019



While 1.3% of working children were exposed to “any injuries” at their workplace, 4.4% of them witnessed “any injuries” at their workplace. The rate of those who experienced “any discomfort arising from the working conditions in the workplace” was 0.6%, while the rate of those who witnessed this situation was 2.2%. While 0.1% of working children were exposed to physical, verbal violence or unpleasant behaviour at their workplace, the rate of those who witnessed this situation was 1.5%.

Figure 9. Unfavourable factors that affect/may affect in workplaces, 5-17 age group, IV. Quarter: October-December (%), 2019

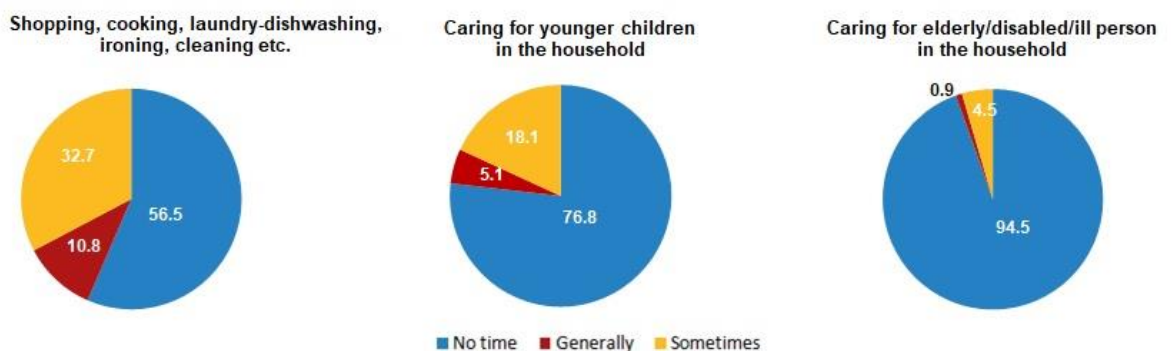


### The rate of children contributing to household chores

Children who help their families with household chores such as shopping, cleaning, cooking, ironing, etc. or caring for younger children or elderly/disabled/ill persons in the household, refer to children supporting their families. They are not covered by the working child. In this context, 45.5% of children in the 5-17 age group contributed to their families with any of the household chores. This rate was 40.0% for males and 51.3% for females.

While 43.5% of the children helped their families with household chores such as “shopping for households, laundry-dishwashing, ironing, cooking, cleaning of household items”. 23.2% of children assisted their family in “caring for younger children in the household” and 5.4% of them helped their family “care for elderly/disabled/ill person in the household”.

Figure 10. Children by the type of household chores done, 5-17 age group, Quarter IV: October - December, (%) 2019



Children contributing to their families in household chores spent 5.8 hours on average in the reference week. While 40.2% of the children who help their families with household chores

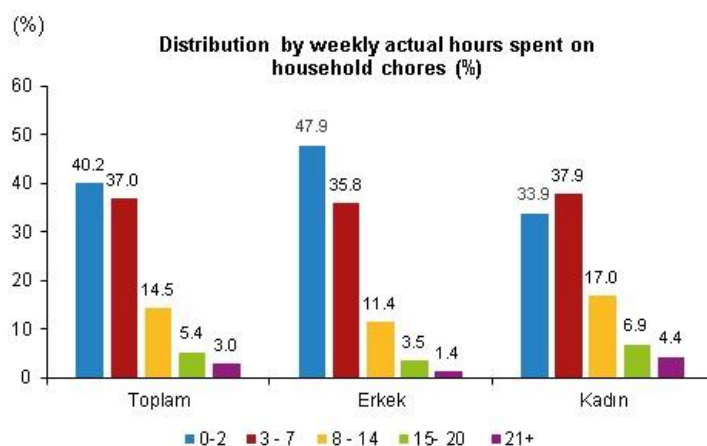
spent 2 hours or less on household chores in the reference week, 37.0% of them was 3-7 hours, 14.5% of them was 8-14 hours, 5.4% of them spent 15-20 hours, 3.0% of them spent 21 hours or more in the reference week.

When examined by gender, females were observed to spend more time on household chores. 16.3% of males and 28.3% of females contributed to housework 8 hours or more in a week.

Figure 11. Children contributing to household chores by weekly actual hours in the reference week, 5-17 age group, Quarter IV: October-December, 2019

Weekly actual hours	Total	Male	Female
	(Thousand person)		
<b>Total</b>	<b>7 488</b>	<b>3 379</b>	<b>4 109</b>
0-2	3 009	1 617	1 393
3-7	2 768	1 211	1 557
8-14	1 083	386	698
15-20	401	119	283
21+	227	47	180
	(%)		
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
0-2	40.2	47.9	33.9
3-7	37.0	35.8	37.9
8-14	14.5	11.4	17.0
15-20	5.4	3.5	6.9
21+	3.0	1.4	4.4

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



### Children working with a service contract

The table below, provided by the SSI, shows the number of children aged 6-17, covered by the 4/1-(a) compulsory insurance (working with a service contract) for the years 2018-2021.

Table 2. Number of children aged 6-17, covered by the 4/1-(a)

Age	2018		2019		2020		2021	
	Male	Female	Male	Female	Male	Female	Male	Female
6	110	118	106	95	93	93	129	121
7	106	116	122	149	95	90	116	87
8	180	160	136	115	119	117	110	94
9	178	206	164	163	111	94	137	129
10	195	227	174	178	133	111	114	99
11	238	204	176	175	127	100	130	86
12	262	188	149	160	126	111	114	96
13	371	237	189	121	171	124	171	115
14	921	627	478	259	532	293	648	328
15	3.458	1.744	2.165	1.002	2.394	961	2.501	1.140
16	12.589	5.647	8.929	3.910	9.221	3.388	9.300	3.762
17	29.689	12.302	22.417	8.794	21.931	7.712	23.477	8.606

While the total number of insured persons aged 6-17 was 70.073 in 2018, it decreased to 51.610 in 2021.

The figures in the table do not necessarily mean the children actually work. These children may be children who are not actually working but who are registered for insurance and whose contributions are paid and/or children who work in non-prohibited arts, culture and advertising activities.

## **MEASURES TO INCREASE THE RATE OF SCHOOL ATTENDANCE**

The MoNE monitors attendance at provincial, district and school levels in pre-school, primary and secondary schools and determines the reasons for absenteeism. Awareness and information activities are carried out to increase the school attendance rate, and it is observed that the attendance rates are increasing as a result of these activities.

### **Studies to increase access to school and reduce the cost to families in pre-school education**

Despite all the infrastructure investments made, the capacity problem in pre-school education continues especially for children aged 3-4 years. In some settlements where the population is dense, it is difficult to find land for pre-school education institutions. In remote and sparsely populated settlements, on the other hand, since the number of children who are required to open a kindergarten class cannot be reached, there are problems with the access of approximately 30 thousand children to pre-school education. In order to ensure that these children have access to pre-school education, measures have been taken by the MoNE, alternative education access models have been developed and special measures have been taken for the current education period.

At the 20th National Education Council convened on 1-3 December 2021, a decision was taken recommending that in pre-school education on-site education be primarily preferred. Accordingly, the Regulation on Opening, Closing and Naming Institutions by the MoNE has been amended in order to ensure equality of opportunity in pre-school education in villages and similar settlements with a low population and the number of children required to open a kindergarten in a settlement has been reduced from 10 to 5.

In situations where a kindergarten cannot be opened in remote and sparsely populated settlements, one of the alternative access models is the “Mobile Teacher Class”, where a teacher goes to more than one settlement and gathers the children there in a suitable area and gives education. In the “Transport Centre Kindergarten” model, on the other hand, the children are transported to the place designated as the transport centre, starting from the farthest village with transportation of 20-25 km at the most, accompanied by the guide staff and receive training.

In the first pilot application made in the 2018-2019 academic year, 37 teachers in 23 districts went to 148 villages and reached 680 children through the Mobile Teacher Class model, while through the Transport Centre model, 367 children received education in 29 settlements in 10 districts. In the 2021-2022 academic year, the Mobile Teacher Class model was implemented in 16 provinces, 29 districts and 141 education centres while the Transport Centre model was implemented in 161 education centres in 32 provinces and 82 districts.

## **My Game Chest Set**

In order to support children living in disadvantaged households and who do not have access to pre-school education at home, the “My Game Chest Set”, which contains 52 different materials, was prepared. In addition, a home-based access model has been developed in which the said set is delivered to the child and the family through the preschool teacher and the school principal, where the child's development is monitored and supported, and the family is guided through regular home visits every month. In the 2021-2022 academic year, 9.476 chest sets were delivered to the children's homes and regular home visits were made. In the 2022-2023 academic year, school/teacher designation work has been continuing in order to deliver 14.000 “My Game Chest Sets” to children.

## **Support Program for Pre-School Children**

A Protocol was signed between the MoFSS and the MoNE in order to reduce the cost to families of children living in socio-economically disadvantaged households in pre-school education. The Protocol aims to support children of Turkish nationality in households benefiting from social assistance within the scope of the Social Assistance and Solidarity Encouragement Law No. 3294 and receiving education from official pre-school education institutions. Within the scope of the Protocol, cash support is provided for nutrition, cleaning services and educational materials for the implementation of the education program at the school where the said children are located. The budget of the program is 500 million TL.

## **Nutritional Support in Preschool Education**

Pilot studies have been initiated by the MoNE for nutritional support for children in disadvantaged settlements who continue to pre-school education. In this context, firstly, in the 2021-2022 academic year, schools in disadvantaged settlements in 22 districts in Gaziantep, Hatay and Şanlıurfa provinces were determined, and a total of 15.920 children, 6.266 of whom were foreign nationals, were provided with nutritional support. In the 2022-2023 academic year, all studies were completed in order to provide one-meal nutrition support to 60.000 children across the country, and the necessary funds were sent to the school directorates. Thus, one-meal nutrition service was started to be provided free of charge to children in pre-school education.

## **Establishment of Pre-school Story Books and Class Libraries**

Starting from the early childhood period, the MoNE carried out the “365 Days of Stories” study for the development of educational materials consisting of story books for children in early childhood, in order to get them to adopt the habit of reading, increase their vocabulary, and support the development of their listening and speaking skills. A pre-school classroom library consisting of 91 story books in total, with books previously prepared by the Ministry and 53 new story books prepared within the scope of the Project. It is planned that the class libraries will be created in all official pre-school classrooms until the end of the 2022-2023 academic year.

## **Summer Education in Pre-school Education**

Summer education, which has a flexible program, is carried out in July and August every year for children who cannot go to school during the school year, especially those who start primary school the following year. In the 2021-2022 academic year, schools that implemented summer

education were provided with equipment, stationery, materials and service support, thus allowing 80.000 children to continue their summer education in the 2021-2022 academic year.

### **Schooling Rate at Pre-school Level**

The participation of children in pre-school education is not yet compulsory in Türkiye. From the proclamation of the Republic in 1923 until 1992, the average rate of schooling in pre-school education was only 5.1%. During the period between 1992 and 2002, the pre-school enrolment rate increased from 5.1% to 11.5%. The number of children attending pre-school education institutions increased by 500% during the period between 2002 and 2022 as a result of the inclusion of targets for pre-school education in the top policy documents, the construction of new kindergartens, the opening of new nursery classes, the appointment of teachers and awareness activities. After 2010, the highest increase in schooling was recorded in Türkiye among OECD member countries: the gross enrolment rate at the age of 5 reached 92.17% in the 2021-2022 academic year, according to official data. In the 2022-2023 academic year, according to unofficial data, 5-year-old schooling rates have reached 97% nationwide.

### **10.000 School in Basic Education Project**

In pre-school education, many activities and projects are carried out in order to reach the target of 100% schooling at the age of 5 and to increase the quality. However, due to the different geographical features of Türkiye, access to education cannot be fully provided in all settlements. In this context, the most important need is seen as increasing the physical capacity of pre-school education. There are two activities related to the subject in the Presidential Annual Program for 2022: within the scope of the “10.000 Schools in Basic Education Project”, the opening of 40.000 new kindergarten classes, and the building of 3.000 new kindergartens. In this direction, significant investments have been made in pre-school education in the 2021-2022 academic year. As a result, 15.500 new kindergarten classrooms and 2.050 new kindergartens have been opened to education since September 2021, with the necessary equipment and modifications, thus increasing the physical capacity of pre-school education significantly.

In Türkiye, the rate of 3 to 5-year-old schooling in pre-school education is not at the desired level today. In this context, Turkish education policies focus on increasing enrolment rates in pre-school education and providing quality early childhood education services, especially by giving priority to children from disadvantaged households.

### **Parent-Child Support Education Program**

With the Child Support Education Program and the Parent Support Education Program, which were added to the e-non-formal system (an online non-formal education platform) after the Framework Program was prepared by the General Directorate of Basic Education of the MoNE and approved by the General Directorate of Lifelong Learning of the MoNE, the first official intervention program that included the child and the family in the education process at the same time was put into practice.

These programs aim to increase the interaction of parents having children aged 3-6 with their children, to support the holistic development of children and to support parent-child development holistically. An Implementation Guide has also been prepared in order to guide the practitioners and prevent the disruptions that may occur in practice.

Programs will ensure that children aged 3 to 5, primarily the 5-year-olds, who cannot access pre-school education due to various reasons (insufficiency of physical capacity due to the dense population, children from poor households, settlements without school, etc.) benefit from pre-school education, that the classrooms that are empty outside the educational hours can be used effectively, and that parents are informed about their children's development (cognitive, social, emotional, physical, language and self-care).

### **Prefabricated and Container Classroom Construction**

In order to meet the need for classrooms in pre-school education, it is aimed to build portable kindergartens (container) and prefabricated classrooms for schools with suitable gardens for central places where the population is dense and there is a problem of finding land. With previous work, the number of such environments has reached 356 classrooms and a capacity for 14.000 children has been created in total. In this context, as of 2022, a total of 60.000 children's capacity has been created, consisting of 300 prefabricated buildings with 2 classrooms providing capacity for approximately 30.000 children, and 300 containers with 2 classrooms providing capacity for 30.000 children.

### **Cooperation Protocol on the Establishment of Pre-School Education Institutions in Organized Industrial Zones**

Cooperation Protocol on the Establishment of Pre-School Education Institutions in Organized Industrial Zones was signed between the MoNE and the Ministry of Industry and Technology in order to contribute to the dissemination of pre-school education services in Organized Industrial Zones by constructing pre-school education areas with a view to ensuring the coordination of the developments in the industrial sector and the pre-school education system and increasing women's employment. Within the scope of the Protocol, women's employment will be supported by opening new kindergartens and nursery classes in organized industrial zones.

### **More Effective Use of Children's Clubs**

Public education modules offered free of charge by public education centres have been made suitable for pre-school children, especially in order to ensure that children in settlements with disadvantaged conditions can benefit from children's clubs more effectively. Thus, a total of 32 new public education module programs suitable for pre-school age were prepared. With the modules prepared, all children in pre-school education institutions in disadvantaged settlements benefit from the children's clubs application free of charge.

### **Cooperation Protocol for Increasing Protective and Preventive Services and Measures Regarding the Safety of Educational Processes for Children**

The Cooperation Protocol was signed between the MoFSS, the Ministry of Interior, the MoNE and the Union of Municipalities of Türkiye on 20 June 2022. Within the scope of this Protocol, various responsibilities have been assigned to the stakeholder units in order to increase the school attendance rate. The relevant articles of the Protocol are summarised below.

Within the scope of the Protocol, the MoFSS will ensure that children (who are employed, beggars, etc.) and their families will be directed to an appropriate social service model on the



condition of ensuring the attendance of disadvantaged children at school and in line with the recommendation of the Provincial/District Executive Board.

The Ministry of Interior notifies the children who are found to be at the age of compulsory education and not attending school, after any incident/case is reported to law enforcement, to the National Education Directorates in order to ensure their continuation of education.

In line with the information received from the Provincial Population and Citizenship Directorates and/or District Population Directorates and with the support of village/neighbourhood headmen, the Ministry of Interior and the MoNE carry out field surveys and ensure the attendance of children who could not access education. In case of need (ensuring security, address determination, etc.), it requests assistance from law enforcement units.

The two Ministries mentioned above ensure that the Provincial/District Executive Boards prepare thematic projects for disadvantaged children attending open education schools and create opportunities for these children to spend their spare time in a qualified manner. In addition, they take measures for girls who do not renew their enrolment in open education schools and cannot continue their education to ensure that these children continue their education.

Mobile Teams and Guidance and Psychological Counselling Services under the MoFSS and the MoNE carry out the activities of enrolment, information, guidance and monitoring regarding children who are out of education.

Within the framework of the Protocol, the MoFSS, the Ministry of Interior and the MoNE carry out the following activities together:

In case of need, the safety of public officials is ensured during the family visits to be made to enrol children who do not attend school, information and guidance. These operations are carried out in coordination with the officials of the National Education Directorates, Police Departments/Gendarmerie Commands and Family and Social Services Directorates.

The problems are identified and solution proposals are developed by conducting programs and statistical studies at the local, regional and national levels regarding students attending open education schools.

### **Child Protection Mobile Teams**

The MoFSS takes measures against child labour with Child Protection Mobile Teams. These teams provide protective and preventive services for children detected for reasons such as absenteeism from school as well as guidance and support activities for families of children forced to work.

Child Protection Mobile Teams have made 13.478 visits to schools and interviewed nearly 68 thousand children and families up to date.

In order to support children's participation in basic education and to increase household welfare, the following programs have been implemented within the scope of Education Assistance by the General Directorate of Social Assistance of the MoFSS:

- With “Educational Material Aid”, the basic school needs such as aprons, shoes, bags and stationery of the primary and high school students from families in need have been met through Social Assistance and Solidarity Foundations (SYDV).
- The “Lunch Aid” program, which includes providing lunch to students in need who are transported to the centres where schools are located, has been carried out in cooperation with the MoNE and is funded by the Social Assistance and Solidarity Encouragement (SYDT) Fund since the 2003-2004 academic year.
- Within the scope of “Free Textbook Assistance”, which is funded by the SYDT Fund since the 2003-2004 academic year, the textbooks of primary and secondary education students have been provided free of charge in cooperation with the MoNE.
- Within the scope of “Accommodation, Transportation and Meal Assistance for Students”, SYDVs provide assistance for transportation, food, subsistence and accommodation needs of primary and secondary school students who are covered by the Social Assistance and Solidarity Encouragement Law No. 3294 but outside of the mobile education of the MoNE.
- Through “Free Transportation of Students with Disabilities”, support is provided in cooperation with the MoNE in order to ensure access to schools for students in need of special education.
- Within the scope of the “Kindergarten/Nursery Class Support Programme”, it is envisaged that the expenses that the parents are liable to pay to the relevant school will be paid directly by the General Directorate of Social Assistance to the MoNE, in case the families benefiting from social assistance with children aged 3-5 enrol them in an official kindergarten/nursery class. The “Cooperation Protocol on Supporting Pre-School Children” prepared regarding the implementation, was signed between the MoFSS and the MoNE on 18 May 2022 and entered into force. In order for social assistance beneficiaries to benefit from this assistance program, it is sufficient to enrol their children in the kindergarten in their place of residence without a separate application. Within the scope of the Cooperation Protocol, 32.797.000 TL was transferred to the MoNE on 17 October 2022 as the first payment of the amount of cash support, which was determined as 100 TL for each child (327.970 children in total). Other payments are planned to be made in quarterly periods.

The Social and Economic Support (SED), implemented by the MoFSS, was initiated in order to prevent deprived families from giving their children to institutional care only because of economic inadequacies. In this context, thousands of children supported were able to stay with their families. The School Support Project, which was started as a pilot in 2017, has been implemented to increase the effectiveness of the SED that is provided to ensure the healthy growth of children in family unity. This Project aims to increase the effectiveness of social and economic support services, to raise awareness about children in families, to provide children with an environment and opportunities where they can spend their out-of-school time in a way that will contribute to their access to quality, productive and equal opportunities, and to monitor and support the school and academic lives of children in various ways.

Within the scope of the Project, academic, artistic, social, cultural, educational, cognitive and sportive activities are organized for children who benefit from the SED. Some of the work carried out within the scope of the project is as follows: supporting the psycho-social development of children, monitoring and supporting their academic life in regular communication with school guidance units, monitoring their regular school attendance, providing supplementary sourcebooks for the preparation of children for exams and extra courses, enrolment in the courses they need for their academic development. Under the Project,

professional staff have the opportunity to work one-on-one with children and families, which allows them to deal with them closely. Psycho-social support and guidance services are provided in order to find solutions to the problems experienced by children and families. Children who benefit from SED services are supported in every way to ensure that they have equal opportunities with their peers.

Within the scope of the Project, children and their families participated in conferences, seminars and trainings provided by experts on topics such as privacy, family communication, conscious media use, substance abuse and use, protection from digital risks, protection from digital addiction, children's rights, child neglect and abuse.

Children are encouraged to attend artistic and personal development courses such as painting, computing, playing musical instruments, sign language, drama/theatre, drawing, music and basic photography in line with their interests and abilities. Course registrations are made for all kinds of sports in order to direct children to sports, ensure their active participation in physical education classes at school and enable them to do sports regularly in their daily lives.

Thanks to the activities carried out with the Project, it is observed that the children have made progress in overcoming their social problems, their self-confidence has increased, they can express themselves better, their social cohesion has increased and their friendship relations have improved.

As a result of the school support activities implemented under the Project, teachers state that the school success of the children partially increased and the rate of participation in the classroom environment increased. Families, on the other hand, state that children are more willing to regularly study and read books. Monitoring children's academic success and regular attendance at school has put positive pressure on children and families, leading to an increase in the rate of regular school attendance.

These activities carried out with children and families aim to increase the adaptation of children to school, reduce the risks that may cause school dropout, and ensure regular attendance at school. In this context, they can be considered among the measures taken to increase school attendance.

As of the end of 2021, a total of 25.940 children, out of whom 19.631 in middle school age and 6.409 in high school age, have been reached within the scope of the Project.

In addition, Strategy Document and Action Plan for Roma Citizens (2022-2030) includes an action dedicated to reducing school dropout rates. The main objective of this action, which will be carried out under the responsibility of the MoNE, is to increase the school attendance rate of Roma citizens.

### **Inspection Activities on Children Subject to Compulsory Education**

According to the 2019 Child Labour Survey, details of which are provided at the beginning of this Article [above](#), while 65.7% of working children attended education, this rate was 65.6% for males and 66.1% for females. According to age groups; 72.0% of working children in the 5-14 age group and 64.1% of the working children in the 15-17 age group also continued an education. 34.3% of working children did not continue their education.

In case of detection of children working in violation of the legislation during the inspections carried out by labour inspectors, the said children are reported to the relevant Provincial Directorates of National Education to ensure their attendance at school.

In the Inspection Activities section of Article 7§1 [above](#), detailed information is provided about the inspections carried out by labour inspectors during the period between 01 January 2018 and 31 December 2021.

## Article 7§4

4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;

### INFORMATION ON THE NUMBER OF INSPECTIONS RELATED TO CHILD LABOUR CONDUCTED AND SANCTIONS APPLIED IN CASES OF VIOLATIONS

#### Activities Carried Out

The Directorate of Guidance and Inspection carries out inspections in accordance with Labour Law No. 4857 and the provisions of the Regulation on the Procedures and Principles of Employment of Child and Young Workers, issued on the basis of Article 71 of the Law in question. Furthermore, in the Action Plan prepared within the scope of the National Program on the Elimination of Child Labour (2017-2023), there are a total of 106 comprehensive measures covering the issues of eliminating poverty, which is the main reason for children to enter the working life, increasing the quality and accessibility of education, and improving social awareness and sensitivity. Awareness-raising activities for children and their families, vocational training activities and directing them to public services are carried out.

Employers who do not comply with the legislation on not employing children are included in the inspection program by the Directorate of Guidance and Inspection of the MoLSS and the Directorate of Guidance and Inspection of the Social Security Institution (SSI). Applications and requests regarding child labour, which are submitted to the Directorates, are primarily evaluated within these inspection programs. The studies on the elimination of child labour gained momentum in 2018 which was declared the Year of Elimination of Child Labour in Türkiye. In this context, the “Joint Declaration on Elimination of Child Labour” was signed in order to give priority to the issue of elimination of child labour in all works to be carried out by the relevant institutions and organizations in order to increase the awareness of the society on the elimination of child labour and to contribute to the policies and objectives of the National Program at the highest level.

The action “Establishment of Units to Elimination of Child Labour in 81 Provinces and Support of Volunteer Envoys to the Process”, which was included in the Presidential Second 100-Day Action Program announced at the end of 2018, was carried out under the responsibility of the MoLSS. As of January 2019, Units for Combating Child Labour were established in 81 provinces under the Provincial Directorates of the MoLSS.

As stated in Article 6/ğ of the Regulation on Labour Inspection titled “Duties and authorities of Inspectors”, in case of detection of violations of the legislation regarding the age, gender and health status of the workers in the workplaces, it can be requested by the labour inspectors that these workers can be detained from working via notifying the situation to the relevant civilian authority. In this framework, if it is determined that children under the age of 15 are employed in the workplace in violation of the relevant legislation, necessary measures are taken to prevent the child from working and to direct education and social services.

## Inspection Activities

Child labour is determined as the priority risk group in all inspections carried out by the Directorate of Guidance and Inspection of the MoLSS. In addition, complaints and notices regarding child labour are evaluated and primarily included in the inspection program. Likewise, all inspections are carried out regardless of the nationality and status of the working child. The number of inspections carried out during the reference period (01.01.2018 and 31.12.2021) is shown in the table below.

*Table 3. The Number of Inspections during the reference period*

Year	Inspections
2018	18.952
2019	7.298
2020	9.170
2021	24.099

In the inspections carried out by labour inspectors during the period between 01.01.2018 and 31.12.2021, an administrative fine of 722.823,00 TL was requested for 265 workplaces that were found to violate Article 71 of the Labour Law No. 4857, titled “Working Age and Restrictions on the Employment of Children”. The sanctions imposed by years are listed in the table below.

*Table 4. Administrative Fines imposed during the period 2018-2022*

Year	Number of Workplaces	Amount of Administrative Fine (TL)
2018	62	109.947
2019	27	54.831
2020	41	93.094
2021	53	147.806
2022	82	317.145

## Article 7§5

5. to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances.

### **INFORMATION ON NET MINIMUM WAGES AND ALLOWANCES PAYABLE TO PERSONS UNDER 18 YEARS OF AGE AND MEASURES TAKEN TO ENSURE THAT FAIR REMUNERATION IS GUARANTEED TO YOUNG WORKERS**

#### **Legal Framework**

According to the regulation made in 2021, Article 25 of the Vocational Education Law No. 3308 titled “Wages and Social Security” was amended and the following phrase was added:

The wage paid to the students and apprentices cannot be less than thirty percent of the minimum wage appropriate to the age of the apprentice, *and for the 12th-grade students of the vocational education centre, it cannot be less than 50 percent of the minimum wage.*

There are no other amendments to the related legislation during the reference period.

#### **Activities Carried Out**

##### **Minimum Wages and Allowances Payable to Persons under 18 Years of Age**

Within the scope of Article 39 titled “Minimum Wage” of Labour Law No. 4857 and the provisions of the “Minimum Wage Regulation”, the issues related to the minimum wage and payments made under the minimum wage are also inspected by labour inspectors. In case of detection of violation of the legislation, an administrative fine is requested.

In accordance with Article 39 of the Labour Law No. 4857 and subparagraph (f) of the first paragraph of Article 522 of the Presidential Decree No. 1 on the Presidency Organization, by taking into account the economic and social conditions of all employees working under an employment contract, either covered or uncovered by the said Law, the minimum limits of wages shall be determined by the Minimum Wage Determination Commission composed of representatives of government and social partners in accordance with the procedures and principles set forth in the Minimum Wage Regulation. According to the Regulation, in the determination of minimum wage, no distinction can be made based on language, race, colour, gender, disability, political thought, philosophical belief, religion and sect and similar reasons.

The minimum wage determined by the Commission is published in the Official Gazette and is also available on the [website of the MoLSS](#) for information purposes. The minimum wage is determined in gross and the remaining amount is paid to the worker after the legal deductions are made. The net minimum wage effective from 01/01/2023 is 8.506,80 Turkish Liras per month. The minimum wage is calculated by taking into account the full-time workers at the workplace. In non-full-time employment contracts, the minimum wage level that the person can receive is calculated by proportioning the number of full-time workers.

Net and gross minimum wage by years during the reference period (01.01.2018 and 31.12.2021) is shown in the table below. Age discrimination in the minimum wage has been abolished as of

1 January 2014 and therefore, a single minimum wage is determined for all age groups. Thus, all minimum wage amounts are given in the table.

*Table 5. Net and Gross Minimum Wage during the period 2018-2022*

<b>Year</b>	<b>Net Minimum Wage (TL)</b>	<b>Gross Minimum Wage (TL)</b>
<b>01.01.2018-31.12.2018</b>	1.603,12	2.029,50
<b>01.01.2019-31.12.2019</b>	2.020,90	2.558,40
<b>01.01.2020-31.12.2020</b>	2.324,71	2.943,00
<b>01.01.2021-31.12.2021</b>	2.825,90	3.577,50

On the other hand, temporary incapacity allowance and breastfeeding allowance can be paid to persons under the age of 18 who are insured within the scope of short-term insurance branches, if they meet the number of contribution payment days and similar conditions. Pursuant to Article 82 of the Social Security and General Health Insurance Act No. 5510, the lower limit of the daily earnings, which is taken as a basis for calculation of the contributions and allowances to be paid, is one-thirtieth of the minimum wage, and the upper limit is 7.5 times the lower limit of the daily earnings. Employees under the age of 18, who are under a service contract, are notified of their contributions to the SSI over this fee. The daily amount of temporary incapacity allowance for outpatient treatment in case of illness is 143.8 TL, and for inpatient treatment is 107.85 TL. However, according to Article 25/4 of the Vocational Education Law No. 3308, contributions of candidate apprentices, apprentices, students receiving vocational education in enterprises and students who are subject to internship, supplementary education or field education while studying at vocational and technical secondary schools and institutions are covered over fifty percent of the minimum wage.

#### **INFORMATION ON APPRENTICESHIPS, THE ALLOWANCES PAID TO THE APPRENTICES IN PRACTICE AND THE AMOUNT PAID AT THE END OF THE TRAINEESHIP**

Vocational and technical secondary school students complete the practical part of their vocational education in enterprises according to Vocational Education Law No. 3308. This training is three days a week in the 12th grade in the Anatolian Vocational Program and four days a week in all classes in the vocational training centre program. In the Anatolian Technical Program, students do a 40-day business internship at the end of the 11th grade.

In accordance with Vocational Education Law No. 3308, the fee paid by the enterprises to the students who receive vocational training and internship in the enterprises is determined by the contract made between the student, the enterprise and the school. However, in accordance with Law No. 3308, the wage paid to students cannot be less than thirty percent of the minimum wage, and for 12th-grade students of vocational education centres could be at least fifty percent of the minimum wage. These fees are paid by the enterprises on a monthly basis as long as the vocational training or internship continues in the enterprise.

According to Vocational Education Law No. 3308, vocational and technical education students receive at least thirty percent of the minimum wage during their vocational education and internship in enterprises, and 12th-grade students in vocational education centres receive at least fifty percent of the minimum wage. Depending on the size of the business, one-third or two-



thirds of these payments and all of the wages of vocational education centre students are repaid to the relevant businesses as State support.

On the other hand, an arrangement was made in the Vocational Education Law No. 3308 in 2016 in order to encourage businesses in Türkiye to provide vocational skills training to vocational education students and to increase the awareness of the business world on vocational and technical education.

As a result of this arrangement, State support is provided for 10 years for the payments made by the enterprises for the vocational education and internship of the students studying in the vocational and technical education institutions. According to this, depending on the size of the business, one-third and two-thirds of the minimum wage that enterprises pay to students and the entire fee for vocational education centre students is covered by the State.

In accordance with the Presidential Decision No. 31710 published in the Official Gazette dated 5 January 2022, which is not covered by the reference period, the period has been extended for the following regulation: “payments made to the students who receive vocational education in enterprises, who continue their internship or complementary education cannot be less than 30 percent of the net amount of the minimum wage, and that the payments made to the 12th-grade students of the vocational education centre who have earned the journeyman qualification cannot be less than 50 percent of the minimum wage.”

In addition, regarding the minimum wage that can be paid to students studying at schools and institutions other than the vocational education centre program, the period for the payment of two-thirds for enterprises employing less than 20 personnel and one-third for enterprises employing 20 and more personnel as state contribution, the period for payment of the minimum wage that can be paid to students attending the vocational training centre program as state contribution, has been extended for five academic years from the 2021-2022 academic year. The decision entered into force on the date of publication, to be effective from the beginning of the 2021-2022 academic year.

## Article 7§8

8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

### **INFORMATION ON THE REGULATION ON THE PRINCIPLES AND PROCEDURES FOR THE EMPLOYMENT OF CHILDREN AND YOUNG WORKERS AND THE REGULATION ON THE SPECIAL PROCEDURES AND PRINCIPLES FOR WORKING IN WORKS CARRIED OUT BY SHIFT WORKERS**

#### **Legal Framework**

Türkiye has signed several international conventions regarding the rights of children and the employment of children. Türkiye has respectively ratified one of the most important human rights conventions, the United Nations International Convention on the Rights of the Child in 1994, the core Conventions of the International Labour Organization (ILO) in this field such as ILO Convention No. 138 on the Minimum Age for Admission to Employment in 1998 and ILO Convention No. 182 on the Elimination of the Worst Forms of Child Labour in 2001.

Article 50 of the Constitution which states “*No one may be held to perform tasks unsuited to his age, sex or abilities*” is the first step taken to prevent the presence of children and young people in the labour market and their employment in arduous and hazardous work. Under this Article, it is clearly understandable that children and young people cannot be employed in work which is not appropriate for their age and strength.

The provision of the above-mentioned Article of the Constitution is also confirmed by Article 85 of Labour Code no. 4857 adopted in 2003 titled “Heavy and hazardous work”. This provision indicates that it is forbidden to employ children and young people under 16 in arduous and dangerous occupations including night work. Paragraph 2 of the said Article also states that it is the secondary regulations which govern what types of work are considered arduous and dangerous and to what types of arduous and dangerous work young people over 16 and under 18 may be subjected to employees.

Besides, Regulation on the Principles and Procedures for the Employment of Child and Young Workers published in the Official Gazette dated 6 April 2004 and numbered 25425 as well as Regulation on Special Principles and Procedures Regarding the Work Carried Out by Working in Groups published in the Official Gazette dated 7 April 2004 and numbered 25426 remains in effect from the date of its publication. The regulations aim to determine the principles of working and to prevent economic exploitation of children and young workers without jeopardizing their health and safety, physical, moral and social development or education.

According to the first paragraph of Article 69 of Labour Law No. 4857, “for the purposes of working life, ‘night’ means the part of the day beginning not later than 20:00 and ending not earlier than 6:00 and lasting not longer than 11 hours in any case.”. Accordingly, Article 5 of the Principles and Procedures for the Employment of Children and Young Workers titled “Prohibition of Working at Night”, “it is forbidden to employ children and young workers under the age of 18 in the shifts between 20.00 and 06.00, which corresponds to the night period defined in the aforementioned part of Article 69 of the Labour Law No. 4857.”

In accordance with the provisions of Article 73 of the relevant Law, it is forbidden to employ children and young workers, who have not completed the age of eighteen years, in industrial works at night.

It could be said that the provisions on the protection of child and young workers who have not completed the age of eighteen in labour law are mandatory.

For those children who are out of the scope of the Labour Law, legislation such as Code of Obligations, General Health Law, Police Duties and Authority Law, Primary Education Law, Vocational Training Law, Child Protection Law, Press Labour Law and Maritime Labour Law are applied. On the other hand, The Turkish Penal Code protects child and young workers under 18 years of age with penal sanctions.

### **Inspection Activities**

In practice, there are several public authorities for ensuring the effective exercise of the right of children and young persons to protection and preventing employment of children and young workers in night work.

The subject of “Prohibition of Night Work” is supervised by the Directorate of Guidance and Inspection under Article 71 of the Labour Law No. 4857 and the provisions of Regulation on the Procedures and Principles of Employment of Child and Young Workers based on the aforementioned Article and the provisions of Article 73 of Labour Law No. 4857.

The Directorate of Guidance and Inspection of MoLSS, General Directorate of Labour of MoLSS, Children’s Branch Office of the Directorate General of Security and General Command of Gendarmerie, Directorate General for Basic Education of the MoNE, the Turkish Employment Agency (İŞKUR), the SSI, Social Service Centres of the MoFSS, Municipalities and Governors are some of them.

Guidance and inspection activities are carried out by the Directorate of Guidance and Inspection of the MoLSS in line with the first paragraph of Article 73 of Labour Law No. 4857 which regulates that “it is forbidden to work at night for children and young workers under the age of eighteen in industrial works”. Besides, inspection activities are carried out in accordance with the provisions of the “Regulation on the Principles and Procedures for the Employment of Child and Young Workers” numbered 25425.

Labour inspection activities conducted by the Directorate of Guidance and Inspection of the MoLSS are planned as “scheduled inspections” and “unscheduled inspections”. In scheduled inspections, children and young workers are one of the priority risk groups of labour inspections. For this reason, in all the scheduled inspections Labour Inspectors examined whether the legal arrangements related to working children are being followed, and accordingly, necessary administrative sanctions are applied in case of non-compliance.

In addition to the given routine practices, risk-based inspections can also be planned and implemented for sectors where the number of working children is high and the employment of children is considered the most prior risk. Furthermore, complaints regarding children and young workers have been considered a priority regardless of the nationality and gender of the person concerned and included in the scope of the unscheduled inspections.

All the labour inspectors take the necessary actions in accordance with the legislation which they are obliged to apply when they encounter a violation of child labour and if during the inspections it is determined that children's rights are neglected and abused, the case is submitted to the General Directorate of Child Services and/or the Provincial Directorates of National Education.

Information on the inspections carried out by labour inspectors during the period between 01.01.2018 and 31.12.2021 is given in the Inspection Activities section of Article 7§1 [above](#).

## Article 7§10

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

### INFORMATION ON THE PROTECTION OF MIGRANT, REFUGEE AND DISPLACED CHILDREN FROM SEXUAL EXPLOITATION AND ABUSE

#### Legal Framework

The protection of children is introduced in Article 41 of the Constitution of the Republic of Türkiye by regulating that “Every child has the right to protection and care and the right to have and maintain a personal and direct relation with his/her mother and father unless it is contrary to his/her high interests.” and “The State shall take measures for the protection of the children against all kinds of abuse and violence” provisions are included.

With the amendment of Article 236 of the Criminal Procedure Code No. 5271, by the Law No. 7188 published in the Official Gazette on 24 October 2017, AGOs and children monitoring centres have been organized and these practices have been made mandatory. The following provisions were added to the mentioned Code:

*“(4) The statements and statements of children or victims who are considered to be inconvenient to face the suspect or accused face to face with the suspect or accused by the public prosecutor or judge are taken by experts in a private environment.*

*(5) The statements of the children who are victims of the crimes regulated in the second paragraph of Article 103 of the Turkish Penal Code during the investigation phase are taken by experts under the supervision of the Public Prosecutor at the centres providing services for them. Statements and images of the victim child are recorded. In the prosecution phase, only if it is necessary to take the child's statement or take another action in order to reveal the material truth, this process is carried out by the court or the regent judge to be assigned by the experts in these centres. The procedures specified in this paragraph are carried out by taking the victim child to the nearest centre regardless of the jurisdiction and territorial boundaries.*

*(6) The provision of the fifth paragraph is also applied for the statements of the victims of the crimes regulated in the second paragraph of Article 102 of the Turkish Penal Code during the investigation phase. However, the consent of the victim is sought in the recording of statements and images.*

*(7) Statements and images taken within the scope of the fifth and sixth paragraphs are kept in the case file, they are not given to anyone and necessary precautions are taken for their confidentiality.*

*(8) Statements and video records received within the scope of the fifth and sixth paragraphs are converted into written minutes. This report is given to the suspect, accused, lawyer, victim, attorney or legal representative who makes the request. Statements and video recordings can be watched by these persons under the supervision of the investigation and prosecution authorities, by protecting their confidentiality.”*

On the other hand, the Department of Legal Support and Victim Services of the Ministry of Justice was organized as the main service unit by the Presidential Decree on Supporting Victims of Crime No. 63 published in the Official Gazette dated 10 June 2020. The main objective of establishing this Department is to support the victims after the crime, provide guidance services for them and prevent re-victimization after the crime.

In addition, the Decision of the First Chamber of the Council of Judges and Prosecutors, published in the Official Gazette on 30 November 2021, aims to ensure specialization in juvenile trials by assigning cases related to crimes under the jurisdiction of juvenile courts to specific courts in areas where juvenile courts are not available.

### **Activities Carried Out**

In the reference period, the application of forensic interview rooms (AGOs) has gained momentum in order to receive the statements of the victims, witnesses, children driven to crime, victims of sexual crime and domestic violence crimes, and other victims including vulnerable groups, with the presence of experts. Currently, there are a total of 152 AGOs in 81 provinces and 147 courthouses.

The objective of AGOs is to make interviews with children who are victims, witnesses, driven to crime, victims of sexual crime and domestic violence, and all other victims including vulnerable groups, in order to prevent secondary trauma, protect them, and strengthen their access to justice. In this respect, AGOs and child monitoring centres are complementary practices.

However, in sensitive investigations and prosecutions such as sexual assault and sexual abuse, it is also aimed not to bring the accused and the child victim face-to-face and to prevent the secondary abuse of the child, as well as not to be forced to express their experiences repeatedly by evaluating them separately by law enforcement, health institutions and judicial authorities. The Department of Child Services within the Ministry of Justice was established in order to carry out studies to inform children, follow national and international developments, contribute to the development of legislation, carry out research, examinations and analysis studies, develop projects to strengthen the access of victims and children to justice and cooperate with the public and non-governmental organizations (NGOs) in this field. The “Victim Approach Guide” has been prepared by the said Department for the practitioners, especially law enforcement, health and judicial personnel, who provide services to victims of crime, to use as a guide and reference tool. This Guide also aims to gather the basic standards and principles of approach to victims of crime in a single document.

Moreover, the “Project for Facilitating Refugees' Access to Justice” was carried out during the period between September 2018 and December 2019 in cooperation with the Ministry of Justice, the United Nations Development Program (UNDP) and the United Nations High Commissioner for Refugees (UNHCR). The project has increased judicial empowerment and access to justice for Syrians, other persons under temporary protection and members of host communities, has strengthened community safety and social cohesion as well as promoted justice and security for women and girls by combating sexual and gender-based violence.

On 2 March 2021, the Human Rights Action Plan was announced to the public. Within the scope of the Action Plan the target numbered 8.1 and titled “supporting the physical and mental

development of children” had been determined. Accordingly, a new courthouse architecture model will be developed in which family and juvenile courts will be located in a separate campus in order to better protect family privacy and the best interests of the child. In addition, courtrooms in juvenile courts will be designed to be child-friendly, allowing judges, prosecutors and lawyers to attend the hearings without wearing robes.

In Türkiye, unaccompanied children, including immigrants, refugees, displaced children, and children of foreigners who come to Türkiye equally benefit from all the rights of children regardless of nationality, religion, language, race, gender and similar discrimination. In this context, children in need of protection benefit from the care, education, health and consultancy measures specified in the Child Protection Law No. 5395.

In addition, children who need to be supported economically while staying with their families benefit from the SED Service started in 2017. For these children, psychosocial support and counselling services are provided to the child and family within the framework of the measures ordered by the court. Unaccompanied children and children who are not found appropriate to stay with their families or relatives due to various risks and for whom a care measure decision has been taken can benefit from specialized children's home sites or foster family services. As of the end of 2021, a total of 25.940 children, out of whom 19.631 in middle school age and 6.409 in high school age benefited from Social and Economic Support Services in 81 provinces.

#### **INFORMATION ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE MONITORING OF THE EXPLOITATION AND ABUSE OF CHILDREN, AS WELL AS MEASURES TAKEN TO STRENGTHEN MONITORING MECHANISMS**

Within the scope of the risk of increasing child abuse during the COVID-19 process, relevant foreign data and country data were evaluated. Studies, notices and recommendations of international and national children's organizations, especially UNICEF, on the protection of children during the period of COVID-19 were examined. Within the scope of this examination, measures and steps to be taken by the relevant public institutions and organizations, especially the General Directorate of Child Services of the MoFSS, are planned.

The risks in the COVID-19 process have been evaluated, as children's staying at home during the COVID-19 period is a new and challenging situation for children and parents. These reasons necessitated giving guidance and information to parents, both for themselves and for their children. It has been evaluated that the guidance to be made has a multi-faceted protective effect. The increase in the time children spend at home during the pandemic process, followed by the increase in the time spent on the Internet, compulsory situations such as the directing children to online platforms for distance education, but despite all this, the decrease in parental control has also increased the risk of children being exposed to inappropriate content and online exploitation.

In this context, “Guidelines for Parents and Persons Responsible for Child Care During the Coronavirus Process” have been prepared by the MoFSS. The guidelines provide information on stress and process management for both adults and children.

In addition to supporting children, they include suggestions for changes that can be seen in the COVID-19 process in children from different age groups and what can be done in these situations, as well as suggestions for organizing what can be done at home with the family and also on online platforms.

## Inspection Activities

In the inspections carried out by labour inspectors, if there is a suspicion that the child has been neglected or abused in the workplace, the Provincial Directorates of the MoFSS are notified, and in case of suspicion of potential victims, the relevant Chief Public Prosecutor's Offices are notified. If the child is a foreign national, a notification is also made to the Provincial Directorate of Migration Management.

In order to ensure that child labour is monitored more effectively, the “Children Rights and Labour Relations Study Program” has been implemented in cooperation with UNICEF since 2017 to support the institutional capacity of the Directorate of Guidance and Inspection of the MoLSS and strengthen the links between the mechanisms related to labour inspection and social protection. Detailed information about the project is given in the Activities Carried Out section of Article 7§1 [above](#).

### MEASURES FOR THE PROTECTION OF CHILDREN FROM ALL FORMS OF VIOLENCE, EXPLOITATION AND ABUSE IN THE DIGITAL ENVIRONMENT

Within the scope of the studies carried out in Türkiye by the MoFSS, there are initiatives to expand the supportive network around children, in cooperation with all persons and institutions responsible for the protection of children, especially in the digital environment. In addition to the digital environment, studies are carried out to develop, enrich and support children's real-life environments outside the digital world. The following activities have been carried out in relation to these studies:

A “24/7 Social Media Working Group” was established within the MoFSS in order to identify the risks that children may encounter through digital media and to carry out preventive studies. Regarding the contents that are determined to be harmful to children, the Information and Communication Technologies Authority and the Department of Combating Cybercrime, which serves under the Directorate General of Security of the Ministry of Interior, are informed in order to intervene in these contents. As of the end of 2021, 1.447 contents were intervened through this working group.

In addition, the work of the Protection Board, which was established within the scope of Law No. 1117 on the Protection of Minors from Harmful Publications, is carried out. Since e-books are accepted as printed works, they are included in the working area of the Protection Board according to Law No. 1117. E-books and printed works are examined ex officio. A total of 18.600 works were examined from 2018 to the end of 2021, during the reference period, and 113 cases were concluded by forensic experts.

Child-friendly conversations are held with the aim of raising awareness in the general public, especially among parents and those working with children, on issues related to children. The conversations are broadcast live on the MoFSS's Youtube channel, and after the live broadcast, access to the conversations continues on the channel. From 2020 to the end of 2021, conversations were held on digital addiction, cyberbullying, child-friendly games and toys, and parental awareness.

One of the important issues to protect children from digital risks is to increase the knowledge of parents and children on this subject. For this reason, awareness-raising training programmes titled “Conscious Use of Information Technologies and Internet” are given to parents and



childcare home employees affiliated to the MoFSS. As of the end of 2021, a total of 16.339 people including 7.581 personnel and 8.758 parents participated in these training programmes.

A nationwide campaign was carried out by the MoFSS under the name “Let Children Grow up with Peers, Not Screens” during the period between 2018 and 2021. The purpose of the campaign is to protect children from uncontrolled and malicious approaches in digital and social media environments; expand alternative physical, social and cultural living spaces; direct children to physical activities; support their mental and social development, and socialize with their peers. As of 2021, 182.123 children and 18.160 families have been reached through the activities carried out within the scope of the campaign.

In addition, in the Decision dated 26 January 202 and taken by the High Council on Combating Addiction operating under the coordination of the Ministry of Health, a “Campaign for Combating Digital Addiction” was prepared with the participation of all segments of society. Studies are also carried out within the scope of the National Strategy Document and Action Plan for Combating Behavioural Addictions (2019-2023). Measures for the prevention of digital addiction also contribute to the protection of children from other risks on the digital environment.

The issue of “Protection of Children Online” is one of the important issues within the scope of the “National Cyber Security Strategy and Action Plan 2020-2023”. In this context, there are measures related to the subject in the Action Plan and studies are carried out in this context. By the Information and Communication Technologies Authority in order to popularize the use of secure internet services, 130 online and face-to-face trainings/seminars on the conscious and safe use of the Internet were held in 2021 with the participation of students, teachers and parents and it reached out approximately 11.000 people in total. In addition, Safer Internet Day was held on 9 February 2021 with the theme of "Together to a better Internet".

In addition, the “Cyber Security Portal” was published on the Education Information Network (EBA) by the MoNE in order to increase cyber security awareness among the public. With mobile games, videos and infographics presented on this page to ensure that children and students use the internet safely, information is provided on basic concepts and terms (personal data, cyberbullying, malicious software, etc.), creating secure passwords, correct use of technology and the internet, social networks and cyberbullying.

### **MEASURES TAKEN TO PROTECT CHILDREN IN RURAL AREAS AND WITH PROTECTED STATUS**

The objective of social assistance programs carried out through the SYDV established in each province and district, under the mandate of the Directorate General of Social Assistance of the MoFSS, is to ensure that everyone living in the household can benefit from assistance without any category-based discrimination. On the other hand, while these programs are being carried out, the SYDV does not directly take the category of “those in rural areas and with protection status” as a basis, but the urgent and basic needs of those in need and children are taken into account in all these programs. Including those in rural areas and with protection status, considering the special situation of the household, social assistance programs are carried out for the benefit of children living in households identified as in need.

Among the aids carried out for children;

- *Conditional Education Assistance* is provided to families in need and unable to send their children to school due to financial difficulties, on the condition that their children continue to attend school.
- *Conditional Health Assistance* is provided to families in need, on the condition that they regularly take their children between the ages of 0-6 to health check-ups at authorized health centres/clinics.
- *Multiple Birth Assistance*, since November 2018, an assistance program has been implemented to support the nutritional and self-care needs of households in need, in line with the protection of Türkiye's dynamic population structure and the Social State Principle.
- *Aid for Children of Soldiers* is an aid program launched in May 2015 to support the children of soldiers in need during their military service.
- *Aid for Orphans* is an aid program launched in May 2015 to regularly support orphans in needy households. It is applied to children under the age of 18 who are in need, and whose mother or father has passed away.

Efforts are being made to support the well-being of children, prioritize their best interests, and provide them with greater opportunities to realize their potential while reducing inequality. To this end, identification, evaluation, and guidance services are being offered to children and their families who are socioeconomically disadvantaged or at risk in rural areas.

Teams visit villages to conduct interviews with families and children, as well as with village leaders, school administrators, and municipal officials. After evaluating the situation, protective and supportive measures are taken for children who are determined to be at risk.

To support the psychosocial and academic development of children in need who attend primary school in rural areas, "Education and Development Support Packages" have been developed and distributed. These packages have been provided to children living in rural areas to help them thrive.

## **INFORMATION ON PROSECUTION PROCESS ON CHILD VICTIMS OF SEXUAL EXPLOITATION**

The provisions to be applied in cases where children are victims of crime are regulated in the Turkish Penal Code No. 5237. In some crimes, the fact that the victim of the crime is a child, that the child is younger than a certain age, and that the perpetrator is the person responsible for the care and supervision of the child is accepted as a reason for increasing the sentence.

The act of sexual abuse of a child is regulated as a crime in a separate article in the Turkish Penal Code No. 5237. In Article 103 of the Law titled "Sexual abuse of children", the person who sexually abuses the child is punished with imprisonment from eight to fifteen years. Therefore, a child who has been exposed to sexual abuse as specified in Article 103 of the Law is included in the criminal investigation and prosecution as a "victim" and the investigation of this crime is made ex officio.

However, in Article 160 of the Criminal Procedure Code numbered 5271 titled "Duty of public prosecutor informed of an offence",

*"(1) As soon as the public prosecutor is informed of a fact that creates an impression that a crime has been committed, either through a report of crime or any other way, he*

*shall immediately investigate the factual truth, in order to make a decision on whether to file public charges or not.*

*(2) In order to investigate the factual truth and to secure a fair trial, the public prosecutor is obliged, through the judicial security forces, who are under his/her command, to collect and secure evidence in favour and in disfavour of the suspect, and to protect the rights of the suspect.”*

Hence, upon learning that any crime in the Turkish Penal Code has been committed, investigations are initiated by the public prosecutor immediately by conducting an investigation. In order to investigate the material truth and make a fair trial, the public prosecutor is obliged to ensure that the evidence is collected by instructing the judicial law enforcement officers under his/her command and by requesting information and documents from other public officials when needed. In this context, the Public Prosecutor, who learns that the crime of sexual abuse or prostitution has been committed, is acted on ex officio and investigation procedures are initiated by immediately conducting an investigation. Considering the need not to bring the victim face to face with the accused, to prevent trauma and not to be forced to express his/her experiences over and over during this process, it is ensured that statements are made in judicial meeting rooms and juvenile monitoring centres, which are also mentioned in the paragraphs added to Article 236 of the Criminal Procedure Code No. 5271 titled “Hearing the victim and the complainant”.

## ARTICLE 8

### Article 8§1

#### **Article 8 - The Right of Employed Women to Protection of Maternity**

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;

#### **RIGHTS OF EMPLOYED WOMEN AS TO PAID MATERNITY LEAVE AND OTHER SOCIAL SECURITY BENEFITS**

The rights of female employees regarding maternity and nursing leave are regulated in Article 74 of Labour Law No. 4857. According to this provision, female workers cannot be employed for a total of sixteen weeks, eight weeks before birth and eight weeks after birth. In case of multiple pregnancy, two weeks is added to the eight-week period of not working before delivery. However, if the health condition is suitable, with the approval of the doctor, the female worker can work at the workplace for up to three weeks before the birth if she wishes. In this case, the hours worked by the female worker are added to the postpartum period.

In the same Article, it is also stated that if deemed necessary in the physician's report, the pregnant employee may be assigned to lighter duties. In this case, no reduction shall be made in her wage.

These provisions mentioned in Article 74 of Labour Law No. 4857 are applicable to all kinds of workers who work with an employment contract and who are within the scope of this Law or not. No deductions are made from the wages of the worker during the maternity leave. No changes have been made to these provisions due to the COVID-19 pandemic.

Apart from the regulation mentioned above, temporary incapacity allowances regulated in Article 48 of the Labour Law are also provided to employees in cases of illness and similar situations. According to the said Article, these benefits are paid to prevent the loss of income suffered by the worker in cases of work accident-occupational disease or absenteeism due to illness or maternity.

The amount of the allowance depends on the type of treatment. Temporary incapacity allowances are paid as 2/3 (66%) of the daily earnings in outpatient treatment. For inpatient treatment, it is given over 1/2 (50%) of the daily income. During the pandemic, no changes were made to the amount of temporary incapacity allowances and payment periods of female insured persons.

In addition to the mentioned issues, due to the COVID-19 pandemic, as of March 2020, a short-time work allowance has been implemented in all sectors, regardless of the type of employment contract. Cash wage support was provided for the workers who could not benefit from the short-time working allowance.

Furthermore, through the Circulars issued by the Presidency regarding public officials, remote working and rotational work were introduced in all public workplaces. In this context, vulnerable groups (those with chronic illnesses and those over the age of 60, pregnant women, and employees with care obligations) are considered on administrative leave and their rights were not affected negatively during this leave.

### **INFORMATION ON THE PERCENTAGE OF WOMEN EARNING A GROSS DAILY WAGE HIGHER THAN THE UPPER LIMIT SET BY THE LAW**

According to the first paragraph of Article 82 of the Social Insurance and General Health Insurance Act No. 5510, the lower limit of the daily earnings to be taken as a basis for the calculation of the premiums to be received and the allowances to be given has been determined to be one-thirtieth of the minimum wage appropriate for the age of the insured. The upper limit is determined as 7,5 times the lower daily earnings limit of insured people over 16 years of age.

In this context, the upper limit of daily income dependent on social security contributions and the monthly income upper limit during the reporting period are listed below:

*Table 6. The upper limit of daily income dependent on social security contributions and the monthly income upper limit during the reporting period*

	<b>The upper limit of daily income dependent on social security contributions</b>	<b>The monthly income upper limit</b>
2018	507,38 TL	15.221,40 TL
2019	639,60 TL	19.188,00 TL
2020	735,75 TL	22.072,50 TL
2021	894,38 TL	26.831,40 TL

The percentage of the number of women insured whose minimum wage is reported from the highest amount to the total number of women insured and the number of women in this regard are shown in the table below.

*Table 7. Percentage of Women's Earnings*

<b>Year</b>	<b>Maximum daily minimum wage amount</b>	<b>The ratio of the number of women insured whose minimum wage is reported from the highest amount to the total number of women insured</b>	<b>The number of women insured whose minimum wage is reported from the highest amount</b>	<b>The total number of women insured</b>
<b>2018</b>	507,38 TL	1,44%	62.531	4.333.469
<b>2019</b>	639,60 TL	1,28%	56.827	4.438.834
<b>2020</b>	735,75 TL	1,27%	58.805	4.629.120
<b>2021</b>	894,38 TL	1,57%	80.392	5.123.546

Source: SSI Annual Statistics Bulletin

## Article 8§2

2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

### **IMPACTS OF THE COVID-19 PANDEMIC ON THE POSSIBILITY OF DISMISSING PREGNANT EMPLOYEES AND EMPLOYEES ON MATERNITY LEAVE**

Apart from short-time work allowance and cash wage support, through the Circulars issued by the Presidency regarding public officials, remote working and rotational work were introduced in all public workplaces. In this context, vulnerable groups (those with chronic illnesses and those over the age of 60, pregnant women, and employees with care obligations) are considered on administrative leave.

Provisional Article 10 was added to Labour Law No. 4857 in response to the COVID-19 pandemic with the Law on Reducing the Effects of the Novel Coronavirus Pandemic on Economic and Social Life and the Law on the Amendment of Certain Laws No. 7244 published in the Official Gazette No. 31102 and dated 17 April 2020 at the beginning of the COVID-19 outbreak and as a result of this provisional Article, a three-month temporary restriction was imposed on the termination of labour agreements by employers, except for situations of:

- immoral, dishonourable or malicious conduct or other similar behaviour mentioned in subparagraph (II) of the first paragraph of Article 25 of Labour Law No. 4857,
- the expiry of the term in fixed-term employment or service contracts,
- the closure of the workplace for any reason and the termination of its activity,
- the termination of the work in all kinds of service procurement and construction works made in accordance with the relevant legislation.

As of the effective date of this Article, the employer may have taken the employee on unpaid leave, in whole or in part, for a period not exceeding three months. Taking unpaid leave within the scope of this Article does not give the worker the right to terminate the contract based on the rightful cause.

The restriction on the termination of labour agreements was extended with the following Presidential Decisions and thus, was implemented during the period between 17 April 2020 to 30 June 2021.

Along with other financial and technical support provided to employers and workers during the COVID-19 pandemic, the main purpose of this temporary restriction is to ensure that employees remain in employment and to prevent layoffs during this period.

This provision was applied to all employees, including those who are pregnant and on maternity leave and regardless that whether the employee is subject to Labour Law No. 4857 or not. The employer may have the employee use unpaid leaves entirely or partially within the mentioned period of prohibition of termination and using such unpaid leaves shall not grant the employees the right to terminate the labour agreement with valid reasons.

To ensure the effective implementation of this measure, the employers and/or the employer representatives who terminate the labour agreements against this provision shall be imposed with an administrative fine corresponding to the amount of the gross minimum wage set in effect as of the termination date per each labour agreement terminated. Furthermore, they shall not be entitled to apply for a short-time working allowance set out in Unemployment Insurance Law No. 4447.

### **REGULATIONS MADE APART FROM THE PRESS LABOUR LAW OR THE LABOUR LAW REGARDING THE PREVENTION OF THE DISMISSAL OF EMPLOYEES DURING PREGNANCY OR MATERNITY LEAVE**

In order to protect the rights of women employees and to prevent them from being discriminated against in working life in cases such as pregnancy or maternity leave, important regulations have been included in many different laws, especially the Constitution and the Labour Law.

Article 10 of the Constitution, titled “Equality Before the Law”, points out that 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. Apart from the Article 10 of the Constitution, Labour Law No. 4857 also includes provisions stating that citizens cannot be discriminated against in any way regarding access to the labour market. In this regard, Labour Law No. 4857 aims to prevent discrimination of women employees due to reasons such as pregnancy or maternity leave and protecting the rights of women employees within the scope of working life. Nevertheless, apart from the Labour Law, various arrangements have been made in other laws and regulations in order to prevent women from being discriminated against due to their gender in the social life process.

In Article 6 of Law No. 5953 on Arrangement of Relations Between Employers and Employees in the Field of Press (the Press Labour Law), it is clearly stated that the provisions of Articles 18, 19, 20, 21 and 29 of the Labour Law are applied for those covered by the Press Labour Law.

In this regard, pursuant to Article 18 of Labour Law titled “Justification of termination with a valid reason”, the employer, who terminates the contract of an employee engaged for an indefinite period, who is employed in an establishment with thirty or more workers and who meets a minimum seniority of six months, must depend on a valid reason for such termination connected with the capacity or conduct of the employee or based on the operational requirements of the establishment or service. It is underlined in subparagraph (d) of paragraph 3 of the Article in question that race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin shall not constitute a valid reason for termination.

Moreover, the procedure for termination is regulated in Article 19 of Labour Law No. 4857, the procedure of appeal against termination in Article 20 of the said Law and the consequences of termination without a valid reason in Article 21 of the said Law. According to Article 21;

*“If the court or the arbitrator concludes that the termination is unjustified because no valid reason has been given or the alleged reason is invalid, the employer must re-engage the employee in work within one month. If, upon the application of the employee, the employer does not re-engage him/her in work, compensation to be not less than the employee’s four months’ wages and not more than his/her eight months’ wages shall be paid to him/her by the employer.*”



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

Furthermore, considering discrimination and harassment among crimes punishable by imprisonment in the Turkish Penal Code, which came into force in 2004, and the abolition of the practice of spouse's consent in the choice of job and profession in the Turkish Civil Code, which entered into force in 2001, can be seen as important steps that support women's participation in working life.

In this context, it is possible for female employees, who are not covered by the Labour Law and relevant regulations, to apply to different complaint mechanisms such as the Human Rights and Equality Institution of Türkiye (TİHEK), which was established by Law No. 6701, if they claim that they have been subjected to discrimination due to gender-related reasons such as pregnancy and maternity leave. According to Paragraph 1 of Article 3 of Law No. 6701, it is prohibited to discriminate against persons based on the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age. Furthermore, Paragraph 3 of Article 6 of the same Law states that an employer or a person authorized by an employer shall not reject an employment application for reasons of pregnancy, maternity or child care.



## Article 8§4

4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;

### **MEASURES TAKEN FOR NO LOSS OF PAY RESULTS FROM THE CHANGES IN THE WORKING CONDITIONS OR REASSIGNMENT TO A DIFFERENT POST OF WOMEN EMPLOYEES IN CASE OF PREGNANCY AND MATERNITY**

Article 5 of Labour Law No. 4857 indicates that no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. In the same Article, it is also stated that except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his/her employment contract due to the employee's sex or maternity.

This Article also points out that differential remuneration for similar jobs or work of equal value is not permissible. Moreover, it is stated that the application of special protective provisions due to the employee's sex shall not justify paying him/her a lower wage.

Paragraph 5 added in 2016 in Article 13 of the Labour Law includes provisions regarding the rights of part-time employees who have children. This Article indicates that after the expiry of the permits stipulated in Article 74 of the Labour Law, one of the parents may request part-time work within the scope of this article, until the beginning of the month following the start of compulsory primary education of the child. This request must be accepted by the employer and is not considered a valid reason for termination.

Regarding the right of employees, it is also stated within the scope of this Article that a worker who starts working part-time within the scope of this paragraph may return to full-time employment for the same child, not to benefit from this right again. In the event that the employee who is transferred to part-time work starts working full-time, the employment contract of the employee who is hired instead of is automatically terminated. The employee who wishes to benefit from this right or to return to full-time employment shall notify the employer in writing at least one month before. If one of the parents is not working, the working spouse cannot request part-time work. Those who adopt a child who has not completed the age of three, together with their spouse or individually, also benefit from this right from the date of actual delivery of the child.

In addition to the above-mentioned regulations, Article 74 of the Labour Law provides the rights of women during maternity and nursing leave. Within the scope of Article 74, it is stated that female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement and eight weeks after confinement. In addition, in case of multiple pregnancy, an extra two-week period shall be added to the eight weeks before confinement during which female employees must not work. However, a female employee whose health condition is suitable as approved by a physician's certificate may work at the establishment if she so wishes up until the three weeks before delivery. In this case, the time during which she has worked shall be added to the period allowed to her after confinement.

Article 74 also indicates that the periods mentioned above may be increased before and after confinement if deemed necessary in view of the female employee's health and the nature of her work. The increased time increments shall be indicated in the physician's report.

Temporary incapacity allowances and breastfeeding allowance is paid to women by the SSI during maternity leave mentioned above. The details about temporary incapacity allowances are shared above.

The female employee shall be granted leave with pay for periodic examinations during her pregnancy. If deemed necessary in the physician's report, the pregnant employee may be assigned to lighter duties. In this case, no reduction shall be made in her wage. Therefore, insured women employees in this situation do not suffer any loss of rights, especially in terms of wages.

If the female employee so wishes, she shall be granted an unpaid leave of up to six months after the expiry of the sixteen weeks, or in the case of multiple pregnancy, after the expiry of the eighteen weeks indicated above. This period shall not be considered in determining the employee's one year of service for entitlement to annual leave with pay. Female employees shall be allowed a total of one and a half hours of nursing leave in order to enable them to feed their children below the age of one. The employee shall decide at what times and in how many instalments she will use this leave. The length of the nursing leave shall be treated as part of the daily working time.

## Article 8§5

5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

### **INFORMATION ON REGULATION ON WORKING CONDITIONS OF PREGNANT AND NURSING WOMEN, NURSING ROOMS AND CHILD DAY CARE FACILITIES**

The Regulation on Working Conditions of Pregnant or Nursing Women, and Nursing Rooms and Child Care Dormitories was entered into force in 2013. The main objective of the Regulation is to take precautions to ensure the health and safety of the pregnant, newly born or breastfeeding employees in their workplaces and to ensure that these employees are prohibited from working in what kind of jobs, what conditions and procedures will be followed in the jobs they can be employed, how to set up nursing rooms or childcare dormitories. and to determine what conditions it will carry.

As per Article 6 of the Regulation, employees are required to inform their employers in case of pregnancy or breastfeeding. Upon notification, employers must evaluate the potential effects of chemical, physical, biological factors, and working processes that could pose a risk to the health and safety of the pregnant or breastfeeding employee. Based on this evaluation, employers must take general and special measures as outlined in Annex-1 of the Regulation.

In Annex-1 of the Regulation, general and special precautions to be taken are determined for the factors that are considered dangerous for the health and safety of pregnant, newly delivered or nursing employees. In this context, the factors, in which pregnant, newly delivered or nursing employees are prohibited from working, are listed below:

- It is essential that the employee who is pregnant or who has just given birth should not be employed alone.
- It is forbidden to employ pregnant workers in jobs and work machines where they will be exposed to sudden impacts, jolts and long-term vibrations.
- It is forbidden to employ pregnant workers in a noisy environment that exceeds the limits, even by using personal protective equipment.
- Pregnant or nursing workers cannot be employed in places and jobs where there are ionizing radiation sources and contaminated with radiation.
- It is forbidden to employ pregnant, newly delivered and nursing employees in the works where carcinogenic, toxic, harmful, allergic chemicals are produced, processed and used.
- It is forbidden for pregnant or breastfeeding employees to be employed in manual handling, loading and vehicle-free transportation works that may adversely affect their own and their babies' health.
- Personal protective equipment should be suitable for the body of the pregnant or lactating employee in a way that will fully protect them, should not interfere with the movements of these people, and new ones should be provided as their body sizes change. In cases where appropriate protection cannot be provided, pregnant or nursing employees cannot be employed in these jobs.

To determine the health and safety risks for pregnant or breastfeeding employees, employers must also consider the type, level, and duration of exposure in the workplace, working conditions, jobs that pose a special risk, and the factors listed in Annex-2 of the Regulation. These factors are listed in the table below.

*Table 8. Risks and Factors Listed in Annex-2 of the Regulation on Working Conditions of Pregnant or Nursing Women, and Nursing Rooms and Child Care Dormitories*

Jobs and Workplaces	Biological Factors
A) a) Emergency and rescue services, as well as service units where dental and health treatment of people are carried out,	Hepatit B-virus (HBV) Hepatit C-virus (HCV)
b) Hospitals and wards peculiar to children	Bordetella Pertussis Cornebacterium Diphthriae Hepatitis-A virus (HAV) Measles virus Mumps virus Rubivirus Varicella Zoster virus (VZV)
c) Infection wards and stool laboratories	Hepatit A virus (HAV)
d) Tuberculosis hospitals and other chest diseases hospitals or wards	Mycobacterium tuberculosis Mycobacterium Bovis
e) Pathology departments (autopsy, post-mortem examination sites)	Hepatit-D virus (HDV) Mycobacterium tuberculosis Mycobacterium Bovis
B) a) Pharmaceutical and medical manufacturing businesses involving blood products	Hepatit B-virus (HBV) Hepatit C-virus (HCV)
b) The presence of activities involving one of the biological factors listed in Column 2	Hepatit B-virus (HBV) Hepatit C-virus (HCV) Bordetella Pertussis Cornebacterium Diphthriae Tick-born Encephalitis (CEE) virus Hepatit A virus (HAV) Hepatit-D virus (HDV) Measles virus Mumps virus Mycobacterium tuberculosis Mycobacterium Bovis Rubivirus Rabies virus Varicella Zoster virus (VZV)
C) Veterinary activities with animals suspected of being infected with rabies	Rabies virus
D) Activities in the fields of endemic diseases such as agriculture, forestry and timber industry, horticulture, animal trade, hunting and in fields involving non-food animal and plant raw material materials, including	Tick-born Encephalitis (CEE) virus

training and testing (research) institutes as well as other fields of science	
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In this evaluation, the employer must take into account the psychosocial and medical factors that may impact the employee personally. The results of the evaluation and the precautions to be taken for health and safety purposes should be communicated to the pregnant or nursing employee.

If the evaluation reveals a health and safety risk for the pregnant or nursing employee or an effect on the employee's pregnancy or breastfeeding, the employer must temporarily modify the employee's working conditions and/or working hours to prevent exposure to such risks. If modifying the conditions or hours is not possible, the employer must take the necessary steps to transfer the employee to another job. Pregnant workers can be employed in lighter jobs suitable for their health if a health report deems it necessary. However, the employee's wage cannot be reduced due to the lighter work. If transferring to another job is not feasible, the employee may be granted unpaid leave within the necessary timeframe to protect their health and safety. This period will not be counted in the calculation of the employee's annual paid leave entitlement.

When a violation is detected regarding the provisions of the Regulation, administrative fines are imposed by labour inspectors for such violations.

## ARTICLE 16

### Article 16 - The Right of the Family to Social, Legal and Economic Protection

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

### MEASURES TAKEN TO REDUCE ALL FORMS OF DOMESTIC VIOLENCE AGAINST WOMEN

The efforts aimed at combating violence against women in Türkiye are being implemented within the framework of the principle of “Zero Tolerance for Violence Against Women” with the comprehensive cooperation of all parties. The studies carried out within this framework are planned and implemented within the framework of the following areas:

- Access to justice and legislation,
- Policy and coordination,
- Protective and preventive services,
- Social awareness,
- Collection of data and statistics for this area.

One of the most important steps taken within the scope of combating violence against women in Türkiye is Law No. 6284 on the Protection of the Family and the Prevention of Violence Against Women entered into force in 2012.

Another step taken within the scope of combating violence against women in Türkiye is the “IV. National Action Plan for Combating Violence Against Women (2021-2025)”. The Action Plan was prepared under the coordination of the MoFSS, with the contribution and participation of all relevant institutions and organizations, and entered into force on 1 July 2021. There are 28 strategies and 227 activities in the Plan, which was prepared on the basis of 5 main objectives. These objectives are as follows:

- Access to Justice and Legislation,
- Policy and Coordination,
- Protective Preventive Services,
- Social Awareness,
- Data and Statistics.

In order to effectively implement and monitor the implementation of the IV. National Action Plan for Combating Violence Against Women, the “Action Plan for Combating Violence Against Women-2022” was prepared and signed on 23 March 2022 by the MoFSS, the Ministry of Justice, the Ministry of Interior, the Ministry of Health, the MoNE and the Presidency of Religious Affairs.

Provincial Action Plans for Combating Violence Against Women have been prepared in order to ensure that the IV. National Action Plan for Combating Violence Against Women is implemented more effectively locally. These Provincial Action Plans are carried out in all provinces of Türkiye.

In addition, “Violence Prevention and Monitoring (ŞÖNİM) Centres” located in 81 provinces provide psychosocial support, legal support, education and professional support, health support, economic support and guidance services, as well as monitoring of the measures for victims of violence.

Apart from the ŞÖNİM Centres, in order to provide psychosocial intervention and support services for the protection and empowerment of victims of violence, “Contact Points for Combating Violence” have been established in our multi-purpose Social Service Centres (SHM), which are widely located at the district level in each province.

In these centres, it is aimed to provide service at the standards of the service provided in ŞÖNİM Centres. Victims of violence are provided with services on a 24/7 basis in 393 SHM’s Contact Points for Combating Violence and 149 Women's Guesthouses across Türkiye. Currently, there are 82 ŞÖNİM centres in Türkiye.

Besides, Service Standards Guides have been prepared in order to establish professional, managerial and administrative standards for the services offered in ŞÖNİM Centres and Women's Shelter. In addition, Self-Assessment Guides have been prepared and started to be implemented in order to measure the effectiveness of service standards and to make sustainable internal and external evaluations.

In addition, the “Alo-183 Social Support Hotline” operating under MoFSS operates as a psychological, legal and economic advice line for women and children who have been or are at risk of violence and need support and assistance.

The Alo-183 Social Support Hotline provides information about the rights of women and children who have been subjected to violence and where they can apply. The Line has started to provide services to citizens through smartphone applications such as WhatsApp. Thus, it has become possible for the victims to reach the relevant support personnel on 7/24.

In order to ensure quick and effective access of victims of violence to the security forces, the Women Support Application (KADES) has been developed in cooperation with the Ministry of Interior and the MoFSS. This application has been opened for use by women as of 24 March 2018. In order to ensure that the KADES application reaches more people and that women can access help when they need it, Spanish, German, Uzbek, Kyrgyz and Kurdish language options have been added to the previously 6 language options, and a total of 11 language options have started to be offered.

Through the training programmes initiated since 2007 within the scope of combating violence against women, training and seminars were given to a total of 2.628.416 people, including 1.415.277 soldiers, 75.000 public officials, 106.389 religious officials, 195.693 health officers, 359.033 teachers and 457.024 police officers.

In addition to the above-mentioned activities, seminars were also organized by the Provincial Directorates of the MoFSS, ŞÖNİM Centres and SHM’s Violence Fighting Contact Points, which provide services in 81 provinces under the coordination of the MoFSS, in order to increase knowledge and awareness on combating violence against women. In this context, 37.561 citizens, 70.376 public officials, 11.873 mukhtars, 10.753 university personnel and

students, 7.199 soldiers and 6.061 paid soldiers participated in awareness activities (training, seminars, conferences, etc.) in 2021.

Besides these awareness-raising activities, the “Research on Violence Against Women in Türkiye with Prevention, Intervention and Policy Dimensions and the Effects of the COVID-19 Pandemic” was carried out in 2022 in order to evaluate the impact of the COVID-19 Pandemic on violence against women, to measure the perception, attitude and awareness of the public about violence against women in 81 provinces, to evaluate the implementations of Law No. 6284 and to draw up a risk map of violence against women.

Apart from the MoFSS, the Ministry of Interior has also implemented many activities within the scope of combating violence against women. In this regard, the “2022 Action Plan for Combating Violence against Women” was prepared, and studies were carried out under the coordination of the Ministry of Interior and other relevant Ministries. Within the scope of combating violence against women, the following people were trained within the scope of “Law Enforcement Trainers Training within the Scope of Combating Domestic Violence and Against Women” with the cooperation between the Ministry of Interior and the United Nations Population Fund:

- 147.505 police officers,
- 17.087 soldiers,
- 18.212 mukhtars,
- 300 civil administrators within the scope of the cooperation between the Ministry of Interior and UNFPA (United Nations Population Fund),
- 16.226 students in the Police Academy Presidency,
- 4.870 students in the Gendarmerie and Coast Guard Academy Presidency,
- 180 law enforcement personnel, 922 District Governors and all Deputy Governors (in total 1.327 Civil Administrative Officers)

Besides, in order to raise awareness of men within the scope of combating violence against women, training and awareness activities are carried out for the target group consisting of men. In this regard, with the “No Violence Against Women” campaign, 8.262.794 men were trained in the field of combating violence against women, 217.439 banners/posters were posted on billboards, and 2.987.525 brochures were distributed in 2022.

In 2022, new 145 Domestic and Juvenile Crime Fighting Units were opened in the Gendarmerie General Command and the total number of units was increased to 242. In this context, the total number of units in the General Directorate of Security and the General Command of the Gendarmerie has been increased to 1.247.

The number of electronic handcuffs applied to perpetrators of violence against women increased from 1.000 to 1.500 with a 50% increase, and the number of electronic monitoring units increased from 12 to 24 with a 100% increase. As a result of the measures taken, femicides decreased by 12% as of 23 December 2022 compared to the same period of the previous year.

Apart from the MoFSS and the Ministry of Interior, the Ministry of Justice also carries out plans and programs within the scope of combating violence against women. In this regard, with Presidential Decree No. 63, the Department of Legal Support and Victim Services was established on 10 June 2020 as one of the main service units within the Ministry of Justice.



The main task of this Department is to carry out activities related to the development and implementation of rights and services for the vulnerable group; to carry out activities to inform victims of their rights and benefits; to carry out and implement activities to strengthen victims' access to justice; to carry out activities related to the development and implementation of services for witnesses in the judicial process; to determine the working procedures and principles of experts such as pedagogues, psychologists and social workers working in courthouses; and to carry out activities to increase social awareness in order to ensure that the victims are supported in all areas.

Judicial Support and Victim Services Directorates (ADM) have been also established within the Department of Legal Support and Victim Services, which provide direct services to victims in courthouses. In this context, the number of ADMs, which were previously started to be implemented in 7 pilot courthouses in 2019, has increased to 167.

Regarding the trial procedures for violence against women in Türkiye, it should be also added that investigations into domestic violence and violence against women are carried out by private offices established at the Office of Chief Public Prosecutor and by certain public prosecutors who are responsible for carrying out these investigations.

Currently, “Domestic and Violent Against Women Investigation Offices” established under the Office of Chief Public Prosecutor operate in 81 provinces and 144 district courthouses. In addition, investigations regarding crimes of domestic violence and violence against women are carried out in courthouses that are not bureaus, by public prosecutors who are specially assigned to look after this matter.

Thus, it is aimed to carry out the investigations meticulously and to ensure specialization by the public prosecutors working in the domestic and violence crimes investigation bureaus.

## **INFORMATION ABOUT THE FUNDAMENTAL CHARACTERISTICS OF FAMILY BENEFITS**

The MoFSS implements different social assistance programs for citizens in need through SYDV, within the framework of various legal arrangements, especially Law No. 3294 on the Promotion of Social Assistance and Solidarity and Law No. 2022 on Pension Funding for Needy, Powerless and Orphaned Turkish Citizens Over 65 Years of Age. The ongoing social assistance programs are classified as regular and temporary family benefits, shelter and food aids, disability benefits, health benefits, education aids and project supports.

However, in accordance with the legislation on social assistance programs, the condition to be eligible for the benefits is that no one in the household has social security, but if there are individuals with social security in the household, the monthly income per person in the household should be less than 1/3 of the net minimum wage (1.833,45 TL for the year 2022).

With the “Türkiye Family Support Program”, which was implemented in 2022, a new era was started in the field of social assistance. In this context, for the first time in Türkiye, financial support has been started to be offered to families in need and their children only on the basis of the income criterion without seeking an additional thematic criterion (disability, old age, having a relative in the military, etc.).

With the Family Support Program, additional payments are made to families in need within the scope of the child component of the Program. With the Family Support Program, financial support is provided to citizens in need, whose monthly income per person in the household is less than 1/3 of the net minimum wage (1.833,45 TL for the year 2022) within the scope of Law No. 3294. Employees and retirees are also included in the program, with the exception of civil servants, notaries, mukhtars, and those working abroad. There are approximately 25 million households in Türkiye and 2,8 million households benefit from the Türkiye Family Support Program as of November 2022. A total of 5,5 billion TL assistance was provided during the July-November 2022 payment period.

### **INFORMATION ABOUT THE AMOUNTS PAID IN CHILD/FAMILY BENEFIT AS TO MEDIAN EQUIVALISED INCOME**

The “Family Support Program” is implemented by the MoFSS in order to fight against extreme poverty, especially for the citizens who are below the extreme poverty line in the social assistance system, and to support the citizens who cannot receive regular social assistance due to poverty and do not have any disadvantages. As of November 2022, the payment has been increased from 850 to 1.250 TL per family per month. In addition, within the scope of the “Child Support Component” of this program, an additional monthly payment of 350 TL to 650 TL is provided to families, depending on the number of children in eligible households. In this regard;

- 350 TL for households with 1-2 children,
- 450 TL for households with 3 children,
- 550 TL for households with 4 children,
- Households with 5 or more children receive an additional payment of 650 TL.

Within the scope of the “Regular Cash Assistance Program for Soldiers' Families”, regular assistance of 800 TL per month and 1.600 TL is provided in 2 monthly periods in order to support the families of soldiers who perform their military service, who do not have any social security and who are in need, during their military service.

Within the scope of “Aid for Soldier’s Child”, in order to support the needy children of soldiers who are doing their military duty during their military service, children under the age of 18 who are in need and whose father is in the military are provided with a monthly cash aid of 350 TL, 700 TL for 2 monthly periods.

Within the scope of “Orphan Aid”, for the regular support of orphans in needy households without social security, 600 TL per month for needy children under the age of 18, whose mother, father or both have passed away, is provided for 2 months in cash assistance of 1.200 TL.

Within the scope of “Food Aid”, it is provided by SYDV in case of need, especially before Ramadan and Eid al-Adha, and throughout the year, in order to meet the basic needs of families in need, such as food, within the scope of Law No. 3294.

Within the scope of “Educational Material Aid”, basic school needs such as aprons, shoes, bags and stationery are met for the children of families in need who attend primary and high school through SYDV.

“Lunch Aid” is a program that includes providing lunch to students in need, who are transported to the centres where schools are located, within the scope of the bussed education application.

This program has been carried out in cooperation with the MoNE since the 2003-2004 academic year, the source of which is to be covered by the SYDT Fund.

Within the scope of “Conditional Education Assistance”, families who cannot send their children to school due to financial difficulties are provided with assistance on the condition that their children attend school. Monthly payment amounts are 90 TL per month for male students attending primary education, 100 TL monthly for female students attending primary education, 130 TL monthly for male students attending secondary education, and 150 TL monthly for female students attending secondary education.

Within the scope of “Conditional Health Assistance”, families in the poorest part of the population receive 100 TL per month to take their children aged 0-6 for regular health check-ups, and 200 TL per month for pregnant women to have regular health check-ups. Also, provided that they give birth at the hospital, a one-time cash aid of 500 TL is provided and a payment of 300 TL is made during the first 2 months following the birth.

Pursuant to Law No. 2022, “Disabled Relative Pension” is the aid given to our citizens those who are younger than 18 years of age and have at least a mild level of special needs or have a disability of 40% or more, do not have social security, and their monthly income per person in the household is less than 1/3 of the net minimum wage. The monthly payment amount during the period between 01.07.2022 and 31.12.2022 is 1.226,69 TL.

“Maternity Benefit” is an aid that includes one-time cash support to citizens for their live-born children since May 2015. A payment of 300 TL is made for the first child born alive, 400 TL for the second child and 600 TL for the third and subsequent children.

In addition to the above-mentioned aids provided to needy citizens, “Heating Assistance”, “Electricity Consumption Support”, and “Natural Gas Consumption” support are also provided to citizens in need, depending on the number of family members.

Furthermore, according to Income and Living Conditions Survey 2021 carried out by TURKSAT, the mean annual equivalised household disposable income increased in Türkiye by 11.9% compared to the previous year from 33.428 TL in 2020 to 37.400 TL in 2021.

### **CONDITIONS FOR FOREIGN NATIONALS TO BE ELIGIBLE FOR CHILD/FAMILY BENEFITS**

There are three aid programs financed by EU funds and implemented by the MoFSS. These aid programs are Social Cohesion Assistance, Supplementary Social Integration Assistance Program and Conditional Education Assistance Program for Foreigners.

Persons who can benefit from Social Cohesion Assistance and Complementary Social Integration Assistance Programs are as follows: international protection status holders, international protection applicants and foreigners with humanitarian residence permit holders, who:

- Reside outside of temporary shelters,
- Meet the criteria of being in need,
- Do not have any social security in the household,
- Have at least one of the demographic criteria,
- Have an identification number starting with 99.

On the other hand, in the Conditional Education Assistance Program for Foreigners, all children under temporary protection and all other foreign children residing outside the centres, studying in formal education and temporary education centres can benefit from this Program. In all three programs implemented by MoFSS, there is no residency requirement for individuals to be eligible for benefits.

### **MEASURES TAKEN FOR VULNERABLE FAMILIES TO MEET THEIR ENERGY NEEDS**

The “Coal Aid” made through SYDV by the MoFSS is the aid provided to households in need without social security or to households with social security but whose monthly income per person in the household is less than 1/3 of the net minimum wage. Coal is provided free of charge to those in need by the General Directorate of Turkish Coal Enterprises.

Within the scope of “Electricity Consumption Support”, 75 kWh per month (130,09 TL) for needy households with 1-2 persons, 100 kWh (173,46 TL) per month for households with 3 persons, 125 kWh (216,82 TL) per month for households with 4 persons, and 150 kWh (260,19 TL) per month for households with 5 or more people receive of social assistance per month.

Within the scope of the “Natural Gas Consumption Support”, by taking into account the list prepared on the basis of the thermal map determined according to the climatic conditions of the region where they reside, for the households that are within the scope of the Social Assistance and Solidarity Encouragement Law or determined by the SYDV who have periodic needs but are unable to meet their basic needs, 900 TL-2.500 TL is provided per household per year.

### **MEASURES TAKEN TO FINANCIALLY SUPPORT VULNERABLE FAMILIES DURING THE COVID-19 PANDEMIC**

Citizens who are not within the scope of the Social Assistance and Solidarity Encouragement Law No. 3294 were also included in the social assistance system, and reaching households was determined as the main goal in the Social Protection Shield Program implemented within the scope of combating the negative impacts of the pandemic.

While designing aid programs within the scope of combating the pandemic, it was ensured that applications were received via the e-Government portal before coming to SYDV in order to minimize physical contact. In addition, the applicant's IBAN information was also requested during the application made via e-State, taking into account the risk of contact that may occur during the process of making the assistance payments to those who are entitled to assistance via Post, Telegraph and Telephone Administration (PTT). The contact risk is minimized by sending the payments of the beneficiaries whose IBAN information is valid to the relevant bank accounts.

With the “Social Protection Shield Program” and “We Are Enough for Us Türkiye Campaign” implemented during the pandemic process, 1.000 TL of cash aid was provided directly to households in need. In addition, during the full closure period covering 30 April-17 May 2021, the Total Closure Social Assistance Program was implemented and 1.100 TL cash aid was delivered to the households in need. On the other hand, additional resources exceeding 1 billion TL were provided to SYDV in order to ensure that citizens who are in periodic need are intervened due to the pandemic.

Within the scope of the abovementioned programs, a total of 11 billion TL in cash aid was provided to 7,2 million households.

The general health insurance premiums of the people who benefited from the cash wage support of the İŞKUR during the COVID-19 pandemic were covered by the Unemployment Insurance Fund during the period they benefited from the cash wage support. Thus, these people were enabled to benefit from health services. This support ended on 30 June 2021.

### **MEASURES TAKEN TO ENSURE EQUAL TREATMENT OF SPOUSES IN MARRIAGE AND FAMILY**

In Article 10 of the Constitution titled “Equality before the Law”, it is stated that everyone is equal before the law without any discrimination based on language, race, colour, gender, political opinion, philosophical belief, religion, sect and similar reasons. In the continuation of this article, it is also emphasized that *“Women and men have equal rights. The state is responsible for ensuring this equality. The measures to be taken for this purpose cannot be interpreted as contrary to the principle of equality”*.

Besides, in Article 41 of the Constitution, which regulates the protection of the family and the rights of the child; it has been stated that the family is the foundation of Turkish society and is based on equality between spouses and that the State will take the necessary measures for the peace and welfare of the family, especially the protection of the mother and children, and establish the necessary organization to fulfil these responsibilities.

In the continuation of the same article, it is stated that every child has the right to benefit from protection and care, to establish and maintain personal and direct relationships with their parents and that the State will take protective measures against all kinds of abuse and violence.

In addition, regulations have been made in the sections titled “Marriage Law” and “Family” of the Turkish Civil Code No. 4721 by taking into account Article 10 of the Constitution titled “Equality before the law”.

In this context, it is stated in Article 186 of the Civil Code that the spouses will choose the house they will live in together and they will manage the marriage union together. In addition, it is stated in Article 192 of the same law that each of the spouses does not have to get the permission of the other in choosing a profession or job.

### **INFORMATION ABOUT CARE, ALIMONY AND CUSTODY OF CHILDREN IN CASE OF DIVORCE**

Article 5 of the Child Protection Law No. 5395 includes protective and supportive measures for children. One of these measures is related to care. A care measure is a provision for the child to benefit from a public or private nursing home or foster family services or to be placed in these institutions if the person responsible for the care of the child cannot fulfil his/her duty for any reason. In this context, efforts are made to first reintegrate the children who have been taken under protection and care after a care measure decision has been made. If this cannot be achieved, adoption and foster family service models are applied. If all these do not occur, the maintenance of the establishment is evaluated.

Apart from the Child Protection Law, the Turkish Civil Code No. 4721 also includes many protective measures for children. In the second book (Family Law) of the Turkish Civil Code numbered 4721, the subject of “divorce” is arranged in the first part. In Article 169 of this section, it states that *“when a divorce or separation lawsuit is filed, the judge ex officio takes the temporary measures necessary during the continuation of the case, especially regarding the accommodation of the spouses, their livelihood, the management of the spouses' property, and the care and protection of the children”*.

In Article 182 of the Law, it is also said that *“when deciding on divorce or separation, the court regulates the rights of the parents and their personal relations with the child, after hearing the parents whenever possible and taking the opinion of the guardian and the guardianship if the child is under guardianship.”*

In Civil Code, it is also stated that the benefits of the child, especially in terms of health, education and morals, are taken into consideration in the regulation of the personal relationship of the spouse with the child, whose custody is not given to him/her. This spouse has to participate in the child's care and education expenses in proportion to his/her power.

In Article 183 of the Code in question titled “Change of the situation”, it is underlined that in case new facts such as the marriage of the mother or father to someone else, going to another place or death necessitate it, the judge takes the necessary measures ex officio or upon the request of one of the parents.

In Article 336 of the said Code, it is stated that if the marriage has been terminated or the separation has occurred, the judge may give guardianship to one of the spouses. In this article, it is also mentioned that guardianship belongs to the survivor in case of the death of one of the parents, and to the party to whom the child is left in divorce.

Pursuant to Article 339 of the said Code titled “Scope of Guardianship”, parents take and implement the necessary decisions regarding the care and education of the child, taking into account the interests of the child.

In Article 348, titled “Removal of Guardianship”, it is stated that if other measures regarding the protection of the child cannot be achieved or if it is understood in advance that these measures will be insufficient, the judge may decide to abolish guardianship in the following cases. These conditions are as follows:

- The inexperience of the parents, illness, presence in another place or inability to properly perform the guardianship duty for any of similar reasons.
- Parents' failure to show sufficient attention to the child or grossly neglecting their obligations to him/her.

If guardianship is removed from both parents, a guardian is assigned to the child.

According to Article 349, the remarriage of the parent, who has guardianship, does not require the removal of guardianship. However, when the child's interests necessitate, the guardian may be changed, or a guardian may be appointed to the child by removing the guardianship according to the situation and conditions.

In Article 350 of the Code in question titled “The obligations of the parents in the event of the abolition of guardianship”, it is stated that in the event of the removal of guardianship, the



obligations of the parents to cover the care and education expenses of their children continue. If the mother, father and child cannot afford to pay, these expenses are covered by the State.

When evaluated as a whole, the basic approach in Turkish national legislation in cases of family unity, divorce or guardianship is to protect the well-being of the child. The main purpose of the regulations made in this field in the Civil Code and other relevant laws is to prevent the child from being traumatized during these processes and to ensure the child's psychological, social and economic well-being.

### **INFORMATION ABOUT THE MEASURES TAKEN REGARDING DOMESTIC VIOLENCE AGAINST WOMEN AND RELATED CONVICTIONS AND PROTECTION ORDERS**

In order to prevent violence against women in Türkiye, many measures and activities have been implemented and continue to be implemented both in terms of legal regulations and basic policy documents. During the reporting period, Türkiye withdrawn from the Council of Europe Convention on the Prevention and Combating Violence against Women and Domestic Violence, shortly known as İstanbul Convention. In order to prevent possible inconveniences with national and cultural values of Türkiye, on 20 March 2021, Türkiye withdrawn from the İstanbul Convention.

It should be noted that in absence of İstanbul Convention, the necessary legal and institutional framework remains strongly in Türkiye with a view to prevent violence against women and to take necessary measures in many fundamental regulations addressing social life such as the Civil Code and the Penal Code, especially the Protection of the Family and the Prevention of Violence Against Women Law No. 6284. Furthermore, it should be underlined that Türkiye is a party to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and this Convention has been in force for Türkiye since 19 January 1986. Law No. 6284 on the Protection of Family and Prevention of Violence Against Women, which embraces the letter and spirit of these important international documents, including the İstanbul Convention, entered into force on 20 March 2012, in order to combat domestic violence and violence against women. Law No. 6284 regulates the procedures and principles regarding the measures to be taken in order to protect women, children, family members and victims of unilateral stalking and to prevent violence against them. Through Law No. 6284, Law No. 4320 on the Protection of the Family, which had been in effect before, was repealed and more comprehensive regulations were included compared to Law No. 4320.

According to Law No. 6284, violence is the acts which result or will probably result in a person's having physical, sexual, psychological and financial sufferings or pain and any physical, sexual, psychological, verbal or economic attitude and behaviour which include the treat, pressure and arbitrary violation of person's freedom as well and conducted in social, public and private space.

In this Law, "victim of violence" is described as the person who is directly or indirectly subject to or at the risk of the attitudes and behaviours, which are defined as violence in this Law and the people who are affected by violence or at the risk of being affected by violence.

This Law also regulates some protective and preventive measures to prevent violence. In this context, the Law envisages protective measures that can be taken by the representative of local administrative authority (governor or district governor), protective measures that can be taken

by the law enforcement chief in cases where a delay is inconvenient, and protective and preventive injunctions that can be given by the judge.

In the Implementation Regulation, which includes provisions on how to implement Law No. 6284, the subject of “unilateral persistent stalking” is included. According to this, unilateral stalking, regardless of whether there is a family tie or a relationship between them, is any kind of attitude and behaviour of a violent perpetrator that will keep the victim of violence under pressure by causing physical or psychological fear and desperation.

According to the Law, a cautionary decision is given upon the request of the person who faces violence and the application of the Ministry, police force or public prosecutor. A cautionary decision can be requested from the judge, the local administrative authority or the police force unit of the place where they can be reached in the quickest and easiest way.

The cautionary decision can be given for a maximum of six months for the first time. However, in cases where it is understood that violence or the danger of violence will continue, it may be decided to change the duration or form of the measures, to abolish them or to continue as they are, ex officio, upon the request of the protected person or the MoFSS or police force. Victims of violence or persons who are in danger of being subjected to violence may apply to the family court at their place of residence and request that protective and preventive precautionary decisions be made. In places where there is no family court, an application can be made to the court of first instance. The judge may decide on the necessary protective and preventive measures.

The protective cautionary decisions that can be taken by the judge for the victim of violence are as follows:

- Changing the workplace,
- Determining a separate settlement from a joint settlement if the person is married,
- In case the conditions in the Turkish Civil Code No. 4721 are met and upon the request of the protected person, “family residence annotation” is placed in the land registry,
- In the event that the protected person is in danger of life and it is understood that other measures will not be sufficient to prevent this danger, changing the identity and other relevant information and documents in accordance with the provisions of the Witness Protection Law No. 5726, based on the consent of the person in danger.

The preventive measures that can be taken by the judge against the person who is alleged to have committed violence are as follows:

- Not using words and behaviours that include threats of violence, insults, humiliation or humiliation towards the victim of violence,
- Immediate removal from the common house or its location and the allocation of the common house to the protected person,
- Not approaching the protected persons, their residence, school and workplace,
- If there is a decision to establish a personal relationship with children, the personal relationship should be accompanied by an accompanying person, the personal relationship should be limited or completely removed,
- If deemed necessary, even if the person under protection has not been subjected to violence, a decision may be made not to approach the perpetrator of violence, the relatives of the victims of violence, their witnesses and their children, without prejudice to the circumstances regarding establishing personal relations,
- Not damaging the personal belongings and household goods of the protected person,



- Not disturbing the protected person by means of communication or other means,
- Delivering the weapons that are legally allowed to be kept or carried to the police force,
- Even if he/she performs a public duty that requires carrying a gun, he/she delivers the entrusted gun to his/her institution due to this duty,
- Not using alcohol, drugs or stimulants in the places where the protected persons live, or not approaching the protected persons and their places while under the influence of these substances, providing examination and treatment, including hospitalization in case of addiction,
- Applying to a medical institution for examination or treatment and providing his/her treatment.

The judge may decide on one or more of the protective and preventive measures within the scope of Law No. 6284 or similar measures that may be deemed appropriate.

In addition, it may be decided to follow up with the perpetrator of violence with technical means and methods in order to effectively implement the cautionary decision given by the judge within the scope of Law No. 6284.

The decision to follow up with technical methods is monitored by the Ministry of Interior with electronic handcuffs. How these decisions will be implemented is regulated in the Regulation on the Use of Tracking Systems with Technical Methods within the scope of Law No. 6284.

With the Law dated 12.05.2022 and numbered 7406 Amending the Turkish Criminal Code and Some Laws, penalties for crimes of intentional killing, intentional wounding, threats, torture, torture committed against women have been increased in order to combat violence against women more effectively and to provide deterrence. In addition, it has been ensured that free lawyers are assigned to women who are victims of violence.

### **INFORMATION ABOUT CHILDCARE FACILITIES**

Within the framework of the Child Protection Law No. 5395, protective and supportive measures are taken for children, and their care is provided in the social service institutions specified in Social Services Law No. 2828.

Child Care Institutions provide services within the scope of the Regulation on Child Protection Services Planning and Working Procedures and Principles of Child Care Institutions, published in the Official Gazette dated 6 September 2022 and numbered 31945.

There are 1.187 children's homes, 113 children's home sites, and 65 specialized children's homes. A total number of 5.715 children live in these children's homes, 6.606 children live in children's home sites and 1.472 children live in specialized children's homes. In addition, children over the age of 18 are employed if they meet the conditions listed in Additional Article 1 of the Social Services Law.

### **MEASURES TAKEN TO ENSURE THE PROTECTION OF VULNERABLE FAMILIES, SUCH AS SINGLE-PARENT FAMILIES AND ROMA FAMILIES**

Regarding the economic protection of vulnerable families, it should be added that various aid programs are implemented by the MoFSS in Türkiye. In this framework, the social assistance programs being carried out are classified as regular and temporary family benefits, shelter and

food aids, aids for the disabled elderly, health aids, education aids and project supports. In this context, it is aimed to support the citizens to meet their various needs and their developing and changing needs with 50 different thematic social assistance programs throughout Türkiye.

In 2021, 4,3 million citizens benefited from the social assistance programs carried out by MoFSS, and the total social assistance expenditure of Türkiye was 60,9 billion TL.

On the other hand, providing economic protection to vulnerable households is a broad definition that includes not only social benefits but also social security and social services.

Since 2003, the MoFSS has developed many thematic and regular central social assistance programs for people in need. These are as follows:

- Conditional Health Benefit (ŞSY),
- Conditional Education Assistance (CCT),
- Multiple Birth Assistance,
- Assistance for Widowed Women,
- Assistance for Families of Soldiers in Need,
- Aid for Needy Soldier Child,
- Orphan Aid,
- Chronic Disease Assistance (Tuberculosis and SSPE),
- Electricity Consumption Support Minimum Electricity Consumption Support Component,
- Electricity Consumption Support Medical Device Electricity Consumption Support Component,
- Natural Gas Consumption Support.

Within the scope of these programs, it is aimed to reach the disadvantaged groups of society and to protect families economically. Apart from the above-mentioned aids, activities are being carried out in cooperation with public institutions and organizations in the regions where Roma citizens live extensively in order to increase and facilitate Roma citizens' access to services in the fields of education, employment, health, housing, social services and social assistance.

With the additional measures and actions to be taken within the scope of the Strategy Document and Action Plan for Roma Citizens planned to be published as of 2023, the necessary activities will be carried out in terms of the economic and social support of Roma families.

The MoFSS plans to allocate a total budget of 214 million TL, and 200.000 TL per household, for the project, which is aimed to build 1.070 houses. It is planned to build these houses as a result of the grading study carried out by taking into account the existing household conditions, living conditions, infrastructure problems, regional representation and the density of Roma in the neighbourhoods where Roma citizens live extensively.

Apart from the above-mentioned benefits, Home Care Assistance was introduced in 2006 in order to provide care for disabled people with their families and to support them in their living environment. With this service model, it is aimed to integrate disabled people into social life independently, by living in the same environment with their families and relatives, without having to leave the environment they live in.

A monthly payment of 1.797 TL (second half of 2021) was made to the family member or relative caring for the severely or fully dependent disabled person with home care assistance.

As of December 2021, 535.700 people benefited from home care assistance. In this context, home care assistance was provided to 72.343 family members or relatives who care for people with disabilities between the ages of 0-17. 360 of these people are family members or relatives who care for disabled children under temporary protection.

Disabled children receive free services from the disabled care, rehabilitation and counselling centres affiliated to the MoFSS.

In the Turkish legal system, no practice includes differentiated and/or specific measures for the protection of single-parent families or Roma families. Because the Turkish legal aid system includes some regulations regarding the financial situation of the applicant, not his/her affiliation or background. In this respect, regardless of his/her affiliation, the applicant, who is a Turkish citizen, can benefit from legal aid if he or she is partially or completely unable to pay the necessary trial or follow-up expenses, without making the livelihood of himself/herself and his/her family significantly difficult.

Articles 340 and 344 of the Civil Procedure Law No. 6100 include provisions on benefiting from legal aid. In the aforementioned articles of the law, it is stated that persons who are partially or completely incapable of paying the necessary trial or follow-up expenses, without causing significant difficulties for themselves and their family, can benefit from legal aid in their claims and defences, legal protection requests and enforcement proceedings, provided that their demands are not clearly groundless.

Legal aid includes the following points:

- Temporary exemption from all trial and follow-up expenses,
- Exemption from providing security for litigation and follow-up expenses,
- Advance payment by the State for all expenses to be incurred during the lawsuit and enforcement proceedings,
- If the case needs to be followed up with a lawyer, obtain a lawyer to be paid later.

In addition, if it is understood that the collection of litigation expenses paid or exempted by the State at the end of the case will cause the victimization of the beneficiary of legal aid, the court may decide to exempt the beneficiary of legal aid from paying the litigation expenses in whole or in part. For the person benefiting from legal aid, the fee of the lawyer appointed by the bar association upon the request of the court is paid from the Treasury as litigation expenses.

## ARTICLE 17

### Article 17§1

#### **Article 17 - The Right of Children and Young Persons to Social, Legal and Economic Protection**

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

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

#### **MEASURES TAKEN TO REDUCE STATELESSNESS**

The provisions preventing statelessness are included in paragraph 3 of Article 27 and paragraph 2 of Article 34 of the Turkish Citizenship Law No. 5901, which entered into force on 02 June 2009. Under Article 50 of Law No. 6458, the determination of statelessness is made by the PMM and a Stateless Person Identity Document is issued to stateless persons, which provides them with the right to legally reside in Türkiye.

#### **MEASURES TAKEN TO FACILITATE BIRTH REGISTRATION, PARTICULARLY FOR VULNERABLE GROUPS**

The birth registration of children under international protection and temporary protection born in Türkiye is carried out by the General Directorate of Population and Citizenship Affairs in accordance with the data received from the Ministry of Health. Following the application of the family of the child whose birth certificate is issued to the Provincial Directorates of Migration Management, the necessary registration process is made and an identity document is issued to the child. The status of stateless, refugee, conditional refugee and subsidiary protection persons and foreigners in Türkiye has been defined in the Law on Foreigners and International Protection No. 6458 and the persons in this group are registered by the PMM. There have been no reports of any problems with birth registration from Roma citizens currently living in Türkiye. All Roma citizens living in Türkiye are able to register their birth and population just like all Turkish citizens. No unidentified Roma citizens have been reported in the last 5 years in Türkiye.

#### **MEASURES TAKEN TO REDUCE CHILD POVERTY**

All primary health care services for all children, including screening, immunization and follow-up are provided free of charge in Türkiye. With the Conditional Cash Transfer Program, the health needs of the 0-6 age group children of families in need and the educational needs of the 3-18 age group children are met. In other aid programs carried out through SYDV, the household approach is also aimed at benefiting children. The aid programs carried out in this

context are as follows: Orphan Aid, Assistance for Military Personnel's Children, ŞSY (Health and Pregnancy), Multiple Birth Assistance Program, Educational Material Assistance, Student Transportation, Housing and Food Assistance, Lunch Assistance, Free Textbook Assistance, Free Transportation for Disabled Students, Birth Assistance, Kindergarten Support Program, Family Support Program/Child Component.

In 2021, boarding service was provided to a total of 747 students, 304 of whom were girls and 443 boys, in primary and secondary schools for the visually and hearing impaired. A total of 36.147 children studying in secondary schools received boarding services. 261.118 students studying in high schools benefited from state hostels. 293.908 TL was paid as clothing and stationery aid to 743 students receiving special education in 2021. An allowance of 12.552.387 TL was provided to meet the clothing and stationery needs of 30.674 boarding students in 271 regional boarding secondary schools. A clothing and stationery service allowance of 2.173.844,25 TL was provided to 5.473 students in 66 hostels related to religious education. In October 2021, a one-time payment of 40.755.494,25 TL, of which 395,55 TL per student, was paid to 103.035 students staying in hostels of high schools. In the 2020-2021 academic year, 29.803.480 TL was spent on free boarding clothing and stationery for 75.347 students studying at vocational and technical secondary schools/institutions. In 2021, a total of 2.038.430,83 TL scholarships were paid to 470 students with special education needs. 338.761.883,98 TL was provided for the scholarship payments of 82.173 scholarship students in primary education institutions. A total of 749.412.585,72 TL was paid to 191.413 students studying at secondary school, 357,79 TL per month, 28.221,45 TL was provided for 7.557 students studying in vocational and technical secondary schools and a scholarship of 149.439.692 TL was paid to 24.799 students studying at Anatolian religious high schools.

### **MEASURES TAKEN TO COMBAT DISCRIMINATION AND PROMOTE EQUAL OPPORTUNITIES FOR CHILDREN FROM PARTICULARLY VULNERABLE GROUPS**

“Social Cohesion Program” is implemented in cooperation between Türkiye and UNICEF in order to ensure the integration of children living in Türkiye under international protection or temporary protection into society through the Provincial Committees on Child Rights and to create a platform that will enable mutual dialogue and information exchange among children. While the main purpose of the “Social Cohesion Programme” is to facilitate social inclusion, it supports equality of opportunity in terms of accessing rights and information.

Within the scope of the Program disseminated through peer-to-peer education method, the children who are members of the Provincial Committees on Child Rights and received trainers' training, also provide education in their living spaces, if necessary, in order to reach children under temporary protection. In this respect, equality of opportunity is supported in accessing the right to education.

For children with disabilities in institutions, group activities, family education studies and social activity activities are carried out. Efforts are being made to establish a participatory, transparent, accessible and equality-based volunteering system for all segments of society, especially children and youth, which reduces inter-regional development differences, reinforces national unity and solidarity, supports sustainable local and regional development, facilitates the participation and social cohesion of disadvantaged groups in social life. In addition, within the scope of the Youth Participation and Adolescent Development Program, activities are carried out in 25 provinces for Turkish and refugee families with children in the fields of social

cohesion, education and child protection. With the youth camps organized, the participation of children and young people who are disadvantaged, disabled and in institutional care is ensured in camps established in Türkiye.

Within the scope of the agreement between Türkiye and the German Development Bank (KfW) on the Social Cohesion through Vocational and Technical Education Project, activities of the project implemented in 2018-2021 with a budget of 50 Million Euros were carried out in 8 pilot provinces. The project aims to promote the resilience and socioeconomic cohesion of Syrians under Temporary Protection (SuTPs) and host communities by increasing employability and qualifications. Based on the 75 Million Euros contribution agreement signed between the European Union and the German Ministry of Development (KfW), the 2nd Phase of the Project for Social and Economic Cohesion through Vocational and Technical Education in Türkiye will continue until 30 November 2024. It is essential for individuals with special educational needs to continue their education at all levels in the same classroom together with their peers primarily through integration.

Two action plans have been prepared for Roma Citizens within the scope of the “Strategy Document for Roma Citizens” published in the Official Gazette on 30 April 2016. In line with the goals prepared in this context, Roma children are provided with access to education. In regions where our Roma people live intensively, Conditional Education Aid, and scholarships are provided. Announcements about these opportunities are made through governorships, school management and guidance services. In this regard, a total of 1.959.161.999 TL was provided in 2021. In 2021, 140.275 children and youth were supported by their families or relatives within the scope of Social Economic Support.

#### **MEASURES TAKEN TO ENSURE CHILD PARTICIPATION IN EFFORTS TO COMBAT CHILD POVERTY AND SOCIAL EXCLUSION**

The health needs of 0-6 age group children and the educational needs of 3-18 age group children of families in need are met within the framework of the Conditional Cash Transfer program. Many studies are carried out within the child protection program in order to prevent social exclusion and to equip children with skills. The Happy Wednesday Program aims to provide equality of opportunity by combating discrimination faced by individuals with Down syndrome at all ages and positions. For this purpose, every Wednesday at the Provincial Directorates of Youth and Sports, skill-enhancing sports activities are organized for individuals with disabilities, especially for individuals with down syndrome.

The Sports Program for Children Staying in Affectionate Homes ensures orphaned children who are living in Affectionate Homes access to quality sports. In this way, it is aimed to facilitate their integration with society and to adapt to social life quickly. In order to reduce the cost to the families of children living in socioeconomically disadvantaged households, there is a Protocol to support Turkish citizen children in their educational processes in the households benefiting from social assistance and receiving education from official pre-school education institutions within the scope of the Law No. 3294 on Encouragement of Social Assistance and Solidarity in pre-school education. According to the Protocol, financial support is provided to the school where these children are located for nutrition, cleaning services and educational materials for the implementation of the educational program. In addition, nutritional support studies have been started for children in settlements with unfavourable conditions who continue pre-school education. In accordance with the Primary Education Institutions Weekly Curriculum, the curriculum prepared for the compulsory and elective courses from the 1st grade



to the 8th grade, textbooks and teaching materials that promote basic human rights and freedoms, is prepared with an approach that rejects all kinds of discrimination.

Particular attention is paid to the absence of expressions and images in the materials that highlight any ethnic identity, are based on gender inequality, are contrary to human rights, have the nature of discrimination and prejudice, and may cause social exclusion. As of 2021, 8.903 children benefit from foster family services in 7.375 families. In December 2021, there are 6.160 children in 112 children's home complexes, 5.649 children in 1193 children's homes, and 1.493 children in 65 specialized children's homes. The total number of institutions is 1.369 and 13.302 children are involved in institutional care. There are also 79 Children's Homes Coordination Centres. As of December 2021, the number of children aged 0-18 receiving service from private disability care centres is 831. As of December 2021, the number of children aged 0-18 receiving service from official disability care centres is 898.

Provincial Committees on Child Rights have been established in each province in order to implement the principles and provisions of the United Nations Convention on the Rights of the Child, to which Türkiye is a party. The main purpose of the Committee is to solve the problems of the children and fight against social exclusion. The Committee consists of members of the Provincial Committees, students, elected student council presidents from all schools in the province, students of the children's rights club of schools, employed children, children who have been dragged into crime, children under protection and children with disabilities. Any willing child can become a member of this Committee. The duties of the Committee are awareness raising of children's rights, ensuring that its members receive child rights education, identifying problems in the provinces, and preparing a provincial action plan. Thus, the Committee holding regular meetings plays an important role in combating the social exclusion of children and ensures child participation directly.

### **MEASURES ADOPTED TO PROTECT AND ASSIST CHILDREN IN CRISIS SITUATIONS AND EMERGENCIES**

In case of disaster and emergency, in order to protect the children affected by the disaster and in order for them to overcome the disaster and emergency situation with minimum impact the representative of the household, who is over the age of 18, is paid in cash, within the scope of meeting their urgent and basic needs. However, within the scope of the Donation in Kind Warehouse Management and Distribution Working Group activity, the age, gender, etc. of children are taken into account. Taking into account its features, it is suitable for baby diapers, lower and upper clothes, toys, stationery, etc. support is also provided with in-kind assistance. Activities carried out by youth centres in order to protect and help children and young people in crisis situations and emergencies are carried to the field in emergencies.

Within the scope of the Youth Participation and Adolescent Development Program carried out in cooperation with UNICEF in Türkiye, psychosocial support services are provided for child protection. It is a program that includes studies carried out to help traumatized people under temporary protection in Türkiye gain the skills to reduce the stress they experience and to cope with negative situations that occur after trauma. Materials were prepared to strengthen coping skills before and after challenging life events.

Twelve storybooks were prepared for preschool and primary school children with different achievements to improve their resilience skills. 2 books, 2 brochures, 1 poster, 5 animations/videos and 4 informative presentation contents have been prepared for the experts

who will provide psychosocial support in the field in case of disaster and emergency to gain knowledge and skills about Psychological First Aid practices. 5.000 pieces of “Psychosocial Support Kit” have been prepared in order to facilitate the return of our students to the normalization process immediately after challenging life events such as earthquakes, floods and fires. 40 psychoeducation programs specific to 10 different levels have been prepared on 10 different topics including natural disasters, epidemics, diseases, migration, terrorism, sexual abuse, suicide and mourning. An early warning and response system have been established to be prepared for acute public health threats to the entire society, especially vulnerable groups.

#### **INFORMATION ABOUT RAISING THE AGE OF CRIMINAL RESPONSIBILITY**

There is currently no legislative work on the subject. Despite this, we would like to point out the following provision concerning the criminal responsibility of minors.

The first paragraph of Article 31 of the Turkish Penal Code No. 5237, titled “Minority” reads:  
*“Children who have not completed the age of twelve at the time of committing the act have no criminal responsibility. Criminal prosecution cannot be made against these persons; however, child-specific safety measures can be applied.”*

#### **INFORMATION ON PRISON SENTENCES FOR CHILDREN**

There is currently no legislative work on the subject. Despite this, it should be underlined that adjustments can be made according to the needs to Act No. 5271 of 4 December 2004, Criminal Procedure Code.

As regards the separation of children from adults, Articles 11, 15 and 111(3) of Act No.5275 on the Execution of Sentences and Security Measures require that children should be separated from adults. Detained children are kept in closed penitentiary institutions for children or where there is no such institution, in separate units of the closed penitentiary institutions for adults.

There is a provision on the subject in the second and third paragraph of the 11th article of the Law on the Execution of Sentences and Security Measures dated 13/12/2004 and numbered 5275;

*“(2) Children between the ages of twelve and eighteen are accommodated in separate sections of these institutions, taking into account their gender and physical development.  
(3) These convicts are placed in the sections of closed penal institutions reserved for children, in cases where there is no institution specific to them. In case there are no separate sections in the institutions, the girls are accommodated in a part of the women's closed penal institutions or the sections reserved for them in other closed penitentiary institutions.”*

In this context, convicted and detained juveniles aged 12-18 are in penitentiary institutions within the framework of the provisions of the legislation mentioned above.

In addition, since children are defined as priority and special groups, it is ensured that all kinds of needs of children staying in penitentiary institutions are met by education and psycho-social assistance services and benefit from appropriate programs.



Within the scope of Article 19 of the Regulation of the Ministry of Justice on Arrest, Custody and Statement, those who have completed the age of twelve but have not completed the age of eighteen are kept in separate places from adults.

With legal regulations, detained children are kept in their own closed prisons, and in provinces where the number of children is low and there are no closed juvenile prisons, they are kept in the sections reserved for children in adult penitentiary institutions. If there is no separate section for girls detained in closed juvenile prisons, they stay in the sections reserved for them in women's closed prisons. Juveniles convicted/detained in an adult penitentiary institution enjoy all the same rights as convicts/detained children in a separate juvenile penal institution. Convicted children are kept in juvenile education centres. Children's Education Centres are facilities where the punishments given to juvenile convicts are carried out with the aim of educating the convicts, acquiring a profession and reintegrating them into society. There are no barriers to escape in these institutions. Institutional security is ensured under the supervision and responsibility of internal security officers. Children who continue their education in education centres can stay in these institutions until the age of 21.

As can be seen in the legislation mentioned above, there are legal regulations to keep girls separated from women.

In the first paragraph of Article 38 of Law No. 5275 on the Execution of Sentences and Security Measures, it is clearly stated that the penalty of being placed in solitary confinement will be applied to convicts other than children/minors.

In Paragraph 9 of Article 46 of the Law No. 5275 titled "Confinement in a room", If a minor who is in the closed execution institution referred to in the eighth paragraph of this Article commits one of the acts specified in that paragraph, she/he shall be kept in a room by herself/himself for up to five days, for night and day, without prejudice to his right to go in the open air. This penalty shall be implemented without preventing the minor from access to institution officers whenever he wants. The minor shall be subjected to a medical check before, during and after the execution of the penalty. During the execution of the sentence, the minor shall be allowed to see his family, lawyer and legal representative.

According to Paragraph 8 of Article 46 of the same Law titled "Extradition to the closed penitentiary institution", the juvenile is returned to closed penitentiary institutions according to the nature and gravity of the act, for a period of six months, if not present, to the sections of the closed penal institutions reserved for children, for a period of one year in case of a second or more repetition of the disciplinary actions listed in this paragraph. The juvenile cannot be extradited to the closed execution institution due to disciplinary offences and disciplinary punishments committed outside of this paragraph. Actions that require extradition to a closed penitentiary institution and confinement in a room are as follows:

- Injuring someone else in or out of the institution in a severe way due to its consequences, or attempting to injure any person by using all kinds of injurious and lethal tools, weapons and explosives.
- Detaining someone against their will.
- Hindering the duties of institution officials with violence and threats.
- Attempting to escape or to escape.
- Deliberately burning or attempting to burn buildings, annexes and equipment and movable and immovable property of the institution, causing severe damage.

- Provoking the convicts and detainees against the administration, raising a riot or attempting to revolt.
- Murder or attempted murder.
- Engaging or attempting to sexually assault, child sexual abuse and sexual harassment, and incitement to such behaviour.
- Torturing or making officers torture other children.

### **INFORMATION ON THE MAXIMUM PERMISSIBLE DETENTION PERIOD FOR MINORS DETAINED PENDING TRIAL**

In Article 16 of Juvenile Protection Law No. 5395 titled “Keeping the Child in Custody”:

*“(1) Children in custody are kept in the juvenile unit of law enforcement.*

*(2) In places where there is no juvenile unit of law enforcement, children are kept in a separate place from detained adults.”.*

In Article 19 of the Regulation on Arrest, Detention and Statement published in the Official Gazette dated 1/6/2005 and numbered 25832 and titled "Special provision regarding children";

*“The powers of arrest and taking statements for children are limited as follows:*

*a) Persons who were under the age of twelve when the act was committed and deaf and dumb who did not reach the age of fifteen;*

*1) Children cannot be caught due to a crime and cannot be used in the determination of a crime in any way.*

*2) Capture can be made for the purpose of identification and crime detection. Released immediately after identification. The determination of identity and crime are immediately reported to the Office of the Chief Public Prosecutor by the head of the court or the judge as a basis for taking an injunction.*

*b) Those who have completed the age of twelve but not completed the age of eighteen may be caught due to a crime. These children are immediately referred to the Office of the Chief Public Prosecutor by notifying their relatives and the defense counsel; The investigation regarding these is carried out personally by the Chief Public Prosecutor or the Public Prosecutor to be appointed”*

### **INFORMATION ON WHETHER CHILDREN WHO ARE IRREGULAR MIGRANTS WITH THEIR PARENTS WILL BE DETAINED AND UNDER WHAT CIRCUMSTANCES THEY CAN BE DETAINED**

The detention of children who are irregular migrants with their parents in Türkiye is regulated in Article 16 of Juvenile Protection Law No. 5395 titled “Keeping the Child in Custody”

*“(1) Children in custody are kept in the juvenile unit of the law enforcement.*

*(2) In places where there is no juvenile unit of the law enforcement, children are kept in a separate place from detained adults.”,*

and Article 19 of Regulation on Arrest, Detention and Statement, published in the Official Gazette dated 1/6/2005 and numbered 25832 and titled “Special provision regarding children”.

*“The powers of arrest and taking statements for children are limited as follows:*

*a) Persons who were under the age of twelve when the act was committed and deaf and dumb who did not reach the age of fifteen;*

*1) Children cannot be caught due to a crime and cannot be used in the determination of a crime in any way.*

*2) Capture can be made for the purpose of identification and crime detection. Released immediately after identification. The determination of identity and crime are*

*immediately reported to the Office of the Chief Public Prosecutor by the head of the court or the judge as a basis for taking an injunction.*

*b) Those who have completed the age of twelve but not completed the age of eighteen may be caught due to a crime. These children are immediately referred to the Office of the Chief Public Prosecutor by notifying their relatives and the defense counsel; The investigation regarding these is carried out personally by the Chief Public Prosecutor or the Public Prosecutor to be appointed, and is carried out in accordance with the following provisions:*

*1) Parents or tutors are notified of the custody of the child.*

*2) Even if it is not his own request, the lawyer can be benefited, his parents or tutor can choose a lawyer.*

*3) The statement of the suspect child is taken, provided that the defense counsel is present.*

*4) In cases where it is not found to be contrary to his/her interest or there is no legal obstacle, his/her parents or tutors may be present during the deposition.*

*5) It is kept in separate places from adults.*

*6) If the crimes written in the Law No. 2253 on the Establishment, Duties and Trial Procedures of Juvenile Courts are committed together with the adults, the documents related to the children are separated during the investigation phase and the investigations are carried out separately.*

*7) Children's identities and actions are strictly kept confidential.*

*8) If the victim of the crime is a child, in cases of red-handedness committed against them, in acts whose prosecution depends on the complaint of the person who was harmed by the crime, the condition of complaint is not sought for the arrest of the suspect and the investigation.*

*9) As far as possible, procedures regarding children are carried out by officers in plain clothes.*

*10) Children cannot be attached to handcuffs or similar tools. However, necessary measures are taken by the law enforcement in order to prevent the escape of the child and the dangers that may arise in terms of life or physical integrity of himself or others.”*

## **INFORMATION ON ACCOMMODATION FACILITIES FOR MIGRANT CHILDREN IN AN IRREGULAR SITUATION**

In subparagraphs (c) and (e) of the first paragraph of Article 5 titled “Protective and supportive measures” of the Juvenile Protection Law No. 5395:

*“c) Care measure, is a measure to make governmental or private care centre services or foster family services available for the juvenile or place the juvenile under the care of such institutions, in the event that the person responsible for the care of the juvenile fails to fulfil his/her care duties due to any reason*

*e) Shelter measure is a measure to provide a suitable shelter for those who have children but do not have a place to live, or to pregnant women whose lives are in danger.”*

Various services are provided to strengthen the access to justice of the victims, who are included in the vulnerable group, such as children, who are determined to be more affected by crime due to their individual characteristics. Services are provided through the offices under the directorates of judicial support and victim services established by the Ministry of Justice in the courthouses. In this context, victims are informed about their rights by the aforementioned

directorates, they are directed to relevant units in line with their needs, and psycho-social support services are provided to victims, especially those belonging to the vulnerable group.

Social examination reports are prepared by making face-to-face interviews with children by psychologists, pedagogues and social workers working in the courthouses regarding children who have been involved in the judicial process. In this regard, the care and sheltering measures regulated in subparagraphs (c) and (e) of the first paragraph of Article 5 of the Juvenile Protection Law No. 5395, can also be requested.

Referrals to unaccompanied minors who are in an irregular position due to their situation are made to the MoFSS (including administrative supervision).

Families of irregular migrants apprehended by law enforcement are housed separately from other foreigners in removal centres. In order to minimize the negative factors that may arise from keeping people in a closed environment by psychosocial personnel, activities on various subjects such as playgrounds, education, training, handicraft courses, painting, art therapy, cultural, artistic and sportive activities are carried out for both accompanying children and adults.

With or without notice, the Human Rights Investigation Commission of the Grand National Assembly of Türkiye, the Ministry of Interior, the PMM, the relevant units of the Governor's Office and the Human Rights Boards, the TIHEK and in accordance with international agreements, the removal centres are constantly examined and inspected by international organizations that have the authority to supervise.

Visits and inspections were carried out to the Ministry of Interior, the PMM and Removal Centres by the United Nations Subcommittee on the Prevention of Torture (SPT) during the period between 05.09.2022 and 14.09.2022 and by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during the period between 20.09.2022 and 01.10.2022.

#### **INFORMATION ON ACCESS OF CHILDREN IN AN IRREGULAR SITUATION TO HEALTHCARE**

According to Article 5 of the Juvenile Protection Law No. 5395 titled “Protective and supportive measures”, protective and supportive measures are the measures to be taken in the fields of counselling, education, care, health and shelter, primarily to ensure that the child is protected in her/his own family environment. In this regard, health measure is defined therein as a measure to ensure necessary temporary or continuous medical care and rehabilitation for treatment and protection of the juvenile’s physical and physiological health, and treatment and therapy for juveniles who use addictive substances.

Irregular migrants (accompanied children) in the removal centre who are followed up and controlled under administrative detention and alternative obligations benefit from emergency and primary health care services.

Moreover, irregular immigrants who have not been recorded in Türkiye can receive emergency health services from all hospitals affiliated to the Ministry of Health in case of an emergency.

Health personnel assigned by the Ministry of Health provide primary diagnosis and treatment services and immunization services to foreigners captured by law enforcement officers and

staying in Removal Centres established and operated in accordance with Law No. 6458. When necessary, the foreigners in question can be transferred to the nearest hospital under the supervision of officials. Medicines and treatment expenses of these people are covered by the PMM.

Until the legal proceedings are carried out, the health facilities affiliated to the Ministry of Health provide emergency and primary health care services to foreigners who are deemed appropriate to be placed under Administrative Oversight. Medicines and treatment expenses are covered by the PMM.

### **ASSISTANCE PROVIDED TO MIGRANT CHILDREN TO PROTECT THEM AGAINST NEGLIGENCE, VIOLENCE AND ABUSE**

In Türkiye, unaccompanied children, including immigrants, refugees, displaced children, and children of foreigners who come to Türkiye are equally benefited from all the rights of children who are citizens of the Republic of Türkiye, regardless of nationality, religion, language, race, gender and so forth. In this context, children in need of protection are supported with one or more injunctions they need from the care, education, health and consultancy measures specified in the Juvenile Protection Law No. 5395.

In Türkiye, regardless of nationality, work and transactions regarding children are carried out within the framework of Juvenile Protection Law No. 5395. In case of any signs of ill-treatment, the incidents are referred to the judicial authorities.

Directorates of Legal Support and Victim Services, established by the Ministry of Justice in courthouses and expanded throughout the country, are units where experts are assigned to inform victims about their rights, guide them in line with their needs, and provide special services to vulnerable groups. In the directorates, studies are carried out to strengthen the access of people involved in the judicial process to justice, and various services are provided to all crime victims and witnesses such as refugees, immigrants, especially children, women, the elderly and disabled individuals, who are determined to be more affected by crime due to their individual characteristics.

In this context, the victims of the vulnerable groups are accompanied by experts in order to take various measures and to convey these to the judges and prosecutors in order to prevent them from experiencing repeated victimization, to ensure that they understand the court process during the hearings and to reduce their anxiety levels. In addition, services such as directing and following up with those who are found to need psycho-social support after the judicial process are provided.

The Ministry of Justice started the application for judicial meeting rooms in 2017. Thus, the statements of victims, witnesses, juvenile delinquents, victims of sexual crime and domestic violence crimes, and other victims included in the vulnerable group, who are considered to be inconvenient to come face-to-face with the perpetrator, are taken in private environments, accompanied by experts.

The purpose of this practice is to conduct interviews with victims, witnesses and delinquent children, victims of sexual crime and domestic violence, and all other victims included in the vulnerable group, in an appropriate environment and method, to prevent secondary trauma, protect them, strengthen their access to justice and contribute to the emergence of material truth.

In addition, the “Victim Approach Guide” has been prepared by the Ministry of Justice for the practitioners, especially law enforcement, health and judiciary employees, who provide services to crime victims, to use as a guide and reference tool. There are specific sections in this guide on dealing with victims of human trafficking, foreign victims, women, children, disabled and elderly victims. The aim of this guide distributed to the relevant institutions is to increase the quality of service by increasing the awareness of the officials who come into contact with the victims.

Within the scope of the activities carried out by the Department of Victims' Rights of the Ministry of Justice to inform the victims of crime, a website has been prepared that includes information about the rights of the victims and the services offered to them. When victims of crime visit [the website of the Ministry](#), which is designed in an easily accessible, understandable way and accessible in Turkish, English and Arabic languages, they can learn what rights they have according to the type of victimization they experience. They can easily learn from which institutions they can apply and what kind of procedure they should follow for this. Brochures on some fundamental rights have been prepared by the Department of Victims' Rights in order to inform foreign victims of crime about the judicial process. Some of these brochures were translated into Arabic, Persian and English languages and distributed in courthouses.

The “Project for Facilitating Refugees' Access to Justice” was carried out during the period between September 2018 and December 2019 in cooperation with the Ministry of Justice, UNDP and UNHCR. The project aims to increase judicial empowerment and access to justice for Syrians and other persons under temporary protection and members of host communities; strengthen community safety and social cohesion; strengthen the capacities of justice, security and human rights institutions, and promote justice and security for women and girls by combating sexual and gender-based violence. Within the scope of the Project components determined in line with these purposes, visits were made in the provinces determined as a pilot and a needs analysis report was prepared. Following this report, a total of 210 judges and public prosecutors, 70 lawyers and 165 experts were trained in line with the “Preparation of Training Modules for Actors in the Jurisdiction of the Project”. Approximately 840 refugees were informed about the Turkish legal system and victims' rights in the judicial process.



## Article 17§2

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

### ANTI-BULLYING MEASURES IN SCHOOLS

Article 41 of the Constitution of the Republic of Türkiye guarantees the protection of children against all kinds of abuse and violence by stating that “the State shall take measures to protect children against all kinds of abuse and violence”. In light of this provision, online training sessions on peer bullying and cyberbullying were conducted for 4.000 administrators, tutors, guidance and psychological counsellors working in boarding schools of the MoNE during the 2021-2022 academic year.

In schools and institutions of the MoNE, developmental and preventive guidance and psychological counselling services are carried out to protect children and youth from various risks, improve their communication skills, and enable them to recognize and express their emotions in healthy ways.

In 2022, the “Psycho-education in Challenging Life Events Project” implemented in cooperation with the MoNE and UNICEF, was completed. Psychoeducation programs on psychological resilience, school-based psychological first aid, epidemics, earthquakes, floods, fires, avalanches, migration, suicide, loss-mourning, peer bullying and cyberbullying were developed under the Project.

To raise awareness among all students about peer bullying, four awareness programs were prepared for pre-school, primary school, secondary school, and high school levels. An informative booklet has been prepared for advisors/psychological counsellors containing theoretical information on this subject and presentation contents specific to each level that guidance advisors/psychological counsellors can apply to all teachers and parents in schools. After the awareness programs were implemented, eight psychoeducational programs were developed separately and specific to each level to improve the coping skills of students who are exposed to peer bullying. In addition to the programs, posters, bulletins, and brochures for teachers and parents are also available.

The MoNE has been raising awareness of students with classroom guidance programs on the mindful use of technology and cyberbullying for many years. Every year, the general target of guidance and psychological counselling services in schools and institutions is determined in the light of the general needs of the students for their age and developmental and the events and situations that are effective throughout the country. The general target of guidance and psychological counselling services in schools for the 2022-2023 academic year has been determined as “mindful use of technology”. E-brochures have been prepared for students, teachers, and parents at all levels, including twenty-four videos and eight animated films that can be accessed using a data matrix and link.

The measures taken to implement anti-bullying policies in schools are also included in paragraph 5 of Article 12 of the Regulation on Pre-School Education and Primary Education Institutions of the MoNE. According to the sub-paragraph 12 of clause (c) of the first paragraph of Article 55 of the said Regulation, “the act of using violence and attacking the school

administrators, teachers, and other personnel and friends, organizing or inciting such acts” is among the school changing sanction.

Paragraph 2 of Article 78 of the Regulation includes provisions that emphasize the importance of education and guidance activities to provide a safe school environment and protect students and employees from physical and psychological violence. Measures such as communication tools, cameras, and alarm systems are also utilized for this purpose. To further these efforts, the Ministry of Family and Social Services (MoFSS), the Ministry of Interior, the MoNE, and the Union of Municipalities of Türkiye signed the Cooperation Protocol for Increasing Protective and Preventive Services and Measures Regarding the Safety of Educational Processes for Children. This Protocol outlines the responsibilities of relevant stakeholder units in implementing anti-bullying policies in schools. The responsibilities of municipalities and Ministries according to this Protocol are summarized below:

- In collaboration with relevant institutions, Municipalities are responsible for supporting and carrying out activities aimed at protecting children from all kinds of crime, violence, neglect, abuse, bullying, addiction and other harmful habits.
- The MoFSS, Ministry of Interior, and MoNE are responsible for encouraging, supporting, and carrying out activities aimed at protecting children from all kinds of crime, violence, neglect, abuse, bullying, addiction and other harmful habits.

In addition, the Ministry of Youth and Sports provides community-based mental health studies, structured group trainings, psychological resilience, and peer group trainings in youth centres to strengthen the mental well-being of children and equip them with skills. In 2022, 11.354 people benefited from the training programs offered by the Ministry.

Youth centres also carry out volunteering activities to raise awareness and prevent bullying, which helps young people develop qualities such as experience, tolerance, sharing, and taking responsibility. Furthermore, they make presentations at schools to promote qualities such as tolerance, love, respect, and sharing under the “Program on Add Value to Life”.

## **MEASURES TAKEN TO FACILITATE CHILD PARTICIPATION IN DECISION-MAKING PROCESSES TO EDUCATION**

The Turkish National Education system, in accordance with its general objectives and basic principles, strives to ensure that individuals with special education needs have access to their education in line with their developmental characteristics, educational needs and performances.

The Regulation on Special Education Services provides guidelines for the procedures and principles necessary to achieve this goal. The Individualized Education Program has been prepared based on developmental characteristics, educational needs, and performances of the students with special education in order to achieve these specific goals.

Individuals with special education needs are included in the Individualized Education Program Development Unit, established in line with Article 47 of the same Regulation. Thus, these people’s participation in decision-making processes regarding their own education is ensured.

Pursuant to Article 37 of Regulation on Pre-School Education and Primary Education Institutions entitled “School student council”, student councils are established in primary and secondary schools. The provisions of the relevant legislation are applied in the work and transactions related to the establishment and operation of these councils.



Student councils consist of student representatives who can share all their suggestions, wishes, and complaints about education and training processes with the school administration and teachers. This provides an opportunity for students to participate in decision-making processes and ensures that their voices are heard in matters related to their education.

The “Strengthening the Culture of Democracy in Basic Education Project” implemented with the co-financing of the European Union and the Council of Europe was officially signed on 2 August 2018. The project aims to increase democratic competencies in basic education, promote democratic school culture, and raise awareness of democratic competencies, human rights, and democracy in society. To achieve these objectives, the Project targets pre-school children and basic education first and second-level students.

The Project includes all personnel and families working in schools, as well as students attending basic education institutions in the project process. The objectives and activities carried out within the scope of this project are as follows:

- Developing policy recommendations for a strategic action plan to incorporate democratic cultural competencies and awareness of human rights and democracy into the basic education system and school practice.
- Developing educational materials based on human rights, democracy, and basic universal values for basic education institutions: These materials include a Preschool Story Book Set, a Preschool Teacher's Guide Book, an activity book for each class at the primary school level, and activity books for each lesson at the secondary school level.
- Providing capacity-building activities for teachers and education practitioners working in basic education institutions to gain democratic culture competencies: In-service training was given to 240 teachers, and approximately 3.000 teachers were trained in 110 pilot schools in 10 provinces through trainers.
- Developing awareness and understanding of the democratic school culture in primary education institutions, school communities, and society in general: The Holistic School Model has been developed to create a collaborative working approach at school. A commission formed at the school is based on the participation of pre-school children and students from various levels of basic education. In addition, a 13-episode cartoon has been prepared to acquire democratic cultural competencies from an early age. Within the scope of project dissemination activities, 4.041 teachers working in 263 schools were trained in total.

### **MEASURES TAKEN FOR THE EDUCATION OF CHILDREN DURING THE COVID-19 PANDEMIC**

In response to the COVID-19 pandemic, boarding schools have taken necessary health measures in accordance with the “Guide to Working in Health Institutions and Infection Control Measures and Improving Hygiene Conditions in Educational Institutions and Infection Prevention Control Guide” prepared by the MoNE. Managers, teachers, and guidance and psychological counsellors working in boarding schools received training from psycho-social adaptation experts to mitigate the effects of the pandemic on children's education.

To support the online learning of children with special education needs during the pandemic, 1.000 lesson videos have been created for publication on the EBA platform. Additionally, audio descriptions have been added to approximately 750 previously published EBA videos.

Applications such as "I'm Special and in Education" have also been developed and made available to students with special education needs.

Distance learning has been implemented for primary and secondary school students through the EBA and the Türkiye Radio-Television Corporation (TRT) between 23 March and 29 June 2020, and has been supported through distance education channels for preschool children. TRT-EBA primary, secondary, and preschool TV channels are the main tools of distance learning and publications provide support for students' social, emotional, and cognitive development. Moreover, "English in Daily Life" program content videos have been created to improve students' language skills and to ensure the sustainability of their literacy in the language.

The Elementary Education Program in Primary Schools (İYEP) is designed for 3rd-grade students who face difficulties in reading, writing, reading comprehension, and basic math skills during the academic year. Starting from 10 January 2022, the İYEP application has been implemented for 3rd-grade students who were supposed to attend the Program in the 2020-2021 academic year but were unable to participate due to the pandemic and continued to the 4th grade in the 2021-2022 academic year. The Program aims to eliminate learning gaps between students and reduce the impact of the pandemic on education by implementing the İYEP for 3rd and 4th graders in the 2021-2022 academic year.

In the 2021-2022 academic year, 6.500 tablet computer sets were distributed throughout the country to support students who were unable to attend school due to chronic illness during the COVID-19 pandemic. The tablets were equipped with the relevant course contents according to the grade levels of students, with the aim of enabling them to prepare for higher education effectively and efficiently and to provide academic support.

EBA is a personalized learning platform that has been used as the main tool for distance learning during the pandemic after the suspension of face-to-face education in schools. The aim was to minimize the negative effects of the pandemic on children's education by providing uninterrupted service. To ensure that socioeconomically disadvantaged students did not experience difficulties, agreements were made with mobile operators. As part of these agreements, free access to EBA content up to 3 Gigabytes per month was provided for students to follow EBA through mobile applications. This access opportunity has been increased by different mobile operators during the distance education process.

Additionally, in the Conditional Educational Assistance for Foreigners (YŞEY) program implemented by the MoFSS with other stakeholders an additional payment of 85 TL per beneficiary was approved to support beneficiaries during the COVID-19 pandemic period. As a result, a total additional payment of 44.097.490 TL (4.5 million Euros) was made to 518,794 beneficiaries during the November 2020 payment period. This was a lump-sum payment to support the beneficiaries during the pandemic period.

Support and information activities were also conducted for students with hearing impairment during the COVID-19 pandemic. The course contents of EBA TV were translated into Turkish Sign Language to ensure accessibility for these students. Additionally, "Basic Turkish Sign Language Lesson Videos" were created and broadcasted on EBA TV during the Week of the Disabled to raise awareness about hearing-impaired individuals. "COVID-19 Public Ads" and "Health Information Videos" prepared by the Ministry of Health were also translated into Turkish Sign Language.

## MEASURES TAKEN TO ENSURE THE RIGHT OF ALL CHILDREN TO ACCESS FREE, QUALITY PUBLIC EDUCATION

Textbooks and educational tools are provided free of charge to all students in primary education institutions, in accordance with decisions made by relevant committees overseeing the courses included in the weekly schedule. These educational materials are also available online on the MoNE's platforms for students and teachers to access free of charge.

## MEASURES TAKEN TO ADDRESS PROBLEMS WITH SCHOOL ENROLLMENT RATES, ABSENTEEISM AND DROP-OUT RATES

The net schooling rate for primary education was 96.44% in the 2015-2016 academic year and 96.51% in the 2016-2017 academic year. Similarly, for secondary education, it was 79.79% in the 2015-2016 academic year and 82.54% in the 2016-2017 academic year. The table below displays the “net schooling rates by age groups” which were obtained by dividing the total number of students in the relevant age group by the total population in the relevant age group, irrespective of the education level of the student. These rates were published in national official statistics and correspond to the years covering the reporting (reference) period.

*Table 9. NET schooling rates by educational year and age groups (%)*

Educational Year	Gender	Age 6-9	Age 10-13	Age 14-17
2018-2019	Total	98,28	98,64	88,22
	Male	98,21	98,71	88,88
	Female	98,36	98,57	87,52
2019-2020	Total	97,96	98,64	89,19
	Male	97,88	98,70	89,71
	Female	98,05	98,58	88,65
2020-2021	Total	97,23	98,55	90,76
	Male	97,16	98,64	91,01
	Female	97,31	98,45	90,49
2021-2022	Total	98,44	98,38	92,03
	Male	98,40	98,43	92,48
	Female	98,47	98,33	91,55

According to the 2021-2022 formal education statistics, the net schooling rates by age groups were recorded as 98.44% in the 6-9 age group with primary school children, 98.38% in the 10-13 age group with secondary school students and 92.03% in the 14-17 age group with secondary school age students.

As can be seen in the table above, when the net schooling rates by age groups are examined as of the years covered by this report, there has been an increase of 3.8% in 2021 compared to 2018, especially in the schooling rates of the 14-17 age group, which is the secondary education age. As mentioned in the previous report, there is no downward trend in other levels.

### Preschool Schooling Rate

Participation in pre-school education is not yet mandatory in Türkiye. Yet, official data shows that there has been a significant increase in pre-school enrollment since 2010, with the highest increase among OECD member countries. As of the 2021-2022 academic year, the gross

schooling rate for 5-year-olds has reached 92.17%. According to preliminary data, this rate has further increased to 97% in the 2022-2023 academic year.

### **Absenteeism**

Since the outbreak of the COVID-19 pandemic, school attendance has been closely monitored in pre-school, primary, and secondary schools at the provincial, district, and school levels, and the reasons for absenteeism have been identified. Meetings have been held at the provincial level to increase attendance, and awareness and information activities have been carried out. Additionally, in coordination with provinces and districts, necessary studies are being conducted to address the absenteeism of students who are frequently absent.

Efforts to increase access to pre-school education and reduce the cost to families are also underway. However, despite all the infrastructure investments, there is still a capacity problem in pre-school education, particularly for 3-4 year-olds. In some densely populated areas, it is challenging to find land to build pre-school institutions. In remote and sparsely populated settlements, approximately 30,000 children are unable to access pre-school education due to the insufficient number of children to open a nursery class.

In regions where classrooms cannot be opened due to low participation, measures have been taken to ensure children's access to pre-school education. Alternative education access models have been developed, and special measures have been implemented to address this issue.

With recent amendments in legislation, the goal of providing equal opportunities in pre-school education for small, scattered populations in villages has been achieved. The required number of children to open a kindergarten has been reduced from 10 to 5, in line with the recommendation from the 20th National Education Council that “on-site education should be preferred in pre-school education”.

In cases where it is not possible to open a kindergarten in remote and sparsely populated settlements, alternative access models such as the “Mobile Teacher Class” and “Transport Centre Kindergarten” have been developed. The Mobile Teacher Class model allows a teacher to go to multiple settlements and gather children in a suitable area for education. During the 2018-2019 academic year, the Mobile Teacher Class model was piloted in 23 districts, with 37 teachers reaching 680 children in 148 villages. The Transport Centre Kindergarten model provides transportation and education to children from a far village, with a maximum of 20-25 km. The Transport Centre Kindergarten model was implemented in 29 settlements across 10 districts, providing education to 367 children. By the 2021-2022 academic year, these models have expanded significantly, with the Mobile Teacher Classroom model implemented in 16 provinces, 29 districts, and 141 education centres, and the Transport Centre Kindergarten model implemented in 161 education centres across 32 provinces and 82 districts.

As part of the upcoming Strategy Document and Action Plan for Roma People, set to be published in 2023, an action plan has been created to address the issue of school dropouts among Roma students. This initiative will be implemented by the MoNE with the goal of increasing school attendance rates for Roma people.

Furthermore, the government has launched the “Conditional Education Aid” program to support families who are unable to afford to send their children to school due to financial

difficulties. Under this program, cash aid is provided to the neediest families on the condition that their children attend school.

## **FINANCIAL AND MATERIAL SUPPORT TO FAMILIES TO ENCOURAGE SCHOOL ATTENDANCE**

The Constitution of the Republic of Türkiye and the National Education Basic Law No. 1739 guarantee the right to education for all children in Türkiye. The State is also obligated to provide necessary rights to all foreign children and meet their needs according to international agreements to which it is a party. Additionally, children living within the boundaries of the country are protected by Child Protection Law No. 5395. In this context, studies are carried out to increase the access of foreign national children to education in order to benefit from equal and quality education opportunities.

Detailed information on the economic and financial support provided to families by the MoNE to help with school expenses and encourage school attendance is given in detail under [Article 17/1 of this report](#).

The MoFSS implements several programs within the scope of Education Aid Programmes to support children's participation in basic education and increase household welfare. These include:

- With “Educational Material Aid”, the basic school needs such as uniforms, shoes, bags and stationery of the primary and high school students from families in need have been met through SYDV.
- The “Lunch Aid” program, which includes providing lunch to students in need who are transported to the centres where schools are located, has been carried out in cooperation with the MoNE and is funded by the Social Assistance and Solidarity Encouragement (SYDT) Fund since the 2003-2004 academic year.
- Within the scope of “Free Textbook Assistance”, which is funded by the SYDT Fund since the 2003-2004 academic year, the textbooks of primary and secondary education students have been provided free of charge in cooperation with the MoNE.
- Within the scope of “Accommodation, Transportation and Meal Assistance for Students”, Social Assistance and Solidarity (SYD) Foundations provide assistance for transportation, food, subsistence and accommodation needs of primary and secondary school students who are covered by the Social Assistance and Solidarity Encouragement Law No. 3294 but outside of the mobile education of the MoNE.
- Through “Free Transportation of Students with Disabilities”, support is provided in cooperation with the MoNE in order to ensure access to schools for students in need of special education.
- “Conditional Education Assistance” provides cash assistance to the neediest families who cannot send their children to school due to financial difficulties, on the condition that their children attend school.
- “Free Transport of Disabled Students” provides support in cooperation with the MoNE to ensure access to schools for students in need of special education.
- “Kindergarten/Kindergarten Support Programme” carried out by the MoFSS covers the expenses that parents are obliged to pay to the relevant school for children aged 3-5 years in households benefiting from social assistance and enrolling in official kindergarten/nursery classes.

## **MEASURES TAKEN TO ENSURE THAT ALL CHILDREN IN TÜRKİYE HAVE ACCESS TO EDUCATION**

The conditions in the Conditional Education Assistance for Foreigners (YŞEY) Program have been defined as the same as the Conditional Education Assistance Program in the national program. Thus, it allows foreign children under temporary protection who are enrolled in programs under formal education and temporary education centres outside the temporary accommodation centres to benefit from it.

The program carries out awareness-raising activities for beneficiaries of Social Cohesion Assistance and Supplementary Social Cohesion Assistance through SMS, social media channels, and brochures.

The YŞEY Programme has two components: cash aid and child protection. As a result of the Programme, the dropout rates are reduced by providing cash aid to families on the condition that their children attend school regularly. Moreover, if the beneficiaries are absent for more than 4 days without a valid excuse, the child protection component is activated. The child protection teams examine the reasons for the beneficiaries' absence and create necessary referral mechanisms by directing the cases to specialized services based on protection risks. Thanks to the complementarity of the two components of the YŞEY Programme, it helps in enrolling more children in the education system and effectively continuing their education, while eliminating many risk factors such as child abuse/neglect, forced marriage of children, human trafficking, and child labour.

Families who cannot afford to send their children to school due to financial difficulties are provided with cash aid on the condition that their children attend school within the scope of the “Conditional Education Aid Program”.

In addition, Social Solidarity Centres (SODAMs) operate in regions with a high concentration of Roma people, and playrooms are opened for children between the ages of 0-6 who benefit from these centres.

## **MEASURES TAKEN TO INCREASE THE SCHOOL ENROLLMENT RATE OF SYRIAN CHILDREN, ESPECIALLY THOSE LIVING OUTSIDE THE CAMPS**

The applications for the I. and II. terms of the Social and Economic Cohesion through Vocational and Technical Education Project, detailed in [Article 17/1 of this report](#), also include foreign students who have been forced to leave their country and are unable to return, or who have arrived en masse at our borders seeking emergency and temporary protection and have been placed under temporary protection.

Foreign students who enrol in secondary schools of the MoNE and continue their education can stay in the dormitories.

The MoNE provides necessary support to Equivalency Centres, which are responsible for issuing equivalency certificates to foreign students who want to continue their education in Türkiye.

## **MEASURES TAKEN TO PROMOTE EQUAL ACCESS TO EDUCATION FOR OTHER GROUPS SUCH AS ROMA AND CHILDREN IN RURAL AREAS**

The “Strategy Document for Roma People”, published in the Official Gazette on 30 April 2016, includes two action plans and three implementation periods: The first period covers the period of 2016-2018, the second period covers the period between 2019-2021, and the third one covers the period of 2022-2025. One of the five policy sectors included in the Strategy Paper is education and Roma children's access to education is a top priority.

Comprehensive efforts have been initiated to ensure Roma children's access to education from pre-school to primary and secondary school levels. The goal of these efforts is to achieve 100% schooling, especially for the 5-year-old group in pre-school. To achieve this objective, the construction of 40.000 nursery classes and 3.000 kindergartens has started. Schooling rate has already increased from 78% to 90% at pre-school level. The ongoing efforts aim to provide access to education for students studying in disadvantaged regions.

Furthermore, daily attendance and access information regarding school attendance at the provincial and school levels are monitored. Through inter-ministerial coordination, children who cannot go to school, especially children of seasonal agricultural workers, are identified, and their access to education is ensured. In provinces where absenteeism rates are high, the reasons for the situation are determined, and solutions are developed. During this period, the number of children who could not attend school has decreased. In this context, the physical conditions of schools have been improved, and their equipment, repair needs, etc. were met with support, and textbooks were started to be distributed free of charge.

In order to achieve the objective of informing Roma families about available education aids and supporting the continuation of education, the first stage action plan was created. The plan aims to ensure that all Roma children have access to equal opportunities in education and quality education services and that they successfully complete at least compulsory education.

- To achieve this goal, opportunities such as scholarships, primarily Conditional Education Aid and other scholarships, are announced in regions where Roma people live intensively. Announcements about these opportunities are made through governorships, school management, and guidance services.
- From 2003 to the end of June 2017, the SYDT Fund provided 5 billion 881 million 628 thousand 506 TL in conditional education aid to the mothers of primary and secondary school students in disadvantaged groups, including regions where Roma people live.

In addition, projects such as the “Education Program in Primary Schools (IYEP)” and “My Game Chest” have been implemented to provide social, psychological, and academic support to all children in disadvantaged groups, including Roma children. This supports access to education and training materials for Roma children.



## ARTICLE 19

### Article 19§1

#### **Article 19 - The right of migrant workers and their families to protection and assistance**

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

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

#### **INFORMATION ON MIGRATION TRENDS IN TÜRKİYE**

The total number of registered foreigners in Türkiye is over 5 million, consisting of 1,4 million foreigners with valid residence permits, 320.000 foreigners seeking international protection or status, and 3,5 million SuTPs. As a result, Türkiye is considered a prime destination in terms of migration.

Furthermore, Türkiye has been facing significant irregular migration pressure due to the ongoing conflicts, wars, and poverty in neighbouring countries on Türkiye's eastern borders and several African countries. The number of irregular migrants detected in Türkiye during the period 2019-2022 is as follows: 454.662 in 2019, 122.302 in 2020, 162.996 in 2021, and 278.313 in 2022. Among the irregular migrants detected, Afghanistan and Pakistani nationals are in the first place.

#### **INFORMATION ABOUT FREE ASSISTANCE SERVICES AND INFORMATION AVAILABLE TO MIGRANT WORKERS**

According to Article 61 of the Regulation on the Procedures and Principles Regarding the Execution of Active Labour Force Services, foreigners residing in Türkiye can benefit from active labour force services provided free of charge by the İŞKUR to help ensure their adaptation to the Turkish labour market if they meet the conditions outlined in the Law on Foreigners and International Protection and Population Services Law and are eligible registered persons.

In addition, all immigrants with special needs who are registered within the Turkish borders can benefit from services provided under the Social Service Law, Child Protection Law and Law on Protection of the Family and Prevention of Violence against Women.

In this regard, care services are considered a primary area of service provided to these people in Türkiye. Disabled and elderly care services offered to Turkish citizens are also offered to foreign nationals with disabilities and elderly individuals who require services in the same way.

Foreign nationals with disabilities who have a legal residence permit in Türkiye, granted by the Provincial Directorate of Migration Management, and a temporary ID Number can receive disability and care services in accordance with the relevant legislation during their residence permit. Home Care Assistance is also available to foreign nationals who meet the criteria in the legislation and hold a legal residence permit in Türkiye.



Psycho-social rehabilitation, day care and home support services are provided to individuals within the scope of asylum in Disabled-Free Day Life Centres and Day Care Centres for the elderly.

Various projects are implemented in cooperation with international institutions and organizations to support the solution of problems faced by refugees and asylum seekers. Additionally, programs funded by international umbrella organizations include activities for disabled and elderly refugees and asylum seekers, with priority given to implementing such activities in areas where the refugee and asylum-seeker population is high.

### **MEASURES TAKEN AGAINST MISLEADING PROPAGANDA ABOUT IMMIGRATION, INCLUDING RACISM, XENOPHOBIA AND HUMAN TRAFFICKING**

Both Turkish citizens and foreigners are provided with information about the rights, services, and obligations of foreigners. Any questions or issues experienced in the local area particularly related to topics such as "Residence Permits and Procedures," "Social Harmony," "Rights and Obligations of Foreigners," "Rights and Obligations of Persons under Temporary Protection," "Access of Foreigners to Health Services," and "Foreigners' Access to Social Assistance and Services" are consulted and evaluated with Turkish citizens, foreigners, public institutions and organizations providing services, and NGOs operating locally.

Regular meetings including Neighborhood Meetings, Social Harmony Workshops, Women's Meetings, Public and NGO Meetings, Press Meetings, Business Meetings, Migration, Security, and Social Integration Meetings, Meetings with Opinion Leaders, Social Integration and Life Trainings, and Integration Trainings for International Students are held to promote social harmony. These meetings bring together people from all sections of society. Cooperation is established with opinion leaders active in foreign communities through Governors and security units, and other public administrators in all 81 provinces. Public institutions also work with local authorities to inform them about neighbourhood culture and working life to promote access to rights and social security. To keep up with current developments in the field of migration, regular meetings are also held with NGOs, Migration Research Centres, academics, and press representatives to exchange information about new practices and follow developments in the field.

The PMM coordinates activities such as courses, trainings, and information for foreigners in cooperation and protocols with institutions and organizations including MoNE, Ministry of Youth and Sports, The Disaster and Emergency Management Presidency (AFAD), General Directorate of International Labour Force, Red Crescent, UNHCR, International Organization for Migration (IOM), and UNICEF. In addition, coordination and cooperation are ensured through the Migration Board, which is convened in the centre under the chairmanship of the Minister of Interior, and with the participation of all institutions and organizations working in the migration sector. Provincial and District Migration Coordination Board meetings are held in the provinces under the chairmanship of Governors to analyze and evaluate thematic issues such as health, education, employment, and social life. These meetings include the participation of all relevant institutions including universities, NGOs, and municipalities. Moreover, "Compliance Action Plans" and "Local Harmonization Action Plans" are prepared by these Boards, by taking into account the challenges Turkish citizens have faced.

However, it is important to note that according to Article 15/6 of the Implementation Regulation of the International Labour Force Law, a domestic work permit application, including the application for an extension of time, cannot be made on behalf of foreigners who work or will work in areas that are or may be subject to human trafficking. Work permit applications on behalf of these foreigners are made through Turkish foreign representation in the country of which they are citizens or where they are legally located. This provision is aimed at preventing foreigners from becoming victims of human trafficking in the labour market.

## Article 19§2

2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;

### **ASSISTANCE PROVIDED TO MIGRANT WORKERS TO DEAL WITH PROBLEMS ON ARRIVAL AND AT RECEPTION, AND THEIR FOOD OR SHELTER NEEDS**

Measures have been put in place for the reception of migrant workers, particularly regarding their food and shelter. Paragraphs 1, 2, and 5 of Article 95 of the Law on Foreigners and International Protection No.6458 dated 4/4/2013 include regulations on accommodation and food. According to this legislation, it is essential for the applicant or beneficiary of international protection to provide their own accommodation. However, competent authorities may establish reception and accommodation centres to meet the accommodation, food, healthcare, social, and other needs of applicants and international protection beneficiaries. Applicants or international protection beneficiaries and their family members who are not residing within the reception and accommodation centres can still avail of the services provided at such centres.

The rights of migrant workers are protected with International Labour Law No. 6735. Article 22 under the title “notification and social security obligation” states that “Foreigners who have a work permit or work permit exemption, and employers who employ foreigners shall fulfil their obligations arising from the social security legislation within the legal period, in accordance with the provisions of the Social Insurance and General Health Insurance Law No. 5510, dated 31/5/2006”. As a result, the social security rights of foreign employees are guaranteed.

Accordingly, individuals employed by one or more employers with a service contract benefit from health services as universal health insurance holders within the scope of subparagraph (a) of paragraph 1 of Article 60 of Law No. 5510.

### **ASSISTANCE PROVIDED TO ALL MIGRANT WORKERS FACING AN EMERGENCY OR A PARTICULAR CHALLENGE**

Foreigners who are under international protection or temporary protection in Türkiye are entitled to apply for assistance from provincial SYDV without discrimination based on their status as workers, immigrants, or refugees. Additionally, all registered immigrants with special needs in Türkiye are eligible for services provided under the Social Services Law, Child Protection Law, and Family Protection and Prevention of Violence against Women Law.

In cases of disaster or emergency, aid is also provided to those affected by Law No. 3294 on Promoting Social Assistance and Solidarity, whether they have been accepted to Türkiye or arrived through other means. Both in-kind and cash aid is offered through the SYDV in every province and district. Applications for disaster and emergency aid are accepted regardless of the applicant's legal status, and aid is provided based on the severity of the situation.

Foreigners under international protection or temporary protection can apply to provincial SYDV without any discrimination as workers, immigrants or refugees.

On the other hand, all services provided under the Social Service Law, Child Protection Law, Family Protection and Prevention of Violence against Women Law are offered to all registered immigrants with special needs within the borders of the country.

Disaster and emergency aids are carried out within the scope of Law No. 3294 and in-kind and cash aids are provided to people who have been accepted to Türkiye or who have come to Türkiye in any way affected by disasters and emergencies. Aid within this scope is carried out through the SYDV in every province and district and in line with the applications, disaster and emergency aid are provided regardless of their legal status.

### **CURRENT STATUS AND CONDITIONS REGARDING EMPLOYMENT, HEALTH INSURANCE, SECURITY AND SOCIAL CONDITIONS FOR MIGRANT WORKERS**

Article 22/2 of the International Labour Law No. 6735, titled “Notification and Social Security” entered into force after its publication in the Official Gazette dated 13/8/2016 and numbered 29800. The article states that “*Foreigners who have a work permit or work permit exemption, and employers who employ foreigners shall fulfil their obligations arising from the social security legislation within the legal period, in accordance with the provisions of the Social Insurance and General Health Insurance Act No. 5510, dated 31/5/2006*”. As a result, the social security rights of foreign employees are guaranteed.

Accordingly, individuals employed by one or more employers with a service contract benefit from health services as universal health insurance holders within the scope of subparagraph (a) of paragraph 1 of Article 60 of Act No. 5510.

## Article 19§4

4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:
  - a. remuneration and other employment and working conditions;
  - b. membership of trade unions and enjoyment of the benefits of collective bargaining;
  - c. accommodation;

### INFORMATION ON THE ACQUISITION OF REAL ESTATE BY MIGRANT WORKERS

With the amendment of Article 35 of the Law on Land Register No. 2644, by Law No. 6302 published in the Official Gazette dated 18 May 2017, the application of the reciprocity requirement in the acquisition of real property of foreign real persons in Türkiye has been abandoned. The total area of immovable and the limited, independent and permanent in-kind rights has been enlarged. Therefore, the acquisition of real estates by foreigners, including the migrants in Türkiye has been eased.

### MONITORING AND JUDICIAL REVIEW IN CASE OF ALLEGED DISCRIMINATION AGAINST MIGRANT WORKERS AND THEIR FAMILIES

In case of an allegation of discrimination, there are various mechanisms available under national legislation. These mechanisms can be classified into non-judicial (administrative) and judicial ways.

One of the non-judicial means is the TİHEK, which was established by Law No. 6701. One of the primary mandates of TİHEK is the prevention of discrimination. In this regard, any natural or legal person who claims to have been harmed by the violation of the prohibition of discrimination can apply to TİHEK, “regardless of their citizenship, race, or ethnic origin”. Applications can be made in person, by mail, e-mail, fax, or online through [the website of the Institution](#) or the e-Government system, and no fee is charged for applications.

The Institution’s website can be accessed in English, and while the application can be made with a Turkish petition, an application in another language, in which the applicant can better express themselves, may be accepted if the Institution deems it to be reasonable and justified. Before making an application to the Institution, the relevant parties should request the correction of the issues they believe are against Law No. 6701 from the other party. If the request is rejected or no response is given within 30 days, an application can be made to the Institution. However, if there is a possibility of irreparable or impossible damages, the Institution accepts applications without seeking this condition.

If the applicant is a real person, the following information should be included in the application:

- Name, surname and signature,
- Citizenship identification number for citizens of the Republic of Türkiye, passport number, nationality and identification number, if any, for foreigners,
- Home or business address based on notification,
- Public institutions and organizations against which applications are made, professional organizations in the nature of public institutions, real persons and private law legal entities,

- The subject of application and request,
- The date of application to the relevant party and the date of the response of the related party,
- The e-mail address, telephone and fax number for notification, if any.

If the applicant is a legal person, the following information should be included in the application:

- Title,
- The main address for notification, telephone number and electronic notification address, if any,
- Name, surname, title, signature and, if any, e-mail address, telephone and fax number of the authorized person,
- Public institutions and organizations against which applications are made, professional organizations in the nature of public institutions, real persons and private law legal entities,
- The subject of application and request,
- Related party application date and related party reply date,
- The original or certified copy of the authorized person's authorization document,
- The central legal entity number, if any, is added.

The types of discrimination within the scope of Law No. 6701 are as follows:

- Segregation,
- Instruction to discriminate and implementation of such an instruction,
- Multiple discrimination,
- Direct discrimination,
- Indirect discrimination,
- Mobbing in the workplace,
- Failure to make reasonable accommodations,
- Harassment,
- Discrimination by association,
- Unfavourable treatment sustained by persons who launch administrative or judicial proceedings or take part in such proceedings in order to ensure the respect of the principle of equal treatment and prevent discrimination as well as by representatives of such persons on account of such proceedings.

In case of multiple violations based on more than one discrimination ground specified in the second paragraph of Article 3 of Law No. 6701 (such as race, ethnic origin, language), the situation of multiple discrimination occurs. When multiple discrimination is detected, the administrative fine specified in the first paragraph of Article 25 of Law No. 6701 is applied, taking into account the aggravating effect of multiple discrimination.

Furthermore, Law No. 6701, which contains the most comprehensive provisions in the context of prohibition of discrimination, also regulates cases where discrimination claims cannot be asserted. These exceptions are listed as follows:

- Differential treatment in the fields of employment and self-employment that is appropriate and proportionate, based on mandatory professional requirements.
- Situations that require the employment of a specific gender only.

- Age-based differential treatment in the recruitment and employment process, provided that age limits are determined and applied due to the requirements of the service and that it is necessary and proportional.
- Special precautions and protection measures for children or persons who need to be kept in a special place.
- Employment at a religious establishment of persons who are members of that religion for the purpose of religious service or delivering training and education on that religion.
- Conditions and qualifications required by associations, foundations, trade unions, political parties, and professional organizations for individuals seeking membership based on their aims, principles, and values as set forth in relevant legislation or bylaws.
- Necessary, relevant, and proportionate differential treatment aimed at eliminating inequalities.
- Differential treatment resulting from non-citizens' entry and residence conditions and their legal status.

The TİHEK, established by Law No. 6701, is both an equality institution and a national human rights institution. Article 3 of Law No. 6701 includes regulations regarding the principle of equality and the prohibition of discrimination. Discrimination based on gender, race, colour, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability, and age is prohibited.

In the event of a violation of the prohibition of discrimination, public institutions and organizations with duties and powers regarding the subject, and professional organizations in the nature of public institutions, are obligated to take necessary measures to end the violation, eliminate its consequences, prevent its repetition, and ensure legal and administrative follow-up. Real and private legal entities responsible for the prohibition of discrimination must take necessary measures to detect and eliminate discrimination and ensure equality in matters within their jurisdiction.

Within the scope of Law No. 6701, public institutions and organizations, professional organizations in the nature of public institutions, real persons, private law legal entities, and those authorized by them are prohibited from subjecting persons to discrimination in the following areas:

- Provision of services such as education and training, judiciary, law enforcement, health, transportation, communication, social security, social services, social assistance, sports, accommodation, culture, tourism, and similar services;
- Access to areas and buildings where public services are provided;
- Relevant processes (lease, purchase, determination of the terms of the lease contract, renewal or termination of the lease contract, transfer) while publicly presenting movable and immovable properties;
- Becoming a member of associations, foundations, trade unions, political parties, and professional organizations, being elected to their organs, benefiting from membership opportunities, terminating membership, and participating in and benefiting from their activities, except for the exceptions specified in their relevant legislation or bylaws;
- Any of the employment and self-employment processes.

Unfavourable treatment of individuals who initiate or participate in administrative or judicial processes in order to comply with the principle of equal treatment or to prevent discrimination, as well as their representatives, constitutes discrimination.

TİHEK is responsible and authorized to examine, investigate, decide, and follow up on non-discrimination violations ex officio or upon application. Anyone who claims to have been harmed by a violation of the prohibition of discrimination can apply to TİHEK. In case of detection of discrimination in the applications made to TİHEK, administrative fines are imposed on public institutions and organizations, professional organizations in the nature of public institutions, real persons, and private law legal entities responsible for the violation, taking into account the severity of the effects and consequences of this violation, the financial status of the perpetrator, and the aggravating effect of multiple discrimination. According to the rates published in the Official Gazette dated 27/11/2021 and No. 31672, the lower limit of the administrative fine in the first paragraph of Article 25 of Law No. 6701 for the year 2022 was determined as 2.673,61 TL and the upper limit as 40.179,00 TL.

Article 6 of Law No. 6701 titled “Employment and self-employment” regulates non-discrimination in the labour market. Employers or their authorized representatives cannot discriminate against employees, job applicants, persons acquiring practical work experience, those seeking information about the workplace or job, or anyone seeking to work in any capacity at any stage of the work including getting information, application, selection criteria, hiring criteria and working and termination of the employment. This prohibition includes vacancy announcements, workplace, working conditions, vocational guidance, access to all levels and types of vocational training and retraining, occupational guidance, promotion, access to all levels of the professional hierarchy, in-service training, social benefits, and similar issues. Employers or their authorized representatives shall not reject employment applications due to pregnancy, maternity, or childcare. Discrimination is also prohibited in terms of admission into, licence, registration, discipline and similar issues of self-employment. This article also applies to all types of employment and employment contracts not covered by Labour Law No. 4857. The provisions of this Article also apply to employment in public institutions and organizations.

Furthermore, Article 122 of the Turkish Penal Code No. 5237, entitled “Hate and Discrimination”, regulates the non-discrimination principle in terms of criminal law. It has been ruled that anyone who commits the following due to hatred stemming from language, race, nationality, colour, gender, disability, political opinion, philosophical belief, religion or sect, will be sentenced to imprisonment from one year to three years;

- To prevent the sale, transfer or rental of a movable or immovable property offered to a person to the public,
- To prevent a person from benefiting from a certain service offered to the public,
- To prevent a person from being hired,
- To prevent a person from engaging in ordinary economic activity.

#### **INFORMATION ON EMPLOYMENT OF MIGRANT WORKERS IN OCCUPATIONS NOT RELATED TO PUBLIC SAFETY**

Although there is no clear prohibition on the employment of foreigners in any profession or sector by the International Labour Law No. 6735, the professions that are only allowed to be performed by Turkish citizens in accordance with some professional laws are presented below:

- Dentistry, dentistry, nursing (in accordance with the Law on the Practice of Medical and Medical Arts),
- Pharmacy (in accordance with the Law on Pharmacists and Pharmacies),
- Veterinary medicine (according to the Law on the Formation of the Veterinary Medical Association and its Chambers and their Jobs),
- Responsible director in private hospitals (in accordance with the Private Hospitals Law),



- Attorneyship (in accordance with the Attorneyship Law),
- Notary public (according to the Notary Public Law),
- Private security officer (Law No. 5188 on Private Security Services, Art. 10),
- Exporting fish, oysters, mussels, sponges, pearls, corals, diving, foraging, piloting, captaincy, engineering, clerk, crew, etc. in territorial waters. (in accordance with the Cabotage Law),
- Customs consultancy (as per Article 227 of the Customs Law No. 4458),
- Tourist guiding (in accordance with Article 3 of the Tourist Guiding Profession Law No. 6326).

## Article 19§6

6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

### **INFORMATION ON THE RESIDENCE PERIOD REQUIRED FOR THE RIGHT OF INDEPENDENT RESIDENCE OF IMMIGRANTS' FAMILY MEMBERS IN TÜRKİYE**

According to Paragraph 1 of Article 3 of Law No. 6458 on Foreigners and International Protection, the term “family members” is defined as the spouse, the minor child and the dependent adult child of the applicant or the beneficiary of international protection.

In this context, “family residence permit” is granted for the minor children and dependent adult members of the family. However, in order to prevent abuses for those whose situations can no longer be considered as family members and/or for the ones who are under a different category of the Law, a three-year requirement is still valid.

### **INFORMATION ABOUT THE HEALTH-RELATED CONDITIONS APPLIED TO THE FAMILY REUNIFICATION OF IMMIGRANTS AND THE APPLICATION OF THESE CONDITIONS**

The relevant Article of General Hygiene Law No. 1593 mentioning the specific diseases is as follows:

*“Fight Against Infectious and Epidemic Diseases in the Country*

*Article 57 – Cholera, plague (bubon or pneumonia form), typhus, typhoid fever (camp fever), the holders of microbes that produce bacillus, paratyphoid fever, smallpox, diphtheria, brain fever (cerebrospinal meningitis), epidemic encephalitis, dysentery (bacilli and amoeba), puerperal fever, glanders, scarlet fever, anthrax, polio, measles, leprosy, febris recurens, malta fever; if one of these diseases arises or is suspected, or if death occurs from these diseases, or if it is suspected that the death occurred due to one of these diseases, the people mentioned in the following articles are obliged to report the incident. It is also obligatory to report if one is bitten by a rabid or suspected rabid animal, patients with rabies or those who die of rabies.”*

To sum up, this list of diseases in the General Hygiene Law does not foresee an automatic process in relation to the residence permits of foreigners. That is to say, the foreigners at risk of the diseases listed in Article 57 of General Hygiene Law are obliged to report their latest health situation. This process may not necessarily end up with an automatic denial of residence permits.

The related parts of the Implementing Regulation of the Law on Foreigners and International Protection that are thought to address the Committee’s request for further information are as follows:

*“Article 52 – Deportation Decision*

*Paragraph (1) – In relation to the administrative detention decisions for deportation, the opinions of security units are taken into consideration for determining the foreigners who pose a threat to public order and security while the opinions of related units of the Ministry of Health could be requested for determining the foreigners who pose a threat to public health.*

...

*Paragraph (3) – The petition filed by the foreigner under administrative detention against the deportation decision to the administration is immediately delivered to the authorized administrative court, and the petition of objection against the administrative detention decisions to the authorized peace court of criminal jurisdiction.*

*Paragraph (4) – Objection of the foreigner under administrative detention solely against the deportation decision to the administrative court does not stop administrative detention in itself. The administration stops the deportation process as soon as it receives the information that judicial action has been taken against the deportation decision.*

*Paragraph (5) – The deportation decision, the administrative detention decision, the decision to extend the administrative detention period, the results of the evaluations made regularly every month, the reasons for the actions taken and the notification forms are sent to the criminal judge of the peace court within the requested time. Applications against administrative detention decision to the peace court of criminal jurisdiction alone do not stop the deportation process.*

...”

#### **INFORMATION ON WHETHER THE INCOME FROM SOCIAL ASSISTANCE IS STILL EXCLUDED IN THE CALCULATION OF THE INCOME OF THE MIGRANT WORKER APPLYING FOR FAMILY REUNIFICATION**

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

## Article 19§8

8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

### INFORMATION ON THE LEGAL SAFEGUARDS LEGALLY RESIDENT MIGRANT WORKERS HAVE IN CASE OF DEPORTATION

Those who violate or attempt to violate the provisions of legal entry to or exit from Türkiye and those who work in Türkiye without a permit are defined as irregular migrants.

In principle, the procedures and transactions regarding irregular migrants are being implemented in accordance with Law No. 6458 on Foreigners and International Protection. Article 4 of Law No. 6458, titled “Non-refoulement” is as follows:

*“No one who falls under the scope of this Law shall be returned to a place where he or she may be subject to torture, inhuman or degrading punishment or treatment, or where his or her life or freedom may be under threat on account of his or her race, religion, nationality, membership of a particular social group or political opinion.”*

Furthermore, Article 55 of the same Law titled “Those against whom a deportation decision shall not be issued” bans any deportation decision against:

- for whom there are serious indications that he or she will be subjected to the death penalty, torture, cruel or degrading treatment or punishment in the country to which they will be deported,
- who face risks in case of travel due to reasons of serious health problems, age and pregnancy,
- who cannot receive treatment in the country to which he or she will be expelled while treatment for the life-threatening health problem is continuing,
- who are victims of human trafficking benefitting from victim support processes,
- who are victims of psychological, physical or sexual violence until their treatment is completed.

This Article calls for: *“Evaluations concerning foreigners who fall under the first paragraph shall be made on an individual basis. These persons may be subject to administrative obligations such as residence in a designated address and reporting to authorities in the form and intervals requested.”*

Following the necessary evaluations carried out in accordance with Articles 4 and 55 of the Law in question, administrative transactions are implemented in line with the provisions of Section IV titled “Deportation” (Articles 52-60). In this direction, Article 54 of the Law titled “Persons subject to a removal decision” is as follows:

*“ (1) A removal decision shall be issued in respect of those foreigners listed below who/whose:*

- a) are deemed to be removed pursuant to Article 559 of the Turkish Penal Code No. 5237;*
- b) are leaders, members or supporters of a terrorist organisation or a profit-oriented criminal organisation;*
- c) submit untrue information and false documents during the entry, visa and residence permit actions;*
- ç) made their living from illegitimate means during their stay in Türkiye;*
- d) pose a public order or public security or public health threat;*

- e) *has overstayed their visa or the visa exemption period for more than ten days or, whose visas are cancelled;*
- f) *residence permits are cancelled;*
- g) *overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason;*
- ğ) *are determined to be working without a work permit;*
- h) *breach the terms and conditions for legal entry into or exit from Türkiye;*
- i) *are determined to have entered into Türkiye despite an entry ban to Türkiye;*
- ı) *international protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Türkiye after the final decision.*
- j) *fail to leave Türkiye within ten days in cases where their residence permit renewal application has been refused.*
- k) *are evaluated as being associated with terrorist organizations which have been defined by international institutions and organizations.”*

The foreigner within the scope of this Article, following their capture by law enforcement officers are transferred to the Provincial Directorates of Migration Management and then to deportation centres for the completion of the deportation process.

On the other hand, paragraph 3 of Article 53 of the said Law titled “Deportation Decision” is as follows:

*“Foreigner, his/her legal representative or lawyer may appeal against the removal decision to the administrative court within fifteen days as of the date of notification. The person who has appealed against the decision to the court shall also inform the authority that has ordered the removal regarding the appeal. Such appeals shall be decided upon within fifteen days. The decision of the court on the appeal shall be final. Without any hindrance to the foreigner’s consent, the foreigner shall not be removed during the judicial appeal period or in case of resort to the judgement with the exception of ones within the scope of (b), (d) and (k) subparagraphs of the first paragraph and second paragraph of Article 54.”*

If the persons in question file a lawsuit against the deportation decision, they cannot be deported until the conclusion of the proceedings, but they continue to be kept under administrative detention in the deportation centre during this period. In the event that the deportation decisions are cancelled by the competent courts, the deportation and administrative detention decisions are cancelled and they are released from the removal centres. If the deportation decision is found to be lawful by the competent courts, the deportation process of the foreigner continues.

Pursuant to the explanations given above, deportation decisions are made in accordance with the legislation for the foreigner, which is a reason to take a deportation decision. In addition, the mandate of Article 125 of the Constitution is *“Recourse to judicial review shall be available against all actions and acts of administration”*. This provision is implemented by the State without exception.

## INFORMATION ON THE CRITERIA APPLIED IN DEPORTATION DECISIONS FOR MIGRANT WORKERS

Law No. 6458 on Foreigners and International Protection includes the following provisions related to this issue;

Article 52 titled “Deportation”:

*“(1) Foreigners may be deported to their country of origin or a transit country or a third country by virtue of a deportation decision.”*

Article 53 titled “Deportation Decision”:

*“(1) A deportation decision shall be issued either upon instructions of the Directorate General or ex officio by the governorates.*

*(2) The [deportation] decision together with its reasons shall be notified to the foreigner, in respect of whom a deportation decision has been issued or, to his/her legal representative or lawyer. If the foreigner, in respect of whom the deportation decision has been issued, is not represented by a lawyer, the foreigner or his/her legal representative shall be informed about the consequence of the decision, procedures and time limits for appeal.*

*(3) Foreigner, legal representative or lawyer may appeal against the deportation decision to the administrative court within fifteen days as of the date of notification. The person who has appealed against the decision to the court shall also inform the authority that has ordered the deportation regarding the appeal. Such appeals shall be decided upon within fifteen days. The decision of the court on the appeal shall be final. Without any hindrance to the foreigner’s consent, the foreigner shall not be deported during the judicial appeal period or in case of resort to the judgement with the exception of ones within the scope of (b), (d) and (k) subparagraphs of the first paragraph and second paragraph of Article 54.”*

Article 54 titled “Persons subject to a deportation decision”:

*“(1) A deportation decision shall be issued in respect of those foreigners listed below who/whose:*

*a) are deemed to be removed pursuant to Article 559 of the Turkish Penal Code No. 5237;*

*b) are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation;*

*c) submit untrue information and false documents during the entry, visa and residence permit actions;*

*ç) made their living from illegitimate means during their stay in Türkiye;*

*d) pose a public order or public security or public health threat;*

*e) has overstayed their visa or the visa exemption period for more than ten days or, whose visas are cancelled;*

*f) residence permits are cancelled;*

*g) overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason;*

*ğ) are determined to be working without a work permit;*

*h) breach the terms and conditions for legal entry into or exit from Türkiye;*

*ı) are determined to have entered into Türkiye despite an entry ban to Türkiye;*

*i) international protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or*

*the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Türkiye after the final decision.*

*j) fail to leave Türkiye within ten days in cases where their residence permit renewal application has been refused.*

*k) (Annex: 3/10/2016-KHK-676/36 article) are evaluated as being associated with terrorist organizations which have been defined by international institutions and organizations.*

*(2) (Amendment: 3/10/2016-KHK-676/36 article) A deportation decision may be issued at every stage of international protection proceedings in respect of international protection applicants or international protection beneficiaries who are evaluated as being within the scope of (b), (d) and (k) subparagraphs of the first paragraph of this Article.”*

Article 55 titled “Exemption from deportation decision”:

*“(1) Deportation decision shall not be issued in respect of those foreigners listed below regardless of whether they are within the scope of Article 54:*

*a) when there are serious indications to believe that they shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned to;*

*b) who would face risk due to serious health conditions, age or, pregnancy in case of travel;*

*c) who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life-threatening health condition;*

*ç) victims of human trafficking, supported by the victim’s assistance programme;*

*d) victims of serious psychological, physical or sexual violence, until their treatment is completed.*

*(2) Assessment within the scope of the first paragraph shall be made on a case-by-case basis. These persons may be asked to reside at a given address and report to authorities in form and periods as requested.”*

Article 56 titled “Summons to leave Türkiye”:

*“(1) Where a deportation decision has been issued, foreigners shall be granted a period no less than fifteen days and up to thirty days to leave Türkiye, provided that this period is stated in the deportation decision. However, this period shall not be granted to foreigners who: bear the risk of absconding or disappearing; have breached the terms and conditions of legal entry and exit; used false documents; attempted to obtain or are determined to have obtained a residence permit with false documents; pose a public order, public security, public health threat.*

*(2) A Leave Permit shall be issued to persons for whom a period to leave Türkiye is granted. This document shall not be subject to any fees, without prejudice to the visa and residence permit fees as well as obligations related to penalties thereof.”*

**INFORMATION ON THE EVALUATIONS MADE IN TERMS OF WHETHER THEY POSE A RISK TO PUBLIC HEALTH DURING THE DEPORTATION DECISION-MAKING PROCESS FOR MIGRANT WORKERS**

Notifications about whether foreigners threaten public health are made by Provincial Health Directorates to the PMM and/or Provincial Directorates of Migration Management, and

deportation decisions are taken against the foreigners whose presence in Türkiye threatens public health.

### **INFORMATION ON THE LEGAL PROVISIONS AND PRACTICAL APPLICATION OF DEPORTATION DECISIONS MADE ON THE GROUNDS OF POSING A RISK IN TERMS OF PUBLIC ORDER OR NATIONAL SECURITY**

The information regarding the deportation decision and procedures is given above. On the other hand, the reasons for deportation are listed as a limitation in the aforementioned Law, and there is no provision for the deportation of foreigners because they are “not affiliated with Turkish culture”. In terms of implementation, such a deportation decision is not implemented.

Paragraph 1 of Article 51 of Law No. 6458 on Foreigners and International Protection titled “Rights and guarantees granted to stateless persons” includes the provision that persons holding a stateless person identity document are not deported as long as they do not pose a serious threat to public order or public security. Within this scope, deportation procedures are carried out for stateless persons who want to leave Türkiye voluntarily.

### **STATISTICAL DATA ON THE IMPLEMENTATION OF THE DEPORTATION DECISION**

Detailed information on the deportation provisions in Turkish legislation has been provided in the above questions in detail. In this regard, the number of deportation decisions taken during the period 2020-2022 is given below:

- 41.379 deportation decisions in 2020,
- 46.845 deportation decisions in 2021,
- 121.375 deportation decisions in 2022.



## Article 19§9

9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;

### **INFORMATION ON LEGISLATION ON TRANSFERRING MOVABLES, EARNINGS AND SAVINGS OF MIGRANT WORKERS**

According to the first paragraph of Article 3 of Law No. 6493 on Payment and Security Settlement Systems, Payment Services and Electronic Money Institutions, “the payment service user” is defined as a real or legal person who benefits from a certain payment service as a sender, receiver or both. This definition does not include any distinction between native or foreign users. As such, all provisions of the mentioned Law and related secondary regulations are applied in the same way to national and foreign users without any discrimination. In terms of Law No. 6493 and related secondary regulations, there are no provisions prohibiting the transfers of immigrants or any other party’s movables (fund-securities transfer) abroad, restricting or creating additional obligations for foreigners.

## Article 19§11

11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

### **INFORMATION ON THE ACTIVITIES CARRIED OUT WITHIN THE SCOPE OF FORMAL AND NON-FORMAL EDUCATION IN ORDER TO ENSURE THAT THE CHILDREN OF MIGRANT WORKERS LEARN LANGUAGES AND PARTICIPATE FULLY IN EDUCATION**

All foreign nationals in Türkiye benefit from education services regardless of their legal stay in Türkiye. In this context, in order to increase the Turkish language skills of foreign students, integration classes that provide intensive Turkish education were created within the framework of Circular No. 2019/15 on Foreign Student Integration Classes. Foreign students with insufficient Turkish language skills from the third to the twelfth grade (including twelfth grade) at primary and secondary education levels were enrolled in the integration classes that started to be implemented in the 2019-2020 academic year. The Turkish proficiency exam was administered to the students studying in integration classes and the successful students continued their education at their levels.

As of the 2020-2021 academic year, the Circular in question has been revised and the implementation of the integration classes at the third-grade level of primary school continues in line with Circular No. 2020/7 on Foreign Student Integration Classes. In the integration classes, 30 hours of lessons per week were given at primary and secondary school levels, Turkish language (24 hours), visual arts, music and physical education and game/sports lessons, human relations, guidance and social activities. At other grade levels, Turkish language courses are opened in schools to solve the language problem. In order to increase their Turkish language skills, foreign students benefit from these courses for 6 hours a week during non-school hours. Within the scope of these efforts, Turkish language training was given to 552.000 foreign students in total.

Developing the Turkish language skills of foreign students at an early age is one of the primary goals of the MoNE. As of October 2022, 61.573 foreign students benefit from early childhood education in this context. Social harmonization activities in which foreign and Turkish students participate together in schools also contribute to the inclusion of foreign students in the education system.

Foreign nationals in Türkiye can benefit from non-formal education services. During the period between 2014 and 2022, a total of 2.530.611 foreign national trainees attended the courses held in public education centres. 602.075 foreign national trainees have benefited from the Turkish teaching course program organized in public education centres to increase the Turkish skills of foreign nationals since 2014.

Education materials, classroom activities and books were prepared to increase the Turkish language skills of foreign students. These materials and books are distributed to students free of charge at the beginning of each academic year.

120-hour “Turkish A1 Level Blended Model Course Program”, “Turkish A2 Level Blended Model Course Program” and “Turkish B1 Level Blended Model Course Program” are provided for foreign nationals who are literate in their native language and have completed the age of 14.

In 2018, foreign nationals under temporary protection who have been in Türkiye for a while and have learned Turkish at a certain level are also given the opportunity to benefit from all public courses, which are organized by Public Education Centres directly or in cooperation with other institutions and organizations. These courses that have a certain duration and program, provide knowledge, skills and competence to the participants and are free of charge.

The main objective of the “Accelerated Education Program” project carried out in cooperation with the MoNE and UNICEF is to include Syrian students in the education system between the ages of 10-18 under temporary protection and who have been away from education for 3-6 years at the same time. Training programmes are provided outside the scope of formal education and approximately 30.000 children have been involved in the program so far. In addition, within the scope of the program, children were enrolled in “Turkish Level A1 for Foreigners” and “Turkish Level A2 for Foreigners” courses and were subjected to Turkish language education.

The main aim of these efforts is to increase the learning of the national language through the projects carried out and the incentive payments given to the trainees.

To further the aforementioned efforts, the MoFSS, the Ministry of Interior, the MoNE, and the Union of Municipalities of Türkiye signed the Cooperation Protocol for Increasing Protective and Preventive Services and Measures Regarding the Safety of Educational Processes for Children. This Protocol outlines the responsibilities of relevant stakeholder units in implementing anti-bullying policies in schools. The responsibilities of municipalities and ministries according to this Protocol are summarized below:

- In collaboration with relevant institutions, municipalities are responsible for supporting and carrying out activities aimed at protecting children from all kinds of crime, violence, neglect, abuse, bullying, addiction and other harmful habits.
- The MoFSS, Ministry of Interior, and MoNE are responsible for encouraging, supporting, and carrying out activities aimed at protecting children from all kinds of crime, violence, neglect, abuse, bullying, addiction and other harmful habits.

On the other hand, the “Language Learning Portal” was developed in EBA to provide support for immigrants. Course and workbooks, questions, infographics, videos, audio files and interactive content for the learning of Turkish, English, Arabic, French and German languages are offered on this platform.

Furthermore, schools for foreigners have existed in Türkiye since the foundation of the Republic. In addition to the schools that provide education in a foreign language for foreigners in Türkiye, there are also “minority schools” for Turkish nationals belonging to non-Moslem minorities which were established in accordance with Article 40 of the Lausanne Peace Treaty. Some of these schools are listed below.

**American Schools**

Robert College  
Private Üsküdar American High School  
Private Tarsus American Schools  
Private İzmir American High School

**French Schools**

Saint Benoit French School, İstanbul  
İstanbul Notre Dame De Sion French Girls High School  
Saint Joseph High School, İstanbul  
İzmir Saint Joseph High School

Galatasaray High School, İstanbul  
Saint Michel High School, İstanbul  
Pierre Loti French High School, İstanbul  
Charles De Gaulle High School, Ankara  
Galatasaray University

**English Schools**

Nişantaşı Anadolu High School, İstanbul (English High School)  
The British International School, İstanbul  
Istanbul International Community School, İstanbul  
Tarabya English Schools (TBS)  
Safir International School (Arabic and English Education)  
Alfayez International School (Arabic and English Education)  
MEF International Schools (English, Arabic, Spanish and French education)  
Alfayez International School, Antalya (English and German Education)

**Italian Schools**

Galilei High School, İstanbul (Private Galileo Galilei Italian High School)  
Private Italian High School, İstanbul

**German Schools**

German High School, İstanbul  
ALKEV Private Schools  
Antalya İSTEK Schools (German and English education)

**Austrian Schools**

George Austrian High School, İstanbul  
Private Alev Schools

**Russian Schools**

İstanbul Puşkin International Russian Schools

**Minority Schools**

Private Esayan Armenian Elementary and High School  
Private Pangaltı Armenian Elementary and High School  
Ulus Private Jewish Schools

**INFORMATION ON FINANCIAL SUPPORT AND FREE COMPULSORY COURSES FOR THE CHILDREN OF MIGRANT WORKERS IN FINANCIAL DIFFICULTIES**

Educational services are provided free of charge in official institutions affiliated to the MoNE and all foreign nationals in Türkiye can benefit from these services. In addition, the YŞEY Program is carried out in order to support the education of disadvantaged children of foreigners in Türkiye and to ensure their regular attendance at school. Payments are made every 2 months under this Program on the condition that they attend school regularly. Within the scope of the Program, the monthly payments for female students are higher than for male students in order to encourage female students to continue their education and to prevent early dropouts for girls. In addition, at the beginning of each academic year, an additional payment of 100 TL is made to all beneficiaries and an incentive payment of 150 TL is made to secondary and high school students.

In addition, vocational and technical education scholarships are given to foreign students who attend vocational and technical high schools or vocational training centres.

Within the scope of the Project of Increasing Access of Foreigners under Temporary Protection to Turkish Language Education and Vocational Education, the course programs are implemented in 2019:

- In the field of Clothing and Production Technology, “Women's Outerwear Sewing Course Program” and “Women's Outerwear Sewing Course Program”;
- In the field of Food and Beverage Services, “Kitchen Attendant Course Program” and “Pastry Attendant Course Program”;
- In the Field of Information Technologies, “Web Design Course Program” and “Android and Mobile Programming Training Course Program”;
- In the Field of Accommodation and Travel Services, “Dry Cleaning Staff Course Program”;
- In the Field of Shoe and Saddlery Technology; “Shoe Manufacturing Course Program”.

The 120-hour “Social Cohesion and Life Education Course Program” for foreigners who have the legal right to stay in Türkiye and who have completed the age of 17, was approved on 02.09.2021 and entered into force.

All courses that are open to the public directly or in cooperation with other institutions and organizations are organized free of charge by the Public Education Centres. These courses have a certain duration and programme and provide the participants with the prescribed knowledge, skills and competence.

SuTPs participated in the vocational and language training provided within the scope of the “Increasing Access of SuTPs in Türkiye to Turkish Language Education and Vocational Education” carried out in cooperation with the General Directorate of Lifelong Learning of the MoNE and UNHCR. Incentive payments are provided to participants.

Within the scope of the “Increasing Employability for Syrians and Host Communities in the Renewable Energy Sector” Project carried out in cooperation with the General Directorate of Lifelong Learning of the MoNE and UNDP, incentive payments are provided to SuTPs and participants from the host community.

Moreover, “Conditional Education Assistance” is provided to Syrian children under Temporary Protection who attend training programmes within the scope of the “Accelerated Education Program Project” carried out in cooperation with the General Directorate of Lifelong Learning of the MoNE and UNICEF.

### **MEASURES TAKEN TO PROMOTE THE LEARNING OF THE NATIONAL LANGUAGE FOR IMMIGRANTS**

A course program titled “Teaching Turkish to Foreigners” has been designed for foreign students and adults in Türkiye and these courses are given by Public Education Centres. In this context, in order to increase the Turkish language skills of foreign students, integration classes that provide intensive Turkish education were created within the framework of Circular No. 2019/15 on Foreign Student Integration Classes. Foreign students with insufficient Turkish language skills from the third to the twelfth grade (including twelfth grade) at primary and secondary education levels were enrolled in the integration classes that started to be implemented in the 2019-2020 academic year. The Turkish proficiency exam was administered to the students studying in integration classes, and the successful students continued their

education at their levels. As of the 2020-2021 academic year, Circular on Foreign Student Integration Classes has been revised and the implementation of the integration classes at the third-grade level of primary school continues within the scope of the Circular No. 2020/7 on Foreign Student Integration Classes.

“Teaching Turkish as a Foreign Language Program” was organized in order to provide Turkish language education to foreign students.

With a functional approach that gradually structures Turkish as a foreign language from the basic level (A1) to the advanced level (C1), this program aims to develop basic language skills (reading, listening, oral production, oral interaction, writing) by associating them with an integrated and spiral understanding, cultural sensitivity, socio-cultural aims to provide it in a way that is appropriate to its context. Language education is a priority in the projects carried out by the MoNE for immigrants.

So far, the following numbers have been reached on Turkish Language Education within the scope of various projects:

- **Resilience Project in Türkiye in Response to the Syria Crisis (TRP) (In cooperation with UNDP):** 70.000 trainees attended Turkish Language training programmes and 54.000 trainees were certified.
- **Project for Increasing Access of SuTPs to Turkish Language Education and Vocational Training (In cooperation with UNHCR):** 11.386 trainees participated Turkish Language courses as of November 2022.
- **Project for Supporting Economic Opportunities for SuTPs and Host Community: Promoting Employment (In cooperation with German International Cooperation):** Turkish Language Training was provided to 804 SuTPs.

## Article 19§12

12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

### **INFORMATION ON THE TOTAL NUMBER OF STUDENTS RECEIVING EDUCATION IN THEIR MOTHER TONGUE THROUGH SCHOOLS OR NGOs**

According to the data available to the Directorate of Migration Management as of September 2022, there are a total of 1.172.067 Syrians of educational age (5-17 years old) under temporary protection in Türkiye. As of October 2022, 762.414 of them (65.05%) are enrolled in educational institutions. In order to support those students to learn their native language, Arabic is offered as an elective course.

### **INFORMATION ON MOTHER TONGUE CLASSES OFFERED FOR CHILDREN OF MIGRANT WORKERS OUTSIDE THE SCHOOL SYSTEM**

In addition to the aforementioned efforts, children of migrant workers can take courses in many languages free of charge under non-formal education programmes.

## ARTICLE 27

### Article 27§1

#### **Article 27 - The right of workers with family responsibilities to equal opportunities and equal treatment**

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake

1. to take appropriate measures:

- a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
- b. to take account of their needs in terms of conditions of employment and social security;
- c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements;

### LEGAL FRAMEWORK

Labour Law No. 4857 has been amended with Amending Law No. 6663 adopted on 29.01.2016, which was published in the official gazette dated 10.02.2016 and numbered 29620. The changes brought as to the parental rights of the employees are attention-grabbing as they expand the scope of the entitlements of the new parents.

The reform regarding Labour Law No. 4857 relates to:

- Paid leave for periodic check-ups,
- Maternity leave,
- The right of the father to use maternity leave in case of the death of his wife while giving birth or afterwards,
- Unpaid leave after maternity leave,
- The right of one of the parents for part-time work after maternity leave until the child's compulsory elementary education age,
- The right to use leave after adopting a child,
- Nursing leave.

#### **Paid Leave for Periodic Check-Ups**

During pregnancy, the female worker is given paid leave for periodic check-ups. If recommended by a doctor's report, pregnant women are employed in jobs suitable for worker health without any reduction in their remunerations.

#### **Maternity Leave**

In Article 74 of the Labour Law No. 4857 titled "Work and breastfeeding leave during maternity", female workers must not be engaged in work for a period of sixteen weeks, eight weeks before confinement and eight weeks after confinement. In case of multiple pregnancy, two weeks is added to the eight-week period of not working before confinement. However, if



the health condition is suitable, with the approval of the doctor, the female worker can work at the workplace up to three weeks before the birth if she wishes. In this case, the hours worked by the female worker are added to the postpartum period.

If the female worker gives birth prematurely, the non-working periods that she cannot use before confinement are added to the postpartum periods.

In case of the death of the mother at birth or after confinement, the periods that cannot be used after birth are given to the father.

### **Father's Right to Leave**

An additional right has been granted to the father under Article 74 of Labour Law No. 4857, which regulates maternity leave and breastfeeding periods. It provides that, in case the female employee dies while giving birth or after the birth, the maternal leaves that could not be used by the female employee will be used by the father.

### **Unpaid Leave after Maternity Leave**

Article 74 of the Labour Law and Regulation on "part-time working after the completion of maternity leave or unpaid leave" adopted on 8 November 2016 introduce mothers' right to work part-time after maternity leave. According to this Article, after the expiry of the legal maternity leave period, upon request, the mother shall be entitled to use unpaid leave for half of the weekly working period for a term of 60 days for the first child, 120 days for the second child and 180 days for the following children. In the case of multiple births, 30 days are added to these periods. If the child is born with a disability, this period is extended to 360 days. These periods may be increased before and after birth, if necessary, depending on the health status of the worker and the nature of the job.

It is noteworthy that supplementary Article 5 added to the Unemployment Insurance Law No. 4447 by the Amending Law provides that during this term, the employee shall be entitled to a part-time allowance from the Unemployment Insurance Fund upon her request subject to fulfilment of certain conditions.

Furthermore, the right to work part-time for civil servants and worker parents for each and every child until the child turns the age of compulsory primary education has been introduced with Law No. 6663 Amending the Income Tax Law and certain Laws.

### **Right to Work Part-time until the Child's Compulsory Education Age**

In the fifth and sixth paragraphs of Article 13 of the Labour Law No. 4857, titled "Part-time and full-time employment contract", one of the parents can request part-time work until the beginning of the month following the start of compulsory primary education after the end of leaves regulated in Article 74 of Labour Law No. 4857. This request must be met by the employer and cannot be considered a valid reason for termination. A worker who starts part-time work under this provision can later return to full-time employment for the same child but cannot benefit from this right again. If the employee who is transferred to part-time work returns to full-time work, the employment contract of the employee who was hired to replace them is automatically terminated. To benefit from this right or to return to full-time employment, the employee must notify the employer in writing at least one month before.

## **Right to Use Leave after Adoption**

A significant reform in terms of parental leave in the Labour Law is that employees who adopt children shall have similar rights to those who give birth to their biological children. Accordingly, one of the parents or an employee who adopts a child shall have the above-mentioned rights including maternity leave of 8 weeks after the child is delivered to the family and right to work part-time after maternity leave. However, only the employees who adopt children under 3 years old shall be eligible for the said rights.

## **Nursing Leave**

Female workers are given a total of one and a half hours of nursing leave per day to breastfeed their children under the age of one, and the worker determines the timing and duration of this leave. The provisions of this article are applicable to all kinds of workers who work with a labour contract and who are within the scope of this law or not.

## **Other Legal Arrangements**

According to Additional Article 2 titled “Excused Leave” added to the Labour Law No. 4857, a paid leave of three days is granted to the worker in such cases as his/her wedding or his/her adoption of a child or death of his/her father or mother, spouse, sibling or his/her child and five days in case of his wife’s death while giving birth.

In Labour Law No. 4857, it is provided that for the purpose of the treatment of the worker's child who is at least 70% disabled or has a chronic illness, a paid leave up to 10 days is granted to be used as a whole or in fragments, provided that the request is documented by a medical report and the leave is used only by one of the parents.

## **INFORMATION ABOUT THE TWENTY-FIVE PRIORITY TRANSFORMATION PROGRAMS**

### **10<sup>th</sup> Development Plan (2014-2018)**

The special measures for workers with family responsibilities are included in the 10<sup>th</sup> Development Plan (2014-2018). The Plan includes measures on increasing women's labour force participation and employment, enabling active labour programs, ensuring guaranteed flexibility, carrying out a holistic support program for women to become entrepreneurs, developing professional skills of women, monitoring and evaluating active labour programs and promoting flexible working practices in a way that respects the rights of employees.

In the 10<sup>th</sup> Development Plan (2014-2018), different from the previous plans, 25 special implementation programs were created under the name of “Priority Transformation Programs”. These programs, which also contribute to the prioritization of the Development Plan, have been prepared within the framework of a new approach in order to increase the applicability of the Plan and the effectiveness of development efforts.

These programs are designed for the main problem areas that are important in terms of achieving the goals of both the 2023 vision and the Development Plan. Moreover, these programs, which are prepared with a sectoral and intersectoral approach and are expected to be finalized within five years, will have a significant contribution to the achievement of the Plan

targets. The programs have been implemented through these action plans, which include a total of 116 components and 1.248 actions. In this process, a total of 35 ministries and institutions/organizations take part as program coordinators and/or component responsible.

In this regard, the Action Plan of the Labour Market Activation Program and the Protection of the Family and Dynamic Population Structure Program prepared under the Plan are summarised below.

### **Activation of the Labour Market Program Action Plan**

Activation of the Labour Market Program Action Plan includes increasing women's labour force participation and employment, expanding childcare services and expanding quality, affordable and easily accessible early childhood education opportunities. In this context quality, affordable and easily accessible kindergarten and pre-school education opportunities will be expanded. Also, nursery services to be provided by the private sector will be expanded and after maternity leave, parents will be granted work part-time time until their children's primary school starting age.

### **Action Plan of the Program for the Protection of the Family and the Dynamic Population Structure**

The Action Plan of the Program for the Protection of the Family and the Dynamic Population Structure includes the conservation of the dynamic population structure and strengthening the harmony of family and work life. In this context, the maternity leave and rights of the employees will be strengthened. Furthermore, paternity leave and similar rights of civil servants will be extended to private sector employees as well. This action has been implemented by making legal arrangements.

The requested information regarding the priority transformation programs within the scope of the 10<sup>th</sup> Development Plan, which includes the period of 2014-2018, is presented above.

### **11<sup>th</sup> Development Plan (2019-2023)**

In the 11<sup>th</sup> Development Plan covering the period of 2019-2023, there are many targets for increasing the participation of women in the labour market.

- Empowering women and disabled individuals such that they can meet labour market demands remains to be an important priority in Türkiye.
- Arrangements to improve flexibility in the labour market expanded child-care services and education opportunities and employment-oriented policies will support the labour market competencies of women and will support their more intensive participation in working life.
- Participation of women in the labour market at higher rates and with better jobs will boost household incomes and directly will contribute to savings, thereby enabling more financing resources for investments.
- In order to increase women's employment in the labour market, women's opportunities for vocational training and skills development will be strengthened, especially in the areas of technology production such as coding and software.
- Practices harmonizing work and family lives will be implemented dynamically, such as facilitating access to care services, in order to increase women's participation in the labour force and employment.

- The consultancy and guidance services in business development processes will be provided to female entrepreneurs, and women will be given priority for subsidies offered in this field, in order to develop the economic activities of women.
- Support mechanisms will be provided in order to increase women's entrepreneurship in rural areas.

### **Women's Entrepreneurship Program**

The Women's Entrepreneurship Program will be prepared and implemented and entrepreneurship promotion activities for women will be carried out. Moreover, in line with the labour market analyses made on the basis of provinces, employment-guaranteed courses for women will be expanded in urban areas. Also, it will be ensured that vocational training activities are carried out for women benefiting from social assistance and the rate of women employed by İŞKUR will be increased. In addition, the number of people benefiting from new programs/projects and practices organized for groups requiring special policies will be increased. The 11<sup>th</sup> Development Plan (2019-2023) of Türkiye considers the developments in digital technologies that bring about new occupations and ways of doing business and plans to revise labour legislation to accommodate different flexible employment modes. The plan includes measures on flexible working methods in accordance with the needs of the labour market to be enabled and relevant inspections to be increased.

### **INFORMATION ABOUT TYPES OF WORK FOR EMPLOYEES THAT CAN FACILITATE THE WORK-LIFE BALANCE**

Under Article 14 of Labour Law No. 4857 titled “Working on Call and Remote Working”, remote working was defined as *“a business relationship established in writing, based on the principle that the employee performs the act of working within the scope of the work organization created by the employer at home or outside the workplace with technological communication tools.”*

Provisions on remote work were introduced in Labour Law No. 4857 with the amendment made on 6 May 2016. Initially, remote work was applied part-time or full-time in certain sectors as a flexible working type. However, the COVID-19 outbreak significantly accelerated its adoption by employers and employees. As a result, the percentage of employees working remotely has increased in Türkiye and it contributed positively to work-life balance. Therefore, the principles and procedures of remote working are clearly regulated by the “Regulation on Remote Work” which was published in the Official Gazette dated 10 March 2021 in order to better balance work and family life during the pandemic.

The main aim of the Regulation is to determine the procedures and principles of remote working, as well as the implementation of the rules regarding the protection of employees and sharing of data. While it regulates the rights and obligations of employers and employees working remotely, it also specifies works that cannot be performed remotely.

In the employment contract to be signed for this purpose, provisions are included regarding the definition of the job, the way it is done, the duration and place of the job, the issues regarding the wages and payment of wages, the equipment provided by the employer and the obligations regarding their protection, the employer's communication with the worker, and the general and special working conditions.

According to Article 14 of the Regulation, the employment relationship can be established as a remote work contract, or the employment contract of the employee currently working at the workplace can be converted into a remote work contract if the worker and the employer agree. However, if remote work is implemented in the whole or part of the workplace due to compelling reasons specified in the legislation such as the pandemic, it is possible to shift to remote working without either the request or the approval of employers.

Article 13 of the Regulation identifies the jobs that cannot be performed remotely. Accordingly, jobs that involve working with hazardous chemicals and radioactive substances, processing these substances or working with the wastes of these substances and working processes that have a risk of exposure to biological factors cannot be performed remotely.

Pursuant to Article 9 of the Regulation, the working hours and duration of remote work are specified in the employment contract. Working hours can be changed by the parties within the limitations defined in the relevant legislation. Overtime work can be done upon the written request of the employer, with the acceptance of the employee, in accordance with the provisions of the legislation.

In remote work, employees cannot be subjected to different treatment compared to a peer employee, purely due to the nature of the employment contract, unless there is an objective reason for different treatment.

Furthermore, the employers are obliged to inform the employees about occupational health and safety measures, to provide the necessary training and health surveillance as well as take the necessary occupational health and safety measures regarding the equipment provided, by taking into account the nature of the work performed by the employees working with a remote work relationship.

As mentioned in the previous report, mothers and fathers working in the public sector are entitled to health care benefits for one year during the period of unpaid leave. Women working in the private sector are entitled to healthcare benefits for six months in addition to the 12 months of unpaid leave granted at their request. Parents have the option of using part-time paid leave of two months for their first child, four months for their second child and six months for subsequent children. One month is added in the case of multiple births. If the child has a disability, the period of paid leave is applied as 12 months. The daily allowance for part-time work during leave is equal to the gross amount of the minimum daily wage. Workers with family responsibilities (public and private sectors) may work part-time, telework or remote work until the child reaches compulsory school age.

#### **INFORMATION ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE RIGHT TO EQUAL OPPORTUNITY AND TREATMENT OF EMPLOYEES WITH FAMILY RESPONSIBILITIES**

The COVID-19 pandemic process, which started in the first half of 2020, continued in 2021 and had negative effects on the labour market. To ensure the sustainability of production and employment, workplaces and employees were supported, and remote working practices were applied from time to time depending on the changes in pandemic conditions. Employers were provided with the opportunity to benefit from nineteen different premium supports and incentives, and discounts. These incentives aimed to increase the employment of registered

insurance holders and disadvantaged groups such as women, youth, and the disabled, encourage large-scale and strategic investments and reduce regional development disparities.

During the COVID-19 pandemic, İŞKUR continued to make payments and contribute to the protection of women's employment under the Half-Work Allowance after childbirth and adoption. In this process, on-the-job training programs were supported by introducing the opportunity to work remotely for certain sectors and workplaces suitable for remote work.

Furthermore, efforts were made to provide distance vocational training and establish a distance education platform within İŞKUR to contribute to the employability and qualification of the workforce.

The right to equal opportunity and treatment of employees with family responsibilities, especially in relation to the possibilities and consequences of remote working, is guaranteed. Discrimination based on gender, race, colour, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability, and age is prohibited under Law No. 6701 on Human Rights and Equality Institution of Türkiye.

In the event of a violation of the prohibition of discrimination, public institutions and organizations, as well as professional organizations in the nature of public institutions, are obliged to take the necessary measures to end the violation, eliminate the consequences, prevent its repetition, and follow it through judicial and administrative means. Real and private legal entities responsible for the prohibition of discrimination are also required to take necessary measures to detect and eliminate discrimination and ensure equality in matters within their jurisdiction.

In this respect, it is possible for employees to apply to TİHEK with the claim of discrimination based on health status.

### **INFORMATION ON VOCATIONAL EDUCATION AND TRAINING OPPORTUNITIES IN THE LABOUR MARKET**

In addition to targets, measures and action plans adopted under the Development Plans, the National Employment Strategy (2014-2023) is being implemented to solve structural problems in the labour market and find lasting solutions to the problem of unemployment by ensuring that economic growth benefits employment to a greater extent. Specific action plans focus on increasing the participation of women, among others, in the labour market.

Open Education Schools have been established to allow individuals who have left their education for various reasons to complete their education at any age. Most of these individuals have family responsibilities, and in the first term of the 2022-2023 academic year, 1.108.291 people aged eighteen and over were enrolled in Open Education Schools.

The Vocational and Technical Open Education School provides an opportunity for those who have a profession but cannot certify it for any reason to obtain a diploma. This offers equal opportunities in the professional field for individuals who have left compulsory education for any reason. According to data from [the MoNE's e-yaygın system](#), 2.800 vocational and technical course programs are offered in lifelong learning institutions and 2.872.827 trainees benefited from these vocational programs by the end of November 2022.

Vocational training courses and on-the-job training programs are organized within the scope of active labour services to increase employment and improve the skills of the workforce. These programs are designed to consider the diversity of the target group. Individual consultancy services are also provided to women who apply to the İŞKUR within the scope of the job and vocational counselling services. In 2022, 10.763 women participated in vocational training courses.

In addition, job and vocational counselling services are provided for women who temporarily stay in ŞÖNİM Centres and women's shelters to develop their job search skills, find employment, eliminate professional adaptation problems, improve their professional skills, change their profession or job, and direct them to vocational training programs.

## Article 27§2

2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

### **INFORMATION ON THE EFFECT OF THE COVID-19 CRISIS ON THE RIGHT TO PARENTAL LEAVE**

The legal arrangements defined in [the Legal Framework Section of Article 27§1](#) are applied during the COVID-19 pandemic. Furthermore, in order to protect public employees from the adverse effects of the COVID-19 pandemic, flexible working methods such as distance and rotational working were introduced in the public sector and were applied by the Presidential Circulars in the following three periods, by taking into account the course of the pandemic:

- The period between 23.3.2020<sup>1</sup> and 1.06.2020<sup>2</sup>
- The period between 27.8.2020<sup>3</sup> and 2.3.2021<sup>4</sup>.
- The period between 15.4.2021<sup>5</sup> and 1.7.2021<sup>6</sup>.

During these periods, those who are over the age of 60, pregnant, staff with chronic diseases and those who have any health risk in terms of the pandemic were considered on administrative leave. Female public employees with children aged 10 and younger were allowed to work from home. All the financial and social rights and benefits of all public employees within this scope, including those considered on administrative leave, are reserved during these periods.

### **INFORMATION ABOUT THE REGULATION ON THE PART-TIME EMPLOYMENT FOLLOWING THE MATERNITY LEAVE OR UNPAID LEAVE**

The Regulation on the Part Time Employment Following the Maternity Leave or Unpaid Leave sets out the terms and conditions for part-time work following the birth or adoption of a child. Both female and male employees are eligible for part-time work under this Regulation. It allows employees to request part-time work at any time after the end of their maternity or unpaid leave for female worker and the adoption of a child younger than 3 years old up for the adopter until the start of their child's compulsory primary education.

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<sup>1</sup> The Presidential Circular No. 2020/4 on "Measures for Public Employees within the Scope of the COVID-19" published in the Official Gazette dated 22.3.2020 and numbered 31076.

<sup>2</sup> The Presidential Circular No. 2020/8 on "Normalization and Measures to be taken in Public Institutions and Organizations within the Scope of the COVID-19" published in the Official Gazette dated 29.5.2020 and numbered 31139.

<sup>3</sup> The Presidential Circular No. 2020/12 on "Measures for Public Employees within the Scope of the COVID-19" published in the Official Gazette dated 26.8.2020 and numbered 31225.

<sup>4</sup> The Presidential Circular No. 2021/5 on "Normalization and Measures to be taken in Public Institutions and Organizations within the Scope of COVID-19" published in the Official Gazette dated 1.3.2021 and numbered 31410.

<sup>5</sup> The Presidential Circular No. 2021/8 on "Measures for Public Employees within the Scope of the COVID-19" published in the Official Gazette No. 31454 dated 14.4.2021.

<sup>6</sup> The Presidential Circular No. 2021/13 on "Normalization and Measures to be taken in Public Institutions and Organizations within the Scope of the COVID-19" published in the Official Gazette dated 30.6.2021 and numbered 31527.



Unpaid leave, which is given to female workers following their maternity leave, can be extended for up to six months upon their request, according to Article 7 of the Regulation. This unpaid leave is taken into account in the calculation of annual paid leave.

Article 8 of the Regulation states that workers can request part-time work at any time after the end of their maternity leave or unpaid leave until the start of their child's compulsory primary education. Workers may also opt to cut their unpaid leave short to request part-time work. In this case, they must notify their employer in writing of their request at least one month in advance.

## Article 27§3

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

### **INFORMATION ON THE AMOUNT OF COMPENSATION PAID/GIVEN IN CASES OF UNLAWFUL DISMISSAL DUE TO FAMILY RESPONSIBILITIES AND CASE LAW IN THIS FIELD**

The provisions of the Civil Code and Code of Obligations are applied to employment relations, especially when a worker's dignity is undermined. If someone has suffered unjustified material or moral damage for any reason, they can file a lawsuit for pecuniary and non-pecuniary damages to seek compensation. Compensation cases are generally filed for tortious acts or breach of contract but can be based on various legal grounds. The most common compensation cases include lawsuits for pecuniary and non-pecuniary damages arising from work accidents and lawsuits for pecuniary and non-pecuniary damages due to a breach of an employment contract. Regardless of the cause of the compensation lawsuit, the affected person can file a claim for pecuniary and non-pecuniary damages. For example, someone who has been injured in a work accident or unfairly dismissed can file a lawsuit for pecuniary and non-pecuniary damages.

*Pecuniary compensation* can cover losses due to temporary incapacity, losses due to the inability to work until recovery, and financial losses caused by the deterioration of economic prospects.

*Non-pecuniary compensation* can be requested by someone whose personality values have been attacked or undermined. Personality values refer to an individual's personality rights, which may not always be defined in the law but can be subject to non-pecuniary compensation according to Supreme Court decisions. Examples of such values include a person's life (for instance, being unable to provide for their family after being fired), health (for example, becoming ill due to the emotional distress caused by a dismissal), mental integrity (for instance, experiencing deterioration in mental health due to unfair dismissal), bodily integrity (for example, losing an organ in a work accident), dignity and other physical, emotional, and social personality values that cause distress to the individual when they are violated.

In legal practice, there is no established method for calculating non-pecuniary damages. Instead, compensation is determined by evaluating various criteria, such as the merits of the individual situation, the financial status of the parties involved, the severity of the parties' fault in the incident, the level of moral damage incurred (e.g., injury, death, or emotional distress), and the purchasing power of money at the time of the event. The Code of Obligations Article 47 outlines these criteria for determining non-pecuniary compensation.

For example, in the decision of the 9<sup>th</sup> Civil Chamber dated 5/10/2017 and numbered 2015/13409, the Supreme Court considered discrimination against a pregnant worker to be a violation of Law No. 6701, which prohibits discrimination based on gender, race, ethnicity, religion, wealth, health status, age, and more. The court ruled that the compensation for this violation should be set at the upper limit due to the severity of the situation.

Within the scope of Law No. 6701, discrimination based on gender, race, colour, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital

status, health status, disability and age is prohibited. In the event of a violation of the prohibition of discrimination, public institutions and organizations that have duties and powers regarding the subject and professional organizations in the nature of public institutions are obliged to take the necessary measures in order to end the violation, to eliminate the consequences, to prevent its repetition, and to follow it through judicial and administrative means. Real and private legal entities that are responsible for the prohibition of discrimination are obliged to take the necessary measures to detect and eliminate discrimination and to ensure equality in matters within their jurisdiction.

Article 6 of Law No. 6701, titled “Employment and self-employment”, includes provisions on combating discrimination within the scope of employment processes. In this context, the employer or the person authorized by the employer; against the employer's employee or the person applying for this purpose, the person who is in a workplace or applying for this purpose, and the person who wants to work in any capacity or to gain practical work experience, against the person who wants to get information about the workplace or job, cannot discriminate in any of the work-related processes, including the criteria for employment, employment conditions, and employment and termination processes. This prohibition also covers job posting, workplace, working conditions, vocational guidance, access to all levels and types of vocational training and retraining, promotion and access to all levels of the professional hierarchy, in-service training, social benefits and similar issues. The employer or the person authorized by the employer cannot reject the employment application on the grounds of pregnancy, maternity and childcare responsibility. In addition, no discrimination can be made in terms of admission to self-employment, license, registration, discipline and similar issues. All kinds of employment contracts and contracts for works and services that are not covered by the Labour Law No. 4857 are also within the scope of this article. Employment in public institutions and organizations is subject to the provisions of this article. In terms of family responsibilities and employment processes, it is possible to apply to TİHEK within the scope of these regulations. Furthermore, the law aims to ensure that the compensation for non-pecuniary damages does not impoverish the party responsible for compensation or unjustly enrich the claimant.

In contrast to non-pecuniary damages, calculating pecuniary compensation has a more concrete and technical nature. Pecuniary compensation is determined through mathematical calculations based on specific criteria such as direct material damage, fault rates of the parties involved, disability rate (if there is a disability), the age of the deceased (if there is death) and the age of the people depended on him/her.

### **INFORMATION ON THE PROTECTION OF WORKERS IN COMPANIES WITH LESS THAN 30 EMPLOYEES FROM DISMISSAL DUE TO FAMILY RESPONSIBILITIES**

Workers with at least six months of service and indefinite-term labour contract in a workplace employing at least thirty workers are protected under job security system. The workers under this system can be only dismissed with the notice for termination in writing and the ground of termination must be clearly and definitely specified according to Article 19 of Labour Law. Furthermore, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin are defined as invalid reasons of termination of labour contract in subparagraph (d) of paragraph 3 of Article 18 of Labour Law for workers covered by job security system. Within this framework, if an employment contract of a worker under the job security system is terminated on the basis of the aforementioned invalid reasons, the worker can bring a legal action before labour courts within one month after

the notice of termination according to Article 20 of Labour Law. If the court decides that the reason of termination is invalid, the employer has an obligation to employ the worker in question within one month after the decision of the court. In case where employer do not employ the worker in question within one month despite the decision of the court, the employer is liable to pay following compensations to the worker in question: “job security compensation” equal to minimum four and maximum eight months’ wage of the worker according to Article 21(1) of Labour Law; wages and other benefits accruing during maximum four months for the period that the worker has not been employed according to Article 21(3) of Labour Law; termination payment according to the notification period in case of that employer does not observe the condition of notification under Article 17(4) of Labour Law; severance payment for workers with at least one year of service according to Article 14 of Labour Law; equal treatment compensation up to four months’ wage according to Article 5(4) of Labour Law in case of violation of Article 5; pecuniary and non-pecuniary compensation if the conditions are met.

Dismissals of workers working in a workplace employing less than thirty workers and thus, not covered by job security system by the employer on grounds of race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin are regarded as the abusive exercise of the right to terminate both in doctrine and in the decision of the Court of Appeal. In this case, employers are liable to pay following compensations: termination payment according to the notification period in case of that employer do not observe the condition of notification under Article 17(4) of Labour Law; compensation regarding the abusive exercise of the right to terminate equal to three times of the notification period of the worker in question according to Article 17(6) of Labour Law; equal treatment compensation up to four months’ wage according to Article 5(4) of Labour Law in case of violation of Article 5; pecuniary and non-pecuniary compensation if the conditions are met.

### **THE TEMPORARY RESTRICTION ON THE TERMINATION OF LABOUR AGREEMENTS DURING THE COVID-19 PANDEMIC**

In accordance with the Law on Reducing the Effects of the Coronavirus (COVID-19) Pandemic on Economic and Social Life and Amending Certain Laws published in the Official Gazette on 17.04.2020 in order to reduce the effects of the COVID-19 Pandemic in Türkiye, Provisional Article 10 to the Labour Law No. 4857 has been added.

According to Provisional Article 10 of Labour Law No. 4857, a three-month temporary restriction was imposed on the termination of labour agreements by employers, except for situations of:

- immoral, dishonourable or malicious conduct or other similar behaviour mentioned in subparagraph (II) of the first paragraph of Article 25 of Labour Law No. 4857,
- the expiry of the term in fixed-term employment or service contracts,
- the closure of the workplace for any reason and the termination of its activity,
- the termination of the work in all kinds of service procurement and construction works made in accordance with the relevant legislation.

As of the effective date of this Article, the employer may have taken the employee on unpaid leave, in whole or in part, for a period not exceeding three months. Taking unpaid leave within the scope of this Article does not give the worker the right to terminate the contract based on the rightful cause.

The restriction on the termination of labour agreements was extended with the Presidential Decisions and thus, was implemented during the period from 17 April 2020 to 30 June 2021.

This provision was applied to all employees, regardless that whether the employee is subject to Labour Law No. 4857 or not. The employer may have the employee use unpaid leaves entirely or partially within the mentioned period of prohibition of termination and using such unpaid leaves shall not grant the employees the right to terminate the labour agreement with valid reasons.

To ensure the effective implementation of this measure, the employers and/or the employer representatives who terminate the labour agreements against this provision shall be imposed with an administrative fine corresponding to the amount of the gross minimum wage set in effect as of the termination date per each labour agreement terminated. Furthermore, they shall not be entitled to apply for a short-time working allowance set out in Unemployment Insurance Law No. 4447.

## ARTICLE 31

### Article 31§1

#### Article 31 – The Right to Housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard

#### INFORMATION ON INADEQUATE HOUSING INCLUDING OVERCROWDED HOUSING, AND THE PRACTICAL MEASURES TAKEN TO IMPROVE THE SITUATION

#### Developments in the Reporting Period:

Within the scope of the transition to the Presidential Government System, in 2018, the Mass Housing Administration (TOKİ) has been affiliated to the Ministry of Environment, Urbanization and Climate Change (MoEUCC), with **Article 155 of Decree-Law No. 703 dated 2/7/2018**. Besides that, information regarding transformations of the institutions because of the new governmental system including TOKİ is presented [above](#). With the said Regulation, the General Directorate of Social Assistance, which organizes and coordinates housing assistance, was structured under the MoFSS.

#### Legal Infrastructure of Right to Housing and Social Housing in Türkiye:

The priority in housing policies in Türkiye is to meet the housing needs of low- and middle-income groups and disadvantaged groups with adequate and sustainable solutions. In line with producing healthy and alternative solutions to the housing problem, the main goal is to enable everyone, especially the people in need, to live in adequate, qualified and safe living spaces, and to facilitate access to the basic services required by modern life.

The right to housing is identified in Article 56 of the Constitution as “*everyone has the right to live in a healthy and balanced environment*”, and this right is guaranteed by the Article 57 of the Constitution stating that “*the State takes measures to meet the housing needs within the framework of a planning that takes into account the characteristics and environmental conditions of the cities*”.

The Mass Housing Law No. 2985, which was enacted in 1984, is a framework law that defines the main principles guiding for solution to the housing problem in Türkiye regarding especially its organization and financing. The law constitutes the legal infrastructure for the provision of public support and the fulfilment of the necessary service to meet the housing need throughout Türkiye. The TOKİ, which was established within this framework, provided long-term housing loans to house constructors until 2001 through the Mass Housing Fund established by the Mass Housing Law and a number of 950 thousand housing loans were provided within this scope.

In 2003, “renewal”, “transformation” and “quality house construction” were determined as targets under the Immediate Action Plan for Housing and Urbanization and new legal and

institutional arrangements were made for the solution of the housing problem in line with these targets.

Thus, housing construction activities on public domains have been accelerated by TOKİ for meeting the housing needs of low- and middle-income groups, who cannot own a house in market conditions. Sales prices and payment conditions suitable for income and savings patterns with government assurance have been offered to target groups that cannot afford to buy a house through the practices of the private sector. Moreover, the provision of social housing with low down payments suitable for income levels and long maturities of up to 240 months has been disseminated throughout Türkiye.

By developing the financial models in due course and creating its own financial resources, TOKİ has played an important role in the construction of social quality housing in Türkiye, with a guiding, supervisory and educational responsibility, within the criteria of demand and affordability of those in need. In this context, TOKİ is a public institution that aims to meet 5-10% of Türkiye's housing needs.

In July 2018, with the amendment made to the Turkish Constitution, TOKİ, which was an institution previously affiliated to the Prime Ministry, still continues its duties and activities as an organization affiliated to MoEUCC.

### Relevant and Updated Figures Relating to the Adequacy of Housing

The number of buildings, total area and the number of flats for which construction permits were issued by the Municipalities in the reporting period are given in the table below:

*Table 10. The number of buildings, total area and the number of flats for which construction permits issued by the Municipalities in the reporting period*

	2018	2019	2020	2021 (January- September)	2021 (October- December)
<b>Number of Building</b>	104.509	56.308	95.408	94.019	42.269
<b>Area (m<sup>2</sup>)</b>	149.438.529	74.648.875	110.975.590	99.180.358	49.249.082
<b>Number of Independent Dwelling</b>	669.165	324.839	547.211	480.293	228.408

The number of occupancy permits issued by the Municipalities in the reporting period is given in the table below:

*Table 11. The number of occupancy permits issued by the Municipalities in the reporting period*

	2018	2019	2020	2021 (January- September)	2021 (October- December)
<b>Number of Building</b>	127.117	94.067	77.679	61.183	30.407
<b>Area (m<sup>2</sup>)</b>	174.607.255	150.467.763	122.013.147	85.219.370	41.703.131

<b>Number of Independent Dwelling</b>	894.240	740.470	599.889	418.221	207.630
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The results of the Survey on Building and Dwelling Characteristics published by the Turkish Statistical Institute as of the end of 2021 are given in the table below:

*Table 12. Number and proportion of households by the number of rooms in the residential dwelling (Including living room; excluding kitchen, bathroom and toilet)*

<b>Number of rooms</b>	<b>Number of households residing in dwellings</b>	<b>Proportion (%)</b>
<b>Total</b>	<b>25.329.833</b>	<b>100,0</b>
1	84.126	0,3
2	1.603.546	6,3
3	9.778.610	38,6
4	12.025.998	47,5
5	1.495.114	5,9
6+	342.438	1,4

*Table 13. Households by facilities of the dwelling*

<b>Facilities of the dwelling</b>	<b>Number of households residing in dwellings</b>	<b>Proportion (%)</b>
Total number of households	<b>25.329.833</b>	
<b>Piped water system</b>		
Inside the dwelling	25.177.411	99,4
Outside the dwelling	140.113	0,6
Does not exist	12.308	0,0
<b>Toilet</b>		
Inside the dwelling	24.466.416	96,6
Outside the dwelling	861.170	3,4
Does not exist	2.247	0,0
<b>Bathroom</b>		
Inside the dwelling	25.032.178	98,8
Outside the dwelling	278.683	1,1
Does not exist	18.972	0,1

*Table 14. Number and proportion of households by the main type of heating system in the residential dwelling*

<b>The main type of heating system in the dwelling</b>	<b>Number of households residing in dwellings</b>	<b>Proportion (%)</b>
<b>Total</b>	<b>25.329.833</b>	<b>100,0</b>
Stove (natural gas, LPG, etc. stove include)	8.861.943	35,0
Central heating for one dwelling	12.083.079	47,7
Central heating for one or more buildings	2.829.221	11,2
Air conditioner, electric heater and other systems	1.538.261	6,1
No heating system	15.659	0,1
Unknown	1.669	0,0



Table 15. Households by ownership status of the dwelling

Ownership status	Number of households residing in dwellings	Proportion (%)
<b>Total</b>	<b>25.329.833</b>	<b>100,0</b>
Owner-occupied	15.384.812	60,7
Rented	6.991.720	27,6
Owned by governmental or private organizations	237.265	0,9
Not owner-occupied but no rent is paid	2.137.707	8,4
Unknown	578.329	2,3

Table 16. Number and proportion of households by the number of floors and availability of a lift in the residential building

Number of floors in the building	Total	Availability of lift		Availability of lift (%)	
		Lift available	No lift available	Lift available	No lift available
<b>Total</b>	<b>17.969.598</b>	<b>8.344.797</b>	<b>9.624.802</b>	<b>46,4</b>	<b>53,6</b>
3	2.873.576	78.962	2.794.614	2,7	97,3
4	2.718.029	371.553	2.346.476	13,7	86,3
5	3.658.708	1.197.933	2.460.775	32,7	67,3
6	3.286.512	1.773.527	1.512.985	54,0	46,0
7	1.550.299	1.154.349	395.950	74,5	25,5
8	782.562	687.736	94.826	87,9	12,1
9+	3.099.912	3.080.737	19.175	99,4	0,6

**MEASURES TAKEN, IN PARTICULAR DURING THE COVID-19 PANDEMIC, TO ENSURE ADEQUATE HOUSING FOR VULNERABLE GROUPS, INCLUDING REFUGEES, ASYLUM SEEKERS, ROMA AND TRAVELLERS**

**Developments in the Reporting Period:**

As a result of the transition to the Presidential Government System in 2018, the Ministry of Development and the Ministry of Finance's Budget Directorate were merged under the [Presidential Government System](#) under the name of the "Presidency of Strategy and Budget" by the **Presidential Decree No. 2** published in Official Gazette numbered 30474 and dated 10/7/2018.

Furthermore, the Migration Policies Board abolished with **Decree-Law No. 703** was restructured under the name of the "Migration Board" with **Presidential Decree No. 17** published in the Official Gazette dated 13/09/2018.

**Regulation on Procedures and Principles Regarding Transferring the Allowance Allocated for the Operation and Management of Temporary Accommodation Centres to Private Accounts, Spending, Accounting, Auditing and Purchases** covers the purchases of goods and services and the construction works to be made from the special accounts of the PMM, public institutions and organizations and local administrations regarding the works and transactions to be carried out in the temporary accommodation centres, the payments to be made to those employed in this context, and other expenses and related works and transactions.

Discrimination based on gender, race, colour, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability, and age is prohibited under **Human Rights Institution of Türkiye Law No. 6701**, published in Official Gazette with No. 29690 dated 20/4/2016.

In the event of a violation of the prohibition of discrimination, public institutions and organizations, as well as professional organizations in the nature of public institutions, are obligated to take the necessary measures to end the violation, eliminate the consequences, prevent its repetition, and follow it through judicial and administrative means. Real and private legal entities responsible for the prohibition of discrimination are also required to take necessary measures to detect and eliminate discrimination and ensure equality in matters within their jurisdiction.

The types of discrimination within the scope of Law No. 6701 are as follows:

- Segregation,
- Instruction to discriminate and implementation of such an instruction,
- Multiple discrimination,
- Direct discrimination,
- Indirect discrimination,
- Mobbing in the workplace,
- Failure to make reasonable accommodations,
- Harassment,
- Discrimination by association,
- Unfavourable treatment sustained by persons who launch administrative or judicial proceedings or take part in such proceedings in order to ensure the respect of the principle of equal treatment and prevent discrimination as well as by representatives of such persons on account of such proceedings.

In case of multiple violations based on more than one discrimination ground specified in the second paragraph of Article 3 of Law No. 6701 (such as race, ethnic origin, language), the situation of multiple discrimination occurs. When multiple discrimination is detected, the administrative fine specified in the first paragraph of Article 25 of Law No. 6701 is applied, taking into account the aggravating effect of multiple discrimination.

Furthermore, Law No. 6701, which contains the most comprehensive provisions in the context of prohibition of discrimination, also regulates cases where discrimination claims cannot be asserted. These exceptions are listed as follows:

- Differential treatment in the fields of employment and self-employment that is appropriate and proportionate, based on mandatory professional requirements.
- Situations that require the employment of a specific gender only.
- Age-based differential treatment in the recruitment and employment process, provided that age limits are determined and applied due to the requirements of the service and that it is necessary and proportional.
- Special precautions and protection measures for children or persons who need to be kept in a special place.
- Employment at a religious establishment of persons who are members of that religion for the purpose of religious service or delivering training and education on that religion.

- Conditions and qualifications required by associations, foundations, trade unions, political parties, and professional organizations for individuals seeking membership based on their aims, principles, and values as set forth in relevant legislation or bylaws.
- Necessary, relevant, and proportionate differential treatment aimed at eliminating inequalities.
- Differential treatment resulting from non-citizens' entry and residence conditions and their legal status.

In this context, many public institutions and organizations carried out studies on the housing and sheltering problems of vulnerable groups within their field of duty and responsibility during the COVID-19 pandemic in light of the non-discrimination principle.

### **Measures Taken by Public Institutions:**

Many public institutions and organizations are working to solve the housing problem for vulnerable groups. Some measures taken during the pandemic are expressed as followed:

### **Ministry of Development (Former):**

Specialization Commission on International Migration Policy published a report in 2018 within the 11<sup>th</sup> Development Plan. One of the main objectives of development-based migration policy, determined with the report is that “it will be ensured that State Institutions will provide sustainable services for regular migrants, irregular migrants, migrants under temporary protection and international protection and service quality will be improved”. In this regard specific goals have been developed for improving conditions and quality housing for migrants as below:

*“It will be ensured that protection services, accommodation services and other social services will be provided in accordance with different groups’ needs (women, men, children, the elderly, persons with disabilities, etc.). Within the scope of improving shelter services and living spaces, it is recommended to organize temporary accommodation centres in a way that supports adaptation policies. By structuring the shelters as a first-level orientation centre, identification and registration procedures, language training to ensure minimum communication, accreditation procedures for their professions in the countries they come from, and minimum rules and laws that they need to know in order to live in Türkiye, personal rights provided by the state to asylum seekers and the obligations created by the rights will be taught migrants. Accommodation in temporary accommodation centres shall be restricted for a certain period of time and asylum seekers should be temporarily settled in the cities in a controlled manner within the scope of a resettlement policy. Rental social housing or property housing will be produced in order to provide quality housing opportunities in the cities. Studies will be carried out to improve the accommodation and living spaces of seasonal workers, to establish technical infrastructure and to provide education for their children. The criteria (employment, adaptation capacity, accommodation opportunities, etc.) taken into account when determining the provinces (pilot provinces) where international protection applicants are directed by the Presidency of Migration Management will be reviewed.”*

## **Ministry of Interior - Temporary Housing Centres:**

As of 31 December 2021, the total number of SuTPs status in Türkiye was 3 million 737 thousand 369. In order to overcome housing shortages, Türkiye has established shelters in border provinces.

A total of 254 thousand Syrians were settled in 26 shelters built in 10 cities between 2011 and 2013. Türkiye has adopted a comprehensive approach in terms of the construction of the shelters and the public services it provides for immigrants in the camps. 88.1% of SuTPs living in shelters stated that they are satisfied with the public services provided according to the report of AFAD. For a long time, all coordination of the services such as shelter, food, health, security, social activity, education, worship, translation, communication and banking was performed by AFAD in close collaboration with concerned ministries, public institutions and organizations. And the Red Crescent provided assistance in humanitarian matters. As of 31 December 2021, there were camps in 5 cities (Hatay, Maraş, Adana, Kilis, Osmaniye) and the number of Syrians staying in these camps was recorded as 51.471. The remaining 3 million 685 thousand 328 Syrians were living in city centres.

On the other hand, during the COVID-19 period, cash assistance was provided to foreigners under international protection and temporary protection in cooperation with UNHCR.

Meanwhile, on 31 May 2021, the PMM, the UNHCR, and the IOM jointly launched the EU-funded projects on “Supporting Removal Centres’ Capacities and Fostering Alternatives to Administrative Detention” and “Supporting PMM in the Management, Reception and Hosting of Irregular Migrants” to help manage continuously increasing irregular migration flows and improve conditions in removal centres.

The Project “Supporting PMM in the Management, Reception and Hosting of Irregular Migrants” will continue supporting the implementation of the EU-Türkiye Statement and aims at improving conditions in removal centres. With a budget of EUR 22.3 million, the second project Supporting Removal Centres’ Capacities and Fostering Alternatives to Administrative Detention will be jointly implemented by IOM, as the lead agency of the project, and UNHCR. This project focuses on improving compliance with international and European standards by strengthening access to rights and services in removal centres, enhancing procedural safeguards and fostering alternatives to detention in line with the latest legislative amendments.

Last but not least Phase II of the Support to Strengthening the Capacity of Removal Centres within the Framework of International Human Rights Standards was implemented between April 2019 and September 2021 (with 6 months extension).

## **Local Administrations:**

Though municipalities are not legally obliged, they usually provide all kinds of in-kind and cash assistance to refugees within their borders of responsibility. In this context, municipalities would construct buildings for low-income people, Roma people and refugees, especially within the framework of urban transformation, as well as allocate social housing to low-income and vulnerable persons or rent them out at very low prices.

Some municipalities also provide temporary housing benefits to refugees. In addition, households are renovated and some goods are provided by the municipalities. Due to the fact

that the economic difficulties experienced due to the COVID-19 pandemic affected the vulnerable groups more, the amount of in-kind and cash aid was increased in this period. All municipalities kept refugees informed about the COVID-19 virus through Arabic brochures and videos and distributed hot meals with hygiene kits and food parcels. In addition, home health services were provided to these people by the municipalities.

### **Ministry of Family and Social Services:**

Roma citizens were informed in order to enable them to benefit effectively from house repair and construction benefits so that they can have better living conditions in regions where they densely live. If they met the criteria for house repair and construction benefits, they were supported to improve their living spaces.

The Ministry also started to provide accommodation in women's shelters only for the people who are not at risk in terms of security and apply for just housing purposes during the outbreak period from 07 May 2020.

Furthermore, the upper limit of house construction aid for low-income families was increased to 40.000 TL. Housing assistance provided by Social Assistance and Solidarity Incentive Fund resources was increased. Within the scope of accommodation aids for citizens in need, the maximum amount of support a household could receive for reinforced concrete house construction was increased from 25.000 TL to 40.000 TL, and from a maximum of 15.000 TL per household to 20.000 TL for house repairs. In addition, the maximum amount of allowance a household could receive was increased from 20.000 TL to 30.000 TL within the scope of prefabricated house construction aids. The household aid made after disasters were also revised, as 5.000 TL, which had been 3.000 TL before. And accommodation aids have been continued during the normalization process and afterwards at these rates.

It is planned to implement a housing project for Roma citizens in 2023. The housing project to be realized for Roman citizens who are in economic difficulties will be designed in line with their expectancies. Within the scope of the project, it is aimed to build 1.070 houses and it is planned to allocate a total budget of 214 million TL, 200.000 TL per household. It is also planned to build these houses as a result of the grading study carried out by taking into account the existing household conditions, living conditions, infrastructure problems, regional representation and the density of Roma in the neighbourhoods where they densely live.

### **Ministry of Youth and Sports:**

Approximately 17 thousand people who arrived in Istanbul from March 2020 to June 2021, were quarantined in dormitories affiliated to the Ministry of Youth and Sports. During the pandemic period, student dormitories hosted those who came to the country from abroad. Three meals a day and two meals of tea were served to domestic and foreign guests, who were accommodated in isolation in these dormitories. Internet service was also provided to the guests free of charge.

The guests were also given a free cleaning kit consisting of towels, slippers, toothpaste and shampoo at the entrance to the dorms, and all guests stayed in single rooms. The guests got tested for COVID-19 on the first day and at the end of the 14th day of stay, and those whose last test was negative were able to leave the dormitory. In addition to the officials, there were

doctors available 24 hours a day in the dormitories where members of the police, health personnel, Red Crescent and AFAD teams worked together.

### **Ministry of Environment, Urbanization and Climate Change and The TOKİ:**

In the social housing project, which was initiated by TOKİ with the goal of “A House for Each Roma”, modern, spacious, safe houses will be designed for Roma people. The project covering 12 provinces will pave the way for Roma citizens to be able to own a house with convenient payment opportunities, especially in places such as İzmir, Edirne, Çanakkale and Aydın where their population is relatively high.

A total of 5.133 houses have been handed over to Roma people within the scope of the urban transformation program, which has been carried out by the Ministry to date, with the “Planned Urbanization and Housing Mobilization”.

Within the scope of “Urban Transformation and Development Projects” developed by TOKİ and started in Istanbul/Fatih, Yalova/Bağlarbaşı, Edirne/Menzilahir, Istanbul/Çatalca, Bursa/Yenidere and Istanbul/Sarıgöl, houses are being constructed for Roma in cooperation with the MoFSS. Projects for the construction of 98 residences in the Selçuk district of İzmir have been completed and the tender process began. Project designs of 300 residences planned to be built in Kocaeli were completed. In addition, the facade renewal construction started in a total of 36 residences on two streets in the Konak district of İzmir. Meanwhile, the projecting period of 60 residences in Çanakkale has been completed and the projecting for 120 residences and 11 commercial units has been started in Edirne.

### **Human Rights and Equality Institution of Türkiye (TİHEK):**

The “Romani Rights Summit” will be held with the participation of (NGOs serving the community, academics, human rights activists and representatives of public agencies by TİHEK to raise awareness about Roma rights, reveal the deficiencies encountered in the access of Roma communities to their rights, and offer suggestions for eliminating these deficiencies. As the called Summit is held out of the reporting period, the next ESC Report of Türkiye will encompass all details regarding the outputs, decisions, recommendations, etc. that are obtained at the end of the Summit.

## **INFORMATION ABOUT CRITERIA FOR ADEQUATE HOUSING**

### **Legal Basis:**

**Law No. 6306 on the Transformation of Areas under Disaster Risk (enacted on 16.05.2012):** The aim of the Law is to determine the principles and procedures concerning improvement, demolition and renewal at areas under disaster risk, as well as any other lands and plots which accommodate risk-bearing buildings, in order to establish suitable, healthy and safe living environments compatible with science and craft norms and standards.

**Regulation on the Protection of Buildings Against Noise (published in Official Gazette dated 31.05.2017 and numbered 30082):** Regulation on the Protection of Buildings Against Noise aims to provide good hearing and perception conditions, which will minimize the negative effects of noise originating from outside or inside the buildings, which will be exposed to people

in terms of peace, physical and mental health and to determine the rules to be followed in terms of construction, use, maintenance and operation of all kinds of buildings and facilities.

**Regulation on Amending the Implementation Regulation of Law No. 6306 (published in Official Gazette dated 21.06.2019 and numbered 30808):** Pursuant to Law No. 6306, the Regulation provides the rules and principles for the application of the law, including determination of risky buildings and areas, demolition of risky buildings, planning, valuation of real estate to be transformed, agreements with and assistance for the right owners and the new buildings to be constructed.

### **Implementation of Legislation:**

There is no obligation for any building to be licensed in order to determine the risk level to benefit from the rights within the scope of Law No. 6306.

Risky buildings are determined by:

- The Ministry of Environment, Urbanization and Climate Change;
- Public institutions and organizations accredited by the Ministry; universities;
- companies whose capital is at least forty percent owned by public institutions and organizations;
- NGOs operating in areas such as earthquake protection, reduction of earthquake damage and contributing to the development of earthquake engineering;
- Building inspection organizations that have received a permit from the Ministry in accordance with the Building Inspection Law with No. 4708 dated 29/6/2001;
- Laboratories, institutions and establishments that provide architectural and engineering services and have registered offices in accordance with the Union of Chambers of Turkish Engineers and Architects Law No. 6235 dated 27/1/1954.

The evacuation of buildings that are determined to be risky must be completed within the period given by the Ministry. In case the buildings are not evacuated within the given time, the Ministry may carry out or have it carried out for evacuation and demolition with the help of law enforcement officers if necessary. A criminal complaint could be filed with the Office of the Chief Public Prosecutor about those who prevent the detection, evacuation and demolition of risky structures, in accordance with the relevant provisions of the Turkish Penal Code No. 5237 depending on the act and the situation.

After the report prepared for the determination of the risky building is submitted to the relevant Authority, it is not possible to delete the records of that building in the ARAAD.net system, where the risky structures are followed, and leave the risky structure detection process unfinished.

On the other hand, if the risky building is preferred to be reinforced instead of being demolished, within the periods given to the owners for the demolition of the risky building it is necessary for the owners to determine that the building reinforcement is technically possible, to take a decision to reinforce with a 4/5 majority of owners (as specified in the second paragraph of Article 19 of the Condominium Ownership Act), to have a reinforcement project prepared and to obtain a license within the framework of the zoning legislation. In addition, after the reinforcement is completed within the period to be determined by the issuing Authority, depending on the nature of the reinforcement, it is necessary to apply to the relevant Directorate to remove the clause of “risky structure” in the land registry.

Based on the third paragraph of Article 9 of the Law No. 6306 which reads “in case of working in the areas covered by Law No. 2863 and Law No. 5366, taking into account the site status of the area, the opinion of the Ministry of Culture and Tourism shall be given”, the opinion of the relevant Regional Board for the Conservation of Cultural Heritage shall be taken, regarding the buildings that are determined to be risky and action should be taken according to the decision of this Board.

A building that was determined as moderately damaged after the earthquake and collapsed is not considered within the scope of Law No. 6306. In order for any building to benefit from the rights under Law No. 6306, it must have been identified as a risky building within the scope of this Law before it is demolished.

If there is more than one building in a parcel, some of which had been reported as risky, the phrase “risky building” shall be entered only for the risky ones in the land registry, not for all on the parcel, by the relevant land registry directorate. In such cases, where the independent sections are not clear in the title deed, the risky structure determination of the buildings actually existing on the land should be done by the owners of these buildings. In other words, in cases where the title deed with land share is in question, it is not possible for any of the land shareholders to demolish all the buildings on the land by having the risky building determined.

#### **Update Statistics Regarding Adequate Housing:**

According to the Survey on Building and Dwelling Characteristics 2021 of TURKSTAT:

- 17.3% of households in Türkiye live in 2-storey buildings; 14.4% in 5-storey buildings; 13% in 6-storey buildings and 11.7% in single-storey buildings;
- The rate of households residing in buildings with 10 or more storeys is 9.5%;
- 53.6% of households live in buildings with 3 or more floors without elevators;
- 23.2% of buildings with 6 or more floors do not have an elevator;
- 43% of households live in buildings with parking areas;
- 47.4% of the households reside in buildings constructed in 2001 and after;
- The number of rooms per occupant, excluding kitchen, bath and toilet is 1.1 in Türkiye in 2021;
- The rate of households with a piped water system in their residence is 99.4%;
- The rate of households with at least one toilet in their residence is 96.6%;
- The rate of households with a piped water system in their residence with a bathroom is 98.8%.

The other detailed characteristics of the houses according to the same Survey are shown in the tables below:

*Table 17. The number and proportion of households by the number of rooms in the residential dwelling and size of household, 2021 (Including living room; excluding kitchen, bathroom and toilet)*

Size of household	Number of households residing in dwellings	Number of rooms					
		1	2	3	4	5	6+
<b>Total</b>	<b>25.329.833</b>	<b>84.126</b>	<b>1.603.546</b>	<b>9.778.610</b>	<b>12.025.998</b>	<b>1.495.114</b>	<b>342.438</b>
<b>1</b>	<b>4.781.600</b>	40.843	620.973	2.056.632	1.836.079	181.040	46.034
<b>2</b>	<b>5.447.412</b>	19.100	368.501	2.196.357	2.534.640	263.867	64.947
<b>3</b>	<b>4.999.806</b>	8.291	209.468	1.865.708	2.543.239	307.495	65.604



<b>4</b>	<b>4.936.670</b>	5.313	167.298	1.774.797	2.564.725	351.387	73.151
<b>5</b>	<b>2.627.009</b>	3.958	105.961	958.386	1.322.661	193.078	42.965
<b>6</b>	<b>1.239.360</b>	3.474	59.098	453.567	610.639	90.285	22.296
<b>7+</b>	<b>1.297.976</b>	3.148	72.247	473.163	614.014	107.963	27.442

Table 18. Households with at least one elderly person by the availability of a lift in the residential building, 2021

Number of floors in the building	Total	Availability of a lift	
		Lift available	No lift available
Total	<b>3.494.193</b>	<b>1.395.546</b>	<b>2.098.646</b>
3	<b>720.852</b>	13.370	707.481
4	<b>535.783</b>	57.082	478.700
5	<b>661.994</b>	175.870	486.125
6	<b>619.827</b>	297.479	322.347
7	<b>279.805</b>	198.968	80.837
8	<b>150.949</b>	132.660	18.289
9+	<b>524.984</b>	520.117	4.867

Considering the most commonly used heating systems in residences, it is recorded that 47.7% floor heating; 35% stove and 11.2% central heating systems are used. The distribution of the most commonly used fuel types for heating in houses is 59.6% natural gas, 33.5% solid fuel and 6.2% electricity.

## INFORMATION ABOUT ADEQUATE HOUSING RESPONSIBILITY

### Building Inspection Legislation:

#### Law:

**Law No. 4708 on Building Inspection** regulates the procedures and principles regarding project and building inspection in order to ensure the safety of life and property and to construct quality buildings in accordance with the zoning plan, science, art and health rules and standards. This Law covers the inspection of the structures to be built in and outside the borders of the municipality and the adjacent area, excluding the public buildings and facilities as well as those not subject to a licence, specified in Article 26 and Article 27 of the Zoning Law No. 3194 (Official Gazette dated 13/7/2001 and numbered 24461).

#### Regulations:

- Regulation on Building Inspection Implementation regulates the establishment and work of Central and Provincial Building Inspection Commissions, building inspection organizations operating in accordance with the Law on Building Inspection; qualifications to be sought in auditor architects, engineers and other officials who will work in building inspection organizations; the duties and responsibilities of the relevant administration, project author, building contractor, site manager, building owner and building inspection company partners; preparation and termination of the building inspection service contract and payment of service fees; the unit cost or costs that are the basis for determining the approximate cost of the construction based on the service fee; the procedures and principles regarding the issuance of certificates to buildings; the type, amount and return of the guarantee to be obtained from the building inspection

institutions and the recording of revenue, administrative sanctions and the implementation of the Law.

- Ministry of Environment and Urbanization Regulation on Public Buildings Inspection Services (Official Gazette numbered 30442 and dated 5 June 2018)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 30450 and dated 13 June 2018)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 30640 and dated 29 December 2018)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 30789 and dated May 30, 2019)
- Regulation Amending the Building Inspection Implementation Regulation (Repeating Official Gazette numbered 30825 and dated 08 July 2019)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 30843 and dated 26 July 2019)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 31075 and dated 21 March 2020)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 31331 and dated 11 December 2020)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 31520 and dated 23 June 2021)
- Regulation Amending the Building Inspection Implementation Regulation (Official Gazette numbered 31555 and dated 01 August 2021)

#### **Communiqués:**

- Communiqué on the Principles of Ranking the Applications for Obtaining a Building Inspection Permit
- Communiqué on the Procedures and Principles of Inspecting the Activities of Building Inspection Organizations and Laboratories, Implementation of Administrative Sanctions and Collection of Administrative Fines
- Communiqué on the Monitoring and Inspection of Fresh Concrete Sampling, Experiments, and Reporting Processes of the Buildings Inspected within the Scope of the Law No. 4708 on Building Inspection
- Communiqué on the Principles and Procedures for Electronical Determination of the Building Inspection Agencies to Sign Building Inspection Service Agreements with Building Owners

#### **Circulars:**

- Circular of the MoEUCC dated 13/4/2018 and numbered 67311 (Subject: Law No. 4708 on Building Inspection)
- Circular of the MoEUCC dated 24/4/2019 and numbered 97166 (Subject: Circular on Amendment to the Law on Building Inspection)

#### **Implementation of Legislation for Newly Constructed Buildings:**

Building constructions are carried out under the approval and control of the administration, and landowners and contractors are not independent in their actions. However, the inspection of thousands of constructions is a burden that is difficult to carry out even for the administration,

and within the Law on Building Inspection, the State has solved this problem by cooperating with the private sector.

The building inspection agency inspects the construction activities on behalf of the land owner, and therefore, from the beginning to the end of construction, provides the project and supervision of the building to be constructed in accordance with the zoning plan, science, art and health rules and standards. The landlord is obliged to pay the fees of the building inspection companies that undertake the technical responsibilities. Building inspection agencies are legal entities that only perform building inspection duties and whose partners are all architects or engineers.

### **Obligations for Landlords:**

The Turkish Code of Obligations, dated 11/1/2011 and numbered 6098, regulates the obligations of the tenant and the landlords on rental contracts.

Article 301 of the said Law reads *“The tenant is obliged to deliver the rented property on the agreed date in a condition suitable for the intended use in the contract and to keep it in this condition throughout the contract. This provision cannot be changed against the tenant in housing and roofed workplace rents; In other rental contracts, no arrangement contrary to this provision can be made against the tenant through general transaction conditions.”*.

Article 302 of the said Law reads *“Unless otherwise agreed or stipulated by law, the landlord bears the compulsory insurance, tax and similar obligations regarding the leased property.”*.

Article 303 of the said Law reads *“The landlord is obliged to bear the ancillary expenses incurred by himself or the third party regarding the use of the leased property.”*.

Article 304 of the said Law reads *“In case the property is delivered with significant defects, the tenant may apply to the provisions regarding the default of the debtor or the landlord’s liability arising from the failure of the landlord. In the delivery of the property with unimportant defects, the tenant may apply to the provisions regarding the responsibility of the landlord due to the defects that arise later on the property.”*.

Article 305 of the said Law reads *“If the leased property becomes defective afterwards, the tenant may ask the landlord to remedy the defects or to make a discount proportional to the defect or to remedy the loss. However, the request for remedying harm does not prevent the exercise of other optional rights. In case of significant defects, the tenant reserves the right to terminate the contract.”*.

Article 306 of the said Law reads *“The tenant may ask the landlord to correct the defect on the rented property within a reasonable period of time; if the defect is not rectified within this period, the tenant may have the defect rectified on behalf of the landlord and deduct the resulting receivable from the rental price or may request that the rented property be replaced with a defectless one. The tenant may terminate the contract if the defect removes or significantly prevents the property’s suitability for the intended use and is not rectified within the given time. Instead of rectifying the defect, the landlord can choose to replace it with a similar property without a defect within an appropriate period. The landlord can prevent the tenant from exercising his optional rights by immediately giving an identical copy of the property and removing all of the damage suffered.”*.

Article 307 of the said Law reads *“In the event that there are defects that affect the use of the rented property, the tenant may request a proportional reduction from the rental price for the period between the learning of these defects by the landlord and the elimination of the defect.”*

Article 308 of the said Law reads *“Unless the landlord proves that he is not at fault, he is obliged to pay the tenant the damages arising from the defectiveness of the rented property.”*

## INFORMATION ABOUT LEGAL PROTECTION OF TENANTS

The contents of the contracts made in real estate rents are determined according to the Turkish Code of Obligations. The contract between the landlord and the tenant specifies the rights and responsibilities of the tenant and the rights and responsibilities of the landlord. If the contract is to be terminated by the landlord according to the laws, it must have a justifiable reason.

For the most common disputes, the basic rights of the tenants are listed below according to the legislation in force:

- **Rental Discount:** The tenant has the right to ask the landlord to make a reduction in the rental fee due to unexpected changes in the terms (i.e. pandemic, damage to the property, etc.) after the rental contract is signed. However, if the landlord refuses to reduce the rental fee, the tenant can file a determination lawsuit against the landlord.
- **Termination of Rental Contract:** The landlord cannot evacuate the tenant even if the specified period has expired for residential or workplace rents longer than 6 months. If the contract is not terminated by the tenant 15 days before the expiry date specified in the contract, it will automatically be extended for another year. Even after the contract begins to extend, the tenant has the opportunity to terminate the contract at the end of each year. However, the contract cannot be terminated by the landlord for ten years after the contract begins to extend unless there are any disputes between the parties and the tenant pays the rent fee regularly. The only person who can terminate the contract within 10 extension years is the tenant. However, after the end of the tenth extension year, the landlord may terminate the contract without giving any other reason.
- **Rent Fee Increase:** The rental fee increases automatically every year according to the increase rate agreed in the rental contract. However, this rate will not exceed the annual consumer price index (CPI) average in any case. Five years after the contract is signed, the parties; will be able to file a lawsuit for re-determination of the rental fee.
- **Transfer of Rental Contract:** The tenant has the right to transfer the rental contract to someone else. However, the tenant must obtain written approval from the landlord for the transfer. After the transfer takes place, the new tenant takes over all the rights and debts of the old tenant.
- **Deposit:** A deposit (guarantee) equivalent to a maximum of three months' rent may be requested from the tenant. In order to get the full deposit back, the tenant must hand over the property to the landlord in the same condition as it was received.
- **Common Expenses:** The person who has to pay the common residential expenses and dues is the landlord. The tenant is not responsible for roof repair, elevator repair, etc. in the building.
- **Evacuation:** The landlord or the new owner who bought the house after it has been rented could send a warning letter to the tenant that s/he will use the house for her/his own needs. In such cases, if the tenant does not leave the real estate, the owner has to file an eviction lawsuit against the tenant. However, in order for the new landlord to use this right, he/she must send a warning within 1 month from the date of sale of the real estate and give the tenant a 6-month notice period.

- **Real Estate Becoming Defective:** After the real estate is delivered to the tenant, some problems may arise and the tenant may not be faulty. If the rental real estate becomes defective after the contract is signed, the Law provides three kinds of opportunities to the tenant. The tenant may request from the landlord that the defect in the real estate be corrected, a reduction in the rental fee or compensation for the damage suffered.

Provided that it arises from the rental contract, the court in charge of all kinds of lawsuits and lawsuits arising from the rights of the tenant is the civil court of peace. In cases arising from the rental contract, the competent court is the court of the tenant's place of residence and the court of the place where the rental contract is executed.

## **INFORMATION ABOUT MEASURES IN FAVOUR OF VULNERABLE GROUPS**

Policy developments for improving the situation of Roma people have gained momentum in Türkiye, in parallel to the developments within the EU countries where significant Roma populations exist. The practices during the reporting period are as followed.

### **Strategy Document for Roma Citizens (2016-2021):**

The General Directorate of Family and Community Services affiliated to the MoFSS carries out the coordination and secretariat of the activities executed within the scope of the Strategy Document for Roma Citizens (2016-2021) and Action Plans (Phase I (2016-2018), Phase II (2019-2021)). Phase II Action Plan consists of 5 main policy areas as education, employment, health, housing, social assistance and social services. The objective of the said Document is to coordinate the public services for Roma people in 5 main areas in line with common policies and strategic goals.

Within the scope of action plans in the provinces where Roma people live densely, studies are carried out through the service units of the related Ministry and the provincial directorates of the responsible institutions.

The Phase II Action Plan aims to expand the Ministry's services and to improve the consultancy services. In addition, the number of SODAMs increased in regions where Roma people live densely in order to enable them to benefit effectively from protective and preventive services.

In addition, the General Directorates of the relevant Ministry maintained awareness-raising, protective and preventive activities. In this context, informative activities on the matters of women's empowerment, protection of children's rights and disability-old age were held in regions where Romani citizens live intensively.

In order to facilitate Roma citizens' access to services and orientation within the scope of the Family Social Support Program (ASDEP), the districts where they are densely populated were visited and their requests, demands and suggestions were noted.

In addition, preventive and protective studies were carried out in cooperation with the MoNE on the issue of child marriage, which was observed by social examiners in these locations.

Other measures taken within the scope of the Phase II Action Plan are listed as follows:

- Informing Roma families about the importance of education and related processes and raising their awareness on the issue,

- Ensuring Roma children participate in basic education,
- Providing social, psychological and academic support to Roma children,
- Providing information on the services of the İŞKUR in densely Roma-populated areas,
- Ensuring Roman citizens benefit more from entrepreneurship training programs,
- Organizing vocational training courses to increase the employability of Roma people,
- Awareness activities to increase the employment of Roma people,
- Conducting analysis studies for housing needs in regions where the Roma population is densely populated,
- Developing and strengthening the model of providing health services in regions where the Roma population is densely populated,
- Increasing the health literacy of Roma people,
- Providing informative activities on the rights of disadvantaged citizens in need of social services, empowering women and combating the factors harmful to the social status of women,
- Increasing the effectiveness of the Monitoring and Evaluation Board,
- Working at the local level with Roma NGOs and related stakeholders.

### **Establishing Strong Monitoring, Evaluation and Coordination Mechanism for Strategy Document for Roma Citizens (for the Action Plans) (ROMSID) Project:**

The ROMSID Project, financed by the EU, was launched on 8 July 2020. The partner institutions of the project are the MoFSS, the MoNE, Ministry of Health, Ministry of Interior Affairs, local authorities (local governors, municipalities), and NGOs.

The objectives of the project are to support the implementation of the National Roma Integration Strategy (NRIS); contribute to achieving measurable progress towards effective monitoring and evaluating of NRIS and ensure cooperation and communication between Roma NGOs, public institutions, policymakers and local authorities. The expected outputs of the project are:

- Establishment of a monitoring and evaluation framework and related practices for the implementation of the Strategy Document for Roma Citizens,
- Capacity building in monitoring and evaluation among key staff, especially relevant staff of the MoFSS,
- Strengthened cooperation, coordination and communication among different stakeholder agencies regarding the monitoring and evaluation of the Strategy Document for Roma Citizens, both at central and local levels.

### **Return to Village and Rehabilitation Project (RVRP):**

Some projects had also been carried out and completed in favour of internally displaced persons before reporting period by the Ministry of Interior. The Return to Village and Rehabilitation Project aims to facilitate the voluntary return of citizens who had to migrate from the Eastern and Southeastern Anatolia Regions due to terrorism and security concerns, to establish the essential social and economic infrastructure in the places where they returned, to create sustainable living conditions and to improve the adaptation of those who do not want to return to their hometowns to the cities where they live. Within the project, social and rehabilitation activities, vocational and employment activities, dormitory activities, infrastructure investments including highway, water, electricity, sewerage etc., renovation of destroyed schools, health centres and other facilities, providing construction materials to the citizens so

that they could build their own houses, agriculture and animal husbandry activities were carried out. Within the scope of the project, 187.861 people from 28.384 households returned to their home villages. The last appropriation was allocated for the project as of the end of 2015, and no appropriation was included in the general budget for 2016. The project had been finalized in the reporting period.

### **Project on Economic and Social Integration of Displaced Persons in Van**

The project, co-financed by the EU and the Republic of Türkiye and implemented by the General Directorate of Provincial Administration of the Ministry of Interior and the Governorship of Van, started in 2014 and has two components: grants and capacity building. The project aimed to ensure equal access to basic services and social and economic integration of displaced persons by improving their socio-economic conditions and capacities via vocational and entrepreneurship trainings, consultation and awareness-raising activities, etc. The project had been finalized in the reporting period.

## Article 31§2

2. to prevent and reduce homelessness with a view to its gradual elimination;

### **INFORMATION ON MEASURES AND ACTIONS UNDERTAKEN IN PARTICULAR DURING THE COVID-19 PANDEMIC, TO PREVENT CATEGORIES OF VULNERABLE PEOPLE FROM BECOMING HOMELESS**

“The Program on Social Assistance during the COVID-19 Pandemic” has been put into effect in phases by Directorate General for Social Assistance of the MoFSS within the scope of the Social Protection Shield Programme with the aim of mitigating the economic and social effects caused by the COVID-19 pandemic.

Financial aid of 1.000 TL within the scope of the Program on Social Assistance during the pandemic (Phase III) was provided to households in need and a total amount of 2.409.923.000 TL has been granted for 2.409.923 householders within the framework of Phase III. Having taken the dynamic and unclear characteristics of the pandemic period into account, aids have been determined subsequent to the consideration of householders identified by Social Assistance and Solidarity (SYD) Foundations to be temporarily in need and unable to meet their basic needs in order to support householders in need or likely to be temporarily in need due to the pandemic.

Within the scope of “We Suffice for Ourselves, My Türkiye II: Solidarity Campaign”, financial aid of 1.949.129.000 TL (1.000 TL per household) was provided to 1.949.129 householders identified to be temporarily in need and unable to meet their basic needs due to the pandemic by SYD Foundations.

Within the scope of the “Social Assistance Program of Total Lockdown”, an aid of 1.100 TL per household to be granted for once was decided upon and payments were deposited on 05.05.2021. Within this framework, a total aid of 2.216.610.000 TL was granted per household amounting to 1.100 TL paid for once for 2.015.100 householders.

Furthermore, Projects for Accommodation of the Homeless are conducted with the aim of providing shelter with priority for homeless, placeless and abandoned citizens identified in guesthouses of public institutions located within provincial boundaries, accommodating them in places such as hostels, hotels etc. in the event of failure to shelter them in guesthouses of public institutions or allocating a location for these persons to spend winter and meeting the needs of guests such as cleaning, healthcare, staple food, clothing etc. Crucial importance was attached to the aforementioned project during the pandemic and the project, which was implemented in the winter months before the pandemic, was in progress throughout the year.

In addition, as housing benefits, maintenance-repair of dwellings of those living in houses unsuitable for residence due to datedness, dilapidation and unsanitariness among citizens in need within the scope of Law No. 3294, aids for reinforced concrete house construction, prefabricated house construction and in-kind and financial aids for purchase of household goods within the scope of disaster have been provided in order to meet housing needs as one of their fundamental and vital needs.

For the housing and repair&maintenance benefit limits provided by MoFSS during the COVID-19 pandemic, please see Article 31§1, Heading [“The Measures Taken, in Particular Also During](#)



[The COVID-19 Pandemic, to Ensure Adequate Housing for Vulnerable Groups, Including Refugees, Asylum Seekers, Roma and Travellers](#)". And accommodation aids have been continued during the normalization process and afterwards at those rates.

### **INFORMATION ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE PREVENTION OF HOMELESSNESS**

Measures concerning the homeless, placeless and abandoned, who are among segments of society most likely to be affected by the COVID-19 pandemic, were taken by the Ministry of Family, Labour and Social Services and "The Project on Accommodation of the Homeless" was launched on 7 April 2020. Thanks to this project:

- Having been identified in provinces, homeless, placeless and abandoned persons were accommodated in guesthouses of public institutions with priority. In the event that they could not be thus sheltered, their accommodation in venues such as hostels, hotels etc. was ensured.
- Before and during their accommodation, medical controls of these persons were conducted by getting support from healthcare organizations at periodic intervals.
- Sanitation, healthcare, staple food, clothing and other needs of the persons accommodated were met. Expenses in respect thereof were covered within the framework of financial means of SYD Foundation.
- Within the scope of "The Project on Accommodation of the Homeless", the data on the persons getting service and information relating to their accommodation was recorded in Information System on Social Assistance Services database. The aforementioned project continued until the end of the year.
- Having followed announcements of the Ministry of Health on the pandemic, suspicious cases were immediately reported to healthcare service units.

Pursuant to the amendment of Article 14/(a) of the Municipality Law No. 5393 titled "Duties and Responsibilities of Municipalities", municipalities with a population of more than 100.000 are obliged to open shelters for women and children. Within this scope, in accordance with the applications lodged to women's shelters and relevant legislation, metropolitan municipalities and municipalities with a population exceeding 100.000 are incentivized to open shelters for women, so that they will assume an active role in combating violence against women and particularly provide support for women and accompanied children applying for their need for shelter. Within the framework of activities conducted for the specialization of women's shelters, endeavours targeting to increase the number of women's guesthouses for sheltering purposes will continue to be made with the Directorate General of Provincial Administration.

Besides, within the scope of relevant legislation on the applications lodged by women for sheltering purposes during the pandemic, it is ensured that they are temporarily sheltered in social facilities, hostels or similar locations belonging to public institutions and organizations. For the purpose of sheltering, 45 facilities (14 hotels, 11 guesthouses, 15 public organizations and 5 hostels) are utilized in 42 provinces. As of May 2020, a total of 200 women and children were sheltered in these facilities throughout the pandemic.

In addition to this, Women's Shelters ensure that sheltering, guidance, counselling and services as such are directly rendered to women and children in their company or they are referred to related organizations to provide them with an environment without violence.

As of the end of 2021, a total of 149 women's shelters render service with a capacity of 3.624. These comprise 112 women's shelters with a capacity of 2.743, affiliated to the MoFSS in 81 provinces, 33 women's shelters with a capacity of 735, affiliated to local administrations in 11 provinces, 1 women's shelter with a capacity of 20 affiliated to NGOs and 3 women's shelters with a capacity of 90 affiliated to other public institutions (PMM). According to year-end figures for 2021, in women's shelters affiliated to the above-mentioned Ministry, 58.811 women and 25.246 accompanied children, in women's shelters affiliated to local administrations, 2.285 women and 1.149 accompanied children, in those affiliated to the PMM, 49 women and 24 accompanied children and in women's shelters affiliated to NGOs, 22 women and 9 accompanied children, a total of 87.595 persons, were provided with service.

### **The Union of Municipalities of Türkiye:**

Article 14 of the Municipality Law No. 5393 lays down housing service, social service and assistance as one of the fundamental duties of municipalities. Pursuant to Article 69 of the aforementioned Law on land and housing development, municipalities are authorized to ensure orderly urbanization, to develop lands in order to meet the needs of inhabitants relating to areas for housing, industry and commerce, to construct, sell, let out houses, community buildings and purchase land for these purposes, to expropriate, to exchange these lands, to collaborate with other relevant public institutions and organizations and banks in this regard and to conduct joint projects with them when necessary.

The aforementioned Article reads that the sale of these buildings and workplaces shall not be subject to the provisions of Public Tender Law No. 2886, stating that land allocation is possible for low-income persons who do not possess a house belonging to themselves, their spouses or children aged below eighteen, disaster-victims, those to be transferred from industrial zones and to cooperative societies in the same case in entirety within the bounds of that municipal and adjacent area, on the condition that the amount is not below that of the figure to be determined by Valuation Commission. The provision also lays down that those who are eligible pursuant to Article 25 of the Anti-Squatting Law No. 775 could be provided with land and housing in accordance with this Article.

As for Article 73 of Law No. 5393, municipalities are empowered to implement projects on urban transformation and development in order to construct areas for housing, industry, commerce, public service, recreation and social reinforcement areas of all kinds or to take measures against earthquake risk, in line with resolutions of the municipal council.

Pursuant to the General Regulation on Land, Housing and Workplace Development, Allocation, Letting Out on Rent and Sale by Municipalities published in the Official Gazette numbered 25951 and dated 29.09.2005, "the stipulations for those to whom land and social dwellings shall be allocated are as follows":

- Having low-income,
- Not being in possession of a house or land suitable for residential construction within those municipal boundaries as regards themselves, their spouses or children aged below eighteen,
- Residing within those municipal boundaries for at least one year,
- Being disaster-stricken,
- Being among those to be transferred from industrial zones.

In this context, within the framework of activities for urban transformation, municipalities may undertake residential constructions for persons with low income, gypsies and refugees, allocate community buildings to those with low income and living in poverty or let them out at very low costs. In addition to these benefits on housing mentioned above, municipalities provide rent allowance for persons with low-income within the scope of their duties concerning social assistance and services. With a view to meeting the needs for the shelter of those without a place of residence in winter months in particular, these persons are provided with the opportunity of temporary shelter in guesthouses, benignity houses or shelters of municipalities. A certain number of municipalities assist these people in their need for shelter by collaborating with hotels.

As for the homeless, they are directly assisted with various social benefits by the central administration, local administrations and NGOs, whose endeavours target to find solutions to their problems. As regards these disadvantaged segments of society who are higher on the agenda particularly during winter months, at intervals, gyms are transformed into places for their needs for shelter at night and they are accommodated in guesthouses and hotels, where they undergo medical controls.

### **INFORMATION ON MEASURES IN PLACE TO REDUCE THE NUMBER OF HOMELESS AND FIGURES ON THE OVERALL NUMBER/RATE OF HOMELESS PERSONS**

During the period between 01.01.2020 and 24.11.2022, applications lodged by 11.885 householders in total for housing benefits were accepted by the Directorate General of Social Assistance of the MoFSS. Social rights safeguarded in the Constitution of the Republic of Türkiye avail every citizen, in practice, of the regulations and implementations required, without any discrimination among nationals of the country. Articles 5, 10, 12, 17, 41, 50, 56, 57, 58, 60 and 61 of the Constitution provide the regulations guaranteeing these social rights. An outlook on the relevant articles of the Constitution would reveal their inclusive letter encompassing all segments of society. These Articles prioritize the legal regulations envisaging putting into place specific arrangements, primarily, on the protection of disadvantaged segments of society, and women, children and the elderly. The Articles of the Constitution in question display the characteristics of umbrella legislation, which means that they have correspondence in practice through specific arrangements to be put into place. Despite the lack of an explicit article in the Constitution on the homeless, there exist articles on providing support for family members, the right to housing acquisition and on martyrs, widows and orphans.

153 for White Desk, 155 for Police, 156 for Gendarmerie and 183 for social assistance can be dialled as hotlines for reporting the homeless learnt to be living on the streets, as well as call centres of district governorates. In the case that locations of the citizens living on the streets are reported, municipal police officers and the police or gendarmerie pick and transfer them to guesthouses where they would be sheltered.

Continuing work with a human-oriented social protection approach, all Municipalities in Türkiye carry out endeavours to embrace every homeless citizen in need. For instance, 206 homeless individuals in the winter of 2020-2021 and 3.384 homeless individuals in the winter of 2019-2020 were sheltered by Istanbul Metropolitan Municipality, which is responsible for the most populated province in Türkiye, within the scope of services for temporary accommodation. Similarly, Ankara Metropolitan Municipality's Diskapi Shelter with a

capacity of 86 beds, serving under the Social Services Department, homeless and orphaned citizens are served 24/7. In this facility, which is a warm home for homeless and orphan citizens free of charge in four seasons. In addition to the breakfast and dinner, services such as psychological support, television and restrooms, barbershop, laundry, clean clothes and 24-hour hot water are available to guests in this facility.

## **INFORMATION ON WHETHER A MORATORIUM/PROHIBITION ON EVICTIONS HAS BEEN DECLARED DURING THE PANDEMIC**

### **Legal Basis:**

Provisional Article 2 of the Law on the Amendment of Certain Laws dated 25/3/2020 and numbered 7226 reads *“(1) Failure to pay the workplace rental value, accruing as of 1/3/2020 until 30/6/2020, shall not constitute grounds for termination of rental contract and eviction.”*

Pursuant to this provision, adjournment for a period of 4 months has been guaranteed by law in respect to evictions.

Provisional Article 2 of the Law on the Amendment of Certain Laws dated 25/3/2020 and numbered 7226 reads *“(1) Failure to pay the workplace rental value, accruing as of 1/3/2020 until 30/6/2020, shall not constitute grounds for termination of rental contract and eviction.”*

With the aforementioned regulation, the renter's right to terminate the contract and eviction is prevented in the event of non-payment of the rent of workplaces by the tenant within the period of time stipulated by the law. That regulation does not eliminate the debt of rent, but it does not grant the renter the right of termination and eviction in cases where the rent for the relevant period is not paid. The regulation in question does not prevent the tenant from lapsing into default, but it only reserves the tenant's right to sue.

For cases to be considered in accordance with the provisions of the Turkish Code of Obligations, No. 6098, relating to the eviction as well as those of the Code of Enforcement and Bankruptcy No. 2004, the first sentence of the first paragraph of Article 51 of the Code of Enforcement and Bankruptcy No. 2004 ensures that transactions related to the cases shall not be performed from one hour after sunset until one hour before sunset (at night), nor on holidays. However, there are no regulations in Turkish law regarding the prohibition of eviction except for the specified case.

Additionally, the principles which the public officials responsible for transactions related to cases within the framework of Law No. 2004 and those performing eviction within the framework of Law No. 6306, have to abide by while executing their duties to meet the liability of eviction under conditions that respect the dignity of the people concerned have been specified within the “Regulation on the Principles of Ethical Behavior of the Public Officials and Application Procedures and Essentials” published in the Official Gazette, dated 13.04.2005, No. 25785.

The relevant Articles of the Code of Enforcement and Bankruptcy No. 2004 are listed below:

- Pursuant to Article 272 of the Code of Enforcement and Bankruptcy No. 2004;  
*“A real estate leased with a contract may be requested to be evicted by the submittal of the contract to the enforcement office within one month after its date of expiration.*

*Upon such request, the enforcement officer orders, with an eviction order notification, the eviction and handing over of the immovable property within fifteen days.*

*The eviction order shall include the following condition:*

*If the landlord and the lessee and their representatives, if any, have an objection in terms of the names, denomination, names of places of settlement, date of signature, renewal or extension of the contract, it is specified that they will be forcibly moved out of the property if they do not object by submitting an application to the office within seven days or if they do not evict the property.”*

- Pursuant to Article 26 of the said Code;

*“When the order regarding the eviction and handing over of a real estate is submitted to the enforcement officer, the executive director orders the debtor to hand over the property within seven days, with a notification of an executive order in writing as specified in Article 24.*

*If the debtor complies with the order while occupying the immovable property, the decision shall be enforced by force.*

*The debtor who re-enters the immovable property surrendered to the creditor, without a justified reason, shall also be obligated to move out, without the necessity of a provision.*

*The property shall be handed to the debtor, after the furniture which is not included in the order even though it is in the immovable property is taken out, and if he/she is not available, it shall be handed over to his/her assignee, a person in his family or his employee, who have reached lawful age. In cases where none of these is available, the cost of the mentioned goods is taken from the creditor in advance to be paid to the debtor in the future and stored in a safe place or entrusted to the creditor's trustee, and upon notification by the enforcement office immediately thereafter, the debtor refrains from buying the goods or paying the cost within five days if he/she is in the place where the goods are located, or in thirty days if he/she is not, or if considered necessary, the executive director sells them upon the decision of the enforcement court and renders the cost with the received amount. If there is an excess amount, it is deposited on behalf of the debtor to one of the banks whose qualifications are determined in the regulation issued by the Ministry of Justice.”*

- Pursuant to Article 273 of the said Code;

*“If there is no objection within the assigned term or the objection is withdrawn, there is a forced eviction and the rented property is handed over to the lessee at the end of that term. However, the period stipulated in the eviction order should end.*

*If items that do not belong to the landlord are found in the place to be evicted, the provision of Article 26 shall be applicable by analogy.”*

- Pursuant to Article 276 of the said Code;

*“If there is a person other than the tenant in the place who is requested to evict the property and in case of a failure to present an official certificate in proof of legitimate residence therein, the person shall be moved out immediately.*

*If the person in question fails to provide an official document and proclaims that he/she has occupied the property since an earlier date stated in the contract, substantiating this claim with an investigation to be carried out by an executive officer on-scene, the officer shall report the situation to the court within three days, suspending eviction.*

*The enforcement court shall, after hearing the parties, order the eviction based on the final decision or order one of the parties to apply to the court within seven days. If an application is made to the court within this period, action is taken according to the resulting decision. For such a case, the provisions of Article 36 are implemented in a similar vein. The party who does not file a suit is considered to have waived his/her claim.*

*The debtor's descendants and ascendants, his/her husband or wife, second-degree blood relatives and relatives by marriage and business partners, as well as other individuals who have been proved to reside in the debtor's property, are not considered third parties in the application of the provision of this article.”.*

The relevant Articles of the Turkish Code of Obligations No. 6098 are listed below:

- Pursuant to Article 334 of the said Code;

*“The tenant is obliged to leave the leased property in the same condition as when he/she moved in, at the end of the lease agreement period. However, the tenant is not responsible for the normal wear and tear to the property as long as he/she uses it in accordance with the details included in the contract.*

*The agreements, which guarantee the tenant's prior commitment that he will pay any compensation upon the termination of the contract, other than to remedy the damages that may arise due to improper use which is a breach of the lease contract, are invalid.”.*

- Pursuant to Article 335 of the said Code;

*“The landlord shall review the condition of the leased property during the return and immediately notify in writing of the deficiencies and defects that the lessee is responsible for. If this notification is not made, the tenant is relieved of all liability. However, if there are deficiencies and defects that cannot be determined by ordinary inspection at the time of delivery, the responsibility of the tenant continues. When the landlord detects such deficiencies and defects, he shall immediately notify the tenant in writing.”*

### **Precautions taken by Public Institutions:**

Except for trade discounts in the costs of products and services supposed to be made due to management responsibilities by public administrations, municipalities and affiliated administrations included in the first paragraph of Law No. 4736 on Tariffs of Goods and Services Produced by Public Institutions and Organizations and Amendments to Certain Laws, there is a provision stating that free or discounted tariff shall not be applied for any individual or institution. Those who are exempt from this rule shall be determined by the President.

Accordingly, with the Presidential Decision No. 4920 published in the Official Gazette numbered 31691 and dated 16.12.2021, beneficiaries of free or discounted tariffs, not exceeding one-fifth of the total amount of household water consumption, determined in accordance with the decision to be taken by the councils and general boards of municipalities and its affiliated administrative bodies based on the principle of “Human Right to Water”, shall be exempt from the provisions of the first paragraph of Article 1 of Law No. 4736.

With this regulation, many municipalities provided water fee discounts to support low-income citizens. During the pandemic, municipalities helped low-income people to pay their bills by increasing their cash social benefits while at the same time mediating the transfer of donations for the payment of these individuals’ bills to the relevant institutions.

In the Circular by the MoEUCC on the measures taken against new coronavirus, The Directorate General for Local Authorities asked municipalities and its subsidiaries responsible for potable water supply and distribution services to continue performing these uninterruptedly, adding that there shall be no water cut-offs due to various reasons including the receivables arising from the subscription agreement. During this period, municipalities continued their services without water cut-offs even though some citizens did not pay their bill debts.

Regulations enforced in accordance with Law No. 7244, which was enacted to mitigate the effects of the coronavirus and which includes the postponement, cancellation or restructuring of certain receivables, made it possible that costs and amounts of money obtained from sales, adequate pays and rentals carried out based on the Regulation in question shall be postponed as of 19 May 2020 for the sums to be collected for the 3-months-period for another 3 months, that these periods shall be extended by the MoEUCC up to 3 months and that these receivables shall be collected at the end of the postponement period, in monthly payments equivalent to number of months which they are postponed without any deferral fees or interests. Besides, this Law also guarantees that the rents shall not be paid for the period during which the enterprises' activities halt or in which they cannot get engaged in income-generating activities. The Law allows for the postponement of receivables of municipalities and their affiliated organizations, stemming from water consumption of residences or workplaces whose activities are halted, as well as of the payment of these amounts after the postponement period is over, without being subject to any late fees or interests. These regulations enforced in the Turkish legislation have strengthened the hand of municipalities as they have continued to provide services without demanding the fees for rent or water in that period, while continuing to supply social assistance to families in need.

Within the scope of “Fuel Aid” scheme adopted by the General Directorate of Social Assistance under the MoFSS, households in need without any social security, or households with social security of which monthly income per person in the family is less than the 1/3 of the net minimum wage shall benefit from fuel assistance, which includes free coal delivery from the General Directorate of Turkish Coal Enterprises to people in need.

“Electricity Aid” is targeted at households benefiting from regular social security aids in accordance with Laws No. 3294. Social aids provided monthly within this scope are as follows: 75 kWh (130,09 TL) for households with 1-2 people; 100 kWh (173,46 TL) for households with 3 people; 125 kWh (216,82 TL) for households with 4 people; 150 kWh (260,19 TL) for households with 5 people and above.

As far as “Natural Gas Aid” is concerned, households considered within the scope of the Social Assistance and Solidarity Law No. 3294, or those regarded by SYD Foundations as being seasonally in need and as not being able to afford to meet their basic needs, shall receive payments ranging between 900 TL and 2.500 TL annually per household, depending on the list to be prepared based on the thermal map including climate conditions of these households' places of residence.

Also, individuals/households that are not targeted with regular monetary aid programs by SYD Foundations as well as those that benefit from such programs while still being in need shall be provided with seasonal forms called fixed-term aids. Fixed-term aids are aimed at meeting basic needs such as food, clothing, goods, education, health, fuel and housing.



## **INFORMATION ON LEGAL OR FINANCIAL MEASURES TO ENSURE THAT HOUSEHOLDS DO NOT LOSE THEIR HOME IF THEY CANNOT PAY THEIR RENT OR MORTGAGE PAYMENTS AND OTHER TENANT PROTECTION MEASURES**

In accordance with the first paragraph of Article 5 of Law on Transformation of Areas under Disaster Risk, No. 6306 titled “Evacuation and Demolition” and Article 16 of the Implementing Regulation thereof, right holders in areas and buildings under risk shall be provided with rental assistance to a certain amount.

- If the applications for rental assistance are approved after a close examination by MoEUCC or Municipality;
- Rental assistance entries are created through the Information System called Transformation of Areas Under Disaster Risk by the Ministry and the Municipality.
- Rental assistance is provided to the residence/workplace owners in the amount determined according to the Minister's Consent and for (18) months.
- Tenants of residences/workplaces are paid 2-months of rental assistance at once (payment in full) based on the monthly rental assistance amount determined for the owners in the province where the building is located.
- For those who reside as limited real right-holders in the residence/workplace, 5 months of rental assistance is paid at once (payment in full) based on the amount of monthly rental assistance determined for the owners in the province where the structure is located.

Also, individuals/households that are not targeted at regular monetary aid programs by SYDVs as well as those that benefit from such programs while still being in need shall be provided with seasonal forms called fixed-term aids. Fixed-term aids are aimed at meeting basic needs such as food, clothing, goods, education, health, fuel and housing.

There are not any assistance programs for citizens who cannot pay their rent in the assistance schemes adopted by the General Directorate of Social Assistance under the MoFSS. However, assistance is provided to citizens who have difficulty paying rent, through SYDVs.

Pursuant to Provisional Article 2 of the Law on the Amendment on Certain Laws No. 7226, failure to pay workplace rental debts during the period between 1 March 2020 and 30 April 2020 shall not be considered reasonable grounds for eviction. However, the regulation secures that no eviction is possible due to the failure to pay the rent debt, while at the same time pointing to the fact that the tenant's liability to pay the rent is still valid and the rent debt for the period in question is still owed.

The tenants often apply to benefit from the provisions of the Turkish Code of Obligations so as to avoid paying their debts or reduce the total amount. In order to ensure legal security in lease agreements, commitment to obligations of a contract, in other words, *pacta sunt servanda* shall be complied with. If there are provisions related to force majeure or especially epidemic diseases in the contract, they are applied a fortiori in cases arising as a result of the COVID-19 pandemic.

If a tenant who is currently having difficulty in paying the rental fee is unable to benefit from the consequences of force majeure, he/she may demand taking advantage of Article 138 of the Turkish Code of Obligations claiming that he/she has experienced overdue difficulty. According to Article 138 of the Turkish Code of Obligations, the existence of overdue difficulty



shall arise only if the appropriate conditions are found cumulatively. In this case, the debtor has the right to request an adaptation of the debt stated in the contract to the new conditions and to withdraw from the contract.

### **INFORMATION ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE RIGHT TO SHELTER**

Another group affected substantially by the COVID-19 pandemic have been university students. As stated in the Human Rights Protection and Development Report 2021 of the TİHEK, one of the issues on the agenda in 2021 was related to the problems facing university students in terms of housing, which is closely linked to the right to education. While educational activities mainly moved to online platforms due to the pandemic, news that young people who returned to their universities with the transition to face-to-face education had difficulty finding dormitories, and that there was an increase in rents of apartments and private dormitories appeared in the media. At this point, especially after the pandemic period, the core problem involved dramatic increases in rents. Although both state and private dormitory capacity increased in a way that cannot be compared with before, especially in the last 20 years, it is widely observed that there is a housing problem stemming from the increase in demand after the pandemic. Based on the data provided by the Ministry of Youth and Sports, dormitories operating under the responsibility of the Ministry have 743.161 beds in total throughout Türkiye, serving 463.074 female and 280.087 male students, as of 31 December 2021. The number of institutions providing special housing services to higher education students was 2.020, and the total capacity of these institutions was 304.703 as of 31 December 2021. In 2021, 65 new dormitories in 39 provinces were opened.

### **INFORMATION ON EMERGENCY ACCOMMODATION WITH SECURITY REQUIREMENTS AND HEALTH AND HYGIENE STANDARDS AND THE REQUIREMENT FOR A RESIDENCE PERMIT AND PROHIBITION ON FORCED EVICTION, AND SUFFICIENT QUARANTINE FACILITIES IN PLACE**

#### **Measures at Public Guesthouses:**

The following measures were taken in crowded guesthouses affiliated to the MoFSS:

As of February 2020;

- Visits to institutions rendering service to persons with disabilities and the elderly were administratively restricted to family members only.
- Personnel working in all institutions rendering service to persons with disabilities and the elderly were informed of the measures necessary to protect health and ensure safety of disabled and elderly residents.
- Fever measuring 4 times a day at 6-hour intervals was initiated for persons with disabilities and elderly residents in all institutions rendering service to persons with disabilities and elderly persons.
- 14-day quarantine in specially equipped, house-type social service institutions was ensured for persons with disabilities and the elderly returning from abroad (umrah etc.) in case of their being unaccompanied by their families.

As of March 2020;

- Acceptance of persons with disabilities and the elderly by all institutions rendering service to persons with disabilities and elderly persons was ceased “with the exception of states of necessity.”

- Lockdown was imposed on elderly residents of the institutions except for obligatory circumstances. COVID-19 A-6 Brochure, Table of COVID-19 Cold/Flu/Allergy Symptoms, COVID-19 V-5 Guide of the Ministry of Health was shared with the directors of all institutions and provincial deputy directors.
- Visitor restriction for all our childcare institutions except the force majeure, postponement of procedures of updating of medical board reports in adoption and foster care, postponement of face-to-face meetings of children under foster care with their biological families except for urgent ones, arrangement of administrative leaves of personnel working in childcare institutions.
- Persons receiving care service in institutions of the MoFSS (children, persons with disabilities, women and the elderly) and employees in charge were delivered trainings on actions to be taken concerning Coronavirus measures along with hygiene and cleanliness.
- Food service provided by the SYD Foundations within the scope of public soup-kitchen activities was provided by distribution directly to houses of citizens in need or in pots brought by them within the bounds of possibilities.
- Measuring fever of the residents in nursing homes and rehabilitation centres for older persons was carried out at least four times a day, once in every 6 hours.
- An additional allocation of 170 million TL was transferred to the care facilities for persons with disabilities and nursing homes along with care and rehabilitation centres for the elderly for protective and preventive measures against COVID-19.
- Monitoring and Tracking Units were established across the country in order to follow the nursing homes more closely.

As of April 2020;

- Provincial Health Directorates were instructed to meet the demands of public and private care institutions in 81 provinces, affiliated to the Ministry of Family, Labour and Social Services (MoFLSS-former), rendering care services to persons with disabilities and the elderly, with regard to the conduct of COVID-19 swab tests (PCR) of personnel during their shift change, which would take place every 14 days.
- A number of 89 isolation institutions were established with a bed capacity of 2.130 in 67 provinces within the framework of the COVID-19 pandemic action plan. In 14 provinces, isolation floors were created within the existing establishments. Legal arrangements have been made to provide services to the elderly and persons with disabilities who need institutional care, regardless of their income and disability criteria.
- Having left institutional care, the young who were raised under legal protection were monitored more intensely during the process of the struggle against COVID-19 and 1.000 disadvantaged young persons were supported within the scope of the Social Protection Shield Programme. The young who left institutional care were supported through Post-Care Guidance and Monitoring Units formed within the body of provincial directorates of MoFLSS and they were frequently visited in their homes and workplaces. The youth were supported by assistance models of SYD Foundations as well as Social and Economic Support (SED).

Moreover, for the other quarantine conditions for arrivals from abroad during the pandemic, please see the part *Ministry of Youth and Sports* under Article 31§1 [“Measures Taken, in Particular During the COVID-19 Pandemic, to Ensure Adequate Housing for Vulnerable Groups, Including Refugees, Asylum Seekers, Roma and Travellers”](#)

## INFORMATION ON THE RIGHT TO SHELTER OF UNACCOMPANIED FOREIGN MINORS IN LAW AND IN PRACTICE

In Türkiye, migrants, refugees, unaccompanied children, including displaced children, and children of foreigners who come to Türkiye benefit equally from all the rights enjoyed by children of citizens of the Republic of Türkiye, regardless of nationality, religion, language, race, gender and similar discrimination. In this context, children in need of protection are supported by one or more of the care, shelter, education, health and counselling measures specified in the Child Protection Law No. 5395.

In paragraphs (c) and (e) of the first paragraph of Article 5 of the Child Protection Law No. 5395 titled “Protective and supportive measures”, the following provisions are included;

*“c) Care measure, is a measure to make governmental or private care centre services or foster family services available for the juvenile or place the juvenile under the care of such institutions, in the event that the person responsible for the care of the juvenile fails to fulfil his/her care duties due to any reason,*

*e) Shelter measure is a measure to provide a suitable shelter for those who have children but do not have a place to live, or to pregnant women whose lives are in danger,”*

The Ministry of Justice provides various services to strengthen access to justice for vulnerable victims, such as children, who are identified to be more affected by crime due to their individual characteristics, through offices within the directorates of judicial support and victim services established in courthouses. In this context, the aforementioned directorates inform victims about their rights, direct them to the relevant units in line with their needs and provide psycho-social support services, especially to vulnerable victims.

With the establishment of the Directorates, psycho-social support activities, which were previously provided by experts working in juvenile and family courts, were expanded to cover the Chief Public Prosecutor's Offices and all courts.

For children involved in the judicial process, psychologists, pedagogues and social workers working in courthouses conduct face-to-face interviews with children and prepare social investigation reports. In this report, care and shelter measures regulated in subparagraphs (c) and (e) of the first paragraph of Article 5 of the Child Protection Law No. 5395 titled “Protective and supportive measures” can be requested for the child.

Victims are informed about the judicial process and their rights in this process, as well as they are directed to the institutions and organisations where they can receive services in line with their needs at the information and guidance offices within the directorates of judicial support and victim services. In this way, it is aimed to ensure that the services provided to the victim by different institutions are carried out in an uninterrupted and holistic manner.

Temporary accommodation services are provided by the relevant institutions and organisations to households whose houses have been damaged due to disasters and emergencies or who cannot return to their homes in any way. In the recovery phase after the disaster and emergency, housing assistance can be provided by the General Directorate of Social Assistance of the MoFSS according to the damage to the houses of the households. Households who cannot settle in their homes due to damage to their houses other than for security and similar reasons are provided with home repair and house construction support, provided that certain criteria are met within the scope of housing assistance.

In Türkiye, there are specialised institutions in Van, Ağrı, Erzincan, Diyarbakır, Yozgat, Konya, Tekirdağ, Ankara and Istanbul to serve unaccompanied minors. 437 children are under protection and care in these institutions. The number of foreign children in foster care is 543. The number of foreign children supported by the SED Service is 7.750.

### **INFORMATION ON AVAILABLE STATISTICS ON THE NUMBER OF HOMELESS PERSONS IN TÜRKİYE AND THE MEASURES IMPLEMENTED IN THIS FIELD**

According to the 2021 Population and Housing Census based on administrative records, the population of Türkiye was recorded as 84 million 680 thousand 273. On the other hand, there is no obtained official data regarding homeless persons.

Nearly all local governments have social assistance mechanisms such as women's shelters, elderly care homes, youth and children centres. In addition, the MoFSS has homes for orphaned children.

ALO 153 White Desk, 155 Police, 156 Gendarmerie, 183 Social Support hotlines and call centres of district governorships are available 7/24 for notifying the homeless persons to get aid.

In addition, the Ministry of Interior sent a circular to 81 Provincial Governorships in 2021, when harsh winter conditions were experienced, and instructed people in need of shelter in all provinces and districts to be identified and to provide suitable accommodation for these people. According to the Circular, “Those in this situation will primarily be placed in the guesthouses of public institutions and organizations; In case the guesthouses of public institutions and organizations are insufficient, these people will be accommodated in contracted hostels and hotels without any charge; Health checks of them will be made and their needs such as fuel, food, clothing and health will be met.”

### **INFORMATION ON LEGAL FRAMEWORK APPLICABLE TO LEGAL EVICTIONS**

Within the scope of Law No. 6306, the regulation regarding the notification before evacuation for tenants residing in a building subject to demolition is determined by the second paragraph of Article 8 titled “Demolition of risky structures” of the “Implementation Regulation of the Law No. 6306” published in the Official Gazette dated 15.12.2012 and numbered 28498, and according to the relevant provision, the building owners are requested to evacuate and demolish the risky structures by giving a period of not less than sixty days. In the notification to be made to the owners, it is stated that those who use the risky building as tenants or limited real right holders should be notified by the owner for evacuation. If it is determined that the owner does not notify the tenant or limited real right holder for eviction, the notification is made by the administration.

In Article 16 of the same Regulation titled “Rent assistance and other aids”, the procedures and principles regarding the rent assistance, interest assistance, temporary housing or workplace allocation to be made to the right holders and tenants within the scope of urban transformation projects after evacuation are regulated in detail, and temporary housing or workplace allocation or rent assistance can be made to the owners of the buildings in the application area and the risky buildings outside the application area evacuated by agreement, or to those who reside in

these buildings as tenants or limited real right holders even if they are not owners, or to those who have workplaces in these buildings.

In Article 5 of the Law on the Transformation of Areas Under Disaster Risk No. 6306 titled “Evacuation and demolition”;

*“(1) It is a principle that an agreement is reached with the landlords as the first step for the demolition of risky structures, the areas where these are located, as well as for practices on risky areas and reserve building areas. (Amended: 29/11/2018-Art. 22-Law No. 7153) Provisional houses or workplaces are allocated, or rental aid is provided to the owners of buildings that are evacuated with agreement, or those who reside in these buildings though not being owners or have limited in kind rights thereon, or to those who have workplaces in these structures.*

*(2) (Amended: 29/11/2018-Art. 22-Law No. 7153) If required in the implementation process, temporary housing or workplace allocation or rental assistance may be provided to persons other than those mentioned in the first paragraph who benefit from the buildings within the scope of the Law. The procedures and principles of the agreement to be made with these persons, the assistance to be provided to them, the payment of wreckage compensation to them, and the interest support to be provided for the loans they will use from banks to be covered from the special account for transformation projects shall be determined by the President of the Republic.*

*(3) A period which is not less than sixty days is allocated to the owners of these structures for the demolition of the risky structures before starting the application, and it is notified that if the building is not demolished by the owner within this period, it will be destroyed by administrative authorities and a notice is served with an additional period. If the owners do not demolish the building within this period assigned, the evacuation of these structures from people and goods, and the demolition processes are personally performed or get performed by the administrative chiefs with the participation of local administrations, where demolition costs and other aids and loans are covered from the special account of transformation projects.*

*(4) Demolition of risky structures which are determined not to be destructed within due period as foreseen in the first, second and third paragraphs, shall be notified to the Administration in writing by the Ministry. Structures, which are determined to have not been demolished despite the writing, shall be demolished or get demolished by the Ministry. If it becomes necessary as part of the practice, the Ministry may carry out the identification, evacuation and demolition works and processes specified in the foregoing articles itself. (Additional sentence: 29/11/2018-Art. 22 of Law No. 7153) The costs of identification, evacuation and demolition of the risky buildings made or commissioned by the Ministry or the Administration shall be collected from the owners in proportion to their shares according to the Law No. 6183.”*

**INFORMATION ON WHETHER HOMELESS PERSONS WHO WERE NOT ENTITLED TO TEMPORARY PROTECTION STATUS HAD ACCESS TO SHELTER/EMERGENCY ACCOMMODATION**

Legal aid in civil proceedings is not restricted to any type of case. Therefore, there are no obstacles or additional difficulties for owners affected by urban transformation projects and tenants residing in buildings affected by these projects to access legal aid. In civil proceedings, applications for legal aid are made to bar associations or courts. Legal aid offices of bar associations provide legal aid services to those who are unable to afford legal fees as stipulated in Law No. 1136 on Attorneys.

In addition, upon the request of the court, the fee of the lawyer appointed by the bar association is paid from the Treasury as judgement expenses.

Also, legal aid provides beneficiaries with a temporary exemption from all judicial and prosecution costs and exemption from posting security for judicial and prosecution costs. A court decision is mandatory for this exemption, and it is possible to appeal against the decision to reject the legal aid application.

Pursuant to Law No. 6458 on Foreigners and International Protection, the applicant and international protection status holder, who does not have the means to cover the attorney's fees, shall be provided with legal aid in accordance with the legal aid provisions of Law No. 1136 on Attorneys in their applications before the judiciary in relation to the works and transactions within the scope of the same Law. Furthermore, the applicant and the international protection status holder may benefit from counselling services provided by non-governmental organisations.

In this regard, the following legislation related to this issue is listed below:

- Pursuant to Article 2 of the Constitution titled “II. Characteristics of the Republic”,  
*“The Republic of Türkiye is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting human rights, loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the preamble.”*
- Pursuant to Article 36 of the Constitution titled “A. Freedom to claim rights”,  
*“Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures. No court shall refuse to hear a case within its jurisdiction.”*
- Pursuant to Article 176 of Law No. 1136 on Attorneys titled “Scope of legal aid”,  
*“Legal aid is the rendering of the attorneyship services described in the present Law for the benefit of those who do not have the wherewithal to pay attorneyship fees and other adjudicatory expenses.”*
- Pursuant to Article 177 of Law No. 1136 on Attorneys titled “Legal aid office”,  
*“Legal aid service is rendered by a legal aid office established at the headquarters of bar associations by the board of directors of the bar association with manning drawn from among its attorneys. The board of directors of the bar association may also designate an attorney as the representative of the legal aid office in jurisdictional areas outside the location of the bar association where more than five attorneys are available. The legal aid office and the representatives operate under the supervision of the board of directors of the bar association.  
In provinces where there is more than one bar association, a legal aid office shall be established by each bar association. Assignments to be made upon the request of the judicial authorities shall be made on an equal basis among the lawyers in that province through the electronic information system established by the Union of Turkish Bar Associations.”*
- Pursuant to Article 178 of Law No. 1136 on Attorneys titled “Request for legal aid”,  
*“A request for legal aid will be made to the legal aid office or its representatives. The requestor must prove the rightfulness of the request by presenting evidence.  
If the request for legal aid is rejected, the requestor may apply to the president of the bar association verbally or in writing. The decision of the president of the bar association will be final.”*



- Pursuant to Article 179 of Law No. 1136 on Attorneys titled “Administration of legal aid”,  
*“If the request for legal aid is accepted, the legal aid office will assign one or more attorneys to carry out the actions required. An attorney thus assigned will be assume the obligation to render attorneyship services upon receiving the letter of assignment. This obligation will cease to exist if the requestor fails to furnish the required documents and information despite a request or refrains from giving a power of attorney. If the assigned attorney wishes to abstain from performing the job, he/she will be under the obligation to pay to the bar association the fee indicated for that job in the tariff within fifteen days as of the date he/she received notice of the assignment. The legal aid office will monitor the progress of the work being done by the attorney assigned.*  
*The provisions pertaining to legal aid in the Code of Civil Procedure, number 1086, dated 18 June 1927, the Code of Criminal Procedure, number 1412, dated 4 April 1929, and other statutes are reserved.”*
- Pursuant to Article 334 of the Code of Civil Procedure No. 6100 titled “Legal aid beneficiaries”,  
*“(1) Those who lack partial or complete payment of the necessary trial or follow-up expenses partially or completely without making the livelihood of himself and his family substantially difficult can benefit from legal aid provided that their claims are not manifestly ill-founded in their claims and defenses, requests for temporary legal protection and enforcement proceedings.*  
*(2) Publicly beneficial associations and foundations may be entitled to legal aid if they are justified in their claims and defenses and are unable to pay the necessary expenses in whole or in part without financial difficulties.*  
*(3) Foreigners' access to legal aid is also conditional on reciprocity.”*
- Pursuant to Article 335 of the Code of Civil Procedure No. 6100 titled titled "Scope of legal aid";  
*“(1) The legal aid decision provides the concerned person with:*  
*a) Temporary exemption from all costs and expenses.*  
*b) Exemption from showing collateral for the costs of proceedings and proceedings.*  
*c) Advance payment by the State of all expenses incurred during proceedings and enforcement proceedings.*  
*ç) If the case is to be followed by a lawyer, the provision of a lawyer to be paid later.*  
*(2) The Court may also order the Applicant to take advantage of some of the issues set out in the above paragraphs.*  
*(3) Legal aid continues until the judgment becomes final.”*
- Pursuant to Article 336 of the Code of Civil Procedure No. 6100 titled “Request for legal aid”,  
*“(1) Legal aid, the original request or from the court where the business will be decided; In enforcement and bankruptcy proceedings, it is requested from the enforcement court at the place where the proceedings will be made.*  
*(2) The applicant shall submit to the court a summary of his claim, together with the evidence on which to base his claim and his financial condition, indicating that he is incapable of covering the costs of the proceedings.*  
*(3) The request for legal aid during the application to the remedies is made to the district court or the Court of Cassation.*  
*(4) The documents relating to the request for legal aid are exempt from all kinds of duties and taxes.”*

- Pursuant to Article 337 of the Code of Civil Procedure No. 6100 titled “Examination of the request for legal aid”;

*“(1) The court may decide on a request for legal aid without a hearing. However, in case of demand, the examination is held in a hearing. The reason for not accepting the information and documents presented shall be clearly stated in the court decisions regarding the rejection of legal aid requests.*

*(2) Against the decisions concerning the refusal of legal aid, an appeal can be made by a petition, within a week from the date of notification. The court, whose decision was challenged, sends the file to the following number of department of the civil court that examines the requests for legal aid, if it has more than one department. For the last numbered department, sends the file to the first department and the nearest court which is assigned for the same works if there is a single department. The decision given as a result of the appeal is final. If the request for legal aid is refused, it can be requested again, based on a substantial reduction in the ability to pay.*

*(3) Legal aid does not cover the costs of the previous proceedings.”*
- Pursuant to Article 338 of the Code of Civil Procedure No. 6100 titled “Termination of the decision of legal aid”;

*“(1) The legal aid can be terminated if it comes forth that the applicant has submitted wrong information about his financial status as a result of intentional conduct or gross negligence or if it is determined that financial status of the applicant has adequately improved later on.”*
- Pursuant to Article 339 of the Code of Civil Procedure No. 6100 titled “Collection of deferred trial expenses by legal aid”;

*“(1) All judicial expenses, which are postponed due to legal aid decision, and advances paid by the State shall be collected from the person who is unjustified at the end of the case or follow-up. If the person benefiting from legal aid is unjustified, it may be decided to pay the court expenses in equal monthly installments if deemed appropriate.*

*(2) (Additional sentence: 11/4/2013-Art. 24-Law no. 6459) If it is deemed clear by the court that the collection of the costs of legal aid paid or exempted by the State for the legal aid will result in the victimization of the beneficiary, the court may decide to exclude the payment in whole or in part from the payment.”*
- Pursuant to Article 340 of the Code of Civil Procedure No. 6100 titled “Payment of the attorney's fee, appointed by legal aid decision”;

*“(1) The fee of the attorney appointed by the bar at the request of the court for the person benefiting from legal aid is paid from the State Treasury as trial costs.”*
- Pursuant to Article 125 of the Turkish Constitution titled “B. Judicial review”;

*“Recourse to judicial review shall be available against all actions and acts of administration. In concession, conditions and contracts concerning public services and national or international arbitration may be suggested to settle the disputes arising from them. Only those disputes involving an element of foreignness may be submitted to international arbitration.*

*Recourse to judicial review shall be available against all decisions taken by the Supreme Military Council regarding expulsion from the armed forces except acts regarding promotion and retiring due to lack of tenure.*

*Time limit to file a lawsuit against an administrative act begins from the date of written notification of the act.*

*Judicial power is limited to the review of the legality of administrative actions and acts, and in no case may it be used as a review of expediency. No judicial ruling shall be passed which restricts the exercise of the executive function in accordance with the*



*forms and principles prescribed by law, which has the quality of an administrative action and act, or which removes discretionary powers.*

*A justified decision regarding the suspension of execution of an administrative act may be issued, should its implementation result in damages which are difficult or impossible to compensate for and, at the same time, the act would be clearly unlawful.*

*The law may restrict the issuing of an order on suspension of execution of an administrative act in cases of state of emergency, (...) mobilization and state of war, or on the grounds of national security, public order and public health.*

*The administration shall be liable to compensate for damages resulting from its actions and acts.”*

The provisions regarding evacuation from risky areas and buildings are elaborated by the Turkish legislation. The administration is obliged to act in accordance with the concerned provisions. In the event that the administration carries out an eviction process in violation of the law and a damage arises due to this process, the owners or tenants who suffer damage have the right to file a lawsuit for compensation against the administration in accordance with Article 125 of the Constitution which stipulates that the administration is obliged to pay the damage caused by its actions or operations.

In the framework of the provisions regarding eviction stated in Turkish Obligations Code No. 6098 and Code of Enforcement and Bankruptcy No. 2004, the first sentence of the first paragraph of Article 51 of the Code of Enforcement and Bankruptcy No. 2004, which must be applied in the proceedings to be carried out in terms of eviction stipulates that enforcement proceedings cannot be carried out during the period from one hour after sunset to one hour before sunrise (night time), as well as on holidays. However, Turkish law does not include any regulations on the prohibition of eviction during the wintertime.

Article 51 of Code of Enforcement and Bankruptcy No. 2004 of 9/6/1932 includes the following provision titled “1- About all debtors”:

*“Enforcement proceedings cannot be performed in the period between one hour after sunset and one hour before sunrise (night time) and on holidays. However, in cases where business is carried out at night, it is possible to seize the revenues at night. Seizure and notification can be made and protection measures can be taken on holidays. If it is established that the debtor has smuggled goods, seizure can be made even at night. If the execution for a debtor has been postponed or a period of time has been granted for concordat due to the reasons specified in the law, no enforcement action may be taken against that debtor.”*

As of the end of 2021, there are over 5 million registered foreigners, including 1.4 million foreigners with residence permits and 320.000 foreigners who have either applied for or obtained the status of “persons under international protection”.

In addition, with the purpose of increasing the effectiveness in combating irregular migration, the Department for Combating Irregular Migration was established with the Presidential Decree No. 4 of 15.07.2018. The Strategy Document and National Action Plan on Irregular Migration for the period 2015-2018 sets out the strategic goals of Türkiye in the fight against irregular migration. Certain activities have been carried out to implement these strategic goals. Following the end of this period, the Strategy Document and National Action Plan on Irregular Migration for the period of covering the years 2021-2025 were prepared and put into force. This Action Plan includes the strategic priorities for;

- Strengthening National and International Mechanisms and Cooperation to Prevent Irregular Migration at Source,
- Enhancing Border Security and Developing Measures to Combat Irregular Migration,
- Managing Foreign Labour Migration with Effective and Comprehensive Policies,
- Human Rights Orientated Implementation of Internal Procedures Regarding Irregular Migrants,
- Increasing Efforts to Protect Vulnerable Irregular Migrants and Developing Evidence-Based Policies in Combating Irregular Migration,
- Strengthening the system of return of irregular migrants in line with human rights standards and ensuring their reintegration.

The Action Plan aims to implement these strategic priorities in line with the contributions of all public institutions and organisations, as well as civil society organisations involved in combating irregular migration.

### **National Assisted Voluntary Return System:**

In order to realise the return of foreigners to their countries in a dignified manner in line with human rights standards and to improve cooperation with the country of origin, the efforts to establish the “National Assisted Voluntary Return System (NAVRS)” with the support of International Centre for Migration Policy Development (ICMPD) were started in 2016.

The mechanism is steered by the PMM in partnership with the Ministry of Foreign Affairs, the Turkish Red Crescent and the Turkish Cooperation and Coordination Agency (TİKA).

The assistance to be provided to the irregular migrants in the country of origin will be delivered through TİKA and the Turkish Red Crescent. In this context, the provision of in-kind and cash support to foreigners as well as vocational training support is also planned with the purpose of facilitating the reintegration process in the country of origin.

In this regard, following the meetings held with all stakeholder organisations, the “Joint Statement of Intent on the Nationally Assisted Voluntary Return System” was signed on 18 June 2019. Subsequently, in order to determine the responsibilities of the stakeholder institutions, the “Protocol Text” was prepared and signed on 2 September 2020 after receiving the opinions of the relevant stakeholder institutions. In order to determine the beneficiaries of the mechanism and the scope of the assistance, the Regulation on Voluntary Return has been drafted and it is currently in the process of formalization.

Accordingly, Article 60/A was added to the text of Law No. 6458 on Foreigners and International Protection in order to expand the scope of the mechanism. This article, in summary, states that in-kind and in-cash support can be provided to eligible persons and cooperation can be made with international organisations, public institutions and organisations and non-governmental organisations in the activities carried out regarding voluntary return.

Pursuant to this Article, the PMM will be able to cooperate with civil society organisations operating in the field of voluntary return in meeting the basic needs of foreigners who will return voluntarily, providing guidance and psychosocial support for vulnerable groups, interpreter support, etc. when necessary. Similarly, the relevant municipalities may provide assistance such as guesthouses, basic needs assistance, etc. for foreigners who do not have the opportunity to shelter, etc. until they return.

## **Judicial Support and Victim Services:**

Through the offices within the directorates of judicial support and victim services established in courthouses, various services are provided by the Ministry of Justice to strengthen access to justice for vulnerable victims, who are assessed to have been affected by crime due to their individual characteristics. In this context, these directorates inform victims about their legal rights and guide them to the relevant units in line with their needs. Psycho-social support services are also provided to victims in vulnerable groups. Currently, there are 167 directorates of judicial support and victim services rendering service in courthouses across the country. Official efforts are underway to augment these units.

With the establishment of the Directorates, an effective information and guidance system was established for all victims of crime, and the psycho-social support activities previously provided by experts working in juvenile and family courts were expanded to cover the Chief Public Prosecutor's Offices and all courts. Standards for service provision were developed and an effective case management system was established.

The information and guidance offices within the directorates of judicial support and victim services provide information to victims about the judicial process and the rights they have in this process, as well as the public institutions and civil society organisations that provide services to them. Thus, they are guided and sent to institutions and organisations where they can receive services in line with their needs. In this way, it is aimed to ensure that the services provided to victims by different institutions are carried out in an uninterrupted and holistic manner.

Victims who are assessed to be more affected by the offence and to be in need of support are individually assessed and a judicial support plan is prepared accordingly. If deemed necessary, psycho-social support services are provided effectively through case management.

In addition, within the scope of the activities carried out to inform the victims of crime, a website has been prepared to provide information on the rights of victims and the services provided to them. Victims of crimes can easily learn which legal rights they hold according to the type of victimisation they have experienced, which institutions provide what kind of services and what kind of procedure they will have to apply from [this website](#), which is designed in an accessible, easy to understand and simple format and is available in Turkish, English and Arabic languages.

## Article 31§3

3. to make the price of housing accessible to those without adequate resources.

### **INFORMATION ON THE MEASURES TAKEN TO ENSURE THAT THERE IS AN ADEQUATE SUPPLY OF AFFORDABLE HOUSING**

The Regulation on Immovable Trade was published in the Official Gazette dated 5/6/2018 and numbered 30442. This Regulation covers the professional activities of real or legal person merchants, tradesmen and craftsmen who act as intermediaries in the purchase, sale and lease of real estate and deed transactions, whether they are registered in the land registry or not, and who provide consultancy and management services regarding the real estate, the issuance, renewal, suspension and cancellation of the authorization certificate. It involves the procedures and principles regarding the real estate trade, the conditions sought in the businesses dealing with the real estate trade, the obligations of these businesses regarding their activities, and the duties, powers and responsibilities of the Ministry of Customs and Trade, the authorized administrations and other relevant institutions and organizations regarding the real estate trade. The Regulation on the Amendment of the Regulation on Trade in Real Estate was published in the Official Gazette dated 11/12/2019 and numbered 30975. With this Regulation, the name of the Ministry of Customs and Trade was changed to the Ministry of Trade.

The Regulation on the Amendment of the Regulation on Trade in Real Estate was published in the Official Gazette dated 14 October 2020 and numbered 31274. The regulation was prepared by taking the opinions and contributions of the relevant parties as well as the representatives of the sector and aims to increase the service quality in real estate activities, eliminate unfair competition and prevent informality.

With the said regulation change, important regulations were introduced for the real estate sector:

- In order to set up a new real estate business, at least 100 hours of training in real estate trade and at least 12 months or 6 months of real estate counselling depending on graduation status are required. In addition, real estate business owners and company executives must have Level 5 professional qualifications, while insured employees in real estate businesses must have Level 4 professional qualifications.
- No one can engage in real estate activities without a certificate of authorization, and administrative sanctions are imposed on those who do real estate transactions without a certificate of authorization.
- The upper limit of the service fee of 4 percent in real estate purchase and sale intermediation service fee applying as a one-month rental fee in rental intermediation will be effectively audited and administrative sanctions will apply to real estate agents who collect service fees from citizens above these limits, and the authorization certificates of businesses who persist on this practice will be revoked.
- Businesses that do not have a certificate of authorization will not be able to become a member of advertisement sites.
- In real estate advertisements, no information that may mislead consumers, such as incomplete or incorrect information about the real estate, or incorrect marking of the location of the real estate on the map, shall be included. Businesses that do not comply with these obligations will be subject to administrative fines.
- Unauthorized and deceptive advertisements inducing unfair competition and consumer grievances will be prevented, and unlicensed commercial activities will be pursued and punished.

- All transactions regarding the authorization certificate will be carried out through the Real Estate Trade Information System, which can be accessed via the website of the relevant Ministry.

Articles 2, 5, 7 and 11 of the Public Housing Law No. 2946 published in the Official Gazette dated 11/11/1983 and numbered 18218 have been amended by the Decree-Law No. 700 published on 9/7/2018. The Law in question;

- Departments included in the general budget, annexed budget institutions, special provincial administrations, municipalities as well as unions and organizations with revolving funds established by and affiliated to the special provincial administrations and municipalities.
- State-owned enterprises, public economic enterprises, institutions whose capital is entirely owned by these public enterprises, subsidiaries with more than fifty percent of the capital belonging to state-owned enterprises and public economic enterprises,
- Banks and public institutions & organizations established by special laws or presidential decrees, with the exception of professional organizations in the nature of public institutions,
- Funds established by laws, bail funds, physical training regional directorates in the country and abroad, provided by the construction, purchase, rental, and public housing reserved for the use of the personnel of these institutions and organizations. However, leasing can only be made in cases of necessity and on a limited basis.

Lodgings, privately allocated residences (special residences allocated to representative positions and ranks); assigned residences (Residences allocated due to the importance and characteristics of their duties and their authority and responsibilities); sequence-allocated residences (houses allocated according to certain procedures and principles, taking into account the score history) and service-allocated residences (away from residential areas such as border police station, station, communication, observation, research, construction site, transportation and housing facilities with social and economic difficulties) are allocated for the staff who are required to be on duty in restricted places without being limited to normal working hours; for the officials and guards of the authorities and rank holders to whom special vehicles are assigned to them by the relevant laws, and for the personnel such as the doorman and furnace stoker in public residences. As such the building, barracks, prefabricated buildings, construction site extensions, modified or unmodified caravans, cottages and similar residences are put into service in 4 classes. According to the data of the MoEUCC, as of January 2020, there are a total of 249.514 lodgings used by public administrations throughout the country.

On the other hand, Article 344/1 of the Turkish Code of Obligations No. 6098 regulates rent increase rates. With this article, the parties will be able to freely decide in what amount or at what rate the rental price will increase in the renewed rental periods. If the arrangement with rent increase is included in the lease agreement, it is possible to increase the rent within the framework of the issues specified in the rental contract. However, pursuant to the temporary article added to the Turkish Code of Obligations numbered 6098, which was published in the Official Gazette on 11.06.2022, the rent increase rate will be 25% at most, provided that the increase rate does not exceed the previous year. Until 1 July 2023, if the CPI rate or the rate agreed in the contract is below 25%, the CPI rate will be valid. If the CPI rate or the rate specified in the contract is above 25%, a maximum increase rate of 25% will apply legally.

## **INFORMATION ABOUT THE IMPACT OF COVID-19 ON THE ADEQUATE SUPPLY OF AFFORDABLE HOUSING FOR PERSONS WITH LIMITED RESOURCES**

In order to reduce the effects of the COVID-19 pandemic, a package including 19 items called the “Economic Stability Shield” was introduced on 18.03.2020. The package, worth 100 billion TL, also included issues related to housing loans. As a result, the loanable amount was increased from 80 percent to 90 percent in houses under 500 thousand TL and the minimum down payment was reduced to 10 percent.

## **INFORMATION ON SOCIAL HOUSING**

The MoFSS and the Housing Development Administration carried out the Social Housing Project on social housing construction with repayment options for the poor and needy citizens who lack social security within the scope of the Law on SYD Encouragement No. 3294.

The data regarding the houses delivered and those in the delivery phase by year are shown below:

- Adıyaman-Besni (2018): 472,
- Çanakkale-Ezine (2018): 48,
- Amasya-Suluova (2018): 127,
- Adıyaman-Çelikhan (2019): 63.

On the other hand, in 2020, resources amounting to 8.259.773 TL were transferred to SYD Foundations for various transactions of the social housing, the construction of which was completed.

A resource of 1.054.926 TL was transferred to SYDVs for various operations of social housing, the construction of which was completed in 2021.

There are various criteria in the social housing projects carried out. Failure to comply with any of these criteria may result in the rejection of the application. In case the number of demands is higher than the number of houses supplied, lots are drawn to designate the ones who are entitled to buy houses. The drawing of lots is organized by the municipalities. Although it varies from project to project, priority criteria are also determined. Although these criteria differ from project to project, relatives of martyrs/veterans; persons with disabilities and restrictions; certain quotas can be allocated to young people. On the other hand, failure to fulfil general conditions such as the average household income at the specified level, the absence of any residence/land/office on it, making the application through the correct channels between the specified dates, and meeting the age requirement may also be among the reasons for rejection.

There are certain criteria for public housing (lodging) allocations such as length of service, previous duration of living in lodging, waiting time for available lodging, marital status, number of children, number of family members other than spouse and children who are dependent on her/him and annual income of family members other than personnel, whether they have a residence in the province or outside the province. The score of the personnel is calculated by considering the conditions, and the right to reside in the lodging for 5 years is obtained on the basis of points.

On the other hand, there is no specific waiting period in social housing projects made by TOKİ, it varies between 14 months and 30 months depending on the project.

In case the contractor fails to fulfil his obligations regarding the performance of the contract within the stipulated time due to reasons not arising from himself/herself, time extensions may be granted within the framework of the provisions of the General Specification for Construction Works and the Public Procurement Contracts Law No. 4735. Sometimes, if the performance of the contract becomes impossible due to reasons not originated by him/her (bureaucratic work and transactions, municipality applications, plan cancellation, etc.), the decision to liquidate the contract and re-bidding causes a delay in delivery.

Lawsuits have been filed against TOKİ for reasons predicated on the relevant legislation that TOKİ as the contracting authority, gives the right to decide on the extension of time and liquidation of the work in case of legal conditions exist, and the right to the contractor to demand since it is at the discretion of the administration that it could not deliver the house within the period stipulated in the contract it signed with the house buyers due to its authority. In lawsuits filed against the administration, when it is determined that a lawsuit has been filed due to the fault of the contractor, the lawsuits are notified to the contractor and if a judgment of a court is made against the administration according to the outcome of the lawsuit, recourse lawsuits can be filed. The Contractor's guarantee regarding the work pending before the Administration is blocked by TOKİ by not returning it until the case is concluded. Upon the lawsuit's culmination, clearing and settling are made in accordance with the relevant provisions of the Code of Obligations.

Due to the late delivery, the number of rent compensation lawsuits filed against TOKİ during the period 2018-2021 is as follows: 120 in 2018, 15 in 2019, 5 in 2020 and 2 in 2021. In the reporting period, 12 lawsuits were concluded against TOKİ, 51 in favour of TOKİ and 51 lawsuits have not been concluded within the reporting period.

As of 04 June 2020, the upper limit of “House Construction” aids for low-income families in the poorest group was increased from 25.000 TL to 40.000 TL by increasing the housing aid provided with the resources of the SYDT Fund. For the other housing and repair&maintenance benefit limits provided by MoFSS during the COVID-19 pandemic, please see the Article 31§1, Heading [“The Measures Taken, in Particular during the COVID-19 Pandemic, to Ensure Adequate Housing for Vulnerable Groups, Including Refugees, Asylum Seekers, Roma and Travellers”](#).

In addition to eliminating the problems experienced by the workers and their families, who travel to other provinces as seasonal agricultural workers, and creating collective settlements, they are accommodated in healthy conditions, as well as bringing these workers together to provide education, health, etc. The Seasonal Agricultural Works Project II (METIP II), which aims to facilitate the delivery of public services was prepared and put into practice. A sum of 49.499.742 TL was allocated to the provinces within the scope of the project of which 22.185.000 TL in 2017, 12.578.400 TL in 2018, 6.590.000 TL in 2019 and 8.146.342 TL in 2020.

## **DATA CONCERNING THE HOUSING BENEFITS**

Housing Aids are in kind or cash for citizens in need living in old, neglected and unhealthy houses to be inhabited, for the maintenance and repair of their houses, aid for the construction



of reinforced concrete houses, aid for the construction of prefabricated houses and for the purchase of household goods within the scope of disasters.

The distribution of housing aid provided by the MoFSS during the period 2018-2021 is as follows:

*Table 19. The distribution of housing aid provided by the MoFSS during the period 2018-2021*

	2018	2019	2020	2021
Number of Household	23.105	22.413	23.498	30.363
Allocated Source (Million TL)	39,17	80,12	88,39	119,6

With the update made in July 2022, housing aid was increased approximately three times.

Housing allowance is for people who have any of the special conditions such as old age, disability, single parenthood, or being widowed, provided that the income per capita in the household is less than 1/3 of the net minimum wage. In this scope, it is given away as 75.000 TL according to need, 150.000 TL in prefabricated house constructions and up to 200.000 TL for reinforced concrete house constructions.

On the other hand, the details about the utilities given by the MoFSS within the scope of housing aids such as electricity, natural gas, fuel aids etc. are given under Article Article 31§2

### **MEASURES TAKEN IN RELATION TO ACCESS OF ROMA PEOPLE AND TRAVELLERS TO SOCIAL HOUSING**

The Strategy Document for Roma Citizens (2016-2021) and the Phase 1 Action Plan (2016-2018), prepared under the coordination of the MoFSS were published in the Official Gazette dated 27/06/2016 and numbered 29699. In this document, housing has been identified as one of the main policy areas. The statements of Roma NGO representatives and the researches carried out in this area have shown that Roma citizens generally prefer to live in single-storey detached houses.

In this framework, it has been determined as a strategic objective to provide access to adequate accommodation opportunities in disadvantaged areas and to provide accommodation opportunities suitable for the demands and social lives of the beneficiaries, taking into account a healthy and livable physical environment, necessary infrastructure services and transportation opportunities. For this purpose, the following objectives have been identified:

- Recoverable houses will be identified and their conditions will be improved.
- Social housing and a livable environment will be provided to groups residing in an unhealthy environment, in bad conditions and in houses with inadequate features or temporary housing.
- In line with social housing projects or urban transformation projects, necessary ancillary services will be provided for the implementation of the beneficiaries, taking into account the financial opportunities, jobs, and educational status of their children, as well as transportation problems and other possible problems and related problems, will be resolved and administrative/legal arrangements will be made for this purpose.

On the other hand, the Phase II Action Plan (2019-2021) was prepared and put into practice. Activities have been planned in line with each target and studies have been initiated by the institutions in charge. Using the general budget and international funds, the MoEUCC



conducted a field survey in 3 pilot provinces as the responsible institution for the analysis studies for the housing needs in the regions where Roma people are densely populated, and by doing so it was meanwhile tasked with detecting neighbourhoods that need high support in repair and reconstruction of houses in these regions.

Moreover, all Turkish citizens having different ethnical backgrounds, including Roma people could benefit from the social house projects of TOKİ designed for families with low and middle income. Disadvantageous groups are a priority for TOKİ in the production of social houses.

The MoFSS, on the other hand, organized awareness and information activities in order to increase the capacity to apply for and use housing aid (home repair aids and home construction aids) in provinces where Roma citizens live intensely. Information campaigns were organized in order to ensure that Roma citizens have better living conditions in regions where they live intensively so that they can benefit effectively from home repair and home construction aids.

If Roma citizens meet the criteria for home repair aid and home construction aid, a contribution is provided in order to support the improvement of their living spaces. In this context, more than 6.500 residences were built in 34 provinces.

For the housing project plan for Roma citizens in 2023, please see the topic "[Measures Taken, In Particular during the COVID-19 Pandemic, to Ensure Adequate Housing for Vulnerable Groups, Including Refugees, Asylum Seekers, Roma And Travellers](#)" under Article 31§1.

## INFORMATION ON SOCIAL HOUSING

### **TOKİ's Social Housing Production - Current Data:**

The number of residences built by TOKİ between 2003 and December 2022 is 1 million 170 thousand. 87% of this production is social housing.

The other part of housing building is resource development projects. (TOKİ is a public institution that continues its activities by producing its own resources without taking a share from the general budget. In this context, the income obtained from the revenue sharing based housing projects implemented on the valuable lands of the Administration is transferred to social projects as financial resources.)

Within the scope of social housing and urban renewal projects carried out in cooperation with local governments; renovation and transformation work was carried out in slum areas, especially in areas at risk of natural disasters, and in urban areas that have completed their economic life. 17% of TOKİ's social project portfolio is urban renewal projects, other applications are disaster housing production and agricultural village projects.

Sales prices in the production of social housing are determined on the basis of project cost according to the savings patterns and monthly solvency of the target groups, in a non-profit manner.

Every Turkish citizen who is not a homeowner has the right to apply for social housing. TOKİ's main strategy is to provide social housing for low and middle income groups and the necessary service units by completing their infrastructures. The property rights of the houses sold belong

to TOKİ until the debt is fully paid and in this context, the repayments of the projects are guaranteed. Therefore, TOKİ is the “guarantor” of project repayments.

The fact that the title deeds are not given until the full repayment of the debts minimizes the default in instalment payments in TOKİ projects. The non-repayment rate is close to zero in the sales practices carried out by the Administration.

In this sense, these projects, which are different from the commercial loans offered by the banks in the market, non-profit and completed under the guarantee of the State, meet the real financial need of low-income target groups for the acquisition of property and housing.

TOKİ offers houses to the beneficiaries with all their social facilities in housing production and urban renewal projects. Apart from the social facilities within the projects, the implementation of individual superstructures throughout the country is carried out by TOKİ. Superstructures such as schools, universities, gymnasiums, dormitories, hospitals, health centres, libraries, trade centres, and mosques (according to the protocols signed between the relevant public institutions and the Administration) are built by the Administration. In this way, the construction of 35.891 social facilities was carried out as of December 1, 2022. Among these, there are service buildings belonging to various public institutions and organizations throughout the country, and nation garden projects designed in all 81 provinces.

### **Current Social Housing Projects of TOKİ:**

With the new social housing thrust planned to be launched on 13 September 2022; a total of 500 thousand social housing, 1 million residential lands and 50 thousand workplaces are planned to be built during the period between 2023 and 2028. In this context;

“My First Home Project”, covering 81 provinces and districts across the country, has been shaped with a meticulous study, especially considering parameters such as housing need, land stock and population density. The sales prices of the houses will be determined below the total housing cost, and the houses to be built as 2+1 and 3+1 will be offered to the citizens in instalments up to 240 months, with a 10% down payment. Housing projects are prioritized in terms of their local and horizontal architectural features and designs, using zero-waste compatible, energy efficient and climate-friendly materials, and particularly renewable energy systems are given priority. In the first phase, the foundations of 5.077 residences will be laid. In this direction, housing construction processes will be started in 17 provinces in total, and the constructions will be completed within 2 years, and then be delivered to the right-holder citizens in phases. An important emphasis of this project is to allocate special quotas for the youth, retirees, families of martyrs and individuals with disabilities and in this way the priorities were defined for these groups. In this context; 20% quota will be reserved for young people, 20% for retirees, 5% for individuals with disabilities, and 5% for martyrs’ and veterans’ families.

Moreover, application collection would be initiated for 1 million lands under the name of “My First Home Land Project” and 10 thousand industrial workplaces with the “My First Workplace Project”. The workplaces to be built within the scope of the My First Workplace Project will be offered to the artisans who want to own their own workplaces, with a 10% down payment, and the remaining part in instalments with a maturity of 120 months and be indexed to the civil servant salary increment rate. Within the scope of My First Home Land Project, detached and joint infrastructure land suitable for housing a maximum of 150 m<sup>2</sup> will be produced and offered to low-income citizens. 10% of the total price determined for these lands will be

collected in cash, and the remaining portion will be collected in 9 annual equal instalments on an interest-free basis.

## **INFORMATION ON HOUSING BENEFITS FOR NATIONALS OF OTHER STATES PARTIES**

The criteria for applying for social housing projects offered by TOKİ for low and middle-income groups are identified as follows:

- To be a Turkish citizen,
- To be residing within the borders of the province/district where the project is located no less than 1 year or to be registered with the population of the province where the project is located (for those who will apply in the category of Martyrs' Families, Disabled War Veterans and Service-Disabled Persons, Widows and Orphans, applicants should be registered in the provincial population register at least for 3 years),
- Not to have bought a house from TOKİ before and not to have used a housing loan from TOKİ previously,
- Not to be in possession of a residence (excluding fields, vineyards, gardens, village houses, workplaces and shared real estates) belonging to himself/herself, spouse and/or children under his custody (except for the Families of Martyrs, Disabled War Veterans and Service-Disabled Persons, Widows and Orphans category)
- Having completed the age of 25 as of the date of application (There is no age requirement for widowed women with children whose spouse has passed away.),
- The monthly total household income must be 14,000 TL at most (in Istanbul, the income requirement is 16.000 TL).

In addition, those who bear the above application requirements;

- The 1st category: Martyrs' Families, Disabled War Veterans and Service-Disabled Persons, Widows and Orphans,
- The 2nd category: Citizens with at least a 40% disability rate,
- The 3rd category: Retired Citizens,
- The 4th category: Other buyer candidates.

Applications will be accepted separately in 4 categories.

### **Acquisition of Real Estate by Foreigners:**

On the other hand, foreigners who will buy real estate in Türkiye do not need to have a residence permit. However, with the amendment of Article 35 of the Law on Land Register No. 2644, by Law No. 6302 published in the Official Gazette on 18 May 2017, the application of the reciprocity requirement in the acquisition of real property of foreign real persons in Türkiye has been abandoned. The total area of immovable and the limited, independent and permanent in-kind rights has been increased to 30 hectares. The Cabinet of Ministers has the authority to double this limitation.

The legal restrictions on the acquisition of real estate by foreigners:

- Pursuant to Article 35 of the Land Registry Law No. 2644, acquisitions of foreign real persons are only possible within legal limitations. According to the Military Forbidden Zones and Security Zones Law No. 2565, it is not possible for foreigners to acquire real estate in military forbidden zones.

- It is imperative to ask the authorized command by the Land Registry whether the immovable is outside of the military prohibition and security zones, and an affirmative answer should be received for the acquisition.
- This procedure has been abolished in 58 provinces where military forbidden and security zone measurement studies have been completed.
- A real person with foreign nationality can acquire real estate and limited real rights up to a maximum of 30 hectares throughout the country. The Cabinet of Ministers is authorized to double this amount.

In this respect, according to the Housing Sales Statistics of the Turkish Statistical Institute, the rate of foreign nationals buying a house in Türkiye has been on the rise since 2015. While 40.044 foreigners purchased residences in 2018, this number increased to 58.576 by the end of 2021.

Following are the number of buyer foreigners with non-Turkish origins and not subjected to Law No. 4112 in the database of the General Directorate of Land Registry and Cadastre, “Türkiye’s National Geographic Information System” (TUCBS). House sales to foreigners, between 2018-2021 (TURKSTAT) are as follows:

*Table 20. Number of Houses Sales to Foreigners:*

<b>Year</b>	<b>Total</b>	<b>Sales to foreigners</b>
2018	1.375.398	40.044
2019	1.348.729	45.967
2020	1.499.316	41.298
2021	1.491.856	59.282

House sales to foreigners by nationalities within the reporting period are listed below:

*Table 21. House sales to foreigners by nationalities within the reporting period:*

<b>Total (2018)</b>	<b>40.044</b>	<b>Total (2019)</b>	<b>45.967</b>
Iraq	8.205	Iraq	7.596
Iran	3.652	Iran	5.423
Saudi Arabia	2.718	Russia	2.893
Russia	2.297	Saudi Arabia	2.208
Kuwait	2.199	Afghanistan	2.191
Afghanistan	2.084	Kuwait	1.903
Germany	1.866	Germany	1.723
Jordan	1.362	Jordan	1.596
Azerbaijan	1.250	Yemen	1.564
United Kingdom	1.237	United Kingdom	1.353
Yemen	851	Azerbaijan	1.191
Qatar	764	Palestine	1.152
Egypt	725	Libya	1.103
Sweden	723	Egypt	991
Palestine	655	Kazakhstan	776
Ukraine	624	Sweden	754
Kazakhstan	542	Qatar	721

United States of America	468	Ukraine	719
Netherlands	467	United States of America	658
Lebanon	456	Lebanon	650
Other countries	6.899	Other countries	8.802
<b>Total (2020)</b>	<b>41.298</b>	<b>Total (2021)</b>	<b>59.282</b>
Iran	7.189	Iran	10.056
Iraq	6.674	Iraq	8.661
Russia	3.078	Russia	5.379
Afghanistan	1.929	Afghanistan	2.762
Azerbaijan	1.279	Germany	2.358
Germany	1.265	Kazakhstan	2.090
Kuwait	1.231	Kuwait	1.791
Yemen	1.181	Azerbaijan	1.517
Kazakhstan	1.171	United States of America	1.416
United Kingdom	1.126	Yemen	1.332
Jordan	1.080	Palestine	1.296
Palestine	926	Jordan	1.257
China	891	Ukraine	1.246
Egypt	784	Egypt	1.166
Ukraine	771	United Kingdom	1.089
Lebanon	707	Lebanon	1.022
Saudi Arabia	679	China	963
Libya	629	Pakistan	962
United States of America	623	Sweden	850
Sweden	543	Sudan	699
Other countries	7.542	Other countries	11.370

On the other hand, within the scope of the aid program financed by the European Union under the Social Cohesion Aids of the MoFSS that are implemented jointly with the International Federation of Red Cross and Red Crescent Associations (IFRC) and the Turkish Red Crescent, those residing outside the Temporary Accommodation Centres and meeting at least one of “the needy and demographic” criteria are paid with monthly social assistance payments bearing identification number starting with 99 and with temporary protection status, international protection status, international protection applicants and humanitarian residence permit.

## PART II ARTICLE 3

### Article 3§1

#### **Article 3 - The right to safe and healthy working conditions**

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

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

#### **INFORMATION ON THE GOALS AND IMPLEMENTATION OF THE FOURTH NATIONAL OHS POLICY DOCUMENT AND ACTION PLAN**

The 11th Development Plan, which covers the years 2019-2023 and serves as Türkiye's main policy document, outlines several important measures in the field of occupational health and safety, including:

- A system will be developed to ensure that the data collected by different institutions related to occupational health and safety are transferred to a single database, the data to be obtained from the workplaces are determined, and that all these data are used with a focus on preventing work accidents and occupational diseases.
- Training, seminars and informative activities will be organized with relevant public institutions, universities, trade unions and NGOs for the development and dissemination of occupational health and safety culture.
- Studies will be carried out to make work equipment comply with occupational health and safety standards and domestic production will be encouraged.
- The quality and service quality of the institutions authorized in the field of occupational health and safety will be increased, and measurement and evaluation criteria will be developed for the training of occupational health and safety professionals.

While the Third National Occupational Health and Safety (OHS) Policy Document and Action Plan 2014-2018 have not been revised yet, the above policy measures are being implemented through several other documents, including the Presidential Annual Program prepared every year, the Medium Term Program 2022-2024, VII. 180-Day Action Plan and the Strategic Plans of the MoLSS.

The Strategic Plan 2022-2023 of the MoLSS aims to create a healthy, safe, and secure working environment, with two specific targets: “to contribute to taking measures to prevent work accidents and occupational diseases” and “to develop and spread the culture of occupational health and safety”. To achieve these objectives, sub-targets and actions have been identified and are being carried out.

## Article 3§2

2. to issue safety and health regulations;

### **INFORMATION ABOUT SPECIFIC PROTECTIVE RULES APPLIED TO THOSE EXCLUDED FROM THE SCOPE OF LAW NO. 6331 ON OCCUPATIONAL HEALTH AND SAFETY**

The Occupational Health and Safety Law No. 6331 marks an important cornerstone for both employees and the working life, as it introduces essential regulations for ensuring occupational health and safety. The Law adopts a preventive approach which aims to prevent work accidents and occupational diseases before they occur rather than compensating for consequences of work accidents and occupational diseases. By establishing contemporary standards, the Law seeks to minimize the difficulties and costs of combating these issues and to eradicate them at the source.

Unlike Labour Law No. 4857, the Occupational Health and Safety Law No. 6331 covers all employees, including private/public enterprises, workplaces, employers, employers' representatives, apprentices and trainees with a few limited exceptions. It defines "employee" to encompass all employed individuals in working life, regardless of their sector or status under private laws. Moreover, the scope of application has been expanded to include civil servants and contracted personnel, in line with the EU legislation.

However, as with EU legislation, the law does not apply to those working in areas of protection and prevention activities, such as the armed forces or local law enforcement (police and gendarmerie, etc.), or in certain private public services. One of the groups excluded from the scope of the Law is those working in domestic services. Nevertheless, employers have an obligation to take occupational health and safety measures to protect the life, physical integrity, and health of workers, regardless of their coverage by the Law. The Turkish Code of Obligations regulates this obligation in Article 417(2) and Act No. 6098 especially for employees who are among the groups excluded from the scope of Law No. 6331: *"The employer takes all necessary measures to ensure occupational health and safety at the workplace, and to keep the tools and equipment in full; workers are also obliged to comply with all kind of measures taken regarding occupational health and safety."* This provision has an almost identical expression to Article 4 of Law No. 6331, titled "Employer's General Liability".

Article 417(2) of the Turkish Code of Obligations states that employers must take "all necessary measures" to ensure occupational health and safety at the workplace, beyond the measures stipulated in the legislation, and that workers must comply with these measures. This means that whether it is foreseen or not in the legislation to which the employer is subject, especially the OHS Law No. 6331, employers must identify potential hazards that may harm the worker's life, physical integrity, or health, conduct a risk assessment, and take steps to protect workers against these hazards, regardless of their economic or personal qualities. The expression "all necessary measures" indicates that the fault situation should be determined by ignoring the employer's economic, intellectual, sociological position and level, work experience and other personal qualities. The employer has to behave like an ideal (model) employer. Therefore, failure to do so puts them at fault in terms of this Article.



## INFORMATION ON REGULATIONS ADOPTED TO IMPROVE HEALTH AND SAFETY IN EVOLVING NEW SITUATIONS SUCH AS IN THE DIGITAL AND PLATFORM ECONOMY

The Remote Working Regulation, which was published in the Official Gazette dated 10.03.2021 and numbered 31419, sets out specific guidelines regarding remote working.

The main aim of the Regulation is to determine types of work that are not suitable for remote working, the procedures and principles of remote working, as well as the implementation of the rules regarding the protection of employees and sharing of data. While it regulates the rights and obligations of employers and employees working remotely, it also specifies works that cannot be performed remotely.

Remote work is an employment relationship established in writing, based on the principle that the employee performs the act of working within the scope of the work organization created by the employer, at home or outside the workplace with technological communication tools.

In the employment contract to be signed for this purpose, provisions are included regarding the definition of the job, the way it is done, the duration and place of the job, the issues regarding the wages and payment of wages, the equipment provided by the employer and the obligations regarding their protection, the employer's communication with the worker, and the general and special working conditions.

Provisions regarding occupational health and safety are specified in Article 12 of the Regulation: *“The employer is obliged to inform the employee about the occupational health and safety measures, to provide the necessary training, to provide health surveillance and to take the necessary occupational safety measures regarding the equipment provided, taking into account the nature of the work performed by the remote worker.”*

Furthermore, pursuant to Article 9 of the Regulation, the working hours and duration of remote work are specified in the employment contract. Working hours can be only changed with the approval of both parties within the limitations defined in the relevant legislation. Overtime work can be done upon the written request of the employer, with the approval of the employee, in accordance with the provisions of the legislation.

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

Furthermore, the "Remote Working Guide in the COVID-19" is available [on the website of the MoLSS](#). This guide contains general warnings and recommendations, as well as information on ergonomic risk factors and avoidance methods within the framework of occupational health and safety. It is available to all stakeholders involved in the working environment in order to increase awareness and promote safe and healthy remote working practices.



## Article 3§3

3. to provide for the enforcement of such regulations by measures of supervision;

### INFORMATION ON THE STANDARDISED INCIDENCE RATES OF NON-FATAL ACCIDENTS AT WORK FOR EACH YEAR OF THE REFERENCE PERIOD

In Türkiye, the “incidence rate (accidental accident rate per 100 thousand employees)” is used in year-based, sector-based or international comparisons of data on occupational accidents, and no calculations are made regarding the standardized incidence rate. For this reason, incidence rates are given over the years. According to the ESAW methodology, since the accidents that are reflected in the occupational accident statistics are those that start working on or after the 5th day of the accident, occupational accidents with a loss of 5 days or more are included in the table. The table below shows the occupational accident rate per 100 thousand workers in all NACE sectors.

Table 22. Occupational accidents rate per 100 thousand workers by years

Indicator	2018	2019	2020	2021
Occupational Accident Rate per 100 Thousand Workers	301.7	601.2	564.8	705.8

When the documents related to the calculation of the standard incidence rate are examined, it is seen that the sector weights are calculated by taking into account the total number of employees in the European Union member countries and the number of employees on the basis of the sector and the incidence rates, then a standardized incidence rate is determined. Standard incidence rates could not be calculated for Türkiye due to the lack of these weights. However, the number of non fatal accidents with 5 or more days of work loss according to the sectors that can be used for calculation and the number of employees according to the sectors are presented in the table below by years.

Table 23. Number of employees and non fatal occupational accidents table for NACE A, C-N sectors in 2018 – 2021

Sectors	2018		2019		2020		2021	
	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)
<b>A- Agriculture, Forestry and Fishing</b>	147.534	458	141.678	841	160.548	987	168.086	1.239
<b>C- Manufacturing</b>	3.631.873	30.650	3.774.496	61.139	4.099.082	62.412	4.433.585	84.312
<b>D- Electricity, Gas, Steam and Air Conditioning Supply</b>	103.221	471	111.754	919	109.439	955	116.618	1.171
<b>E- Water Supply; Sewerage; Waste Management and Remediation Activities</b>	115.394	882	114.946	2.111	116.992	2.107	126.636	2.243
<b>F- Construction</b>	1.601.184	9.131	1.294.788	11.981	1.587.666	12.852	1.630.678	17.061
<b>G- Wholesale and Retail Trade; Repair Of Motor Vehicles and Motorcycles</b>	2.249.155	3.062	2.289.031	6.281	2.406.440	7.158	2.504.172	9.207
<b>H- Transporting and Storage</b>	875.525	2.811	919.811	6.483	951.802	6.182	1.044.965	8.148
<b>I- Accommodation and Food Service Activities</b>	895.147	2.466	962.505	7.044	867.061	4.563	1.011.717	8.012
<b>J- Information and Communication</b>	202.699	70	227.803	152	216.214	162	247.630	172

Sectors	2018		2019		2020		2021	
	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)	Number of Employees	Number of Insured Having Occupational Accidents (5+ days lost)
<b>K- Financial and Insurance Activities</b>	160.637	20	159.474	29	163.132	36	170.818	41
<b>L- Real Estate Activities</b>	130.954	120	139.198	353	158.606	363	163.940	446
<b>M- Professional, Scientific and Technical Activities</b>	648.223	406	640.814	853	676.980	1.009	692.826	1.130
<b>N- Administrative and Support Service Activities</b>	1.587.882	2.510	1.528.612	5.495	1.356.802	5.137	1.380.300	5.874
<b>Unknown Sector / Sector Separation Cannot Be Made</b>	4.706.782	3	4.504.006	19	4.875.497	16	5.255.062	20
<b>Total</b>	17.056.210	53.060	16.808.916	103.700	17.746.261	103.939	18.947.033	139.076

## **INFORMATION ON THE IMPLEMENTATION OF “OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT SYSTEM - FOR SMEs - CONSTRUCTION SECTOR” STANDARD AND ITS CONCRETE RESULTS**

The “Occupational Health and Safety Management System for Small and Medium-Sized Enterprises (SMEs) in the Construction Sector” standard outlines the requirements for an occupational health and safety management system for small and medium-sized workplaces in the construction sector. The aim of this standard is to ensure that all requirements outlined in the standard are integrated into the occupational health and safety management system. The implementation of the standard depends on various factors, such as the OHS policy of the enterprise, the nature and risks of the business, and the complexity of its activities. The standard is currently in effect, and certification activities are available for small and medium-sized enterprises upon request through the Turkish Standards Institute. However, there have been no applications for this standard during the reporting period, and as a result, there are currently no certified SMEs.

## **MEASURES TAKEN FOR WORK-RELATED SUICIDE OR OTHER FORMS OF SELF-HARM, POST-TRAUMATIC STRESS DISORDER, BURNOUT, AND ALCOHOL OR OTHER SUBSTANCE USE DISORDERS**

There are currently no specific regulations in Türkiye pertaining to work-related suicide or other forms of self-harm, post-traumatic stress disorder, burnout, or alcohol or substance abuse. However, under Law No. 6331, psychosocial risk factors must be evaluated and appropriate precautions must be taken within the context of risk assessments and health surveillance studies in the workplace. Additionally, the General Directorate of Occupational Health and Safety of the MoLSS conducts research, seminars, symposiums, and guidance studies to create information resources for both sectors and official institutions with respect to psychosocial risk factors.

In regards to psychological harassment (mobbing), examinations can be conducted through inspections by evaluating reports and complaints submitted to the Directorate of Guidance and Inspection under the MoLSS. To this end, the Directorate has carried out a total of 369 mobbing inspections during the period between 2018 and 2021.

## **INFORMATION ON THE INSPECTIONS CARRIED OUT CONCERNING DOMESTIC WORKS AND PRODUCTION OF GOODS AND SERVICES ON ONE’S OWN BEHALF AND ACCOUNT WITHOUT EMPLOYING EMPLOYEES**

In Article 4 of Labour Law No. 4857, titled “Exceptions”, it is stated that the provisions of the Labour Law will not be applied in “works and handicrafts performed in the home without any outside help by members of the family or close relatives up to 3rd degree (3rd degree included)”, “domestic services”, “establishments employing three or fewer employees and falling within the definition given in Article 2 of the Tradesmen and Small Handicrafts Law No. 507”. However, it is stated in Article 113 of the Labour Law that Articles 32, 35, 37 and 38 of the Labour Law, which regulates the issues of “the wage and its remuneration, protected portion of the wage, wage account slip and deductions of fines from wages”, will be applied to workers working in “establishments employing three or fewer employees and falling within the definition given in Article 2 of the Tradesmen and Small Handicrafts Law No. 507”.

In Türkiye, domestic services are partly outside the scope of the Labour Law and therefore private properties are partly not subject to labour inspection. However, although “domestic services” are within the scope of the exemption pursuant to Article 4 of Labour Law No. 4857 and Article 2 of Law No. 6331, labour inspection activities can be carried out by labour inspectors in domestic services, whether foreigners have a work permit and whether they work in accordance with the International Labour Force Law No. 6735. In addition, in accordance with Article 7 of Labour Law No. 4857, inspections can be carried out by labour inspectors in the provisions regarding temporary employment relations and job placements made through private employment agencies.

### **INFORMATION ABOUT INSPECTIONS AND ADMINISTRATIVE MEASURES THAT LABOUR INSPECTORS ARE AUTHORIZED TO TAKE**

Labour inspectors, who carry out the guidance, supervision and inspection activities of working life on behalf of the State, are employed in the Directorate of Guidance and Inspection under the MoLSS. The Directorate has groups in several major cities in Türkiye, including Adana, Ankara, Bursa, İstanbul and İzmir. Labour inspectors working in these groups continue their inspection activities not only within the geographical area of these groups but also throughout the country. Labour inspectors are directly authorized by the MoLSS and carry out inspection activities regardless of the group area.

In this context, there were a total of 962 labour inspectors employed by the Directorate of Guidance and Inspection as of December 2021. The numerical data regarding the inspections carried out during the reporting period are given in the table below.

*Table 24. Number of Inspections and Administrative Fines imposed in the Reporting Period*

<b>Year</b>	<b>Number of Inspections</b>	<b>Administrative Fine (TL)</b>
<b>2018</b>	18.952	56.356.684
<b>2019</b>	7.298	24.565.495
<b>2020</b>	9.170	62.976.628
<b>2021</b>	24.099	158.014.638

Regular trainings were given to labour inspectors under the Directorate of Inspection and Guidance Board in order to increase the effectiveness and efficiency of inspections.

Article 10 of ILO Convention No. 81 calls for a “sufficient number” of inspectors to do the work required. Within this framework, the ILO has taken as reasonable benchmarks that the number of labour inspectors in relation to workers should approach:

- One inspector per 10.000 workers in industrial market economies;
- One inspector per 15.000 workers in industrializing economies
- One inspector per 20.000 workers in transition economies;
- One inspector per 40.000 workers in less developed countries.

According to the statistical data of SSI in May 2020, there are 17.039.143 employees in Türkiye including 13.919.211 workers in total under service contract and 3.119.932 civil servants. When we divide the total number of employees by 948 existing Labour Inspectors, there is one Labour Inspector per approximately 13.923 employees.

The number of OHS (including the mining sector) and administrative inspections and the scope of sanctions imposed within the framework of these inspections have decreased in 2020 due to the COVID-19 outbreak. During this period, labour inspectors also informed employers, workers or OHS professionals about OHS measures to be taken in the workplace regarding the COVID-19 pandemic.

Occupational health and safety inspections are carried out by the MoLSS Directorate of Guidance and Inspection by taking into account the statistical data from previous years, national policies and the needs, as well as the risks and priorities of working life and the resources of the Directorate. Inspections are conducted in the form of scheduled inspections and non-scheduled inspections by considering the above-mentioned criteria.

Programmed inspections aiming to contribute to raising awareness of safety culture and social responsibility, and foreseeing close cooperation with workers and employers, as well as relevant institutions and organizations, are carried out in areas or sectors determined as a result of the evaluation and prioritization of problems in working life, or in workplaces determined by targeting a special risk group. It is carried out with the aim of supervising the implementation of all or part of the provisions of the relevant legislation by setting targets.

Non-scheduled inspections, on the other hand, are inspections that are outside of scheduled inspections. It is carried out for investigations made upon requests such as notices, complaints or for those included in the inspection program from documents submitted to the Directorate of Guidance and Inspection.

As determining the defect rate by establishing a causal link between the actions of the worker, employer and third parties in the work accident or occupational disease investigation is a kind of expert service and is incompatible with the labour inspection service, in this sense; the necessary investigations are carried out by the SSI's Inspectors upon requests for the examination of work accidents and occupational diseases.

Under the SSI, 481 inspectors are employed. Evaluations are made by these inspectors on the basis of whether the accident is a work accident or not, the determination of those who are at fault in the occurrence of the accident or occupational disease, and the recourse of the rights to be obtained from the short-term insurance branches for the insured and beneficiaries to the defective persons.

On the other hand, the task of investigating occupational accidents resulting in injury is carried out by also the social security controller working in provincial directorates of SSI, under the coordination of the General Directorate of Insurance Premiums.

In order to protect and improve the health of employees with health surveillance, medical examinations and examinations for the prevention of occupational diseases and all health-protective studies, including recording, evaluation and notification of all studies, first aid, emergency treatment, rehabilitation and health promotion are provided under the occupational health service.

One of the studies carried out in this direction, "Regulation on the Procedures and Principles of Medical Examinations for the Health Surveillance of Employees" was prepared together with the Ministry of Health and published in 2022.

Among the practices and studies on occupational health services, the Ministry of Health has started to establish a monitoring management system for national occupational health services. This system will be compatible with the OHS-CLERK system with the support of the General Directorate of Occupational Health and Safety of the MoLSS.

The “Occupational Exposure Data Package” software was prepared in 2017 in order to ensure early detection of occupational exposures by 1st and 2nd level health service providers, to increase occupational disease awareness and the rate of occupational/job inquiry of health service providers.

This software was integrated into “Family Physicians Information System (AHBS)” and “Hospital Information Management System (HBYS)” applications in February 2018 and “Occupational Exposure Inquiry Screen” was put into use in 81 provinces. This Screen ensures that employees who are exposed to occupational risk factors and have symptoms related to them are diagnosed at an early stage before an occupational disease occurs and recorded by the physicians in case they apply to a physician. The data given from the application are classified using the predetermined variables on the Health Statistics and Causal Analysis (SINA) platform.

Information on occupational diseases has been collected monthly from the hospitals that have issued a health board report on occupational disease diagnoses since 2012.

In the field of OHS, studies are carried out to improve the service standards of individuals and institutions authorized by the MoLSS. In this context, trainings are organized at the Occupational Health and Safety Research and Development Institute of the MoLSS in the field of OHS, including occupational hygiene and occupational health.

On the one hand, basic training has been obligatory for those who carry out periodic controls of work equipment. In addition, these people are registered and followed up through EKİPNET, which is an e-government application.

On the other hand, active use of information technologies has also been prioritized, and efforts are carried out to prevent work accidents and occupational diseases by benefiting from digital transformation applications.

The “Occupational Health and Safety Information Management System (İBYS)” has been initiated to guide the operations by creating the OHS risk map of Türkiye.

## Article 38

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

### **INFORMATION ON HOW THE FUNCTIONS PERFORMED BY WORKPLACE PHYSICIANS AND OF THE OCCUPATIONAL SAFETY EXPERTS ARE ADAPTED IN PRACTICE TO ALL UNDERTAKINGS**

According to Occupational Health and Safety Law No. 6331, the main duties of occupational health and safety professionals are to ensure that measures are taken in order to ensure occupational health and safety in their workplaces. They are following the work environment through measurement, analysis and risk assessment; and following employees through health surveillance in order to maintain a healthy and safe working environment.

In case of contrary situations, if necessary, the occupational health and safety professionals inform the MoLSS about the situation. It is the employer's responsibility to take all kinds of measures regarding occupational health and safety, and this is clearly stated in the Law.

In Türkiye, pursuant to Article 38 of the Occupational Health and Safety Law No. 6331, as of 31 December 2021, except for workplaces with less than 50 employees and in the less dangerous class, the current number of workplaces responsible for assigning occupational safety professionals is 256.743. This figure constitutes 32,2% of the total workplaces liable to receive OSH services. However, when evaluated in terms of the number of employees benefiting from this service, this rate is 67,2%. This rate is due to the coverage of workplaces employing more than 50 workers is high.

The number of Joint Health and Safety Units has increased from 2013 to 2020 by 139%. Compared to 2014, the number of employees who received OHS services increased by 44,26% in 2020.

In the first and second paragraphs of Article 6 of the Occupational Health and Safety Law No. 6331, it is stated that in workplaces, including public institutions, an occupational safety specialist and an occupational physician can be appointed among their own employees.

It has been stated that if it is not possible to employ an occupational safety specialist and a workplace doctor with this method, all or a part of this service can be provided by obtaining services from the common health and safety units.

For public institutions and organizations within the scope of the Public Procurement Law No. 4734, it has been stipulated that occupational health and safety services can be obtained directly from organizations with revolving funds belonging to the Ministry of Health, as well as within the framework of the provisions of the Public Procurement Law No. 4734.

In addition, with the regulation made in 2014 in Article 6 of Law No. 6331 on Occupational Health and Safety, employers were allowed to undertake occupational health and safety services, provided that they were limited to their own workplaces with less than 50 employees and in the less hazardous class. Thus, it has been possible for the employer or his representative to undertake the OHS services to be provided to the employees at the workplace without



increasing the costs of the employers for the relatively small and less dangerous enterprises, but without making any concessions in terms of ensuring the health and safety of the employees.

In addition, the employers or the employer's representative of the workplace, which does not have the specified qualifications and the necessary documents, but has less than 50 employees and is in the less dangerous class, has also been given the opportunity to carry out occupational health and safety services in their own workplace.

And, there is no obstacle in front of the personnel who have the appropriate qualifications in another institution to serve in other public institutions by obtaining their consent, giving the approval of the top manager, and making a separate assignment with each institution.

With the publication of the Regulation on the Duties, Powers, Responsibilities, and Education of Occupational Health and Safety Specialists in the Official Gazette dated 29.12.2012 and numbered 28512, the qualifications, training, certification, duties, powers, responsibilities, working procedures, and principles of occupational safety specialists working in occupational health and safety services have been regulated.

According to Article 9 of the Regulation titled "Duties of Occupational Safety Specialists", it is stated that:

*“(1) Occupational safety specialists are obliged to fulfil the following duties:*

*a) Guidance;*

- 1) To make suggestions to the employer for the planning, organization and implementation of the work including the design, condition, maintenance and selection of machinery and other equipment, and the materials used; selection, supply, use, maintenance, storage and testing of personal protective equipment related to the work done and the changes to be made in the workplace are carried out in accordance with the occupational health and safety legislation and general occupational safety rules.*
- 2) To inform the employer in writing about the measures to be taken regarding occupational health and safety.*
- 3) To make suggestions to the employer in order to investigate the causes and to prevent the recurrence of work accidents and occupational diseases in the workplace by working on the measures to be taken.*
- 4) To make studies for the investigation of the causes of events that occur in the workplace but do not cause death or injury, but have the potential to damage the employee, equipment or workplace, and make suggestions to the employer.*

*b) Risk assessment;*

- 1) To participate in the studies on and implementation of risk assessment in terms of occupational health and safety, to make suggestions to the employer about the health and safety measures to be taken as a result of the risk assessment and to follow up of the work.*

*c) Work environment surveillance;*

- 1) To monitor the working environment, to plan the periodic maintenance, controls and measurements that should be done in the workplace in accordance with the occupational health and safety legislation and to control their applications.*
- 2) To participate in the work carried out to prevent accidents, fires or explosions in the workplace, to make suggestions to the employer in this regard, and to follow the*

*practices; to participate in the preparation of emergency plans for situations such as natural disasters, accidents, fires or explosions, to monitor and control periodic trainings and exercises and the action in line with the emergency plan on this issue.*

*ç) Education, information and registration;*

*1) To work on the planning of the occupational health and safety training of the employees in accordance with the relevant legislation, to present them to the employer's approval and to make or check the implementation of these trainings.*

*2) To prepare the annual evaluation report in which the occupational health and safety studies related to the working environment and the results of the work environment surveillance are recorded, in cooperation with the occupational physician, in accordance with the example in Annex-2.*

*3) To organize the information activities for the employees, to present them to the employer's approval and to control the implementation.*

*4) To prepare occupational health and safety instructions and work permit procedures to be used where necessary, to submit them to the employer's approval and to control their implementation.*

*5) To report the information related to occupational health and safety to be determined by the Ministry to the İSG-KATİP.*

*d) Cooperation with relevant units;*

*1) To make assessments about work accidents and occupational diseases together with the occupational physician, to prepare the necessary preventive action plans by making examination and research to prevent the dangerous event from recurring, and to follow up the practices.*

*2) To prepare the annual work plan, which includes the activities related to occupational health and safety to be carried out in the next year, together with the occupational physician.*

*3) To work in cooperation with the occupational health and safety committee of which he is a member, if any,*

*4) To support the work of employee representatives and support staff and to cooperate with these people.”*

However, with the Regulation on occupational safety and health services organized by employers or their representatives that came into force after being published in the Official Gazette dated 29.06.2015 and numbered 29401, the procedures and principles regarding the execution of occupational health and safety services by the employer or employer's representative in workplaces with less than fifty employees and the less hazardous class are determined.

According to Article 5 of the Regulation, titled “Occupational health and safety services carried out by the employer or employer's representatives”, it stated that:

*“(1) The employer or employer's representatives who have completed the training specified in this Regulation and have been successful in the exam may carry out the duties assigned to the occupational safety specialist or occupational physician in the occupational health and safety legislation, excluding the employment examination and periodical examinations. The employer or employer's representatives must allocate at least 10 minutes per month per employee to perform occupational health and safety services. If these services are carried out by the employer or the employer's representative, it is not obligatory to keep an approved book. However, the obligation*

*to issue other documents and records required by the Law No. 6331 and its sub-regulations continues.*

*(2) Within the scope of this Regulation, the employer or employer's representatives may also receive all or part of the occupational health and safety services from the units authorized by the Ministry through service procurement.*

*(3) Within the scope of this Regulation, employers or employer representatives who want to carry out occupational health and safety services in the workplace are required to register in the system via İSG-KATİP. Occupational health and safety services are considered valid from the date of approval in the İSG-KATİP.*

*(4) In assignments made according to the third paragraph, the persons must be registered in the SSI database as an employer or employer's representative. Otherwise, the assignment in occupational health and safety services is deemed not done. Among the employees registered as workplace officials in the SSI database, workplace officials who act on behalf of the employer and take part in the management of the business and workplace are considered as employer's representatives.*

*(5) If the employer, who has completed his education and passed the exam, opens a separate workplace with less than fifty employees and is classified as less dangerous, or if the employment contract of the employer's representative ends and he starts working in another workplace with less than fifty employees and in the less dangerous class; in order for the new workplace to carry out occupational health and safety services, an application must be made by the employer or the employer's representative through the İSG-KATİP.*

*(6) The employer's representative is appointed from among the employees who comply with the definition of the employer's representative in Article 4 and with a full-time employment contract at the workplace. Occupational health and safety services in public institutions may be undertaken by the highest manager, their deputies or those who carry out this task.*

*(7) In sites or apartments; within the scope of the Housing Concierges Regulation published in the Official Gazette dated 3/3/2004 and numbered 25391, the site or apartment manager may undertake occupational health and safety services as the employer's representative.*

*(8) Occupational health and safety services of only one workplace can be undertaken with the "Employer or Employer's Representative Training Completion Certificate Regarding the Execution of Occupational Health and Safety Services" included in Annex-3 of this Regulation.*

*(9) Undertaking the occupational health and safety services specified in the first paragraph or receiving services from specialist persons and organizations outside the workplace does not remove the obligations stipulated for employers in the Law and relevant legislation."*

In addition, with the Regulation on Education, Duties, Powers and Responsibilities of Occupational Physicians and Other Health Personnel published in the Official Gazette dated 20.07.2013 and numbered 28713, the qualifications, certification, training, duties, powers and responsibilities, working procedures and principles of occupational physicians and other health personnel working in occupational health and safety services are regulated.

According to Article 9 of the Regulation titled "Duties of workplace physicians" and Article 16 titled "Duties of other health personnel", it is stated that:

*"Article 9 - (1) The occupational physician works together with other health personnel in the workplace, if any.*

*(2) Occupational physicians are obliged to perform the following duties within the scope of occupational health and safety services:*

*a) Guidance;*

*1) To guide the employer regarding the health surveillance of the employees and the surveillance of the working environment within the scope of occupational health and safety services.*

*2) To make suggestions to the employer in order to ensure that the design of the workplace, the planning, organization and implementation of the work including the materials used, the selection of personal protective equipment is carried out in accordance with the occupational health and safety legislation and general occupational health rules in relation to the work done in the workplace and the changes to be made.*

*3) To advise the employer on the necessary activities in order to improve the health of the employees in the workplace.*

*4) To participate in research in the field of occupational health and safety, in addition, to make researches for ensuring the harmony between the work and the employee and for protecting them from the stress factors in the working environment by taking into account the physical and mental capacities of the employees in terms of ergonomic and psychosocial risks in the conduct of the work, and to consider these research results in guidance activities.*

*5) To provide advice on the nutritional needs of the work carried out and the provision of appropriate drinking water for the employees by continuously monitoring and supervising the general hygiene conditions of the workplace buildings and its annexes, including canteen, dining hall, dormitory, kindergarten and breastfeeding rooms and changing rooms, showers and toilets.*

*6) To make suggestions to the employer by working on the measures to be taken to prevent their recurrence by investigating the causes of work accidents and occupational diseases that occur in the workplace.*

*7) To investigate the causes of the incidents that have occurred in the workplace that do not cause death or injury but have the potential to harm the employee, equipment or workplace and to make suggestions to the employer.*

*8) To inform the employer in writing about the measures to be taken regarding occupational health and safety.*

*b) Risk assessment;*

*1) To participate in the work and implementation of risk assessment in terms of occupational health and safety, to make suggestions to the employer about the health and safety measures to be taken as a result of the risk assessment and to follow up.*

*2) To closely monitor and protect groups that require special policies, such as pregnant or lactating women, those under the age of 18, those with a diagnosis or pre-diagnosis of an occupational disease, those with chronic diseases, the elderly, the disabled and those with alcohol and drug addiction and those who have had more than one occupational accident, to inform them and to take them into special consideration in the risk assessment to be made.*

*c) Health surveillance;*

*1) To inform the employees about the employment and periodic examinations to be carried out within the scope of health surveillance and to get their consent.*

*2) To conduct health surveillance of employees, including night shifts.*

3) *In line with the results of the risk assessment made in the workplace with international standards, taking into account the personal characteristics of the employee, the danger class of the workplace and the nature of the work; periodic examination is repeated at latest once every five years for jobs in the less dangerous class, at latest once every three years for jobs in the dangerous class, at the latest once a year for jobs in the very dangerous class, at least once every six months for children, young people and pregnant workers who are in the group requiring a special policy. However, these periods are shortened if the occupational physician deems it necessary.*

4) *To arrange the results of the employment and periodic health examinations and other necessary examinations indicating that the employees are suitable for the job they will do, in accordance with the example given in ANNEX-2, and to keep them in the workplace.*

5) *To prepare a report by carrying out the necessary health examinations for employees, such as groups requiring special policy, those diagnosed or pre-diagnosed with an occupational disease, those with chronic diseases and drug addiction, and those who have had more than one work accident, to be placed in a suitable job; to repeat the health examinations of other employees in case of an employee with a diagnosis or pre-diagnosis of an occupational disease in the environment where the person works.*

6) *To determine whether there is a relationship between absenteeism due to health problems and health hazards that may occur in the workplace, when necessary, to plan measurements related to the working environment and to submit them to the approval of the employer and to evaluate the results in terms of the health of the employees.*

7) *To perform a return-to-work examination upon employee's return to work after being away from repetitive work due to health reasons and upon the request of the employees and to recommend that the employees who are not found suitable to work in their previous task be assigned a task suitable for their current health status and to present it to the employer's approval.*

8) *To provide necessary hygiene trainings as well as the prevention and immunization studies for the control of communicable diseases and to ensure that the necessary health examinations are carried out.*

9) *To record the work related to health surveillance in the workplace, to evaluate work accidents and occupational diseases in cooperation with an occupational safety specialist, to prepare the necessary preventive action plans by examining and researching in order to prevent the dangerous incident from recurring and preparing the annual work plan, including these issues and submitting it to the employer's approval, to follow up and to prepare the annual evaluation report in accordance with the sample specified in Annex-3.*

10) *To check whether the medical reports showing that the employees sent to the workplace temporarily from another employer and employees of the sub-employer are suitable for the job they will do have expired.*

ç) *Education, information and registration;*

1) *To work on the planning of the occupational health and safety training of the employees in accordance with the relevant legislation, to present them to the employer's approval and to make or check the implementation.*

2) *To carry out the organization of first aid and emergency response services in the workplace and the provision of training of the employees in line with the relevant legislation.*

3) *To provide training to the managers, to the members of the occupational health and safety committee, if any, and to the employees on general health, occupational health*

*and safety, hygiene, the harms of the use of addictive substances, personal protective equipment and collective protection methods, and to ensure the continuity of the training.*

*4) To inform the employees about the risks in the workplace, health surveillance, employment and periodic health examinations.*

*5) To prepare the annual evaluation report, in which the results of occupational health and safety studies and health surveillance are recorded, in cooperation with the occupational safety expert, in accordance with the example in ANNEX-3.*

*6) To inform the General Directorate about the information related to occupational health and safety to be determined by the Ministry through the İSG-KATİP system.*

*d) Cooperation with relevant units;*

*1) To propose the necessary measurements within the scope of the surveillance of the working environment, in cooperation with the occupational safety specialist, according to the results of the health surveillance, and to evaluate the measurement results.*

*2) To work in cooperation with the occupational health and safety committee of which he is a member, if any.*

*3) To cooperate with the relevant parties in order to provide information and training on occupational health and safety in the workplace.*

*4) To participate in the development of programs for the improvement of existing practices, such as the analysis of work accidents and occupational diseases, programs for the improvement of work practices, and the evaluation and testing of new technology and equipment in terms of health.*

*5) To work in cooperation with hospitals authorized to issue health board reports regarding occupational diseases in accordance with the Regulation on Working Power and Vocational Incapacity in Occupation, and to cooperate with relevant units in the rehabilitation of employees who have suffered a work accident or have an occupational disease.*

*6) Participating in research in the field of occupational health and safety.*

*7) To contribute to the occupational safety specialist in the preparation of occupational health and safety instructions and work permit procedures in order to be used where necessary.*

*8) To prepare the annual work plan, which includes the activities related to occupational health and safety to be carried out in the next year, together with the occupational safety specialist.*

*9) To support the work of the employee representatives and support staff in the workplace and to cooperate with these people.”*

*“Article 16 – (1) Other health personnel work together with the occupational physician.*

*(2) Duties of other health personnel are as follows:*

*a) To work with the occupational physician in the planning, evaluation, monitoring and direction of occupational health and safety services, to collect data and to keep the necessary records.*

*b) To write the health and work histories of the employees on the employment/periodic examination form and to assist the occupational physician during the health examination.*

*c) To follow the groups that require special policies and to ensure that the necessary health examinations are carried out.*

*ç) To work with the occupational physician in the organization and execution of first aid services.*

- d) To take charge in the health education of the employees.*
- e) To work with the occupational physician in the constant monitoring and supervision of the general hygiene conditions of the workplace buildings and annexes.*
- f) To carry out other duties related to occupational health and safety assigned by the occupational physician.*
- g) To support the work of the employee representatives and support staff in the workplace and to cooperate with these people.”*

In this direction, all workplaces, including small and medium-sized enterprises, are responsible for the assignment of occupational health and safety professionals and the implementation of services in accordance with the legislation mentioned above and the Occupational Health and Safety Law No. 6331, although the effective dates are different.

## ARTICLE 11

### Article 11§1

#### Article 11 - The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill-health;

#### INFORMATION ON THE IMPLEMENTATION OF MEASURES TAKEN TO THE MATERNAL AND INFANT MORTALITY RATE

For the prevention of infant/child deaths by the Ministry of Health, many programs are carried out under the main headings of nutrition, screening, education, health promotion, infant-child mortality monitoring system, infant and child follow-up, immunization, and birth notification system. While the infant mortality rate in Türkiye was 31.5 per thousand in 2002, it was recorded as 9.1 per thousand in 2021. Mortality data by year can be accessed [on the website of the Ministry of Health](#). Infant mortality rate was 9.2, 9.0, 8.5 and 9.1 respectively for the years 2018, 2019, 2020 and 2021 as can be seen from the document published in the above-mentioned link.

For the prevention of maternal deaths by the Ministry of Health, the following programs, projects and training programs have been implemented: Maternal Mortality Monitoring Program, 15-49 Age Women's Monitoring, Premarital Counseling, Reproductive Health In-Service Training, Pregnant Information Class, Guest Mother Project, Prenatal Care, Postpartum Care, Emergency Obstetric Care, Mother-Friendly Hospital, Nutritional Support, Hospital Delivery and Cesarean Section Program and Risky Pregnancy Management/Prevention Programs.

Under the Maternal Mortality Monitoring Program, maternal deaths in Türkiye are monitored daily through the Death Notification System and the files prepared by the provinces are discussed in the Maternal Mortality Preliminary Investigation Commission of the Department of Women's and Reproductive Health of the Ministry of Health and the deaths that cannot be decided whether they are maternal death are discussed in the Maternal Mortality Central Investigation Commission. Deaths occurring during pregnancy, childbirth and puerperium are examined and classified as maternal death, accidental death, late maternal death or female death by the Commission. Deaths of the refugees are also handled separately, and these procedures are also applied to refugees. In the Maternal Mortality Preliminary Investigation Commission and Maternal Mortality Central Investigation Commissions, each maternal death is examined within the framework of the ICD 10 disease statistics classification determined by the WHO and the three-delay model approach. In this way, death classification and preventability are determined, the results are shared with the feedback made to the relevant health institutions and health personnel, and strategies are developed to reduce maternal deaths.

Under the 15-49 Age Women's Monitoring and Premarital Counseling Programs, pre-pregnancy women's health is monitored and a healthy pregnancy is ensured. All pregnant women are provided with information about the prenatal, birth and postpartum periods and to give birth consciously through the Pregnancy Information Class Program. In addition, they are



provided with knowledge and skills in normal labour, pain management and adapting to their new roles. Nutritional support is given to pregnant and puerperal women in order to meet the increasing iron need during pregnancy and to prevent iron and vitamin D deficiency during pregnancy and puerperium. In order to prevent births from taking place under adverse conditions due to the adverse climate and transportation conditions that occur in some regions of Türkiye from time to time, with the Guest Mother Project, expectant mothers are transported to safer centres and their accommodation and delivery are provided in hospitals.

The objective of the Prenatal Care Program is that pregnant women have a healthy pregnancy and give birth to a healthy baby and protect their health, while the Postnatal Care Program ensures that risky situations are detected at an early stage within 42 days of postpartum.

Within the scope of the Risky Pregnancy Management/Prevention Program, “Risky Pregnancies Management Guide” has been prepared in order to provide quality, standard, safe and qualified service in the management of high-risk situations that cause maternal deaths throughout the country and to ensure unity in practice. The guide consists of the Venous Thromboembolism Management Guide in Pregnancy, the Pregnancy and Cardiovascular Diseases Management Guide, the Epileptic Pregnant Management Guide, the Diabetic Pregnant Management Guide and the Asthmatic Pregnant Management Guide. The guide includes the work and procedures to be done in the pre-pregnancy, prenatal, birth and postpartum periods and requires coordination between primary care and other health institutions and a multidisciplinary approach with related specialities.

Under the Mother-Friendly Hospital Program, suitable environments are created in which the follow-up and delivery of mothers-to-be will take place, taking into account patient rights, safety and privacy during pregnancy, labour and puerperium.

Within the scope of the Emergency Obstetric Care Program, “Emergency Obstetric Care Clinician Training” is organized for gynaecology and obstetrics specialists working in the public and private sectors, general practitioners and emergency medicine specialists working in the emergency departments of hospitals with gynaecology and obstetrics clinics, senior class assistants in gynaecology and obstetrics, and midwives/nurses working in obstetrics units. “Emergency Obstetric Hemorrhage Intervention Advanced Surgery Training” is organized for gynaecologists and obstetricians within the scope of the precautions to be taken regarding bleeding, which has an important place among the direct causes of maternal deaths.

Within the scope of the Reproductive Health In-Service Training Program, reproductive health training modules have been prepared to be used in in-service trainings to ensure qualified service delivery of health personnel. Modules are designed for doctors, midwives and nurses and include safe motherhood, reproductive health services method counselling, sexually transmitted infections, and reproductive health services for young people.

Within the scope of the Hospital Births and Cesarean Section Program, data on all deliveries in public, university and private health institutions throughout the country have been monitored since 2007. Since 2013, Robson Pregnant Classification data has been collected, and since 2015, Hospital Delivery and Robson Pregnant Classification data are collected electronically.

Considering the maternal mortality rate, a decrease is observed over the years. According to the National Maternal Mortality Study conducted in 2005, the maternal mortality rate was 28.5 per 100,000 live births, while this rate was 13.6 for 2018, and 13.1 for 2019, 2020 and 2021.

**INFORMATION ON LIFE EXPECTANCY ACROSS DISTINCT ETHNIC GROUPS AND MINORITIES, LONGER TERM HOMELESS OR UNEMPLOYED, AS WELL AS INFORMATION ON THE PREVALENCE OF PARTICULAR DISEASES AMONG RELEVANT GROUPS**

The number of Hepatitis B, Hepatitis C and HIV cases among addicts who applied to purification centres due to drug use is given in the tables below.

*Table 25. Number of Hepatitis B, Hepatitis C and HIV cases by year*

	2018	2019	2020	2021
<b>Hepatitis B positive</b>	84	115	95	65
<b>Hepatitis C positive</b>	1186	999	697	642
<b>HIV</b>	11	30	24	19

*Table 26. Number of applications to treatment centres by year*

	2018	2019	2020	2021
<b>Number of Health Examinations</b>	13.841	17.079	12.269	15.497

**INFORMATION ON THE PROPORTION OF THE COST OF CONTRACEPTIVES THAT IS NOT COVERED BY THE STATE**

Although the cost of contraceptive methods not covered by the state was requested by the Committee, calculations could not be made on the subject since the costs of these methods were not covered by the State.

**INFORMATION ON ACCESS TO ABORTION, THE COSTS OF ABORTION AND WHETHER THEY ARE REIMBURSED BY THE STATE IN TOTAL OR PART**

One of the most important purposes of the presentation of contraceptive methods is to reduce unwanted pregnancies and, accordingly, induced abortions. In Türkiye, the “Regulation on the Execution and Supervision of Uterine Evacuation and Sterilization Services” (Based on the Law on Population Planning No. 2827 dated 1983), is still in force. Uterine evacuation is applied by surgical and medical methods in health institutions. Uterine evacuation is done legally until the 10th week of pregnancy upon request (with the consent of the spouse, if married). In cases of rape, uterine evacuation is legally performed until the 20th week of pregnancy with the decision of the court. In cases that threaten the mother's life during pregnancy, it is possible to legally evacuate the uterus with the decision of the medical committee.

The health services provided to these people are covered by general health insurance and the procedures and principles of coverage are specified in the Communiqué on Health Implementation published based on Social Insurance Health Insurance Act No. 5510. “620370-Uterine evacuation due to medical needs (10 weeks and more)” and “620380-Dilatation and abortion (less than 10 weeks)” are included in Communiqué on Health Implementation “Appendix-2/B - Procedure Points List per Service” and “Appendix-2/C - Diagnostic Based Procedure Score List” tables are covered in accordance with the provisions of the relevant legislation.

## INFORMATION ON THE PUBLIC HEALTH EXPENDITURE AS A SHARE OF GDP

Indicative values for the 2018-2021 period of “General government health expenditures to GDP (%)” calculated based on the results of the Health Expenditure Statistics News Bulletin (2021), published annually by the Turkish Statistical Institute, are shown in the table below:

Table 27. General government health expenditures to GDP (%)

Indicator	2018	2019	2020	2021
General government health expenditures to GDP (%)	3,4	3,6	3,9	3,9

Source: [TURKSTAT](#)

## INFORMATION ON THE ACCESS OF TRANSGENDER PERSONS TO GENDER REASSIGNMENT TREATMENT (BOTH IN TERMS OF AVAILABILITY AND ACCESSIBILITY)

Sexual identity disorder is recognized as a medical condition and procedures performed to treat it are considered under health services by the Ministry of Health in Türkiye. The Ministry has determined specific genital surgery procedure codes that can be used for gender reassignment. To receive a diagnosis of sexual identity disorder, a person must undergo at least one year of follow-up with a psychiatry specialist. Afterwards, the individual applies to the court with a health board report, and medical procedures are initiated following the court's decision. Gender reassignment health services for individuals covered by general health insurance are covered in accordance with the Communiqué on Health Implementation and the relevant legislation.

## Article 11§2

2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health.

### **INFORMATION ON SEXUAL AND REPRODUCTIVE HEALTH EDUCATION AND PREVENTION STRATEGIES RELATING TO HEALTH EDUCATION IN ADDRESSING SELF-HARM CONDUCT AND EATING DISORDERS IN THE COMMUNITY AND SCHOOLS**

Training programmes on family and consumer sciences, child development and education, and community health protection are given in the institutions providing lifelong learning opportunities such as public education centres that organize lifelong learning activities, maturation institutes and open education schools. Within the scope of community health protection training programmes, non-formal education course programs are provided that can contribute to reducing self-harming behaviours, eating disorders, alcohol and drug use. The harms of the use of the substances like cigarettes, alcohol etc., and the significance of healthy and balanced nutrition are included in the curriculum of primary and secondary schools. In light of the age level of the student and pedagogical principles, the outcomes and explanations regarding reproductive health are also included. These are also supported with textbooks, workbooks, digital content, some activities and visuals, etc.

The Addiction Prevention Training Programme of Türkiye (TBM) is a society-based global training program model developed by Green Crescent (Yeşilay). It aims to increase awareness throughout society, particularly among children and teenagers regarding various addiction types such as tobacco, alcohol, substance, and technology and prevent addiction by informing these target groups according to the healthy living principles.

With this program implemented by Green Crescent together with the Ministry of Education, 10 million students and 3 million parents have been reached until now through 33.000 school counsellors. TBM, which will spread throughout Türkiye through Public Education Centres and reach students first and then the whole society, strengthens its efforts in the fight against addiction with institutions.

Women, children, young people, elderly people, persons with disabilities, minorities, immigrants and people living with HIV/AIDS are provided with information, counselling and other services in line with the non-discrimination principle. It is one of the most important goals of the Ministry of Health to provide effective, quality, accessible and safe reproductive health services to all the society and to improve reproductive health by protecting the mother and baby together.

Within the scope of the “Reproductive Health Programme” carried out during the period between 2003 and 2008 in cooperation with the Ministry of Health and the European Union, reproductive health training modules were developed with a holistic approach and the principle of providing standard and quality service throughout the country.

In addition to many in-service training programmes for increasing the quality of health personnel and improving the quality of service delivery, these module training programmes are still being carried out. Health personnel who provide primary-level preventive health services attend these training programmes preferably.

Reproductive Health Module Training consists of five parts. In the first part of the training, “Introduction to Reproductive Health”, the participants are informed about reproductive health and rights and gender, aiming to create awareness in their perspectives. In the second and third sections, reproductive health services method counselling and sexually transmitted infections are included. The fourth section, which is prepared to provide young people with knowledge, attitude and behavioural skills that will raise awareness on reproductive and sexual health issues, constitutes the “Reproductive Health Services for Youth” module. The fifth module is “Safe Motherhood”. In Türkiye, 52.865 health personnel have participated in Reproductive Health Module Training so far.

In addition to the training programmes mentioned above, reproductive health training programmes are also provided to the men in military service to increase male participation, to staff in units affiliated to the Presidency of Religious Affairs and Public Education Centres, and to immigrants in Immigrant Health Centres.

In the first half of 2022, the number of people who attended the training programmes on reproductive health is 351.842.

### **INFORMATION ON AWARENESS AND EDUCATION WITH RESPECT TO SEXUAL DEVELOPMENT AND GENDER-BASED VIOLENCE**

Curriculums, textbooks and teaching materials prepared for compulsory and elective courses from 1st to 8th grade in the Primary Education Institutions (Primary and Secondary School) in line with the Weekly Curriculum are prepared with an approach that supports basic human rights and freedoms and rejects all forms of discrimination. Particular attention is paid to the absence of expressions, narratives and visuals that highlight any ethnic identity, are based on gender inequality, are contrary to human rights, have the nature of discrimination and prejudice, and may cause social exclusion. Measures are taken to support social inclusion and increase social cohesion so that all students can benefit from quality education opportunities by providing equal opportunities.

The MoNE, the MoFSS and Ministry of Interior and the Union of Municipalities of Türkiye signed a “Cooperation Protocol Concerning Increasing Protective and Preventive Services and Measures about Children's Education Process” on 20 June 2022. Within the scope of this Protocol, various responsibilities have been assigned to stakeholders. In this regard, the Ministry of Interior is responsible for taking necessary measures to protect students from obscene publications and other negative elements that may adversely affect their emotional, physical or sexual development, while the MoNE pays attention to the content of sexual development trainings in accordance with the age and knowledge level of children, and ensures that information on neglect and abuse is prepared by the experts in this field for parents, teachers and students.

Within the scope of the 11th Development Plan and the 2022 Presidential Annual Program, the goal of “awareness training will be given to children on neglect, abuse and violence, starting from early childhood and children's life skills will be strengthened.” is included. Within the scope of this goal, the MoFSS has planned to create a modular education program for children according to age groups, with the aim of empowering children aged 0-18, supporting their life skills and increasing their well-being. By developing a program focusing primarily on children aged 0-6, it is planned to aim to raise awareness of parents and empower children through

parents. The design of training programmes for parents of children aged 0-6 was initiated at the end of 2021 and they are planned to be delivered in 2023.

In order to raise social awareness about the phenomenon of violence against women and combat it, and to transform the mentality and to empower women and prevent violence against women in Türkiye, training programmes and seminars are held for the personnel working in public institutions and organizations countrywide. Protocols were signed between the Ministries of Justice, Interior, Health and National Defence, Gendarmerie General Command, Directorate of Religious Affairs and the MoFSS in this regard.

Within the scope of combating violence against women, training programmes have been started since 2007. By this time, training and seminars were given to a total of 2.692.547 people, including 1.415.277 private persons and non-commissioned officers, 75.000 public officials, 106.389 religious officials, 195.693 health officials, 359.033 teachers and 541.155 law enforcement officers.

Seminars were organized by provincial directorates of the MoFSS, ŞÖNİM Centres and Directorate of Social Services Contact Points for Combating Violence providing services in 81 provinces under the coordination of the MoFSS. In this context, a total of 97.756 people were reached, including 34.213 civil servants, 31.115 citizens, 12.371 local authorities, 12.196 university personnel and students, and 7.861 privates between 1 January and 30 September 2022.

“2018-2019 Joint Work Plan”, “2020 Joint Work Plan” and “2021-2022 Joint Work Plan” between the MoFSS and the UNICEF have been signed in order to protect disadvantaged children and strengthen their rights to development and participation. The Work Plans include activities to prevent early and forced marriages. Within the scope of the Joint Working Plan, a total of 1.200 public officials were trained as a result of training activities for public officials as of November 2018.

**INFORMATION ON THE PROPORTION OF WOMEN AND CHILDREN COVERED BY PREVENTIVE HEALTH SERVICES THAT COMPRISE HEALTH CONTROLS, SCREENING AND VACCINATION, AS WELL AS ON ACCESS TO SUCH SCREENING FOR WOMEN LIVING IN RURAL AREAS AND INFORMATION ON THE COVERAGE RATE OF CANCER SCREENING**

Türkiye Cancer Control Programme, which includes registration, prevention, screening and treatment studies, is implemented in line with the recommendations of the World Health Organization (WHO). In this context, screening programs are carried out for breast, cervix and colorectal (large intestine) cancers in accordance with the resources of the society and the burden of disease. Cancer screening across Türkiye is done as community-based and opportunistic screening.

Community-based screenings are carried out free of charge in primary health care institutions, including Cancer Early Diagnosis, Screening and Training Centres (KETEM), Healthy Life Centres (SHM), Family Health Centres (ASM) and Mobile Cancer Screening tools operating under Community Health Centres. Screening services are also provided to rural and disadvantaged groups with mobile screening tools in the provinces. As of November 2022, there are 353 cancer screening centres, at least one in each province. 42 of them are mobile cancer screening tools and serve rural and disadvantaged groups. Within the scope of the Türkiye’s

Cancer Screening Programme, women between the ages of 40-69 are given a clinical breast examination once a year and a mammography examination every 2 years under the breast cancer screening programme.

Since March 2016, mammograms taken within the scope of screening are evaluated with the central reporting system. The reporting quality has been increased with the double-blind reading system in central reporting. Cervical cancer screening is done for all women aged 30-65 with HPV-DNA and smear test every 5 years. While cervical cancer screening was carried out with the PAP-Smear test throughout the country, HPV-DNA testing was started on 1 August 2014.

For colorectal (large intestine) cancer screening, Fecal Occult Blood Test is done every 2 years for men and women aged 50-70, and a colonoscopy is recommended every 10 years. In 2016, Post-Screening Diagnosis Centres were defined in 81 provinces in line with the Minimal Quality Criteria.

Cases found to be positive or suspicious after screening are referred to Post-Screening Diagnosis Centres in 81 provinces for further investigations. Diagnosis and treatment services are provided by secondary and tertiary healthcare institutions.

Early-stage detection rates in screened cancers in 2017 are as follows:

- Early stage detection rate for breast cancer: %51,0;
- Early stage detection rate for cervical cancer: %63,3;
- Early stage detection rate for colon cancer: %36,0.

*Table 28. Number of screenings and detection rates by cancer types*

Screenings	2018	%	2019	%	2020	%	2021	%
<b>Breast Cancer (women aged between 40-69)</b>	2.343.221	36,9	2.497.221	38	1.191.420	17,7	1.741.596	25
<b>Cervical Cancer (women aged between 30-65)</b>	2.873.462	79,7	2.895.270	79	1.453.729	38,7	887.110	51
<b>Colon Cancer (women and men aged between 50-70)</b>	1.773.239	23,8	1.863.237	24	707.459	8,9	284.723	9,4
<b>Total</b>	6.989.922		7.255.728		3.335.608		4.419.236	

*Note: There was a decrease in screening rates due to the pandemic in the period 2020-2021.*



## Article 11§3

3. to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

### **INFORMATION ON HEALTHCARE SERVICES IN PLACES OF DETENTION, PARTICULARLY PRISONS**

The health care services in penitentiary institutions are carried out within the framework of the “Protocol on the Regulation of Health Services in Penitentiary Institutions” signed between the Ministry of Health and the Ministry of Justice on 30 April 2009. Negotiations for the revision of the said Protocol with the Ministry of Health are continuing.

In line with the provisions of the Protocol between the Ministry of Health and the Ministry of Justice on the Regulation of Health Services in Penitentiary Institutions, health services in penitentiary institutions are carried out in the infirmary units and dental units in the penitentiary institution by family physicians affiliated to the Ministry of Health and dentists in the staff of the Ministry of Justice, dentists appointed by the Ministry of Health and health officers who are the staff of the penitentiary institutions.

According to data as of January 2023, there are 4 family physicians in the Ministry of Justice and 375 family physicians affiliated to the Ministry of Health working in the penitentiary institutions. 172 family physicians work full-time and 203 family physicians work part-time. Also, 268 dentists work affiliated to the Ministry of Justice in penitentiary institutions.

On-site healthcare service is applied in places with a population of less than 1.000 in penitentiary institutions. Institutions declared as on-site health service regions are obliged to provide the minimum conditions for the health service to be provided by family physicians. In these places, on-site health care is provided at least once a week for up to 750 registered people, not less than three hours per month for every 100 people. On the other hand, on-site health care services are provided to 750 or more registered people at least twice a week. This period is applied twice for penitentiary institutions and youth detention centres.

Regulation of the health conditions of penitentiary institutions is carried out by physicians. In order to protect the physical and mental health of all convicts and detainees and to diagnose their diseases, the first examination and treatment services are provided in the institution. Those requiring further examination, treatment and rehabilitation are referred to state hospitals, and those requiring further healthcare services are referred to university hospitals. All examination and treatment results are recorded in the person's health file.

In addition, specialist branch doctors, especially psychiatrists, are assigned to the infirmary units of penitentiary institutions in order to provide on-site health services. Works on the protection of the mental health of convicts and detainees in penitentiary institutions are carried out in coordination with the psycho-social assistance service, education-training service, health service and mental guidance service.

Since the early diagnosis of all infectious diseases is important, screenings are carried out at certain intervals in cooperation with the Ministry of Health and relevant institutions. After the examination process, the prescribed drugs are procured from pharmacies and delivered to the convict/detainees on the same day, and the daily doses of the drugs that can be given to the convict/detainee are explained in detail to the convicts and detainees. All kinds of health



services are provided to all convicts and detainees in line with medical requirements and legislation, regardless of whether they are convicted or detained, type of crime, age, gender, sexual preference and the characteristics of the penitentiary institution.

The coordination of vaccination programs against infectious diseases, training of personnel in terms of health services, inspection activities of health services in penitentiary institutions and tuberculosis screening procedures are regulated in Articles 41, 42, 43 and 44 of the Protocol on the Administration of Penal Institutions, related to external protection, dispatch and transfer of convicts and detainees, and execution of health services.

### **INFORMATION ABOUT THE MEASURES TAKEN TO IMPROVE PRISON HEALTHCARE STAFFING LEVELS AND TO ENSURE ADEQUATE MEDICAL SCREENING OF ALL NEW PRISON ARRIVALS**

In order to protect the physical and mental health of the convicts and detainees and the personnel working in penitentiary institutions, to carry out medical examinations and treatments in a timely manner and to carry out health services effectively and efficiently, the number of health personnel working in penitentiary institutions has been increased.

A total of 785 personnel, including 8 prison doctors, 3 dentists, 3 dietitians and 771 health officers, are on duty in the health services of penitentiary institutions in 2018. This number reached a total of 1.166, which include 7 prison doctors, 154 dentists, 3 dietitians, 885 health officers, 18 health technicians and 99 nurses on 31 December 2021.

In order to increase the number of health personnel in the penitentiary institution between 1 January 2018 and 31 December 2021, 76 dentists, 223 health officers in 2018; 13 dentists, 91 nurses in 2019; 112 dentists in 2020; 70 dentists, 51 nurses and 21 health technicians in 2021; a total of 656 health personnel vacancy announcement was published. In this regard, 70 dentists and 198 health officers in 2018; 11 dentists and 85 nurses in 2019; 107 dentists in 2020; 59 dentists, 46 nurses and 19 health technicians in 2021 were recruited.

In order to ensure the effectiveness of existing health practices in penitentiary institutions in accordance with the standards envisaged within the framework of international and national legislation, face-to-face and distance education programs are organized for the personnel working in penitentiary institutions. In the aforementioned scope, personnel working in penitentiary institutions are also provided to receive certified first-aid training.

Besides, the personnel participating in the training program is provided training on making the necessary evaluations in a qualified manner in terms of determining the health status of the convict during the admission process of convicts and detainees to the penitentiary institution.

In addition, the personnel working in the health services of penitentiary institutions (doctors, dentists, health officers, nurses and other health personnel) are ensured to attend career start and professional development training programmes regularly. All detainees and convicts are provided sufficient cleaning and hygiene materials, and due care is shown in cleanliness and hygiene. Attention is also paid to food diversity in a way that strengthens the immune system of convicts and detainees.

Regarding infectious diseases, necessary disinfection procedures are carried out in the places where convicts and detainees live and in common areas.

With regard to COVID-19, PCR tests are done on the detainees/convicts who will be admitted to the penitentiary institutions for the first time or transferred from another penitentiary institution. Convicts and detainees wait in a separate department until the PCR test result comes out. Room placement is done without quarantine in case the PCR test result is negative, quarantine for 10 days in a separate room in the hospital or penitentiary institution is applied as deemed appropriate by the institution physician. In case of a positive result, 10 days of isolation are foreseen and if the result of the PCR test to be performed afterwards is negative, room placement is implemented.

During the COVID-19 pandemic process, all Chief Public Prosecutor's Offices have been instructed to ensure the necessary coordination with the relevant health institutions for the follow-up and treatment of convicts and detainees, who are over 60 years old or not over 60 years old, but with a chronic disease and whose PCR test results are positive, in the hospital as much as possible.

Within the scope of the national COVID-19 vaccine planning of the Ministry of Health, the convicts and detainees in the penitentiary institutions were vaccinated with the consent of the convicts and additional doses continue to be administered.

Pneumococcal vaccination was applied to convicts/detainees over the age of 60 and convicts and detainees with chronic diseases (in accordance with the chronic diseases and treatment algorithm determined by the Ministry of Health) by obtaining their consent within the scope of COVID-19 protective measures.

### **INFORMATION ON COMMUNITY-BASED MENTAL HEALTH SERVICES**

In the last ten years, the Ministry of Health has taken the necessary steps for comprehensive reform in mental health services in order to move to a community-based model. In Türkiye, the transition to a community-based mental health model started in 2006, with the official adoption of the National Mental Health Policy by the Ministry. The general view that emerged in the first stage of the development process of the community-based service model was to give priority to individuals with serious mental illness. Issues related to the further development of the community-based service model are detailed in the National Mental Health Action Plan published in 2011. From this point of view, Community Mental Health Centres have started to operate under the inpatient health facilities of the Ministry of Health. There are 185 community mental health centres in 79 provinces of Türkiye today. According to the data in September 2022 obtained from the General Directorate of Turkish Public Hospitals, the number of patients reached is 118.884 and the number of mobile team visits is 276.840. Community Mental Health Centres are units where patients with severe mental illness and their families are informed, and outpatient treatment is provided and followed up. These units aim to increase the patient's ability to live in society by using methods such as rehabilitation, psychoeducation, occupational therapy, and group or individual therapy. Units work in relation to psychiatry clinics and follow up with the patients in the place where they live with a mobilized team when necessary.

Services provided by Community Mental Health Centres are as follows;

- Informing the patients and their relatives about the operation of the centre,
- Providing individual counselling services to the patients,
- Monitoring whether the patients who attend the centre continue their treatment regularly,
- Making home visits by the mobile team within the framework of the patient's care plan,

- Making group therapy,
- Giving psychosocial skills training, organizing occupational treatments such as painting, handicrafts and music according to their situation,
- Providing psycho-education to the patients and their families,
- Contacting the patients or their relatives who cannot attend the centre and establishing the connection of the centre with the patient,
- Carrying out studies on informing society and against stigmatization.

The centre identifies patients with severe mental illness in its surrounding region and contacts the patient or their families by phone. It works together with the Provincial Health Directorate Mental Health Branch and Community Health Centre for the patients in the region. The patient is invited to the centre for giving information about the centre and its applications. Patients who cannot come to the centre are visited by the mobile team and their condition is determined. In order to benefit from the services of the centre, a request can be made by the patient himself/herself or by the patient's relatives.

In order to increase the professional capacity of the staff consisting of psychiatrists, psychologists, psychiatric nurses, social service specialists, and occupational therapists working in the centre, face-to-face training was provided to 2.000 people and 658 people are given online training during the period January-March 2021. Between July 2021 and September 2022, training was provided to a total of 3.254 people, including 596 personnel in 91 community mental health centres in 36 provinces. Currently, 49% of personnel at community mental health centres have received training.

In addition to the information above, family members or relatives who care for people with mental disabilities can also benefit from home care assistance if they meet the necessary conditions. Moreover, individuals with mental disabilities can benefit from daytime services where activities that will improve their independent living, professional, social and cultural skills are carried out. Moreover, mentally disabled individuals who cannot be cared for by their families receive residential care services in care institutions affiliated to the MoFSS or private sector (or home-type social service institutions (such as Umut Evleri)). In these centres, care and social rehabilitation services are provided for the care, nutrition, protection, development of skills and adaptation to the social life of all disabled people, including people with mental disabilities, in accordance with human dignity and disability rights. In the care process of mentally disabled individuals, continuous support is provided by the mental health hospitals or clinics of the Ministry of Health and universities, and their treatments and controls are carried out regularly. In addition, the care and rehabilitation process is planned by taking into account the physical characteristics of the centre, with the support and guidance of specialist doctors such as psychiatrists and neurologists.

**MEASURES TAKEN TO STRENGTHEN THE EXISTING NETWORK OF  
COMMUNITY MENTAL HEALTH SERVICES AND INFORMATION ON  
AWARENESS-RAISING ACTIVITIES TO REDUCE STIGMATISATION AND  
HARMFUL STEREOTYPES AROUND MENTAL HEALTH**

Strategic Document on Fighting with Drug and Action Plan 2018-2023, which was prepared under the chairmanship of the Vice President and with the coordination of the High Council for Combating Addiction with 12 ministers, was signed on 11 May 2018 and entered into force. Within the scope of the Action Plan, Regulation on Addiction Counseling, Treatment and Rehabilitation Centres was entered into force by the Official Gazette dated 10 March 2019 and

numbered 30710. With this Regulation, the procedures and principles regarding the establishment, operation, supervision and closure of centres where counselling and information services are provided to drug addicts and/or their relatives, and centres where outpatient or inpatient pharmacological and psychosocial treatments and rehabilitations are provided, and the personnel to be employed in the centres have been determined. Outpatient treatment programs were implemented to reduce the patient burden of inpatient treatment centres. In addition to family physicians, psychiatry clinics and outpatient treatment centres have been strengthened so that people can receive services according to their addiction levels. In this context, an addiction training programme was provided to all adult and child-adolescent mental health and disease specialists, enabling psychiatry clinics in 81 provinces to take part in addiction treatment. All psychiatry specialists were given addiction training, and psychiatry clinics in 81 provinces were enabled to take part in addiction treatment. In addition, “Basic Addiction Training” was given to the personnel (psychologist, social service specialist, nurse and health officer) working in the addiction recovery centre, which includes substance addiction, its treatment and new approaches to addiction according to current trends in this field.

In-service training was given to all hospital emergency workers and 112 emergency call personnel who intervene in emergencies for addicted patients. The number and capacity of treatment centres were increased. While in 2014, service was provided in 30 treatment centres with a bed capacity of 712, as of today, the number of treatment centres has been increased to 135 and the bed capacity to 1388. Thus, a 350% increase in the number of treatment centres and a 94% increase in bed capacity was achieved. Efforts to increase the effectiveness of treatment centres and to strengthen treatment services are ongoing.

Outpatient treatment programs were implemented to reduce the patient burden of inpatient treatment centres. The establishment of rehabilitation centres has been planned to ensure the continuity of treatment. In this context, 8 outpatient and 1 inpatient rehabilitation centre were opened. Currently, treatment services for addiction are provided in 81 provinces. A total of 40 beds, female adult treatment centres were put into service in 2 provinces. With the newly opened treatment centres and outpatient treatment programs, the waiting times of patients for appointments were reduced. Currently, an examination appointment can be made for patients in treatment centres on the same day or within 3 days following the application. Drug addiction screening and verification laboratory analyzes were included in the Communiqué on Health Care Practices and five validation laboratories were licensed.

A regulation was made to increase the frequency and number of family interview-evaluation, and individual and group psychotherapies defined in the Communiqué on Health Care Practices for people receiving drug addiction treatment. Alcohol and Drug Addiction Treatment and Monitoring Clinical Protocol has been published. Suboxan with buprenorphine active ingredient includes reimbursement. Legislative regulations were made to provide free access to treatment for addicted patients who are not covered by general health insurance. Awareness activities are organized in 81 provinces to combat stigmatization.

The main objective of the project called “Social Inclusion Project for Mentally Disabled Individuals” funded within the scope of European Union IPA II and implemented in cooperation with the MoFSS and the Ministry of Health under the coordination of the WHO is to contribute to social inclusion efforts for individuals with mental disabilities through quality community-based support services. The duration of the project is 36 months. The project, which started to be implemented with the contract signed in July 2018, received an extension approval until September 2022 due to the COVID-19 pandemic.

Since there were activities that could not be completed due to the ongoing pandemic, a one-year extension was requested without increasing the budget, and an extension approval was received until 24 September 2023. The expected results of the project are as follows:

- Creating a national model for community-based care services for people with mental disabilities and putting this model into practice,
- Conducting evidence-based studies on policy making, planning, implementation and regulation of services for people with mental disabilities,
- It is the creation of modules for an individual-centred approach in order to increase the competent workforce that applies evidence-based treatment methods in care for individuals with mental disabilities. Efforts are also being made to develop a sustainable national capacity in order to improve the current and future in-service training of its employees.

### **INFORMATION ABOUT THE TRANSMISSION OF INFECTIOUS DISEASES AMONG PEOPLE WHO USE OR INJECT PSYCHOACTIVE SUBSTANCES BOTH IN THE COMMUNITY AND IN CUSTODIAL SETTINGS**

Article 432 titled “Restrictions of Liberty For Protection - Conditions” of the Turkish Civil Code is as follows:

*“Any adult person who poses a danger to society due to mental illness, mental weakness, alcohol or drug addiction, serious contagious disease or vagrancy may be placed or detained in an institution suitable for treatment, education or rehabilitation, unless personal protection can be provided in any other way. Public officials, who learn of the existence of one of these reasons while performing their duties, must immediately notify the competent guardianship authority. In this regard, the burden on the person is also taken into consideration. The person concerned is removed from the institution if the situation permits.”.*

With Presidential Circular No. 2019/2 dated 14 February 2019, the High Council for Combating Addiction aims to resolutely continue the efforts to combat substance addictions such as drugs, alcohol, tobacco, and behavioural addictions such as gambling and technology addiction, and to ensure coordination between Ministries and Public Institutions and Organizations has been reconstituted under the chairmanship of the Vice President, the Ministers of Justice, Family and Social Services, Labour and Social Security, Environment and Urbanization, Youth and Sports, Treasury and Finance, Interior, National Education, Health, Agriculture and Forestry, Trade, Transport and Infrastructure, and with the participation of the Deputy Chairman of the Presidency of the Board of Health and Food Policies.

The main purpose of the Board is to fight against all kinds of addiction, with strategies and policies developed at the national and international levels, in coordination and cooperation at the highest level, to support each other and increase their influence; to contribute to the formation of a healthy society consisting of healthy individuals who have a complete physical, mental and social well-being. The High Council for Combating Addiction carries out its activities within the scope of the Fight Against Drugs National Strategy Document and Action Plan (2018 - 2023); Tobacco Control Strategy Document and Action Plan (2018 - 2023); National Strategy Document and Action Plan for Combating Behavioral Addictions (2018 - 2023).

Works carried out within the scope of the fight against addiction in the penitentiary institution are stated below:

### **Risk and Needs Assessment System - Research Assessment Form (RAF):**

Within the scope of the Individualized Improvement System (IIS), Progressive Research Evaluation Form is applied to each convict/detainee who comes to the penitentiary institution. In the first stage, the "Institution Acceptance Form" is filled out by the institution admission officer for all convicts/detainees admitted to the institution. In the second stage, the "Psycho-Social Officer Form" is filled by the execution and protection officer in the psycho-social aid service unit within 3 days at the latest. In the last stage, the "Psycho-Social Expert Form" is filled in by the psycho-social assistance service specialists.

In accordance with the risk-need analysis report determined with the filled RAF, necessary studies on health, education, mental, social, cultural, household, economic and legal needs and room placement are reported in line with the understanding of the "individualized improvement system" considering the risk and priority order.

As a result of RAF risk and need report, convicts/detainees are directed to individual or group intervention programs appropriate to their needs. Convicts and detainees whose substance use history was determined according to the RAF result are included in individual and group intervention programs by psycho-social assistance service specialists of the institution. Informing convicts about substance addiction and providing them with the skills to cope with substance withdrawal play an important role in minimizing the problems experienced in this field. In addition, teaching relaxation techniques to convicts and using these techniques by convicts is an effective way to cope with withdrawal symptoms. Families also need to be informed about substance abuse.

Reducing the frequency of substance use-related problems in the penitentiary institution is provided by the Alcohol and Substance Addiction Individuals Intervention Program within the scope of Structured Mental Assessment and Intervention.

### **Smoking, Alcohol and Substance Addiction Program (SASAP) and Seminars/Conferences:**

Apart from the individual intervention program, a group intervention program is applied to addicted convicts and detainees in penal institutions, such as smoking, alcohol and substance addiction. SASAP is a group intervention program developed to inform detainees and convicts in penitentiary institutions about cigarette, alcohol and substance addiction and to gain life skills.

In general, SASAP was developed to create a structured treatment program in the field of addiction. The Cigarette Alcohol Substance Addiction Information Program aimed at 12-18 years old group of children with a history of substance use and the problem is implemented. Within the scope of this program, information and awareness-raising activities regarding the harmful effects of substances and methods of protection from substances are carried out. During the implementation process, the prisoner/convict, who is observed to need further examination and treatment by the psycho-social assistance service specialists, is directed to the institutions' physicians. In this process, addicted prisoners/convicts can be treated on an outpatient basis or in a health institution. On returning to the institution after the treatment, rehabilitation studies



are carried out by planning the psycho-education that needs to be continued with the contribution of other units to the process (occupation therapy, individual or collective sports events and other social-cultural activities).

Additionally, conferences and seminars are held on the harms of substance abuse for detainees and convicts and personnel by Provincial health directorates, police departments, Green Crescent Counseling Centres and institutional psycho-social assistance services for adults and children at regular intervals.

On the other hand, the “Project for Strengthening Institutional Capacity of the Judiciary and Execution System for the Fight Against Addiction” which was proposed in 2016 by the General Directorate of Prisons and Detention Houses within the scope of the EU Pre-Accession Financial Support Instrument Program (IPA II) was accepted by the EU Commission. The aim of the project is to improve the services for people whose judicial process continues due to substance abuse and for whom probation measures are applied and to strengthen the institutional capacity of the judiciary and the probation system in this regard.

**INFORMATION ON THE PREVENTION AND HARM REDUCTION SERVICES, INCLUDING OPIOID AGONIST TREATMENT, ESTIMATED COVERAGE AND/OR THE NUMBER OF USERS, AND THE AMOUNT OF FUNDING ALLOCATED, WITH INFORMATION DISAGGREGATED FOR CUSTODIAL AND COMMUNITY SETTINGS RESPECTIVELY**

In order to use a standard training module in the fight against addiction, the Fight against Addiction Training Program was prepared by the MoNE and the Turkish Green Crescent (Yeşilay) Society. It consists of modules on a healthy life, technology addiction, tobacco addiction, alcohol addiction and substance addiction prepared separately for kindergarten, primary school, secondary school, high school and adult age groups and has been implemented since 2014. In order to take part in the implementation of these modules, 812 guidance teachers were trained as pharmacists and 33.389 guidance teachers were trained as practitioners.

In addition to students at all levels of formal education, teachers and parents are provided with training programmes within the scope of Training Programme modules by the guidance teachers who receive these programmes. Every year, approximately 10 million students and 3 million adults are reached through these programmes. In addition, training programmes are provided for different segments of society within the scope of the “Lifelong Learning Programme”. Fight against Addiction Training Program’s contents have also been integrated into the EBA, which provides televised training programs on national TV channels.

Necessary security investigations are carried out for the cleaning personnel, security guards, canteen attendants, and school bus drivers, who provide auxiliary services in educational institutions and other personnel start to work and training programmes on the fight against addiction are provided for them. Hotline 191 “Anti-Drug Counseling and Support Line”, which includes experts such as psychologists and social workers working on all day basis every weekday to provide services to individuals who use drugs, their relatives or those who want to receive information or support within the scope of the fight against drugs, was put into service on 8 July 2015 and is still in service.

By providing addiction training to family physicians and family health personnel, early diagnosis and counselling services are provided to the individual or family who uses drugs in the population they are responsible for.

Psychosocial Support Units in wellness centres also provide counselling services on addiction by a team of psychologists, social service specialists and child development specialists. Thus, while increasing the effectiveness of the services offered to combat addiction in primary health care services, this service is also expanded. In addition, 105 Green Crescent Counseling Centres were put into service across the country, where addicts and their relatives can receive face-to-face counselling.

### **MEASURES TAKEN TO STRENGTHEN THE ENFORCEMENT OF EXISTING STANDARDS ON AIR, WATER OR OTHER FORMS OF ENVIRONMENTAL POLLUTION AND TO REDUCE THEM AND ADDRESS THE RELATED HEALTH PROBLEMS**

The central governmental environmental structure in Türkiye is the MoEUCC. The main responsibilities of the Ministry are to the development of environmental strategy, policies and legislation concerning:

- Protecting and improving the environment,
- Preventing and monitoring environmental pollution,
- Bringing in sustainable development principles, clean production, use of renewable resources,
- Permitting, licensing, auditing, and monitoring all kinds of activities in case there might be environmental impacts,
- Enforcing legislative tools it developed and providing coordination among stakeholders in environmental issues.

The MoEUCC enacted the By-Law on Control of Air Pollution Caused by Industry Facilities on 03 July 2009 amending the By-Law on Control of Air Pollution from Industrial Plants (BCAPIP) on 22 July 2006, setting facilities classification according to their capacities, and the related permitting competencies shared between MoEUCC and provisional directorates. Moreover, there are other 5 By-Laws besides BCIPIP:

- By-law on reduction in the sulphur content of certain liquid fuels,
- By-law on management and assessment of environmental noise,
- By-law on control of air pollution from heating,
- By-law on control of the emissions from odour,
- By-law on control of exhaust gas emissions.

In each of the 81 Provinces, provincial directorates subordinated to the MoEUCC are established. The provincial directorates have the responsibility to implement environmental legislation at the local level by means of permitting and inspection for facilities falling under their competencies according to the Environmental Law. Many of the EU-funded projects have been completed by the MoEUCC. Projects related to air pollution are listed below:

The MoEUCC initiated a new project namely “HEYGEL” (Supporting Air Emission Management Portal) on November 2018 to extend the HEY-Portal to cover the entire country. The project aims to further develop the HEY portal and include all data from the whole Türkiye by 2023. At the local level, Regional CACs are responsible to provide data and run the HEY Portal. The Portal includes different modules for mapping, emissions calculations, emissions



distribution processing, air quality modelling, solid fuels management, and reporting. Soon, the HEY system will run scenarios to determine the effect of mitigation measures.

The developments regarding the environmental legislation during the reporting period are given below:

- “Regulation on the Control of Volatile Organic Compound Emissions caused by the storage and distribution of gasoline and nafta” was entered into force in 2018. The purpose of this Regulation is to combat air pollution by reducing volatile organic compounds released from processes, facilities and tankers during the storage, filling, and transportation of gasoline and naphtha, transportation from one terminal to another or from a terminal to a fuel station, and the processes performed/used during refuelling of motor vehicles at fuel stations.
- “Zero Waste Regulation” was entered into force in 2019. The purpose of this Regulation is to establish the general principles and principles regarding the establishment, dissemination, development, monitoring, financing, recording and documentation of the zero waste management system, which aims to protect the environment and human health and to determine all resources in waste management processes in line with the effective management of raw materials and natural resources and sustainable development principles.
- As of 1 January 2019, with the entry into force of the Law on Amending the Environmental Law and Some Laws, plastic bags will be given to the user or the consumer for a fee at sales points in order to efficiently manage resources and prevent environmental pollution caused by plastic bags. The objective of this regulation is to reduce the use of plastic bags and their negative effects on the environment.
- “The Packaging Waste Control Regulation” was published in the Official Gazette in 2021. The previous Packaging Waste Control Regulation published in the Official Gazette dated December 2017 was repealed by the Regulation. The Regulation sets out the collection of wastes according to the zero waste management system within the framework of the Zero Waste Regulation published in the Official Gazette dated 2019 and the prioritization of the material recycling of packaging waste. If this is not possible, waste should be used as an energy source; and if this is not possible, as a last resort, other recycling processes should be applied.

The main measures taken against air pollution are the inspection by the Provincial Directorates of the MoEUCC, the use of quality solid/liquid fuels, and taking the emissions of industrial establishments and motor vehicles under control with permit and monitoring processes.

The MoEUCC carried out 6.283 environmental inspections for the prevention of air pollution in the first 11 months of 2021. While it imposed an administrative fine of 30 million 44 thousand 142 TL on 540 real or legal persons, whom it determined not to comply with the procedures and principles in the environmental legislation, as well as restrictions and prohibitions, it also banned 68 facilities from operating. The pollutant parameters in 683 chimneys of 331 industrial facilities with high polluting characteristics related to flue gas emissions are monitored in real-time with Continuous Emission Measurement Systems by the General Directorate of Environmental Impact Assessment, Permission and Inspection.

With the circular of the MoEUCC on “Prevention of Air Pollution”, it was requested that the Clean Air Action Plan be implemented effectively in cooperation with local governments and that the measures taken against air pollution caused by industrial facilities, heating and motor vehicles should be increased. In the Circular adopted by the General Directorate of

Environmental Impact Assessment, Permission and Inspection, the measures to be taken to ensure the limit values in the Air Quality Assessment and Management Regulation were also listed. In the Circular, it was stated that the facilities in the provinces should operate in a way that provides the provisions and principles in the Regulation on the Control of Industrial Air Pollution and that the emissions that may arise from these facilities should be controlled. It was requested to increase the inspections by taking into account the Continuous Emission Measurement Systems and Air Quality Monitoring Data.

Regarding soil pollution, disposal of liquid, solid and gaseous wastes of industry/mining facilities in accordance with the legislation, dissemination of zero waste practices, raising social awareness and realization of urbanization in accordance with the environmental plan are among the main measures.

The “Environmental Noise Control Regulation” prepared by the MoEUCC entered into force in 2022. With this Regulation, which was prepared with the opinions and contributions of the Ministry of Interior and the Ministry of Culture and Tourism, it is aimed to solve the environmental noise at its source. Within the scope of the new regulation, regulations were made on the subjects of City-Specific Noise Management, Loud Sound Adjustment for Outdoor Activities, Fireworks Permission Condition, “Continuous Monitoring System” for Noise, Time Adjustment for Construction Sites, Noise Shields for Historical Buildings, Noise Map with 81 Provinces.

The Presidential Circular published in the Official Gazette, the week of June 5th will be celebrated as “Türkiye Environment Week” with a theme to be announced by the MoEUCC. In the circular, it was reminded that June 5th has been celebrated as World Environment Day since the United Nations Environment Conference was held in 1972 with the aim of raising awareness on the protection of the environment.

### **INFORMATION ON NATIONAL IMMUNISATION PROGRAMMES, AS WELL AS ON MEASURES TO PREVENT EPIDEMIC DISEASES**

Disease-specific surveillance programs are carried out for communicable diseases, including vaccine-preventable diseases. In addition, disease-specific control programs and elimination and eradication programs are carried out. All regulations for these programs have been published.

Guidelines have been prepared and published for the studies that need to be carried out in the field. In addition, a Guide to Combating Infectious Diseases has been developed and trainings have been given to guide the studies to be carried out by the health authorities in the provinces on early warning, preparedness, epidemic investigation, epidemic reporting, post notification in diseases under surveillance and surveillance and the guide started to be used in the field.

The personnel who will use these guides in the field have been trained. Software programs have been developed to monitor and evaluate surveillance programs across Türkiye (data entry, reporting, monitoring, evaluation, etc.) and have been used. Daily Acute Gastroenteritis and flu-like diseases, infectious diseases for which syndromic surveillance and notification are obliged are followed.

All work and transactions carried out within the scope of the Early Warning and Response System which is recorded by making early detection, verification, filtering, prioritization,

evaluation, monitoring, intervention and reporting of potential public health threats of biological, chemical, environmental, radiological and radio nuclear origin or whose source cannot be determined, in the Central and Provincial Organizations are followed by the Case Management System, which records local, national and international cases and is used jointly by the centre and provinces.

Within the scope of case-based surveillance, local, national and international press and various networks are followed daily. Through the International Health Regulations National Focal Point, the risk assessment of threats at the national level is made and conveyed to the WHO. Acute public health threats are followed daily from international reports and sources. Intersectoral cooperation studies continue with other institutions and organizations related to acute public health threats.

Türkiye Field Epidemiology Certified Training Program has been accepted as a nationally certified program and its training continues. The project activities of the Health Security in Türkiye Project, funded by the European Union and supported by the technical expertise of the WHO, is ongoing. The overall goal of the “IPA-II Health Security in Türkiye” Project is to strengthen health security in Türkiye in line with international standards by being prepared and responding to all pandemic threats.

Despite the progress achieved with the project in recent years, it is aimed to support the structure and processes of the field epidemiology training program at the national level, increase the capacity and performance of microbiology laboratories along with the provincial level early warning and response system, epidemiology and surveillance capacity, increase the capacity of threat detection in accordance with the needs of Türkiye’s early warning response system and increase the communicable disease diagnosis capacity, reporting and epidemic notification, inter-sectoral communication and cooperation capacity.

Practical Epidemiology Trainings are carried out in order to improve the knowledge and skills of health personnel working in the provincial and district organization of the Ministry of Health, General Directorate of Public Health, on epidemic preparedness and epidemic investigation, and to increase the capacity of trained manpower in the field of epidemiology.

In addition, trainings for trainers on the issue of early warning and combating infectious diseases are carried out in order to increase the number of qualified health workers in the provinces.

The Expanded Programme on Immunization (EPI) covers vaccination services implemented in order to ensure the immunization of all vulnerable age groups by preventively reaching out to them before they contract and develop infectious diseases: pertussis, diphtheria, tetanus, measles, rubella, mumps, tuberculosis, polio, chickenpox, hepatitis A, hepatitis B, invasive *Streptococcus pneumoniae* and invasive *Haemophilus influenzae* type b. This Program aims to control, and eventually, eradicate these infections with a special focus on decreasing the incidence of these infectious diseases and associated deaths. The objectives of EPI for 2022 are as follows:

- to ensure the continuity of the vaccination rate of 95% and above for each antigen throughout the country,
- to make 90% of 13-24 month-old babies fully vaccinated,
- to identify and vaccinate unvaccinated or incompletely vaccinated children under the age of 5 (0–59 months),

- to reach a 95% vaccination rate for each antigen in school-age childhood vaccinations,
- to apply the appropriate tetanus diphtheria vaccine dose to all detected pregnant women,
- eliminate measles and rubella diseases, control congenital rubella syndrome, prevent diphtheria, pertussis, hepatitis-b, hepatitis a, varicella, tuberculosis, mumps and Haemophilus influenzae type b. and S. pneumoniae-related invasive diseases,
- to maintain vaccine safety,
- to Strengthen the registration notification system,
- to ensure community participation in this field.

In addition to routine vaccinations, immunization studies have been continued by conducting national or regional acceleration studies and supporting vaccination studies when necessary, and great decreases have been achieved in the morbidity and mortality rates of vaccine-preventable diseases.

The percentages of decrease in the average number of cases of diphtheria, pertussis, tetanus, polio and measles in 2017-2021 compared to 1980-1984 are given in the table below.

*Table 29. The average number of cases of diphtheria, pertussis, tetanus, polio and measles in 2017-2021 compared to 1980-1984*

Disease	Number of cases before vaccination	Number of cases 1980-1984	Number of cases 2017-2021	Percentage of Decrease %
Diphtheria	1236 (1932-1936)	174	0	100
Pertussis	10762 (1963-1967)	3619	84	98
Tetanus	No notification. (1963-1967)	110	16	85
Polio	501 (1958-1962)	159	0	100
Measles	50145 (1965-1969)	21225	713	97

#### a. Information and figures on the vaccination coverage rates.

*Table 30. Vaccination Coverage Rates*

Vaccination Percentage 2021	Türkiye
BCG Vaccine	94,67
DaBT-IPA-Hib 1	94,79
DaBT-IPA-Hib 3	95,45
MMR -1	96,10
Pneumonia Vaccine (KPA 3)	96,31
HepB 1	85,84
HepB 3	95,54
HepA 1	98,74
HepA 2	95,34
Varricella Vaccine	91,30
MMR – 2	93,03

DaBT-IPA	90,59
Diphtheria-tetanus Vaccine	83,28

The coverage of DaBT-IPA-Hib 3rd dose in Immigrants for 2021 is 83%. Pregnant Tetanus-Diphtheria vaccine coverage is 68,62%. The adult age Conjugated Pneumococcal Vaccine coverage is 84,2%. The perception that Pneumonia Vaccine (KPA) reduced the risk of COVID-19 before the production of COVID vaccines in the fall of 2020 played a major role in this rate.

In the 2000s, after Türkiye's breakthrough and successful strategies in immunization, vaccination rates exceeded 95%. As a result, interest in vaccine production in Türkiye has increased.

As a result of technology transfer studies, while the five-mix (DaBT-IPV-Hib) vaccines made in 2009 and the quadruple mixed (DaBT-IPV) vaccines in 2011 were purchased with a 3-year special tender, the technology of packaging and filling into the injector gradually, and pneumonia vaccine (KPA 13-Conjugated Pneumococcus) in 2010, again, in return for a 3-year purchase guarantee, packaging and injector filling as well as formulation technology were ensured to brought Türkiye.

The activities carried out in the facilities revealed by these studies still maintain their continuity today. Patented vaccines from international companies such as Sanofi-Pasteur and Pfizer are supplied to Türkiye. With a seven-year purchase guarantee in 2015, tetanus and diphtheria vaccines are planned to be made gradually until antigen production. The filling was started to be done in Türkiye in 2018. In 2019, a license application was made to the Turkish Medicines and Medical Devices Agency for the locally and nationally produced vaccine. As a result of the application, antigen was started to be used in 2020. Thus, Türkiye started to use the vaccine for the first time after years, by producing it from the first stage.

In vaccine development studies, first of all, it is important to draw the national research and development map of the vaccine in terms of infrastructure and human resources and to ensure unity here. Qualified human resources play the most critical role. As a matter of fact, vaccine studies require a network of disciplines that are difficult to weave. In this sense, central studies should be implemented, and mechanisms that attract young researchers to the field and return the ones who are abroad to the country should be strengthened.

## **DATA AND INFORMATION ON TRENDS IN THE CONSUMPTION OF TOBACCO AND ALCOHOL**

Türkiye Health Survey (THS), which was carried out for the first time in 2008, is applied to households with face-to-face interviews regularly every two years until 2016 and every three years as of 2019. Indicators for tobacco and alcohol are compiled and published by the THS. The distribution of reasons for starting alcohol use by individuals by gender, the distribution of individuals' alcohol use status by gender and age group, the distribution of individuals' reasons for starting to use tobacco products by gender, the distribution of individuals using tobacco products by gender and age group are shown below. It can also be accessed from the [web link](#).

Table 31. The percentage of individuals' status of consuming alcoholic drinks by sex and age group, 2010-2019

[15+ yaş - age]	(%)														
	2010			2012			2014			2016			2019		
	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
<b>Kullanan</b> Consumes	<b>12,6</b>	<b>21,1</b>	<b>4,4</b>	<b>10,4</b>	<b>17,2</b>	<b>3,8</b>	<b>14,9</b>	<b>24,3</b>	<b>5,8</b>	<b>12,2</b>	<b>19,3</b>	<b>5,3</b>	<b>14,9</b>	<b>23,3</b>	<b>6,6</b>
<b>15-24</b>	<b>8,6</b>	14,7	2,8	<b>7,4</b>	11,7	3,2	<b>13,3</b>	20,9	5,8	<b>9,3</b>	13,1	5,4	<b>11,4</b>	16,4	6,2
<b>25-34</b>	<b>17,0</b>	26,4	7,5	<b>14,0</b>	21,7	6,2	<b>20,5</b>	31,0	10,0	<b>16,5</b>	24,1	8,7	<b>20,7</b>	30,9	10,5
<b>35-44</b>	<b>15,6</b>	25,5	5,7	<b>13,1</b>	21,2	5,0	<b>17,1</b>	27,4	6,7	<b>15,9</b>	25,2	6,4	<b>19,8</b>	30,8	8,7
<b>45-54</b>	<b>13,7</b>	23,6	3,8	<b>11,9</b>	20,3	3,5	<b>15,2</b>	25,6	4,7	<b>11,5</b>	19,2	3,7	<b>14,2</b>	22,2	6,0
<b>55-64</b>	<b>11,6</b>	20,9	2,8	<b>8,4</b>	15,2	1,9	<b>12,6</b>	22,6	2,9	<b>11,6</b>	19,7	3,8	<b>12,5</b>	21,3	3,9
<b>65-74</b>	<b>5,0</b>	9,8	1,5	<b>4,0</b>	8,2	0,6	<b>5,8</b>	11,2	1,3	<b>5,9</b>	11,5	1,0	<b>8,2</b>	15,0	2,3
<b>75+</b>	<b>3,3</b>	6,5	0,8	<b>1,3</b>	3,0	0,1	<b>2,0</b>	4,4	0,5	<b>2,5</b>	5,5	0,6	<b>2,0</b>	4,1	0,5
<b>Daha önce kullanan</b> Doesn't consume	<b>12,5</b>	<b>20,0</b>	<b>5,2</b>	<b>9,7</b>	<b>15,3</b>	<b>4,2</b>	<b>18,0</b>	<b>27,6</b>	<b>8,6</b>	<b>11,9</b>	<b>19,1</b>	<b>5,0</b>	<b>10,7</b>	<b>17,6</b>	<b>4,0</b>
<b>15-24</b>	<b>7,5</b>	10,4	4,7	<b>5,3</b>	6,7	4,0	<b>9,5</b>	11,9	7,1	<b>4,9</b>	5,9	3,9	<b>4,4</b>	5,7	3,0
<b>25-34</b>	<b>11,2</b>	15,4	7,1	<b>8,9</b>	12,2	5,6	<b>17,0</b>	22,4	11,5	<b>11,5</b>	16,0	7,0	<b>8,9</b>	12,2	5,6
<b>35-44</b>	<b>14,0</b>	22,2	5,7	<b>10,0</b>	15,4	4,6	<b>21,0</b>	31,0	10,9	<b>13,2</b>	21,4	4,9	<b>10,6</b>	16,0	5,3
<b>45-54</b>	<b>14,8</b>	24,1	5,4	<b>11,9</b>	19,6	4,2	<b>21,3</b>	34,2	8,3	<b>14,8</b>	23,8	5,8	<b>12,3</b>	20,9	3,7
<b>55-64</b>	<b>17,6</b>	32,5	3,5	<b>13,6</b>	24,8	2,9	<b>23,1</b>	39,7	6,8	<b>16,4</b>	28,7	4,4	<b>16,6</b>	29,9	3,5
<b>65-74</b>	<b>14,4</b>	30,0	2,9	<b>13,2</b>	26,6	2,1	<b>23,2</b>	44,0	5,5	<b>16,0</b>	30,4	3,6	<b>16,3</b>	32,9	1,8
<b>75+</b>	<b>16,0</b>	32,1	2,6	<b>10,7</b>	24,5	1,4	<b>16,2</b>	37,0	2,5	<b>11,3</b>	25,8	1,8	<b>13,9</b>	30,9	2,6
<b>Hiç kullanmayan</b> Never consume	<b>74,9</b>	<b>58,8</b>	<b>90,3</b>	<b>79,9</b>	<b>67,4</b>	<b>92,0</b>	<b>67,1</b>	<b>48,2</b>	<b>85,6</b>	<b>75,8</b>	<b>61,6</b>	<b>89,8</b>	<b>74,4</b>	<b>59,1</b>	<b>89,4</b>
<b>15-24</b>	<b>83,9</b>	75,0	92,5	<b>87,3</b>	81,6	92,8	<b>77,2</b>	67,2	87,1	<b>85,8</b>	81,0	90,6	<b>84,2</b>	77,9	90,7

25-34 71,8 58,2 85,4 77,1 66,1 88,2 62,5 46,6 78,6 72,0 59,9 84,3 70,4 56,9 83,9

Table 32. The distribution of reasons behind starting alcohol use of individuals by sex, 2010-2019

	[15+ yaş - age] (%)														
	2010			2012			2014			2016			2019		
	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
<b>Merak</b>															
Interest	30,6	30,6	30,2	39,4	40,0	36,8	37,9	37,1	40,6	18,3	19,8	7,6	9,1	10,0	6,0
<b>Özenti</b>															
Desire	12,0	13,4	6,2	15,1	17,1	7,0	8,2	9,7	3,0	13,7	15,1	3,4	6,1	7,2	2,4
<b>Aile sorunları</b>															
Family problems	1,2	1,1	1,6	1,0	0,9	1,2	1,1	1,2	0,7	1,5	1,5	1,9	1,3	1,4	0,9
<b>Kişisel sorunlar</b>															
Personal problems	1,9	2,1	1,1	1,9	1,9	1,6	1,6	1,6	1,5	5,8	5,3	9,3	3,2	3,8	1,0
<b>Arkadaş etkisi</b>															
Impact of friend	22,9	25,9	10,5	17,0	18,7	9,9	24,2	27,5	12,9	23,6	25,0	13,4	16,8	19,8	6,7
<b>Eğlence amaçlı</b>															
For fun	26,4	22,9	40,5	19,4	15,9	33,3	20,7	18,1	29,8	29,4	25,9	55,1	52,3	46,9	70,8
<b>Hiçbir özel neden yok</b>															
No special reason	1,6	1,3	3,1	3,6	3,4	4,2	2,2	2,0	2,7	6,6	6,5	7,4	11,2	10,9	12,0

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Table 33. The percentage of individuals' status of smoking tobacco products by sex and age group, 2010-2019

	[15+ yaş - age] (%)														
	2010			2012			2014			2016			2019		
	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
<b>Her gün kullanan</b> Daily smoker	<b>25,4</b>	<b>39,0</b>	<b>12,3</b>	<b>23,2</b>	<b>35,9</b>	<b>10,8</b>	<b>27,3</b>	<b>41,8</b>	<b>13,1</b>	<b>26,5</b>	<b>40,1</b>	<b>13,3</b>	<b>28,0</b>	<b>41,3</b>	<b>14,9</b>
<b>15-24</b>	<b>16,4</b>	27,1	6,1	<b>14,3</b>	24,1	4,6	<b>18,5</b>	31,4	5,7	<b>18,1</b>	28,2	7,8	<b>19,6</b>	31,0	7,9
<b>25-34</b>	<b>32,7</b>	48,2	17,0	<b>30,5</b>	45,9	14,9	<b>35,1</b>	51,2	18,8	<b>33,2</b>	49,6	16,6	<b>34,4</b>	51,3	17,6
<b>35-44</b>	<b>34,5</b>	49,2	19,5	<b>30,9</b>	44,4	17,3	<b>34,9</b>	49,9	19,7	<b>35,2</b>	50,6	19,6	<b>38,6</b>	52,9	24,1
<b>45-54</b>	<b>28,8</b>	43,7	13,8	<b>27,7</b>	42,0	13,4	<b>32,7</b>	48,7	16,5	<b>31,6</b>	45,3	17,7	<b>31,8</b>	45,1	18,4
<b>55-64</b>	<b>20,4</b>	32,7	8,8	<b>17,4</b>	27,9	7,4	<b>24,0</b>	38,2	10,2	<b>22,8</b>	35,0	10,9	<b>25,1</b>	37,8	12,8
<b>65-74</b>	<b>11,2</b>	20,6	4,2	<b>10,1</b>	17,8	3,8	<b>12,1</b>	22,4	3,4	<b>13,5</b>	24,2	4,4	<b>12,5</b>	19,9	6,1
<b>75+</b>	<b>7,3</b>	15,1	0,9	<b>5,6</b>	12,6	0,8	<b>5,0</b>	8,9	2,4	<b>4,8</b>	10,7	1,0	<b>7,1</b>	13,2	3,1
<b>Ara sıra kullanan</b> Occasional smoker	<b>4,1</b>	<b>4,5</b>	<b>3,7</b>	<b>3,6</b>	<b>4,3</b>	<b>2,9</b>	<b>5,2</b>	<b>5,6</b>	<b>4,8</b>	<b>4,1</b>	<b>4,0</b>	<b>4,1</b>	<b>3,4</b>	<b>3,5</b>	<b>3,2</b>
<b>15-24</b>	<b>3,4</b>	4,3	2,6	<b>2,9</b>	4,3	1,5	<b>4,9</b>	6,1	3,7	<b>3,3</b>	3,6	3,0	<b>3,2</b>	3,6	2,9
<b>25-34</b>	<b>5,6</b>	5,6	5,6	<b>4,8</b>	4,6	4,9	<b>6,7</b>	6,9	6,5	<b>5,6</b>	5,1	6,1	<b>3,8</b>	3,9	3,6
<b>35-44</b>	<b>4,6</b>	4,4	4,8	<b>4,6</b>	4,9	4,4	<b>6,6</b>	6,4	6,8	<b>5,4</b>	5,0	5,9	<b>4,2</b>	3,9	4,6
<b>45-54</b>	<b>4,9</b>	4,8	5,0	<b>3,6</b>	4,1	3,1	<b>4,6</b>	4,4	4,8	<b>4,1</b>	4,1	4,1	<b>3,4</b>	3,6	3,2
<b>55-64</b>	<b>2,6</b>	4,3	0,9	<b>2,3</b>	4,1	0,5	<b>3,4</b>	3,6	3,3	<b>2,4</b>	2,5	2,3	<b>3,0</b>	3,2	2,8
<b>65-74</b>	<b>1,5</b>	2,4	0,8	<b>1,7</b>	2,7	0,9	<b>3,6</b>	5,2	2,2	<b>1,6</b>	1,9	1,3	<b>1,6</b>	1,6	1,5
<b>75+</b>	<b>1,2</b>	1,7	0,9	<b>1,9</b>	2,9	1,2	<b>2,0</b>	2,9	1,4	<b>2,3</b>	2,8	2,0	<b>2,2</b>	2,9	1,7



**Daha önce  
kullanan**

Ex-smoker

	<b>17,1</b>	<b>23,0</b>	<b>11,5</b>	<b>14,3</b>	<b>19,8</b>	<b>8,9</b>	<b>17,7</b>	<b>23,8</b>	<b>11,8</b>	<b>12,9</b>	<b>19,3</b>	<b>6,7</b>	<b>14,2</b>	<b>21,3</b>	<b>7,2</b>
<b>15-24</b>	<b>9,4</b>	11,7	7,2	<b>5,7</b>	6,5	5,0	<b>8,8</b>	10,2	7,5	<b>2,7</b>	3,4	2,1	<b>3,1</b>	4,2	2,0
<b>25-34</b>	<b>13,2</b>	12,6	13,7	<b>11,5</b>	11,7	11,2	<b>12,7</b>	12,6	12,8	<b>8,0</b>	9,3	6,6	<b>8,7</b>	10,5	7,0
<b>35-44</b>	<b>17,4</b>	21,1	13,7	<b>14,0</b>	18,2	9,8	<b>16,8</b>	20,6	13,0	<b>12,4</b>	16,6	8,2	<b>11,4</b>	15,9	6,9
<b>45-54</b>	<b>20,7</b>	29,1	12,4	<b>18,5</b>	26,3	10,6	<b>21,9</b>	29,6	14,1	<b>16,7</b>	24,5	8,7	<b>17,8</b>	26,2	9,4
<b>55-64</b>	<b>27,7</b>	43,1	13,0	<b>23,8</b>	38,0	10,1	<b>28,8</b>	43,4	14,5	<b>24,1</b>	39,5	9,0	<b>25,3</b>	39,7	11,3
<b>65-74</b>	<b>25,5</b>	47,4	9,3	<b>24,4</b>	44,9	7,4	<b>29,7</b>	51,8	10,9	<b>26,0</b>	47,4	7,7	<b>30,2</b>	53,6	9,7
<b>75+</b>	<b>29,3</b>	55,3	7,7	<b>20,4</b>	42,2	5,7	<b>28,4</b>	58,7	8,4	<b>22,0</b>	47,3	5,4	<b>25,2</b>	53,7	6,1

**Hiç kullanmayan**

Never smoker

	<b>53,4</b>	<b>33,5</b>	<b>72,6</b>	<b>59,0</b>	<b>40,0</b>	<b>77,3</b>	<b>49,8</b>	<b>28,7</b>	<b>70,3</b>	<b>56,5</b>	<b>36,6</b>	<b>75,9</b>	<b>54,5</b>	<b>33,8</b>	<b>74,7</b>
<b>15-24</b>	<b>70,8</b>	56,9	84,2	<b>77,1</b>	65,1	88,9	<b>67,7</b>	52,3	83,2	<b>75,9</b>	64,9	87,0	<b>74,1</b>	61,2	87,3
<b>25-34</b>	<b>48,6</b>	33,6	63,7	<b>53,3</b>	37,8	69,0	<b>45,5</b>	29,3	61,8	<b>53,3</b>	36,0	70,7	<b>53,1</b>	34,3	71,8
<b>35-44</b>	<b>43,5</b>	25,2	62,0	<b>50,5</b>	32,5	68,5	<b>41,7</b>	23,1	60,4	<b>47,0</b>	27,8	66,3	<b>45,8</b>	27,4	64,3
<b>45-54</b>	<b>45,6</b>	22,5	68,8	<b>50,2</b>	27,6	72,9	<b>40,8</b>	17,2	64,6	<b>47,7</b>	26,1	69,5	<b>47,0</b>	25,1	69,0
<b>55-64</b>	<b>49,3</b>	19,9	77,3	<b>56,5</b>	30,0	82,0	<b>43,8</b>	14,8	72,1	<b>50,7</b>	22,9	77,8	<b>46,5</b>	19,3	73,1
<b>65-74</b>	<b>61,8</b>	29,6	85,6	<b>63,8</b>	34,5	88,0	<b>54,6</b>	20,5	83,5	<b>58,9</b>	26,5	86,6	<b>55,7</b>	24,8	82,7
<b>75+</b>	<b>62,2</b>	27,9	90,5	<b>72,1</b>	42,3	92,3	<b>64,6</b>	29,5	87,8	<b>70,9</b>	39,2	91,6	<b>65,5</b>	30,1	89,1

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Table 34. The distribution of reasons behind starting tobacco use of individuals by sex, 2010-2019

[15+ yaş - age]	(%)														
	2010			2012			2014			2016			2019		
	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female	Toplam Total	Erkek Male	Kadın Female
<b>Merak</b> Interest	<b>34,5</b>	34,6	34,3	<b>42,3</b>	43,9	38,2	<b>36,2</b>	37,2	34,0	<b>21,6</b>	22,4	19,4	<b>19,6</b>	20,3	17,7
<b>Özenti</b> Desire	<b>23,3</b>	25,5	18,3	<b>26,5</b>	27,8	23,2	<b>16,8</b>	18,3	13,2	<b>29,7</b>	31,7	24,3	<b>25,1</b>	26,7	20,8
<b>Aile sorunları</b> Family problems	<b>4,0</b>	2,8	6,8	<b>3,8</b>	2,3	7,7	<b>3,9</b>	2,3	7,6	<b>5,2</b>	3,1	11,2	<b>5,3</b>	3,5	10,5
<b>Kişisel sorunlar</b> Personal problems	<b>5,0</b>	4,2	7,1	<b>4,4</b>	3,6	6,6	<b>5,3</b>	4,5	7,0	<b>6,3</b>	5,0	10,1	<b>6,6</b>	5,4	10,2
<b>Arkadaş etkisi</b> Impact of friend	<b>22,7</b>	23,7	20,5	<b>16,0</b>	16,3	15,2	<b>29,4</b>	30,4	27,2	<b>29,1</b>	30,3	25,9	<b>33,2</b>	34,4	29,9
<b>Eğlence amaçlı</b> For fun	<b>3,2</b>	3,1	3,3	<b>1,6</b>	1,5	1,9	<b>2,8</b>	2,7	3,3	<b>3,3</b>	3,0	3,8	<b>4,0</b>	3,7	5,0
<b>Hiçbir özel neden yok</b> No special reason	<b>1,7</b>	1,5	2,0	<b>2,5</b>	2,3	3,3	<b>1,9</b>	1,7	2,3	<b>4,4</b>	4,3	4,5	<b>5,9</b>	5,9	5,7

Türkiye Sağlık Araştırması

Türkiye Health Interview Survey

**INFORMATION ON THE MEASURES TAKEN TO REDUCE THE NUMBER OF TRAFFIC ACCIDENTS, AS WELL AS ON THE MEASURES TAKEN TO PREVENT DOMESTIC ACCIDENTS, ACCIDENTS AT SCHOOL AND ACCIDENTS DURING LEISURE TIME**

In order to reduce the number of traffic accidents and provide traffic safety on motorways, state roads and provincial roads, which are under the responsibility of the Directorate General of Highways, measures including black spot improvements, installation of traffic markings, application of Intelligent Transportation Systems (ITS), installation of traffic safety equipment and devices (guardrails, etc.), installation of rumble strips, arrangements of pedestrian crossing and inspections of heavy vehicle weight and size were implemented.

On road transport, the legal framework is at a good level of preparation regarding the alignment with the EU acquis. Türkiye adopted its Road Safety Strategy and Action plan in line with the Stockholm Declaration 2020 and the EU Road Safety Policy Framework 2021-2030. The Ministry of Interior was appointed as the Road Traffic Safety Lead Agency. Türkiye adopted a new ITS Strategy which also foresees the adoption of a structured legal framework to reach safe, smart and sustainable mobility.

The Accident Investigation Board which was established by Decree-Law No. 655 of 1 November 2011 is now restructured. Transport Safety Investigation Board which is the independent accident investigation body for all transport modes is established by Presidential Decree No. 27 which was published in the Official Gazette numbered 30651 and dated 10 January 2019.

Pursuant to the Presidential Decree No. 56 of 17 January 2020, the Directorate General for Regulation of Road Transport is merged with the Directorate General for Regulation of Dangerous Goods and Combined Transport and the Directorate General for Railway Regulation under the the Directorate General for Transport Services Regulation.

By-law on Road Infrastructure Safety Management was published in the Official Gazette numbered 30572 and dated 21 October 2018 and entered into force in parallel with the Directive 2008/96/EC on Road Infrastructure Safety Management.

For the implementation of the aforementioned By-law, preparation of legal arrangements, guidelines, handbooks and training of General Directorate for Highways (GDH) personnel are necessary. For this purpose, under the Multi-Annual Action Plan for Türkiye on Transport (MAAP-T, Action 1, Activity 1.3), “Technical Assistance for Capacity Building of GDH for Road Infrastructure Safety Management in Türkiye (Europe Aid/140089/IH/SER/TR)” project has been prepared under the IPA-II.

Regarding accident black spots in Directive 2008/96/EC, traffic accident data provided by the Ministry of Interior is analysed every year, critical spots which fail to meet the criteria and specific types of accidents happening for a specific reason are identified, and the activities on the improvement of accident black spots are conducted by the GDH. Works carried out for the improvement of accident black spots include structural improvements such as curve improvement, road widening, construction of climbing lanes, arrangement of junctions, construction of roundabouts, signalization, construction of underpasses in village crossings, installation of automatic barriers with track circuits in level crossings, arrangements for pedestrians, application of rumble strips, etc.

The By-law on the Operation of Tunnels was published in the Official Gazette numbered 29435 and dated 4 August 2015 to harmonize Directive 2004/54/EC on Minimum Safety Requirements for Tunnels in the Trans-European Road Network.

Regarding the alignment of driver licenses with EU standards, Türkiye became a party to the Convention on Road Traffic and the European Agreement Supplementing in 2013. The required changes in Law No. 2918 on Road Traffic were completed with Law No. 6495 which was published in the Official Gazette numbered 28726 and dated 2 August 2013 and with the By-law on Road Traffic which was published in the Official Gazette numbered 29329 and dated 17 April 2015. The new driving licenses, which are issued in accordance with the driving licenses specified in the abovementioned Convention and the EU acquis, have started to be issued as of 01.01.2016.

To increase road safety, “TR2013/0740.10-2/SER/027-Road Safety-Vision Zero for Türkiye” Project with a budget of approximately 3 million EUR started on 6 July 2017 and was completed on January 2021. The Project has four components; which are, restructuring the institutional framework and establishing a long-term road safety strategy, improving the institutional capacity of Turkish National Police (TNP) road safety services, improving the production and dissemination process of road crash statistics, and capacity improvement in the public relations, communication and advocacy activities of TNP road safety services.

Regarding digital tachographs, the harmonization of relevant provisions of Council Regulation (EEC) No 3821/85 was completed with the By-law on Inspection and Sealing of Recording Equipment, which was published in the Official Gazette numbered 28171 and dated 12 January 2012. The use of digital tachographs has been compulsory for international transport as of 1 January 2011 and for national transport as of 30 June 2014 (with a transition period regarding the age of the vehicle). The work for adaptation of relevant AETR provisions into the By-law on Road Traffic also continues.

Legislative arrangements of Smart Tachograph which were introduced by the EU in 2019 and possible applications within the scope of Commission Regulation (EU) No 1161/2014, and Regulation (EU) No 165/2014 were handled by the 1-day TAIEX workshop, namely “Smart Tachograph in Turkish Road Transport Sector”, with the participation of relevant institutions and stakeholders on 26 June 2018 in Ankara. This workshop is mainly aimed at giving information, especially to the public administrations, private sector associations and companies who are part of the Turkish road transport system, introducing their roles and responsibilities in the smart tachograph system.

“2021-2030 Highway Traffic Safety Strategy Document and 2021-2023 Highway Traffic Safety Action Plan”, which aims to reduce the loss of life caused by traffic accidents by 50% between the years 2021-2030, was published in the Official Gazette dated 03.02.2021 as the Presidential Circular numbered 2021/2 and entered into force.

The MoFSS was also involved in the Action Plan studies. With the Action Plan, the road traffic safety steps to be taken in the next 3 years are planned.

Within the scope of the action plan, the MoFSS is responsible for carrying out “awareness campaigns in order to encourage the use of reflective materials in bright colours (school bags, hats, vests, stickers, etc.) in order to make students more visible on their arrival and departure

to school, and to raise awareness”. Plans for this study were made in 2021 and started to be implemented in 2022.

Within the scope of the 2021-2030 Highway Traffic Safety Strategy Document and the Highway Traffic Safety Action Plan carried out by the General Directorate of Security, there are performance indicators in four Specialization Groups titled Priority Areas, Highway Infrastructure and Road Environment, Education and Post-Accident Intervention, where the General Directorate of Services for the Disabled and Elderly is the responsible institution or is among the institutions to cooperate. At every stage of the work for these Specialization Groups and other relevant groups, relevant institutions contribute to the realization of the needs of all road users, especially the disabled and the elderly, who have mobility restrictions.

In addition, within this framework, “Accessibility Workshops” work was started in 2021 in order to ensure that the municipalities fulfil their obligations determined by the legislation and that the newly constructed or to be renovated sidewalks, pedestrian crossings and stops apply accessibility standards in the tender, project design, construction and supervision processes. In this context, 32 workshops titled “Sidewalks” were organized and information was given to the technical personnel and managers from the relevant units of the municipalities.

Within the scope of the measure “656.3. In order to minimize the falls and accidents that the elderly may encounter, arrangements will be made for the interior and the environment”, which is the responsibility of the MoFSS in the Presidential Annual Program for 2021.

“Cooperation with the MoEUCC for existing studies will continue in order to ensure the selection of flooring materials and the suitability of pedestrian walking surfaces in newly constructed buildings.” The technical content of TS 13882 “Classification Rules for Pedestrian Walking Surfaces, Basic Requirements and Evaluation Methods Standard” has taken place. It was prepared by the MoFSS and published by TSE on 30.09.2019. A meeting was held with the MoEUCC, the relevant ministry for the implementation of the standard, on 12 July 2021, and a letter was written to the relevant units regarding the implementation of the standard.

## ARTICLE 12

### Article 12§1

#### Article 12 - The right to social security

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

1. to establish or maintain a system of social security;

#### THE PERSONAL COVERAGE OF THE SOCIAL SECURITY IN TÜRKİYE

The coverage of the social security system in Türkiye is summarised in the table below.

Table 35. The Coverage of Social Security System

Extent	2018	2019	2020	2021
<b>Rate of active insured persons (4/a+4/b+4/c) to population (%)</b>	26,9	26,5	27,9	29,2
Rate of active insured 4 (a) to population (%)	19,6	19,3	20,8	21,7
Rate of active insured 4 (b) to population (%)	3,6	3,5	3,4	3,7
Rate of active insured 4 (c) to population (%)	3,7	3,7	3,8	3,8
Rate of persons actively insured by private pension funds to population (%)	0,2	0,2	0,2	0,2
<b>Rate of passive insured persons (4/a+4/b+4/c) to population (%)</b>	15,4	15,6	15,9	16,1
Rate of passive insured 4 (a) to population (%)	9,4	9,7	9,9	10,1
Rate of passive insured 4 (b) to population (%)	3,2	3,2	3,2	3,2
Rate of passive insured 4 (c) to population (%)	2,7	2,7	2,8	2,8
<b>Rate of persons passively insured by private pension funds to population (%)</b>	0,1	0,1	0,1	0,1
<b>Rate of dependants (4/a+4/b+4/c) to population (%)</b>	42,8	42,5	42,5	41,7
<b>Rate of dependants of private pension funds to population (%)</b>	0,2	0,2	0,2	0,2
<b>Rate of insured population to total population, (%)</b>	85,6	85,0	86,8	87,5
<b>Rate of social security coverage to population, (%) *</b>	98,5	98,8	98,5	98,8
<b>Rate of insurance coverage (4/a+4/b+4/c) **</b>	70.196.504	70.704.680	72.593.383	74.126.902
<b>Population of Türkiye</b>	82.003.882	83.154.997	83.614.362	84.680.273

(\*) Including those who have had an income test.

(\*\*) Private pension funds/schemes are included.

Receivers of social security support contributions are evaluated as passive insured.

## INFORMATION ABOUT TEMPORARY INCAPACITY ALLOWANCE

Temporary incapacity allowance is calculated according to Article 17 of Act No. 5510 and accordingly, is given to the insured in case of illness is half of the daily earnings for inpatient treatments and two-thirds for outpatient treatments. The daily earnings subject to the allowance to be paid in case of sickness are calculated by dividing the sum of the earnings subject to premium in the last twelve months before the start of the rest period, by the number of days to pay premiums as the basis for these earnings. The daily earnings to be considered as the basis for the sickness benefit for those who have been notified of short-term insurance premiums for less than 180 days in the last year before the start of the incapacity for work cannot exceed twice the lower limit of the daily premium basis of the daily premium at the start of the incapacity for work.

*Table 36. Temporary Incapacity Allowance*

YEARS	Outpatient Treatment temporary incapacity for work allowance (TL)		Inpatient Treatment temporary incapacity for work allowance (TL)	
	Minimum	Maximum	Minimum	Maximum
2018	45,1	338,25	33,82	253,69
2019	56,85	426,38	42,64	319,8
2020	65,4	490,5	49,05	367,88
2021	79,5	596,25	59,63	447,23
2022/first 6 months	111,2	834	83,4	625,5
2022/last 6 months	143,8	1078,5	107,85	808,88

In case the number of premium payment days is less than 180 days before the date of incapacity of the insured, the daily allowance amount to be given in the last year shall not exceed 287,6 TL for outpatient treatment and 215,7 TL for inpatient treatment.

## INFORMATION ON UNEMPLOYMENT BENEFIT

Unemployment benefit is paid in the framework of principles within Unemployment Insurance Law No. 4447. In order to benefit from unemployment benefits, the insured unemployed must:

- Become unemployed without his/her demand and fault,
- Have paid unemployment insurance premium for a minimum of 600 days within the last 3 years provided that he/she is subject to the employment contract for the last 120 days before the termination of the contract.

The amount of unemployment benefit is 40% of the gross earning average of the last 4 months, on the condition that it will not exceed 80% of the gross amount of monthly minimum wage. In the scope of the unemployment benefit, payments are made for 6, 8 and 10 months depending on the number of premium days paid within the last 3 years before the termination of the employment contract.

Unemployment benefit recipients are covered by general health insurance, and only the general health insurance premiums are paid for the related persons from the Unemployment Insurance Fund for the days during which unemployment benefits are paid. The dependents of the recipients of the benefit can also benefit from health services within the scope of the persons benefitting from general health insurance.

Furthermore, benefits of those who have started to receive old age pension from the SSI in the duration in which unemployment benefit is taken are ended by the date they start to receive old age pension due to retirement and benefits of those who receive incomes from the SSI except for old age pension are continued to be paid.

### **INFORMATION ON WHETHER PEOPLE RECEIVING UNEMPLOYMENT AND SICKNESS BENEFITS CAN APPLY FOR SOCIAL ASSISTANCE**

According to Social Assistance and Solidarity Encouragement Law No. 3294, regular social assistance programs are conditional on the absence of an individual with social security in the household, and in one-time assistance programs, support is given to households in need without social security or to households with social security but whose monthly income per household is less than 1/3 of the net minimum wage.

In this regard, the people in question who receive unemployment and sickness benefits can apply for social aid to e-Government or SYDV where their official residence addresses are located.

Those who benefit from an income or pension right, under any name from any of the social security institutions, those who work in a job that requires compulsory insurance in terms of long-term insurance branches, those who have been given alimony or are able to be paid alimony cannot benefit from the programs carried out in accordance with the Law No. 2022 on the grant of pensions to Turkish who are over the age of 65 and who are destitute, infirm and without any means of support.

In addition, with the Türkiye Family Support Program, which was implemented in 2022 and is planned to be implemented for 12 months, citizens in need whose monthly income per person in the household is less than 1/3 of the net minimum wage (1.833,45 TL for 2022) are supported. There is a citizenship requirement regarding the program, and employees and retirees are within the scope of the program, with the exception of civil servants, notaries, headmen, those working abroad and those within the scope of special funds.

### **INFORMATION ON WHETHER AN UNEMPLOYED CAN REFUSE A JOB OR TRAINING OFFER THAT DOES NOT MATCH THEIR PREVIOUS SKILLS WITHOUT LOSING UNEMPLOYMENT BENEFITS**

Within the scope of Article 52 of the Law on Unemployment Insurance numbered 4447, if insured unemployed receiving an unemployment benefit refuse a job without a justified reason which is offered by İŞKUR and is compatible with their profession, has a wage and working conditions similar to those of their last job and is within the municipal adjacent area they reside in or if they refuse the training programme for vocational development proposed by İŞKUR to acquire a profession without a justified reason or do not continue the training despite accepting it, unemployment benefit payments are suspended.

The payment of the cut benefits of the insured unemployed people who refuse vocational development, acquisition and training education without justification, or who do not continue despite accepting it, is resumed if the reason for the interruption disappears.



When the job which is proposed for the insured unemployed is refused by the insured unemployed receiving an unemployment benefit, the unemployment benefit of the person is not suspended in the presence of at least one of the conditions following;

- The employer wants to employ the insured unemployed in a job which is compatible with their professions but does not have any wage and working conditions similar to those of their last job.
- The employer wants to employ the insured unemployed in a job which is not compatible with their educational background, age, gender, physical and health conditions.
- The employment contract contains conditions contrary to the provisions set out in Labour Law No. 4857 (paying less than the minimum wage, exceeding the daily and/or weekly working time, etc.), in terms of working conditions.
- If the insured unemployed is offered a job outside of the municipality's adjacent area of his/her residence.
- The insured unemployed has left the proposed workplace within the scope of Article 24/II of Labour Law No. 4857.

Moreover, the following situations are considered valid reasons for refusing career development, employment and vocational development training programmes and thus, the unemployment benefit of the person is not deducted:

- The training course suggested to the insured unemployed person is outside of the municipality adjacent area of his/her residence.
- Medical reports arranged by authorised institutions, organizations and individuals involve a rest day longer than the period of absence day that can be made in the training course or involve a statement that may pose an obstacle to the practising of the relevant vocation/vocational training.
- On the condition that he/she documents that the insured unemployed person will move to another municipality adjacent to the proposed training course date or coincide with the training course period or will retire or cannot attend the training course due to health problems or similar conditions.
- The insured unemployed person or one of their parents, spouse and children needs long-term treatment, such as cancer, tuberculosis and mental illnesses.
- They continue/will continue the vocational training course with their own means including courses arranged by public institutions or courses arranged by firms operating under Law No. 5580.
- They receive training in formal or informal training institutions excluding distance education.

Within this framework, unemployed people have the right to reject employment or training offers recommended to them under valid reasons listed above and their benefits are not suspended under these situations. In these situations, since the benefits are not suspended an additional starting date is not defined.

## Article 12§2

2. to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;

### **INFORMATION ON THE RESIDENCE REQUIREMENT FOR FOREIGN NATIONALS TO BENEFIT FROM SOCIAL SECURITY RIGHTS**

Foreign people who work by paying premiums under Unemployment Insurance Law No. 4447 can benefit from unemployment benefits through the period they have residence permits (including the application period to obtain residence permit) if they become unemployed outside of their own will and faults, have paid unemployment Premium for at least 600 days in last 3 years and who has worked for the last 120 before the termination of his contract and appeal to İŞKUR in 30 days (except force majeure) beginning from the termination of the employment contract.

Furthermore, there is no specific condition of residence period to be eligible for income and monthly benefits provided in 4/1-(a) and 4/1-(b) status within the scope of social security legislation.

### **INFORMATION ON TRANSFERRING OLD AGE, DISABILITY AND DEATH BENEFITS TO ANOTHER COUNTRY**

In 2006, Home Care Assistance was launched to address the caregiving needs of disabled individuals with financial difficulties. The provision of home care assistance, in accordance with Law No. 2828 on Social Services, is offered to those who have an average monthly income per person in the household that is less than 2/3 of the net minimum wage and are fully dependent or severely disabled according to the Disabled Health Board Report. The determination of whether the disabled person requires care or not is based on the social examination report made by social services authorities, taking into account these criteria. However, individuals who receive disability benefits and have relocated overseas cannot receive aid due to the impossibility of assessing their income criteria and preparing the social examination report following a household visit.

A disabled individual receiving home care assistance can continue to receive aid when traveling abroad for a temporary period with their caregiver, provided the committee confirms that the care obligation has been met upon their return, and the condition of carrying out at least one inspection per year is met. However, if the disabled person permanently relocates overseas, they are no longer eligible for home care assistance. The legal basis for this policy is Law No. 2022 on the grant of pensions to Turkish citizens who are over the age of 65 and who are destitute, infirm and without any means of support and Additional Article 7 of Law No. 2828 on Social Services.

Türkiye has social security agreements with 34 countries in total currently in force: the UK, Germany, Netherlands, Belgium, Austria, Switzerland, France, Denmark, Libya, Sweden, Norway, the Turkish Republic of Northern Cyprus, Canada, Macedonia, Albania, Azerbaijan, Georgia, Romania, Quebec/Canada, Bosnia-Herzegovina, Czech Republic, Luxembourg, Croatia, Slovakia, Serbia, Italy, Republic of Korea, Montenegro, Tunisia, Hungary, Moldova, Kyrgyzstan, Mongolia and Poland.

In addition to above mentioned countries, due to the fact that Türkiye is a party to the European Social Security Convention other parties of the convention are also treated as if having a social security agreement.

These agreements contain provisions that the benefits obtained under the legislation of one of the Contracting Parties cannot be reduced, changed, suspended or cancelled due to the residence of the beneficiaries in the territory of the other Contracting Party. In this context, just like the old-age and survivors' pensions, the disability pension earned in a Contracting Party country continues to be paid even if residing in the other Contracting Party country.

A social security agreement was signed with Iran and has not yet entered into force. Negotiations for signing social security agreements continue with 5 countries: Algeria, Morocco, Japan, Russia and Ukraine.

## ARTICLE 13

### Article 13§1

#### Article 13 - The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;

#### INFORMATION ON PROVISIONS GUARANTEEING A SUBJECTIVE RIGHT TO BASIC ASSISTANCE AND ADDITIONAL BENEFITS FOR ANY INDIVIDUAL IDENTIFIED AS IN NEED THROUGH THE INCOME TEST

Provided that they also meet the other conditions listed in subparagraph (d) of paragraph 1 of Article 34 of Social insurance Health Insurance Act No. 5510, survivors' pension and permanent incapacity survivors' income are granted to mothers and fathers whose income from all kinds of income and income is less than the net minimum wage.

Furthermore, social assistance programs in Türkiye are carried out by the Directorate General of Social Assistance of the MoFSS, in line with the provisions of Law No. 3294 on Social Assistance and Solidarity Encouragement, Law No. 2022 on the grant of pensions to Turkish who are over the age of 65 and who are destitute, infirm and without any means of support and other legislation.

The scope of housing aid, which is one of these aid items, has been determined by Social Assistance and Solidarity Encouragement Law No. 3294. The regular and non-continuous aids carried out within the scope of the duty area of the General Directorate of Social Assistance are subject to the social security institutions established by the law, which is stated in the first paragraph of Article 2 entitled "Scope" of the Social Assistance and Solidarity Encouragement Law No. 3294: "*Citizens who do not have a salary and do not receive income from these institutions and those who can be made useful to the society and made productive if a small aid or education and training opportunity is provided temporarily are within the scope of this Law*". According to the criteria to be determined by the Fund Board; among the people whose per capita income in the household is less than 1/3 of the monthly net minimum wage determined for those over the age of sixteen, those who are poor and in need are also within the scope of this Law. "*Those who suffer from all kinds of emergencies and disasters, relatives of martyrs and veterans, on the other hand, are entitled to the rights to be provided by this Law within the framework of the criteria and periods to be determined by the Fund Board and Social Assistance and Solidarity Foundations*" carried out in accordance with its provisions.

In order to contribute to the economic freedom of the elderly and disabled people in need and to ensure their participation in economic and social life, the people who receive pensions and their dependents within the scope of Law No. 2022 the grant of pensions to Turkish who are over the age of 65 and who are destitute, infirm and without any means of support, persons with disabilities under the age of 18 and their relatives with disabilities benefiting from the pension are considered to be General Health Insurance holders. General Health Insurance premiums of

these citizens are paid by the General Directorate of Social Assistance and they are provided with free health services. In this context, information on the terms of the old-age pension, the disability benefits of 40%-69%, the disability benefits of 70% and above and the disability benefits under the age of 18 within the scope of the Law No. 2022 are given below.

To be eligible for old-age pension, the conditions are as follows:

- Being a Turkish citizen,
- Having completed the age of 65,
- Not working subject to long-term insurance branches,
- Not benefiting from an income or pension from social security institutions,
- Alimony is not paid or alimony is not possible,
- Not being under institutional care,
- The average monthly income per person in the household is less than 1/3 of the monthly net amount of the minimum wage.

While the beneficiaries of this pension were paid 265,80 TL per month in 2018, this amount increased to 1.536,70 TL in 2022.

To be eligible for disability benefits between 40-69%, the conditions are as follows:

- Being a Turkish citizen,
- Being over the age of 18 and under the age of 65,
- Being disabled at a rate of 40%-69%,
- Not working subject to long-term insurance branches,
- Not benefiting from an income or pension from social security institutions,
- Alimony is not paid or alimony is not possible,
- Not being under institutional care,
- Being unable to be placed in a job despite their request,
- The average monthly income per person in the household is less than 1/3 of the monthly net amount of the minimum wage.

While the beneficiaries of this benefit were paid 399,15 TL per month in 2018, this amount increased to 1.226,69 TL in 2022.

To be eligible for disability benefits at 70% and over, the conditions are as follows:

- Being a Turkish citizen,
- Being over the age of 18,
- Being disabled at a rate of 70% or more,
- Not working subject to long-term insurance branches,
- Not benefiting from an income or pension from social security institutions,
- Alimony is not paid or alimony is not possible,
- Not being under institutional care,
- The average monthly income per person in the household is less than 1/3 of the monthly net amount of the minimum wage.

While the beneficiaries of this benefit were paid 598,72 TL per month in 2018, this amount increased to 1.840,04 TL in 2022.

To be eligible for benefits provided to relatives of disabled people under 18, the conditions are as follows:

- Being a Turkish citizen,
- Having a relative with a disability of 40% or more, under the age of 18, who he actually cares for, resides in the same household,

- Not working subject to long-term insurance branches,
- Not benefiting from an income or pension from social security institutions,
- Alimony is not paid or alimony is not possible,
- Not being under institutional care,
- Not receiving a disability pension of 70% or more,
- The average monthly income per person in the household is less than 1/3 of the monthly net amount of the minimum wage.

While the beneficiaries of this pension were paid 399,15 TL per month in 2018, this amount increased to 1.226,69 TL in 2022.

Applications for pensions within the scope of Law No. 2022 are made to the Social Assistance and Solidarity Foundation in the place of residence of the person. All transactions are carried out through the Integrated Social Assistance Information System. The decision on the pension is given by the Board of Trustees of the Foundation. Applications can also be made through the e-Government portal. At the same time,

- Payments regarding pensions within the scope of Law No. 2022 are made monthly.
- Notifications are made via SMS to those whose payments have been deposited.
- Payment information can be queried through the e-government portal.
- Payments can be received with the social assistance card distributed through the PTT, and these cards can also be used for shopping.
- Upon request, payments can be made at the residences of individuals.

In addition, in 2006, “Home Care Assistance” was launched in order to meet the family care needs of disabled individuals who are in need of care and economic deprivation. Persons whose average monthly income per person in the household is less than 2/3 of the net minimum wage and who are fully dependent/severely disabled in the Disabled Health Board Report benefit from home care assistance in line with the additional Article 7 of Law No. 2828. In this context, home care assistance is provided to the family member/relative who takes care of the disabled person in need of care.

### **INFORMATION ON THE EXISTENCE OF A PROVISION ON THE RECOGNITION OF A LEGALLY ENACTED RIGHT TO SOCIAL ASSISTANCE FOR ALL CITIZENS**

Various social assistance programs are carried out in line with the provisions of Law No. 3294 on Social Assistance and Solidarity Promotion and Law No. 2022 the grant of pensions to Turkish who are over the age of 65 and who are destitute, infirm and without any means of support by the Directorate General of Social Assistance of the MoFSS and SYDVs. The social assistance programs carried out are of regular and temporary nature and are classified as family benefits, shelter and food aids, disability benefits, health benefits, education aids and project supports. Citizens covered by the provisions of the legislation are supported by 50 different thematic and inclusive social assistance programs.

The VEFA<sup>7</sup> social service project has been developed to meet the essential needs of the elderly and disabled people, such as house cleaning and personal care. The services within the scope of the project are provided in the homes of the elderly and disabled people who are in need but cannot meet their personal care and essential needs, those who cannot fulfil their own self-care due to a severe chronic illness and people over the age of 65. In addition, in areas where

<sup>7</sup> Vefa means “fidelity” in Turkish.

unemployment and poverty are evident, people who are determined by the decision of the Board of Trustees to be in need within the scope of Law No. 3294, who are elderly, disabled, sick and who are not in a position to cook at home (those who do not have the necessary cooking tools, homeless, etc.), soup kitchen service is provided by SYDVs. The VEFA Teams were utilized intensively during the COVID-19 pandemic period to meet the urgent and vital needs of the elderly who had to be under lockdown.

Elderly Support Program (YADES), which started to be implemented in 2016, aims that elderly individuals over the age of 65 who need support in care, health, psycho-social support or daily living activities can continue their lives in their own homes. For YADES, which is maintained with the resources transferred from the general budget to the local governments, 39 million TL has been transferred for 61 different projects, including the projects for the year 2022. Thus, 111.559 elderly individuals in 76.497 households were reached through this Program.

### **INFORMATION ON WHETHER ANY SOCIAL ASSISTANCE RIGHTS ARE SUPPORTED BY AN EFFECTIVE RIGHT OF APPEAL**

Within the scope of the social assistance programs carried out by the Directorate General of Social Assistance of the MoFSS, the way for citizens to take legal action regarding their social assistance applications and results is clear. Citizens can convey their requests or complaints through various channels regarding social assistance. Among these channels are ALO 144 Social Assistance Hotline, SYDVs, Presidency's Communication Centre (CIMER) and e-Government.

### **INFORMATION ON WHETHER THE CITIZENS OF THE STATE PARTY LEGALLY RESIDING IN TÜRKİYE, OUTSIDE THE REFUGEE CAMPS OR UNDER OTHER SPECIAL PROGRAMS, ARE ENTITLED TO SOCIAL AND MEDICAL ASSISTANCE ON AN EQUAL BASIS WITH CITIZENS**

Foreigners residing outside the Temporary Accommodation Centres, Social Integration Assistance (ESSN) are provided with temporary protection status, international protection status, international protection applicants and humanitarian residence permit with an identification number starting with 99, who meet at least one of the criteria of neediness and demographic criteria.

In addition, with the Complementary Social Cohesion Assistance (T-ESSN) Program, assistance is provided to improve the living standards of foreigners who are currently benefiting from the Social Cohesion Assistance Program but remain in the most vulnerable situation as they cannot be directed to the workforce.

In the YŞEY program carried out by the Directorate General of Social Assistance of the MoFSS, the same conditions as the Conditional Education Assistance Program in the national program are valid, but those who are under temporary protection and studying in formal education and temporary education centres, residing outside the temporary accommodation centres all other foreign children can benefit.

Within the scope of the program, awareness-raising activities are carried out for the beneficiaries of the ESSN and T-ESSN, through SMS, social media channels and brochures.

Within the scope of the YŞEY Programme, the dropout rates are reduced by delivering cash aid to families on the condition that children attend school regularly. In addition, the YŞEY Programme has two components: cash and child protection. Within the scope of YŞEY, the school dropout rates are reduced by delivering cash aid to families on the condition that children attend school regularly. In addition, if the beneficiaries are absent for more than 4 days without a valid excuse, the child protection component is activated and the reasons for absence are examined by the child protection teams of the beneficiaries. Necessary referral mechanisms are created by directing the detected cases to specialized services according to the protection risks. Thanks to the complementarity of the two components with the YŞEY Programme, by contributing more to the enrolment of children in the education system or to continue their education effectively. Many risk factors such as child abuse/neglect, forced marriage of children at an early age, human trafficking and child labour in precarious jobs are also eliminated.

The framework of the health services to be provided is determined by Directive No. 9648 on Principles on Health Services to be Provided to Persons under Temporary Protection dated 04.11.2015 prepared and published by the Ministry of Health based on the Temporary Protection Regulation and other relevant legislation. Accordingly, Syrians registered in Türkiye and given a temporary identification number (SuTPs), benefit from emergency health services, primary-level diagnosis-treatment services, preventive health services and curative health services within the scope of the Health Practice Communiqué (SUT) in the (official) provinces of residence free of charge. Those who do not have a temporary identification number are provided with the fight against infectious diseases and emergency health services. The persons in question can directly apply to the health facilities operated by the Ministry of Health and access the above-mentioned services free of charge. No fee is charged for the health services provided in direct applications to universities and private hospitals in emergency situations. If they apply directly to university hospitals and private hospitals, except for emergencies, they have to pay the fees for the services they receive. When necessary, emergency health, intensive care, burn and cancer patients can be transferred from health facilities operated by the Ministry of Health to university hospitals and private hospitals. No fee is charged for the services provided, even in the case of duly dispatched. The primary health care services provided are from the allowance allocated to the Ministry of Health within the General Budget. As a result of duly applications, secondary and tertiary health services, including those offered by universities and private hospitals and 112 emergency health services are financed by the PMM in accordance with the provisions of the “Global Budget Protocol” which is renewed every year. Expenses for drugs and medical supplies (orthotics, prosthesis, etc.) used in outpatient treatments are also covered by the PMM. Health services provided to SuTPs by the Ministry of Health are supported by the European Union within the scope of FRIT Projects.

Those who do not have any health insurance and do not have the ability to pay are subject to the provisions of the Social Insurance and General Health Insurance Act No. 5510, dated 31/05/2006, for a period of one year from the registration of the International Protection (IP) application. A one-year time limit is not sought for those with special needs and those whose continuation of insurance is deemed appropriate by the Ministry of Interior. Health services within the scope of SUT can be provided to the aforementioned persons, from the date of their official application, in the health facilities affiliated to the Ministry of Health in the provinces where they reside, or in university hospitals and private hospitals, by obtaining a provision through the SSI. The premiums of the international protection application or status holders who will benefit from the Social Insurance and General Health Insurance are covered by the allowance included in the budget of the PMM. All or a certain percentage of the premium is requested from those whose premiums are paid by the PMM, according to their ability to pay.



Those who are found out to have health insurance or the ability to pay, or that the application was made only for medical treatment, are reported to the SSI within 10 days at the latest in order to terminate their Social Insurance and General Health Insurance and the treatment and medication costs are reimbursed from the relevant parties.

According to the Decree of the Council of Ministers dated 26.01.2015 and numbered 2015/7274, health services are provided to Iraqis who entered Türkiye after 01.05.2014 and were issued a humanitarian residence permit. Accordingly, by presenting the Humanitarian Residence Permit, these persons can receive health services within the scope of SUT free of charge from the health facilities affiliated to the Ministry of Health. Patients requesting health services that are not within the scope of SUT are considered paid patients and the service fee is invoiced to the person over the Public Health Services Sales Tariff. Medication, orthotics and prosthesis fees for Iraqi patients with a humanitarian residence permit are not covered by the payment.

Foreigners caught by law enforcement officers and staying in Removal Centres (GGM) established and operated in accordance with Law No. 6458 and the Regulation on Establishment, Management, Operation, Operation and Inspection of Reception and Accommodation Centres and Removal Centres are provided with primary care diagnosis and treatment services and immunization services by the health personnel assigned by the Ministry of Health. When necessary, the foreigners in question can be transferred to the nearest hospital under the supervision of officials. Medicines and treatment expenses of these people are covered by the PMM. Until the legal proceedings are taken, foreigners who are deemed appropriate to be placed under Administrative Supervision and fulfil their signature obligations are provided with emergency and basic health services by the health facilities affiliated to the Ministry of Health (hospital, Foreign National Polyclinic, etc.). Medications and treatment expenses are covered by the PMM.

It is also important to note that, as mentioned in Article 12 of the Report Türkiye has social security agreements with 34 countries in total currently in force: the UK, Germany, Netherlands, Belgium, Austria, Switzerland, France, Denmark, Libya, Sweden, Norway, the Turkish Republic of Northern Cyprus, Canada, Macedonia, Albania, Azerbaijan, Georgia, Romania, Quebec/Canada, Bosnia-Herzegovina, Czech Republic, Luxembourg, Croatia, Slovakia, Serbia, Italy, Republic of Korea, Montenegro, Tunisia, Hungary, Moldova, Kyrgyzstan, Mongolia and Poland.

In addition to above mentioned countries, due to the fact that Türkiye is a party to the European Social Security Convention other parties of the convention are also treated as if having a social security agreement.

These agreements contain provisions that the benefits obtained under the legislation of one of the Contracting Parties cannot be reduced, changed, suspended or cancelled due to the residence of the beneficiaries in the territory of the other Contracting Party. In this context, just like the old-age and survivors' pensions, the disability pension earned in a Contracting Party country continues to be paid even if residing in the other Contracting Party country.

## **INFORMATION ON THE ACCESS OF FOREIGN NATIONALS ILLEGALLY STAYING TO BASIC NEEDS**

Services are carried out within the framework of protective and supportive measures ruled by the relevant court in accordance with Child Protection Law No. 5395 on the children who come to Türkiye through irregular migration and request international protection. Following the completion of the work and procedures for non-accommodated children who are identified and directed by law enforcement officers by the Provincial Directorates of Migration Management, psycho-social support services are provided. Taking into account the opinion of the child, the MoFSS places the child either in an appropriate accommodation, next to adult relatives or a within a foster family. However, there is no support for the disabled and elderly individuals of foreign nationalities who are unlawfully present.

In addition, foreign nationals in Türkiye can benefit from women's guesthouses and ŞÖNİM services without any restrictions.

## **INFORMATION ABOUT THE SOCIAL BENEFITS OFFERED IN TEMPORARY ACCOMMODATION CENTRES AND THE SPECIAL MEASURES TAKEN THEREIN DURING THE COVID-19 PANDEMIC**

Türkiye carries out its efforts to combat the COVID-19 pandemic effectively and with the participation of all its institutions. Necessary measures have been taken to provide the needed health services to the immigrants. In this respect, first, two basic legal arrangements have been made to increase the inclusiveness of health services.

- One of these legal arrangements is the “Communiqué on Amending the Health Practice Communiqué” prepared by the SSI and published in the Official Gazette dated 9 April 2020 and numbered 31094. With the Communiqué, the definition of “emergency state” was changed and the diagnosis and treatments for pandemic cases were carried out during the pandemic.
- The second one is the Supplementary Decision of the President's Decision dated 13/4/2020 and numbered 2399, which was published in the Official Gazette dated 14 April 2020 and numbered 31099. With this regulation, all persons, regardless of whether they have any social security or not, within the scope of the fight against COVID-19, it was ensured that they could benefit from all kinds of personal protective equipment to be supplied and distributed by the Ministry of Health, tests used in the diagnosis of the disease and centrally supplied drugs.

In addition, during the fight against COVID-19, Arabic and English versions of the posters, brochures and algorithms were prepared and presented to the benefit of those concerned, with the COVID-19 Guide prepared by the “Science Commission”, which was formed by the Ministry of Health to make recommendations for the process. In addition, the prepared posters were reproduced and hung in the places where immigrants frequented, especially in the border regions.

Brochures were delivered to the public by the relevant units, especially the migrant health centres.

In order to provide uninterrupted basic health services to immigrants and to carry out effective filiation studies for sick/contact immigrants, the necessary measures have been taken and in this direction;

- Health personnel working in Migrant Health Centres, mostly Syrians, were trained in combating COVID-19,
- Qualified personnel were also added to the appropriate Arabic-Turkish-speaking personnel employed within the scope of the SIHHAT Project are recruited to the filiation teams, which are effectively used by the Ministry of Health in the management of the process.
- Vaccination activities for COVID-19 are also carried out in accordance with the decisions taken by the Scientific Commission.

## ARTICLE 14

### Article 14§1

#### Article 14 - The right to benefit from social welfare services

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

1. to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment.

#### INFORMATION ON THE SOCIAL WELFARE SERVICES OFFERED TO PEOPLE IN NEED AND STATISTICAL DATA ABOUT THESE SERVICES

##### Prevention of Violence against Women

The ŞÖNİM Centres provide support and monitoring services aimed at preventing violence against women and ensuring the effective implementation of protective and preventive measures. ŞÖNİM Centres aim to empower women economically, psychologically, legally, and socially. Operating under a non-violence approach, ŞÖNİM centres play a vital role in taking protective and preventive measures against violence, offering psycho-social and legal support, education, professional assistance, intervention, guidance, and preventive services. As of 2022, 82 ŞÖNİM centres continue to operate across the country. Additionally, there are 112 women's guesthouses affiliated with the MoFSS in 81 provinces, with a total of 2.164 professionals and support personnel providing services in these institutions.

The services provided by ŞÖNİM centres are subject to internal and external audits by the MoFSS. Internal audits are carried out in a risk-oriented manner, covering compliance, performance, financial audits, system audits and similar practices. External audits are carried out by inspectors appointed by the MoFSS's Directorate of Guidance and Inspection and are related to routine inspections of compliance with legislation and service standards regarding investigations on a case-by-case basis. The findings and recommendations made by auditors and inspectors during audits are communicated to the relevant Provincial Directorate and General Directorate. Audit reports are evaluated by the relevant General Directorate of the MoFSS, instructions are given to the relevant unit for taking necessary measures based on findings in audit reports, and necessary guidance activities are conducted. The implementation of these instructions is monitored within the specified time frame, and the final result is communicated to the relevant audit unit. In addition, relevant statistics are kept regarding the actions and processes related to audit reports, and they are taken into account during service planning, legislative revisions, and policy-making processes.

##### Social Services for Families

By the end of 2021, the number of SHMs established in all 81 provinces reached 377, which increased to 397 by the end of 2022. Currently, a total number of 9.128 personnel, including 4.732 Family Social Support Program (ASDEP) personnel, work in these SHMs. Within the scope of ASDEP, staff members conduct house visits and provide supply-oriented social services to households identified as at-risk, offering necessary information and guidance. The Program aims to provide citizens with the social service intervention they need without delay.

Other SHM personnel perform various duties defined within the SHMs Regulation, including social-economic support, disabled home care services, services related to Child Protection Law No. 5395, training, and consultancy services.

### **Social Services for Children**

As of 2023, Türkiye has 114 Children's Homes Sites, 1.187 Children's Homes, 65 Specialized Children's Homes Sites, and 79 Children's Homes Coordination Centres providing services across Türkiye.

### **Social Services for Disabled People**

As of 2021, Türkiye has 129 Active Life Centres that provide opportunities for disabled people to engage in artistic, cultural and sports activities. These centres also offer counselling services to disabled individuals and their families, with the goal of promoting their independent participation in social life.

Additionally, the MoFSS operates 104 disabled care, rehabilitation, and family counselling centres, which provide residential care, accommodation, and rehabilitation services to 8.142 disabled individuals. To help disabled individuals integrate into society and actively participate in social life, the Ministry operates 144 "Hope Houses" which are home-type social service institutions where 4-6 disabled individuals can live under the supervision of professional personnel. In total, social service organizations affiliated with the MoFSS employ 5.161 personnel to serve people with disabilities.

### **Social Services for Elderly People**

As of 2021, Türkiye has 32 Active Life Centres for the elderly, which aim to improve the lives of elderly individuals who live alone or with their families at home. These centres provide support for daily life activities and offer social, cultural, and sports activities for the elderly. The MoFSS operates 165 nursing homes, which provide care and rehabilitation services for 12.686 elderly individuals, enabling them to spend their old age with dignity and security. These homes are designed for individuals over the age of 60 who require care and accommodation, based on their special needs. The Ministry also operates 8 elderly living houses, which are home-type social service centres that provide care services for the elderly under the supervision of professionals and care staff. In total, the elderly services affiliated with the MoFSS employ a total number of 3.761 personnel.

## **INFORMATION ON THE SOCIAL WELFARE SERVICES PROVIDED TO NON-TURKISH CITIZENS**

Law No. 6284 to Protect Family and Prevent Violence against Women is in place to protect women, children, family members, and victims of stalking. The services provided under this law are not discriminatory, regardless of race, language, religion, disability, nationality, status, or similar circumstances. Women and their children who have been or are at risk of violence are provided with services in Women's Guesthouses without any discrimination.

In an effort to increase the capacity of ŞÖNİM Centres to provide preventive and protective services for non-Turkish citizens, capacity-building activities continue to be carried out. These actions provide immigrants with more accessible and qualified services in their own language.

To this end, ŞÖNİM centres have been employing translators and professional personnel who speak Arabic and Persian in cooperation with the UNHCR since 2021.

Türkiye provides integrated care services for the disabled and elderly based on a rights-based and family-oriented social policy. Since 2006, home care assistance has been provided to family members/relatives who provide care to individuals in need of care. Day life centres provide disabled and elderly individuals with the opportunity to participate in artistic and cultural activities, as well as receive psycho-social support and counselling services in line with the community-based care policy. Private care centres also offer care services, in addition to those affiliated with the MoFSS.

Activities involving disabled and elderly refugees and foreigners under temporary protection in Türkiye are carried out under programs funded by international organizations. Priority is given to implementing projects and activities in places where the refugee and temporary protection population is high.

Care services are one of the main service areas provided to refugees within the framework of Türkiye's hosting of people under asylum, and they are offered in the same way as the disabled and elderly care services offered to Turkish citizens. Foreign disabled people who are registered by the Provincial Directorate of Migration Management and have a legal residence permit in Türkiye can benefit from disability and care services during their residence permit, in accordance with the provisions of the relevant legislation. Foreign individuals can also benefit from Home Care Assistance if they meet the criteria in the legislation and have a legal residence permit in Türkiye.

Foreign individuals who have temporary or foreign identification numbers can also benefit from services provided by private nursing homes/care centres. Admission to these organizations for elderly people who are 55 years of age or older is mandatory, but in certain cases, admission of individuals under the age of 55 may be permitted based on the result of a social examination report, the proposal of the responsible director, and the approval of the provincial directorate. In addition, the following issues are taken into account in the admission of elderly people to these organizations:

- The elderly person does not have an infectious disease or has a report that he/she does not have an infectious disease that prevents him/her from staying in public living places if he/she has an infectious disease.
- They should be in good mental and mental health, or have a report that there is no problem with staying in a nursing home or elderly care centre, even if he/she is not in good mental and mental health,
- It is also necessary to have a health status report which proves that the elderly person is not addicted to drugs and alcohol and that it would be appropriate for the elderly person to benefit from the nursing home service or the elderly care centre service.

Family-oriented services are aimed at protecting children under care. If it is not possible, services are provided in Children's Homes, which are home-type care organizations. Children who arrive in Türkiye or are found to be unaccompanied after entering the country are referred to state-affiliated organizations. The bone age of the children is determined and a health screening is performed. Identification procedures are carried out with the international protection certificate. Then they are accepted into organizations. To ensure the family integrity of children who have been separated from their families during the migration process or after migration from children under protection and care, family follow-up and family reunification

studies are carried out in cooperation with the Turkish Red Crescent. Moreover, adoption procedures are carried out within the framework of The Hague Convention.

## Article 14§2

2. to encourage the participation of individuals and voluntary or other organizations in the establishment and maintenance of such services.

### **INFORMATION ABOUT SOCIAL WELFARE SERVICES PROVIDED BY NON-PUBLIC SERVICE PROVIDERS**

Activities aimed at promoting the involvement of voluntary organizations and individuals in providing social services can have a significant impact on society, particularly for people with disabilities and the elderly. To establish private care centres for disabled individuals, interested parties must submit an application to the provincial directorate of the MoFSS responsible for overseeing the centre's location. The suitability of the building or land is assessed, and an architectural plan that adheres to accessibility standards is reviewed.

Founding directors of private care centres must meet specific requirements, including being a citizen of the Republic of Türkiye, having legal and mental ability to make or alter a valid will, and regardless of the time limits stated in the Turkish Penal Code, not having been sentenced to one year or more in prison for a deliberately committed crime or even if granted amnesty, not having been convicted of crimes against the security of the state, crimes against the constitutional order and its functioning, crimes against national defense, crimes against state secrets and espionage, embezzlement, misappropriation, bribery, theft, fraud, misuse of trust, fraudulent bankruptcy, corrupting the tender process, corrupting the performance of duty, laundering assets obtained from crime, smuggling, sexual crimes, or actions that cause physical, sexual, medical, psychological or economic harm, including threats or pressure against individuals served at the centre or arbitrary restriction of their freedom.

Founding directors must also comply with the conditions specified in the Law dated 2/10/1981 and numbered 2531 on the Jobs that Those Who Have Left Public Duties Cannot Perform. By ensuring that the necessary criteria are met, it is possible to encourage more voluntary organizations and individuals to participate in providing vital social services to those in need.

Additionally, representatives of real persons and legal entities who will be founding directors of private disabled care centres must provide several documents, including an Identity Number statement, a written statement regarding their criminal record, and a document showing that they have at least a primary school education.

Other required documents include a health report from an internist or infectious diseases specialist stating that there is no communicable disease and a mental health report from a specialist stating that there is no mental illness. Legal entities structured as trading companies must provide the original trade registry paper indicating that the centre is within the scope of opening activities and the original published trade registry paper showing the company's partners and authorized representatives. If a legal entity is structured as a capital company, a notarized document and a sample of a decision are required, which indicates that the representative shown is authorized to represent the company.

If the founder is an association or foundation, they must provide a document showing that they can perform activities in the field of disability in the foundation deed or association's charter. Lastly, they must provide a document stating that the founding director has no overdue public debt to the collection offices affiliated with the Ministry of Finance and Treasury and no



premium debt to the SSI is also required as well as a written statement about whether the founding director has previously been active in this field and a certificate of service for those who have retired and left public office must also be provided.

To become a founder of a private nursing home in Türkiye, certain conditions must be met. The minimum education level required is the completion of primary school. The person must also be a citizen of the Republic of Türkiye and have the legal and mental ability to make or alter a valid will. Additionally, the person must not have been sentenced to imprisonment for one year or more, or even if they have been granted amnesty, except for deferred sentences due to negligent crimes or sentences converted to alternative sanctions, except for crimes committed against the security of the State or shameful and dishonourable crimes such as embezzlement, misappropriation, bribery, theft, fraud, misuse of religious beliefs, fraudulent bankruptcy, or smuggling, or for interfering with official tenders or sales, or for disclosing state secrets. The individual must have also founded a social service organization that has not been closed due to activities contrary to regulations, and if the founder is a legal entity, they must have a representative who meets the necessary conditions for a natural person.

Furthermore, the following documentation is required for founding a private nursing home. For legal entities structured as a trading company, the documentation including the trade name, registered trade name, number of the trade register, name and tax identification number of the relevant tax office, affidavit, notarized signatures of the representative, and original or certified copy of the company document approved by shareholders and the decision to request the opening of the organization are required. For legal entities structured as a foundation, association, trade union, or chamber, a document approved by the provincial directorate showing that the representative is a member of the board of directors and a sample of the decision, a document indicating that the opening of the organization is included in the foundation deed or the association charter is required.

As of the end of 2021, private care centres in Türkiye provided care services to 25.346 disabled people and 263 private nursing homes served 11.558 elderly people, including those belonging to associations and foundations.

There are also approximately 700 NGOs that provide services to Roma citizens in regions where they are densely populated. Especially in the implementation of the Roma Strategy Document and Action Plan and the projects carried out in this field, special importance is given to these NGOs operating in this field by the Ministry. The Monitoring and Evaluation Board established to monitor and evaluate the implementation of the Strategy Document and Action Plan includes Roma civil society representatives from different regions of Türkiye as members. Additionally, these organizations are encouraged to participate in activities both at the local and national levels. Through these activities, challenges Roma people have faced and solutions are discussed. NGO visits are made during the monitoring visits to the provinces in which Roma citizens are densely populated.

Furthermore, Article 5 of the second part of the Regulation on the Establishment and Operational Principles of Private Nursery and Day Care Centres and Private Children's Clubs outlines the conditions for opening, transferring, changing, and closing institutions. The conditions sought for those who can set up private nursery and day care centres and private children's clubs are similar to the conditions sought by the founders of private nursing homes above.

## **INFORMATION ABOUT SOCIAL WELFARE SERVICES PROVIDED BY THE PRIVATE SECTOR**

Private care centres for people with disabilities, nursing homes, and elderly care centres must comply with the principles, procedures, and standards set forth in the Turkish legislation. Sanctions such as granting a deadline for eliminating deficiencies, direct administrative fines, and centre closures are applied depending on the nature of deficiencies or violations found during inspections.

Türkiye has enacted significant provisions to implement accessibility with the Law on Persons with Disabilities No. 5378, published in 2005. Article 7, Provisional Articles 2 and 3 of the Law require accessibility in all buildings and areas open to public use, public transportation services supervised by metropolitan municipalities and other municipalities, and other transportation services.

Provisional Article 3 of the Law assigns the task of monitoring and supervising the implementation of accessibility standards and obligations to the “Accessibility Monitoring and Inspection Commissions” established under the governorships in each province. The Regulation on Accessibility Monitoring and Inspection which outlines the inspection procedures and principles was published on 20 July 2013 and is currently in force. In this context, compliance of the centres with accessibility standards is inspected and monitored by the commissions. As a result, there are no discriminatory and contrary practices detected in the private sector.

## **INFORMATION ABOUT THE PARTICIPATION OF BENEFICIARIES IN LEGISLATION AND DECISION-MAKING PROCESSES**

On 3 December 2021, the President of the Republic announced the “2030 Vision Document Without Barriers”. In line with this vision, the “National Action Plan for the Rights of Persons with Disabilities (2023-2025)” was prepared with an inclusive approach and published on 2 December 2022 to promote and protect the rights of people with disabilities and ensure cooperation and coordination between institutions in this regard. To monitor and evaluate the implementation of this Action Plan, the “Monitoring and Evaluation Board for Disabled Rights” was established by Presidential Circular No. 2021/23 on the International Day of Persons with Disabilities in 2021.

In admission or departure procedures to private disabled care centres, if a court decision has been made to restrict the disabled individual in need of care, the request of the guardian is taken into consideration, and if there is no such restriction decision, the request of the disabled person is considered.

Elderly people who want to receive services from private nursing homes and elderly care centres have the right to choose the institution which they want to receive services from.

Private care centres are subject to inspections to ensure compliance with legislation, and sanctions are applied when deficiencies or violations are detected. Law No. 5378 on the Disabled, which came into force in 2005, includes provisions for ensuring accessibility in all public spaces, transportation services, and other areas. Accessibility Monitoring and Inspection Commissions were established under the governorships in each province to monitor compliance with these standards.

The MoFSS covers the fees for private care centres for people with disabilities whose income is below a certain level, and incentives are given to centres that meet certain criteria, such as holding the TS EN ISO 9001:2015 QMS Certificate and having high scores on the Care Service Quality Standards. Additionally, extra personnel employed in private care centres can receive incentive payments.

The Accessibility Monitoring and Inspection Commissions established in each province include representatives from NGOs working on disability issues, as well as representatives from relevant public institutions and organizations pursuant to Law No. 5378 on the Disabled. Anyone who meets the necessary conditions can apply for services from private disabled care centres, private nursing homes, elderly care centres, and nursing homes belonging to other public institutions.

## ARTICLE 23

### Article 23 - The right of elderly persons to social protection

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

– to enable elderly persons to remain full members of society for as long as possible, by means of:

a) adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

b) provision of information about services and facilities available for elderly persons and their opportunities to make use of them;

– to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a) provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;

b) the health care and the services necessitated by their state;

– to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.

### MEASURES ON COMBATting ABUSE OF OLDER PERSONS AND DISCRIMINATION ON GROUNDS OF AGE

#### Legal Framework

According to Article 3 of the Turkish Human Rights and Equality Institution Law No. 6701, titled “Principle of Equality and Non-Discrimination”, discrimination based on age is prohibited. In the event of a violation of the prohibition of discrimination, public institutions and organizations with duties and powers regarding the subject, and professional organizations in the nature of public institutions, are obligated to take necessary measures to end the violation, eliminate its consequences, prevent its repetition, and ensure legal and administrative follow-up. Real and private legal entities responsible for the prohibition of discrimination must take necessary measures to detect and eliminate discrimination and ensure equality in matters within their jurisdiction.

Within the scope of Article 5 of Law No. 6701, public institutions and organizations, professional organizations in the nature of public institutions, real persons, private law legal entities, and those authorized by them are prohibited from subjecting persons to discrimination in the following areas:

- Provision of services such as education and training, judiciary, law enforcement, health, transportation, communication, social security, social services, social assistance, sports, accommodation, culture, tourism, and similar services;
- Access to areas and buildings where public services are provided;

- Relevant processes (lease, purchase, determination of the terms of the lease contract, renewal or termination of the lease contract, transfer) while publicly presenting movable and immovable properties;
- Becoming a member of associations, foundations, trade unions, political parties, and professional organizations, being elected to their organs, benefiting from membership opportunities, terminating membership, and participating in and benefiting from their activities, except for the exceptions specified in their relevant legislation or bylaws;
- Any of the employment and self-employment processes.

The types of discrimination within the scope of Law No. 6701 are as follows:

- Segregation,
- Instruction to discriminate and implementation of such an instruction,
- Multiple discrimination,
- Direct discrimination,
- Indirect discrimination,
- Mobbing in the workplace,
- Failure to make reasonable accommodations,
- Harassment,
- Discrimination by association,
- Unfavourable treatment sustained by persons who launch administrative or judicial proceedings or take part in such proceedings in order to ensure the respect of the principle of equal treatment and prevent discrimination as well as by representatives of such persons on account of such proceedings.

One of the major impacts of Law No. 6701 is the establishment of the TİHEK. This Institution is responsible and authorized to examine, investigate, decide, and follow up on non-discrimination violations ex officio or upon application. Anyone who claims to have been harmed by a violation of the prohibition of discrimination can apply to TİHEK. In case of detection of discrimination in the applications made to TİHEK, administrative fines are imposed on public institutions and organizations, professional organizations in the nature of public institutions, real persons, and private law legal entities responsible for the violation, taking into account the severity of the effects and consequences of this violation, the economic situation of the perpetrator, and the aggravating effect of multiple discrimination. According to the rates published in the Official Gazette dated 27/11/2021 and No. 31672, the lower limit of the administrative fine in the first paragraph of Article 25 of Law No. 6701 for the year 2022 was determined as 2.673,61 TL and the upper limit as 40.179,00 TL.

Pursuant to Law No. 6701, the information and documents requested by the Institution by indicating the reason thereof concerning the matter under inquiry or examination shall be submitted within thirty days following the date of communication of such request.

Article 6 of Law No. 6701 titled “Employment and self-employment” regulates non-discrimination in the labour market. Employers or their authorized representatives cannot discriminate against employees, job applicants, persons acquiring practical work experience, those seeking information about the workplace or job, or anyone seeking to work in any capacity at any stage of the work including getting information, application, section criteria, hiring criteria and working and termination of the employment. This prohibition includes vacancy announcements, workplace, working conditions, vocational guidance, access to all

levels and types of vocational training and retraining, occupational guidance, promotion, access to all levels of the professional hierarchy, in-service training, social benefits, and similar issues. Employers or their authorized representatives shall not reject employment applications due to pregnancy, maternity, or childcare. Discrimination is also prohibited in terms of admission into, licence, registration, discipline and similar issues of self-employment. This article also applies to all types of employment and employment contracts not covered by Labour Law No. 4857. The provisions of this Article also apply to employment in public institutions and organizations.

Furthermore, Law No. 6701, which contains the most comprehensive provisions in the context of prohibition of discrimination, also regulates cases where discrimination claims cannot be asserted. These exceptions are listed as follows:

- Differential treatment in the fields of employment and self-employment that is appropriate and proportionate, based on mandatory professional requirements.
- Situations that require the employment of a specific gender only.
- Age-based differential treatment in the recruitment and employment process provided that age limits are determined and applied due to the requirements of the service and that it is necessary and proportional.
- Special precautions and protection measures for children or persons who need to be kept in a special place.
- Employment at a religious establishment of persons who are members of that religion for the purpose of religious service or delivering training and education on that religion.
- Conditions and qualifications required by associations, foundations, trade unions, political parties, and professional organizations for individuals seeking membership based on their aims, principles, and values as set forth in relevant legislation or bylaws.
- Necessary, relevant, and proportionate differential treatment aimed at eliminating inequalities.
- Differential treatment resulting from non-citizens' entry and residence conditions and their legal status.

In line with the information given above, the elderly can apply to TİHEK with the claim that they are discriminated against on the basis of one of the discrimination grounds listed in Law No. 6701.

Elderly abuse, which is one of the manifestations of discrimination against the elderly, is handled within the scope of harassment regulated in Law No. 6701 as a type of discrimination. Accordingly, performing for elderly individuals; any act of intimidation, humiliation or embarrassment, including psychological, economic and sexual types, with the aim of violating human dignity or resulting in such a result, can be considered “harassment” within the framework of Law No. 6701.

In addition, the elderly are also discriminated against in matters such as the procurement of the services mentioned above and their employment relationship. In this regard, the following types of discrimination are more common: direct discrimination, intimidation at the workplace, and failure to make reasonable arrangements. Intersectional discrimination can also occur when the elderly are also discriminated against on grounds such as disability and gender.

### **Activities Carried Out**

The Presidency of the Republic of Türkiye, in a speech delivered at the UN General Assembly on 25 September 2018, announced that 2019 would be declared the “Year of the Elderly” in

Türkiye and that a “Council on Ageing” would be held, where issues within the scope of the rights of the elderly will be discussed extensively. The I. Council on Ageing was held in Ankara on 20-22 February 2019, under the auspices of the Presidency of the Republic of Türkiye and with the participation of international organizations such as the UN Development Program (UNDP), the UN Population Fund (UNFPA), national and international experts and relevant ministers of other countries. The main theme of the Council was determined as “Supporting active ageing” and “Strengthening the rights of the elderly”. As a result of the Council, the Final Declaration of the I. Council on Ageing was announced, which sets the goals and objectives for the creation of policies and programs related to ageing.

“The Workshop on the Rights of the Elderly” was held on 2 December 2019, hosted by the TİHEK, where the rights of the elderly and discrimination against the elderly were discussed in a multifaceted manner.

As the elderly population grows, it becomes increasingly important to raise awareness about ageing and elderly health. In recognition of this, March 18-24 is designated in Türkiye as the Week of Respect for the Elderly, during which various activities are held to promote awareness. The goal of this week is to emphasize the rights of the elderly citizens, who carry social and cultural heritage from the past into the future and to draw attention to the problems experienced by the elderly during the COVID-19 pandemic. By doing so, it is expected to contribute to the development of policies aimed at addressing these issues and promoting the effective use of their rights.

On March 22, 2021, an “Elderly Rights Forum” was held, featuring participation from experts in the field. Additionally, a public survey on "Perception of Ageing and Their Own Problems by People Over 60" was conducted, with 5.600 participants from across Türkiye, and the results were shared with the public.

A “Consultation Meeting on the Rights of the Elderly” was held on 22 June 2021. This meeting was attended by academics, as well as representatives from public institutions, organizations, universities, and NGOs. The discussion focused on the daily challenges faced by the elderly, as well as the position and importance of the elderly in Turkish society.

In accordance with Türkiye's ageing policy, the “2030 Ageing Vision Document and Action Plan” has been prepared by the MoFSS. This document outlines targets and actions in various areas, such as active and healthy ageing, participation in social life, age-friendly environments, working life, lifelong learning, and economic security. With this high-level policy document, a holistic approach to policy and service delivery has been taken into account, recognizing the upwards trend in ageing in Türkiye. The goal of the “2030 Ageing Vision Document” is to mainstream ageing in policies and services developed. To ensure that the individual will and preferences of elderly citizens are taken into account during decision-making processes, studies are planned to be conducted in collaboration with stakeholder institutions such as the Ministry of Justice, the Ministry of Interior, and TİHEK.

In recognition of “Violence Against the Elderly and Elderly Neglect Awareness Day” on 15 June 2021, interviews were conducted with elderly individuals across various age ranges to protect their rights. Moreover, the relevant internet addresses and Corporate YouTube channels were also made available to the public.

In the decision of the TİHEK Board dated 14 June 2022 and numbered 2022/384 regarding age-related issues, TİHEK stated that it had reviewed the case of an applicant who was denied a student loan for a doctoral program due to exceeding the age limit of 35. Although the regulations regarding the right to education were intended to serve a legitimate purpose, the restriction of the applicant's constitutional right to education based on an age limit that changes annually violated the principle of certainty and legal security. TİHEK concluded that the 35-year-old criterion introduced by the regulations lacked a reasonable balance, that the action taken was disproportionate, and that ultimately, the non-discrimination principle on the grounds of age was ultimately violated.

To assess the rights of the elderly in line with current policy arrangements and services offered to elderly individuals, the “Türkiye Elderly Rights Report” was prepared in July 2022. The main objective of the report is to revise existing policies and services in accordance with the needs of the elderly and make recommendations for them to access their rights. The [“Handbook on Discrimination on the Basis of Age”](#) was also published as part of the follow-up.

The recommendations and policies put forward by the Türkiye Elderly Rights Report and the 2030 Ageing Vision Document for elderly rights include:

- Preparing a law on the rights of elderly people;
- Making legal arrangements regarding services for the elderly in the Municipality Law, Law on Metropolitan Municipality, and the Law on Special Provincial Administration;
- Correcting the language used in the media, which often leads to negative perceptions towards the elderly, with an "elderly" point of view;
- Leading Türkiye to an international convention on the Rights of the Elderly to protect the elderly;
- Preventing indirect discriminatory practices frequently encountered in society towards the elderly;
- Establishing an “Elderly Rights Coordination Board” to coordinate public institutions and organizations operating jointly to protect the elderly and their rights;
- Increasing the number of NGOs operating in the field of elderly rights;
- Increasing the number and quality of Gerontology departments and Ageing Studies Application and Research Centres in universities;
- Establishing a pluralistic structure that enables people from all age groups, including the elderly, to participate in the bureaucracy;
- Increasing field studies to collect statistics and data on violence and abuse against the elderly;
- Developing continuous education programs and experience transfer centres that enable the elderly to participate more effectively and confidently in all areas of social life;
- Determining the strategies and targets of all public institutions and organizations by taking into account the ageing population of Türkiye;
- Implementing policies and measures to eliminate the reasons that drive our elderly people away from their homes and families in violation of human dignity;
- Establishing a separate General Directorate of Elderly Services by separating the General Directorate of Services for the Disabled and Elderly under the MoFSS.



## **INFORMATION ABOUT INDEPENDENT LIVING AND LONG-TERM CARE OF ELDERLY PERSONS IN TÜRKİYE**

The main approach adopted by Türkiye in the field of ageing is to ensure that the elderly, together with their families and relatives, go through the ageing process within the framework of active and healthy ageing in their environment. In this direction, studies are carried out to determine policies and strategies, to develop and diversify social service activities and to increase the quality of life of the elderly.

In addition to institutional care, care service models that enable the elderly to be cared for without leaving their social environment have been implemented in line with the concept of community-based care. In this context, institutional care and home care assistance, social assistance and daycare services are offered together in an integrated manner, complementing each other, to support family care.

The “Daytime Elderly Service Centres” model has been implemented to facilitate the lives of the elderly who live alone or with their families and relatives at home, to support their daily living activities by helping them with the issues they have faced, and to increase their quality of life by enriching their social relations. Under this service model, psychosocial support is provided in order to increase the overall quality of life of elderly individuals who live in their own homes or with their families, especially elderly individuals with diseases such as Alzheimer's and dementia. Various activities are also carried out in order to meet some of the health needs of these individuals and to use their spare time efficiently. Other objectives of the model are as follows: to strengthen the traditional family structure, to increase the participation of families in employment, by reducing the need for institutional care, with the active participation of the elderly in social life and their psycho-social health.

On the other hand, one of the services offered within the scope of community-based care services for elderly individuals is “Elderly Living Homes”. It is a service model in which elderly individuals are cared for by renting a house in a neighbourhood environment, intertwined with the community, and in contact with nursing homes and elderly care rehabilitation centres, to maintain the connections of elderly individuals with social life and to ensure that they have active and healthy ageing.

In addition to the existing institutions and services, various projects are also carried out in order to expand daytime services for elderly individuals in Türkiye. YADES, which was initiated in this context, became the first support program with the largest budget in this field. The main objectives of this Program, which is funded from the general budget, are to raise awareness by activating local dynamics, to support the elderly in their home environment and to ensure their participation in social life. By protecting and supporting the elderly over the age of 65 who need service, the lives of those in need of bio-psycho-social care have been facilitated by providing the necessary care in the places where they live. In this context, 39.000.000 TL financial support was provided in 7 years, and 111.559 elderly people were reached in 76.497 households through 61 projects carried out in 35 municipalities.

Moreover, “Home Care Assistance” was initiated in line with the family-oriented care policy adopted to integrate the disabled and elderly individuals into society by providing their care by their relatives, without separating them from their accustomed environment and their families. In this context, monthly cash assistance is provided to the relative or custodian who cares for the individual in need of care. Within the scope of Home Care Assistance, elderly individuals

and their families are supported by taking into account age-related disability and it is foreseen to reduce the need for long-term residential care services. This support is provided for approximately 135.000 elderly people.

In addition, within the scope of elderly care services, which is one of the areas covered in the “2030 Aging Vision Document and Action Plan” mentioned above, it is aimed to diversify and develop care service models on the basis of regional needs. Thus, it is planned to expand home care, daycare and support services throughout the country for elderly individuals to spend their lives at home. The development of a qualified elderly care model specific to Türkiye and the development of legislation regarding centres providing daytime services for elderly individuals are also among the planned actions.

Family-oriented elderly care services planned by the MoFSS are updated and developed according to the changing demographic structure. Priority is given to providing care services institutionally in the place where the elderly live.

Within the scope of Institutional Residential Elderly Care Services, elderly people are served in our nursing homes and elderly care centres. While in 2002, 4.952 elderly individuals were served in 63 official nursing homes; as of December 2021,

- 12.686 elderly individuals were served in 165 official nursing homes of the MoFSS.
- 1.731 elderly individuals were served in 21 nursing homes of other public institutions.
- The number of private nursing homes serving the elderly is 263 as of December 2021.
- The number of elderly individuals receiving services from these private nursing homes is 11.558.

As a result, care services are provided to 25.975 elderly individuals in a total of 449 nursing homes, including public and private ones.

Qualified services are provided to all elderly individuals who require care in centres located throughout Türkiye. The establishments of these centres are designed with site type, courtyard type, and small house type architectures to provide maintenance services. The site type design serves elderly individuals who require care and have decreased bodily functions. The courtyard-type design is planned for elderly individuals who can perform daily tasks independently and need more physical activity. This model is designed for elderly individuals with cognitive impairments such as dementia. The small house design is a model that allows elderly individuals who can move independently to continue their daily lives in their own living spaces.

Elderly care centres also provide a range of services in areas such as preventive health services, drug surveillance, and psychosocial support mechanisms, in addition to basic personal care. In Türkiye, long-term care services for the elderly are provided in coordination by the public, local governments, NGOs, and the private sector, and encompass not only care and medical support but also social and cultural factors.

## **MEASURES ON IMPROVING THE DIGITAL SKILLS OF OLDER PERSONS AND DIGITAL SERVICES PROVIDED**

As the elderly population grows, it is essential for them to continue contributing to society by actively participating in social and economic activities. To achieve this, it is crucial for elderly individuals to recognize, learn, and use the technological tools available to them. Therefore, in 2021, a training needs analysis was conducted to determine the training contents and programs needed for the elderly individuals receiving care services in institutional elderly care centres in

Ankara, Istanbul, Izmir, Antalya, Malatya, Samsun, and Gaziantep. The analysis measured the mobile phone, computer usage, and digital and financial literacy competencies of the elderly residents, and the results were used to prepare the content of the training programs. To pilot the training program, digital and financial literacy training was initially provided to the residents of nursing homes established by the MoFSS. This training was expanded to other nursing homes of the MoFSS in 2022, with the aim of expanding the program across Türkiye to cover all elderly individuals receiving or not receiving institutional, long-term, and residential care services.

In collaboration with Vodafone Telecommunication Company in 2020, tablets were distributed to elderly individuals receiving care services in nursing homes. The aim was to facilitate communication between the elderly residents and their relatives, institutions, or individuals they need, thereby supporting their socialization with technological communication tools.

In cooperation with the MoFSS, Turkcell Telecommunication Company launched the “Digital Spring Project” in 2021 to improve the digital literacy of elderly individuals receiving care services in nursing homes by establishing Digital Spring Technology Rooms in nursing homes within three years. Currently, seven digital spring rooms have been established in 6 pilot nursing homes.

To raise awareness about developing the skills of disabled and elderly individuals and ensuring their participation in active working life, the MoFSS organized the “Digital Transformation Symposium for Disabled and Elderly People” on 19 June 2019. The symposium brought together public institutions and organizations, NGOs, local governments, and universities.

To increase awareness and knowledge in the field of accessibility, the “Accessibility Workshops: Awareness Training in Web Accessibility Standards” have been organized since 2020. 3.500 technical personnel working in municipalities, universities, and other public institutions and organizations participated in these workshops.

Since 1 November 2017, the MoNE General Directorate of Lifelong Learning has implemented the “European Adult Learning Agenda Project”, co-financed by the European Union and Türkiye. Within the scope of the project, an analysis was conducted to determine the problems faced by adults in the hard-to-reach group in adapting to technology for the need for digital skills in active ageing. An Action Plan has been prepared based on the analysis, and distance learning-based training programs and e-content for these programs have been developed for the development of adults' digital skills and competencies.

## **INFORMATION ON NATIONAL OR LOCAL HOUSING POLICIES AND STRATEGIES FOR OLDER PERSONS**

TOKİ prioritizes the production of socially qualified housing for disadvantaged groups. The main target groups are low and middle-income families, with separate quotas allocated for disabled individuals, families of martyrs, and retirees in house sales.

TOKİ's comprehensive social housing project, planned between 2023 and 2028, includes special quotas for youth, retirees, families of martyrs, and disabled individuals. Specifically, 20% quotas are allocated for young people, 20% for retirees, 5% for disabled individuals, and 5% for families of martyrs. As of 2023, 505.000 retirees have applied for the project, which includes 500.000 social housing units and 1.000.000 residential plots with infrastructure and

construction plans. These projects prioritize low and middle-income citizens and offer maturity options up to 120 and 240 months, making access to housing easier.

To address the needs and preferences of disadvantaged groups, social service units are implemented to provide sufficient and qualified conditions for the elderly population to continue living in accordance with their basic needs. Nursing homes, barrier-free living centres, and compassion homes are built and put into service to provide care and support opportunities for the elderly population in safe and healthy living environments in coordination with the relevant public institutions and organizations.

In Türkiye, within the scope of the importance given to the design and creation of physical spaces suitable for the needs and preferences of disadvantaged groups, social service units are implemented that will provide sufficient and qualified conditions for the elderly population to continue their lives in accordance with their basic needs.

TOKİ's design principles prioritize “horizontal architecture” and the “neighbourhood concept” enabling the development of neighbourly relations where especially the elderly, children and young population can be socially comfortable and interact with each other.

These projects aim to produce healthy and alternative solutions to the housing problem, enabling everyone, especially those in need and disadvantaged groups, to live in adequate, qualified, and safe spaces while providing access to the basic services required by modern life.

#### **INFORMATION ON TRIAGE PROTOCOLS, ESPECIALLY DURING THE COVID-19 PANDEMIC**

The Communiqué on the Implementation Procedures and Principles of Emergency Services in Inpatient Health Facilities published in the Official Gazette dated 16 October 2009 and numbered 27378 has been repealed, and the new Communiqué on the Implementation Procedures and Principles of Emergency Services in Inpatient Health Facilities, published in the Official Gazette dated 13 September 2022 and numbered 31952, was entered into force. This new Communiqué defines “triage” as the process of determining the medical priorities of patients who apply to emergency services and the treatment units to which they will be directed, taking into consideration the severity of their complaints and symptoms and the urgency of their medical conditions. The triage process aims to prevent harm to patients due to the intensity of the emergency service and to ensure that they receive the necessary medical care without delay, and is carried out with the appropriate number of personnel, as specified in Annex 4 of this Communiqué. However, other internationally accepted triage methods can also be used.

The third part of the Communiqué, titled “Triage Practice and Color Coding, Examination and Accompaniment Principles” outlines the three categories, coded Green, Yellow, and Red, that will be used during the triage process, as detailed in Annex 4 of the Communiqué. The age factor is not considered in determining these categories, and the aim is to identify health problems that could cause life-threatening situations, morbidity, and complications and to intervene accordingly. Triage is not applied to patients brought to the health facility by emergency ambulances. It is essential to carry out the registration and triage process simultaneously, if possible, at the entrance of outpatients in emergency services where triage is required.

In addition, the Ministry of Health has published the “Possible COVID-19 Case Inquiry Guide for Outpatients” to ensure proper implementation of the triage process during the COVID-19 period. According to the guide, the triage process is performed by a healthcare professional who is dressed in accordance with the COVID-19 Case Algorithm (a gown, medical mask, face shield or goggles).

## **INFORMATION ON SOCIAL ASSISTANCE PROVIDED TO PEOPLE RECEIVING PENSION**

The proportion of the elderly population receiving a pension in Türkiye seems low. On the other hand, the MoFSS has developed a social protection program that offers various forms of social assistance for elderly individuals who do not have social security or regular income. The amount of monthly allowance provided to the elderly and disabled individuals, as per relevant legislation, is determined by the General Directorate of Social Assistance of the MoFSS, in accordance with the availability of financial resources.

In 2022, the “Türkiye Family Support Program” was introduced, marking a new era in the field of social assistance. For the first time in Türkiye, financial support is being provided to families in need and their children based solely on the income criterion, without the need for additional thematic criteria such as disability, old age, or having a relative in the military. The program provides additional payments for children in needy households, with the amount increasing based on the number of children in the family. Individuals in need who meet the criteria set by the Law on Social Assistance and Solidarity Encouragement No. 3294, and whose monthly income per person in the household is less than 1/3 of the net minimum wage, are eligible for support.

Employees and retirees, without any working conditions, are also included in the program, except for civil servants, notaries, headmen, those working abroad, and those within the scope of special funds. Furthermore, individuals whose applications were previously cancelled due to not meeting the program's conditions are given the opportunity to re-apply based on the possibility of a change in their socio-economic status. Citizens can easily apply for the program through the e-State system or SYDV, which serve at 1.003 points throughout Türkiye.

Regarding pensions outside of public pension systems, the 11th Development Plan, covering the years 2019-2023, was published by the Presidency Strategy and Budget. The plan encourages participation in systems other than the public pension system to strengthen the long-term tendency to save and increase the retirement income of individuals. In this context, the number of participants in the individual private pension system (BES), the time spent by the participants in the system, and the total amount of government contribution to BES have all increased. As of February 2023, the number of voluntary and automatic participants of BES has exceeded 14 million.

On the other hand, during the COVID-19 pandemic, nearly 8 million transactions were carried out by the PTT to make pension payments to retirees at their home addresses to protect our elderly citizens from the effects of the pandemic. In addition to pensions, disability allowances and old-age benefits were also delivered to the homes of our citizens, and more than 4.4 million families have been reached for this purpose. No fees were charged during the delivery of these payments.

In addition to all these, with the additional Article 18 added to Act No. 5510 with Law No. 7143, the procedures and principles prepared for the payment of a bonus of 1.000 TL in Ramadan and Sacrifice Feasts for those who receive monthly payments from the SSI entered into force with the decision of the SSI Executive Board dated 24/05/2018. The said practice was started in 2018 and retirees are paid twice a year during religious feasts. Until 2023, 1.000 TL has been paid for each holiday, and a 1.100 TL bonus will be paid this year.

## STATISTICAL DATA

The expenditure on social protection in Türkiye significantly increased by 19.9% in 2021, surpassing 785 billion 662 million TL. Social protection benefits constituted 98.7% of this expenditure with 775 billion 401 million TL. Among these benefits, the largest expenditure of 353 billion 592 million TL was made for retirees and the elderly, followed by disease/health care expenditures at 242 billion 136 million TL. Notably, 64.8% of the benefits were provided in cash, with retirees and the elderly receiving the highest share at 70.1%.

In 2020, 14 million 288 thousand people were covered by social protection, including retirees, the elderly, widows/orphans, and persons with disabilities. This number increased by 2.4% to 14 million 624 thousand in 2021. Additionally, the number of salary benefits covered under social protection increased from 14 million 979 thousand in 2020 to 15 million 362 thousand in 2021.

The SSI takes into account the increase in the number of retirees and their pension amounts when forecasting the budget for pensions. In the 2021 budget estimation, pensions were projected to be worth 385,601 million TL, but they increased by 5.3% to TL 406,024 million. As of the end of 2021, a total of 419.623.649.486 TL income/monthly payments were made to 13.644.030 people during the relevant year.

The amount of monthly allowance for the elderly and disabled under Law No. 2022 is determined by adding 4% or 5% additional payment based on the conditions specified in the provisions of Law No. 5454. This is calculated by multiplying the indicator figures and civil servant salary parameters. The monthly allowances of the elderly and disabled are also determined by the salary increases of civil servants.



## ARTICLE 30

### **Article 30 – The right to protection against poverty and social exclusion**

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.

### **MEASURING POVERTY AND SOCIAL EXCLUSION**

Detailed information on the indicators, their definitions and measurement methods related to poverty and social exclusion compiled in Türkiye by TURKSTAT is provided below.

#### **Relative Poverty Based on Income:**

The data source of the poverty study conducted by TURKSTAT based on the income variable is the Income and Living Conditions Survey. This study, which has been put into practice since 2006 within the scope of harmonization with the European Union, is an important source for compiling information to reveal the distribution of income between households and individuals in Türkiye and the living conditions of people, to obtain data on social exclusion, to measure poverty with income dimension, to determine the level and profile of poverty. For this reason, it is useful to know some concepts for income-based relative poverty measures calculated using national data:

#### **Equivalent household disposable individual income:**

Income inequality is measured on the basis of the differences between individual incomes. For this reason, income collected at the household level should be converted into individual income. It would not be correct to do this by dividing the total household income by the number of members of the household. In this calculation, it is necessary to take into account the differences in the adult-child composition of the households. Because, scientifically, children consume less than adults. Accordingly, using the coefficients called equivalence scale, it is calculated how many adults (equivalent individuals) each household size corresponds to. By dividing the total annual disposable income of the household by the equivalent household size, the equivalent household disposable income is calculated per equivalent household member, in other words, the equivalent household disposable income is calculated.

#### **Median income:**

Median income refers to the value that appears in the middle when equivalent household incomes are ranked from smallest to largest.

#### **Relative poverty:**

An individual with an income below a specified line compared to the general population is considered “poor” in a relative sense. In the Income and Living Conditions Survey, 4 different

relative poverty lines (40%, 50%, 60% and 70% of median income) are calculated according to the equivalent household disposable median income.

**Poor:**

Those with equivalent household disposable income below the calculated poverty line are defined as poor.

**Poverty rate:**

The rate of those whose equivalent household disposable income is below the poverty line (the poor) in the total population comprising the poor and the non-poor. It is calculated according to the following formula:

$$\text{Poverty rate} = (\text{Poor population} / \text{Total population}) * 100$$

**Poverty gap:**

It gives information about the degree of poverty. A person's poverty gap is equal to the difference between their poverty line and their income. The poverty gap is equal to the ratio of the average poverty gap in the population to the poverty line. When the poverty gap approaches 100, it means that the degree of poverty is too high, and if it gets smaller, it means that the poverty risk levels are lower.

The poverty gap is calculated according to the following formula:

$$\text{Poverty gap} = ((\text{Poverty line} - \text{EFB median income of the poor}) / \text{Poverty line}) * 100$$

In the table below, the relative poverty results for the years 2018-2021 published by TURKSTAT according to the equivalent household disposable income.

**Persons at Risk of Poverty or Social Exclusion (AROPE)**

With the data of the Income and Living Conditions Survey, which is the source for comparable income distribution and social exclusion statistics at the European level, transmitted to EUROSTAT (European Union Statistical Office), the indicator for “people at risk of poverty or social exclusion (AROPE)” can be calculated.

In EUROSTAT, individuals living in relative poverty or material deprivation or living in households with very low work intensity are defined as “poor or socially excluded”. Accordingly, AROPE, which is a composite indicator, refers to the absence of at least one of these three indicators.

The AROPE indicator is an indicator proposed by EUROSTAT for the first time within the scope of Europe-2020 targets and has been calculated until 2021. In addition, the European Committee of Social Rights proposes 3 targets to be reached at the EU level by 2030 in the fields of employment, skills and social protection. Poverty and social exclusion are among these goals, and in this context, it is foreseen that the AROPE indicator will be calculated until 2030, and it is aimed to reduce the number of people at risk of poverty or social exclusion by at least 15 million by 2030, of which at least 5 million will be children.



AROPE is the absence of at least one of the following three indicators:

- Relative poverty, which takes into account 60 percent of the median income
- Extreme material deprivation
- Low work intensity indicator

**Relative poverty:**

An equivalent household is defined as the population at risk of poverty with an income below the poverty line determined by considering 40%, 50%, 60% or 70% of the median disposable income.

**Low work intensity (LWI):**

The work intensity of each household is obtained by calculating the ratio of the total number of months worked in the reference year by all members of the working age in the relevant household to the total number of months in which the same individuals can theoretically work. In its calculation, the following issues are taken into account:

- Individuals living in households with a work density of less than 0.2 are defined as living in households with a low work intensity.
- Except for students aged 18-24, all individuals between the ages of 18-59 are considered to be of working age.
- Households consisting of only children or students under the age of 25 or individuals aged 60 and over are completely excluded when calculating the work intensity.
- The number of months they worked was included in the calculation, taking into account the weekly working hours of the individuals working part-time in the reference year.

**Extreme material poverty (DEP):**

Extreme material deprivation, defined as the proportion of people facing severe financial distress is the proportion of people who cannot afford/be deprived of at least 4 of the 9 specified items due to economic reasons:

1. Inability to meet unexpected expenses,
2. Inability to take a week's vacation away from home (for all family members),
3. Difficulty in payment (housing loan, rent, electricity, water, natural gas etc. bills, instalments and debts),
4. Inability to eat meat, chicken, and fish every other day,
5. Inability to meet the heating needs of the house,
6. Washing machine ownership,
7. Colour television ownership,
8. Phone (fixed or mobile) ownership,
9. Automobile ownership.

In the attached poverty file, the results of the AROPE indicator for the years 2018-2021 published by EUROSTAT are presented.

Table 37. Number of the poor, poverty rate and poverty gap by equivalised household disposable income, 2018-2021

Risk of poverty	Poverty threshold (TL)				Number of the poor (Thousand person)				Poverty rate (%)				Poverty gap <sup>(1)</sup>			
	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021
%40 - 40%	7.113	8.635	9.915	11.227	6.322	6.710	7.278	7.061	7,9	8,3	8,9	8,5	22,3	21,8	23,1	24,4
%50 - 50%	8.892	10.793	12.394	14.034	11.091	11.641	12.267	11.936	13,9	14,4	15,0	14,4	23,7	24,1	25,9	25,0
%60 - 60%	10.670	12.952	14.873	16.841	16.888	17.207	17.921	17.636	21,2	21,3	21,9	21,3	25,4	26,3	26,9	26,9
%70 - 70%	12.448	15.111	17.352	19.648	22.701	23.024	23.704	23.789	28,5	28,5	29,0	28,7	28,0	28,9	29,5	28,7

TurkStat, Income and Living Conditions Survey

<sup>(1)</sup> Poverty gap ratio informs about poverty level. It represents the severity of poverty is too much if it approaches to "100" and it represents the poverty risk degree is lower if it reduces. Poverty gap is calculated as this formula:  $Poverty\ gap = ((Poverty\ threshold - Median\ income\ of\ poors\ by\ EII) / Poverty\ threshold) * 100$

Table 38. Persons at risk of poverty or social exclusion (AROPE), 2018-2020

	2018	2019	2020
AROPE	39,8	39,8	41,5

EUROSTAT Database

## **MEASURES TAKEN UNDER THE DEVELOPMENT PLAN, THE PRESIDENCY'S ANNUAL PROGRAMME, THE NEW ECONOMIC PROGRAMME, AND THE ACTION PLAN**

Under the 2020 Investment Program, the “Türkiye Social Inclusion Education Program Project” was designed to enhance institutional capacity and knowledge related to social inclusion through trainings for public personnel actively involved in delivering basic public services, academics at universities, and NGO representatives. Under Phase II of the Project, necessary documentation and training materials such as booklets, posters, and brochures were prepared for the training program. Under Phase II of the Project, “Training of Trainers on Social Inclusion” was held on 20-23 December 2022 in Ankara with the participation of 80 public personnel actively involved in delivering basic public services, academics at universities, and NGO representatives

Families who are unable to meet the basic needs of their children and have difficulty sustaining their lives are provided with temporary economic support for the care and upbringing of their children until they become self-sufficient. As of December 2021, 62.337 disabled individuals were employed in public service. Furthermore, the number of care and rehabilitation centres for the disabled increased to 104 and due to the growing elderly population, the number of nursing homes affiliated with the MoFSS increased to 165 as of December 2021.

## **INFORMATION ON THE OUTCOMES OF POLICIES AND MEASURES OF POVERTY**

The government's long-term anti-poverty strategy includes the use of social assistance as a tool to reduce poverty. Of those who receive social assistance from the State, 77% are citizens who are unable to work due to disability or old age, while 4,8% are currently employed. This means that 82% of social assistance beneficiaries are those who cannot be employed due to their disadvantage or working status. While education aid is provided to citizens receiving social assistance, employment-friendly social aid models are also emphasized.

In this context:

- Social assistance beneficiaries who are able to work have been registered with İŞKUR since 2010 and benefit from employment-generating activities.
- Employment assistance is provided for expenses such as medical reports and photos required for job interviews.
- If social assistance beneficiaries are placed in a job, they receive a one-time employment support equal to 1/3 of the gross minimum wage.
- Those who have been working regularly for a year are given priority for coal, education, and food aid.
- Incentive packages have been created so that Conditional Education and Health Beneficiaries who are employed while receiving social assistance continue to receive benefits for a total of 12 months within 3 years.

As a result of the 2012 amendment to Law No. 3294, families in need of social security in the labour market are supported from social assistance. Since 01/01/2018, if a social assistance

beneficiary is employed by an employer in private sector, the State pays the employer's insurance premium for one year.

The MoFSS implements various policies for the coordination of social assistance and social services. In this framework, the interoperability of the Family Information System and the Integrated Social Assistance Information System was ensured in 2022. At the local level, mechanisms have been developed to ensure the coordinated work of SYDV and SHM. On the other hand, the Ministry also conducts impact analyses and projection studies on social assistance and social service programs.

### **Public Personnel Selection Examination for the Disabled (EKPS)**

To support disabled people's employment, Civil Servants Law No. 657 mandates public institutions and organizations employ persons with disabilities at a rate of 3%. With the amendment made in the aforementioned article in 2011, persons with disabilities are allowed to become civil servants by means of the central exam (EKPS-Disabled Public Personnel Selection Examination). The procedures regarding the organization of the central examination and the appointment of persons with disabilities as public servants are carried out in accordance with the Regulation on Disabled Public Personnel Selection Examination and Recruitment of the Disabled to the Civil Service, which entered into force in 2014.

EKPS is carried out by considering the educational status of the candidates with disabilities and the disadvantages of the disability groups. Exam questions are prepared in a way to evaluate the knowledge, abilities and skills of persons with disabilities, based on their learning and perception levels and considering language development and verbal communication difficulties they experience. In addition, the exam is held in proper environments, taking the disability groups and accessibility needs of the candidates into account.

For persons with disabilities to be employed as civil servants in public institutions, candidates must have a valid EKPS score, have a disability health board report determining a disability of 40% or more and have graduated from secondary education, higher education associate degree or undergraduate programs or will graduate in the year EKPS is held.

With these regulations, EKPS was organized five times between 2012 and 2020, every two years, and 37.740 persons with disabilities were employed as civil servants. With this development; the number of civil servants with disabilities, which was 5.777 in 2002, increased to 66.000 as of February 2022. In addition, qualified employment was supported by ensuring the employment of persons with disabilities in positions suitable for their educational status through central examination.

### **INFORMATION ABOUT THE INVOLVEMENT OF CIVIL SOCIETY AND PERSONS DIRECTLY AFFECTED BY POVERTY AND SOCIAL EXCLUSION IN THE EVALUATION OF THESE POLICIES**

Representatives from vulnerable groups are invited to participate in the process of the preparation of any legislation or programs related to these groups. Civil society organizations

are also consulted during negotiations related to the design of social welfare programs. The monitoring and evaluation process includes representatives from various vulnerable groups, including the elderly, disabled individuals, and the unemployed.

### **INFORMATION ON THE APPROACH ADOPTED TO COMBATING POVERTY AND SOCIAL EXCLUSION**

The newly launched Presidential Government System in the Turkish government structure facilitates a collaborative approach to combating poverty and social exclusion among various public bodies and institutions. Relevant organs of related Ministries are involved in the planning and implementation process, guided by consultation councils within the Presidency. Frequent meetings and workshops are held to align policies and create synergies between different actors, including collaborative action with NGOs and other social partners.