



Economic and Social Council

Distr.: General
25 January 2011

Original: English

Committee on Economic, Social and Cultural Rights

Forty-sixth session

Geneva, 2–20 May 2011

Implementation of the International Covenant on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties in accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights

Replies by the Government of Turkey to the list of issues (E/C.12/TUR/Q/1) to be taken up in connection with the consideration of the initial report of Turkey (E/C.12/TUR/1)*

[23 November 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. General framework within which the Covenant is implemented	1–9	3
II. Issues relating to the general provisions of the Covenant (arts. 1–5).....	10–63	4
Article 2, paragraph 2 – Non-discrimination	10–41	4
Article 3 – Equal rights of men and women.....	42–63	8
III. Issues relating to specific provisions of the Covenant (arts. 6–15).....	64–163	13
Article 6 – Right to work	64–71	13
Article 7 – Right to just and favourable conditions of work	72–76	16
Article 8 – Trade union rights	77–80	17
Article 9 – Right to social security.....	81–103	19
Article 10 – Right to marry and found a family, protection of the family, mothers and children	104–123	22
Article 11 – Right to an adequate standard of living.....	124–134	26
Article 12 – Right to the highest attainable standard of physical and mental health.....	135–142	29
Articles 13 and 14 – Right to education.....	143–156	31
Article 15 – Cultural rights	157–163	33

I. General framework within which the Covenant is implemented

Reply to the issues raised in paragraph 1 of the list of issues (E/C.12/TUR/Q/1)

1. According to Article 90 of the Turkish Constitution, international agreements duly put into effect bear the force of law as part of the domestic legislation and become applicable in national law. Consequently, Article 90 of the Constitution and relevant provisions of an international convention can be invoked before Turkish national courts. Concrete examples where Article 90 has been invoked in domestic courts will be provided to the Committee during the consideration of Turkey's report at the 46th session.

Reply to the issues raised in paragraph 2 of the list of issues

2. Turkey is constantly improving the level of participation of the civil society representatives to its reporting process to United Nations human rights treaty bodies and other mechanisms.

3. Most recently, civil society representatives and other stakeholders have been extensively consulted in the preparation process of Turkey's national report for the universal periodic review of the Human Rights Council. Civil society representatives have significantly contributed to the content of the national report. Their contributions have provided decisive input in establishing priority issues in the national report. Turkish authorities have benefited from the consultation.

4. This fruitful cooperation with the civil society will serve as an example for future reports to be submitted to human rights treaty bodies.

Reply to the issues raised in paragraph 3 of the list of issues

5. Turkey's reservations to the Covenant are in conformity with States' sovereign right to make reservations and to become a party to international conventions subject to such reservations.

6. Nevertheless, Turkey is regularly reviewing its reservations to international conventions in order to withdraw them when possible. Recently, Turkey withdrew its reservations to and declaration regarding the Convention on the Elimination of All Forms of Discrimination against Women.

Reply to the issues raised in paragraph 4 of the list of issues

7. The draft bill on the Human Rights Institution, which had been prepared for the establishment of an institution in conformity with the Paris Principles, was submitted to the Turkish Grand National Assembly (TGNA) on 28 January 2010. It is currently pending before the Constitutional Commission of the TGNA.

8. The constitutional amendment package adopted by referendum in September 2010 includes an amendment that enables the establishment of an ombudsman institution.

9. Whereas the national Human Rights Institution will be established to carry out research and examine the situation in Turkey concerning fundamental freedoms and human rights and to make relevant recommendations, the Ombudsman Institution will aim to settle in the most convenient way, the disputes that may arise between the administration and those who complain of administrative acts. Therefore, no conflict of authority will occur between the two bodies.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 2 Non-discrimination

Reply to the issues raised in paragraph 5 of the list of issues

10. Turkey is determined to align its legislation on discrimination with the Covenant. The latest constitutional and legal amendments are concrete results of this determination.

11. The provisions “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” and “State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings” contained in Article 10 of the Constitution, form the constitutional basis for the prohibition of discrimination in Turkey.

12. Article 3 § 2 of the new Criminal Code, which was put into force in 2004, provides: “In the implementation of the Criminal Code no one shall receive any privilege and there shall be no discrimination against any individual on the basis of their race, language, religion, sect, nationality, colour, gender, political (or other) ideas and thought, philosophical beliefs, ethnic and social background, birth, economic and other social positions.”

13. According to Article 122 (titled “Discrimination”) of the Code, a person who by practicing discrimination on grounds of language, race, colour, gender, political ideas, philosophical beliefs, religion, sect and other reasons; prevents the sale or transfer of personal property or real estate or the performance or enjoyment of a service or who makes the employment of a person contingent on one of the circumstances listed above, who withholds foodstuff or refuses to provide a service supplied to the public, or who prevents a person from carrying out an ordinary economic activity, shall be punished.

14. Moreover, Article 2 of the Law on the Execution of Sentences and Security Measures which came into force in 2004 provides: “Rules pertaining to the execution of sentences and security measures shall be applied without privilege or discrimination on the basis of the convict’s race, language, religion, sect, nationality, colour, gender, birth, philosophical belief, national or social origin, political or other opinion, and economic or other social status.”

15. As a result of the latest amendments made in 2010, the provision “Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice” contained in Article 10 of the Constitution has been amended to include the following: “Measures to be taken to this end shall not be construed to be contrary to the principle of equality”. “Measures to be taken in favour of children, the elderly, the disabled, widows and orphans of martyrs and veterans shall not be considered to be in violation of the principle of equality”. Thereby, constitutional basis has been formed for positive discrimination concerning persons who require special protection such as children, the elderly and the disabled, and for gender equality.

16. Finally, preparatory work concerning the draft Law on Anti-Discrimination and Equality Board is underway. The Anti-Discrimination and Equality Board will be in charge of investigating allegations of discrimination, raising awareness in public for fighting discrimination, making relevant recommendations for public bodies, primarily for the

Government and the parliament, following the developments in international law and integrating them into domestic law.

17. The provisions and measures listed above also constitute the basis for the fight against discrimination on the basis of sexual orientation.

Reply to the issues raised in paragraph 6 of the list of issues

18. "Minority rights" in Turkey are accorded in the framework of the Lausanne Peace Treaty (1923) which stipulates that Turkish citizens belonging to non-Muslim minorities fall within the scope of the term "minority". Turkish legislation which is based on the Lausanne Peace Treaty contains the term "non-Muslim minority" only.

19. The Government endeavours to further strengthen the property rights of non-Muslims. Non-Muslim places of worship are administered by their own associations or foundations. The property rights on places of worship rest with the real or legal persons that have founded them.

20. A new Law on Foundations was enacted by the Turkish Parliament and entered into force as of 27 February 2008. As regards the non-Muslim community foundations, the Law further improves their situations in relation to their international activities, including the system of financial and/or material donation and assistance from abroad, registration of their immovable properties, as well as their representation at the Foundation Council, which is the ruling body of the Directorate General for Foundations.

21. Since 2004 a new governmental body, namely the Minority Issues Assessment Board, is in operation with a view to addressing and finding solutions to difficulties which citizens belonging to non-Muslim minorities may encounter in their daily lives. An ad hoc group of officials, reporting to the Ministerial Reform Monitoring Group, holds periodic consultations with the high ranking representatives of the minorities in Turkey.

22. The Minority Issues Assessment Board has held six meetings to date; the first two in 2004, third in 2005, fourth in 2006, fifth and sixth in 2009. These meetings were not only based on the problems of a community but they also included discussions of the problems raised ex-officio by the Board or those raised during talks with community representatives. Ideas were exchanged to reach solutions.

23. Moreover, pursuant to the decision taken by the Reform Monitoring Group in March 2006, delegations composed of representatives of relevant authorities visited and had meetings with non-Muslim community and spiritual leaders.

24. During these visits, religious, cultural, social, administrative problems and problems relating to the foundations and property of the communities were discussed.

Reply to the issues raised in paragraph 7 of the list of issues

25. The Disability Law (No. 5378) adopted in July 2005 is conceived to determine a certain standard in serving disabled persons as well as to contribute towards their benefiting from the essential rights and services and to create equal opportunities for disabled persons.

26. According to the new Disability Law, the Social Services and Protection of Children Agency is the competent authority responsible for giving care service to care-dependent disabled persons. It grants care allowance to care-dependent disabled persons taking into account the income of the family in charge of a care-dependent disabled person. In 2009, care service was provided to 172,196 persons and approximately 107,280,000 TL was allocated for this purpose.

27. With the Disability Law, some improvements have been realized in the education of disabled persons and related support services. All children have been covered whether they

have social security or not. State support has been provided for the education of all children needing special education. As of May 2010, the number of special education and rehabilitation centers, who have benefitted from special education opportunities, is about 1,650.

28. While 6,901 pupils with learning difficulties and autistic children have been transported to their schools free of charge in the 2004–2005 academic years, this number reached 31,982 in the 2009–2010 academic years.

29. Treatment, examination, medicine and orthosis-prosthesis needs of disabled persons registered with social security are covered by their social security, whereas the needs of disabled persons having no social security are covered via Green Card. The General Directorate of Social Solidarity covers orthosis-prosthesis needs that are not covered by social security.

30. Another important innovation the Law has brought is the concept of “Sheltered Workshops”. According to the relevant regulation adopted in 2006, the Sheltered Workshops were defined as “the workplace in which the working environment has been specially designed, technically and financially supported by the State, and aims to vocationally rehabilitate and employ disabled persons who cannot be employed in the open labour market”.

31. In accordance with Article 30 of the Labour Law, establishments with fifty or more employees, shall employ disabled persons (3% for private establishments), (4% for public establishments) and assign them to jobs suitable to their skills and capacities.

32. According to the Labour Law, employers must pay a levy for each person below the required quota of persons with disabilities. The levy amounts to 1,552 TL per person per month in 2010.

33. Persons with disabilities are entitled to early retirement. The Social Security Organization and Pension Fund are responsible for the early retirement for persons with disabilities. The disabled persons registered with Pension Fund can be retired 15 years earlier, while disabled persons registered under the Social Security Organization can be retired 15–20 years earlier.

Reply to the issues raised in paragraph 8 of the list of issues

34. The new Social Insurance and Universal Health Insurance Law (No. 5510) adopted in 2008 covers stateless persons and asylum seekers.

35. According to the Primary Education and Training Law (No. 222), primary education is compulsory for all children of primary school age. Children who are not granted a refugee status, who wish to pursue education after primary education are subject to general provisions for foreigners.

36. Regarding employment of the refugees and asylum seekers, law No. 4817 on the Work Permit for Foreigners provides that foreigners who were allocated a six-month residence permit may apply to the Ministry of Labour and Social Security for a work permit. Those who are not granted a refugee status and those who applied for asylum may enjoy this right as well.

37. Within the scope of the law on the Work Permit for Foreigners, measures were taken to reduce the bureaucratic procedures and to facilitate the issuance of work permits.

38. The Regulation on “Refugees and Asylum Seekers” of the Ministry of Interior, dated March 2010, instructs governors’ offices to grant residence permits free of charge to refugees or asylum seekers who cannot afford it.

39. The Ministry of Interior has also initiated efforts, based on the 1951 United Nations Geneva Convention, to draft a new Refugee Law which will further align Turkish legislation with European Union *acquis*.

Reply to the issues raised in paragraph 9 of the list of issues

40. Between 2004 and 2007, a total of 5,305 applicants across Turkey had applied to Prime Ministry Human Rights Presidency and provincial and district commissions on human rights, alleging human rights violations. As one person has the right to claim more than one violation of right, a total of 7,192 violations were recorded.

41. A total of 447 of those applications were related to discrimination. The ratio of allegations of discrimination to total allegations of violation is 6.22 per cent.

<i>Complaints concerning allegations of discrimination in 2007</i>	<i>Number</i>
Allegations of discrimination towards the disabled	3
Allegations of denial of job on the basis of age	1
Complaints regarding long-term military service duty of the graduates of two-year university	1
Allegations of discrimination due to religious dress	4
Allegations of denial of right of education because of religious dress	1
Complaints regarding the right to work and bargain	4
Allegations of ill-treatment towards LGBT people and denial of right of sexual orientation	1
Allegations of the violation of right of equal opportunities in education	4
Allegations of the prevention of detainees from meeting with their relatives	3
Complaints regarding health and patient rights	2
Complaints regarding the expropriation of immovable property by the municipalities	5
Allegations of discrimination on the basis of profession particularly in recruitments in traffic courses	1
Allegations regarding the amount of donations in schools	1
Allegations of denial of priority in accommodation to TOKİ dwellings on the ground of forgetting to receive the document certifying being a martyr family	1
Complaints regarding administration and provision of services	10
Complaints regarding the violation of non-discrimination principle on the basis of language and race	0
Total application in 2007	42

Article 3

Equal rights of men and women

Reply to the issues raised in paragraph 10 of the list of issues

42. Significant developments with respect to legislation on equality between men and women have been achieved in Turkey since the early 2000s. However, several shortcomings have been observed in putting legislation into practice. With a view to combating those malfunctions awareness-raising activities in the fields such as combating violence against women and representation of women in decision-making mechanisms have been conducted.

43. Furthermore, special courts relevant to the equality issue have been established. New Laws have been adopted in order to combat violence against women. Circulars have been issued by the Prime Ministry, Ministry of the Interior and Ministry of Justice. With a view to implementing these laws, various training programs on equality have been conducted.

44. The 9th Development Plan compassing the period 2007–2013 is one of the most significant tools for putting the progress achieved in legislation into practice. This plan, which was adopted by the Turkish Grand National Assembly, provides for continuance of combating domestic violence against women and promotion of female recruitment through increasing the educational and occupational opportunities and encouraging the participation of women into economic and social life.

45. The Commission on Equal Opportunities for Women and Men which was established in 2009 within the scope of Turkish Grand National Assembly, aims to protect and strengthen women's rights, monitor the developments in both Turkey and other countries in the field of gender equality, inform Turkish Grand National Assembly about these developments, negotiate main and subsidiary tasks remitted to itself and express opinions, if required, to expertise commissions regarding draft laws, bills of law and decrees submitted to the Parliament.

46. The General Directorate on Status of Women (GDSW) which has been established as a national mechanism monitors and evaluates the results of the activities which are being conducted.

47. In order to put legal regulations into practice and realize de facto gender equality through cooperation with relevant institutions and organizations, the GDSW has signed protocols and initiated training programs to provide active and equal participation of women in all spheres of social life and strengthen their participation in various activities and projects.

48. The '2008–2013 Gender Equality National Action Plan' and the '2007–2010 Combating Domestic Violence against Women National Action Plan' have been prepared within the scope of the 'Promoting Gender Equality Project' which was conducted during 2007–2008 as a part of the European Union pre-accession Financial Assistance Program. The implementation of measures included in the mentioned action plans has been monitored by the GDSW, through periodic meetings and reports. In addition, activities for updating the 'Combating Domestic Violence against Women National Action Plan' for the period 2011–2015 have been continued.

49. With Prime Ministry Circular No. 2006/17 titled 'Measures to be taken in order to prevent Violence acts towards children and women and Honour Killings', published pursuant to the report of Parliamentary Research Commission, proposals concerning the measures on the issue and responsible institutions have been determined. Data regarding the activities conducted by the responsible institutions to combat violence against women is

monitored by the GDSW for the period of three months and submitted to the Prime Ministry. As of July 2010, 15 periodic reports have been prepared.

50. Furthermore, activities initiated by the Ministry of Education to eliminate sexist elements from instruction materials still continue.

Reply to the issues raised in paragraph 11 of the list of issues

51. Article 10 of the Constitution with the ‘equality before law’ side-heading, provides that everyone is equal before law regardless of gender, while Article 48 provides that everyone has the freedom to work and conclude contracts in the field of his choice.

52. The Labour Law provides that no discrimination with respect to fundamental human rights including gender equality shall be made in the relationship between employer and the employee. Provisions concerning sexual harassment at workplace have been included in the Labour Law. Paid maternal leave has been extended.

53. Moreover, provisions of the Public Servants Law and Vocational Training Law relevant to accession to work, promotion, training and working conditions have been regulated on the basis of the principle of non-discrimination based on gender.

54. General and special requirements (such as entrance examination) that are required for recruiting public servants through Public Servants Law have also been regulated on the same basis.

55. A declaration was published in 2006 in order to eliminate gender-based discrimination during work placements within the scope of the International Labour Organization Discrimination (Employment and Occupation) Convention (No. 111).

56. In 2010, a Prime Ministry Circular titled ‘Promotion of Women Employment and Provision of Equal Opportunities’ have been published with the aim of promoting employment of women and the equal pay for equal work principle.

57. Turkish citizens’ right to participation is guaranteed by law, without discrimination between women and men. Article 67 of the Constitution states that “in conformity with the conditions set forth in the law, citizens have the right to vote, to be elected, and to engage in political activities independently or in a political party, and to take part in a referendum”, while Article 68 provides that “citizens have the right to form political parties and in accordance with the established procedure to join and withdraw from them”.

58. However, although there are no gender-based discriminatory provisions in the law, it is not possible to claim that equality between men and women has been completely ensured. The proportion of 9.1% that women parliamentarians have reached in 2007 is the highest proportion rate of all General Elections held after 1934 when Turkish women acquired right to elect and be elected. This remains under the world average but constitutes a 100% increase in comparison to the 2002 elections and therefore indicates that Turkish women desire to participate in politics. As of November 2010, there are two women ministers (Ministry of Education and Ministry Responsible for Women and Family Affairs) in the Turkish Cabinet.

59. Increasing the rate of women in decision-making mechanisms and high-level positions can be possible by gender mainstreaming. In this process which necessitates mentality transformation, staffs of public institutions and organizations, universities, professional organizations and private sector have to acquire gender perspective and implement this perspective in their working fields. For this reason, the issue has been handled within the scope of Gender Equality Training Programs targeting Public Officials initiated in 2009 by the General Directorate on Status of Women.

Table 1
Women parliamentarians rate in the elections in turkey held between 1935 and 2007

<i>Election year</i>	<i>Total</i>	<i>Women</i>	<i>Men</i>	<i>Women %</i>
1935	399	18	381	4.5
1939	424	16	408	3.8
1943	455	16	439	3.5
1946	465	9	456	1.9
1950	487	3	484	0.6
1954	541	4	537	0.7
1957	610	8	602	1.3
1961	450	3	447	0.7
1965	450	8	442	1.8
1969	450	5	445	1.1
1973	450	6	444	1.3
1977	450	4	446	0.9
1983	400	12	387	3.0
1987	450	6	444	1.3
1991	450	8	442	1.3
1995	450	13	437	2.9
1999	550	22	528	4.0
2002	550	24	526	4.4
2007	550	50	500	9.1

Table 2
Women rates in local administrations

<i>Women in local administrations</i>	<i>Women</i>	<i>Total</i>	<i>Women (%)</i>
2009			
Mayor	27	2 948	0.9
Alderman	1 340	31 790	4.2
Member of Provincial Assembly	110	3 379	3.2
2004			
Mayor	18	3 225	0.56
Alderman	817	34 477	2.3
Member of Provincial Assembly	57	3 208	1.8
1999			
Mayor	18	3 215	0.6
Alderman	541	34 084	1.6
Member of Provincial Assembly	44	3 122	1.4

Source: Ministry of Internal Affairs – General Directorate of Local Administrations.

60. The rate of women in high-level decision-making positions in bureaucracy is also low. 93% of senior managers in bureaucracy are men and 7% of them are women. But it is

a fact that women assigned to that kind of positions are very successful. With respect to the situation of women in high-level bureaucracy, it can be seen that only the Undersecretary of Ministry of Education is a woman among 24 undersecretaries. There are 2 women among 77 deputy undersecretaries working in the ministries. 10 General Directors of the Institutions out of 138 are women. 36 Deputy General Directors out of 384 are women (as of July, 2010).

61. The rate of women in academic positions such as Professor, Associate Professor, Assistant Professor, Lecturer, Researcher and Instructor is 41%. Despite this high rate in academic positions, representation of women in high-level academic positions such as rector and dean is low.

Table 3
Number and rate of women serving as academic personnel (March, 2010)

<i>Title</i>	<i>Women</i>	<i>Total</i>	<i>Share in total (%)</i>
Rector	13	132	9.8
Dean	114	743	15.3
Professor	3 743	13 480	27.8
Associate Professor	2 319	7 156	32.4
Assistant Professor	6 436	18 275	35.2
Lecturer	5 948	14 250	41.7
Instructor	4 340	7 129	60.9
Expert	1 340	2 837	47.2
Researcher	16 515	34 764	47.5
Total	40 768	98 766	41.3

62. Regarding judicial positions, the rate of women is 47% in the Council of State which is one of the supreme judicial bodies. Rate of women serving in Supreme Judicial Bodies is 30%.

Table 4
Status of women personnel in the Council of State (March, 2010)

<i>Title</i>	<i>Women</i>	<i>Total</i>	<i>Share in total (%)</i>
President	-	1	0
Chief Prosecutor	-	1	0
Vice President	1	2	50
Head of Department	3	13	23.1
Member	36	74	48.6
Prosecutor	26	55	47.2
Investigation Judge	95	250	38
Constitutional Court Provisional Reporter	1	3	33.3
Total	162	399	40.6

Source: Council of State.

Table 5
Status of women personnel in the Presidency of the Judicial Court (March, 2010)

<i>Title</i>	<i>Women</i>	<i>Total</i>	<i>Share in total (%)</i>
President	0	1	0
Public Prosecutor	0	1	0
Vice President	0	2	0
Head of Department	4	35	11.4
Member	53	245	21.6
Investigation Judge	201	528	38
Supreme Court of Appeals Prosecutor	23	173	13.2
Total	281	985	28.5

Source: Presidency of the Judicial Court.

Table 6
Status of women in the Constitutional Court (March, 2010)

<i>Title</i>	<i>Women</i>	<i>Total</i>	<i>Share in total (%)</i>
President	0	1	0
Vice President	0	1	0
Members	2	12	16.6
Reporters	5	25	20
Directors	4	11	36.3
Total	11	50	22

Source: Presidency of Constitutional Court.

63. The same positive situation cannot be seen regarding the prosecutors serving in the other courts. While the rate of women judges is 28.19% as of 2007, the rate of women prosecutors with increase of 1.45% has reached 5.62%. The total rate of women judge-prosecutor is 20.27%.

Table 7
Judges and public prosecutors serving throughout Turkey as of September, 2005 and October 2007

	2005			2007		
	<i>General number</i>	<i>Number of women</i>	<i>Rate</i>	<i>General number</i>	<i>Number of women</i>	<i>Rate</i>
Judge	5 972	1 690	28.29%	7 076	1 995	28.19%
Prosecutor	3 211	134	4.17%	3 822	215	5.62%
Total	9 183	1 824	19.86%	10 898	2 210	20.27%

Source: Ministry of Justice, General Directorate of European Union, 2007.

III. Issues relating to specific provisions of the Covenant (arts. 6–15)

Article 6 Right to work

Reply to the issues raised in paragraph 12 of the list of issues

64. In accordance with Article 10 titled “Equality Before the Law” of The Constitution of The Republic of Turkey, all individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice. No privilege shall be granted to any individual, family, group or class. State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.

65. Article 49 of the Constitution titled “Right and Duty to Work” provides that the State shall take the necessary measures to raise the standard of living of workers, and to protect workers and the unemployed in order to improve the general conditions of labour, to promote labour, to create suitable economic conditions for prevention of unemployment and to secure labour peace.

66. Article 18 of the Constitution titled “Prohibition of Forced Labour” provides that no one shall be forced to work and prohibits forced labour.

67. In accordance with above mentioned articles of the Constitution, the Labour Law (No. 4857) regulates the working conditions and work-related rights and obligations of employers and employees working under an employment contract.

Reply to the issues raised in paragraph 13 of the list of issues

68. Recent statistical data on unemployment is provided below.

Table 1
Labour force status of total population (1995–2009)

<i>Years</i>	<i>Population 15 years and over</i>	<i>Labour force</i>	<i>Not in labour force</i>	<i>Labour force participation rate (%)</i>	<i>Employed</i>	<i>Unemployed</i>	<i>Unemployment rate (%)</i>	<i>Employment rate (%)</i>
1995	41 176	22 286	18 890	54.1	20 586	1 700	7.6	50.0
2000	46 211	23 078	23 133	49.9	21 581	1 497	6.5	46.7
2004	47 544	22 016	25 527	46.3	19 632	2 385	10.8	41.3
2005	48 359	22 454	25 905	46.4	20 067	2 388	10.6	41.5
2006	49 174	22 751	26 423	46.3	20 423	2 328	10.2	41.5
2007	49 994	23 114	26 879	46.2	20 738	2 376	10.3	41.5
2008	50 772	23 805	26 967	46.9	21 194	2 611	11.0	41.7
2009	51 686	24 748	26 938	47.9	21 277	3 471	14.0	41.2

Source: TURKSTAT, The results of Household Labour Force Survey.

Table 2
Labour force status of women (1995–2009)

Years	Population 15 years and over	Labour force	Not in labour force	Labour force participation rate (%)	Employed	Unemployed	Unemployment rate (%)	Employment rate (%)
1995	20 787	6 428	14 360	30.9	5 958	470	7.3	28.7
2000	23 295	6 188	17 108	26.6	5 801	387	6.3	24.9
2004	24 293	5 669	18 624	23.3	5 047	622	11.0	20.8
2005	24 686	5 750	18 936	23.3	5 108	642	11.2	20.7
2006	25 080	5 916	19 165	23.6	5 258	658	11.1	21.0
2007	25 480	6 016	19 464	23.6	5 356	660	11.0	21.0
2008	25 855	6 329	19 526	24.5	5 595	734	11.6	21.6
2009	26 317	6 851	19 466	26.0	5 871	979	14.3	22.3

Source: TURKSTAT, The results of Household Labour Force Survey.

Table 3
Labour force status of the young (15–24 years) population (1995–2009)

Years	Population	Labour force	Not in labour force	Labour force participation rate (%)	Employed	Unemployed	Unemployment rate (%)	Employment rate (%)
1995	12 344	5 998	6 346	48.6	5 066	932	15.6	41.0
2000	12 703	5 401	7 302	42.5	4 696	705	13.1	37.0
2004	11 840	4 474	7 366	37.8	3 554	919	20.6	30.0
2005	11 757	4 436	7 321	37.7	3 554	881	19.9	30.2
2006	11 670	4 365	7 305	37.4	3 533	832	19.1	30.3
2007	11 583	4 364	7 218	37.7	3 493	871	20.0	30.2
2008	11 490	4 381	7 109	38.1	3 484	897	20.5	30.3
2009	11 513	4 454	7 059	38.7	3 328	1 126	25.3	28.9

Source: TURKSTAT, The results of Household Labour Force Survey.

Table 4
Labour force status of elderly people (65 years and above) (1995–2009)

Years	Population	Labour Force	Not in labour force	Labour force participation rate (%)	Employed	Unemployed	Unemployment rate (%)	Employment rate (%)
1995	3 067	640	2 427	20.9	633	8	1.2	20.6
2000	3 598	749	2 849	20.8	745	4	0.5	20.7
2004	4 479	638	3 840	14.3	631	7	1.1	14.1
2005	4 521	604	3 917	13.4	599	5	0.8	13.2

<i>Years</i>	<i>Population</i>	<i>Labour Force</i>	<i>Not in labour force</i>	<i>Labour force participation rate (%)</i>	<i>Employed</i>	<i>Unemployed</i>	<i>Unemployment rate (%)</i>	<i>Employment rate (%)</i>
2006	4 585	552	4 033	12.0	547	5	0.8	11.9
2007	4 683	537	4 146	11.5	533	4	0.8	11.4
2008	4 809	563	4 245	11.7	558	6	1.0	11.6
2009	4 909	582	4 327	11.9	574	8	1.4	11.7

Source: TURKSTAT, The results of Household Labour Force Survey.

Table 5
Labour force status of the urban population (1995–2009)

<i>Years</i>	<i>Population 15 years and over</i>	<i>Labour force</i>	<i>Not in labour force</i>	<i>Labour force participation rate (%)</i>	<i>Employed</i>	<i>Unemployed</i>	<i>Unemployment rate (%)</i>	<i>Employment rate (%)</i>
1995	23 291	10 523	12 768	45.2	9 391	1 132	10.8	40.4
2000	27 630	12 176	15 454	44.1	11 104	1 072	8.8	40.2
2004	33 673	14 472	19 202	43.0	12 501	1 970	13.6	37.1
2005	34 139	15 046	19 092	44.1	13 126	1 920	12.8	38.4
2006	34 787	15 391	19 396	44.2	13 518	1 873	12.2	38.9
2007	35 275	15 635	19 640	44.3	13 764	1 871	12.0	39.0
2008	35 697	16 063	19 634	45.0	14 010	2 053	12.8	39.2
2009	36 197	16 585	19 611	45.8	13 839	2 746	16.6	38.2

Source: TURKSTAT, The results of Household Labour Force Survey.

Table 6
Labour force status of the rural population (1995–2009)

<i>Years</i>	<i>Population 15 years and over</i>	<i>Labour force</i>	<i>Not in labour force</i>	<i>Labour force participation rate (%)</i>	<i>Employed</i>	<i>Unemployed</i>	<i>Unemployment rate (%)</i>	<i>Employment rate (%)</i>
1995	17 885	11 763	6 122	65.8	11 195	568	4.9	62.6
2000	18 581	10 902	7 679	58.7	10 477	425	3.9	56.4
2004	13 871	7 545	6 326	54.4	7 131	414	5.5	51.4
2005	14 220	7 408	6 812	52.1	6 940	468	6.3	48.8
2006	14 387	7 360	7 027	51.2	6 905	455	6.2	48.0
2007	14 719	7 479	7 240	50.8	6 973	506	6.8	47.4
2008	15 075	7 742	7 332	51.4	7 184	558	7.2	47.7
2009	15 489	8 163	7 326	52.7	7 438	724	8.9	48.0

Source: TURKSTAT, The results of Household Labour Force Survey.

Reply to the issues raised in paragraph 14 of the list of issues

69. The “2008–2010 Action Plan of Strategy to Fight against the Informal Economy” has been adopted for the purposes of developing a comprehensive combat strategy ensuring the participation of every segment of society with a strong social and political will; raising awareness on the damages of the informal economy; encouraging registration; simplifying legislation and transaction; developing an effective control and penalty system; increasing data sharing among institutions and ensuring an effective coordination between related institutions.

70. The Action Plan of Strategy to Fight against the Informal Economy provides that observation and evaluation of the application phase is conducted by the Revenue Administration Department in accordance with the calendar and the performance indicator included in the Plan. Coordinating institutions appointed for each action make observations and reports in quarterly periods.

71. Furthermore, an “Operation on Promoting Registered Employment” has been put into practice within the scope of the European Union Instrument for Pre-Accession Assistance (IPA) with the purpose of expanding the capacity of the Social Security Institution and promoting registered employment by way of ensuring coordination between related public institutions and social partners.

Article 7

Right to just and favourable conditions of work

Reply to the issues raised in paragraph 15 of the list of issues

72. Article 111 of the Labour Law (No. 4857), as originally drafted was to authorize the Ministry of Labour and Social Security to determine in a regulation whether or not a specific work could be considered among industrial, commercial, agricultural and forestry activities.

73. “The Regulation on the Working Conditions of the Employees Working in Agricultural and Forestry Businesses” referred to in paragraph 182 of Turkey’s report was drafted in accordance with the original provisions of Article 111.

74. Taking into consideration a Constitutional Court decision annulling Article 111 of the Labour Law, this Article has been amended by Law No. 5763 in May 2008 and “the Regulation on the Working Conditions of the Employees Working in Agricultural and Forestry Businesses” has consequently been revoked.

75. The amended Article 111 defines the list of works considered among industrial, commercial, agricultural and forestry activities.

Reply to the issues raised in paragraph 16 of the list of issues

76. Occupational health and safety measures are implemented in accordance with Articles 77–89 of the Labour Law. Further information on the implementation of occupational health and safety regulations will be provided to the Committee during the consideration of Turkey’s report at the forty-sixth session.

Article 8

Trade union rights

Reply to the issues raised in paragraph 17 of the list of issues

77. The draft bill amending the Law on Trade Unions (No. 2821) and the Law on Collective Labour Agreements, Strikes and Lock-outs (No. 2822) are on the agenda of the Turkish Grand National Assembly. The draft bill amending the Law on Civil Servants Trade Unions (No. 4688) has been transmitted to the Prime Ministry for consideration.

78. Amendments on the Law on Trade Unions (No. 2821):

1. The concepts of worker, employer and workplace are redefined in accordance with the definitions prescribed by the Labour Law.
2. Unions are granted the right to constitute, by way of regulating in their statutes, various organs and to determine the responsibilities of these organs.
3. Number of members of these organs, provided that it is no less than three, is left to their statutes.
4. Establishment of workplace and craft unions allowed.
5. Furthermore, establishment of federations is made possible.
6. Draft law allows the establishment of federations alongside with the confederations as higher level organizations.
7. Branches of activities are organized as 17.
8. Minimum age for membership decreased to 15.
9. Notary requirement for becoming member to a union abolished.
10. In order not to cause competency problems the records will be kept in an electronic environment and the ministry will be notified in electronic format.
11. No prohibitions on establishment and joining unions.
12. Membership dues are expected to be determined in the statutes of the organizations.
13. Membership and solidarity dues are expected to be paid to the union by the worker.
14. The activities of Trade Unions are defined in general terms. It is envisaged that Organisations can carry out their activities freely.
15. The reference to “trade unions” in subparagraph (a) of the first paragraph of article 29 of Law No. 3984 on the establishment and broadcasts of radio and television is removed.
16. Organizations shall freely join international workers’ and employers’ organizations, send or receive members or representatives, open offices abroad.
17. The functions of the executive officers of trade unions and confederations who become candidates in local or general elections shall be suspended as long as they remain candidates. Their functions shall terminate if they are elected.
18. The removal of the members of the management board is made possible only in the cases where the general assembly is not called to convene in time.

19. Applications for the determination of the branch of activity shall not be a suspending cause in the competence appeals.
 20. Employment contract of those who are elected to the union office shall be considered as suspended. The union official may, if he wishes, terminate it without losing his right to compensation.
 21. In cases where there is no competent union, most representative union in a workplace is authorized to appoint a representative.
 22. If the union statute so allows the shop steward may be chosen by an election.
 23. Absolute reinstatement is provided in case the employment contract of the shop steward is terminated without valid reason. Shop steward whose office is ended shall keep enjoying the protection for six months more. Protection of shop steward is also provided to the amateur union officials.
 24. In cases of discrimination or termination on the grounds of union affiliation legal rights of the worker are strengthened.
 25. Union compensation and non-reinstatement compensation can be claimed separately.
 26. Union compensation shall be applied in case of discrimination made not only in termination but also during and after recruitment.
 27. Receiving donations from international organizations without permission shall not be a reason for the union's activities being suspended.
 28. Employers' unions are allowed to provide loans to their members not exceeding 25% of their cash on hand, on the condition that there is such a provision in their statutes and conditions are set by a decision of general assembly.
 29. Files and records to be kept by the unions are removed from the law and the matter is left to a by-law.
 30. The total amount of salary, travelling allowances and other payments paid to trade unions' officials shall not exceed the double amount of salary paid to highest employee of the State.
 31. Financial audit of the organizations is left to the independent auditors.
 32. Instead of dissolving a union on the grounds of crimes committed by the union officials' individually, union officials concerned shall be punished and removed from Office.
79. The Amendments on and the Law on Collective Labour Agreements, Strikes and Lock-outs (No. 2822):
1. 10% branch of activity threshold is abolished.
 2. Strike prohibitions and the Council of Ministers' authority to suspend the strike are repealed and left to the judiciary. Thus, strikes or lock-outs that are decided or being carried out may be fully or partially, permanently or temporarily prohibited in the workplace or works within the scope of the strike or the lock-out, by a ruling of the competent court if deemed contrary to public order or public health.
80. The Amendments on the Law on Civil Servants Trade Unions (No. 4688):
1. The prohibition about membership of the trade union for probationary employee is repealed.

2. Two-years working condition for being the founder of trade union is repealed.
3. Private Security Guards working for public establishments and public employee working at department of correction may join a workers' trade union.
4. Supervisor of workplaces with 100 or more public employees may join a workers' trade union.
5. On the subject of amendments of the statutes determined and wanted to be fixed by the official authorities, the general congress may be authorized the management committee.
6. High Administrative Commission which has not been efficient in the collective agreement process is abolished. Instead of it, a monitoring board is established for the process.
7. The General Assembly of the Trade Union will be held in every four years instead of three.
8. The article 12 headed "Duties of general assemblies" and the Article 13 headed "Formation, duties and meetings of board of directors, supervisory board and disciplinary board" are repealed. These issues will be regulated by the statutes of the organizations.
9. When determining the majority union in a workplace, the meetings are held by the central and provincial public institutions and establishments. It is envisaged that the notification on determining the number of membership be published in July.
10. Establishment of workplace and craft unions allowed.
11. The agenda of collective agreement is widened. In addition to financial rights, personnel rights and social, professional rights are included in the scope of collective agreement.

Article 9

Right to social security

Reply to the issues raised in paragraph 18 of the list of issues

81. The Social Security Institution established in 2006 brings together The Social Insurance Institution (SSK), the General Directorate of the Social Security Organisation for Craftsmen and Artisans and the Self-Employed (BAĞ-KUR) and the General Directorate of Pension Fund (Emekli Sandığı) in order to transfer five different retirement regimes covering civil servants, contractual paid workers, agricultural paid workers, self-employers and agricultural self-employers, into a single retirement regime that will offer equal actuarial rights and obligations.
82. The Social Insurance and Universal Health Insurance Law (No. 5510) covers work accidents and occupational diseases, health and maternity, unemployment, invalidity, old-age and survivors insurance branches. Family allowances are not considered as risk in our legislation.
83. According to the statistics published by the Social Security Institution, as of June 2010, the number of individuals covered by the Social Security Institution is 59,756,184 which accounts for 83% of the whole population. If the number of persons who have green cards is added to this figure, the number of people covered by the Social Security Institution will be 69,158,889 which accounts for 95% of the whole population. This ratio

would be higher, if foreigners who reside in Turkey for a one-year period, stateless persons and refugees are taken into consideration.

Reply to the issues raised in paragraph 19 of the list of issues

84. The social protection system and mechanisms in Turkey have evolved depending on social, historical, cultural and economical background as in other nations. Therefore, the social protection in Turkey has three bases as the social insurance system, social services and assistance systems. The social insurance system aims at providing insurance to society at large, mainly in the form of health-care services and pensions. But the social service and social assistance systems targets alleviating poverty and providing care for needy persons.

85. The Green Card Scheme was initiated in 1992 as a temporary solution pending the creation of General Health Insurance. It basically aims at providing free health services for the poor. The General Health Insurance Program was launched in Turkey by the Social Insurance and General Health Insurance Law but the Green Card Scheme will continue to operate for a transition period envisaged in that law. The Green Card Scheme used to be financed by the General Directorate of Social Assistance and Solidarity (GDSAS). But now it is financed and operated by the Ministry of Health.

86. In view of the fact that poverty is a human and social problem, it is necessary for states and social organizations to fight and overcome the poverty. The people who are not covered by social security systems have higher risk of falling in poverty. Based on the nature of our State as a Social State, as indicated in the Constitution, social policies towards overcoming imbalances in income distribution and supporting poor households are extremely important in terms of strengthening social solidarity and maintaining social welfare. General Directorate of Social Assistance and Solidarity performs for realizing this aim.

87. The needy and vulnerable citizens, who are able to work; who are not covered by social security programs, who are in economical deprivation, who do not have enough resources, poor women and unemployed young facing short term unemployment are supported by projects of GDSAS. The projects are as follows:

88. **Temporary Employment Projects**, aiming to meet the labour force with short term daily wage employment which is needed in various projects implemented for the common share of the community, to employ unemployed poor citizens and to contribute to the family living by earning money even if this is temporary.

89. **The Employability Training Projects'** aim is to provide technical and social skills to the target group and to help them to find more qualified jobs. In trainings, it provided employment guarantees by cooperating with public institutions and NGOs.

90. **Income-Generating Projects**, in order to integrate citizens who are in socio-economical deprivation into the society by meeting the social needs and to allow them to earn sustainable income by being active and productive in the economy. The aim of these projects is to enable poor households to establish and sustain their business to survive, earn their income and develop their business for the long term.

91. **Social Support Projects on the Rural Areas (SSPRA)** aim at providing income to the target group by cattle breeding, sheep raising and green housing through cooperatives.

92. In addition to project supports, there are social assistance programs for citizens who are not covered by social security.

93. As a part of **Family Supports**:

(a) **Food Assistances**, resource from Social Assistance and Solidarity Fund is transferred to Social Assistance and Solidarity (SAS) Foundations four times a year with

quarterly periods, two of which are before the religious holidays in order to meet the basic needs of the citizens such as food;

(b) **Sheltering Supports**, needy and vulnerable citizens who live in ruinous, old, poor looking and unhealthy houses, are supported by in-kind and cash donations for the maintenance and repair of the houses;

(c) **Heating Supports**, since 2003, at least 500 kg coal per household which are provided through Turkish Coal Enterprises are distributed by SAS Foundations to the needy citizens.

94. As a part of **Health Supports**:

(a) **Conditional Cash Transfers (CCT) – Health Support**, regular cash assistance is provided to families belonging to the poorest part of the population that they take their children aged 0-6 to regular health checks. Payments are directly transferred to the accounts of mothers. A certain amount of monthly payment is made to candidate mothers to prevent the risks of pregnancy on the condition that delivery and post-treatments must be realized in hospitals and post-pregnancy follow-ups must be fulfilled regularly;

(b) **Assistances for Medical Costs**, Health supports cover the treatment and medical expenses exceeding the payment capacity of the citizens, who are not covered by the green card or any other social security scheme.

95. As a part of **Support for Specific Purposes**, Public soup kitchens are being run by SAS Foundations in order to provide hot meals for elder, handicapped and needy citizens in those settlements with significant unemployment and poverty rates.

96. As a part of **Support for Handicapped**, all sorts of vehicle needs of handicapped citizens, who are not covered by any social security scheme is provided. In addition, the handicapped citizens who are covered by social security scheme and take income from their social security institutions, but could not cover the expenses of all vehicle needs, are also included on this program.

Reply to the issues raised in paragraph 20 of the list of issues

97. Women working in housing services (maid, babysitter, cook etc.), unpaid family workers and prostitutes are not regarded as being subject to Labour Law (No. 4857), Public Servants Law (No. 657) and the Press Law (No. 5953).

98. According to Article 6 of the Social Security and General Health Insurance Law, women working in housing services on a permanent and paid basis, are able to benefit from general health insurance. However, due to the fact that housing services are not considered within the scope of Labour Law, they are not eligible for severance pay.

99. Women working in housing services and qualified for insurance, enjoy the following rights:

- Temporary Incapacity Benefit: state benefit paid to those who cannot work because of illness or maternity
- Nursing Benefit: state benefit paid to insured women, insured men whose spouse has given birth to a child, women earning income or salary due to their own work or spouse of the men earning income or salary due to their own work

100. The following rights are financed within the scope of general health insurance enjoyed by women working in housing services: outpatient or inpatient examination by a physician, clinical examination upon the request of a physician, childbirth, laboratory tests, medical intervention according to diagnosis, patient follow-up, medical sterilization and emergency health services.

101. According to Article 6 of the Social Security and General Health Insurance Law, the spouse of the employer working unpaid at the workplace of her husband, cannot benefit from general health insurance. They, on the other hand, enjoy the same rights with women working in housing services.

102. In accordance with Article 5 of the Social Security and General Health Insurance Law, intern students, carrying out part-time jobs, are regarded as insured.

103. Women, who carry out their own job without being subject to any employer, enjoy the right of insurance upon their own request.

Article 10

Right to marry and found a family, protection of the family, mothers and children

Reply to the issues raised in paragraph 21 of the list of issues

104. The new Turkish Penal Code which became effective in June 2005, drafted with the contribution of the civil society, strengthens the legal foundation of combating violence against women.

105. The new Penal Code recognizes the individual as the focus of its function. In order to underscore the importance attributed in the Penal Code to the individual, “Crimes against Humanity” and “Crimes against Individuals” are regulated as priority sections among special provisions. Crimes committed against sexual privacy, which are more frequently committed against women, are regulated in the Second Section of the new Code titled “Crimes against Individuals”.

106. Primary amendments to the previous Penal Code realized with respect to violence against women are listed below:

- Basic form of sexual assault crime has been defined.
- In case of sexual assaults committed against a spouse, the execution of investigation and prosecution is made subject to complaint by the victim. With this regulation, acts committed against a spouse and constituting the major form of sexual assault crime have been made liable to penalty.
- For sexual assault crimes, the state of active repentance, which necessitates the postponement of the court case or penalty, have been regulated and it has been resolved that remission, suspension or revocation of sentence will by no means be possible for perpetrators of sexual assault by reason of contraction of marriage by one of the detained defendants or condemned persons.
- The concept of sexual harassment in the workplace has been introduced and the major forms of sexual harassment crime have been established. With this amendment, perpetration of sexual harassment against an individual by undue influence on the basis of hierarchical and service relationships or by taking advantage of working in the same work place have been regulated to require heavier penalties than the basic form of the crime. In addition, sexual harassment crime is legally regulated as a crime perpetrated not only among the managerial hierarchy but also among workers.
- With the addition of the expression “in the name of honour” to the article that regulates the major forms of felonious homicide, which require penal servitude for life, it has been resolved that perpetrators of honour and custom killings be punished with the most severe sentence.

- The wrongful instigation article (referring to undue provocation) has been amended and a regulation has been made to the effect that wrongful instigation can be recognized as being of relevance only in cases where it is the result of a wrongful act. It was explained in the article's justification that family members, relatives and others who have murdered a woman victimized by sexual assault cannot avail themselves of reduction of sentence on the grounds of wrongful instigation and that all wrongful acts do not necessarily constitute wrongful instigation.
- It has been considered that "In cases where a woman becomes pregnant as a result of a crime which she has been the victim of, penalty shall not be given on condition that the pregnancy is terminated by specialized practitioners in the hospital environment and the gestation period has not exceeded twenty weeks and the woman in question has given consent to the operation".
- The major forms of the sexual assault crime have been regulated and sexual assault crimes that lead to deterioration in the physical or mental health of the victim are punished with heavier sentences. The perpetrators of crimes that cause the crime victim to develop irreversible coma or to suffer death are punished with penal servitude for life.
- In the article that regulates the sexual assault crime; major elements that require heavier sentences have been defined for the cases where the crime has been perpetrated by undue influence on the basis of public office or service relationships.
- Malicious injury crime has been regulated to the effect that the perpetration of this crime against an individual from lineal or secondary ancestors or against a spouse or sibling is recognized as the major form of this crime.
- Regulations have been made to specify under which conditions the act of soliciting individuals and especially instigating children to prostitution constitutes a criminal act. The obligations imposed on Turkey by international agreements on the struggle against trafficking were taken into consideration in the making of these regulations.
- Genital Examination is regulated in a separate article and a person who sends a woman for genital examination or carries out this examination without consent or without a decision taken by an authorized judge upon the request of a prosecutor is made liable to penalty of imprisonment from three months to one year.
- Acts of sexual child abuse have been defined as crimes. In cases where the crime has been committed by a lineal ancestor, stepfather, adoptive parent or guardian, including second and third degrees, the resultant sentence has been increased by half.
- Regulations have been made to combat trafficking in women and children. In these regulations, the obligations imposed on Turkey by international agreements were taken into consideration.
- The crime of discrimination is regulated under the Penal Code and sex is listed among the grounds for discrimination. Deprivation of certain people of the facilities provided for by law due to acts of discrimination, other than those permitted by laws and regulations is liable to penalty.

107. Since the entry into force of the new Penal Code, positive developments regarding the implementation of the provisions have been increasingly observed. Courts have adjudicated tougher judgments particularly on honour killings.

108. In several cases concluded after the addition of the expression "in the name of honour" to the article that regulates the major forms of felonious homicide, which require

penal servitude for life, penalty was pronounced not only upon the perpetrator, but also upon the instigators.

109. In order to promote and ensure the full enforcement of the new Penal Code, many training seminars and colloquia were held by the Ministry of Justice for approximately 8.500 judges and public prosecutors serving in various courts throughout Turkey.

110. Law No. 4320 on Protection of the Family, which was put into force in 1998 with the aim of preventing domestic violence, has provided a very significant assurance system against violence. With this law, the domestic violence concept has been defined in a legal text in Turkey for the first time. Also in cases of domestic violence, police and justice mechanisms have been provided to take actions (with notification of third persons) notwithstanding the complaint of the victims. Various circulars have been published by the Ministry of the Interior and Ministry of Justice with the aim of implementing this law and various training programs have been conducted.

111. In order to eliminate the malfunctions observed in the implementation of Law No. 4320 on Protection of the Family, the Law on amending the mentioned law was published in the Official Gazette and put into force on May 4, 2007 with contributions of the representatives of relevant public institutions and non-governmental organizations in cooperation with the General Directorate on Status of Women.

112. The ‘Regulation Prepared for Implementation of the Law on Protection of Family’ was put into effect in March 2008. With the mentioned regulation, measures included in the Law 4320 have been regulated in detail; domestic violence, notification and complaint concepts have been clarified; implementation of alimony and injunction judgments and processing procedures have also been included to guide the citizens.

113. Another significant action that has been taken with the aim of protecting women is the establishment of the Research Commission in the Turkish Grand National Assembly in order to determine the reasons for the violence against women and honour killings, as well as measures to be taken. The commission conducted its activities in 2005–2006. In pursuit of the comprehensive Commission’s report, a Prime Ministry Circular encompassing measures to be taken and responsible institutions has been published.

114. The coordination task regarding activities and measures to be taken for preventing violence against women and honour killings has been assigned to the General Directorate on Status of Women. Within the framework of the mentioned coordination responsibility, the GDSW monitors the activities of the responsible/cooperation institutions and other relevant institutions.

115. In order to perform this responsibility, the Monitoring Committee on Violence Against Women meets under the presidency of the State Minister Responsible for Women and Family Affairs in cooperation with the GDSW and with the participation of representatives from the relevant public institutions and organizations, universities, and non-governmental organizations conducting activities on violence against women.

116. The “Combating Domestic Violence Against Women National Action Plan” (2007–2010) has been prepared with contributions of all parties. A “Research on Domestic Violence against Women in Turkey” has been conducted throughout the country for the first time in order to monitor domestic violence against women and determine indications in order to combat it. In accordance with the results of the research, the rate of women who had been exposed to physical violence by her spouse or ex-spouse is 39%. These data indicate that violence, which had been concealed and considered as family privacy until recently, has started to be discussed in the public field and that despite legal and administrative measures, violence against women is a significant problem and combat in that field has to be continued increasingly.

117. Accordingly, combating violence against women in Turkey has started to be handled by public institutions and organizations which play a significant role in combating violence against women.

Reply to the issues raised in paragraph 22 of the list of issues

118. The General Directorate of Family and Social Research (GDFSR) which was established in 1989 was restructured in 2004. The GDFRS is an administrative unit under the Prime Ministry and affiliated to the Ministry of State Responsible for Women, Family and Children.

119. It is a research institution established to offer solutions for the social problems in Turkey, to make national and international scientific researches oriented for the protection of the integrity of the family.

120. With these objectives the General Directorate carries out:

- Research projects: Research on the Family Structure and problems of Turks living in Germany, Research on the Structure of Turkish Family, Assessment of Family Promoting Services and Development of Quality Standards, Family Perception of Media and Media Professionals, Use of Internet and Family, Reasons of Divorce, Profile of Adolescents in Turkey, Research on Family Values in Turkey.
- Educational activities: Seminars of Education of Parent's School Educators in Our Country and Abroad, Seminars of Parent's School with Local Administration's Collaboration.
- Publications: Scientific series, Educational Series, Children's books, Journal of Family and Society, Educational Handbook for Families and the Handicapped.
- Reports: Detections and solution proposals on street children, Family policies in Turkey and European Union Countries, Reports of Platform on preventing Violation.
- Campaigns and meetings: Family Councils (1990–2008), Common mind meeting with TV series producers (2006), "We are Family" meeting for successful families chosen all over the country in the framework of celebration of International Family Day (2008), Campaign for Preventing Addiction (2006).
- International activities: Participation in the 28th Conference of European Ministers Responsible for Family Affairs (Lisbon – 2006), Participation in "Safer Internet Forum 2007" promoted by European Commission (2007), Participation in the 29th Conference of European Ministers Responsible for Family (2009), Organization of World Family Summit +5 "Families in Balance: Achieving Gender Equality and Empowerment of Women" held in Istanbul, Turkey, on 4–7 December 2009, in partnership in cooperation with World Family Organization.

Reply to the issues raised in paragraph 23 of the list of issues

121. In accordance with the related provisions of Penal Code (Article 80), one, who instigates another to prostitution, facilitates the way of, or mediates for it, or guarantees the place where prostitution is practiced will be imprisoned from two to four years and imposed a judicial fine of up to three thousand days. Benefiting partly or entirely from the gain of a prostitute is considered instigating to prostitution. One, who instigates a child to prostitution or mediates to child's prostitution will be sentenced to imprisonment for a term of four to ten years and imposed a judicial fine of up to five thousands days as the crime will be considered having been completed even if it is an attempt crime.

122. Related provisions of the new Penal Code (Article 79) provides that an imprisonment for a term of three to eight years and a judicial fine of up to ten thousand days shall be imposed on those who perform migrant smuggling and an imprisonment for a term of eight to twelve years and a judicial fine of up to ten thousand days shall be imposed on those who perform human trafficking. An amendment of the Law on Fight against Terrorism, dated July 2010, provides that where the offense stays an attempt crime, perpetrators shall be punished at a degree as if the crime has been completed. Furthermore, where the crime is life threatening or the victim was subject to humiliating treatment as a result, the penalty to be imposed shall be increased by two thirds.

123. Statistical Data:

Table 1

Number of victims of trafficking detected

2004	239
2005	256
2006	246
2007	148
2008	120
2009	102

Table 2

Number of persons arrested for human trafficking

<i>Years</i>	<i>Arrested</i>
2004	227
2005	379
2006	422
2007	308
2008	253
2009	301

Article 11

Right to an adequate standard of living

Reply to the issues raised in paragraph 24 of the list of issues

124. In accordance with Article 56 of the Constitution which guarantees the right of housing, the Mass Housing Law (No. 2985) entered into force in March 1984. Within the scope of this law, the Housing Development Administration (TOKİ) was established. TOKİ carries out public duty towards identification of the problems regarding housing and urbanization in line with the economic and social conjuncture in Turkey, elaborates sustainable policies of solution for such problems, and in this context, particularly development of solutions to the accommodation problem of low and middle-income population not owning a house.

125. Since 2003 the construction of a total number of 435,506 houses in 81 provinces has been launched. TOKİ meets 5 to 10% of the housing need of Turkey and 80% percent of the developed houses constitute social housing.

Reply to the issues raised in paragraph 25 of the list of issues

126. The provisions of Slum Law (No. 775) comply with the “liabilities regarding forced evictions”.

127. Article 31 of the Slum Law provides that “neither the concerned person himself/herself, nor his/her spouse, nor the children under his/her custody should be possessing a house or land available for construction of a house and that the family should be poor with low income level” to be eligible for housing supply.

128. All municipalities and TOKİ are individually responsible for implementation of the projects within the scope of Slum Law.

129. Approximately 50,000 houses were constructed and land allocations for 200,000 houses were made until March 2007. Since then, housing projects pursued by TOKİ after are generally in the form of construction of housing within the scope of Law on Public Housing (No. 298).

Reply to the issues raised in paragraph 26 of the list of issues

130. In order to protect rights of those who are affected by infrastructure projects, affected residential areas and lands are localized; expropriated in accordance with the Expropriation Law (No. 2942) and right holders are compensated. Expropriation is conducted by the organization which carries out the project. In accordance with Settlement Law (No. 5543), resettlement of those who are affected by the project and demanded to be settled by the state, is performed by the Ministry of Public Works and Settlement in collaboration with the organization which carried out the project.

131. Especially in large dam projects, a Resettlement Action Plan is prepared in order to ensure that the settlement of residential areas which were entirely or partly affected could be realized timely and within a program. The Resettlement Action Plan for the Ilisu Dam was prepared in 2005. The establishment of the villages and/or districts that were affected by this action plan, the affected population, the number of households, the selection of new residential areas and activities aimed at increasing the living standards and income levels in these new residential areas appear in detail in the action plan.

132. A resettlement budget is allocated for the citizens requesting to be resettled by the Government. Follow-up activities are conducted so that the improvement of living conditions and agricultural incomes of the household that were resettled could be determined.

Reply to the issues raised in paragraph 27 of the list of issues

133. A national survey on homelessness and inadequate housing has not been undertaken. However, according to the evaluation made by the State Planning Organization and the Turkish Statistical Institute, urgent housing need is estimated to be approximately 3 million units.

Reply to the issues raised in paragraph 28 of the list of issues

134. Please see statistics with regard to the poverty line, below.

Number of poor and regional poverty rates by relative poverty thresholds (calculated for Turkey) based on income

Regions	Poverty threshold (TRY)			Number of poor (in thousands)			Percentage (%)		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
Total									
Risk of poverty rate, 50%	2 351	3 013	3 146	12 412	10 525	11 123	100.00	100.00	100.00
Risk of poverty rate, 60%	2 822	3 616	3 775	16 932	15 589	16 381	100.00	100.00	100.00
TR1 Istanbul									
Risk of poverty rate, 50%	2 351	3 013	3 146	532	75	393	4.3	0.7	3.5
Risk of poverty rate, 60%	2 822	3 616	3 775	900	256	719	5.3	1.6	4.4
TR2 West Marmara									
Risk of poverty rate, 50%	2 351	3 013	3 146	339	322	343	2.7	3.1	3.1
Risk of poverty rate, 60%	2 822	3 616	3 775	503	491	552	3.0	3.2	3.4
TR3 Aegean									
Risk of poverty rate, 50%	2 351	3 013	3 146	1 057	889	1 041	8.5	8.4	9.4
Risk of poverty rate, 60%	2 822	3 616	3 775	1 660	1 510	1 616	9.8	9.7	9.9
TR4 East Marmara									
Risk of poverty rate, 50%	2 351	3 013	3 146	370	340	310	3.0	3.2	2.8
Risk of poverty rate, 60%	2 822	3 616	3 775	722	648	568	4.3	4.2	3.5
TR5 West Anatolia									
Risk of poverty rate, 50%	2 351	3 013	3 146	612	346	586	4.9	3.3	5.3
Risk of poverty rate, 60%	2 822	3 616	3 775	967	753	1 002	5.7	4.8	6.1
TR6 Mediterranean									
Risk of poverty rate, 50%	2 351	3 013	3 146	2 056	1 849	1 444	16.6	17.6	13.0
Risk of poverty rate, 60%	2 822	3 616	3 775	2 785	2 754	2 473	16.4	17.7	15.1
TR7 Central Antolia									
Risk of poverty rate, 50%	2 351	3 013	3 146	442	417	604	3.6	4.0	5.4
Risk of poverty rate, 60%	2 822	3 616	3 775	671	780	892	4.0	5.0	5.4

Regions	Poverty threshold (TRY)			Number of poor (in thousands)			Percentage (%)		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
TR8 West Black Sea									
Risk of poverty rate, 50%	2 351	3 013	3 146	915	705	740	7.4	6.7	6.6
Risk of poverty rate, 60%	2 822	3 616	3 775	1 296	1 017	1 206	7.7	6.5	7.4
TR9 East Black Sea									
Risk of poverty rate, 50%	2 351	3 013	3 146	278	217	285	2.2	2.1	2.6
Risk of poverty rate, 60%	2 822	3 616	3 775	420	363	429	2.5	2.3	2.6
TRA North East Anatolia									
Risk of poverty rate, 50%	2 351	3 013	3 146	788	631	726	6.4	6.0	6.5
Risk of poverty rate, 60%	2 822	3 616	3 775	969	828	935	5.7	5.3	5.7
TRB Central East Anatolia									
Risk of poverty rate, 50%	2 351	3 013	3 146	1 316	1 192	1 276	10.6	11.3	11.5
Risk of poverty rate, 60%	2 822	3 616	3 775	1 649	1 639	1 735	9.7	10.5	10.6
TRC South East Anatolia									
Risk of poverty rate, 50%	2 351	3 013	3 146	3 707	3 541	3 376	29.9	33.6	30.4
Risk of poverty rate, 60%	2 822	3 616	3 775	4 390	4 550	4 255	25.9	29.2	26.0

Source: TURKSTAT, 2006, 2007 AND 2008 Income and Living Conditions Survey.

Note: (1) Reference period of income information is the previous calendar year.

(2) Regional poverty rates are calculated according to the threshold for Turkey.

(3) In poverty calculation, equivalised household incomes are corrected according to CPI based on Level 2.

Article 12

Right to the highest attainable standard of physical and mental health

Reply to the issues raised in paragraph 29 of the list of issues

135. In the context of the Health Transformation Programme and the E-Transformation Turkey Project (E-Health Project) track and trace system for pharmaceuticals, defining the infrastructure for units belonging to each pharmaceutical product in Turkey, has just been launched. The health sector being one of the most information intensive sectors, the E-Health Project is expected to improve access to health care and improve the quality and effectiveness of the services offered. The monitoring of the consumption of the pharmaceuticals including narcotics and psychotropic products will improve their rational use.

Reply to the issues raised in paragraph 30 (a) of the list of issues

136. Substance addiction treatment is made in 22 substance addiction treatment centres affiliated to the Ministry of Health. Furthermore, two circulars were issued countrywide so that certain standards could be brought for substance addiction. By these circulars, an arrangement was made within the context of which first intervention and follow-ups shall be made in a state hospital with the presence of a psychiatrist and a psychologist. Measures are taken for a more efficient and productive use of available treatment centers, while the process of opening new centers and extending them countrywide is ongoing.

Reply to the issues raised in paragraph 30 (b) of the list of issues

137. Public education is provided by the health personnel regarding the prevention of sexually transmitted diseases. There are also units that offer voluntary consultancy and testing services. Studies are carried out in order to ensure that this service could be extended. Cooperation is under way with the Ministry of National Education regarding the education of children and young people on the transmission of the disease and studies are carried out for adding chapters to the school curriculum regarding the subject.

Reply to the issues raised in paragraph 30 (c) of the list of issues

138. Within the scope of the Health Transformation Program, an instruction was given to Provincial Health Directorates in order to ensure that necessary steps would be taken regarding the accomplishment of positive works carried out relating to mental health and illnesses, taking necessary steps so that the physical structures of the hospitals that serve in this context could be improved, giving priority to rehabilitating services, displaying all treatment units by a camera in a manner protecting the privacy of the patients and designing the treatment units in psychiatric hospitals where electroshock therapies are applied and which are referred to as the separation room.

139. The Ministry of Health initiated a study on Electro Convulsive Treatment (ECT) applications in 2006. The Electro Convulsive Treatment Instruction prepared in 2006 with regard to where and under which conditions ECT applications would be made was renewed in 2007 and the ECT application guidelines were delivered to 81 offices of the governor and deans' offices of medical faculties.

140. Furthermore, with the purpose of "improving the mental health services in Turkey", psychiatry services were constituted in proportion to the number of beds in general branch hospitals and starting from 5 beds in hospitals; psychiatry beds were allocated for children and adolescents in proportion to the population and the total number of beds in psychiatry services and the numbers of beds in psychiatric clinics in general branch hospitals were increased to 2,159. Therefore, the work load of psychiatric hospitals was reduced.

Reply to the issues raised in paragraph 31 of the list of issues

141. Education on sexual and reproductive health is provided within the framework of the "Reproductive Health Program" conducted by the General Directorate of Mother and Child Care and Family Planning of the Ministry of Health.

Reply to the issues raised in paragraph 32 of the list of issues

142. Regarding the provision of health services to refugees, Social Insurances and General Health Insurance Law (No. 5510) was amended to provide refugees with general health insurance. Those who are granted refugee/asylum seeker status by the General Directorate of Security could take "alien identification number" and carry out the procedures regarding health by obtaining general health insurance. Health expenses of the individuals staying at the foundations affiliated with the Social Services and Child

Protection Agency, who do not have refuge/asylum status and alien identification number, could be covered by the social assistance and solidarity foundation in the neighbourhood where the patient stays.

Articles 13 and 14 Right to education

Reply to the issues raised in paragraph 33 of the list of issues

143. Due to the fact that the right of education is among fundamental human rights guaranteed by both national and international legislation, various policies and programs are conducted so as to prevent the problems experienced regarding the right of education, especially by women and girls.

144. Within the framework of the 9th Development Plan (2007–2013), the following policies are applied so as to eliminate gender inequality:

- The education system will adopt the principle of lifelong education so as to support improving human resources
- Necessary measures will be taken regarding the girls living in the countryside with a view to decreasing primary school drop-outs and the rates of transition to secondary education will be increased

145. In the 2010–2014 Strategic Plan of the Ministry of National Education, importance is attached to girls' schooling. It is also emphasized that girls and disadvantaged individuals will be provided with the chance of benefiting more from the services of lodging house and scholarship. Furthermore, "decreasing the 10% difference between the rates of the schooling of girls and boys to 2% until 2014 so as to further increase the accessibility of girls to secondary education" is set down as a target in the Strategic Plan.

146. A total of 1,817,376 students who receive education in the schools affiliated to the Ministry of National Education (General High Schools, Anatolian High Schools, Science High Schools, Social Sciences High Schools, Fine Arts High Schools and Sports High Schools) are composed of 925,787 (51%) boys and 891,589 (49%) girls. Efforts continue with regard to increasing the schooling rates. In this connection, with the aim of providing more girls with the accessibility to education and preventing early drop-outs, housing opportunities for girls have been increased as it has been with boys and a considerable increase in boarding houses for girls that are affiliated to the General Directorate of Secondary Education has been obtained.

- The expression "increasing the number of students who enjoy the service of scholarship by 50%" appears in the Strategic Plan within the context of the activities conducted by making the service of scholarship conditional to passing an exam. The students benefiting from the services provided in this context can be seen in the table below.

The number of scholarship students in primary and secondary education (2008–2009)

<i>Department of Education</i>	<i>Total</i>	<i>Girls</i>	<i>Boys</i>
Grand Total	184 295	87 603	96 692
General Directorate of Primary Education	69 424	32 777	36 647
General Directorate of Secondary Education	81 433	38 593	42 840
General Directorate of Technical Education for Boys	3 334	375	2 959

<i>Department of Education</i>	<i>Total</i>	<i>Girls</i>	<i>Boys</i>
General Directorate of Technical Education for Girls	1 982	1 742	240
General Directorate of Trade and Tourism Education	1 768	638	1 130
General Directorate of Teacher Training and Education	20 418	10 592	9 826
General Directorate of Religious Education	3 857	1 505	2 352
General Directorate of Special Education Guidance and Counselling Services	117	37	80
Department of Health Affairs	1 962	1 344	618

- One of the main problems girls encounter in participation to the education process is the low schooling rate. Within this context, the Ministry of Education carries out various projects for the schooling of girls. Although a general increase is observed in the schooling rates in the last five years, the increase in the schooling rates of girls is more than that of boys. This is a positive development in the removal of the gender inequality. While the gender ratio (this shows the relative ratio in the schooling of girls and boys) was 91.9% in primary education in the 2003–2004 period, this ratio increased to 97.9% in the 2008–2009 period. The increase in the said ratio is more pronounced in secondary and higher education. It increased from 78.7% to 89% in secondary education and from 74% to 88% in higher education.
- A remarkable increase is observed in the schooling rate of girls within the context of the continuing projects. While the schooling rate of girls in primary education was 86.9% in the 2003–2004 period, it increased to 96.7% in the 2008–2009 period. It increased from 48.5% to 56.3% in secondary education and from 13.9% to 19.7% in higher education.

147. The General Directorate of Social Assistance and Solidarity (GDSAS) carries out the following support programs in order to decrease withdrawal rate of students.

148. As a part of the **Educational Supports, Educational Materials Supports** is given. At the beginning of each school year, basic educational needs of primary and high school children of poor and needy families are covered by means of SAS (Social Assistance and Solidarity) Foundations. These supports are given twice a year.

149. As a part of the **Conditional Cash Transfer (CCT) – Education Supports**, CCT supports are provided for the families, who rank among the poorest part of the population and who cannot send their children to school due to the economic problems. Payments are directly transferred to accounts of mothers. The amount given to the girls is higher than the amount given to the boys.

150. **Bussing System and Lunch Support** was launched in 1997 within the scope of the 8-year Basic Education, aiming to provide free lunches and transportation to poor students.

151. **Higher Education Scholarship**, a free scholarship has been allocated to poor university students on the condition that they are successful.

152. **Book Assistances**, The books of students who are attending primary school are provided free of charge by the Ministry of Education. The resource allocated is directly transferred to the Ministry of Education.

153. **Assistances for Student's Sheltering** (dormitory services-expenses of dormitory/hostel) is a support program provided by SAS Foundations for the transportation and sheltering needs of the primary and secondary school students who are not included in the bussing system.

154. **Bussing System for Handicapped Students** is implemented with the cooperation of the Ministry of Education General Directorate of Special Education Guidance and Counselling Services, the Administration for Disabled People and the General Directorate of Social Assistance and Solidarity since 2004.

155. The programs mentioned above have decreased the withdrawal rate of the students.

Reply to the issues raised in paragraph 34 of the list of issues

156. A total of 71.9% of the children with disability aged between 6 and 14 are enrolled in primary schools. About 31.2% of the children with disability aged between 15 and 18 are enrolled in elementary schools.

Article 15 Cultural rights

Reply to the issues raised in paragraph 35 of the list of issues

157. In accordance with general comment No. 21 of the Committee on Economic, Social and Cultural Rights on the right of everyone to take part in cultural life, art institutions of the Ministry of Culture and Tourism organize concerts with educational and moral aims in the schools, children protection institutions and nursing homes for the participation of the children, elderly and disabled people in artistic activities.

158. Another example for taking part in cultural life is the plastic arts competitions held periodically by our General Directorate. All Turkish Republic citizens can apply to these contests on painting, sculpture, photography and Turkish decorative arts (marbling, calligraphy, ceramic tile and print art). Plastic arts competitions constitute a supporting means which rewards artists and gives them the opportunity to exhibit their works.

159. The Ministry of Culture and Tourism has launched the "Home Delivery Book Project" in 2006, in order to ensure social participation and equality of opportunity for our homebound citizens who cannot benefit from the services of public libraries. This service was initiated in 20 provinces at first. Studies are continuing to provide this service throughout Turkey. This service is free of charge.

160. Another service provided to persons who cannot benefit from public libraries because of distance, is the mobile library service, consisting of buses and trucks transformed into libraries visiting small towns and villages.

161. Public Internet Access Centers provide free internet access in order to contribute to the objective of equal participation to cultural life.

162. Concerning the State Theatres, the main objective is to ensure the largest possible access. Theatrical performances are displayed periodically in 20 provinces and 52 stages. Besides, the State Theatres ensures the access of the remotest villages and towns of Turkey to theatre with the tours it organizes. The best example for this is the "Nowhere is Forgotten" tour organized by the State Theatres throughout all the provinces and almost 300 districts, towns and villages in 2008. Development priority regions and provinces mostly composed of rural areas are included in the tour planning of the State Theatres each season.

163. As an important part of the cultural life, the museums also promote equal access for all. The entrances to 112 public museums and ruins have been made free. Moreover, in order to facilitate the access of disabled persons, necessary arrangements are made during the restoration of museum buildings.