



Economic and Social Council

Distr.: General
28 January 2009

Original: English

Committee on Economic, Social and Cultural Rights
Substantive session of 2011

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

**Initial reports submitted by States parties under articles 16
and 17 of the Covenant**

Turkey* **

[25 June 2008]

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

** Annexes can be consulted in the files of the secretariat.

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List of abbreviations

ACEP	Mother-Child Education Programme
AIDS	Acquired Immune Deficiency Syndrome
ASTC	Association of Science-Technology Centres
BADEP	Father Support Programme
BAG-KUR	Social Security Organisation for Craftsmen and Artisans and the Self-Employed
BEP	Basic Education Programme
BSEC	Black Sea Economic Cooperation
BTP-UP	Science and Technology Policy Implementation Plan
BTYK	High Commission of Science and Technology
CAHTEH	Ad Hoc Committee on Action against Trafficking in Human Beings
CD	Compact Disk
CDNL	Conference of Directors of National Libraries
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination
CENL	Conference of European National Librarians
COMLIS	Congress of Muslim Librarians and Information Scientists
COST	European Cooperation in the field of Scientific and Technical Research
CRC	United Nations Convention on the Rights of the Child
DALY	Disability Adjusted Life Year
DBA	Deducted Budget Allowance
DSI	Public Waterworks Administration
DVD	Digital Versatile Disc
EBRD	European Bank for Reconstruction and Development
ECRI	European Committee against Racism and Intolerance
ESA	European Space Agency
ESF	European Science Foundation
EU	European Union
FAO	Food and Agriculture Organisation
FID	International Federation for Information and Documentation
FISAUM	Research Centre of Intellectual and Industrial Property
GAP	Southeast Anatolian Project
GDP	Gross Domestic Product

GNP	Gross National Product
HACCP	Hazard Analysis and Critical Control Point
HIV	Human Immunodeficiency Virus
ICESCR	United Nations International Covenant on Economic, Social and Cultural Rights
ICERD	United Nations International Convention on the Elimination of all Forms of Racial Discrimination
ICMPD	International Centre for Migration Policy Development
ICPD	International Conference on Population and Development
IEA	International Energy Agency
IFAD	International Fund for Agricultural Development
IFLA	International Federation of Library Associations
ILO	International Labour Organisation
INTAS	International Association for the Promotion of Cooperation with Scientists from the New Independent States of the Former Soviet Union
INWRDAM	Inter-Islamic Network on Water Resources Development and Management
IOM	International Organisation for Migration
IPEC	International Programme on the Elimination of Child Labour
ISBN	International Standard Book Number
ISCED	International Standard Classification of Education
ISKUR	Turkish Employment Organisation
ISS	International Social Service
ISSN	International Standard Serial Number
KIHEP	Women's Human Rights Education Programme
MEDA	European Union Mediterranean Programme
MEGEP	Project of Strengthening the Vocational Education
METU	Middle East Technical University
MOH	Ministry of Health
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OECD-DAC	Development Assistance Committee of the Organisation for Economic Cooperation and Development
OIC	Organization of Islamic Conference
OSCE	Organisation for Security and Cooperation in Europe

RTUK	Radio and Television Supreme Council
SBEP	Support to Basic Education Programme
SEP	Secondary Education Project
SHCEK	General Directorate of Social Services and Child Protection Agency
SPO	State Planning Organisation
SSK	Social Security Organisation
SYDGM	Directorate General of Social Assistance and Solidarity
TARAL	Turkish Research Area
TDHS	Turkish Demographic and Health Survey
TEDA	Translation Subvention Project
TIKA	Turkish International Cooperation and Development Agency
TL	Turkish Lira
TOBB	Turkish Union of Chambers and Stock Exchanges
TOKI	Housing Development Administration
TRT	Turkish Radio Television
TSE	Turkish Standards Institution
TUBITAK	Scientific and Technological Research Council of Turkey
TURKSOY	Joint Administration of Turkic Culture and Art
TURKSTAT	Turkish Statistical Institute
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organisation
USD	United States Dollar
VCD	Video Compact Disk
WHO	World Health Organisation
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation
YTL	New Turkish Lira

Introduction

1. Turkey ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 4 June 2003. The instrument of ratification was deposited on 23 September 2003, and in accordance with its Article 27, the Covenant entered into force for Turkey on 24 December 2003. In its instrument of ratification, Turkey conditioned its ratification upon three declarations and one reservation, which are listed in Annex I.

2. According to Article 90 of the Turkish Constitution, international agreements duly put into effect bear the force of law and no appeal to the Constitutional Court can be made with regard to these agreements on the grounds that they are unconstitutional. Once the ratification process is completed, international agreements become part of the domestic legislation and applicable in national law. As such, the ICESCR has direct effect in Turkish law and its provisions may be directly invoked before national courts. Besides, in case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and domestic law due to differences in provisions on the same matter, the provisions of international agreements shall prevail. Turkey has the honour to present its initial report to the Committee on Economic, Social and Cultural Rights in accordance with Articles 16 and 17 of the ICESCR.

3. This Report, which contains data mostly from the 1990s till the first half of 2008, where available, has been prepared under the coordination of the Ministry of Foreign Affairs with the contribution of the relevant ministries and public institutions, namely the Ministry of Justice, the Ministry of Interior, the Ministry of National Education, the Ministry of Public Works and Settlement, the Ministry of Health, the Ministry of Agriculture and Rural Affairs, the Ministry of Labour and Social Security, the Ministry of Industry and Trade, the Ministry of Culture and Tourism, the Ministry of Environment and Forestry, the Prime Ministry Human Rights Presidency, the Prime Ministry General Directorate on the Status of Women, the Prime Ministry General Directorate of Social Services and Child Protection Agency, the Prime Ministry General Directorate of Social Assistance and Solidarity, the Prime Ministry General Directorate of Family and Social Research, the State Planning Organisation, the Turkish Statistical Institute, the Turkish International Cooperation and Development Agency, the Radio and Television Supreme Council, the Scientific and Technological Research Council of Turkey and the Housing Development Administration.

4. For general factual information and statistics concerning Turkey, as well as the general framework for the protection and promotion of human rights, the Common Core Document of Turkey can be referred to.

Article 1

5. Turkey subscribes to the principles set forth in the International Covenant on Economic, Social and Cultural Rights.

6. The Republic of Turkey was established on 29 October 1923. The Turkish Republic is a democratic, secular and social state governed by the rule of law, respecting human rights, loyal to the nationalism of Atatürk, founder of modern Turkey, in the spirit of public peace, national solidarity and justice.

7. The Republic of Turkey is an indivisible entity with its territory and nation. Sovereignty is vested fully and unconditionally in the nation. This sovereignty is exercised by the Turkish nation through the authorized organs as set forth in the Constitution.

8. The Turkish nation is composed of citizens equal before the law irrespective of their origins. In the context of the Turkish nation, common denominator is citizenship. Every citizen has the right and power to lead an honourable life and to enhance his/her material and spiritual well-being in national culture, civilization and law order, by benefiting fundamental rights and freedoms set forth in the Constitution, in line with the principle of equality and social justice. Every Turkish citizen has effective access to government to pursue their political, economic, cultural and social development.

9. Furthermore, equality before the law is established as a general principle by the Constitution. All individuals are equal without any discrimination before the law, irrespective of language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such considerations. State organs and administrative authorities act in compliance with the principle of equality before the law in all their proceedings.

10. The political life in Turkey is run by the system of pluralistic democracy based on the rule of law and respect for human rights. The Turkish electoral system based on universal suffrage is open to all adult citizens, the requirements of which are determined by the Constitution and the relevant legislation.

Article 2

Non-discrimination

11. Turkey is fully committed to the fight against all kinds of discrimination. Recognizing the fact that the main responsibility lies with governments for safeguarding and protecting the rights of individuals against acts of discrimination, Turkey incorporated sound and effective measures into its legislation concerning non-discrimination. Turkey is party to fundamental international conventions that contain provisions on the prohibition of discrimination, such as International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, European Social Charter, and European Convention on Human Rights and its protocols.

Legal framework

12. In Turkey, all individuals are equal before the law, enjoy the same rights and have the same obligations without discrimination. Acts of discrimination are prohibited and penalized by law.

13. Article 10 of the Constitution of the Republic of Turkey guarantees equality before the law:

All individuals are equal without any discrimination before the law, irrespective of language, race, colour, gender, 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

14. The Constitution, by referring to “or any such considerations”, empowers the judiciary with a wide discretion on its judgment of cases of inequality.

15. The state system is based on the principle of constitutional/territorial nationalism. The concept of citizenship is defined in Article 66 of the Constitution on the ground of legal bond without any reference to ethnic, linguistic or religious origin. According to this Article, “everyone bound to the Turkish State through the bond of citizenship is a Turk”. The Constitution does not provide any definition of racial or ethnic connotation for being a “Turk”. On the contrary, Article 66 depicts a purely legal definition and does not provide for a kinship based on “blood”. The term “Turk” is the reflection of the national identity of all citizens in Turkey irrespective of their origins.

16. The idea conveyed in Article 66 of the Constitution fully reflects the main philosophy of the Republic. This philosophy makes no discrimination between the citizens of the Republic on the grounds of ethnicity, religion or race. No importance is attached to a citizen’s racial or ethnic background since the definition of a common identity on the nationhood and conscience on territorial (and not on blood) basis in line with the principle of citizenship has been adopted with the establishment of the Republic.

17. Turkish nation is not a juxtaposition of communities or groups. It is composed of citizens, who are equal before the law irrespective of their origins in terms of language, race, colour, ethnicity, religion or any other such particularity, and whose fundamental rights and freedoms are enjoyed and exercised individually in accordance with the relevant law.

18. Similarly, fundamental rights and freedoms set forth in the Constitution do not lead to any distinction between Turkish citizens and foreigners. Fundamental rights and freedoms are in principle recognized for everybody regardless of citizenship in line with Article 10 of the Constitution. Article 16 of the Constitution stipulates that the fundamental rights and freedoms of foreigners can only be limited by law in accordance with international law. Political rights (right to vote and to be elected, right to form political parties and to become their members) and the right to enter into public service are solely vested with Turkish citizens.

19. The fundamental rights and freedoms are guaranteed in the Constitution with the provisions concerning inviolability of human being, his/her material and moral identity, prohibition of torture, ill treatment and degrading treatment (Article 17), prohibition of forced labour (Article 18), personal liberty and security (Article 19), privacy of individual life (Article 20), inviolability of the domicile (Article 21), freedom of communication (Article 22), freedom of residence and movement (Article 23), freedom of religion and conscience (Article 24), freedom of thought and opinion (Article 25), freedom of expression (Article 26), freedom of science and the arts (Article 27) freedom of association (Article 33), right to hold meetings and demonstration marches (Article 34), property rights (Article 35), freedom to claim rights (Article 36), guarantee of lawful judgment (Article 37), principles relating to offences and penalties (Article 38), right to request prompt access to the competent authorities for everyone whose constitutional rights and freedoms have been violated (Article 40).

20. Basic social rights are also guaranteed in the Constitution without any reference to citizenship. Some of these rights are right and duty of training and education (Article 42), freedom to work and conclude contracts (Article 48), right to rest and leisure (Article 50), right to organise labour unions (Article 51), right to live in a healthy and balanced environment (Article 56) and right to social security (Article 60).

21. Article 16 of the Constitution stipulates that the fundamental rights and freedoms of foreigners may be restricted by law in a manner consistent with international law. These restrictions concern in particular the political rights. Article 67 of the Constitution reserves the right to vote and to be elected only to Turkish citizens. The same also applies for the

right to form political parties and to become a member of them (Article 68). Moreover, only citizens have the right to join public services.

22. The principle of equality is enshrined in various other laws regulating specific areas of political, social and economic life. There are specific laws such as the Civil Code (Article 8 — principle of equality in capacity of persons as subject to rights), the Law on Social Services and Child Protection (Article 4 — non-discrimination in eligibility to receive social benefits), the Political Parties Law (Article 82 — prohibition of racism, Article 83 — protection of the principle of equality), the Basic Law on National Education (Article 4 — principle of equality in education, Article 8 — gender equality-affirmative action), the Labour Law (Article 5 — principle of non-discrimination, equal treatment), the Law on the Disabled (Article 4 — non-discrimination against people with disabilities).

23. Article 122 of the Penal Code criminalizes economic discrimination on the basis of language, race, colour, sex, political thought, philosophical belief, religion, denomination and other reasons.

24. Article 216 of the Penal Code covers penal sanctions against inciting the population to breed enmity or hatred or denigration. It reads as follows:

(1) A person who openly incites groups of the population to breed enmity or hatred towards one another based on social class, race, religion, sect or regional difference in a manner which might constitute a clear and imminent danger to public order shall be sentenced to imprisonment for a term of one to three years.

(2) A person who openly denigrates part of the population on grounds of social class, race, religion, sect, gender or regional differences shall be sentenced to imprisonment for a term of six months to one year.

(3) A person who openly denigrates the religious values of a part of the population shall be sentenced to imprisonment for a term of six months to one year in case the act is likely to distort public peace.

25. Similarly, broadcasting standards as determined by Article 4 of the Law on the Establishment of Radio and Television Enterprises and Their Broadcasts include the following provisions:

(i) Broadcasts shall not, in any manner, humiliate or insult people for their language, race, colour, sex, political opinion, philosophical belief, religion, sect, and any such considerations;

(ii) The broadcasts shall not encourage the use of violence or incite feelings of racial hatred.

26. In addition to judicial remedies, there are also governmental, administrative and parliamentary remedies for individuals who claim to be subjected to discrimination. These remedies are utilized through the Human Rights Presidency at the Office of the Prime Minister and numerous Human Rights Boards at provincial and sub-provincial levels on the one hand, and the Human Rights Inquiry Commission of the Parliament on the other. These bodies are tasked with investigating complaints and allegations of human rights abuses and submitting their findings to relevant authorities for necessary action.

27. The Human Rights Presidency, which was established in April 2001 as an affiliate body of the Prime Ministry, and 931 Provincial and Sub-Provincial Human Rights Boards carry out extensive supervision work on human rights, particularly at local level. Human Rights Boards include almost 14.000 non-governmental members.

28. Both the Human Rights Presidency and the Human Rights Boards are entrusted with the task of receiving, examining and investigating allegations of human rights violations,

including claims of racial discrimination, assessing the results of their examinations and investigations, referring the results to the offices of the public prosecutors or relevant administrative authorities and following up the results.

Additional protection of rights of persons belonging to non-Muslim minorities in Turkey

29. Under the Turkish constitutional system, the word “minorities” encompasses only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is party.

30. In this context, “minority rights” in Turkey are regulated in accordance with the Lausanne Peace Treaty of 1923. According to this Treaty, 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.

31. Articles 37–45 of the Treaty regulate the rights and obligations concerning individuals belonging to non-Muslim minorities in Turkey and the Turkish Muslim minority in Greece. These provisions are recognized as fundamental laws of Turkey.

32. In line with the state philosophy based on equality of citizens assuring non-discrimination, Turkish citizens belonging to non-Muslim minorities enjoy and exercise the same rights and freedoms as the rest of the population. Additionally, they benefit from their minority status in accordance with the Lausanne Peace Treaty.

33. Turkish citizens belonging to non-Muslim minorities have their own places of worship, schools, foundations, hospitals, as well as printed media.

34. Within the ongoing reform process in Turkey, there has also been major progress in improving the legislation concerning citizens belonging to non-Muslim minorities in Turkey. In this context, 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. In this process, periodic contacts are held with the non-Muslim minorities.

35. As part of the aforementioned reform process, the 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.

International cooperation

36. Turkey believes that a successful fight against all forms and manifestations of discrimination and intolerance requires combined efforts at national and international levels.

37. In this respect, Turkey has become party to all relevant international instruments both at global (UN) and regional (Council of Europe and OSCE) fora, and duly maintains a close and constructive cooperation within the special mechanisms of these organizations tasked with the fight against intolerance and discrimination. In this context, Turkey is actively involved in the work of the OSCE in the field of promoting tolerance and non-discrimination. As a testimony to its efforts in this regard, Turkish Ambassador Ömür Orhun, nominated by the Turkish Government, was appointed in December 2004 as one of

the three Personal Representatives of the OSCE Chairman-in-Office on Combating Intolerance and Discrimination.

38. Within the framework of the Council of Europe, Turkey has always taken part in the elaboration of policies and recommendations aimed at elimination and prevention of contemporary forms of racial discrimination. The Turkish Government actively participated in and contributed to the elaboration process of the Plan of Action and the Declaration against Racism, Xenophobia, Anti-Semitism and Intolerance adopted on 8–9 October 1993 at the Vienna Summit of Heads of States and Governments.

39. Turkey has been supporting the activities of the European Committee against Racism and Intolerance (ECRI) which is one of the most important monitoring mechanisms in Europe in its efforts to combat racism, xenophobia, anti-Semitism and intolerance across Europe from the perspective of the protection of human rights and fundamental freedoms.

40. Turkey has long been among the co-sponsors of the UN Resolutions and Declarations related to non-discrimination and tolerance, xenophobia, racism and anti-Semitism.

41. With its deep-rooted traditions of mutual understanding, tolerance, dialogue and respect for other cultures and religions, Spain and Turkey launched the “Alliance of Civilizations” in 2005, which has since become a full-fledged UN Initiative.

Development assistance

42. Turkey carries out its development assistance, within the tradition of a “strategic bridge”, to help build and maintain the link between developed countries and developing countries. It has made important strides towards becoming a “donor country” in realising the Millennium Goals of the United Nations. Turkish foreign assistance started in 1985 as food aid, then continued and expanded into many fields.

43. Turkey, at an important junction between developed and developing countries, adopts the following principles and objectives in relation to development assistance:

- (i) Creating conditions conducive to institutional cooperation;
- (ii) Contributing to the development of a free market economy;
- (iii) Participating in international cooperation in the areas of crisis, and supporting the normalization process through development assistance;
- (iv) Taking active part in emergency and humanitarian assistance in areas affected by natural disasters, conflicts etc.; and
- (v) Developing all types of cooperation with international organisations engaged in development assistance.

44. Various fields of development assistance in Turkey are handled by numerous public agencies and institutions. In this context, the Ministry of Foreign Affairs performs a guiding function for all public agencies and institutions in terms of policy priorities.

45. Furthermore, the Turkish International Cooperation and Development Agency (TIKA) is the institution in Turkey which carries out technical assistance. It is a coordinating agency in all technical assistance activities in order to develop a joint understanding in technical assistance activities. Almost all Turkish public agencies and institutions deliver aid in their professional areas in coordination with the TIKA.

46. The Turkish Red Crescent is engaged in emergency assistance. The need to integrate emergency assistance activities with supplementary actions such as search and rescue led

ministries, local administrations and armed forces to participate in such undertakings. The said institutions are coordinated by the Emergency Administration of the Prime Ministry.

47. Peace building activities are realised jointly by the armed forces personnel and supporting technical and emergency assistance organisations assigned to crisis areas.

48. The Turkish Eximbank and Development Bank carry out efforts in development assistance involving financial and investment dimensions. Further, the Under-secretariat of Treasury participates in the financial support of “grant” nature.

49. The contributions and membership fee payments to the international organisations are in general handled by the Ministry of Foreign Affairs and the Under-secretariat of Treasury.

50. Moreover, many non-governmental organisations in Turkey play an important role mainly in education and emergency assistance.

51. The tables below indicate the development assistance provided by Turkey.

Table 1

Turkish development assistance (1997–2004) (Million USD)

<i>Transaction Type</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004*</i>
Total grants	53.29	44.86	36.79	26.14	18.94	26.69	26.42	291.84
Project and programme assistance	2.90	2.43	12.64	2.69	1.10	6.39	7.72	0
Technical cooperation	37.33	34.32	11.70	17.40	11.70	14.00	11.12	184.71
Food aid	0.0016	0.001	0.012	0.001	0.30	0.063	0.10	0
Emergency aid	10.22	1.76	10.06	2.29	1.26	1.23	1.84	44.96
Development incentives	0.012	0.33	0.16	0.00	0.00	0.00	1.81	0
Administrative costs	2.47	6.01	1.04	3.37	4.49	4.99	2.73	35.39
Other	0.34	0.00	1.17	0.38	0.08	0.00	2.08	26.78
Membership payments to the international organizations	23.42	23.93	23.20	56.11	45.18	46.28	40.21	47.31
Total Official Development Assistance	81.71	68.79	59.99	82.25	64.12	72.97	66.63	339.15
Total official payments	276.61	321.49	320.49	119.92	75.53	71.79	66.84	789.08
Total official and private flows	353.32	390.28	380.22	202.17	139.65	144.76	133.47	1 128.23

Source: TIKA 2005 Report.

* The main reason for the calculation of the amount of the assistance at very low levels until the year 2004 is that complete data was not available on development assistance, projects and programs until then. Also, until 2004, assistance in kind was not measured, and the matter was not viewed from the perspective of development assistance. Since 2004, public agencies and institutions that work within the scope of development assistance have been asked to supply the data on the amount of assistance they provided. Moreover, calculation of the data has been conducted by employing the international standards. Obviously, the increasing share of development assistance in the government budget has also affected the rise of development assistance since 2004.

Table 2
Turkish development assistance (2005) (Millions USD)

Total official and private flows	1 051.94
I. Official Development Assistance (ODA) (1A+1B)	601.04
1A. Bilateral Official Development Assistance	532.47
1. Bilateral Grants	532.47
1.1 Project-Programme Aid	109.92
1.2 Technical Cooperation	162.59
1.3 ODA Grants in Associated Financing Package	0
1.4 Development in Food Aid	0
1.5 Emergency and Distress Relief	178.99
1.6 Debt Forgiveness	0
1.7 Other Action on Debt	0
1.8 General Support to National NGOs	0.35
1.9 Support to International NGOs	0
1.10 Contribution to Public-Private Partnerships	0
1.11 Promotion of Development Assistance	0.7
1.12 Administrative Costs	56.70
1.13 Post-conflict Peacebuilding Operations	23.22
2. Non-grant Bilateral ODA	0
1B. Multilateral Official Development Assistance	68.57
1. Grants and Membership Payments to International Organizations	68.57
2. Concession Lending to Multilateral Organizations	0
II. Other Official Flows	394.20
1. Related Transactions	27.68
2. Rescheduling (Deferment)	366.52
III. Private Sector Flows Under Market Conditions	0
IV. Grants Originating From NGOs	56.70

Source: TIKA 2005 Report.

52. In 2005, a total of 1874 development assistance projects and activities were realized. Among them, 1485 were allocated to the countries which were eligible to receive development assistance according to the OECD-DAC (Development Assistance Committee) criteria, 191 to Central and Eastern European countries and Newly Independent States, and 198 to other countries.

53. Of the 1485 projects and activities implemented in 2005, 759 were in the Caucasus and Central Asia, 410 in the Balkans and East Europe, 116 in Africa, 111 in the Middle East, and 89 in the Far East.

54. As far as the distribution of the project and programme aids and the technical cooperation of the bilateral official development assistance are considered, they can be aggregated into four main sectors according to OECD-DAC parameters:

- (i) Social infrastructure and services;
- (ii) Economic infrastructure and services;

- (iii) Production sectors;
- (iv) Multi-sector/Cross-cutting.

55. As it can be inferred from Table 3, with respect to the sectoral distribution of the bilateral official development assistance in 2005, 258.88 million USD were used for social infrastructure and services, which basically consisted of projects related to education; 7.92 million USD were used for economic infrastructure and services, mostly transportation projects. Thirdly, 4.69 million USD were allocated for production sector. The amount of assistance employed for multi-sector/cross-cutting was 1.02 million USD.

Table 3
Distribution of bilateral official development assistance by sector (2005) (Millions USD)

<i>Sector/Category</i>	<i>Resources provision</i>				<i>Technical cooperation</i>	<i>Total official development Assistance</i>	<i>Grant amount</i>	<i>Total</i>
	<i>Investment projects</i>	<i>Programme assistance</i>	<i>Structural harmonization</i>	<i>Goods and services assistance</i>				
1. Social Infrastructure and Services	0	109.92	0	0	148.96	258.88	258.88	258.88
Education	0	78.06	0	0	118.10			196.16
Health	0	0	0	0	4.02			4.02
Population and Reproduction Health	0	0	0	0	0.04			0.04
Water Supply and Sanitation	0	0	0	0	0.78			0.78
Government and Civil Society	0	2.72	0	0	6.95			9.67
Other	0	29.14	0	0	19.07			48.21
2. Economic Infrastructure and Services	0	0	0	0	7.92	7.92	7.92	7.92
Transportation and Storage	0	0	0	0	5.91	5.91	5.91	5.91
Communications	0	0	0	0	0.82	0.82	0.82	0.82
Energy	0	0	0	0	0.14	0.14	0.14	0.14
Banking and Finance	0	0	0	0	0.18	0.18	0.18	0.18
Business and Other Services	0	0	0	0	0.87	0.87	0.87	0.87
3. Production Sectors	0	0	0	0	4.69	4.69	4.69	4.69
Agriculture, Forestry, Fishery and Animal Husbandry	0	0	0	0	1.06	1.06	1.06	1.06
Industry, Mining and Construction	0	0	0	0	3.10	3.10	3.10	3.10
Tourism and Commerce	0	0	0	0	0.53	0.53	0.53	0.53

Sector/Category	Resources provision				Technical cooperation	Total official development Assistance	Grant amount	Total
	Investment projects	Programme assistance	Structural harmonization	Goods and services assistance				
4. Multi-sector/Cross-cutting	0	0	0	0	1.02	1.02	1.02	1.02
General Environmental Protection	0	0	0	0	0.37	0.37	0.37	0.37
Women's Role in Development	0	0	0	0	0.02	0.02	0.02	0.02
Other	0	0	0	0	0.63	0.63	0.63	0.63
Total sector assistance	0	109.92	0	0	162.59	272.51	272.51	272.51
5. Commodity and General Programme Assistance	0	0	0	0	0	0	0	0
6. Debt Related Services	0	0	0	0	0	0	0	0
7. Emergency Assistance	0	0	0	178.99	0	178.99	178.99	178.99
Emergency Food Aid	0	0	0	0	0	0	0	0
Other	0	0	0	178.99	0	178.99	178.99	178.99
8. Administrative Costs of Donor Country	0	0	0	56.70	0	56.70	56.70	56.70
9. Support to NGOs	0	0	0	0.35	0	0.35	0.35	0.35
10. Unallocated/Unspecified	0	0	0	23.92	0	23.92	23.92	23.92
Total development assistance	0	109.92	0	259.96	162.59	532.47	532.47	532.47

Source: TIKA 2005 Report.

56. Concerning the improvement of educational infrastructure, projects such as construction and maintenance of school buildings, provision of equipment and materials and preparation of curricula are carried out. Projects in this field are being implemented in Afghanistan, Georgia, Kyrgyzstan, Macedonia and Uzbekistan.

57. Within this framework, 87 projects and activities were conducted in 2006, including:

- (i) Construction of 17 schools;
- (ii) Renovation of 16 schools;
- (iii) Establishment of 23 computer laboratories;
- (iv) Educational support to 1,024 students;
- (v) Training of 349 teachers.

58. In the case of expanding and improving health services, operation of hospitals and out-patient clinics, provision of equipment, organisation of a variety of health screenings and vaccination campaigns are carried out. Also, food aid is provided in crisis areas. Countries where such projects are undertaken include Afghanistan, Bosnia and Herzegovina, Kosovo, Kyrgyzstan, Sudan and Tajikistan.

59. Thirty-seven projects and activities in this field were implemented in 2006, including:

- (i) Construction of 9 clinics and hospitals;
- (ii) Operation of 3 hospitals, 2 clinics and 2 mobile hospitals;
- (iii) Equipment support to 8 hospitals;
- (iv) Supply of 30 ambulances;
- (v) Health screening of 6,050 people;
- (vi) Medicine provision to 545,000 people;
- (vii) Operation of 1,929 patients;
- (viii) Treatment of 195,134 people.

60. As regards the supply of safe drinking water, wells are constructed, existing water treatment systems are renovated or new networks are set up. Afghanistan, Ethiopia, Georgia, Kosovo, Macedonia, Moldova, Tajikistan and Ukraine are among the countries where these projects are undertaken.

61. In this respect, 30 projects and activities were held in 2006, including:

- (i) Construction of 70 wells;
- (ii) Supply of safe water to 6 residential regions;
- (iii) Establishment of one water treatment plant;
- (iv) Construction of 5 water depots.

62. Road and bridge works continue in Azerbaijan, Georgia, Mongolia and Macedonia. In 2006, 9 projects and activities were conducted, including:

- (i) Construction of 4 bridges;
- (ii) Construction of 5 roads;
- (iii) Two transportation studies and master plan projects.

63. Moreover, in order to alleviate homelessness, provision of tents for emergency situations and a housing project to provide 1,000 homes for Crimean Tatars returning to their homeland are in progress.

64. As far as the economic rights stipulated in the Covenant are concerned, opportunities are created for women living in both urban and rural areas to participate in economic life through vocational training (sewing, needlework, carpet weaving, jewellery design, ebru-traditional painting technique- and computers, etc.). With a view to creating a strong economic infrastructure, consultancy services and educational opportunities are provided on the subjects of taxation, privatisation, insurance, accreditation, membership to chambers of commerce and standardisation. Such activities are intensively undertaken in the Balkans, Eastern Europe, Caucasia and Central Asian Republics.

65. Furthermore, academic cooperation is conducted for supporting scientific studies. Restoration works aimed at protecting cultural properties and folklore are also supported.

Article 3

Progress in gender equality and promotion of the progress of women

Implementation of the Beijing Platform for Action

66. Turkey, an active participant in the 4th UN World Conference on Women held in 1995, is among the countries that have signed the Beijing Declaration and the Action Plan without reservations. Turkey has adopted three basic targets in the context of this conference and has made commitments to the international community to achieve these goals.

67. Parallel to the general understanding adopted following the 4th World Conference on Women, during the Beijing Conference process Turkey prepared a National Action Plan in 1996 by a commission with the participation of the General Directorate on the Status of Women, representatives of women associations, academics and representatives of related government bodies.

68. In the context of Strengthening Institutional Capacity which is the first component of Promoting Gender Equality project launched in 2007 in the framework of Turkey — EU Pre-Accession Financial Cooperation Program, of which the General Directorate on the Status of Woman is the beneficiary, new studies were conducted concerning 10 issues determined at the Beijing Platform for Action (education and instruction of women, girls, women and health, women and economy, women in power and decision making process, institutional mechanisms in the development of women, women and poverty, women and media, women's human rights, and women and environment) and related policy documents were prepared. The said plan will be finalized by the end of 2008. In the second component of the said project which is "Combating Domestic Violence against Women", "National Action Plan for Combating Domestic Violence against Women in 2007–2010" was drawn up and put into force with the approval of the State Minister Responsible for Women and Family.

69. In consideration of the conditions and priorities of the country and the commitments of Turkey during the 4th World Conference on Women, eight of the twelve critical areas in the Beijing Platform for Action (women's education and training, girl child, women and health, violence against women, women and economy, women in power and decision making, institutional mechanisms for the advancement of women, women and media) have been identified as critical areas in Turkey's National Action Plan.

70. Over the years since the Beijing Declaration and the Beijing Platform for Action, Turkey has realized most of its commitments made in Beijing by implementing policies in line with the Platform and achieved important progress in the area of gender equality and women's rights.

Withdrawal of the reservations and declaration in respect of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and ratification of the Optional Protocol to the CEDAW

71. Upon the signature of the CEDAW, Turkey made reservations with respect to Articles 15 (paragraphs 1 and 4), 16 (subparagraphs 1c, 1d, 1f, 1g) and 29 (paragraph 1) and a declaration concerning Article 9 (paragraph 1) of the said Convention. In the context of Turkey's accomplishments in the field of the promotion of women's status in society, strengthening of the gender equality, the improvement of women's rights, Turkey withdrew its reservations regarding Articles 15 and 16 on 20 September 1999 as well as its declaration on 29 January 2008.

72. The Optional Protocol to the CEDAW was ratified by the Turkish Grand National Assembly on 30 July 2002 and entered into force on 29 January 2003. The ratification of the Optional Protocol constitutes an important step as it allows for individual communication to the Committee on the Elimination of All Forms of Discrimination against Women.

Contributions of Turkey to the promotion of gender equality in the international fora

73. Turkey has made substantial contribution to the promotion of gender equality in the international fora, particularly to the efforts of fight against honour crimes. Turkey ensured that early and forced marriages and honour crimes are to be considered among the forms of violence against women identified in the outcome document of the Beijing + 5 Special Session of the UN General Assembly. Turkey co-authored, together with Britain, the UN resolution “Working towards the Elimination of Crimes against Women Committed in the Name of Honour” submitted to 59th General Assembly in 2004.

74. The international conferences hosted by Turkey are also the clear indication of the importance that Turkey attaches to the issue of women’s rights.

75. The Euro-Mediterranean Ministerial Conference on “Strengthening the Role of Women in Society” was held on 14–15 November 2006, in Istanbul. In the Conference, convened in accordance with the Barcelona Declaration and the Five Year Work Programme agreed upon during the 10th Anniversary Euro-Mediterranean Summit in Barcelona 2005, the participants reaffirmed that equal participation of women in all spheres of life is a crucial element of democracy and that achievement of a “common area of peace, stability and shared prosperity” relies upon, inter alia, making women fulfil their ambitions and aspirations.

76. The critical role that the improvement of women’s status in society plays in the path towards sustainable development was re-emphasized in the Ministerial Conference on the Role of Women in the Development of Organization of Islamic Conference (OIC) Member States, held on 20–21 December 2006 in Istanbul. This meeting, organized in line with the Ten-Year Programme of Action of the OIC, embodies special significance since it was the first Ministerial Meeting of the OIC on issues related to women.

Improving legislation with a view to ensuring gender equality and eliminating violence against women

Constitutional amendments

77. As amended on 17 October 2001, Article 41 of the Constitution ensures the principle of equality between spouses as a basis for the family.

78. Article 66 of the Constitution on the acquisition of Turkish citizenship which previously stated that the citizenship of a child born to a foreign father and a Turkish mother would be defined by law was amended also in October 2001 to eliminate discrimination on the basis of gender in cases where a foreign parent is involved.

79. Although the principle of equality between men and women was explicitly placed in the Constitution, through the addition on 17 May 2004 of a provision to Article 10 of the Constitution, the State has been obligated not only to ensure non-discrimination between men and women, but also to take necessary measures to provide women with equal rights and opportunities with men in all walks of life. By the adoption of this amendment, Turkey has become one of the very few countries that have similar provisions in their legal systems.

Law for the protection of the family

80. A legal development in the area of preventing domestic violence was the enactment of a new law on the protection of the family prepared in cooperation with universities, civil society and relevant public organisations.

81. Having entered into force in 1998, the Law No. 4320 for the Protection of the Family introduced some protection orders which will be determined by family courts upon complaints of abused women and children or third parties as well as the public prosecutor.

82. The main objective of the Law on the Protection of Family is to prevent domestic violence and protect women and children particularly. Relying on this Law, persons who are subjected to domestic violence can lodge their complaints in person at police headquarters, offices of public prosecutor as well as family courts. Also, any person who has witnessed a domestic violence case can report the matter at police headquarters.

83. Law No. 4320 on the Protection of Family was amended by the Law No. 5636 in 2007. The Law No. 5636 provides a wide margin of interpretation of the concept of violence and ensures protection to family members who are married but live separately, separated by the decision of court or who are entitled to the right to live separately. The use of the expression “faulty spouse or the other family member” allows for precautionary decision concerning other family members living under the same roof and makes it possible for the Family Court judge to decide for “the application of the member resorting to violence to a medical institution for examination or treatment”. It is also stated that the applications to benefit from the Law and the proceedings carried out for the execution of judgments shall not be subject to fees.

Civil Code

84. The new Turkish Civil Code No. 4721, which entered into force on 1 January 2002, strengthened gender equality and equality between the spouses by declaring women fully equal to men in the family and society. The improved regulations introduced by the new Civil Code are as follows:

- (i) There is no longer a head of the family. The spouses are to care jointly for the proper maintenance of the family;
- (ii) Each spouse represents the conjugal community;
- (iii) The conjugal home has to be determined jointly by the spouses;
- (iv) Women have the right to use their former surname before the husband’s surname;
- (v) Regarding the parent-child relationship, both spouses have parental authority over children. Cases of disagreement are to be resolved by the judge;
- (vi) Spouses are free to choose their job and profession. They do not require each other’s permission as opposed to Article 159 of the former Civil Code which stated that a wife has to take her husband’s permission to take up a job or profession (The said Article of the former law was declared void by the Constitutional Court in 1990);
- (vii) “Participation in acquisitions” has become the new regular matrimonial property regime. Under this regime, unless spouses agree upon a different regime, properties acquired in the course of marriage by both spouses is to be shared equally should the marriage be ended;
- (viii) The minimum age of marriage for women was raised from 15 to 17. Boys and girls under the age of 17 are not allowed to get married. However, under

extraordinary conditions and in the existence of an important cause, the judge may permit a boy or a girl over the age of 16 to get married with the consent of his/her parents;

(ix) After divorce, the competent authority for maintenance allowance claims shall now be the court where the claimant resides, not the defendant.

Labour Law

85. The new Labour Law No. 4857, which was adopted in 2003, introduced new improvements in the field of labour with a view to eliminating inequality between men and women in this field. Some of these improvements are as follows:

(i) No discrimination on the basis of language, race, sex, political thought, philosophical belief, religion or similar grounds may be allowed in business relations;

(ii) Employers may not differentiate their treatment vis-à-vis part-time workers and full-time worker or definite-term workers and indefinite-term workers;

(iii) Employers may not treat one worker different than another in concluding labour contracts, establishing the conditions thereof and implementing or terminating these contracts due to gender or pregnancy unless biological reasons or those pertaining to work qualifications oblige;

(iv) No lower wage may be paid for an equal or equivalent job on grounds of gender;

(v) Implementation of special protective provisions due to the gender of the worker does not justify the application of a lower wage.

Penal Code

86. Adopted on 26 September 2004 and having entered into force on 1 June 2005, the new Penal Code No. 5237 offers an important legal basis in terms of gender equality and combating violence against women. The major provisions introduced by the new Penal Code concerning violence against women are enumerated below:

(i) The distinction between “woman” and “girl” in the previous law was excluded from the new law;

(ii) Sexual crimes have been classified as crimes against the inviolability of sexual integrity;

(iii) The terms “rape” and “attempt to rape” have been replaced with “sexual assault” and “sexual abuse of children”;

(iv) The crimes of “sexual assault” and “sexual harassment in workplace” have been defined and the qualified conditions of the commission of these crimes have been determined;

(v) Perpetrators of customary killings shall be given the highest sentences;

(vi) Genital examination has been regulated as a separate article according to which those who order the subjection of a person to genital examination or who perform such examination without the authorisation of a judge or prosecutor shall be sentenced to imprisonment from three months to one year.

Family courts

87. Upon the enactment of the new Civil Code, it became a necessity to establish specialised courts to settle conflicts related to family law. To this end, family courts were created with the adoption of the Act on the Establishment, Jurisdiction and Trial Procedures of Family Courts which entered into force on 18 January 2003.

Municipality Law

88. The Municipality Law No. 5393 assigns important duties to municipalities concerning services related to women. According to the said law, municipalities with populations over 50,000 and metropolitan municipalities are responsible for opening shelters for women and children.

89. The same law which also includes provisions on city councils stipulates that women and youth assemblies shall be formed within the framework of city councils.

Basic indicators related to women*Women and economy*

90. In Turkey the employment of women continues to be an issue. As a consequence of globalisation, during the last twenty years the female labour force in Turkey has shifted to the unregistered economy. The continuous decline of women's share in the workforce seems to confirm this shift. While women's share in the labour force was around 34.1% in 1990, it declined to 26.9% in 2002 and 25.1% in 2004 and became 24.9% in 2006.

91. The 9th Development Programme (2007–2010) envisages that the ratio of women involved in workforce will have reached 29.6% by 2013. In the context of the said Development Programme, under the coordination of the General Directorate on the Status of Women, various projects aiming at improving women's involvement in workforce and their employment have been launched.

92. Within the framework of 2007 Turkey-EU Pre-Accession Financial Cooperation Programme, the Project on "Empowerment of Women and Women NGOs in the Least Developed Regions of Turkey" was launched. The Project aims at upgrading women's status in the least developed regions of Turkey with a view to reducing regional disparities.

93. In terms of positions at work, 14.3 out of 100 women work for themselves or as employers, 46.7 work for any kind of payment or on per diem basis while 39 work as unpaid family workers. When the general outlook of Turkey is taken into account, 48.5% of the female labour force work in the agricultural sector, 14.4% in the industrial sector while 37.1% in the service sector. According to the 2007 data, 22.53% of the total middle- and executive-level managers are women.

94. Among the significant developments improving the participation of women in the labour force, the following can be stated.

- (i) In order to ensure a more fair distribution of child care responsibility between the mother, the father and the State, a Draft Law on Parental Leave for Birth or Adoption of a Child has been prepared;
- (ii) The Circular No. 2004/7 of the Office of the Prime Minister titled "Acting According to the Principle of Equality in Recruitment" took effect on 15 January 2004 to ensure gender equality during the recruitment of new staff;
- (iii) The new Labour Law of 2003 stipulates that the employee may immediately annul the contract in case of sexual harassment by the employer or if the employer

does not take the necessary measures although he is aware that the concerned employee is subjected to sexual harassment by other employees;

(iv) The new Civil Code introduced the provision that neither of the spouses has to obtain the permission of the other in choosing a job or a profession;

(v) As a result of the amendments in taxation laws in 1998, married women may now submit tax statements independent from their spouses;

(vi) Private sector employers were asked to raise awareness concerning non-discrimination based on gender unless stipulated by biological or other job-related reasons through a circular submitted to the Provincial Directorates of the Turkish Employment Organisation in 2006.

Women and education

95. The increase in the duration of compulsory education to 8 years in 1997 has constituted a significant step in the education of women. During the last decade a rise has been observed in the average education level of women. While the illiteracy rate of women was 28% in 1990, this rate decreased to 19.6% according to the 2007 census results. 7.52% of literate women have not graduated from any educational institution. While 45.27% of the literate women are primary school graduates, 9.12% are high school or vocational school graduates, and 5.39% are higher education graduates according to the year 2000 data of the TURKSTAT.

96. Turkey's target in education is to ensure that the schooling rate reach 100% for both girls and boys until 2010. To this end, many projects have been initiated with the support of international organisations, NGOs and private sector institutions. The campaign "Let's go to School, Girls!" supported by the UNICEF has been put into effect in the year 2003 in 10 provinces where schooling rates of girls were the lowest. Its scope was expanded to cover 23 more provinces in 2004, and further 20 more provinces in 2005. In 2006, the campaign was extended to cover all the 81 provinces in Turkey.

97. The aim of the campaign, which started with the motto "Let's go to School, Girls!" is to increase schooling rates of girls who belong to the primary education age group (6–14 years), and with the participation and contribution of concerned public agencies and institutions, NGOs and local administrations, to ensure their return to primary education of students who remained outside the educational system or left school or did not regularly attend school. To achieve the goals of the campaign, economic assistance was regularly used in order to support the families which could not send their children to school or which had forced their children to drop out of school due to poverty. During the implementation of this scheme, as a special temporary measure applied for the first time, girls received 21% more monetary assistance in primary education and 40% more in secondary education than boys in primary and secondary education, respectively.

Table 4

New registration rates among girls through the campaign "Let's go to school, girls!"

<i>2003 (10 Provinces)</i>	<i>2004 (33 Provinces)</i>	<i>2005 (53 Provinces)</i>	<i>2006 (All of Turkey)</i>	<i>Total</i>
40 000	73 200	62 251	47 349	222 800

98. During the campaign, it was estimated that 273,447 girls at the school age were not enrolled in school. As it can be seen in Table 4, of these girls, 222.800 (81%) have been helped to attend schools. Activities continue to have those, who have not enrolled in schools, registered in the period ahead.

99. Another project carried out within this framework is the “Support Programme for Primary Education” which has been put into force as a result of the cooperation between the Government and the European Union. The project was initiated in September 2002 for five years.

100. To increase girls’ attendance to school in Southeast and East Anatolia provinces, 9 Primary Education Regional Boarding Schools for Girls and 14 Primary Education Schools with Pension for Girls were set up.

101. The Ministry of National Education launched open high school programmes in the 1994/1995 academic year to provide education for girls who had to leave school at an early stage and for women of all ages. In 2000, 138,663 female students were enrolled at the “Open Education High School”. The Ministry also organises various programmes, vocational and technical training courses as well as literacy courses for women and girls who do not have access to formal education or who could not complete their formal education.

Women and health

102. In 2006, life expectancy at birth was 69.1 years for men and 74 for women.

103. The spread of reproductive health services and the rise in the quality of these services have constituted an important progress regarding women’s health in Turkey. According to the 2003 results of Turkey Demographic and Health Survey (TDHS), the total fertility rate is declining while the rate of the use of contraceptive methods is on the rise. While the total fertility rate was 4.3 per woman in 1978, it decreased to 2.2 in 2003.

104. In Turkey where the marriage rate is considerably high and almost all children are born in wedlock, the age of first marriage which also marks the beginning of the risk of pregnancy is an important demographic indicator. According to the results of the 2003 TDHS, there is a stable increase in the first marriage age. The first marriage age is 19.2 for married women who belong to the age group of 45–49 while it is 21 for those who belong to the age group of 25–29. To prevent underage marriages, the new Civil Code prohibits the marriages under the age of 17.

105. The International Conference on Population and Development (ICPD) and the 4th World Conference on Women converted the consideration of maternal health to women’s health. In line with this change, a National Action Plan was prepared in 1998 which was followed by the preparation in 2004 of the National Strategy and Action Plan covering the 2005–2015 period.

Violence against women

106. Violence against women is an important issue which affects, directly or indirectly, large segments of the society and measures are required to eliminate it. The persistence of violence can be attributed to many factors, including difficulties in the implementation of laws and regulations which prohibit such acts, the lack of awareness and of knowledge on existing regulations and mechanisms, the lack of effective measures to deal with the underlying causes of the problem.

107. Various studies show that violence against women in the family is common in most homes. During the last decade, several laws aiming at combating violence against women have been adopted. One of such laws is the Law on Protection of the Family, which aims at protecting family members who are subjected to violence. Another major step has been the entry into force of the Turkish Penal Code on 1 June 2005, which, for the first time, has introduced the concepts of sexual harassment at the workplace and of sexual assault against the spouse.

108. As mentioned earlier, the new Penal Code of 2005 abolished the *de facto* reductions of sentences for perpetrators involved in “honour killings” and ensured that they shall be given the highest sentences.

109. The Municipality Law introduced the obligation on the part of municipalities with a population of more than 50,000 to provide service for women subjected to violence by opening guesthouses for women and children. In addition to 16 municipal guesthouses, there are 22 guesthouses for women affiliated with the General Directorate of Social Services and Child Protection Agency (SHCEK). Furthermore, 71 society centres and 39 family counselling centres affiliated with the aforementioned agency provide services for women subjected to domestic violence through psychological and legal counselling and economic assistance.

110. Spots and short films on violence against women and on centres for women subjected to violence have been produced by the General Directorate on the Status of Women. Furthermore, various training and in-service training programmes have been implemented for security forces having direct contact with women and children who have been victims of violence.

111. A research commission was established at the TGNA on 11 October 2005 on “Examining the Causes of Custom and Honour Killings and Violence against Women and Children and Determining the Measures to be taken”. The Commission finalized its studies on February 2006 and prepared a comprehensive report.

112. Following this report, relevant measures and responsible bodies were specified with the Circular issued by the Office of the Prime Minister (2006/17). In line with the recommendations of the Circular, the task of coordination regarding violence against women as well as honour killings was given to the General Directorate on the Status of Women. In the framework of the said coordination task, the General Directorate on the Status of Women follows the activities of responsible/cooperating bodies and other related bodies in three-month-periods, and reports to the Office of the Prime Minister.

113. In accordance with the above-mentioned Circular, the General Directorate on the Status of Women was also tasked with the establishment of “Monitoring Committee for Violence against Women” and the preparation of “National Action Plan”. In this context, “National Action Plan for Combating Domestic Violence against Women” covering the period 2007–2010 was prepared with the participation of the parties and was put into force upon the approval by the State Minister Responsible for Women and Family.

114. The Monitoring Committee for Violence against Women held its first meeting on 14 March 2007. The Committee is made up of the representatives of related public institutions and organizations, NGOs specialized in the field, and women’s issues research and application centres of universities.

115. Moreover, under Turkey-EU Pre-Accession Financial Programme of 2006, the project titled “Shelters for Women Subjected to Violence” was initiated with a total budget of 8.110.000 Euro. Its main aim is to ensure that women subjected to violence are provided with sufficient protection through establishing and managing shelters.

Combating trafficking in human beings

116. Turkey has made significant progress in the fight against trafficking in human beings, within a considerably short period of time. In this context, Turkey signed and ratified the major international instruments, such as the UN Convention Against Transnational Organized Crime; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Protocol Against Smuggling of Migrants by Land, Air and Sea; the UN Convention on the Rights of the Child and the Protocol

thereto; the UN Convention on the Elimination of All Forms of Discrimination Against Women; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the ILO Forced Labour Convention No. 29; the ILO Abolition of Forced Labour Convention No. 105; and the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182.

117. Turkey has supported the international efforts of the OSCE, NATO, EU, the Council of Europe and the Stability Pact in the field of fight against human trafficking. Turkey has actively participated in the work of the Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH) of the Council of Europe established for the task of preparing a European convention on fight against human trafficking.

118. Turkey also signed a collaboration protocol with the International Centre for Migration Policy Development (ICMPD) and became a member of the International Organisation for Migration (IOM) on 30 November 2004.

119. Through the ratification of the relevant UN instruments, the amendment of the Penal Code and the Citizenship Law and the enactment of the Law on Working Permits for Foreigners, Turkey has established the necessary legal framework for the fight against trafficking in human beings, and started its implementation both in the administrative and justice system.

120. In accordance with the amendment of the Citizenship Law, a probation period of 3 years is required for acquiring Turkish citizenship through marriage. Those who have a job incompatible with the marriage and do not share the same house with the spouse will not be able to acquire Turkish citizenship.

121. Article 80 of the new Penal Code provides the definition of human trafficking; penalizes human trafficking with 8 to 12 years of imprisonment and 10,000-day fine; and provides security measures concerning legal persons regarding human trafficking. With an amendment introduced in 2006 in the said Article, the expression “forced prostitution” was added into definition of human trafficking and thus the harmony with the United Nations Convention against Transnational Organized Crime Additional Protocol on Human Trafficking was achieved.

122. Victims of human trafficking are provided with free medical care. The humanitarian visa and short-term residence permit practice has been launched in order to give residence permit to stay in Turkey to victims of human trafficking for a certain period of time during their medical treatment, care or legal proceedings. Victims of human trafficking may now obtain residence permit valid for 6 months which may be extended if necessary. The entry and exit transactions of victims of human trafficking are carried out free of charge and no penalties or permanent prohibition of entry to Turkey are imposed on them.

123. Upon the initiative of the Ministry of Foreign Affairs, acting as the national coordinator on issues of human trafficking and with the participation of all the related ministries and organisations, the “Task Force to Combat Human Trafficking” was established in 2002. The Ministry of Foreign Affairs acts as Chair of the Task Force. The “Action Plan” prepared by the Task Force and approved by the Office of the Prime Minister in 2003, calls for the protection of victims of trafficking, the provision of psychological assistance for their reintegration into the society and their families, the organisation of information and awareness-raising campaigns to inform the society as well as potential victims and to train law enforcement officials on the prevention of trafficking in persons. According to the Action Plan, shelters where victims of human trafficking can receive legal and psychological counselling and medical care have been opened. Shelters were established in 2004 in Istanbul and in 2005 in Ankara for the victims of the trafficking in human beings. In addition, as provided in the Action Plan, necessary measures have been

taken by the Social Solidarity and Assistance Incentive Fund to allow victims of human trafficking to benefit from assistance provided to needy people. This Action Plan has been successfully implemented. The new National Action Plan on Combating Trafficking in Human Beings has been prepared within the framework of the Project of Strengthening Institutions in the Fight against Trafficking in Human Beings. This Project has been executed by the Ministry of Interior since January 2006 under the EU-Turkey Financial Assistance Programme of 2003.

124. Within the context of the Project, implemented with the contributions of the IOM and targeted at assisting victims of the trafficking in human beings, informative leaflets were prepared and distributed at the ports of entry to Turkey, especially in Istanbul, Ankara, Trabzon air and sea ports. The aim was to inform foreigners visiting Turkey about the 157 help hotline. Informative spot TV programmes were carried out. The first public awareness campaign with the title "Have you seen my mother?" was launched on 2 February 2006 with the contribution of the IOM under the coordination of the Turkish Government. Also, law enforcement officials were given training.

125. A Circular on the investigation of the crime of human trafficking, the identification of the victims and the process applied for victims, and a guideline on the fight against trafficking in human beings were distributed by the Directorate General for Security of the Ministry of Interior to the relevant organisations, institutions and governorships.

126. A brochure on fight against human trafficking was prepared by the General Command of Gendarmerie and distributed to police stations throughout Turkey and to the public in provinces where incidents of human trafficking occur. The General Command of Gendarmerie also established a specialized team to perform as a general coordinator on issues of trafficking in persons and migrant smuggling. Another ministerial coordination committee was established within the framework of the Ministry of Interior in addition to the "Bureau on Human Trafficking".

127. A free emergency help hotline (157) for victims of human trafficking has been put into service and incoming calls are answered by operators speaking various languages. The helpline can be reached throughout Turkey free of charge including mobile phones. It can also be reached from abroad.

Article 6

128. Turkey is party to the below listed major international conventions regulating the right to work:

- (i) *ILO Employment Policy Convention, 1964 (No. 122)*: Turkey ratified the ILO Convention No. 122 on 13 December 1977 and submitted its report covering the period from 1 June 2002 to 30 May 2004;
- (ii) *ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*: Turkey ratified the ILO Convention No. 111 on 19 July 1967 and submitted its report covering the period from 1 June 2001 to 30 May 2004;
- (iii) *International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)*: Turkey ratified the ICERD on 16 September 2002 and submitted its combined report, including the initial, second and third periodic reports, in November 2007;
- (iv) *Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*: Turkey ratified the CEDAW on 20 December 1985 and submitted its combined fourth and fifth periodic report which was considered during the 32nd session of the Committee on the Elimination of Discrimination against Women held in January 2005.

Constitutional provisions regarding the right to work

129. As amended on October 17, 2001, Article 49 of the Constitution guarantees the right to work.

Everyone has the right and duty to work

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

130. Freedom to work and to conclude contracts has been regulated by Article 48 of the Constitution.

Everyone has the freedom to work and conclude contracts in the field of his/her choice. Establishment of private enterprises is free

The state shall take measures to ensure that private enterprises operate in accordance with national economic requirements and social objectives and in conditions of security and stability

131. Forced labour is prohibited by the Constitution as follows:

Article 18

No one shall be forced to work. Forced labour is prohibited

Work required of an individual while serving a prison sentence or under detention, services required from citizens during a state of emergency, and physical or intellectual work necessitated by the requirements of the country as a civic obligation do not come under the description of forced labour, provided that the form and conditions of such labour are prescribed by law

Legislation regulating the right to work

132. In addition to the Constitutional provisions, the right to work is regulated by the following laws:

(i) *Labour Law No. 4857, dated 10 June 2003*: The new Labour Law was adopted in order to align the Turkish legislation on labour with the EU and ILO norms as well as to meet the emerging needs of the labour life in Turkey. The said Law not only restructures the Turkish labour life but also provides, in line with the EU and ILO norms, a significant degree of flexibility needed to counter the demands of the current economic, social and political conditions and the problems which arise during implementation. (For the full text of the Labour Law, see Annex II);

(ii) *Law No. 4904 on the Turkish Employment Organisation, dated 25 June 2003*: The Law No. 4904 established the Turkish Employment Organisation (ISKUR) to develop a national employment policy, to protect and enhance employment, to prevent unemployment and to execute unemployment insurance procedures. The mandate of the ISKUR covers active labour programmes, including assisting job- and employee-seekers, monitoring the labour and employment market, creating a database on the labour market, providing vocational training and career counselling services, and passive labour programmes, including unemployment insurance and compensation for job loss;

The ISKUR was established on the basis of a participatory operation and organisation model which is also open to social dialogue. Representatives of both

employees and employers have been involved in the operation of the bodies of the Organization.

In addition to the ISKUR, the establishment of private employment agencies by natural or legal persons is permitted on the condition that these agencies are subject to the authorization and monitoring of the ISKUR. They can assist job- and employee-seekers in Turkey and abroad.

(iii) *Law No. 4817 on the Work Permit for Foreigners, dated 6 March 2003*: With the adoption of this Law, the legislation on work permits for foreigners was unified under a single code which simplified bureaucratic procedures. In accordance with the Law, work permits for foreigners are now given by the Ministry of Labour and Social Security. (For the full text of the Law on the Work Permit for Foreigners, see Annex III).

The Law aims at striking a balance between the need for protecting the Turkish labour force and the needs of the employer and of the country. As a consequence of such consideration, the Law annulled a 1932 regulation which had introduced a list of occupations which could not be taken up by foreigners. Foreigners have also been granted the right to work independently and to self-employment.

Unemployment

133. The tables below show the trends of unemployment in Turkey.

Table 5

Employment of the general population (1995, 2000, 2004)

Years	15 years and above	Work force	Those not included in the work force	Rate of participation in the work force (%)	Number of employed	Underemployment	The unemployed	Rate of unemployment (%)	Rate of underemployment over the work force (%)
1995	41 175	22 286	18 890	54.1	20 586	1 568	1 700	7.6	7
2000	46 211	23 078	23 133	49.9	21 581	1 591	1 497	6.5	6.9
2004	50 189	24 297	25 891	48.4	21 870	—	2 428	10	3.1

Source: Ministry of Labour and Social Security.

Table 6

Employment of women (1995, 2000, 2004)

Years	15 years and above	Work force	Those not included in the work force	Rate of participation in the work force (%)	Number of employed	Underemployment	The unemployed	Rate of unemployment (%)	The rate of underemployment over the work force (%)
1995	20 878	6 427	14 360	30.9	5 958	236	470	7.3	3.7
2000	23 295	6 188	17 108	26.6	5 801	176	387	6.3	2.8
2004	25 293	6 344	18 949	25.1	5 712	84	632	10	1.3

Source: Ministry of Labour and Social Security.

Table 7
Employment of the young population (15–24 years) (1995, 2000, 2004)

Years	15 years and above	Work force	Those not included in the work force	Rate of participation in the work force (%)	Number of the employed	Underemployment	The unemployed	Rate of unemployment (%)	The rate of underemployment over the work force (%)
1995	12 342	5 998	6 346	49.2	5 064	508	934	15.5	8.4
2000	12 703	5 401	7 302	42.7	4 696	454	705	12.8	8.4
2004	12 201	4 813	7 388	39.4	3 857	204	956	19.9	4.2

Source: Ministry of Labour and Social Security.

Table 8
Employment of elderly people (65 years and above) (1995, 2000, 2004)

Years	15 years and above	Work force	Those not included in the work force	Rate of participation in the work force (%)	Number of the employed	Underemployment	The unemployed	Rate of unemployment (%)	The rate of underemployment over the work force (%)
1995	3 067	640	2 427	20.9	632	23	8	1.2	3.6
2000	3 598	749	2 849	20.8	745	13	4	0.5	1.8
2003	3 936	677	3 259	17.2	672	6	5	0.7	0.9
2004	—	—	—	—	—	—	—	—	—

Source: Ministry of Labour and Social Security.

Table 9
Employment of the disabled

<i>Participation in the work force</i>	<i>The handicapped*</i>	<i>Permanent diseases</i>
Total population	1 175 561	4 762 432
Rate of participation in the work force (%)	21.71	22.87
Population of the work force	255 214	1 089 168
Rate of employment (%)	6.25	21.12
Number of the employed	73 473	577 207
Rate of unemployment (%)	15.46	10.75

Source: Ministry of Labour and Social Security.

* Orthopaedic, seeing, hearing, speaking and mental.

Table 10
Employment of the urban population (1995, 2000, 2004)

<i>Years</i>	<i>15 years and above</i>	<i>Work force</i>	<i>Those not included in the workforce</i>	<i>Rate of participation in the work force (%)</i>	<i>Number of the employed</i>	<i>Underemployment</i>	<i>The unemployed</i>	<i>Rate of unemployment (%)</i>	<i>The rate of underemployment over the work force (%)</i>
1995	23 291	10 523	12 768	45.2	9 391	786	1 132	10.8	7.5
2000	27 630	12 176	15 454	44.1	11 104	895	1 072	8.8	7.3
2004	31 060	13 802	17 258	44.4	11 965	-	1 837	13.3	2.8

Source: Ministry of Labour and Social Security.

Table 11
Employment of the rural population (1995, 2000, 2004)

<i>Years</i>	<i>15 years and above</i>	<i>Work force</i>	<i>Those not included in the workforce</i>	<i>Rate of participation in the work force (%)</i>	<i>Number of the employed</i>	<i>Underemployment</i>	<i>The unemployed</i>	<i>Rate of unemployment (%)</i>	<i>The rate of underemployment over the work force (%)</i>
1995	17 885	11 763	6 122	65.8	11 195	782	568	4.8	6.6
2000	18 581	10 902	7 679	58.7	10 477	697	425	3.9	6.4
2004	19 129	10 496	8 633	54.9	9 905	-	591	5.6	3.6

Source: Ministry of Labour and Social Security.

134. The ISKUR has initiated a process of social dialogue whereby the contours of a “National Employment Strategy” will be identified. During its convention in November 2003, the General Board of the ISKUR adopted several decisions regarding the proposals for the national employment policies and the role of and expectations from the ISKUR in the implementation of these policies. The General Board of the ISKUR identified the following as the essential components of a prospective “National Employment Strategy”:

- (i) Ensuring full employment;
- (ii) Enhancing the quality of human capital and labour force;
- (iii) Increasing the quality and efficiency at work;
- (iv) Developing entrepreneurship and competition in economy;
- (v) Improving the distribution of income;
- (vi) Reducing regional development differences;
- (vii) Downscaling unregistered economy and increasing the number of “proper jobs”.

135. At the same convention, principal policies to be involved in the “National Employment Strategy” were outlined as follows:

- (i) Establishing effective social dialogue and cooperation;
- (ii) Placing production, investment, exports and employment in the core of the economic policies to be implemented;
- (iii) Adopting measures to support entrepreneurship in underdeveloped regions and to eliminate regional employment differences;
- (iv) Stimulating entrepreneurship and job-creation in all economic sectors;
- (v) Supporting small- and medium-sized businesses, and craftsmen and artisans;
- (vi) Adopting active employment measures for the unemployed and for those who do not belong to the labour force;
- (vii) Turning unregistered employment into registered employment;
- (viii) Alleviating the burden on employment;
- (ix) Conducting active work to reduce the population increase rate;
- (x) Assisting businesses and the labour force in adapting to changes in the labour market;
- (xi) Supporting human capital investments and lifelong learning;
- (xii) Promoting women’s entry to the labour market and to increase their employment rates;
- (xiii) Promoting the entry of persons belonging to disadvantaged groups to the labour market and to increase their employment rates;
- (xiv) Preventing child labour;
- (xv) Regulating social assistance and services.

Specific measures for the disabled

136. The ISKUR has taken active employment policy measures including programmes for vocational training, career development and entrepreneurship designed specifically for disabled persons, and declared the year 2005 as the “Year for the Employment of Disabled Persons”.

137. According to Article 30 of the Labour Law, in workplaces where 50 or more workers are employed, employers are obliged to employ disabled persons and/or former convicts; and pursuant to the additional Article 1(b) of the Anti-Terrorism Law No. 3713, victims of terrorist acts in positions suitable to their professional backgrounds and physical and psychological conditions at rates to be determined by the Council of Ministers to take effect as of 1 January of every year. The aggregate rate at which persons belonging to the aforementioned categories must be employed is 6%. However, no less than half of the aggregate rate must be allocated to disabled persons. The employment of persons belonging to the aforementioned categories is mediated by the ISKUR.

Technical and vocational education and training programmes

138. Technical and vocational education and training programmes are prepared in accordance with vocational standards based on the ISCED 97 (International Standard Classification of Education) with the participation of relevant experts within the context of

the implementation of the EU-supported Project of Strengthening the Vocational Education (MEGEP).

139. In formal education institutions, 9th and 10th grade students are given vocational education at school while 11th grade students are given theoretical education at school for 2 days per week and practical training at workplaces for 3 days per week. Students who do not continue their vocational training at workplaces must complete, in order to graduate, 160 hours as interns at workplaces in three-year programmes or 300 hours in four-year programmes.

140. In higher (university) education, there are high schools (polytechnics) of pre-graduate level for technical and vocational education, along with faculties for technical and vocational education at the graduate level.

141. Various training programmes aiming at increasing employment and providing the labour market with qualified workforce are organised by the ISKUR. Among these programmes are the employment-guaranteed training programmes, self-employment programmes, career development programmes, programmes designed for disabled persons, entrepreneurship programmes and counselling services for prospective entrepreneurs.

142. The ISKUR also organises, upon the request of employers, education seminars designed to enhance efficiency at work, to increase work quality and awareness of security at work, and to improve managerial and training skills.

Non-discrimination in employment

143. In Turkey, there exists no distinction, exclusion, restriction or preference, be it in law or in administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, colour, gender, religion, political opinion, nationality or social origin, which would have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation. All forms of discrimination on the grounds of race, colour, sex, religion, national or social origin or political view are prohibited by the Constitution (Articles 10, 18, 48–50), the Labour Law (Articles 5, 18, 72–73) and the provisions of the relevant UN and ILO conventions to which Turkey is party (“International Convention on the Elimination of All Forms of Racial Discrimination”, “Convention on the Elimination of All Forms of Discrimination against Women” and ILO Conventions No. 100, 105, 111 and 122).

144. Moreover, in accordance with the prohibition of all forms of discrimination, there exists no vocational guidance and training, employment and occupation of persons according to their race, colour, sex, religion, and national origin.

Article 7

145. Turkey is party to the below listed major international conventions regulating the right of everyone to the enjoyment of just and favourable conditions of work:

- (i) *ILO Weekly Rest (Industry) Convention, 1921 (No. 14)*: Turkey ratified the ILO Convention No. 14 on 27 December 1946 and submitted its report covering the period from 1 July 1996 to 30 June 2000;
- (ii) *ILO Labour Inspection Convention, 1947 (No. 81)*: Turkey ratified the ILO Convention No. 81 on 5 March 1951 and submitted its report covering the period from 1 June 2000 to 30 July 2001;

(iii) *ILO Equal Remuneration Convention, 1951 (No. 100)*: Turkey ratified the ILO Convention No. 100 on 14 April 1967 and submitted its report covering the period from 1 June 2002 to 30 May 2004;

(iv) *ILO Occupational Safety and Health Convention, 1981 (No. 155)*: Turkey ratified the ILO Convention No. 155 on 2 March 2004.

Wage system in Turkey

146. In Turkey there is a system of minimum wages for the employees in private sector. According to the system, employers cannot pay a wage under the agreed current minimum wage and on labour contracts and collective contracts it cannot be agreed to pay a wage less than current minimum wage. It is guaranteed by the Constitution and the relevant laws. There is no exception in terms of wage earners.

147. As amended on October 17, 2001, Article 55 of the Constitution safeguards fair wages:

Wages shall be paid in return for work.

The state shall take the necessary measures to ensure that workers earn a fair wage commensurate with the work they perform and that they enjoy other social benefits.

In determining the minimum wage, the living conditions of the workers and the economic situation of the country shall be taken into account.

148. According to Article 39 of the Labour Law No. 4857, minimum limits of wages are determined every two years at the latest by the Ministry of Labour and Social Security through the Minimum Wage Determination Committee for regulating the economic and social conditions of all workers working on labour contracts, which are covered or not by this Law.

149. The Minimum Wage Determination Committee, presided over by one of its members to be designated by the Ministry of Labour and Social Security, shall be composed of the Director General of Labour and Social Security or his/her deputy, the Director General for Occupational Health and Safety or his/her deputy, the Head of the Economic Statistics Department of the Turkish Statistical Institute or his/her deputy, representative of the Undersecretariat of Treasury, the head of the relevant department of the State Planning Organization or an official to be authorized by him/her, five representatives to be elected for different branches of activity from the most superior workers' organization having the highest number of workers, and five representatives to be elected for different branches of activity from the employers' organization having the highest number of employers. The Minimum Wage Determination Committee convenes with the participation of at least ten members. The Committee takes its decisions by majority vote. In case of a tie, the chairman has a casting vote.

150. Decisions of the Committee are final. Decisions become effective upon their publication in the Official Gazette.

151. In Turkey two different levels of minimum wage are determined. One is for the workers younger than 16 years old, the other is for those older than 16.

152. The Minimum Wage Determination Committee takes into account the following conditions and data for determining minimum wages:

- (i) Social and economic conditions of the country;
- (ii) Living conditions;
- (iii) General situation of the current wages;

(iv) Living index.

153. Minimum wages between 1999 and 2008 are shown in the table below.

Table 12

Minimum wages (1999–2008)

Period	Workers over 16 years of age		Workers below 16 years of age	
	Monthly (TL)	Rate of increase (%)	Monthly (TL)	Rate of increase (%)
01.01.1999–30.06.1999	78 075 000		66 363 750	
01.07.1999–31.12.1999	93 600 000	19.9	79 560 000	19.9
01.01.2000–30.06.2000	109 800 000	17.3	93 600 000	17.6
01.07.2000–31.12.2000	118 800 000	8.2	101 250 000	8.2
01.01.2001–30.06.2001	139 950 000	17.8	118 957 500	17.5
01.07.2001–31.07.2001	146 947 500	5.0	124 920 000	5.0
01.08.2001–31.12.2001	167 940 000	14.3	142 749 000	14.3
01.01.2002–30.06.2002	222 000 750	32.2	188 700 750	32.2
01.07.2002–31.12.2002	250 875 000	13.0	213 210 000	13.0
01.01.2003–31.12.2003	306 000 000	22.0	256 500 000	20.3
01.01.2004–30.06.2004	423 000 000	38.2	360 000 000	40.4
01.07.2004–31.12.2004	444 150 000	5.0	378 000 000	5.0
01.01.2005–31.12.2005	488 700 000	10.0	415 800 000	10.0
01.01.2006–31.12.2006	531 000 000	8.7	450 000 000	8.2
01.01.2007–30.06.2007	562 500 000	5.9	476 700 000	5.9
01.07.2007–31.12.2007	585 000 000	4.0	491 400 000	3.1
01.01.2008–30.06.2008	608 400 000	4.0	515 400 000	4.9

Source: Ministry of Labour and Social Security.

Occupational health and safety

Legal provisions regarding occupational health and safety

154. Occupational health and safety are primarily regulated in the Labour Law (Articles 77–89). In line with the harmonization of the Turkish legislation with the EU *acquis*, the expansion of the extent of the legislation is sought to include the businesses which are not covered by the Labour Law, except for the businesses within the framework of house services and household economy. In conformity with Turkey's National Plan for the Adoption of the *Acquis* of the EU, the following regulations have been issued:

1. Occupational Health and Safety Regulation.
2. Regulation on the Health and Safety Measures for the Works with Devices with Monitors.
3. Noise Regulation.
4. Resonance Regulation.
5. Regulation on the Health and Safety in Construction Works.
6. Safety and Health Signs Regulation.
7. Regulation on the Health and Safety Measures for Works with Asbestos.

8. Regulation on the Health and Safety Measures for the Works with Carcinogenic and Mutagenic Substances.
9. Regulation on the Health and Safety Measures for the Works with Chemicals.
10. Regulation on the Protection of the Workers against the Hazards of the Explosive Environments.
11. Regulation on the Duties and Working Procedures and Basis of the Workplace Health Units and Physicians
12. Regulation on the Duties, Competencies, Responsibilities and Working Procedures and Basis of the Engineers and Technical Staff Charged with the Occupational Health.
13. Regulation on Hand Carriage Works.
14. Regulation on Health and Safety Conditions in the Usage of the Work Equipments.
15. Regulation on the Measures to be Taken in the Workplaces.
16. Personal Protection Supplies Regulation.
17. Regulation on the Usage of the Personal Protection Supplies in the Workplaces.
18. Regulation on the Health and Safety Conditions in the Enterprises Mining by Drilling.
19. Regulation on the Health and Safety Regulations in the Underground and Aboveground Mining Enterprises.
20. Regulation on the Procedures and Basis of the Trainings on the Occupational Health and Safety of the Workers.
21. Regulation on the Procedures and Basis of Employing Child and Young Workers
22. Regulation on the Boards for Occupational Health and Safety.
23. Regulation on the Occupational Health and Safety in the Temporary Works and Works with a Limited Time Frame.
24. Heavy and Dangerous Works Regulation.
25. Regulation on the Minimum Safety and Health Requirements of the Employees Working in the Fishing Vessels.
26. Regulation on the Prevention of the Risks of Exposure to Biological Factors.
27. Regulation on the Pregnant and Breast-feeding Women and Breast-feeding Rooms and Childcare Houses.

Administrative structure regarding occupational health and safety

155. The most competent authority for the occupational health and safety in Turkey is the General Directorate for Occupational Health and Safety of the Ministry of Labour and Social Security. Its major functions are to implement the legislation concerning occupational health and safety; to designate national policies and to prepare programmes in accordance with these policies; to ensure coordination and cooperation with national and international institutions; to suggest necessary measures for effective control and to monitor the outcomes of these suggestions; to conduct standard activities, measurement, evaluation,

technical control, training, consultation and expertise, and to examine and authorize the persons and institutions conducting such work; to prepare and develop norms, publishing documentations and compiling statistics.

156. Furthermore, Article 80 of the Labour Law stipulates that for enterprises in the industrial sector, permanently employing at least 50 persons, where works are performed continuously for longer than six months, each employer is obliged to establish a board on occupational health and safety.

Objectives for the future of occupational health and safety

157. Objectives for the future of occupational health and safety in Turkey can be summarised as follows:

- (i) Raising awareness about occupational health and safety;
- (ii) Modernising the related to occupational health and safety;
- (iii) Providing counselling and training services for the small and medium sized enterprises in the field of occupational health and safety;
- (iv) Improving the quality and quantity of the workplace measurements, examination and research activities;
- (v) Establishing a common ground for cooperation with the international organisations;
- (vi) Forming an advanced registration system in order to create a database for occupational accidents and diseases;
- (vii) Minimizing the number of occupational accident and disease cases.

The ongoing projects in the field of occupational health and safety

158. Numerous projects related to occupational health and safety in cooperation with both the EU and individual European countries have been underway. Some of these projects are as follows:

- (i) Project of Upgrading Occupational Health and Safety in Turkey;
- (ii) Work Life and EU Enlargement Project of Sweden;
- (iii) Matra and PSO* Programmes;
- (iv) Matra Project of the Netherlands on the EC Council Regulation No. 339/93;
- (v) The Netherlands Management Cooperation Programme;
- (vi) EU Twinning Project on Market Surveillance Support on Personal Protective Equipment.

Awareness-raising activities

159. Among the awareness-raising activities regarding occupational health and safety in Turkey, the following can be named:

- (i) Since 1987 “National Occupational Health and Safety Week” has been organised by the Ministry of Labour and Social Security;

* PSO is an umbrella organisation of Dutch organisations that are actively working in development cooperation.

- (ii) In 2004 General Directorate for Occupational Health and Safety held seminars on the occupational health and safety in 5 provinces in Turkey;
- (iii) Since 2001 “Regional Conference on International Occupational Health and Safety” has been organised;
- (iv) Under the Project of Upgrading Occupational Health and Safety in Turkey training activities were held in 10 provinces in 2005;
- (v) An agreement has been reached with GAP TV channel for a 52-week radio programme on occupational health and safety.

Occupational accidents and diseases

160. According to the statistics provided by the Social Security Organisation (SSK), in 2003 there occurred 76.668 occupational accidents and 440 occupational diseases. As a consequence of these accidents and diseases, 2.111.432 working days were lost.

161. More detailed information on occupational accidents and diseases between 1999 and 2003 can be found in Table 13.

Table 13

Occupational accidents and diseases (1999–2003)

	1999	2000	2001	2002	2003
Number of occupational accidents	77 955	74 847	72 367	72 344	76 668
Number of occupational diseases	1 025	803	883	601	440
Rate of death resulted from occupational accidents and diseases (per hundred thousand)	22.8	22.3	20.6	16.8	14.4
Number of workdays lost due to occupational accidents and diseases	1 893 436	1 697 695	1 852 502	1 831 252	2 111 432

Source: SSK.

Working hours, rest, leisure, public holidays

Regulations on Working Hours

162. Main provisions regarding the regulation of working hours have been introduced by the Labour Law No. 4857. There are also provisions about the working periods in the Press Labour Law, the Maritime Labour Law, the Law on Week Holidays, the Law on Midday Rest, the Law on National Festivals and General Public Holidays, the Apprenticeship and Vocational Training Law and the Private Education Institutions Law.

163. As for daily and weekly working hours, Article 63 of the Labour Law stipulates that the maximum duration of working period is 45 hours per week which must be evenly distributed among workdays unless otherwise agreed. According to the same provision, provided that the employer and employees mutually consent, 45 hours can be unevenly distributed among workdays on the condition that no workday exceeds 11 hours. The said Law also states that the average weekly working period of an employee may not surpass the regular weekly working period during a period of two months. The compensation period may be increased by up to four months by collective labour contracts.

164. According to Article 64 of the Labour Law, in case work is performed substantially below normal working periods or completely stopped as a result of *force majeure*, temporary closure of the workplace prior to or after national or general holidays, or similar reasons, or the employee goes on a leave upon his/her request, the employer may instigate

compensation work for vacant periods within two months. Such works may not exceed three hours a day, provided that they do not exceed daily maximum working period. Compensation works may not be made on holidays, and are not considered overtime or work with excess periods.

165. Article 65 of the Labour Law states that in case the work is temporarily stopped at the workplace for a minimum of four weeks or short work is applied due to partial or complete closedown of the activities of workplace temporarily as a consequence of a general economic crisis or *force majeure*, short work benefits are paid to the employees from unemployment insurance for the periods they do not work. Short work period may not exceed the duration of *force majeure* and in any case three months.

166. The “night-shift” in work life is the period starting at 08.00 pm at the latest and ending at 06.00 am at the earliest. It lasts for 11 hours at maximum. Night-shift working of employees may not exceed seven and a half hours.

167. Regarding the breaks, the worker is granted a minimum break for:

- (i) 15 minutes for jobs lasting four hours or shorter;
- (ii) Half an hour for jobs lasting longer than four hours but shorter than seven and a half hours (included);
- (iii) One hour for jobs lasting longer than seven and a half hours.

168. Week holidays are regulated in Article 46 of the Labour Law. At workplaces covered by this Law, employees are given at least 24 hours of rest time (week holidays) within a period of seven days, on the condition that they have worked for the working period determined under Article 63 of the said Law before the holiday.

169. The employer pays the wage for the unworked week holiday completely without any work in return.

170. As regards the working on national and general public holidays, it may be agreed with the collective labour contracts or labour contracts whether or not to work on such days. If there is nothing provided in the contract, the employee’s approval is required for overtime on those days.

171. The employer pays the complete wage for the unworked national and general public holidays. In case that the employee works on such days, he/she is additionally paid the wage of one day for each worked day.

172. According to Article 53 of the Labour Law, employees who have worked for at least one year, including the probation period, from the date of recruitment are entitled to annual paid leave.

173. The right to annual paid leave cannot be waived.

174. The duration of annual paid leave cannot be less than:

- (i) 14 days for those who have worked a period of one to five years (included);
- (ii) 20 days for those who have worked a period of five and to fifteen years;
- (iii) 26 days for those who have worked a period of fifteen years (included) and more.

175. However, the duration of annual paid leave for the employees at the age of 16 and under and those of 50 years old and over cannot be less than 20 days.

176. The employer is obliged to pay the wage pertaining to the period of annual leave of each employee in advance prior to commencement of the leave. The wages pertaining to

week holidays, national and general public holidays coinciding with the period of annual leave are paid separately.

177. As regards working during maternity and breast feeding leave, which are regulated in Article 74 of the Labour law, it is the principle that female employees should not be forced to work eight weeks before and eight weeks after the delivery. In case of multiple pregnancy, such eight-week period before the delivery is increased by two weeks. If, however, health condition of the employee permits, she may work until three weeks before the delivery upon approval of a physician. In this case, such worked period is added to the period after the delivery.

178. The female employee is entitled to have unpaid leave for up to six months after the expiry of sixteen-week period, or for multiple pregnancy, eighteen-week period, upon request. Such period is not considered in calculating the annual paid leave.

179. Female employees are granted breast feeding leave for one and a half hours a day until their infant reaches the age of one.

Workers who cannot benefit from the provisions of the Labour Law No. 4857

180. All employees, except for those working in the businesses specified in Article 4 of the Labour Law, benefit from the provisions of the Labour Law No. 4857. The specified businesses and business relations which are not covered by the Labour Law are as follows:

- (i) Sea and air transport businesses;
- (ii) Businesses or enterprises carrying out agricultural and forestry works and employing less than 50 (including) workers;
- (iii) All building works related to agriculture within the limits of family economy;
- (iv) Houses and businesses where handcrafts are performed among the members of a family and relatives up to 3rd grade (including) without participation of external persons;
- (v) Domestic services;
- (vi) Apprentices, provided that the provisions of occupational health and safety are reserved;
- (vii) Sportspeople;
- (viii) Persons undergoing rehabilitation;
- (ix) Businesses where three persons are employed pursuant to the definition given in Article 2 of the Law 507 on Tradesmen and Craftsmen.

181. However, the following works are still subject to the provisions of the Labour Law No. 4857:

- (i) Loading and unloading businesses from ships to shore and from shore to ships at the landing stages or ports and quays;
- (ii) Businesses performed at all ground facilities of aviation;
- (iii) Works performed at the workshops and factories where agricultural arts and agricultural tools, machinery and parts are produced;
- (iv) Construction works performed at agricultural enterprises;
- (v) Works performed at parks and gardens open to public use or annexed to the business;

- (vi) Works related with sea products, producers working at seas and not covered by Maritime Labour Law and not considered as agricultural works.

182. While the previous Labour Law No. 1475, which had been in force until the Labour Law No. 4857 entered into force in 2003, excluded all the businesses and enterprises functioning in agriculture and forestry sector, the Labour Law No. 4857 covers those businesses and enterprises employing more than 50 workers. In order to regulate the working conditions of the employees working in this kind of businesses and enterprises, “the Regulation on the Working Conditions of the Employees Working in Agricultural and Forestry Businesses” was issued and came into effect on 6 April 2004.

183. Considering the works related to sea and air transportation, although the Labour Law No. 4857 does not cover the businesses conducting transportation via sea and air, loading and unloading businesses from ships to shore and from shore to ships at the landing stages or ports and quays are subject to the said Law. Given that the majority of the employees working in sea and air transportation sector are employed in this form of businesses, these employees benefit from the provisions of the Labour Law. For the workers employed in ships and those who are not covered by the Labour Law, the Sea Labour Law No. 854 is applied.

184. The main obstacle for the implementation of the Labour Law is the unregistered employment rather than the exceptions in the Law. The State encounters difficulties in auditing the unregistered businesses which are generally contract manufacturers for the big enterprises and in applying the provisions of the Labour Law to these businesses.

Article 8

185. Turkey is party to the International Covenant on the Civil and Political Rights and the following major ILO conventions regarding freedom of association and the right to organise:

(i) *ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*: Turkey approved the said convention by the Council of Ministers Decree No. 93-3967, dated 8 January 1993, and submitted its most recent report covering the period from 1 June 2004 to 31 May 2006 to the ILO;

(ii) *ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*: The ratification document of Turkey was registered by the ILO on 23 January 1952. The latest report covering the period from 1 June 2004 to 31 May 2006 was submitted to the ILO;

(iii) *ILO Labour Relations (Public Service) Convention, 1978 (No. 151)*: Turkey approved the said convention by the Council of Ministers Decree No. 93-3967, dated 8 January 1993, and submitted its most recent report covering the period from 1 June 2001 to 31 May 2003 to the ILO.

Legal provisions regarding the right to organize

186. The right to organise is defined as a fundamental right which covers not only the individual freedom of association of the workers and the employers, but also the collective freedom of association that guarantees the existence of trade unions and their particular activities.

Constitutional provisions

187. Articles 51 and 53 of the Turkish Constitution safeguard the right to organize labour unions and collective bargaining.

Article 51 (As amended on October 17, 2001)

Employees and employers have the right to form labour unions employers' associations and higher organizations, without obtaining permission, and they also possess the right to become a member of a union and to freely withdraw from membership, in order to safeguard and develop their economic and social rights and the interests of their members in their labour relations. No one shall be forced to become a member of a union or to withdraw from membership.

The right to form a union shall solely be restricted by law and with the purposes of safeguarding national security and public order and to prevention of crime commitment, protection of public health and public morals and the rights and freedoms of others.

The formalities, conditions and procedures to be applied in exercising the right to form union shall be prescribed by law.

Membership in more than one labour union cannot be obtained at the same time and in the same work branch.

The scope, exceptions and limits of the rights of civil servants who do not have a worker status are prescribed by law in line with the characteristics of their job.

The regulations, administration and functioning of labour unions and their higher bodies should not be inconsistent with the fundamental characteristics of the Republic and principles of democracy.

Article 53 (As amended on July 23, 1995)

Workers and employers have the right to conclude collective bargaining agreements in order to regulate reciprocally their economic and social position and conditions of work.

The procedure to be followed in concluding collective bargaining agreements shall be regulated by law.

The unions and their higher organizations, which are to be established by the public employees mentioned in the first paragraph of Article 128 and which do not fall under the scope of the first and second paragraphs of the same article and also Article 54, may appeal to judicial authorities on behalf of their members and may hold collective bargaining meetings with the administration in accordance with their aims. If an agreement is reached as a result of collective bargaining, a text of the agreement will be signed by the parties. Such text shall be presented to the Council of Ministers so that administrative or judicial arrangements can be made. If such a text cannot be concluded by collective bargaining, the agreed and disagreed points will also be submitted for the consideration of the Council of Ministers by the relevant parties. The regulations for the execution of this article are stipulated by law.

More than one collective bargaining agreement at the same place of work for the same period shall not be concluded or put into effect.

Other legislation

188. Laws, bylaws and regulations regarding the right to organize are as follows:
- (i) Trade Unions Act No. 2821, dated 5 May 1983;
 - (ii) Trade Unions Law for Civil Servants No. 4688, dated 25 June 2001;

- (iii) Collective Labour Agreement, Strike and Lockout Act No. 2822, dated 5 May 1983;
- (iv) Bylaw on the Branches of Activity, dated 6 December 1983;
- (v) Bylaw No. 18433 on the Request for an Arbitrator and an Official Mediator, dated 16 June 1984;
- (vi) Bylaw on the Measures to be taken by the Civilian Administrators during Strikes Lock-outs, dated 5 October 1989.

189. Full texts of the Trade Unions Act No. 2821, the Trade Unions Law for Civil Servants No. 4688 and the Collective Labour Agreement, Strike and Lock-out Act No. 2822 can be found in Annexes IV, V and VI respectively.

Trade Unions Act No. 2821

190. In Article 2 of the Trade Unions Act, trade unions are defined as “organisations with corporate status constituted by workers or employers in order to protect and promote their common economic and social rights and interests in labour relations”.

Establishment of trade unions

191. According to Article 3 of the Trade Unions Act, workers’ and employers’ trade unions may be constituted on an industrial basis by workers employed in establishments in the same branch of activity and by employers with the purpose of their activity widespread throughout Turkey. In compliance with the same Article, more than one trade union may be constituted in the same branch of activity and workers’ trade unions shall not be constituted on an occupational or workplace basis.

192. Article 4 of the said Act states that the branch of activity covering an establishment shall be determined by the Ministry of Labour and Social Security. Within 15 days starting from the publication of the said Ministry’s decision in the Official Gazette, the parties concerned may lodge an appeal against this decision to the local court having jurisdiction in labour matters. The court shall give a ruling on the appeal within two months. Where this ruling is appealed, a final ruling shall be given by the Court of Appeals within two months.

Requirements for becoming founding members of a trade union

193. Requirements for the founding members wishing to establish a trade union are listed in Article 4 of the Trade Unions Act. Accordingly, founding members of a trade union must be Turkish citizens; be in full possession of their civic rights; be actively employed within the branch of activity in which the trade union is to be constituted; not be debarred from public service; be able to read and write Turkish; not have been found guilty of felonies listed in the said Article.

194. In cases where any founding member of an employers’ trade union is a corporate body, the real person representing this body shall fulfil all the above conditions except for active employment within the branch of activity.

195. Founders of any trade union shall submit a petition to the Governor of the province where the registered office of the trade union is to be located. According to Article 6 of the Trade Unions Act, trade unions may be established without prior authorization.

Membership of the workers’ and employers’ trade unions

196. According to Article 22 of the Trade Unions Act, acquisition of membership in a trade union shall be optional. No one shall be forced to join or not to join a trade union. Within the meaning of the same Article, no worker or employer shall be a member of more

than one trade union in the same branch of activity at the same time. In the case of membership in more than one trade union, any later membership shall be void. In compliance with the said Article, workers may only join the trade union constituted in the branch of activity they are working in.

197. Article 25 of the Act stipulates that no worker or employer shall be forced to maintain or resign from his membership in a trade union. Any member may resign from a trade union by giving prior notice. The decision of expulsion of any member from a trade union or confederation shall be taken by the general congress.

Requirements for becoming a trade union member

198. Requirements for becoming a trade union member are provided in Article 20 of the Trade Unions Act. Any person who is a worker within the meaning of the Act and is over 16 years of age may join a workers' trade union. Persons under 16 years of age may join trade unions with the written consent of their parents or guardians. Any employer within the meaning of the Act may join an employers' trade union.

Those who cannot become members of workers' and employers' trade unions

199. According to Article 22 of the Trade Unions Act, the military personnel — except for the workers employed in undertakings attached to the Ministry of National Defence, the General Command of Gendarmerie and the Command of Coast Guard — are forbidden to become founders or members of trade unions.

Trade union membership of the foreign nationals

200. Since Article 5 of the Trade Unions Act stipulates that only Turkish citizens can become founding member of a trade union, it is not possible for foreign nationals to establish trade unions. However, those foreign nationals working in Turkey can become trade union members though they are not allowed to take positions in the main organs of the union.

Establishment of confederations

201. Confederations may be established without obtaining prior authorization, just like trade unions.

Affiliation to and withdrawal from confederations

202. Affiliation to a confederation shall be conditional upon the decision of the general assembly of the trade union. Such a decision shall be taken by the absolute majority of the total number of members or delegates of the general assembly of the trade union. Trade unions shall not be affiliated to more than one confederation. In the case of affiliation to more than one confederation, all shall be void. The same shall also apply in constituting confederations or to withdrawals from any confederation.

Affiliation to international workers' and employers' organizations

203. The statute of the international organization shall be forwarded by the relevant organization to the Ministry of Labour and Social Security within 15 days following the date of its acquisition of membership. Where an international organization to which trade unions or confederations are affiliated has a position or carries out activities contrary to the principles set out above, the Ministry of Labour and Social Security shall file a complaint to the labour court for the withdrawal of membership.

Protection of trade union activities

204. Article 29 of Trade Unions Act provides protection for workers' trade union and confederation officials. In accordance with the said Article, in cases when a worker leaves his/her job with his/her freewill after being elected as member or chairman of the administration board of a workers' trade union or confederation and wishes to be reinstated in his/her prior employment afterwards, the employer shall be bound to reinstate him in his/her previous post or in a post fitting his/her prior employment within one month after the worker's request. In this case, the worker's all previous seniority rights and wage level will be retained.

205. Article 30 of the Trade Unions Act regulates the protection provided for trade union representatives in the workplaces. Accordingly, no employer shall terminate the employment contracts of trade union representatives working in his enterprise without a just reason stated clearly and precisely. The trade union representative has the right to lodge an appeal to the competent labour court within one month of the date of notice. The judgment of the court shall be final. If the court decides that the trade union representative is to be reinstated in his/her employment, the termination shall be annulled and the employer shall pay his/her full wage and all other benefits to which s/he is entitled with effect from the date on which his/her employment was terminated.

206. In accordance with Article 31 of the Trade Unions Act, the recruitment of workers is not subject to any condition as to their membership of a trade union. Obliging them to join or refrain from joining a given trade union or to remain a member of or resign from a given trade union is unlawful.

207. Employers shall not make any discrimination between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to recruitment, arrangement and distribution of work, promotion, wages, bonuses, premiums, social benefits, discipline rules or provisions respecting other issues, including termination of employment.

208. No worker shall be dismissed on the account of his/her participation in the activities of trade unions or confederations outside the working hours or during working hours with the employer's permission, and no worker shall be subjected to discrimination for any reason in this regard.

209. If an employer fails to observe the above provisions, he/she shall be liable to pay compensation and reinstatement.

Trade Unions Law for Civil Servants No. 4688

210. The Trade Unions Law for Civil Servants defines trade unions as organisations with legal personality established by civil servants to protect and improve their common economic, social and professional rights and interests.

Establishment of civil servants' trade unions

211. Article 5 of the Trade Unions Law for Civil Servants states that civil servants' trade unions shall be established in accordance with the branch of service and for the purpose of operating throughout Turkey. It is possible to establish more than one trade union in one branch of service. However, establishment of civil servants' trade unions on the basis of occupation or workplace is forbidden.

212. The branches in which civil servants' trade unions can be established are determined by Article 5 of the said Law: bureau services; banking and insurance services; educational and scientific services; medical and social services; local administration services; media, publication and communication services; cultural and art services; construction and village

services; transportation services; agricultural and forestry services; energy, industry and mining services; religious affairs and foundation services.

213. In accordance with Article 6 of the said Law, civil servants can freely establish trade unions and confederations without prior authorization. To this end, they shall submit the statute of the trade union or the confederation as well as other documents stipulated by the Law to the governorship in the province where the centre of the trade union or the confederation is located.

214. In order to become a founding member of a civil servants' trade union, it is necessary to have been working as a civil servant for at least two years.

Membership of the civil servants' trade union

215. According to Article 14, civil servants can become members of the civil servants' trade unions which are established in the branch of service of the workplace they work. Multiple membership of more than one trade union is invalid.

216. Any member may resign from membership freely, as Article 16 stipulates.

Those who cannot become members of civil servants' trade unions

217. In the Trade Unions Law for Civil Servants No. 4688, there is a broader limitation on the personnel who cannot be members of trade unions than in the Trade Unions Act No. 2821. Under Article 15 of the Trade Unions Law for Civil Servants, the civil servants noted below cannot be a member of and establish trade unions:

- (i) Public officials who work in the Secretariat General of the Turkish Grand National Assembly, the General Secretariat of the Office of President, the Secretariat General of the National Security Council;
- (ii) Chairpersons and members of higher judicial organs, judges, public prosecutors and those considered to be members of this profession;
- (iii) With respect to the establishments and institutions included in the scope of this Law, those who are undersecretaries, chairpersons, general directors, heads of department and their deputies, members of board of directors, directors of the supervisory units of central organization and chairpersons of the boards, legal consultants, top directors of regions, districts and sub-district organizations and other civil servants with equal or higher ranking, top directors of the workplaces employing 100 or more civil servants and their deputies, mayors and their deputies;
- (iv) Chairperson and members of the Higher Education Council, chairperson and members of the Higher Education Supervisory Council, rectors of universities and higher technology institutes, deans of faculties, principals of institutes and colleges and their deputies;
- (v) Directors of civil administration;
- (vi) Members of the Armed Forces;
- (vii) Civilian officials and civil servants employed as the permanent staff of the Ministry of National Defence and the Turkish Armed Forces (the General Command of Gendarmerie and the Command of Coast Guard included);
- (viii) Employees of the National Intelligence Organization;
- (ix) Central supervision staff of the establishments and institutions included in the scope of this Law;

- (x) Security services personnel and other personnel included in other services working in the security organization and private security personnel of the public establishments and institutions;
- (xi) Civil servants employed in the penitentiary institutions.

Affiliation to confederations and international trade union organizations

218. Under Article 17 of the Trade Unions Law for Civil Servants, a trade union can become member to only one confederation. In case of multiple memberships, the following membership will be invalidated.

219. It is free for a trade union to become a member of or resign from any international trade union organization relevant with its objectives.

Closure of civil servants' trade unions

220. Article 37 provides that trade unions and confederations inconsistent with the fundamental characteristics of the Republic and the principles of democracy will be closed down by the decision of the local labour court upon the request of the chief public prosecutor in charge charged at the location of the head office of the said trade union or confederation.

Developments on the right to organize

Developments related to the Trade Unions Act

221. Work has been carried out for amending some provisions of the Trade Unions Act No. 2821 with a view to harmonizing Turkish legislation with the ILO and European standards, adjusting the freedom of trade unions to international norms and solving the problems faced during implementation. In this regard, in the time of drafting of this report, negotiations with the social parties still continue concerning the draft bill on Amendments of some Provisions of the Trade Unions Act No. 2821.

Developments related to the Trade Unions Law for Civil Servants

222. With the Trade Unions Law for Civil Servants No. 4688, which entered into force on 13 August 2001, the civil servants outside the scope of the Trade Unions Act No. 2821 were granted the right of establishing and being members of trade unions and collective bargain. This Law was put into practice in accordance with civil servants' right to organize, which was brought into the public agenda as a result of the amendment made in the Constitution on 23 July 1995, and ensured for the first time to start a social dialogue between civil servants and the State.

223. With the said Law, civil servants' right to organize, together with the right to collective bargaining, was ensured. In this context, the Public Employer Board representing the Government is entrusted to make collective bargaining with the authorized trade unions determined by the Ministry of Labour and Social Security.

224. Difficulties arising from the said Law have been tackled through the circulars issued, and the dialogue between the civil servants' trade unions and confederations and the Ministry of Labour and Social Security.

225. In order to resolve the problems in the implementation of the Trade Unions Law for Civil Servants, a commission was established under the presidency of the Director General of Labour of the Ministry of Labour and Social Security. With the contribution of the members of the commission, a "Law Amendment Draft", which was agreed by the confederations, was drawn.

226. Moreover, the “Tripartite Advisory Board”, which is to function in accordance with the “Regulation on the Working Procedure and Merits of the Tripartite Advisory Board on Working Life” dated 4 April 2004, held its first meeting with the participation of the representatives of the civil servants’ trade unions confederations in May 2004. In this meeting, it was decided that Article 6 of the Trade Unions Law for Civil Servants would be amended in order to alleviate the problems encountered during the implementation of the said Law. Following this decision, the Law Amendment Draft was adopted by the Parliament and entered into force in July 2004.

227. On the other hand, a public administration reform process has been in general underway in Turkey.

Statistical information on trade unions and trade union confederations and the rate of unionization

228. As of July 2006, the number of workers’ trade unions is 94. There are also 51 employers’ trade unions. The number of civil servants’ trade unions is 61.

229. The unionization rate in Turkey is 58.21% for workers, and 49.70% for civil servants.

230. Detailed list of trade unions in accordance with their branch of activity, the number of their members and the unionization rates are submitted in Annex VII.

Table 14

Trade union confederations

	<i>Number of members</i>
Workers’ Trade Union Confederations	
TÜRK-İŞ (Türkiye İşçi Sendikaları Konfederasyonu)	35
DİSK (Türkiye Devrimci İşçi Sendikaları Konfederasyonu)	17
HAK-İŞ (Türkiye Hak İşçi Sendikaları Konfederasyonu)	8
Unaffiliated	34
Employers’ Trade Union Confederation	
TİSK (Türkiye İşveren Sendikaları Konfederasyonu)	22
Unaffiliated	29
Civil servants’ Trade Union Confederations	
KESK (Kamu Emekçileri Sendikaları Konfederasyonu)	11
TÜRKİYE KAMU-SEN (Türkiye Kamu Çalışanları Sendikaları Konfederasyonu)	11
MEMUR-SEN (Memur Sendikaları Konfederasyonu)	11
BASK (Bağımsız Kamu Görevlileri Konfederasyonu)	9
HÜRRİYETÇİ KAMU-SEN (Hürriyetçi Kamu Çalışanları Sendikaları Konfederasyonu)	3
ANADOLU KAMU-SEN (Anadolu Kamu Çalışanları Sendikaları Konfederasyonu)	3
Unaffiliated	13

Source: Ministry of Labour and Social Security.

The right to strike and lockout

231. The right to strike and lockout is safeguarded both by the Constitution and other legislation, mainly the Collective Labour Agreement, Strike and Lockout Act No. 2822, dated 5 May 1983.

Article 54

Workers have the right to strike if a dispute arises during the collective bargaining process. The procedures and conditions governing the exercise of this right and the employer's recourse to a lockout, the scope of both actions, and the exceptions to which they are subject shall be regulated by law.

The right to strike and lockout shall not be exercised in a manner contrary to the principle of goodwill to the detriment of society, and in a manner damaging national wealth.

During a strike, the trade union is liable for any material damage caused in a work-place where the strike is being held, as a result of deliberately negligent behaviour by the workers and the trade union.

The circumstances and places in which strikes and lockouts may be prohibited or postponed shall be regulated by law.

In cases where a strike or a lockout is prohibited or postponed, the dispute shall be settled by the Supreme Arbitration Board at the end of the period of postponement. The disputing parties may apply to the Supreme Arbitration Board by mutual agreement at any stage of the dispute.

The decisions of the Supreme Arbitration Board shall be final and have the force of a collective bargaining agreement.

The organisation and functions of the Supreme Arbitration Board shall be regulated by law.

Politically motivated strikes and lockouts, solidarity strikes and lockouts, occupation of work premises, labour go-slow, and other forms of obstruction are prohibited.

Those who refuse to go on strike shall in no way be barred from working at their work-place by strikers.

232. In Articles 25 and 26 of the Collective Labour Agreement, Strike and Lockout Act, definitions of legal and unlawful "strike" and "lockout" are provided. It is also stipulated that no strike and lockout shall be called for any purpose contrary to the indivisible integrity of the State with its territory and the nation, national sovereignty, the Republic and national security.

Activities where strikes and lockouts are prohibited

233. Article 29 of the Collective Labour Agreement, Strike and Lockout Act regulates the activities where strikes and lockouts are prohibited:

- (i) Rescuing life and property;
- (ii) Funeral and mortuary;
- (iii) Production of coal for water, electricity, gas and coal power plants; exploration, production, refining and distribution of natural gas and petroleum; petrochemical works, production of which starts from naphtha or natural gas;
- (iv) Banking and public notaries;

- (v) Fire fighting, land, sea, railway urban transportation and other public transportation on rail.

Establishments where strikes and lockouts are prohibited

234. According to Article 30 of the said Act, any strike or lockout in the following establishments shall be unlawful.

- (i) Any health institution, such as a hospital, clinic, sanatorium, health centre, dispensary, chemist's shop or pharmacy, or establishment for the preparation of vaccine or serum: Provided that the foregoing shall not be deemed to include any establishment manufacturing medicines;
- (ii) Educational and training institutions or day nursery and old-age retirement homes;
- (iii) Cemeteries;
- (iv) Any establishment run directly by the Ministry of National Defence, the General Command of Gendarmerie or the Command of Coast Guard.

Temporary prohibitions

235. Article 31 states that it shall not be permissible to call a strike or order a lockout in time of war or during a general or partial mobilization. Where the life of the community is paralyzed by a disaster caused by fire, flood, landslide, avalanche or earthquake, the Council of Ministers may issue an order prohibiting strikes and lock-outs in respect of such areas and branches of employment as it may deem necessary, in view of the situation and for such time as the situation requires. The lifting of the prohibition shall be subject to the same provisions. It shall not be permissible to call a strike or order a lock-out in any land, sea or air transportation vehicle which has not yet reached its final destination within Turkish territory.

Exclusion of the workers from taking part in a lawful strike or lockout

236. In Article 39 of the Collective Labour Agreement, Strike and Lockout Act provides the conditions and procedures for the exclusion of workers from taking part in a lawful strike or lockout.

Provided that their activities are unrelated to the production or sale of goods, a sufficient number of workers shall be required to work and the employer shall be required to employ them, with the object of ensuring the continuity of work in processes which have to be maintained for technical reasons; ensuring the safety of the establishment and preventing damage to machinery, installations, equipment, raw materials and finished and semi-finished products; and ensuring the protection of animals and plants.

The type and number of workers, including substitutes, to be excluded from a strike or lockout shall be announced in writing within the establishment by the employer or his representative during the six working days following the commencement of collective bargaining, a copy of the announcement being sent to the workers' union that is party to the bargaining. If no appeal against this notice is lodged by the workers' union with the local court of law having jurisdiction in labour matters within six working days, the notice shall become final. Where an appeal is lodged, the local court shall take a decision within six working days. This decision shall be final.

If the workers to be excluded from a strike or lock-out have not been determined for any reason during the time limit fixed by this Act, the workers' or employers' union may request the regional directorate of the Ministry of Labour and Social Security to determine such workers even after the expiry of the time limit. The regional directorate shall take a decision as soon as possible and notify the parties. Where necessary, the regional directorate may take a decision at its own initiative. Any of the parties may lodge an appeal with the local competent court against such decision. In disputes concerning an enterprise agreement, the competent court shall be determined according to where the headquarters of the enterprise are located and the regional directorate of the Ministry of Labour and Social Security according to the region where each of the establishments is located.

Article 9

237. Turkey is party to the ILO Social Security (Minimum Standards) Convention of 1952 (No. 102) since 29 January 1975. Turkey's latest report covering the period 1 July 2001–30 June 2004 was submitted to the ILO.

Legal provisions regarding the right to social security

Constitutional provisions

238. The right to social security is safeguarded in Articles 60, 61, 62 and 65 of the Constitution.

Article 60

Everyone has the right to social security. The State shall take the necessary measures and establish the organization for the provision of social security.

Article 61

The State shall protect the widows and orphans of those killed in war and in the line of duty, together with the disabled and war veterans, and ensure that they enjoy a decent standard of living.

The State shall take measures to protect the disabled and secure their integration into community life.

The aged shall be protected by the State. State assistance to the aged, and other rights and benefits shall be regulated by law.

The State shall take all kinds of measures for social resettlement of children in need of protection.

To achieve these aims the State shall establish the necessary organizations or facilities, or arrange for their establishment by other bodies.

Article 62

The State shall take the necessary measures to ensure the family unity, the education of the children, the cultural needs, and the social security of Turkish nationals working abroad, and shall take the necessary measures to safeguard their ties with the home country and to help them on their return home.

Article 65 (As amended on October 3, 2001 – 4709/Article 22)

The State shall fulfil its duties as laid down in the Constitution in the social and economic fields within the limits of its financial resources, taking into consideration the priorities appropriate with the aims of these duties.

Other legislation

239. In addition to the Constitution, the following laws guarantee and regulate the right to social security.

- (i) Social Insurance Act No. 506 (Full text of the Social Insurance Act No. 506 is appended to the Report as Annex VIII);
- (ii) Pension Fund Act No. 5434;
- (iii) BAG-KUR Act No. 1479 (for craftsmen, artisans and other self-employed);
- (iv) Social Insurance Act for Agricultural Employees No. 2925;
- (v) Social Insurance Act for the Self-employed in Agricultural Sector No. 2926;
- (vi) Law No. 3201 on the Evaluation of the Stay Period of the Turkish Citizens Living Abroad With Respect To Social Security;
- (vii) Law No. 2022 on Putting Dependent and Weak Turkish Citizens over Sixty-Five Years of Age on Salary;
- (viii) Unemployment Insurance Law No. 4447;
- (ix) Law on the Social Services and Children Protection Agency (SHCEK);
- (x) Law on the Fund for the Encouragement of Social Assistance and Solidarity;
- (xi) Law No. 5502 on Social Security Institution;
- (xii) Law No. 5510 on Social Insurances and General Health Insurance. (Its entry into force postponed to 1 October 2008).

Social security institutions and benefits

240. The social security system in Turkey is based on the principle of distribution implemented in accordance with five different laws by three different social security institutions which function under public control. These three social security institutions are:

- (i) The Social Security Organisation (SSK);
- (ii) The Social Security Organisation for Craftsmen and Artisans and the Self-Employed (BAG-KUR);
- (iii) The Pension Fund (Emekli Sandığı).

241. These three institutions have been merged into one institution under a new umbrella institution entitled "Social Security Institution" pursuant to the Law No. 5502 on Social Security Institution, which was put into force in May 2006.

242. There is also the ISKUR as far as the unemployment insurance is concerned.

243. Main social security benefits in Turkey are as follows:

- (i) Medical care;
- (ii) Cash sickness benefits;
- (iii) Maternity benefits;
- (iv) Old-age benefits;

- (v) Invalidity benefits;
- (vi) Survivors' benefits;
- (vii) Employment injury and sickness benefits.

The coverage of the social security system

244. The SSK covers workers, agricultural workers, optional insurance holders, apprentices and package policy holders, and their titleholders.

245. The BAG-KUR covers craftsmen and artisans and other self-employed workers, farmers, optional insurance holders, housewives and village headmen, and their titleholders.

246. The Pension Fund covers civil servants and their titleholders.

247. The "Green Card" is given to the citizens who have no social security insurance and the poor.

248. Unemployment insurance covers the workers with social security.

249. Detailed data on the population covered by social security schemes is submitted in Annex IX.

Insurance premiums

250. The social security institutions are financed through the premiums they collect. However, in case the premiums do not cover the expenses, the budget deficits of these institutions are met by the transfers from the Government budget. Tables illustrating budget transfers to the SSK, the BAG-KUR and the Pension Fund are submitted in Annex X.

Invalidity, old-age and decease

- SSK Agricultural workers: 30% (depending on the income)
Others: 20% + for nominal service 2% (depending on the income)
- BAG-KUR Agricultural workers: 20% (depending on the income)
Others: 20%
- Pension Fund 20%

Medical care, maternity, employment injury and sickness

- SSK 13.5%–19%
- BAG-KUR Agricultural workers: 20%
Others: 20%
- Pension Fund 20%

Unemployment insurance

- Employer 2%
- Worker 1%
- The State 1%

Green card

Free medical care is provided by the State.

Conditions for receiving social security benefits

SSK

251. **Old-Age Benefits:** For receiving old age benefits, the minimum age limit for women is 58, and for men 60. The insurance holder also needs to have paid old-age, invalidity and deceased insurance premiums for at least 7000 days, or he/she needs to be insured for at least 25 years and have paid old age, invalidity and decease insurance premiums for at least 4500 days.

252. **Partial Retirement:** The minimum age limit for this benefit is 58 for women and 62 for men. The insurance holder needs to be insured for at least 25 years and have paid his/her premiums for at least 4500 days.

253. **Invalidity Benefits:** In order to receive this benefit, the insurance holder must have lost two-thirds of his/her workforce, and he/she needs to be insured for at least 5 years or 1800 days and have paid old-age, invalidity and decease insurance premiums for at least 180 days a year.

254. **Survivors' Benefits:** The deceased insurance holder must have been insured for at least 5 years or 900 days and have paid old-age, invalidity and decease insurance premiums for at least 180 days a year.

255. **Medical Care:** In order to benefit from the medical care, the insurance holder needs to have paid his/her premiums for at least 90 days.

256. **Cash Sickness Benefits:** The insurance holder needs to have paid medical care insurance premium for at least 120 days within the year before he/she has started to receive disability benefit.

257. **Cash Maternity Benefits and Medical Assistance:** The female insurance holder needs to have paid maternity insurance premium for at least 90 days within the year prior to the birth giving. The minimum time limit for the payment of maternity insurance premium for the male insurance holders to assist their spouses is 120 days.

BAG-KUR

258. **Old-Age Benefits:** For receiving old age benefits, the minimum age limit for women is 58, and for men 60. The insurance holder also needs to have paid his/her premiums for at least 25 years.

259. **Partial Retirement:** The minimum age limit for this benefit is 60 for women and 62 for men. The insurance holder needs to have paid premiums for at least 15 years.

260. **Invalidity Benefits:** The insurance holder must have lost two-thirds of his/her workforce, and he/she needs to have paid premiums for at least 5 years or 1800 days.

261. **Survivors' Benefits:** The deceased insurance holder must have paid his/her premiums for at least 1800 days.

262. **Medical Care:** The minimum time limit for the payment of the medical care insurance premiums is 8 months for the insurance holders who have been insured for the first time, and 4 months for the insurance holders who have renewed their insurance.

Pension fund

263. **Old-Age Benefits:** For receiving old age benefits, the minimum age limit for women is 58, and for men 60. The insurance holder also needs to have paid his/her premiums for at least 25 years.

264. **Partial Retirement:** The minimum age limit for this benefit is 60 for women and 62 for men. Also, the insurance holder must have served for at least 15 years.

265. **Invalidity Benefits:** The insurance holder needs to have paid premiums for at least 3600 days.

266. **Survivors' Benefits:** The deceased insurance holder must have paid premiums for at least 3600 days.

267. **Medical Care:** Beside the working insurance holders, those who receive retirement, invalidity, widow and orphan salaries from the Fund, and the legal dependants of those receiving retirement and invalidity salaries can benefit from medical care.

IS-KUR

268. IS-KUR insurance includes unemployment benefits, short work benefits, medical care and maternity benefits, and employment search and vocational training assistance.

269. **Unemployment Benefits:** The person must have worked and paid unemployment insurance premium for at least 600 days within 3 years prior to the termination of his last employment contract, and he/she must have worked continuously and paid his/her unemployment insurance premium for the last 120 days before he/she becomes unemployed. The person should apply to the IS-KUR within 30 days following the termination of his/her labour contract.

Social security expenditures

270. As of 2007, the percentage of the expenditures of the social security institutions over the national income is 9.57%. While the percentage of the budget deficits of the social security institutions over the national income in 2000 was 1.45%, in 2007 this amounted to 3.86%.

271. Economic crises experienced, changes in the structure of the population, early retirement practices, unregistered employment, low rates of premium collection, debt relief, and payments done without receiving premium can be listed among the factors affecting the increase in the budget deficits of the social security institutions within the eight-year period. Furthermore, the fragmented structure of the social security system hinders the efficient use of resources and the deficiencies in data processing facilities weaken the auditing and control.

Private social security systems

272. "Private pension system" has been put into force as a part of the "social security reform" introduced among the structural reforms in Turkey in 1999. This system aims at developing pension programmes supplementing the formal social security system, and is based on the establishment of a fund system depending on individual pension accounts.

273. Moreover, funds with character of foundations established by business organisations serve their members retirement and medical care services complementary to the formal social security system.

Social security for the people in need of protection

274. In Turkey, medical care expenses of the people in need of protection who reside in Turkey and whose income is lower than the income level set by certain criteria are covered by the State.

275. 75% of the unemployed women are in the social security system through their spouses or their families.

Developments in the social security system

276. With the reform process, measures were taken against the unregistered employment, the weight of the premiums in the calculation of premium-based wage ceilings and the pensions was increased, and therefore it has become possible for those who pay more premiums to receive higher pensions. Furthermore, the minimum age for retirement has been gradually raised.

277. Since 2003, the reform process regarding the establishment of the institutional structure embracing the retirement insurance, general medical care insurance and social assistance has been under way. The Law No. 5502 on the Social Security Institution, which brings the SSK, the BAG-KUR and the Pension Fund under one roof, namely “the Social Security Institution”, was ratified on 20 May 2006.

278. In addition, “Unemployment Insurance System” has been introduced. Alongside the unemployment insurance and unemployment benefits, trainings for finding a new job and vocational trainings have also been put into effect.

Unemployment insurance system

279. The unemployment insurance system was established by the Unemployment Insurance Law No. 4447, which entered into force on 8 September 1999.

280. According to the Law No. 4447, the unemployment insurance is defined as the compulsory insurance which averts any possible plight of the insured and family members, and which partially meets the income loss of those who have lost their jobs without their own will and fault, although they possess the will, the capacity, the health and the sufficiency required by the job. The unemployment insurance operates upon insurance technique and is established by the State.

281. The Law No. 5763 Amending the Labour Law and Some Laws was adopted on 15 May 2008. With the said Law, alongside the insured unemployed receiving unemployment benefits, it became possible for the other unemployed who are registered at IS-KUR to get job placement, consulting and cohesion services, and vocational education. The expenses of these services shall be covered by the Unemployment Insurance Fund.

282. The unemployment insurance covers the following groups:

- (i) The insurance holders employed by one or more employers in the framework of a service contract in accordance with Article 2 of the Social Insurance Act No. 506;
- (ii) Those who do not work as civil servant or on contract, but who are subject to interim Article 20 of the Social Insurance Act No. 506;
- (iii) Those foreigners who work with insurance in Turkey in accordance with the agreement concluded in the framework of reciprocity principle;
- (iv) Watchmen who are employed in accordance with the Law No. 4081 on the Conservation of Farmer’s Assets;
- (v) Wage earners and those who work permanently in housekeeping services;
- (vi) Wage earners in agriculture and forestry in public sector;
- (vii) Wage earners and those who work permanently in agriculture and forestry in private sector;
- (viii) Those who work in agricultural arts;

(ix) Those who work in agricultural workplaces but provide non-agricultural services;

(x) Those who work in parks, gardens and plantations of the workplaces that are not deemed agricultural.

283. With the inclusion of the workplaces where less than 10 workers are employed into the unemployment insurance system, all workers have become to be protected by the unemployment insurance.

284. The following services are provided for the insured unemployed who are entitled to receive unemployment benefit:

(i) The insurance holder receives unemployment benefit. This benefit is directly related to the period that the insured unemployed has worked. The insured unemployed can receive unemployment benefit for at least 180 days and at most 300 days, depending on his/her premium payment period. Unemployment benefits are paid for a period of 180 days to the insurance holders who have paid premiums for 600 days. Those who have paid premiums for 900 days receive unemployment benefits for 240 days, and those who have paid premiums for more than 1080 days receive the benefits for 300 days;

(ii) During the period in which the unemployed receives unemployment benefit, medical care and maternity insurance premiums are paid to the SSK or private pension funds to which the unemployed is affiliated. The insured unemployed and his/her dependants can thus enjoy medical care services;

(iii) A temporary invalidity benefit for the period of rest determined by medical report is paid to the insured unemployed receiving unemployment benefit;

(iv) The insured unemployed receiving unemployment benefit is provided with counselling services concerning workforce market and vocational training;

(v) They are also provided with training on vocational development and career making;

(vi) Assistance is provided for the insured unemployed receiving unemployment benefit in order to help them find a new job.

285. As far as the conditions for receiving unemployment benefits are concerned, of the insurance holders who have paid premiums for at least 600 days within the last three years (120 days of this period should be uninterrupted) and who left their jobs without their own will or negligence:

(i) Those whose employment contracts were terminated by the employer in accordance with the dismissal notices;

(ii) Those whose employment contracts were terminated by themselves due to health problems, the employer's immoral attitudes without goodwill, and factors requiring the business to stop for more than a week in the workplace;

(iii) Those whose employment contacts were terminated by the employer due to health problems and factors requiring the business to stop for more than a week in the workplace;

(iv) Those who had worked for a definite period of time with an employment contract and left their jobs at the end of this period;

(v) Those who were dismissed because the workplace has been transferred to another owner or closed down, or the nature of the business or the workplace has changed;

- (vi) Those whose employment contracts were terminated due to privatization are entitled to receive unemployment benefits.

Article 10

286. With respect to the rights of women and children, Turkey is party to numerous international legal instruments, which include the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination Against Women, European Convention on the Exercise of Children's Right, the ILO Minimum Age Convention (No. 138), the ILO Worst Forms of Child Labour Convention (No. 182) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime.

The concept of "family" in the Turkish society

287. In Article 41 of the Constitution, the family is described as the essence of the Turkish society. As a result, the family has been the focus of the social policies. With the foundation of the General Directorate of Family Researching Organization in 1989 (it was restructured in 2004 as "the Directorate General for Family and Social Research" attached to the Office of the Prime Minister), the central importance of the family as a matter of social policies in Turkey has been more manifestly underlined.

288. The Directorate General for Family and Social Research was founded with an aim to conduct national and international scientific researches, to identify and resolve the social problems, to strengthen the integrity of family in Turkey, to increase social welfare, to develop, support and implement projects and to develop a family-centred national policy. It also keeps and supports the institution of family with social welfare and support mechanisms.

Legal arrangements on the age of majority

289. In Article 1 of the UN Convention on the Rights of the Child, which was ratified in 1995, it was spelled out that " ... a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." In Articles 11 and 12 of the Turkish Civil Code No. 4721 regulating the aspects of attaining full age, it is ruled that majority begins when the age of 18 is over, getting married makes the individual an adult and a minor whose age is over 15 could be considered an adult by the court with his own will and the consent of his parents. The said arrangements are in consistency with the provisions of the UN Convention on the Rights of the Child.

290. Considering the age of majority, observations of the UN Committee on the Rights of the Child on the initial State Party Report of Turkey submitted to the Committee in 2000 were exactly taken into account in the new Turkish Civil Code No. 4721, and thus, with Article 124 of the said Code, the age for marriage was fixed as 17 for both sexes.

291. Since all the arrangements in the Turkish law as regards the conditions for attaining the full age and the definition of childhood were noted in detail in the State Party Reports submitted to the UN Committee on the Rights of the Child, the said information will not be repeated in this Report.

Social services and assistance for strengthening and protection of the family

292. In Article 41 of the Constitution entitled "Protection of the Family", it is stipulated that:

the family is the foundation of Turkish society and it depends on equality between wife and husband. The state shall take the necessary measures and establish the necessary organisation to ensure the peace and welfare of the family, especially where the protection of the mother and children is involved, and recognizing the need for education in the practical application of family planning.

293. On the other hand, the aim of the Law No. 4320 on the Protection of the Family adopted in 1998 is to prevent violence within the family and in particular, to protect women and children.

294. The establishments and institutions in Turkey organizing and implementing the social services and assistance for individuals and families, and conducting activities for the strengthening and protection of the family are listed below:

- (i) Directorate General of Social Services and Child Protection Institute (SHCEK);
- (ii) Pension Fund;
- (iii) Directorate General of Foundations;
- (iv) Ministry of Health (MOH);
- (v) Municipalities and Special Provincial Administrations;
- (vi) Directorate General of Social Assistance and Solidarity (SYDGM);
- (vii) Non-Governmental Organizations.

295. Among these institutions, the ones which serve the majority of society are the SYDGM, the Pension Fund and the MOH. The SYDGM provides allowance in kind and in money to families in need of assistance and furnish services such as conditional education, conditional health and cash transfer within the context of the "Social Risk Mitigation Project". The Pension Fund puts elderly people in need over the age of 65 and handicapped people over the age of 18 on salary. The MOH reaches a great part of society out of the scope of security with "green card" implementation.

296. Social welfare measures included in the social services for the people in need are not permanent. They have a temporary nature in order to ensure that an individual could reach the minimum level standard of living in the context of social and economic characteristics of the region where the individual lives.

297. While the annual aid given to those who receive allowance in kind and in money in January 2005 was 20% of the salary of the most senior civil servant (including additional indicator), it was increased to 40% of the salary of the most senior civil servant (including additional indicator) with the amendment made in Regulation on Allowance in Money in March 2005.

298. Furthermore, the amendment made in the regulation in July 2006 envisages that the aid for school expenses, outfit, and pocket money as well as travel fees for those children who have to go to and come back from school with school buses or any other vehicles, will be paid in cash in the framework of the regulation on allowance in kind and in money.

299. The table below shows the number of people who have benefited from the aids extended by the Social Services Provincial Directorates between 1995 and 2007.

Table 15
**People benefited from the allowances distributed through the Social Services
 Provincial Directorates (1995–2007)**

<i>Year</i>	<i>Number of people benefitted from the allowances</i>
1995	6 107
1996	7 353
1997	12 631
1998	10 977
1999	14 216
2000	17 120
2001	11 614
2002	12 075
2003	13 253
2004	21 817
2005	19 735
2006	27 319
2007	21 878 (as of October)

Implementation of the right to marry and found a family

300. The age of marriage has been raised from 15 to 17 with the new Turkish Civil Code No. 4721. The objective is to prevent early marriages by raising the minimum age of marriage. Provisions on marriage of men and women with their own freewill take place in Article 124 and the following articles of the Turkish Civil Code. In Article 124, it is stated that:

Man or woman cannot get married until the age of 17 is over. However, the judge could allow the man and the woman who are over the age of 16 due to an extraordinary situation and a reason of primary importance. If the circumstances allow, the parents or the guardian shall be listened before the decision is taken.

301. Article 125 provides that “those who do not have the capacity to make fair judgments shall not marry”. Articles 126 and 127 provide that the minors and those with limited capacity shall not marry without the permission of their guardians. Article 128 stipulates that after listening to the legal representative who does not permit marriage without any just cause, the judge may permit the minor or the person with limited capacity to marry.

302. Primary education has been extended from 5 to 8 years in order to provide the children with more education and consciousness. The attendance of the girls in schools has been increasing by the help of relevant campaigns conducted by the State and non-governmental organizations. It is aimed to help them start a family in the future on solid grounds with their freewill and without pressure from their families.

303. The girls who are forced to marry by their families are taken under care and protection by the institutions attached to the SHCEK after due assessment. Complaints are lodged at competent authorities concerning those (their families and other people who force them to marry) who commit faulty acts against such children. According to the assessment made in the process, parental rights of such families can be terminated. New guardians are nominated for such children, all legal assistance is provided for them and it is ensured that they continue their education.

304. The SHCEK has prepared the “Child Mothers Project” for the girls described as “child mothers”, who are forced to marry at an early age through illegal ways without their consent and got pregnant, with a view to helping create a basis to produce tangible solutions and providing them with protection, counselling and assistance services. In this context, relevant public sector personnel have been trained on counselling and support services to be given to child mothers since 1995.

305. In the framework of policies for preventing exploitation of women, legal measures have been taken and those women who are subjected to or under risk of exploitation are provided with protective and support services. Such services are given mostly through women’s shelters. These shelters are boarding social centres for women suffering from psychosocial and economic hardship due to being subjected to exploitation. Such women can stay temporarily in the women’s shelters with their children. The women who can stay at such shelters can be listed as follows:

- (i) Women who left their homes or who have been abandoned by their spouses due to domestic trouble;
- (ii) Women who have been subjected to physical, sexual, emotional and economic exploitation;
- (iii) Women who suffer from economic and social hardship as a result of divorce or death of spouse;
- (iv) Women who are forced to marry;
- (v) Women who got pregnant or who gave birth out of wedlock and were refused by their families;
- (vi) Women who have received treatment for alcoholism;
- (vii) Women who have been recently released from prison and in need of help;
- (viii) Women who suffer from economic and social hardship due to circumstances out of their control.

306. It is observed that 63% of the women staying in women’s shelters had suffered physical, emotional, sexual and/or economic exploitation. The other reasons for staying in women’s shelters are uncontrollable economic and social hardship (22%), pregnancy or giving birth out of wedlock and refusal by family (8%), being forced for unwanted marriage (3%), and recent release from prison and needing support (1%). Other reasons counted for 3%, while the rate of women who previously were drug and alcohol addicts but gave up with treatment was 1%. Finally, the rate of women who are just released from prison and in need of this service was 1%.

307. The SHCEK provides services for women who are subjected to violence and under the threat of violence, mostly through women’s shelters in accordance with the “Regulation on Women’s Guesthouses Attached to the Social Services and Child Protection Agency” which was put into effect in 1998.

308. The number of women’s shelters providing service within the SHCEK is 22. A total of 2.580 women and 1.651 children benefited from these guesthouses since 2005.

Measures taken for facilitation of family-building, and continuity, reinforcement and protection of the family

309. Beside the assistance provided by the SYDGM, the SHCEK, other relevant public institutions, municipalities and non-governmental organizations, families also are supported by the family counselling centres, family education activities, free of charge day nurseries and rescue homes.

310. The Family Counselling Centres provide preventive protection, treatment and rehabilitation services, as well as guidance and consultation services with a view to protecting and supporting family life, and helping for the solution of problems. These centres aim at improving and strengthening family life, ensuring welfare, happiness, and integrity of the family, contributing to compatibility in family relations, strengthening the family ties, helping for the healthy development of members' characters, strengthening their potential of becoming individuals, ensuring their harmony with social life, developing their knowledge and skills concerning healthy child raising, achieving a balance concerning liberty, responsibility, and social values in the family system.

311. Parallel to these objectives, professional studies continue at these centres regarding preparation for marriage, incompatibility between spouses, single parenthood, problems stemming from parent – child relations, distribution of roles and responsibilities inside the family, care of the elderly and the disabled, elimination of the problems before and after divorce, and helping family be self-sufficient.

312. Furthermore, families are educated and supported concerning the formulation of programmes which aim at enhancing the status of women in the society and family, prevention of custom killings and domestic violence, and implementing the provision of the Law on the Protection of the Family. The centres also provide guidance and consultation and thus assist in the harmonization of the family's social and economic transformation, and provide consultation services with regard to the Child Protection Law.

313. The number of the Family Consultation Centres has reached 40 and the number of people who have benefited from the services from 2005 to 2007 is 38.684.

314. The Community Centres attached to the SHCEK implement education programmes for mothers, by which they aim at improving domestic communication skills, preventing the children from domestic violence, raising healthy children, raising children with the awareness of social equality. In addition, along with social, cultural, and sports activities, the centres also provide services for children who live in urban centres but are far from urban opportunities and possibilities, and aim to support them at school with a view to having them remain enrolled in formal education and benefit from equal opportunities. Such services are provided in coordination with voluntaries and professionals who can set a role model for them.

315. The Community Centres implement "Women's Human Rights Education Programme", "My Family, Family-Child Education Programme" and "Father Support Education Programme" through which they continue studies for supporting the family system. A total of 225.442 people benefited from 73 community centres from 2005 to 2007.

316. Some of the programmes implemented at Family Counselling Centres and Community Centres with a view to strengthening domestic communication are as follows:

317. *Mother – Child Education Programme (ACEP)*: This programme aims at activating the educational potential of mothers who are deemed as the core of family and also at the multidimensional development of children living in needy circumstances, their mental abilities, creativity, skills, and knowledge.

318. It also aims at helping mothers develop a positive individualism, as well as feelings of competence, success and self confidence.

319. It essentially contributes to mothers' not only in improving their own characters but also in supporting their children's multidimensional development, which in return makes mothers become more sensitive concerning their children's needs and develops the relation between them.

320. A total of 1075 people benefited from the programme from 2005 to 2007.

321. *Women's Human Rights Education Programme (KIHEP)*: This programme aims at informing women and giving them consciousness on women's rights and problems, helping them gain a better understanding of discriminatory mechanisms, changing their way of thinking about themselves, boosting their self confidence, which could prevent domestic violence.

322. A total of 1235 women benefited from the programme from 2005 to 2007.

323. *My Family Education Programme (0–6 ages)*: This programme aims at achieving healthy relations between parents and children and helping children attain an optimum development. It is administered with mothers who have children of 0–6 years of age, in two sessions, in interaction with fathers.

324. A total of 1433 parents benefited from the programme from 2005 to 2007.

325. *Family Education Programme (7–19 ages)*: This programme is prepared for adults who are in communication with children between 7 and 19 years of age and involves topics such as family's self-recognition, knowing the adolescent, communication, risky behaviours, conflict and conflict management, family attitude, character development and positive behaviours, and future planning.

326. A total of 565 parents benefited from the programme from 2005 to 2007.

Motherhood protection system

327. Regarding the protection of motherhood, amendments were made for female civil servants under the Law No. 657 on Civil Servants, for female employees under the Labour Law No. 4857 and for female workers in the media sector under the Press Labour Law No. 5953, and measures were taken for the protection of motherhood and mother-child health.

Law on Civil Servants

328. Under Paragraph (a) of Article 104 of the Law No. 657 on Civil Servants, it is stated that

[a] female civil servant is entitled to maternity leave with full salary for a total period of sixteen weeks -eight weeks before giving birth and eight weeks after. In case of multiple pregnancies, an extra two week period shall be added to the eight weeks. However, a female civil servant 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 the delivery. In this case the time during which she has worked shall be added to the time period allowed to her after confinement. The time periods mentioned above may be increased to a period to be determined in the physician's report if deemed necessary in view of the female civil servant's health. A female civil servant shall be allowed a total of one and a half hour nursing leave in order to enable them to feed her children below the age of one. The civil servant shall decide herself at what times and in how many instalments she will use this leave.

329. It is also stipulated in Paragraph 3 of Article 10 that "in case of the request of the female civil servant who has given birth, she is entitled to unpaid leave after the delivery for up to twelve months starting from the expiry of the period defined in paragraph (a) of Article 104".

330. The female civil servant is provided with health insurance by the State during her maternity leave before and after the delivery. During the period she is on unpaid leave after the delivery, she makes use of the health insurance by paying the deduction of her retirement contributions herself.

Labour Law

331. Motherhood protection for female workers is provided in Article 74 of the Labour Law No. 4857 entitled “working during maternity and breast feeding leave”:

It is the principle that the female workers should not be forced to work for a period of sixteen weeks in total, eight weeks before and eight weeks after the delivery. In case of multiple pregnancy, such eight-week period before the delivery is increased by two weeks. If however, the health condition allows, the female worker may work until three weeks before the delivery, upon approval of physician. In this case, such worked periods are added to the periods after delivery.

The above mentioned periods may be prolonged before and after the delivery, when required, depending on the health condition of the worker and the nature of the job. Such periods are established by a physician report.

Female workers are granted paid leave for periodic checks during pregnancy.

The pregnant female worker is employed in lighter positions suitable for her health, when required, by a physician report. In this case, no discount is made in her wage.

The female worker is granted unpaid leave for up to six months after expiry of sixteen-week, or in case of multiple pregnancy, eighteen-week period, upon request. Such period is not considered in calculating the annual paid leave right.

Female workers are granted breast feeding leave for one and a half hours a day in total to feed their infants below the age of one. The worker is entitled to determine the time segments and the number of parts in which she should use such leave. This period is reckoned from daily working hours.

332. With “the Bill amending the Law on Civil Servants and the Labour Law”, which is on the agenda of the Parliament as of May 2008, female civil servant who has given birth and her husband — if civil servant —, on her request, will be entitled to unpaid leave; and parents who have adopted a child up to three years old or single parents who have adopted a child will also be entitled to unpaid leave. Moreover, one-and-a-half-hour breast feeding leave granted to the female civil servants will be improved as “a female civil servant is entitled to a daily breast feeding leave for three hours for the period of the first six months and for one and a half hours for the period of the second six months”. Also, with the amendments to the said Laws, the female civil servants will not be caused to perform night work starting from the sixth week of the pregnancy for six months following the birth.

333. The same Bill provides that at the end of the maternity leave, female workers shall have the right to return to the same job or, if that is not possible, to an equivalent or similar job consistent with their employment contracts or employment relationships. The leave that the male workers are granted due to their spouses’ birth giving, or the leave taken due to child adoption are not valid reasons for the termination of the employment contracts of the male workers. The amendment proposal on the article regulating the termination of the employment contract by the employer upon reasonable grounds provides that employment contracts of the workers cannot be terminated for the reasons of pregnancy, birth giving and adoption, and workers are entitled to unpaid leave for two days for family reasons.

Press Labour Law

334. According to the last paragraph of Article 16 of the Law No. 5953 on the Relations between Employees and Employers in the Press,

When a journalist is pregnant, she will be on leave from the seventh month of pregnancy until the second month after the delivery. Within this period, the institution pays half of the last paid wage to the journalist. In case there is no birth or

that the child is born dead, this wage is paid for one month as of this situation's occurrence. The monetary contribution that the journalist will get from her insurance or the organization she is bound by does not have an effect on this payment.

Special measures taken for protection of children and adolescents from economic and social abuse

335. The Labour Law No. 4857 regulates the minimum working age for children, employment restrictions, working periods of children who completed their compulsory basic education and of those who do not attend school, working periods of children who attend school, protection of children in the working life, medical certificate that children have to get before starting work, prohibition on their working in hard and dangerous circumstances and at night, and penal sanctions regarding the implementation of these provisions efficiently.

336. With Article 71 of the said Law, "child" and "young worker" concepts are introduced and it is prohibited to employ children under the age of 15. However, as an exception, it is adopted that those children over the age of 14 who have completed their primary education may be employed in light work. Moreover, the types of work that the children and young workers can be employed and the working hours of these workers have been rearranged in the said Article according to whether they are attending school or not.

337. Under the "Regulation on the Procedures and Principles of the Employment of Children and Young Workers", which was drawn up according to the mentioned article of the Labour Law and came into force on 6 April 2004, the types of work that the children and young workers can be employed, the principles of employment of children and young workers, their working conditions, working hours (maximum 35 hours a week for the children under the age of 15, maximum 40 hours a week for the children over the age of 15, maximum 2 hours a day for the children attending school), paid annual leave, obligations of the employer and the State, and those employers that cannot employ children and young workers are specified.

338. Article 72 of the Labour Law prohibits the employment of men under the age of 18 and women at any age in underground or underwater places such as mine galleries, cabling, and sewerage and tunnel construction. Under Articles 73 and 85, it is stipulated that making children and young workers under the age of 18 to work at night-time in industrial works and in heavy and dangerous positions is prohibited.

339. The implementation of the legislation about working life is inspected by the Labour Inspectors of the Ministry of Labour and Social Security. Especially the complaints concerning employment of children are given priority. Annual inspection reports on the activities conducted throughout the country are prepared by the Presidency of the Labour Inspection Board, and these reports are submitted periodically to the ILO within the terms of the ILO Covenant No. 81. Situations regarding the worst types of employment of children and those which fall out of the scope of the inspections conducted by the Labour Inspectors of the Ministry of Labour and Social Security are interfered by law enforcement officials. Moreover, criminal complaints are prosecuted about the families making their children work by force, and their children are brought under the protection of the SHCEK.

340. The Ministry of Labour and Social Security put into effect various projects under the "International Programme on the Elimination of Child Labour" (IPEC) within the framework of the protocol signed between Turkey and the ILO in 1992 with the aim of preventing child labour. Turkey, as one of the first 6 countries in the world that participate in this programme, has a preferential position among the countries conducting studies on this subject.

341. The Working Children Department in charge of active struggle against child labour was formed within the Ministry of Labour and Social Security in 1992. The Department plays a determining role in forming a national policy with a view to developing methods and strategies to be followed for eliminating child labour in the long term, preventing children from working in the worst circumstances in the short term, and protecting working children in their work places.

342. Under the coordination of the Working Children Department, 101 projects within the context of the IPEC have been implemented by various establishments and institutions. With those projects, approximately 50.000 children were reached in 10 years. Whereas 60% of the children have been directed towards education, the rest has received better working conditions and benefited from the services of health, food and vocational training.

343. Prevention of child labour has also taken place in the “Urgent Action Plan” of the Government. In this plan, it is stated that measures will be taken for the implementation of the ILO Covenant No. 182 in a more effective way and that the minimum working age for all the business sectors will be determined.

344. In the light of the experiences gained from the activities conducted since 1992, a national programme has been prepared by the Working Children Department in accordance with the views of all the public establishments and institutions and NGOs within the context of the ILO/IPEC in order to take more effective steps within the meaning of the ILO Covenant No. 182 in the struggle against child labour, to prevent child labour gradually, especially the employment of the children in the worst conditions. In this respect, the children working in the streets, the children working in heavy and dangerous works at small and medium sized enterprises and the children working in hard conditions in agriculture are specified as the worst types of child labour.

345. Within the framework of the national programme, projects aiming at withdrawing the children from the types of work which are dangerous for their health and security, which cause negative implications for their intellectual, physical, psychological and social development, and which hinder their attendance and success at school have been put into practice.

346. Under 2004 Turkey-EU Pre-Accession Financial Cooperation Programme, the Project on “Eradicating the Worst Forms of Child Labour” was initiated with a total budget of 15 million Euro. Moreover, through 2005 Turkey-EU Pre-Accession Financial Cooperation Programme, under the NGO Grant Facility, the Sub-Project on “Strengthening the Protection of Children’s Rights with Specific Reference to the Prevention of the Forced Child Labour”, which aims at increasing the well-being of the children and promoting the prevention of the forced child labour was launched. The total budget allocated for the Sub-Project is 1 million Euro.

Data on child labour

347. According to the results of “Child Labour Survey” conducted by the TURKSTAT in October 1999, out of 16.088.000 children between ages 6 and 17, 10,2% (1.635.000) were working in income generating jobs. 61,7% of the children working in those jobs were boys and 38,3% were girls.

348. 58,8% of the children working in income generating jobs in Turkey were working as family worker without payment. Paid child workers made up the 23,7%, daily-paid child workers the 15,7% and children working on their own behalf or as employers the 1,9% of the children working in income generating jobs. Of the paid child workers (including daily-paid child workers) 46,1% were boys and 28,5% are girls. The percentage of the boys as an unpaid family worker was 51,1% while that of the girls was 71,2%.

349. As far as the sectoral distribution of the children aged 6-17 working in income generating jobs was concerned, 57,6% were working in agriculture, 21,8% in industry, 10,2% in trade and 10,4% in service sector. 46,3% of the boys were working in agriculture, 26,9% in industry, 12,8% in trade and 13,8% in service sector. Of the girls, 75,8% were working in agriculture, 13,4% in industry, 5,9% in trade and 4,8% in service sector. In urban areas, 46,9% of the boys and 50,7% of the girls were working in industrial sector. In rural areas, 76,3% of the boys and 94,6% of the girls were working in agriculture sector.

Measures taken for children in need of protection

350. By the Law No. 2828 on the Social Services and Child Protection Agency (SHCEK) adopted in 1983, the task of taking care, raising and reintegration of the children in need of protection is assigned to the SHCEK.

351. In Article 3 of the said Law, the children in need of protection are defined as

The children whose physical, mental and moral development or personal safety is in danger; who are without mother or father; whose either mother or father or both are unknown; who have been deserted by mother, father or both; who have been neglected by mother or father and left vulnerable to vicious practices such as prostitution, begging, alcohol or drugs and becoming adrift.

352. By the Law No. 2828 and regulations issued on the same basis, measures were set for the protection of the children within the framework of institutions and the family. Families who fail to take care of their children due to economic hardships are supported in rem and in money. The children and the teenager girls who do not have the possibility to be supported beside their families are taken care and sheltered in the children care centres (0–12 age group) and in the orphanages (12–18 age group). Moreover, by the services of “children and youth centres”, assistance is provided without leaving the family where possible.

353. As of 2007, 102 children care centres have hosted 6.288 children (2.617 girls and 3.671 boys).

354. Founded by the amendment brought in Decree Law No. 572 to Article 3 of the Law No. 2828, children and youth centres are boarding or daytime social service institutions aiming at the temporary rehabilitation and reintegration of children and youngsters living in the streets. As of June 2006, the number of children who had access to the children and youth centres was 9.114, 1.746 of which returned to their families, 4.884 resumed their school education, 1.216 registered into schools and 120 started working as a result of the assistance provided. Criminal complaints have been lodged against 770 families, social aid has been given to 2.728 children and 66 children have been taken under protection.

355. Children and teenager girls of 12–18 years of age who fall within the aforementioned terms about being “in need of protection” or who have been subjected to violence, neglect, sexual abuse; children addicted to drugs and girls forced to prostitution are taken care of and protected at the orphanages of the SHCEK. The rehabilitation, school education and vocational training of these children and youngsters in such circumstances are facilitated. Moreover, pursuant to Annex Article 1 added by the Law No. 3413 to the Law No. 2828, it has become obligatory for the public establishments and institutions to reserve 0,1% of their recruitment for children who have stayed in the institutions of the SHCEK until the age of 18.

356. Table 16 presents the number of children and teenagers at the orphanages of the SHCEK and their reasons for staying.

Table 16
Number of children and teenagers at the orphanages of the SHCEK and their reasons for staying (1995–2005)

<i>Reason</i>	<i>Girls</i>	<i>Boys</i>	<i>Total</i>
Divorce of parents	2 032	4 262	6 647
Desertion by the family	1 053	1 962	3 175
Death of mother or father	2 952	9 401	12 916
Economic hardships	1 001	2 715	3 886
Incest relationship	174	-	210
Sexual abuse	309	-	357
Violence, physical and emotional exploitation	499	439	1 075
Other reasons	868	1 341	2 265

357. As of 2007, a total of 10.669 (3.880 girls and 6.789 boys) children were registered in 113 orphanages, while 5.993 children were under care and protection.

358. Furthermore, activities concerning social services which fall under the scope of the Law No. 2828 are carried out under the supervision of State and with the voluntary contribution and participation of NGOs and the public.

359. “Law No. 5378 Amending the Law on the Disabled” envisages that the SHCEK shall offer quality provision of care services for the disabled. On the other hand, the obligation to grant authorization to open private education and rehabilitation centres, as well as their supervision, belongs to the Ministry of National Education. In this context, the services of day rehabilitation and family consultation centres, through which the SHCEK offered its services, have been turned into day care services.

360. Adoption is another service provided for children in need of protection, which is realized within the framework of the Turkish Civil Code. By the end of 2007, the number of children who benefited from adoption system reached 9.105 (4.338 girls and 4767 boys).

361. The Project of “Support for Returning to and Staying with Family” was launched in 2005 for the children under the protection of the SHCEK. Within the framework of the Project, 4.866 children under protection have been given monetary assistance and returned to their families and relatives since April 2005, and as of October 2007, 13.204 children who live with their families and relatives were given monetary assistance.

362. Furthermore, under 2004 Turkey-EU Pre-Accession Financial Cooperation Programme, the Project on “Towards Good Governance, Protection and Justice for Children in Turkey” was launched with a view to establishing baseline data and empirical evidence that informs stakeholder institutions in the context of child protection measures. Another project entitled “Children First-Modelling Child Protection Mechanisms at Provincial Level” with a total budget of 5,8 million Euro is in progress within the framework of 2005 Turkey-EU Pre-Accession Financial Cooperation Programme. The aim of the said project is to create effective mechanisms for the delivery of efficient and integrated child-centred protection services in 12 priority provinces.

Services for the disabled

363. In Turkey, services for the disabled in general are provided by the SHCEK and the Administration for the Disabled, which is an affiliate agency of the Prime Ministry. The SHCEK has 47 boarding care institutions providing service for 3.407 disabled people of all ages as well as 20 day care centres providing services for 1.123 people. Boarding and day

care are provided for 4.530 people (as of November 2007). The SHCEK takes care of the management of boarding and day care centres necessary for settling the disabled.

364. The following centres are allocated for the use of the disabled:

(i) *Care and Rehabilitation Centres*, which are social services institutions established to make up for the loss of function of those persons who cannot carry out the ordinary requirements of daily life due to their physical, mental, and psychological disabilities, as well as to help them acquire skills which would make them be self-sufficient in the society, and to provide permanent care for those who cannot acquire such skills;

(ii) *Family Consultation and Rehabilitation Centres*, which offer services for disabled children and their families with a view to helping the disabled children become self-sufficient, preparing them for school, and attaining domestic harmony at home.

365. As of November 2007, 66 care and rehabilitation centres (36 boarding and 30 daytime centres) attached to the SHCEK were in service. A total of 4.503 persons (2.495 boarding and 2.008 daytime) benefit from these centres.

366. Moreover, disabled children and teenagers are taken care in the children care centres and orphanages, in the rest homes, and with the protective families.

367. For the disabled people who receive care by their relatives, the SHCEK pays net minimum wage to the person offering care, under the framework of home care services. Since the person providing care is a relative and lives with the disabled under the same roof, it is considered that the minimum wage paid constitutes a contribution for the family income.

368. An allocation has been introduced in the 2007 budget of the SHCEK for enabling 65.000 people make use of the home care services. As of November 2007, there were 22.801 disabled benefiting from the said services.

369. The SHCEK is obliged to monitor that the disabled person is provided care in proper conditions, through a care plan and report to be prepared twice a year. The professional staff, such as social workers, psychologists, child development experts, special trainers and nurses, are obliged to carry out guidance and consultation services.

370. The SHCEK is responsible for determining and monitoring the service standards of the private care centres to be opened with the authorization of the SHCEK. Net two minimum wages are paid by the SHCEK to the private care centre, where the disabled person in need of care is taken care of, in full- or half-day care rates.

371. As of November 2007, there were 9 private care centres which accommodate 608 disabled people. Besides, there are 501 private rehabilitation centres providing service under the supervision and with the permission of the SHCEK. Of these centres, 9 are for the people with cerebral palsy, 48 for the hearing impaired people and 444 for the mentally retarded people.

372. It is expected that the number of such private care centres increase and expand throughout Turkey. The qualifications of the professional staff to be employed at such centres are determined within the framework of the relevant legislation. It is compulsory to employ the staff providing direct care from among those who possess certificate approved by the Ministry of National Education.

International cooperation

373. In order to ensure effective use of the rights envisaged in Article 10 of the Convention, Turkey cooperates with various international organisations such as the UNICEF, the UNHCR, the UN Committee on the Rights of the Child, the ILO, the EU and the International Social Service (ISS).

374. Turkey is in cooperation with the ISS on the matters such as family break-up, divorce, guardianship of the children, children born out of wedlock, double marriage, intercultural marriage, international child adoption and deported children. In this connection, between January 1995 and March 2005, the ISS mediated for 650 international social service cases, 571 international adoption applications made by the Turks living abroad, and 75 adoption applications made by the foreigners living abroad.

Article 11

Improving income distribution and fight against poverty

375. In Turkey's 7th, 8th and 9th Five-Year Development Plans, decline in the inequality of income distribution and eradication of absolute poverty have been among the strategic aims of Turkey. Following the declaration of the UN Millennium Development Goals, Turkey's efforts to combat poverty have gained momentum.

376. As a result of the high growth rates achieved following the year 2001, per capita national income increased and improvements in the indicators for income distribution inequality and poverty were observed. While the GNP per capita in the year 2001 was 2.123 USD, in 2002 it rose to 2.598 USD. The GNP per capita for the years 2003, 2004, 2005 and 2006 are 3.383 USD, 4.172 USD, 5.008 USD and 5.477 USD respectively. In spite of the tight fiscal policy following the 2001 economic crisis, the share of social expenditures in GDP was increased. Transfers to increase the incomes of the retired, the disabled, widows and orphans and students in particular, as well as those of poor families and families living in rural areas were made. In addition, the minimum wage increased in real terms during this period. (The amount of the minimum wages is presented in Table 12.) Detailed information on Turkey's population and development indicators and economic indicators can be found in Annexes XI and XII.

377. While the share of disposable income held by the richest 20% quantile was approximately 9,5 times more than that received by the poorest 20% quantile in 2002 in Turkey, it declined to the level of 8,1 in 2003 and to 7,7 in 2004. In addition, the Gini coefficient, which was 0,44 in 2002 in Turkey, receded to 0,42 in 2003 and 0,40 in 2004.

Table 17
Selected income distribution and poverty indicators (%) (2002–2004)

	2002	2003	2004
Quantiles			
First	5.3	6.0	6.0
Second	9.8	10.3	10.7
Third	14.0	14.5	15.2
Fourth	20.8	20.9	21.9
Fifth	50.0	48.3	46.2
Gini coefficient	0.44	0.42	0.40

Source: TURKSTAT.

378. As it can be discerned from the tables below, Turkey is not in a precarious position with regard to the proportion of the population living on less than one US dollar a day, and the proportion of the population living below the food and non-food poverty line.

Table 18
Poverty ratios with different methodologies (2002–2005)

Methodology	Definition of poverty line	Turkey (%)				Urban (%)				Rural (%)			
		2002	2003	2004	2005	2002	2003	2004	2005	2002	2003	2004	2005
Absolute poverty (International Standard)	One dollar a day per capita at current PPP prices	0.20	0.01	0.02	0.01	0.03	0.01	0.01	0.00	0.46	0.01	0.02	0.04
Food poverty	Local cost of minimum food basket	1.35	1.29	1.29	0.87	0.92	0.74	0.62	0.64	2.01	2.15	2.36	1.24
Food and non-food poverty	Local cost of basic needs basket including non-food	26.96	28.12	25.60	20.50	21.95	22.30	16.57	12.83	34.48	37.13	39.97	32.95

Source: TURKSTAT.

Table 19
Poverty rates according to gender and educational status of the household members (2002–2005)

Educational status	Rate of poor individuals											
	2002			2003			2004			2005		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	26.96	26.72	27.19	28.12	27.92	28.31	25.60	25.20	25.98	20.50	19.97	21.01
Younger than 6 years of age	33.17	32.92	33.44	37.75	38.24	37.23	34.19	34.19	34.18	27.71	27.86	27.56
Illiterate	41.07	46.52	39.61	42.42	47.22	40.95	45.11	48.50	44.10	37.81	40.59	37.04
Literate without a diploma	34.60	35.50	33.74	35.87	36.32	35.45	33.67	34.19	33.16	28.44	28.76	28.14
Primary school	26.12	28.06	24.33	27.55	29.81	25.47	24.36	27.50	21.55	17.13	19.92	14.51
Elementary school	26.47	28.40	24.10	29.56	29.13	29.98	25.49	25.37	25.60	22.42	21.79	23.02
Secondary school and equivalent vocational school	18.77	19.49	17.38	18.31	19.66	16.03	13.00	14.95	9.45	8.37	9.72	5.62
High school and equivalent vocational school	9.82	10.99	8.24	11.19	12.27	9.73	8.28	9.69	6.39	6.79	7.98	5.14
University, faculty, masters, doctorate	1.57	1.22	2.12	2.66	3.04	2.05	1.33	1.57	0.93	0.79	0.83	0.72

Source: TURKSTAT.

The right to adequate food

379. In terms of energy intake and adequate food, the number of families that consume inadequate levels of energy is low. The most consumed food items in Turkey are grain and

grain products. This is followed by the vegetable consumption. Total protein consumption per person is at adequate levels and most of the protein consumed is vegetal. The amount of vegetable oil consumed is observed to increase compared to animal fats.

380. Daily energy intake per person in the year 1998 is submitted in Table 20.

Table 20

Daily energy intake per person (1998)

<i>Group</i>	<i>Mass distribution (%)</i>	<i>Energy intake (%)</i>	<i>Protein intake (%)</i>	<i>Fat intake (%)</i>	<i>Carbohydrate intake (%)</i>
Grain and grain products	29	52	55	15	66
Vegetable	24	7	12	1	9
Fruit	15	5	4	3	9
Milk, dairy products, eggs	12	7	15	13	2
Meat, meat products	3	4	10	8	0
Animal fats and vegetable oil	3	16	0	55	0
Sugar, confectionery, sweets	4	8	1	1	13
Ready-to-eat-food, other	1	1	1	1	0
Fish	1	0	3	3	0
Beverages	7	0	0	0	1

Source: National Nutrition and Food Strategy Study Group Report, 2003.

381. Wheat as one component of the grain group is consumed in the form of bread, pasta, and boiled and pounded wheat, and is most consumed in the Eastern and Southeastern Anatolia, as indicated in Table 21. Corn, on the other hand, is relatively more consumed in the Black Sea region. The consumption of other food groups is more or less the same in terms of regional distribution. While fruit consumption is the highest in the Aegean region, consumption of the beverages is higher in Central Anatolia and Marmara regions.

Table 21

Regional consumption rates of food groups (1998)

<i>Group</i>	<i>Marmara (%)</i>	<i>Southeast Anatolia (%)</i>	<i>Mediterranean (%)</i>	<i>Aegean (%)</i>	<i>Central Anatolia (%)</i>	<i>Eastern Anatolia (%)</i>	<i>Black Sea (%)</i>
Grain and grain products	26	40	29	25	23	34	30
Meat and meat products	3	3	3	2	2	4	3
Fish	1	0	0	1	0	0	1
Milk, dairy products, eggs	13	11	13	12	10	12	13
Animal fats, vegetable oil	4	3	3	3	3	4	4
Fruit	15	13	17	22	15	13	14
Vegetable	21	22	28	26	21	25	26
Sugar, confectionery, sweets	4	1	4	4	4	3	5
Salt, spices	1	1	1	1	1	1	1

Group	Southeast		Mediterranean (%)	Aegean (%)	Central Anatolia (%)	Eastern Anatolia (%)	Black Sea (%)
	Marmara (%)	Anatolia (%)					
Ready-to-eat-food, other	1	1	1	1	1	1	1
Beverages	11	5	2	3	20	2	2

Source: National Nutrition and Food Strategy Study Group Report, 2003.

382. Lentils, peas, and dry beans are the most consumed leguminous seeds. Among the dairy products, yoghurt and various cheeses are mostly consumed. The consumption of animal fats and vegetable oil varies according to regions. Marmara, Aegean and Mediterranean coastal areas indicate a higher consumption level of olive oil. Margarine has taken the place of butter.

383. Household food expenditure according to regions is as follows.

Table 22

Rate of food expenditure over total income according to regions (1999)

Place of settlement	Food expenditure (%)
Overall Turkey	43
Urban	37
Rural	51
Marmara region	35
Aegean region	38
Mediterranean region	42
Central Anatolia region	41
Black Sea region	48
Eastern Anatolia region	54
Southeast Anatolia region	56

Source: TURKSTAT.

384. Nutrition in Turkey varies depending on regions, seasons, socio-economic levels, and urban-rural settlement areas. Apart from these, advertisements, newly introduced products, and fast food are other factors effecting nutrition in society.

385. Main health problems resulted from malnutrition can be summarized as follows:

- (i) Protein deficiency;
- (ii) Chronic energy deficiency;
- (iii) Anaemia;
- (iv) Diseases caused by iodine deficiency;
- (v) Rickets;
- (vi) Other vitamin and mineral deficiencies;

- (vii) Folate deficiency;
 - (viii) Tooth decay.
386. The chronic diseases related to nutrition are as follows:
- (i) Obesity;
 - (ii) Cardiovascular diseases;
 - (iii) Hypertension;
 - (iv) Cancer;
 - (v) Diabetes;
 - (vi) Osteoporosis;
 - (vii) Physical activity defects.

Food safety

387. Parallel to the developments in food safety systems in the world, legal arrangements are carried out in order to fulfil the requirements of the WTO Sanitary and Phytosanitary Measures Agreement and the obligations related to the EU and the Customs Union. In this sense, a basic legislative study has been conducted taking into account the legal arrangements of the Codex Alimentarius Commission, the EU, and the USA Food and Drug Administration, as well as the studies and recommendations of the FAO and the WHO. Consequently, the Common Hygiene Law of 1926 was abolished and the Decree Law No. 560 on Production, Consumption and Inspection of Foodstuffs was put into force in 1995.

388. Food safety, animal sanitary and phytosanitary issues have been paid a great deal of attention in Turkey's National Program for the Adoption of the EU Acquis. The Decree Law No. 560 was revised in 2004 and intended to be harmonised with the EU Acquis through the Law No. 5179 published in the Official Gazette on 5 June 2004. Endeavours continue to adopt the EU food safety system.

389. With the addendum to the Regulation on Work Permit of Facilities Producing Food as well as Material and Equipment Contacting Food, and Employment of Managers in Charge of Procedures of Food Registration and Production Permits, published in the Official Gazette on 27 August 2004, 56 work branches producing food as well as material and equipment contacting food have been classified and the personnel groups to be employed as managers in relation to the type of production in food facilities have been determined. The official control and supervision of food production, distribution, sale, and collective consumption are carried out by the Ministry within the framework of the "Law on the Approval of the Amended Decree on Food Production, Consumption, and Supervision (No. 5179)" published in the Official Gazette on 5 June 2004 (No. 25843). The primary objectives in food safety are to offer food production in accordance with Turkish Food Codex as well as to improve technical and hygienic norms of food processing facilities.

390. Moreover, according to the Regulation on Market Supervision, Inspection, and Audit of Food as well as Material and Equipment Contacting Food, and Facility Liabilities, dated 30 March 2005, it is compulsory to use HACCP in food production and marketing places. Studies to develop an effective and adequate food control system for food safety are implemented by the Ministry. The principle of "food safety from farms to table" is the most fundamental rule that has to be implemented in order to carry out the Free Movement of Goods principle in the EU accession process.

391. Although the main responsible body is the state, every individual in the society, NGOs, and the private sector also have roles concerning the right to food, and their activities affect others' access to the right to food. Particularly, the NGOs assume significant roles in the execution of state policies and programmes. They assist the society in gaining access to food as well as information sharing, legal recommendations, education.

392. The studies of the Ministry of Agriculture and Rural Affairs continue regarding food guarantee, food safety, and food quality. The aim is to activate Turkey's rich agricultural potential and ensure food guarantee and safety with a view to proving the public with an adequate and balanced nutrition. Registering food facilities and ensuring food safety are among our primary objectives, which are also necessary on the way to harmonization with the EU legislation.

Programmes related to food and nutrition

393. Studies concerning Turkish Food Consumption, Nutrition and Health Research have gained momentum with the 2003 National Food and Nutrition Action Plan prepared in collaboration with the State Planning Organization and the Ministry of Health. The research aims to prepare effective nutrition plans and policies and to access data on individual food consumption, nutrition-related situation, and health. Development, effective observation and assessment of policies that will overcome relevant problems shall be possible through sustainable and updated policies regarding food, nutrition and health.

394. Given the fact that food related problems in Turkey stem from poor level of knowledge on food and nutrition rather than economic hardships, the emphasis is placed upon increasing knowledge on nutrition. To this end, many educational programmes have been conducted:

- (i) *Social Nutrition Education Programme*, carried out by the Ministry of Health since 1996, is one of the most comprehensive programmes in Turkey intending to raise public awareness on food and nutrition. A total of 555 provincial team members have been included in training programmes, and many community training programmes have been conducted with a view to helping develop adequate and balanced food consumption behaviour, eliminating harmful eating habits, and informing public on the effective and economical ways of food consumption. The number of the recipients of the said programmes reached to 4 million in 2005;

Within the framework of the Social Nutrition Education Programme, by means of mass communication, five 30-minute documentary films were shot on the issues of "General Nutritional Information and Food Hygiene", "Nutrition of Risk Groups" and "Nutrition for Certain Groups (Obesity, Anaemia, Rickets, Constipation, Menopause)", and were broadcast on the GAP TV in order to inform the population living in the Eastern and Southeastern Anatolia;

Relevant information is also provided through radio programmes;

Furthermore, nutritional researches are carried out in collaboration with universities and other organizations;

- (ii) Turkish Food, Food Consumption and Health Research, which is complementary to the Social Nutrition Education Programme, aims at providing necessary data support;
- (iii) Another programme carried out by the Ministry of Health is the Project of "Eat Healthy, Protect Your Heart". The project, launched in 2000, focuses on evaluating the frequency of the risk factors resulting in coronary heart diseases among the people over the age of 30, informing people on protection from these

diseases, increasing consciousness on the issue, and raising common awareness. A relevant research has been conducted on 15.468 people;

(iv) With the collaboration of the Ministry of National Education and the Ministry of Health, primary school children and their teachers are given nutrition education in order to raise awareness and help them acquire healthy eating habits. Moreover, relevant information is also included in mathematics, science and technology, and social sciences curricula of the schools;

(v) In order to inform the elderly people, conversation and training programmes on food and health are provided in the rest homes. Assessment of the meal menus and medical check-ups are among the other activities conducted in the rest homes.

(vi) Within the framework of the Food and Health Development Programme for Children Doing Sports, a food model has been formed for children in sports training centres in 27 provinces. Children and their trainers were given relevant information;

(vii) In cooperation with the Ministry of Justice and the Ministry of Health, programmes aiming at improving the nutritional situation of the detained and convicted people in penitentiary institutions are implemented;

(viii) Turkey Food Guide, comprising recommendations specific to Turkey for adequate, balanced and healthy nutrition has been prepared.

395. Other programmes related to food and nutrition can be listed as follows:

(i) Promotion of Breastfeeding and Baby-Friendly Hospitals Programme;

(ii) Mother and Child Nutrition Programme;

(iii) Prevention of Iodine Deficiency Diseases and Addition of Iodine in Salt Programme;

(iv) Use of Fluorine for Mouth and Tooth Health Programme;

(v) Holistic Approach to Child Diseases Programme;

(vi) Monitoring Early Childhood Development Programme;

(vii) Adolescent Health and Development Programme;

(viii) Healthy Eating, Active Life and Prevention of Obesity Programme for Adults.

396. The General Directorate of Mother and Child Health and Family Planning of the Ministry of Health also carries out studies on infant food. Import permission of medical infant food is issued by the said General Directorate since June 2001. Furthermore, within the framework of Promotion of Breastfeeding and Baby-Friendly Hospitals Programme, marketing methods of breast milk equivalents are given special emphasis taking into consideration possible problems that can arise from unnecessary use and misuse of such products.

397. In-service training programmes are provided at the Ministry of Health for the personnel working in Provincial Health Directorates who are assigned for the supervision of food products as well as for technical and hygienic supervision and sale at the places where food and food additives are produced, sold and consumed. The personnel successfully completing the programme are granted the title of "food inspector".

398. Moreover, the WHO Ministerial Conference on the Fight against Obesity was held in Istanbul between 15 and 17 November 2006 and the "Anti-Obesity Charter" was adopted.

Medium- and long-term measures regarding nutrition

399. Objectives for increase in agricultural production ensuring balanced and adequate nutrition shall be among the priorities of the agricultural policy of Turkey.

400. An independent and scientific National Food Authority, in charge of risk analysis for realization of effective food safety system, coordination between relevant organizations, and harmonization activities with the EU, will be established.

401. National Food, Food Consumption and Health Research will be conducted in every 5 or 10 years.

Improving efficiency of the agricultural structure

402. While the share of agriculture in GDP, which was 14,1% in 2001, declined to 10,3% in 2005, the share of agricultural employment in total employment decreased from 36% in 2000 to 29,5% in 2005.

403. Animal husbandry and plant production are generally performed together in agricultural enterprises and the small scale and fragmented structure of enterprises causes productivity to remain at low levels. Provisions of the Turkish Civil Code No. 4721 regarding the inheritance law resolved the issue of excluding the enterprises without sufficient agricultural assets from distribution among heirs and prevented the problem of land fragmentation from becoming even more severe.

404. While the total area of highly productive agricultural land used for non-agricultural purposes had reached 1,26 million hectares within the past decade, the Law No. 5403 on Soil Conservation and Land Use has provided a significant development regarding the efficient use of soil resources.

405. The closing down of the General Directorate of Rural Services in 2005 has brought along the need for taking additional measures with regard to implementing land consolidation, drainage, soil protection, and small dam, surface and ground water irrigation investments.

406. With the increase in the transfer of irrigation facilities to beneficiaries, operation and maintenance services of 95% of the irrigation infrastructure developed by the DSI were transferred to various organizations until the end of 2005.

407. A considerable stability in the incomes of producers was aimed with the Direct Income Support payments, which have been implemented since 2002. "The Agriculture Strategy 2006–2010" document was approved by the High Planning Council in 2004. In this framework, the Agricultural Law No. 5488, which was enacted in 2006, aims to create a predictable and stable environment for producers, where they can make production planning. With the aim of protecting the producers and the production level against risks, the Agricultural Insurances Law No. 5363 was enacted in 2005. The Law on Licensed Warehousing in Agricultural Products, which aims to contribute to market creation and risk management, was put into effect in 2005.

408. Organic agriculture production, the legal infrastructure of which was set up with the Organic Agriculture Law in 2004, is rapidly increasing. In addition, with the aim of developing new plant varieties and protecting these plants and the rights of breeders, the Law on the Protection of Breeder's Rights for New Plant Varieties was enacted in 2004.

The right to adequate housing

Legislation regarding the right to adequate housing

409. Turkey is one of the countries whose Constitution includes provisions on the right to housing. Article 57 of the Turkish Constitution entitled “the right to housing” stipulates that “the State shall take measures to meet the need for housing within the framework of a plan which takes into account the characteristics of cities and environmental conditions and supports community housing projects”. The fact that the State shall support community housing projects connotes that such projects shall be given priority regardless of the identities and income levels of the residents of these houses. Other aspects of the multidimensional right to housing are provided in various articles of the Constitution. Article 21 of the Constitution lays down the inviolability of the domicile. The relevant Turkish legislation is as follows.

Table 23

Legislation regarding the right to adequate housing

<i>Law No.</i>	<i>Name of the law</i>	<i>Date of Official Gazette</i>
1593	Common Hygiene Law	06/05/1930
1930	Law on Municipalities	1930
2613	Cadastre and Property Register Act	23/12/1934
2644	Land Registry Law	29/12/1934
3458	Law on Engineering and Architecture	17/06/1938
3659	Law on the Construction of Public Servant Domiciles	11/07/1939
3780	National Protection Law	26/01/1940
4626	Law on the Construction of Public Servant Domiciles	22/07/1944
6831	Forest Law	08/09/1956
6785	Zoning Law	1956
7269	Law on the Measures and Assistance to be Put into Effect Regarding Natural Disasters Affecting the Life of General Public	1959
221	Property Law	12/01/1961
81	Housing Law	23/10/1962
634	Commonhold Law	02/07/1965
775	Law on Prevention of Slums	30/07/1966
	Decree Law on the Amendment of Certain Provisions in the Law on Prevention of Slums	11/06/1985
1163	Cooperative Law	10/05/1969
1164	Land Office Law	10/05/1969
1605	Amendment on Zoning Law	11/07/1972

<i>Law No.</i>	<i>Name of the law</i>	<i>Date of Official Gazette</i>
2090	Law on Aid to be Given to Farmers in Case of Natural Disasters	05/07/1977
2872	Environmental Law	11/08/1983
2886	Public Procurement Law	10/09/1983
2944	Law on the Amendment of Subparagraph (b) of Article 94 of Public Procurement Law	11/11/1983
2990	Law on Amendment of Certain Provisions of Public Procurement Law	17/03/1984
2924	Law on Supporting the Development of Forest Area Villagers	20/10/1983
2946	Coastal Law	11/11/1983
2942	Expropriation Act	02/11/1983
3227	Law on the Addition of Articles on Timeshare Right into Commonhold Law	25/06/1985
2985	Mass Housing Law	17/03/1984
3155	Law on the Establishment and Duties of General Directorate of Agricultural Reform	05/03/1985
3320	Law on Housing Aid for Employed and Retired Public Servants and Workers	22/11/1986
3621	Coastal Law	17/04/1990
4046	Law on Privatization Arrangements and Amendment in Certain Decree Laws	27/11/1994
4123	Law on Carrying out Services for Damages due to Natural Disasters	23/07/1985
4708	Law on the Construction Supervision	13/07/2001
4737	Law on the Industrial Regions	19/01/2002
4735	Law on the Public Tenders' Contracts	22/01/2002
5216	Metropolitan Municipality Law	2004
5226	Law on the Protection of Cultural and Natural Heritages	27/07/2004
5393	Municipality Law	2005
5302	Law on Provincial Special Administration	2005
5449	Law on Establishment, Coordination and Duties of Development Agencies	08/02/2006

Housing in Turkey

410. There is an established housing accumulation in Turkey. As a consequence of industrialization, urbanization rates reaching 6%, the increase in the number of slums and the subsequent appearance of profit-driven “construct and sell” practices in the period of 1950–1965 caused the housing issue to be handled by the State as well. After 1960, mass housing areas, built by the State and supported by its banks, developed further.

411. Since 1963, housing and mass housing issues have been included in the 8 Five-Year Development Plans prepared by the State Planning Organization, opportunities have been created for certain successful examples.

412. The 1st, 2nd, and 3rd Five-Year Development Plans aimed at an increase in mass housing quantity through credit supports. For the first time, the 4th Five-Year Development Plan (1978–1983) took into account the population growth, the shrink in number of family members, and the renewal factors. Quality and social based views of housing cooperatives and local administrations towards housing sector were assessed.

413. Mass Housing Law No. 2487 enacted in 1981 have supported the cooperative system. In 1984, the Housing Development Administration (TOKI) was established. Financing opportunities provided by the Mass Housing Law boosted the housing sector. Practices of the TOKI met the necessities of those hit by the earthquake disaster in 1999. Meanwhile, the competition environment created by the Customs Union with the EU led to improvements in the construction material industry and thus in the product quality. Subjects related to construction physics was added into the curricula of the universities. Turkish Standards Institute (TSE), Ministry of Public Works and Settlement, Electrical Power Resources Survey and Development Administration, Emlak Bank, and the TOKI contributed to the enhancement of the housing quality.

414. Attaching utmost importance to the infrastructure and supply of housing areas, the 5th Five-Year Development Plan proposed promoting the aim of prioritizing people’s way of lives and their needs in future technologies. In this period, mass housing was institutionalized and reinforced.

415. With a view to reducing the housing costs through new technologies, the 6th and 7th Five-Year Development Plans introduced advancement of housing design and environment quality, assessment of housing sizes, and consideration of local factors.

416. In order to provide all the population of Turkey with decent and secure living areas, all relevant resources need to be consciously and rationally used. In this respect, the 8th Five-Year Development Plan is based on four objectives:

- (1) Housing is a human right. Everyone should be provided with adequate housing. To this end, it is necessary to devise a system embracing public and private sectors, NGOs, cooperatives and individuals, in which they can participate in the decision-making process.
- (2) In order to minimize the effects of natural disasters in Turkey, 66% of which is located on active fault lines, unplanned urbanization and shanty settlements should be prevented, and effective measures on construction safety and control should be taken.
- (3) Public resources should be directed towards producing land with infrastructure, and new models of housing finances should be developed for low- and medium-income groups.
- (4) Construction and environment quality should be improved, relevant construction and environment standards that can preserve natural, social and cultural values should be set, and healthy, secure, high-quality, and economic housing should be provided.

417. Regarding the housing in natural disaster areas, relevant provisions of the “Regulation on the Constructions to be built in Earthquake Areas” were amended and put into effect. The TSE continues its studies to adapt the EU Standard Euro Code 8 concerning earthquakes. Meanwhile, “TS500 Standard of Reinforced Concrete Construction Building and Calculation” has been updated. “TS 825 Standard of Building Heat Insulation Rules” has been adjusted to the relevant EU standard. Furthermore, the Electrical Power Resources Survey and Development Administration are currently carrying out a study for improving heat insulation in buildings. Preparations for a new zoning legislation are also under way.

418. “Decree Law on Compulsory Earthquake Insurance” was published in the Official Gazette No. 23919, dated 27 December 1999 and put into effect. With the said Decree Law, independent parts of the buildings covered by the Commonhold Law No. 634; buildings which are registered at the Land Registry and located on real properties, as well as parts such as business establishments, offices, and similar independent parts in these buildings; and buildings constructed by the State or constructed with the credits provided by the State became subject to compulsory earthquake insurance.

Prevention of slum areas

Selection of location and expropriation

419. Wherever offices of governors, other public institutions and organizations, NGOs, and citizens inform the Ministry of Public Works and Settlement of any slum area development or tendency towards slum area development or of the necessity to produce planned land and housing, or the Ministry of Public Works and Settlement *ex-officio* establishes any related situation, the Ministry of Public Works and Settlement acts within the framework of the Law No. 775 on Prevention of Slums.

420. In this context, the technical staff of the Ministry of Public Works and Settlement carries out on-site examinations in cooperation with relevant institutions and organizations and identifies existing slum condition and tendencies as well as land and housing demands. Appropriate areas that can meet land and housing needs and eliminate slum areas are selected by taking into consideration geological studies, topography, transport and infrastructure facilities, and ownership. If these areas are within the municipality and contiguous areas, they are declared Slum Prevention Area with the Ministry’s approval in accordance with Article 7 of the Law No. 775 on Prevention of Slums if not, it is declared so with decision by the Committee of Ministers in line with Article 35 of the Law No. 775 on Prevention of Slums.

421. After the allocation by the Ministry of the immovable property in the areas declared Slum Prevention Area belonging to the treasury of the Ministry of Finance, and the expropriation of the immovable property under personal ownership, necessary procedures are finalized and the ownership of all the immovable properties in Slum Prevention Area are registered in the name of Ministry of Finance.

Mapping and planning

422. Existing maps, geological and geotechnical ground surveys, zoning and parcellation plans are prepared by the Ministry of Public Works and Settlement.

Infrastructure and housing construction

423. Infrastructure facilities of the Slum Prevention Areas such as water, sewerage, and road are built by the Ministry of Public Works and Settlement. The immovable properties in the Slum Prevention Area are made available for allocation. When needed, housing is provided by the Ministry pursuant to Article 31 of the Law No. 775 on Prevention of Slums

Land and housing allocation

424. After the determination of estimated costs of the immovable properties in the area, the public is informed of their location, size, as well as application conditions and deadline. The demands of the interested persons or housing cooperatives are registered and checked whether they conform with the conditions regarding their level of income envisaged by the Law. If the demand is higher than the number of land/housing, the allocation is made by notary drawing of lots; if less, commission decides by taking into account the application periods. For land allocation, a ten-year payment in instalments without interest is made, 1/10 of which is paid in cash; for housing, 1/4 of the total amount is paid in cash and the remainder is applied a 5% interest as well as a flexible term.

Creating land zones

425. In the urban areas, private sector, cooperatives, and public institutions create land zones. The private sector creates land zones by way of having zone plans prepared on the real properties they own. The cooperatives create land zones also by having zone plans prepared in order to provide their members both land and housing. The public institutions which create land zones are the Ministry of Public Works and Settlement, the TOKI, the General Directorate of National Estate, and the municipalities.

426. In general, depending on urban development, land zones are created in certain parts of the agricultural lands, which takes place in three stages:

- (i) Division of the agricultural land in an appropriate way for urban use (planning stage);
- (ii) Provision of infrastructure;
- (iii) Decision on the buildings to be constructed on the land.

Zoning and construction of buildings

427. The legislation relevant to zoning and construction of buildings are:

- (i) Zoning Law No. 3194;
- (ii) Municipality Law No. 5393;
- (iii) Common Hygiene Law No. 1593;
- (iv) Law No. 5216 on the Management of Metropolitan Municipalities;
- (v) Law No. 3945 on Engineering and Architecture;
- (vi) Union of Turkish Engineers and Architects' Chambers Act No. 6235;
- (vii) Public Procurement Law No. 2886;
- (viii) Code of Obligations No. 818;
- (ix) Law No. 8469 on the Collection of Money Owed to the State;
- (x) Regulation on the Powers, Duties and Responsibilities of Scientists Apart from Engineers, Architects and City Planners Included in Article 38 of the Zoning Law;
- (xi) Regulation on Uniform Zoning of Municipalities Apart From Those Included in the Law No. 3030;
- (xii) Regulation on the Execution of the Law No. 3030;
- (xiii) Law on Special Provincial Administration 5301;

- (xiv) Specification on the Architecture and Engineering Services of the Ministry of Public Works and Settlement;
- (xv) Regulation on the Project Inspection Consultancy Services of the Ministry of Public Works and Settlement;
- (xvi) Regulation on the Public Works Inspection of the Ministry of Public Works and Settlement;
- (xvii) General Specification on the Public Works of the Ministry of Public Works and Settlement;
- (xviii) Regulation on Participating in the Construction, Facility, and Repair Bids of the Contractual Services of the Ministry of Public Works and Settlement.

Table 24

Production of residential housing (number of flats) (1955–2005)

<i>Years</i>	<i>Construction permits</i>	<i>Occupancy permits</i>
1955–59	271 000	-
1960–64	478 800	-
1965–69	587 700	290 900
1970	154 825	71 589
1980	203 989	139 207
1983	169 037	113 453
1984	189 486	122 580
1985	259 187	118 205
1986	392 825	168 597
1987	497 674	191 109
1988	473 582	205 485
1989	413 004	250 480
1990	381 408	232 018
1991	392 943	227 471
1992	467 024	268 804
1993	548 129	269 695
1994	523 791	245 610
1995	518 236	248 946
1996	454 295	267 306
1997	464 117	277 056
1998	414 573	219 737
1999	339 446	215 613
2000	315 162	245 155
2001	279 616	243 464
2002	161 920	161 491
2003	202 854	162 908
2004	330 446	164 994
2005	546 618	249 816

Source: TURKSTAT, SPO.

428. In Turkey, the housing needs of the people are met through:

- (i) Private finance sources, such as individual savings, bank loans and solidarity funds;
- (ii) Finance sources of the public social security institutions, such as finances of public housing, shanty houses, disasters, expropriation, and settlement funds;
- (iii) Foreign finance sources, such as the funds of the UN, the OECD, the World Bank and the EBRD.

429. Provision of housing by cooperatives started in 1934 in Turkey. Activities of cooperatives continued in the course of economic and social changes. As Table 25 illustrates, the share of cooperatives in the supply of licensed housing units was around 10% until 1970s. Between 1970–1980, this share increased to 15%.

430. Legal arrangements on supporting cooperatives started in 1981 with the Mass Housing Law No. 2487, continued with the Mass Housing Law No. 2985 in 1984, and reached its peak between 1984–1989 with the Mass Housing Fund, which also led to an increase in the share of licensed housing units constructed by cooperatives in the total number of licensed housing units.

Table 25

Share of the cooperatives in the production of licensed housing (1958–1998)

<i>Year</i>	<i>Total number of housing units with construction licenses</i>	<i>Number of licensed housing units constructed by cooperatives</i>	<i>Rate of cooperatives (%)</i>
1958	53 389	1 837	3.44
1959	51 091	323	4.55
1960	56 227	718	6.61
1961	52 760	3 524	6.68
1962	58 748	3 756	6.39
1963	57 286	2 148	3.75
1964	60 822	1 478	2.43
1965	80 461	2 795	3.47
1966	91 151	3 570	3.92
1967	99 373	4 172	4.19
1968	110 263	4 514	4.09
1969	132 066	8 277	6.27
1970	154 825	11 654	7.53
1971	150 357	14 561	9.68
1972	165 983	14 277	8.60
1973	194 981	25 507	13.09
1974	161 047	13 966	8.76
1975	181 685	14 005	7.71
1976	224 584	16 643	7.41
1977	216 128	25 142	11.63
1978	237 097	26 049	10.99
1979	251 846	31 437	12.48
1980	203 989	31 538	15.46

<i>Year</i>	<i>Total number of housing units with construction licenses</i>	<i>Number of licensed housing units constructed by cooperatives</i>	<i>Rate of cooperatives (%)</i>
1981	144 397	26 904	18.63
1982	160 078	48 518	30.31
1983	169 037	36 841	21.79
1984	189 486	38 426	20.28
1985	259 187	76 563	29.54
1986	392 825	142 779	36.35
1987	497 674	163 863	32.32
1988	473 582	167 514	35.37
1989	413 004	131 504	31.84
1990	381 408	70 730	18.54
1991	393 000	77 068	19.61
1992	472 817	122 694	25.95
1993	548 130	136 012	24.81
1994	523 794	131 780	25.16
1995	518 236	111 106	21.44
1996	454 295	103 757	22.84
1997	464 117	119 320	25.71
1998	432 599	104 186	24.08
1999	339 446	70 323	20.72
2000	315 162	61 267	19.44
2001	279 616	40 469	14.47
2002	161 920	23 561	14.55
2003	202 854	20 347	10.03
2004	330 446	27 209	8.23
2005	546 618	34 844	6.37

Source: TURKSTAT, TOKI.

Inspection of constructions

431. The aim of the Law No. 4708 on Building Construction Supervision, put into effect on 13 July 2001, is to ensure the inspection of projects and constructions and to arrange rules and procedures concerning building construction supervision with a view to providing life and property security and building quality constructions compatible with the zoning plan, rules and standards of science, arts and health.

432. The number of firms assigned within the inspection of constructions in a region covering 24% of the country and 50% of the population has reached 638. To date, the number of inspectors including engineers, architects and assistant controller staff is 20.150. There is approximately 140 million m² construction under inspection in 19 pilot provinces, excluding the constructions whose certificates are given following an inspection.

Measures taken for the disabled

433. Decree Law No. 572 and the subsequent arrangements made in the zoning legislation aim at rendering the constructed areas accessible by the disabled as well. The

following Article has been added to Article 1 of the Decree Law No. 572 dated June 1997 and the Zoning Law No. 3194:

It shall be compulsory to abide by the relevant standards set by the Turkish Standards Institute in the zoning plans and in urban, social, technical infrastructure areas and buildings with a view to rendering the physical environment accessible to the disabled.

434. With the said amendments, the following arrangements are intended to create the appropriate environment for the disabled:

(i) Residential housing units, public and commercial buildings shall be arranged in accordance with the needs of the disabled;

(ii) Appropriate measures shall be taken in line with the TSE standards in open areas (roads, parking lots, parks, pedestrian areas, squares and pavements), transportation and communication points on these open areas, as well as on landscape components with a view to ensuring access to the disabled;

(iii) It is compulsory to abide by the relevant TSE standards in the arrangements to be made with regard to the disabled;

(iv) The municipalities are obliged to act in accordance with relevant legislation and standards. According to Article 38 of the Municipality Law No. 5393, municipalities are delegated the responsibility to use the allowance in the budget granted for the poor and the needy, to carry out services concerning the disabled and to establish centres for the disabled.

435. The TSE issued three significant standards to ensure access to the disabled:

(i) TS 9111 Rules Regarding the Arrangement of Buildings in which the Disabled Shall Reside, dated April 1991;

(ii) TS 12576 Design Rules Regarding the Structural Measures for the Disabled and the Elderly in Streets, Roads, Squares and Ways, dated April 1999;

(iii) TS 12460 Design Rules Regarding in Facilities for the Disabled and the Elderly, dated April 1998.

436. Moreover, special housing arrangements for the disabled in various mass housing projects have been prepared in collaboration with the TOKI since 1999.

Statistical information on housing in Turkey

437. According to the outcome of the Building Census in 1984, which was conducted within the boundaries of municipalities of Turkey, 4,387,971 buildings were detected. In 2000, this figure rose to 7,838,675, which indicates an increase of 79%.

438. During the 1984 Building Census, 7,096,277 dwelling units had been counted. In 2000, 16,235,830 dwelling units were determined.

439. While the average number of the dwelling units in the buildings was 1,8 in 1984, this number increased by 33% and reached 2,4 in 2000.

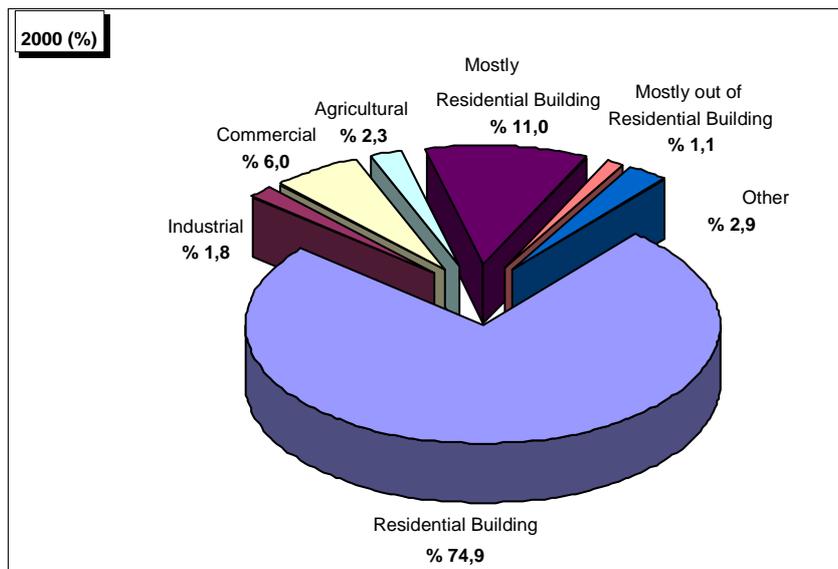
440. Average construction area of buildings had been 101 m² in 1984 whereas it was 132 m² in 2000.

441. Among other provinces in Turkey, Istanbul has the highest number of buildings. 11% of the buildings in Turkey are located in Istanbul. Izmir with 6,7%, Ankara with 4,9%, Konya with 4,3%, Bursa with 3,4%, Adana with 3,2% and Antalya with 3,0% follow Istanbul.

442. 91,7% of the total number of buildings in Turkey has been constructed by the private sector, 3,6% by the public sector and 4,5% by the construction cooperatives. Concerning the floor area of completed or partially completed new buildings, 70% of the total area belongs to private sector. Construction cooperatives have an important portion with 27%. The rate of public sector remains approximately at the level of 4%.

443. According to the results of the 2000 Building Census, with regard to the purpose of usage, buildings used only for residential purposes have the highest ratio with 74,9%. Graph 1 presents more detailed information on the purpose of the usage of the buildings in 2000.

Figure I
Purpose of usage of the buildings (2000)



Source: TURKSTAT.

444. According to the results of the 2003 TURKSTAT survey, 72% of people in Turkey live in an owner-occupied housing, divided equally between those who own a house and those who own a flat or apartment. Many Turks in both urban and rural areas live in houses that have been built with the help of family and friends. Among those who are not homeowners, one-fifth of people live in rented accommodation, while the remainder live with relatives or in a house connected with their work.

445. In the 2003 TURKSTAT survey, 63% of people indicated that they were either satisfied or very satisfied with their housing, compared with 25% of respondents who described themselves as being moderately satisfied and just 12% of people who described themselves as being dissatisfied.

Article 12

Organization of the health care system

446. As displayed in the table below, actors in health care in Turkey are several public, quasi-public, private and philanthropic organizations.

Table 26
Actors in health care in Turkey

Policy formulation	
	The Parliament
	The State Planning Organization
	The Ministry of Health
	The Higher Education Council
	The Constitutional Court
Administrative jurisdiction	
	The Ministry of Health
	Provincial Health Directorates
Provision of health care	
	<i>Public</i>
	The Ministry of Health
	The SSK
	University Hospitals
	The Ministry of Defence
	Other
	<i>Private</i>
	Private Hospitals
	Foundations
	Hospitals Belonging to Non-Muslim Minorities
	Private Practitioners/Specialists
	Outpatient Clinics
	Laboratories and Diagnostic Centres
	Pharmacies
	Other
	<i>Philanthropic</i>
	Red Crescent
	Foundations
Financing of the health care	
	The Ministry of Finance
	The SSK
	The BAG-KUR

The Pension Fund
 Private Insurance Companies
 Self Funded Schemes
 International Agencies

Source: 2004 Turkey Health Report, the MOH, Refik Saydam Hygiene Centre, School of Public Health, Publication No. SB-HM-2004/01.

447. The MOH is the primary public body responsible for policy making in health care, implementation of national health strategies and direct provision of health services. It is the major provider of primary and secondary health care, children's and maternal health care services, and family planning services. The MOH is essentially the only provider of preventive health care services through an extensive network of health facilities (health centres and health posts) providing primary, secondary and specialized in-patient and out-patient services.

Primary and preventive health care

448. The WHO's approach to the primary health care services is a part of Turkey's health policy. In provision of the primary health care services, the main criterion is the accessibility of health services to all. Services at primary health centres are free of charge and open to everybody, regardless of whether they are affiliated with one of the social security schemes or not.

449. As of 2002, the MOH established almost 11.700 health posts and 5.840 health centres. For maternal and child care and for key preventive services, the MOH also runs a number of vertical programmes. To help implement these programmes, particularly in urban areas, the MOH operates a number of specialized centres and dispensaries with specialized personnel which offer preventive and curative health services and training for health personnel from other primary health care units.

Table 27

Public primary and preventive health care facilities (2000, 2002)

	2000	2002
MOH facilities		
Number of health posts	11 675	11 735
Number of health centres	5 700	5 840
Provincial	1 049	1 092
District	1 113	1 168
Town	1 682	1 703
Village	1 856	1 877
Maternal care-fertility planning centres	291	280
Tuberculosis dispensaries	270	272
SSK facilities		
Health stations	219	202
Health dispensaries	198	213

Source: 2004 Turkey Health Report, the MOH, Refik Saydam Hygiene Centre, School of Public Health, Publication No. SB-HM-2004/01.

Table 28
Number of hospitals (1994–2004)

<i>Years</i>	<i>MOH hospitals</i>	<i>SSK hospitals</i>	<i>University hospitals</i>	<i>Municipal hospitals</i>	<i>Hospitals affiliated with other public institutions</i>	<i>Private hospitals</i>	<i>Total</i>
1994	666	115	29	5	13	154	982
1995	677	115	33	5	13	166	1 009
1996	682	115	35	6	12	184	1 034
1997	698	115	37	6	12	210	1 078
1998	727	115	40	7	12	237	1 138
1999	734	115	42	8	12	260	1 171
2000	744	118	42	9	10	261	1 184
2001	751	118	43	9	10	267	1 198
2002	654	120	50	10	10	270	1 114
2003	664	121	50	9	10	272	1 126
2004	683	146	52	8	8	278	1 175

Source: MOH.

Note: Military hospitals are not included.

Table 29
Number of hospital beds (1994–2004)

<i>Years</i>	<i>MOH hospitals</i>	<i>SSK hospitals</i>	<i>University hospitals</i>	<i>Municipal hospitals</i>	<i>Hospitals affiliated with other public institutions</i>	<i>Private hospitals</i>	<i>Total</i>
1994	77 753	25 196	19 852	1 160	2 779	7 925	134 665
1995	76 991	25 397	20 811	1 160	2 779	8 934	136 072
1996	78 347	25 359	22 056	1 218	2 897	10 042	139 919
1997	80 297	25 934	23 383	1 218	2 897	11 255	144 984
1998	82 032	26 279	23 828	1 273	2 897	12 678	148 987
1999	84 022	27 062	24 094	1 313	2 897	14 077	153 465
2000	86 117	27 900	24 647	1 341	2 287	14 257	156 549
2001	87 709	28 517	24 754	1 341	2 287	14 682	159 290
2002	88 827	28 979	26 024	1 389	2 287	14 729	162 235
2003	91 202	29 157	26 162	1 389	2 287	14 700	164 897
2004	94 710	32 438	27 299	1 296	1 587	14 558	171 888

Source: MOH.

Note: Military hospitals are not included.

450. As it can be seen from the tables above, both the number and the capacity of private hospitals almost doubled between 1994 and 2004. The rising number of polyclinics and high-tech diagnostic centres, particularly those offering magnetic resonance imaging and computed tomography scanning and the establishment of laboratory networks also indicate advancement in the private health care sector.

Health Transformation Programme

451. Health Transformation Programme was launched in 2003 with a view to presenting, providing, financing and organizing health services in line with effectiveness, productivity and equity. Main principles of Health Transformation Programme are human centricism, sustainability, continuous quality improvement, participation, division of power, decentralization and competition in service. All these objectives and principles are in harmony with both the “Health for All in the 21st Century” Policy of the WHO and the EU Accession Partnership Document for Turkey.

452. Components of the Health Transformation Programme are as follows:

- (i) The MOH as the planner and controller;
- (ii) General health insurance gathering everybody under a single umbrella;
- (iii) Widespread, easy accessible and friendly health service system.

453. As regards *the general health insurance*, the aim is not only to improve the quality of services, but also deliver primary health care services to every patient at an equal level and eliminate the financial relations between the patient and the doctor. It also aims at decreasing the cost of health expenses and encouraging and stipulating preventive medicine practices.

454. Within the scope of the Health Transformation Programme, the efforts are carried out on the following points in order to set up general health insurance:

- (i) Poverty lines will be defined in order to determine the people who cannot finance health expenses. An evaluation system to determine the financing capacity of the citizens will be established;
- (ii) A source will be provided with public resources partially or fully in order to refund the insurance premium of those who do not have the financial capacity;
- (iii) A system for collecting the insurance premium of those who do not have social insurance will be set up in the short-term;
- (iv) Health insurance premium pool will be separated from the other branches of social security and its own balances will be set up;
- (v) Main guarantee package in the health services will be defined;
- (vi) A structure based on demographic and epidemiological characteristics will be formed to define the need of health services at provincial and at district level, if necessary;
- (vii) In accordance with the defined needs, mechanisms will be established to make contracts in order to purchase service from primary health institutions and hospitals;
- (viii) A structure to define whether services are appropriate for the determined qualities will be formed through conducting “appropriateness and convenience” controls.

455. Through the general health insurance:

- (i) Each Turkish citizen will be covered and a single number will be given to every citizen;
- (ii) Health insurance will be separated from other insurance schemes;
- (iii) Health institutions will not check whether the premium is paid or not, instead, insurance institutions will be responsible for the payment of premiums;

(iv) Payback will be carried out to the service suppliers on time and regularly.

456. These efforts are undertaken in coordination with the Ministry of Labour and Social Security.

Health care financing and expenditure

457. There are three main sources available for the health care in Turkey:

1. General government budget funded by tax revenues;
2. Contributions of the social security institutions (SSK, BAG-KUR, Pension Fund); and
3. Out-of-pocket payments incurred by individuals for private health care, and by both individuals and companies for the voluntary health insurance schemes.

458. The MOH, the largest single provider of health care in Turkey, is mainly financed through the general government budget, which constitutes 70% of the MOH's income. Since 1988, special funds from excise duties on fuel, cigarettes, alcohol and the sale of new cars have become available to the MOH as another major source of financing. A third source of income for the MOH is the revolving funds.

459. Detailed information on the health care expenditure in Turkey and the budget of the MOH including its distribution by services is submitted in the below tables.

Table 30

Health expenditure (I) (1994–2004)

(At current prices)

Years	GNP (billion TL)	Consolidated budget (billion TL)	Health expenditure (billion TL)		
			Public	Private	Total
1994	3 887 903	897 296	103 500	56 500	160 000
1995	7 854 887	1 710 646	193 000	107 000	300 000
1996	14 978 067	3 940 162	352 000	198 000	550 000
1997	29 393 262	7 990 748	655 000	385 000	1 040 000
1998	53 518 332	15 601 363	1 479 673	719 576	2 199 249
1999	78 282 967	28 094 057	2 567 369	642 000	3 209 369
2000	125 596 129	46 705 028	4 359 145	1 089 000	5 448 145
2001	175 483 953	80 579 065	7 607 184	1 229 733	8 836 917
2002	275 032 366	115 682 350	13 114 705	2 189 070	15 303 775
2003	356 680 888	140 454 842	17 099 880	3 045 803	20 145 683
2004	428 932 343	151 357 207	22 637 501	4 264 124	26 901 625

Source: SPO.

Table 31
Health expenditure (II) (1994–2004)
(At current prices)

<i>Years</i>	<i>Total health expenditure/ GNP (%)</i>	<i>Public health expenditure/ GNP (%)</i>	<i>Public health expenditure/ total health expenditure (%)</i>	<i>Per capita health expenditure (thousand TL)</i>	<i>Per capita health expenditure (%)</i>	<i>Per capita health expenditure (PPP)</i>
1994	4.1	2.7	64.7	2 639.7	88.9	211.4
1995	3.8	2.5	64.3	4 859.3	106.4	212.2
1996	3.7	2.4	64.0	8 747.8	107.8	220.5
1997	3.5	2.2	63.0	16 246.2	107.3	227.3
1998	4.1	2.8	67.3	33 753.1	129.8	271.9
1999	4.1	3.3	80.0	48 411.9	115.9	252.4
2000	4.3	3.5	80.0	80 809.0	129.6	298.2
2001	5.0	4.3	86.1	129 181.5	105.6	304.7
2002	5.6	4.8	85.7	220 553.6	146.6	360.7
2003	5.6	4.8	84.9	286 310.7	191.5	390.9
2004	6.3	5.3	86.1	377 132.6	265.1	483.4

Source: SPO.

Table 32
Budget of the Ministry of Health (1996–2005)

<i>Years</i>	<i>GNP (billion TL)</i>	<i>General government budget (billion TL)</i>	<i>Budget of the MOH (billion TL)</i>	<i>Budget of the MOH/GNP (%)</i>	<i>Budget of the MOH/general government budget (%)</i>
1996	14 978 067	3 558 507	98 064.40	0.65	2.76
1997	29 393 262	6 238 000	204 499.28	0.70	3.28
1998	53 518 332	14 753 000	390 891.70	0.73	2.65
1999	79 282 967	23 570 000	663 123.50	0.84	2.81
2000	125 970 544	46 843 000	1 059 825.00	0.84	2.26
2001	179 480 078	48 060 000	1 280 660.00	0.71	2.66
2002	271 406 000	97 831 000	2 345 447.69	0.86	2.40
2003	354 575 000	146 806 170	3 570 054.00	1.01	2.43
2004	424 129 000	149 858 129	4 787 751.00	1.13	3.19
2005	480 963 000	153 928 793	5 462 974.75	1.14	3.55

Source: MOH.

Table 33
Distribution of the budget of the Ministry of Health (2002)

Curative services	51%
Primary health care	34%
Health Education	4%
Disease Control (Tuberculosis, Malaria and Cancer Control)	3%
Administration	3%
Mother and Child Health/Family Planning	2%
Others	3%

Source: MOH.

460. According to the Turkey Health Report published by the MOH in February 2004, there are 562 revolving funds in MOH facilities. Moreover, there are 43 revolving funds operating in university hospitals. The amount of income collected through revolving funds in the MOH facilities in the year of 2001 was 845,509 billion TL. Through revolving funds in the university facilities, 730,100 billion TL was generated for the same year.

Infant and child mortality

461. According to the Turkey Demographic and Health Survey (TDHS), which is conducted every five years, the infant and child mortality rates in Turkey are as follows:

Table 34
Infant and child mortality (1998, 2003)

Years preceding survey	Neonatal mortality (%)	Post neonatal mortality (%)	Infant mortality (%)	Child mortality (%)	Under-five mortality (%)
TDHS-2003					
0-4	17	12	29	9	37
5-9	24	22	47	10	56
10-14	34	25	59	11	69
TDHS-1998					
0-4	26	17	43	10	52
5-9	30	24	54	14	67

Table 35
Early childhood mortality rates by socio-economic characteristics (TDHS-2003)

Socioeconomic characteristics	Neonatal mortality (%)	Post neonatal mortality (%)	Infant mortality (%)	Child mortality (%)	Under-five mortality (%)
Residence					
Urban	15	8	23	7	30
Rural	21	18	39	11	50
Region					
West	15	7	22	8	30

<i>Socioeconomic characteristics</i>	<i>Neonatal mortality (%)</i>	<i>Post neonatal mortality (%)</i>	<i>Infant mortality (%)</i>	<i>Child mortality (%)</i>	<i>Under-five mortality (%)</i>
South	19	10	29	2	30
Central	10	10	21	12	33
North	20	14	34	14	48
East	23	18	41	7	49
Selected regions					
Istanbul	16	4	19	13	32
Southeast Anatolia	21	16	38	9	46
Education level of the mother					
No education/Primary education incomplete	29	22	51	13	63
First level primary	14	11	25	8	33
Second level primary and higher	15	3	18	6	24

Figure II
Trends in infant and child mortality (1993, 1998, 2003)

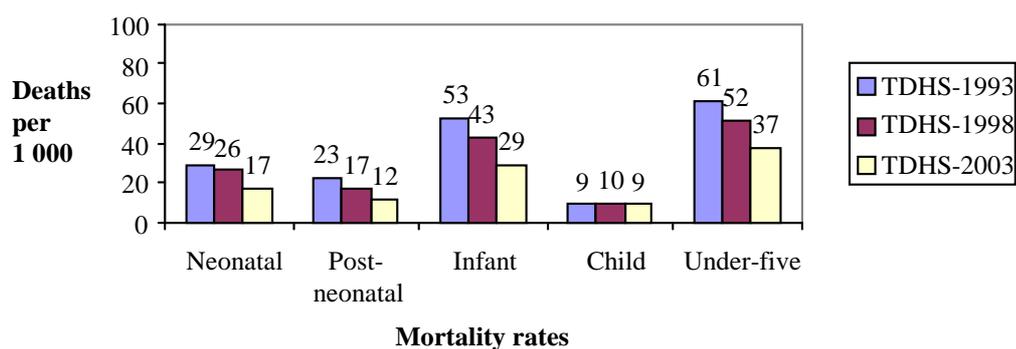


Table 36
Distribution of main death causes of children under 5 years old (2005)

<i>Causes</i>	<i>Rate (%)</i>
Prenatal causes	33.2
Other causes of prenatal mortality	22.5
Congenital anomalies	7.9
Birth injury, difficult labour and other anoxic and hypoxic conditions	2.8
Heart diseases	17.4
Pneumonia	3.1
Meningococcal infections	13.1
All other disease and accidents	33.2

Source: TURKSTAT.

Note: Causes of deaths include only province and district centres.

Immunization

462. Immunization services against six vaccine-preventable diseases (tuberculosis, diphtheria, pertussis, tetanus, poliomyelitis and measles) are provided under the “Expanded Programme on Immunization” since 1980. In 1998 Hepatitis-B vaccine was included in the Programme. Detailed information on the immunization of the children of 12–23 months is submitted in the table below.

Table 37

Vaccinations by background characteristics (children of 12–23 months) (TDHS-2003)

Background characteristics	Percentage of children receiving										Percentage with vaccination card	Number of children
	DPT				Polio			Measles	All	None		
	BCG	1	2	3	1	2	3					
Child's sex												
Male	89.0	87.4	78.0	66.3	95.8	85.1	73.9	80.0	57.7	2.7	56.6	381
Female	86.4	89.6	73.5	62.4	93.6	80.4	64.0	78.8	50.6	2.9	50.7	367
Birth order												
1	92.3	92.0	83.5	72.9	96.0	87.5	78.1	84.4	62.4	1.0	65.1	253
2–3	92.0	93.5	79.6	69.8	95.7	85.0	71.2	86.5	59.8	2.1	54.6	340
4–5	83.8	78.4	59.1	41.0	93.8	71.9	57.0	68.5	33.8	3.2	30.7	93
6+	52.2	61.8	48.7	35.0	85.6	67.5	38.8	36.5	21.5	13.0	37.6	63
Residence												
Urban	92.6	91.2	80.9	72.6	94.7	85.3	76.9	84.4	62.9	2.4	63.2	503
Rural	77.7	82.9	65.4	47.5	94.7	77.5	53.0	69.1	36.5	3.5	34.4	246
Region												
West	95.5	94.3	81.3	72.6	95.2	87.4	79.1	88.9	63.0	1.4	65.1	271
South	95.2	96.5	83.3	71.4	98.8	84.3	70.6	81.1	60.2	0.0	62.4	89
Central	95.6	93.8	83.0	72.1	96.4	86.0	73.6	90.3	61.0	1.7	57.5	138
North	91.5	95.8	85.6	70.7	93.8	85.8	71.0	84.5	60.1	2.8	64.7	41
East	68.6	72.5	58.9	44.4	91.4	73.5	52.2	58.2	34.8	6.5	30.8	210
Selected regions												
Istanbul	92.3	92.3	77.5	72.5	89.7	83.6	78.2	85.8	62.3	3.0	70.4	127
Southeast Anatolia	70.9	73.8	57.2	43.4	93.0	69.8	52.2	56.7	35.0	5.5	32.9	118
Education Level of the Mother												
No Education/Pri. Incomplete	63.8	62.9	48.9	35.0	88.2	70.6	44.6	45.0	26.1	9.5	31.6	173
First level primary	93.7	94.7	79.1	69.3	97.0	85.4	73.9	88.9	60.9	1.1	55.4	389
Second level primary	98.2	100	90.5	72.9	93.1	83.1	70.0	93.1	61.2	0.0	67.7	53
High school and higher	97.2	98.9	95.3	84.8	97.2	90.7	86.5	90.8	68.5	0.0	72.1	133
Total	87.7	88.5	75.8	64.4	94.7	82.8	69.1	79.4	54.2	2.8	53.7	749

Proportion of infants having access to trained personnel for care

463. Infants are detected by the primary health care institutions of the MOH and their development is monitored by the health care personnel by asking their parents to bring them to these institutions. In rural areas, health care personnel monitor the infants' development through house visits. According to data available to the MOH, in 2004, 834.790 infants (61% of the live births) were checked up approximately 6,63 times in a year by the personnel in the health care institutions of the MOH. Moreover, alongside the health care institutions of the MOH, parents bring their infants to the university hospitals, hospitals affiliated with other public institutions and private hospitals.

Antenatal care

464. Percentage distribution of the ever-married women who had a live birth within the five years prior to the survey by antenatal care provider during pregnancy for the most recent birth is submitted below.

Table 38

Antenatal care (TDHS 2003)

<i>Background characteristics</i>	<i>Doctor (%)</i>	<i>Nurse/midwife (%)</i>	<i>Traditional birth attendant/other (%)</i>	<i>No one (%)</i>	<i>Missing (%)</i>	<i>Number of women (%)</i>
Age at birth						
<20	79.4	5.9	0.3	14.4	0.0	326
20–34	76.4	5.4	0.1	17.8	0.3	2 523
35–49	63.3	6.1	0.5	30.0	0.0	316
Birth order						
1	89.3	3.6	0.1	7.0	0.0	1 000
2–3	77.0	6.9	0.2	15.6	0.3	1 465
4–5	58.3	5.4	0.4	35.1	0.7	417
6+	43.5	5.2	0.2	51.1	0.0	283
Residence						
Urban	83.5	4.6	0.2	11.6	0.2	2 172
Rural	57.7	7.6	0.3	34.2	0.3	992
Region						
West	85.8	5.4	0.1	8.5	0.2	1 119
South	79.6	5.3	0.1	14.6	0.4	426
Central	75.4	7.3	0.3	16.6	0.5	673
North	78.4	6.2	0.6	14.8	0.0	192
East	57.0	4.0	0.2	38.8	0.0	754
Education						
No education	47.5	5.9	0.8	45.7	0.1	696
First level primary	78.0	6.6	0.0	15.1	0.3	1 665
Second level primary	88.7	5.6	0.0	5.7	0.0	260
High school and higher	97.1	1.5	0.0	1.1	0.3	543
Total	75.4	5.5	0.2	18.6	0.2	3 164

465. As it can be discerned from the table, 81% of the mothers had at least one antenatal care visit from trained health personnel during the pregnancy of their most recent birth within the five years prior to the survey. Three-quarters of the mothers received care from the doctor.

466. There are marked differences in antenatal care by background characteristics. Younger mothers are more likely to seek antenatal care from trained health personnel than women over the age of 35. The differences in the proportions of live births with antenatal care according to birth order are also remarkable. As birth order increases, proportion of live births that have received antenatal care declines. Children of birth order three or lower are almost twice more likely to have received antenatal care than births of order six or higher.

467. Moreover, mothers living in urban settlements are more likely to have antenatal care from a doctor than those living in rural areas (84% and 58% respectively).

468. The use of antenatal care services is strongly associated with mother's education. Almost all births to women with at least high school level education received antenatal care, while only half of births to women with less than primary education (53%) received any antenatal care.

Assistance during the delivery

469. The type of assistance a woman receives during the birth of her child depends to great extent on the place of delivery. Births that are delivered outside the health facility are much less likely to receive assistance from a doctor or other trained health professional. The proportion of all births delivered with the assistance of a doctor or trained health personnel is 83%.

470. According to the findings of the TDHS 2003, percentage distribution of live births within the five years prior to the survey conducted by the person providing assistance during the delivery is submitted in the below table.

Table 39

Assistance during delivery (TDHS 2003)

<i>Background characteristics</i>	<i>Doctor (%)</i>	<i>Nurse/ midwife (%)</i>	<i>Traditional birth attendant (%)</i>	<i>Relative/ other (%)</i>	<i>No one (%)</i>	<i>Don't know/ missing (%)</i>	<i>Number of births (%)</i>
Age at birth							
<20	40.2	42.7	8.2	7.7	1.2	0.0	518
20–34	47.8	35.8	8.5	7.2	0.3	0.4	3 257
35–49	46.1	31.6	11.9	8.9	1.4	0.0	357
Birth order							
1	60.2	33.7	3.9	2.1	0.1	0.0	1 397
2–3	48.1	38.7	6.7	5.6	0.6	0.3	1 796
4–5	26.8	38.1	17.5	15.5	0.7	1.4	532
6+	20.2	32.4	23.0	22.7	1.6	0.1	407
Residence							
Urban	55.6	34.7	4.8	4.3	0.4	0.2	2 722
Rural	29.5	39.4	16.5	13.3	0.8	0.5	1 410

<i>Background characteristics</i>	<i>Doctor (%)</i>	<i>Nurse/ midwife (%)</i>	<i>Traditional birth attendant (%)</i>	<i>Relative/ other (%)</i>	<i>No one (%)</i>	<i>Don't know/ missing (%)</i>	<i>Number of births</i>
Region							
West	66.0	29.3	1.2	3.0	0.1	0.3	1 342
South	40.1	48.7	7.3	3.2	0.4	0.5	557
Central	56.9	34.1	2.5	5.7	0.4	0.3	813
North	45.2	41.3	7.9	3.8	1.0	0.9	252
East	20.9	38.8	22.6	16.4	1.0	0.2	1 168
Education							
No education/ Primary education incomplete	21.1	33.8	23.0	20.6	0.9	0.6	1 099
First level primary	49.2	41.9	4.5	3.6	0.5	0.2	2 112
Second level primary	57.9	38.5	2.0	0.9	0.3	0.3	307
High school and higher	78.3	20.2	1.1	0.2	0.0	0.3	615
Total	46.7	36.3	8.8	7.4	0.5	0.3	4 132

Maternal mortality

471. According to the findings of a study conducted by the MOH and Hacettepe University, in cooperation with the UNFPA and the WHO, maternal mortality rate in Turkey has declined from 138 per 100.000 live births in 1983 to 52 per 100.000 live births in 1999. This data, however, is hospital based maternal deaths, thus excludes the deaths occurred during births taking place at home and those occurred after discharge from hospital.

Measures taken for mother-child health and reproductive health

472. Consultancy services on family planning and reproductive health in Turkey are given free of charge in all active health units and mother and infant health and family planning centres.

473. The main goal in the fields of mother-child health and family planning is to enhance the capacity of all relevant institutions. In this regard, the MOH has undertaken, in collaboration with the civil society and universities as well as international organisations, numerous projects throughout the country to improve reproductive and primary mother-child health care, particularly in less developed regions and for poorer segments of the society. Some of these projects are listed below:

- (i) "Safe Motherhood Programme" aiming at giving on-the-job-training to reduce maternal and infant child mortality rates has been implemented;
- (ii) "Reproductive Health Programme" which was implemented from 1997 to 2000 as a multi-purpose programme, including the training of health professionals, counselling couples on family planning and upgrading the facilities that provide primary mother-child health care to women's health centres equipped in line with modern medical technology;

- (iii) Turkey-UNFPA 3rd Country Programme (2001–2005) aims, among others, at enhancing reproductive health through training and awareness-raising, institutional capacity building and the generation of knowledge and data. The project is the result of the collaborative efforts involving the MOH, the Ministry of National Education, the Scientific and Technological Research Council of Turkey (TUBITAK), the State Planning Organisation, the Turkish Statistical Institute and the General Directorate on the Status of Women;
- (iv) Financially supported by the European Union, “Turkey Reproductive Health Programme” was put into implementation in January 2003. The main objectives of the four-year programme are the improvement of reproduction health services, the enhancement of its accessibility, the promotion of public awareness on reproduction health through contributing to the development of the capacities of NGOs and ensuring the increase of service utilisation;
- (v) Turkey has initiated many projects in recent years for male participation in reproduction health programmes, the most important of which has been a continuous education programme for the Turkish Armed Forces staff on reproduction health;
- (vi) The Turkish Statistical Institute is in the process of developing gender health indicators and generating sex-disaggregated data. There are also many small pilot projects undertaken by the Government and NGOs to improve primary and reproductive health care, to raise public awareness on related issues, including sexually transmitted diseases, to develop curricula on reproductive health for university students and to enhance overall access to health care services;
- (vii) For eliminating anaemia, pregnant women are provided iron supply in the health institutions free of charge. Furthermore, the “Programme on Prevention and Control of Anaemia in Infants and Children” was launched in 2004;
- (viii) “Neonatal Resuscitation Programme” is implemented in order to prevent infant mortality;
- (ix) Since 1986, programmes on “the Control of the Diarrheic Diseases”, “the Control of the Respiratory Infections” and “Promotion of the Breast Milk” have been conducted. Whereas the percentage of the infants fed with only breast milk until the age of 4-months in 1998 was 9,4%, this percentage increased to 27% in 2003. As a consequence of these programmes, deaths resulted from infectious diseases have been remarkably decreased;
- (x) As far as the efforts against hereditary metabolic diseases are concerned, programmes on “Infant Fenilketonury Screening”, “Protection from Genetic Diseases”, “Prevention of Diseases Related to Insufficient Iodine Supply” and “Hemoglobinopatı Control Programme” are being implemented;
- (xi) In order to update the knowledge of the public and the health personnel on the vitamin-D insufficiency, to create public consciousness on the matter, and to provide vitamin-D support for the infants, the Project on Elimination of Vitamin-D Insufficiency in Infants and Protection of Bone Health has been initiated. In this respect, vitamin-D preparations have been distributed to the primary health care institutions by the MOH;
- (xii) Parents are given information on basic health care of the infants. A guide called “Conscious Mother-Healthy Baby” is distributed to the parents. Also, developments in mother-child health care have been realized through cash assistance to the poor families provided that their pre-school aged children benefit from the primary health care services and through cash assistance to the pregnant women on

the condition that they will receive antenatal and postnatal health care and give birth in a health care institution;

(xiii) “National Food and Nutrition Policies Action Plan” has been devised and implemented under the coordination of the State Planning Organization.

Life expectancy, causes of deaths and morbidity

474. According to the TURKSTAT, in 2007 the life expectancy at birth was 69,3 years for men and 74,2 for women. Between the years 1990–2007, life expectancy has increased by 5,5 years for men and 5,9 for women.

475. Most of the available mortality data is based on hospital deaths and thus heavily weighted towards non-communicable diseases. 77% of the hospital-based deaths are due to non-communicable diseases, followed by deaths due to communicable diseases (13,5%), and injuries and accidents (9%).

476. As displayed in Table 40, among non-communicable diseases, coronary heart diseases and cancers are the two leading causes of death in Turkey.

Table 40

Distribution of main causes of death (2005)

<i>Causes</i>	<i>Ratio (%)</i>
Heart diseases	37.7
Malignant neoplasms, including neoplasms of lymphatic and haematopoietic tissue	14.5
Symptoms and ill-defined conditions	10.6
Cerebro-vascular diseases	8.2
Meningococcal infections	1.8
Diabetes mellitus	1.5
Hypertensive disease	1.5
All other accidents	1.3
Other	22.9

Source: TURKSTAT.

Note: Causes of deaths include only province and district centres.

477. According to the “National Burden of Disease and Cost Effectiveness Study” conducted in cooperation with the World Bank and Turkish Ministry of Health in 2002, the cardiovascular diseases, neuro-psychiatric diseases, infectious diseases except for HIV/AIDS, injuries and maternal-perinatal diseases are the most frequently seen diseases in Turkey. Moreover, total burden of disease in Turkey is 10.803 DALY (Disability Adjusted Life Year) (159,3 per 1000), 40,3 of which constitute the first group diseases (communicable diseases), 101,9 the second group diseases (non-communicable diseases) and 17,2 injuries.

478. In accordance with the Law No. 1593 on General Hygiene and the Basic Law No. 3359 on the Health Care Services, the MOH, as the competent body, in case of an emergency situation threatening public health in a region or across the country, assures that all citizens, regardless of their social security memberships, benefit from the diagnosis, treatment, prevention, isolation and hospitalization services.

479. In Turkey, health expenses of the poor people, including the foreign nationals, are covered by the Treasury and the available funds. Especially, some disadvantaged groups, such as the disabled, students and the victims of human trafficking, are provided with

health services, even if they do not have any social security. Besides, the emergency services of the hospitals are instructed by the MOH that they should pay medical attention to the patient without checking the existence of social security membership of the patient.

480. Almost all the population have access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs except for the harsh weather conditions. Providing health care within the time limits not posing any threat to life will continue to be ensured with the present health posts, which will be transformed into family medicine centres, and 112 Emergency Service.

Infectious diseases

481. Notification of certain communicable diseases, such as the vaccine-preventable childhood illnesses (diphtheria, pertussis, tetanus, measles and polio), dysentery (amebic and bacillary), hepatitis (A and B), typhoid and para-typhoid fevers, rabies, brucellosis, malaria and tuberculosis as well as of some non-communicable diseases such as cancer is mandatory in Turkey.

482. Concerning malaria, out of 5.302 cases seen in Turkey in the year 2004, more than 90% occurred in the Southeast Anatolia region. Measures taken by the MOH for eliminating malaria and its treatment are as follows:

- (i) Increasing the number of personnel working in the surveillance services;
- (ii) Mobile surveillance services;
- (iii) Insecticiding operations;
- (iv) Integration of the first-level health care services with the struggle against malaria;
- (v) Periodic seminars on malaria for the first-level health personnel;
- (vi) Support from all public institutions in the region;
- (vii) Joint projects with the international organisations.

483. Within the framework of the alignment activities with the EU as regards communicable diseases:

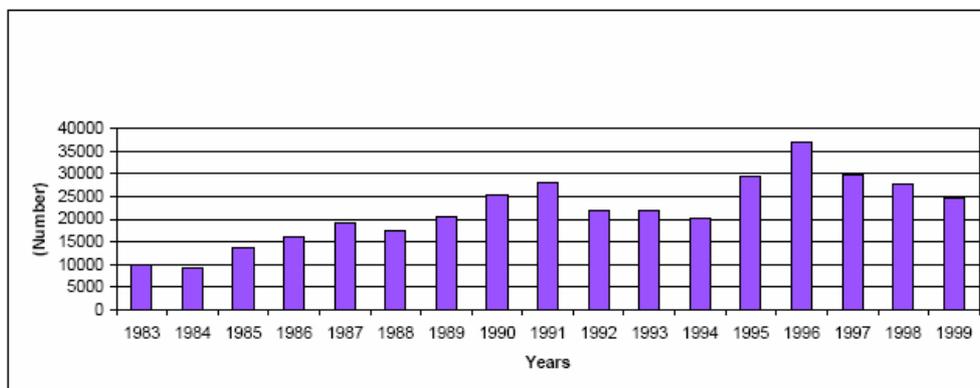
- (i) A list of notifiable diseases was updated and the number of diseases was increased from 39 to 51;
- (ii) Standard case definitions were made and introduced for the first time in accordance with the Commission Decision No. 2002/253/EC;
- (iii) Compulsory notification by laboratories for some infectious agents was introduced;
- (iv) A sentinel surveillance approach was accepted for some infectious diseases to increase the contribution of hospitals to the notification system;
- (v) Guidelines on case definitions and recommended laboratory work for diagnosis was issued and distributed to the physicians in September 2004;
- (vi) Basic Health Statistics Module Website, the national network to collect aggregate data on communicable diseases is updated so as to attain a nationwide network as of February 2005.

484. Moreover, numerous projects on communicable diseases have been under way in collaboration with the EU.

Cancer

485. Regarding cancer incidence in Turkey, there has been a steady increase in the number of the reported cancer cases from 9.868 in the year 1983 to 24.650 in the year 1999.

Figure III
Notified cancer cases (1983–1999)



Source: WHO.

486. The most common form of cancer in Turkey is lung cancer due to high rate of smoking, which comprises 20% of the all forms of cancer incidents. Breast cancer is the most commonly seen cancer in women. Stomach, skin, bladder, colon, larynx and bone marrow are the other frequently reported cancers.

487. The Aegean region (7.385 cases in 1999) is the region where the number of the reported cancer cases is at highest in Turkey, which is followed by Central Anatolia (6.277), Marmara (4.369), Black Sea (3.188), East Anatolia (3.012) and Southeast Anatolia regions (828).

488. Disaggregated data on cancer cases in Turkey are submitted in Annex XIII.

489. In Turkey, the fight against cancer is conducted within the framework of the National Cancer Control Programme, which consists of four basic steps: assessment, prevention, early detection, and treatment and rehabilitation.

490. Among the prevention activities, public information on cancer, fight against smoking, activities for healthy nutrition, research on hereditary cancer and fight against the carcinogenic materials can be named.

491. For the early detection of the cancer, 42 Cancer Screening and Training Centres are in operation across Turkey. Under the "Project of Cancer Screening and Training Centres" in cooperation with the European Union, 11 more Centres were established in 2004.

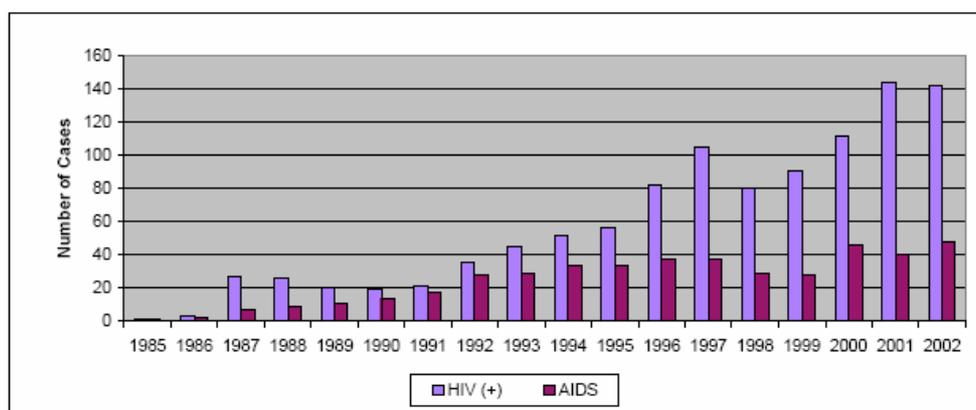
492. Moreover, the Advisory Board on Cancer of the MOH works in order to set the cancer treatment standards and protocols; and the registration activities continue in 13 Active Cancer Register Centres for designating the cancer burden and distribution in Turkey and attaining reliable data on cancer.

HIV/AIDS

493. The first case of HIV infection was reported in 1985, and a total of 1.922 HIV cases were identified by the end of 2004. During this period, 551 of the infected individuals developed AIDS, of whom 63 had died. Among the HIV cases with a known mode of transmission, approximately 6% had been infected through injecting drug use. In recent years, roughly 50% of transmission was heterosexual, and in 2003, roughly one third of

reported infections were in women. For the year 2004, 210 new HIV cases, 47 new AIDS cases and 7 AIDS deaths were reported.

Figure IV
AIDS cases (1985–2002)



Source: 2004 Turkey Health Report, the MOH, Refik Saydam Hygiene Centre, School of Public Health, Publication No. SB-HM-2004/01.

494. Heterosexual transmission is the main route of HIV transmission, accounting for half of all infections whereas mother-to-child transmission accounts only for 1% of HIV infections. The number of cases diagnosed among intravenous drug users is small.

495. HIV testing is mandatory in blood donors, commercial sex workers and military service conscripts abroad.

Mental health

496. According to the Turkish Mental Health Profile Report, the incidence of mental health disorders between the ages of 2–3 is 10,9%, between the ages 5–18, 11,9%, and for the adults, this percentage is 17,2%. Mental health disorders are seen in women twice as frequent as men. The percentage of mental health disorders in urban areas is much higher than in rural areas. Moreover, the Western Turkey suffers more mental health disorders than the rest of Turkey.

497. Since the people in Turkey tend to consider “being healthy” as “being physically healthy” and go to doctor for the physical diseases, the rate of the adults who ask for mental health services in Turkey is 4,7%. This percentage is much lower for other age groups.

498. In line with the WHO Mental Health Declaration, mental health centres within the state hospitals have been established in every province, and arrangements have been realised in order for the patients with mental health disorders to receive treatment.

499. Disaggregated data on mental health disorders are displayed in Table 41.

Table 41
Mental health disorders (1996)

Mental health disorder	Female		Male		Total	
	Number	%	Number	%	Number	%
Panic disorders	22	0.5	7	0.2	29	0.4
Agoraphobia	38	0.9	10	0.3	48	0.6
Unipolar affective disorders Major — depression	33	0.8	17	0.5	50	0.7

<i>Mental health disorder</i>	<i>Female</i>		<i>Male</i>		<i>Total</i>	
	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
Generalized anxiety disorders	221	5.4	76	2.3	297	4.0
Dysthymia cases	90	2.2	26	0.8	116	1.6
Unipolar affective disorders — mild	91	2.2	28	0.8	119	1.6
Hypochondriasis	31	0.8	11	0.3	42	0.6
Neurasthenia	150	3.7	33	1.0	183	2.4
Alcohol dependence and harmful use	4	0.1	57	1.7	61	0.8
Obsessive-compulsive disorders	26	0.6	8	0.2	34	0.5
Eating disorders – anorexia nervosa	0	-	0	-	0	-
Bulimia nervosa	15	0.4	2	0.1	17	0.2
Social phobia	96	2.3	38	1.1	134	1.8
Separation anxiety disorders	157	3.8	46	1.4	203	2.7
Pain disorders	464	11.3	161	4.8	625	8.4
Somatisation disorders	15	0.4	1	0	16	0.2
Having any single mental health disorder	919	22.4	369	10.9	1 288	17.2

Source: 2004 Turkey Health Report, the MOH, Refik Saydam Hygiene Centre, School of Public Health, Publication No. SB-HM-2004/01.

500. Drug addiction is also considered as a mental health disorder. In Turkey, there are 19 mental health treatment centres, which are under strict legislative control. In order to provide easy access to addicts and to enhance the capacity, efforts for increasing the quantity and quality of the centres continue.

Access to safe water

501. Overall, about half of the households get their drinking water from pipes, mainly within their dwelling. The source for drinking water differs considerably by residence.

502. According to the findings of the TDHS 2003, 64% of the urban households get drinking water from pipes in their residence, and less than 1% obtain water from a public tap. The second most common source of drinking water in urban areas is bottled water (26%), while 5% obtain drinking water from a spring/public fountain. Around two-thirds of rural households report having piped water. More than one in ten rural households obtains water from a spring. Households in rural Turkey are somewhat more likely to be relying on well water than households in urban Turkey (8% and 1% respectively).

503. During the conduct of the TDHS 2003, households with no access to drinking water within their own premises were also asked about the time required to fetch water. Overall, 95% of households have access to safe water within 15 minutes. As expected, there is better access to safe water in urban areas than in rural areas.

504. More detailed information on access to safe water can be found in the following tables.

Table 42
Source of drinking water (TDHS-2003)

<i>Source</i>	<i>Urban (%)</i>	<i>Rural (%)</i>	<i>Total (%)</i>
Piped water in house/garden	64.1	16.5	50.1
Public piped water outside house/garden	0.5	0.1	0.4
Public well	0.6	1.8	0.9
Well in house/garden	0.7	6.4	2.4
Piped surface water in house/garden	2.5	60.6	19.6
Spring/public fountain	4.5	10.9	6.4
River/stream/pond/lake/dam	0.0	0.2	0.1
Rainwater	0.0	0.1	0.0
Tanker truck	0.3	0.2	0.3
Bottled water	26.4	2.8	19.5
Water station	0.2	0.1	0.2
Other	0.1	0.2	0.1
Missing	0.1	0.0	0.0

Table 43
Access to drinking water in villages (I)
(1990–2005)

<i>Years</i>	<i>Sufficient unit</i>	<i>Insufficient unit</i>	<i>Dry unit</i>	<i>Total unit</i>	<i>Total village population*</i>
1990	48 179	10 425	20 723	79 327	18 754 605
1991	49 167	10 593	18 915	78 675	18 064 255
1992	47 115	13 477	17 506	78 098	17 496 042
1993	48 500	12 331	16 666	77 497	17 187 583
1994	49 767	11 343	15 677	76 787	16 538 657
1995	49 767	11 343	15 677	76 787	16 385 816
1996	52 046	10 582	13 847	76 475	16 316 280
1997	53 813	9 881	12 763	76 457	16 253 657
1998	54 662	8 940	11 337	74 939	13 831 362
1999	56 508	8 587	10 536	75 631	14 014 519
2000	57 570	8 725	10 122	76 417	13 986 148
2001	57 047	7 485	9 061	73 593	13 968 368
2002	60 264	7 577	9 199	77 040	14 397 913
2003	62 181	7 612	7 390	77 183	14 383 888
2004	59 741	8 474	6 196	74 411	13 166 295
2005	59 986	9 394	5 033	74 413	13 212 636

Source: General Directorate of Rural Services, 2006.

* Total population of villages for which the General Directorate of Rural Services has to fulfil related services.

Table 44
Access to drinking water in villages (II)
 (2005)

	<i>Number of the villages</i>	<i>Population</i>
Sufficient unit	59 986	11 535 549
Insufficient unit	9 394	1 353 482
Dry unit	5 033	323 605
Total	74 413	13 212 636

Source: General Directorate of Rural Services, 2006.

Access to adequate excreta disposal facilities

505. According to the findings of the TDHS 2003, two-thirds of households have modern sanitation facilities in Turkey. Modern sanitation facilities are much more common in urban areas (93%) than in rural areas (36%). 23% of households have a traditional pit toilet or improved pit toilet (7% in urban areas, and 61% in rural areas).

Table 45
Sanitation facilities (TDHS-2003)

<i>Sanitation facility</i>	<i>Urban (%)</i>	<i>Rural (%)</i>	<i>Total (%)</i>
Flush toilet	92.7	35.7	75.9
Open pit	1.8	22.9	8.0
Closed pit	5.0	38.5	14.8
No facility, bush/field/public toilet	0.2	1.1	0.5
Other	0.3	1.8	0.7
Missing	0.1	0.0	0.1

506. Surveys of the TURKSTAT in 2000 show that of the 15.070.093 households, 12.485.238 have the sanitation facilities inside their housing unit.

Environmental and industrial hygiene

507. Pursuant to the Municipality Law No. 5393, dated 2005 and the Law No. 5302 on Special Provincial Administration, dated 2005, licensing and auditing of the non-hygienic enterprises are under the authority of the municipalities and special provincial administrations. In licensing of these enterprises, provisions of the Regulation on Non-Hygienic Enterprises dated 1995 are applied.

508. The authority for licensing and auditing of the hygienic enterprises and for determining the width of the health protection belts of the industrial areas belongs to the MOH.

Measures on the health situation of the disadvantaged groups

509. As regards health, people living in rural areas, especially the women with low level of education can be considered as disadvantaged.

510. Due to lack of health personnel in some regions, contracted health personnel have been employed. Also, through the increase in the number of the 112 emergency stations across Turkey, the time period for accessing health care has been shortened. Despite the

growth of the demands of the society, there has been a decrease in the complaints received, which also indicates the positive improvements in the health system.

511. Moreover, regarding maternal care services, within the framework of the 2005–2015 Strategic Plan on Fertility Health, eliminating the discrepancies among the regions is aimed.

Conditional Cash Transfer Programme

512. *Conditional Cash Transfer Programme* was launched in 2004 with a view to enabling the poorest families in the population to benefit from mother-child health care services and providing them financial aid within the framework of the “Social Risk Reduction Project”.

513. The Programme aims to extend conditional cash transfer to pre-school children between 0–6 years of age for fundamental health services, and similarly to potential mothers for receiving antenatal care, giving birth at medical institutions and postnatal medical services.

514. Within the framework of this Programme, 351.491 people benefited from health care services by the end of 2004. As of September 2007, 1.020.779 people benefited from the Conditional Cash Transfer, and a total of 260.641.441 YTL worth medical assistance was provided.

Article 13

Turkish education system

515. Turkish education system based on modernity, democracy and secularism aims to increase the welfare of Turkish citizens and to support and accelerate Turkey’s economic, social, cultural development.

516. Principles of education policy of Turkey are determined as providing education that aims productivity in life and occupation in accordance with national structure, geography, culture and customs, preparing suitable education programmes and text books, establishing modern schools with scientific opportunities, providing materials required for education and forming the necessary management and training staff who can carry out education and training services at the highest level.

517. Turkish education system is maintained on the basis of Article 42 of the Constitution stating that “no one shall be deprived of the right of learning and education” and “primary education is compulsory for all citizens of both sexes and is free of charge in state schools”. It is also covered by the following legislation:

- (i) Law No. 222 on Primary Education;
- (ii) Basic Law No. 1739 on National Education;
- (iii) Law No. 3308 on Vocational Training;
- (iv) Higher Education Law No. 2547;
- (v) Law No. 430 on Unification of Education;
- (vi) Law No. 4306 on Eight-year Compulsory and Uninterrupted Education;
- (vii) Law No. 625 on Private Education Institutions (superseded by Law No. 5580);
- (viii) Law No. 5580 on Private Education Institutions.

518. Providing everyone with the right to education is a constitutional obligation of a democratic, secular and social state governed by the rule of law. The basis of Turkey's education policies is to ensure that all citizens, regardless of language, race, colour, gender, political thought, philosophical belief, religion or sect, enjoy their right to education in accordance with modern science and education, endowed with equal rights and opportunities.

519. With Law No. 4306 put into effect in 1998, the duration of primary education was increased to 8 years which is compulsory. Thus all the children were provided with access to compulsory and free primary education. Furthermore, an increase in the primary education schooling rates by 90% has been recorded.

520. Article 52 of Law No. 222 obliges every parent to ensure his/her child's regular attendance to primary education institutions and to inform the school administration, within at most 3 days, of the situation of the child who cannot attend school due to his/her excuse. Civilian authorities, primary education inspectors, and municipal police are assigned with the duty of ensuring the attendance to school of children of primary school age, assisting parents and school administrations, and taking all types of measures. Article 56 of the said Law envisages various sanctions ranging from fines to imprisonment for those parents who do not send their children to school despite notification by the *muhtar* or the civilian authority.

521. The Ministry of National Education is responsible for fulfilling all education services except for higher education. The Ministry carries out this responsibility through its central, provincial and abroad organisations, and its affiliated establishments.

522. Educational institutions are open to all without discrimination. Equal opportunities are provided for everybody. General and vocational education is available for a lifetime.

523. According to the Basic Law No. 1739 on National Education, Turkish educational system consists of two main parts, namely formal and non-formal education.

Figure V
Turkish education system (I)

Chart : 3
Source: MONE APK 2000

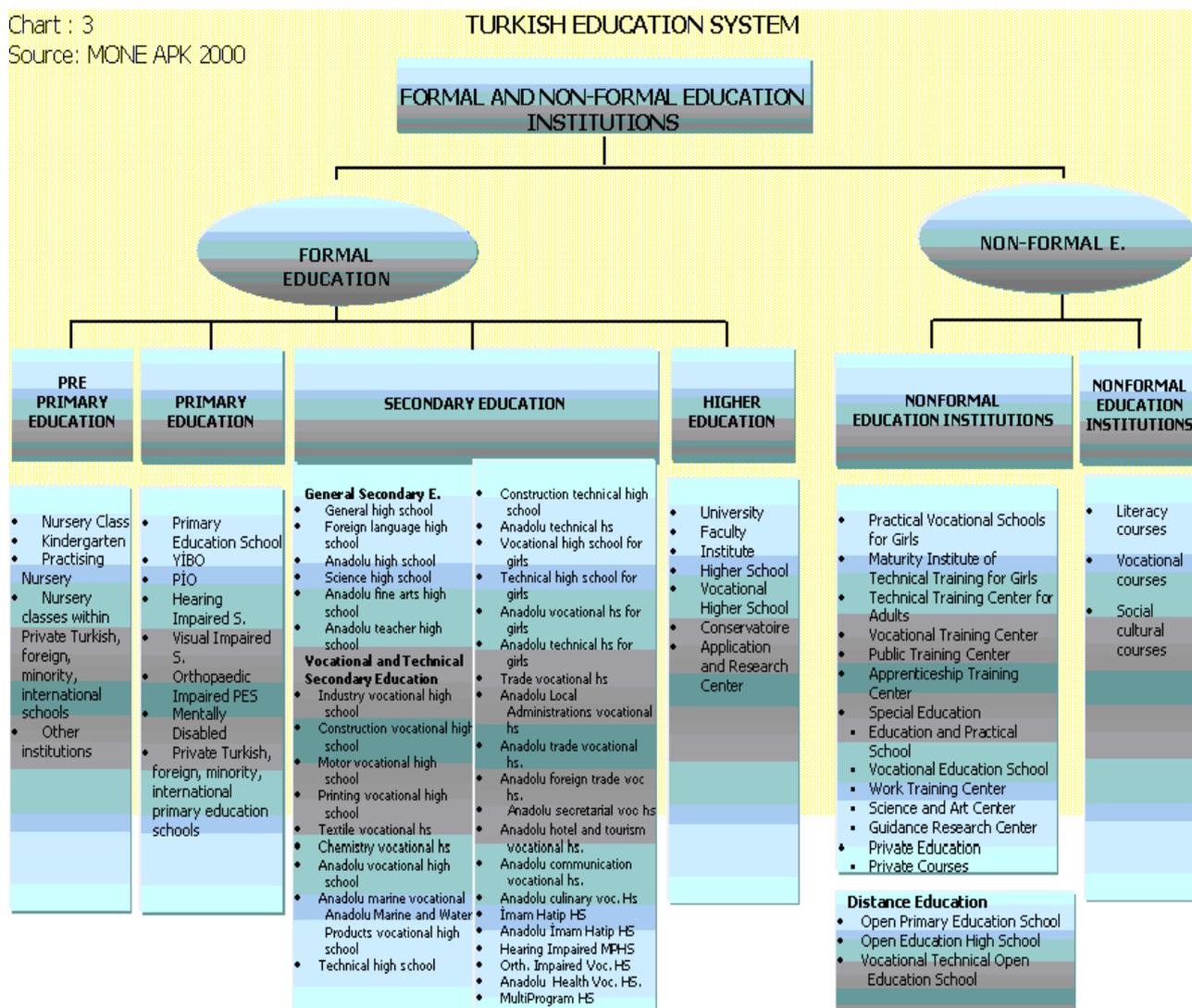
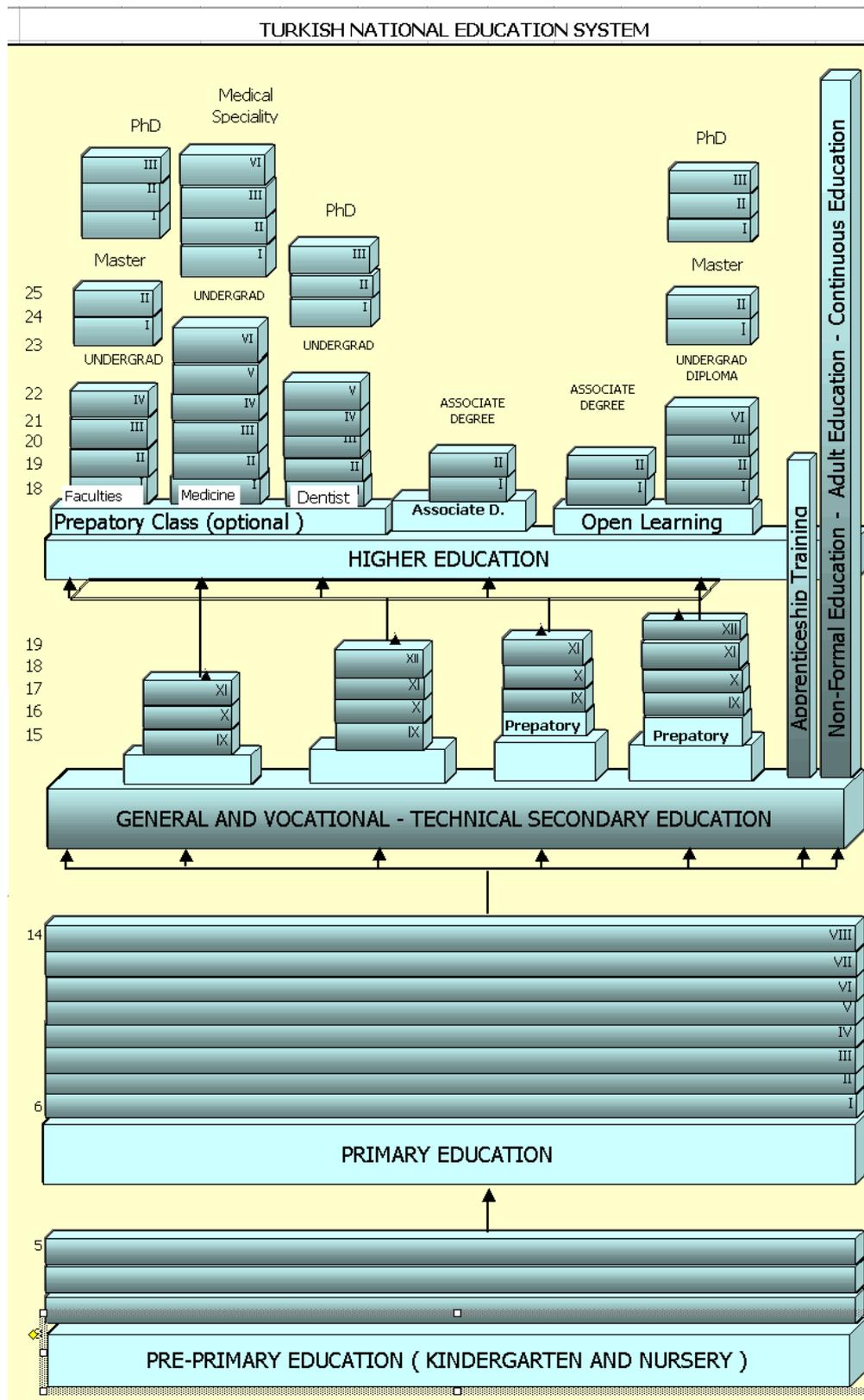


Figure VI
Turkish education system (II)



Formal education

524. Formal education is the regular education conducted within a school for individuals in a certain age group and at the same level, under programmes developed in accordance with a certain purpose. It is divided into four levels: Pre-school education, primary education, secondary education and higher education.

525. Article 3 of the Law No. 222 on Primary Education provides that “Primary education is provided in primary education institutions; is compulsory for boys and girls of primary education age, and is free at state schools”. In accordance with this provision, just as in primary education schools, all children throughout the country are provided free education and material, including pre-school, technical and vocational education, in secondary education institutions.

526. *Pre-school education* is optional. The Ministry of National Education provides pre-school education for children from the age of 3 to 6 years in kindergartens and pre-school classes. In addition, there are private nurseries, day care centres and kindergartens which provide care and education for the children in the 0–6 years age group.

527. Uninterrupted *primary education* is compulsory for all children aged 6–14 and is free of charge in public schools. As part of a reform initiative launched in 1997, duration for compulsory primary education, which used to be 5 years, was extended to 8 years starting from the 1997–1998 academic year.

528. Objectives for primary education are:

- (i) Increasing the number of students attending school at all levels and their success by putting emphasis on the quality of education;
- (ii) Improving the quality of local boarding schools and increase their number;
- (iii) Replacing double-shift education with full day education;
- (iv) Decreasing the number of classes in which different levels of classes are educated at the same place by the same teacher;
- (v) Providing opportunity of the Open Primary School for those who exceed the age of compulsory education and could not complete their education;
- (vi) Expanding consultancy services in order to guarantee the physiological, mental and physical development of children;
- (vii) Teaching at least one foreign language at primary level and encourage second foreign language education;
- (viii) Establishing laboratories in all primary schools;
- (ix) Reducing the number of the students per classroom to 30 at most;
- (x) Integrating information and communication technologies into education.

529. A significant increase in enrolment rates for both sexes is observed between 1997 and 2001, compared to the 1990–1996 period. After 1997, the net enrolment ratio increased by 11% for girls, 6% for boys, and 9% in total. With the inclusion of lower secondary into the compulsory education, the gap between genders has been narrower.

530. *Secondary education* is free of charge and open for all primary school graduates in public schools.

531. In general high schools, students are raised to get acquainted with the problems of the society and to contribute to economic, social and cultural development of the country. During their three-year studies, students are also prepared for higher education. In

Anatolian high schools where the medium of instruction for certain subjects is a foreign language, the period of study is four years, including language preparatory programme on the first year. Admission to these schools is possible through a competitive entrance examination. Science high schools offer a three-year programme with a curriculum heavily based on science and mathematics for successful students with special interest in these areas. Anatolian fine arts high schools offer programmes on fine arts for students with special skills. They also offer extensive foreign language instruction. The period of study at these schools is four years, the first year being devoted to foreign language preparatory programme. Anatolian teacher training high schools offer programmes for students who wish to enrol higher education institutions where they would be trained as teachers in various branches. In addition to the courses offered at general high schools, students at the Anatolian teacher training high schools receive courses on educational theory and methodology, as well as in history of education. Period of study at these schools is four years, including one year intensive foreign language preparatory programme.

532. Vocational and technical high schools consist of technical high schools for boys, technical high schools for girls, commerce and tourism high schools and religious education schools. They prepare students for employment in various occupations or for higher education. Vocational high schools offer three-year programmes whereas the period of study in technical high schools is four years. Technical high schools train young people as qualified labour for national industry. These schools offer formal and non-formal programmes which provide the opportunity to transfer to other programmes and to continue at higher education. Commerce and tourism high schools train qualified personnel in the areas of commerce, tourism, accounting, computers, finance, marketing, banking, the cooperative movement, secretarial skills, real estate brokerage, stock exchange services, insurance, local administration and mass communications to meet the needs of public and private sectors. Students are also prepared for higher education programmes. Schools for imams-preachers prepare male students to be imams and both male and female students to be preachers or instructors for Koran courses. They prepare students also for institutions of higher education.

533. As is the case for the other Anatolian high schools, students are admitted to Anatolian vocational and technical secondary education programmes with a central selection and placement examination. Admission to other vocational and technical secondary education programmes is made taking into account candidates' preferences and his/her success.

534. Objectives for secondary education are:

- (i) Regulating the legislation for providing necessary fund for secondary education;
- (ii) Providing vocational and technical education for 65% of students and general secondary education for 35% of them;
- (iii) Restructuring the education system in order to equip the students between the age of 14–16 for a profession or university education;
- (iv) Taking the local characteristics into consideration for vocational and technical education programmes;
- (v) Upgrading the quality of vocational and technical education in order to reach international standards;
- (vi) Improving the quality of education and training;
- (vii) Ensuring equal opportunity for every student by eliminating the inequality among regions, in terms of quantity and quality;

- (viii) Ensuring rational use of resources;
- (ix) Increasing efficiency in education;
- (x) Merging the schools functioning under-capacity;
- (xi) Increasing the support and participation of the people to education;
- (xii) Taking necessary measures that make teachers more efficient;
- (xiii) Equipping schools with high education technologies and expand computer-based education;
- (xiv) Renewing and diversifying the contents of the curricula in the light of the scientific principles in order to bring up students with analytical thinking, who are open to new ideas and inclined to scientific and technological production, who adopt democratic and secular principles of the Republic and who are committed to the principles and reforms of Ataturk.

535. In line with the objective of the Ministry of National Education to increase the number of secondary schools where general, vocational and technical education programmes are carried out in order to provide various education programmes for students residing regions where population is too scattered and insufficient for building a school, the number of these schools increased to 623 in the 2004–2005 academic year.

536. In relation to restructuring the lower secondary education with a focus on vocational and technical education and reorganizing the transition to higher education, the Law No. 4702 amending the Higher Education Law No. 2547, the Law No. 3308 on the Apprenticeship and Vocational Education, the Law No. 4306 on Eight-year Compulsory and Uninterrupted Education and the Ministry of National Education Organization Law No. 3797 have become effective.

537. As part of computer-assisted education, efforts have been made to spread the use of computers. In the academic year of 2004–2005, the number of schools with computers reached 157.604, and 8.952 information technology classrooms were installed in secondary education schools.

538. Furthermore, projects of “Teaching Democracy and School Assemblies” and “2005: The Year of European Citizenship through Education” have been carried out by the Ministry of National Education with a view to developing human rights consciousness.

539. As part of awareness raising activities on human rights, December 10 of every year is announced as “Human Rights Day” and the week including “Human Rights Day” as “Human Rights Week”. During the said Week, conferences and competitions on human rights are held at schools.

540. In primary education, the field of “Human Rights and Citizenship” has been associated with mathematics, Turkish language, social sciences, applied sciences and technology courses, and Human Rights and Citizenship education has been incorporated into the textbooks and activities. Moreover, “Democracy and Human Rights” courses have been included in the curricula of secondary education schools.

541. Among higher education institutions are universities, faculties, institutes, higher education schools, conservatories, vocational higher education schools and application-research centres. The purpose of higher education is to raise the students in line with their interests and skills, in conformity with the scientific policy of the country and in consideration of qualified manpower needs of society at several levels, to conduct researches in scientific areas, to arrange for all kinds of publications displaying the results of research and examination and facilitate advancement of science and technology, to finalize the researches and examinations demanded by the Government and to make

comments, to make written or oral public announcements explaining the scientific data that shall increase the general knowledge level of the Turkish society and enlighten public, and to give non-formal education.

542. Although higher education is available for everybody having completed secondary education, only those who pass the university entrance examination are eligible to enrol in the university. In 2004, out of 1.902.132 applicants, 391.752 passed the university entrance examination. 365.536 students registered to university, 212.871 of which were male and 152.665 female. 378.258 of 1.678.383 candidates who took the exam in 2006–2007 education year registered to universities for formal education. Of this number, 212.617 were male and 165.641 female students.

543. In 1981, new provisions were issued for higher education in Turkey. Foremost among these was the establishment of the Council of Higher Education to steer important activities of higher education institutions. Secondly, provision was made for non-profit foundations to establish higher education institutions. The Council of Higher Education is a 21-member corporate public body responsible for planning, coordination and supervision of higher education in Turkey. Seven of its members are academics elected by the Inter-university Council, seven are appointed directly by the President of Turkey particularly from among former rectors, and seven are appointed by the Government, mostly from among senior civil servants, each for a renewable term of four years. The President of the Council is directly appointed by the President of Turkey from among the Council members. Day-to-day functions of the Council are carried out by a nine member executive committee, elected from among its members.

544. Two other main administrative bodies in the field of higher education are the Inter-university Council and the Council of Higher Education. The Inter-university Council is consisted of all university rectors and members elected by university senates.

545. Admission to higher education is centralized and based on nation-wide examination administered by the Student Selection and Placement Centre every year. The centre was established in 1974 and was affiliated with the Council of Higher Education in 1981.

546. The annual budget of each state university is negotiated jointly by the Council of Higher Education and the university in question with the Ministry of Finance, in the case of the investment budget, with the State Planning Organization. The budget is approved by the Parliament. Each university has three additional sources of income. Income received through services provided by the university, such as patient care in university hospitals and contract research, is collected in a revolving fund. Student contributions towards highly subsidized services are collected in a separate fund. Finally, each university has a research fund made up of a lump sum grant from the state-provided budget plus a portion of the income from the revolving fund and from earmarked projects given by the State Planning Organization. These funds are subject to laws, rules and regulations same as the state-provided budget, which leave little room to manoeuvre. The major difference between the funds and the state budget is that any money left in the former is carried over to the next fiscal year while that left unspent in the state-provided budget reverts back to the Treasury. Pursuant to the Law No. 5018 on Public Financial Administration and Control, higher education institutions have been included in the list of institutions with Private Budget, and thus, state-provided resources, student contribution fees, education fees, dormitory and other incomes have been put in one budget.

547. Both academic and administrative personnel in state universities have civil servant status and, except for research assistants and assistant professors, have tenure. The number of academic and administrative staff posts allocated to each state university are determined by acts of Parliament, while staff appointments at all levels are made exclusively by the universities themselves and are not subject to approval by any outside authority. The law

only sets forth the minimum requirements for academic promotions and the procedures to be followed in making appointments.

548. As of November 2007, there were 85 state and 27 private universities established by foundations in Turkey. Besides, distance undergraduate programmes are offered at Anadolu, Cukurova, Gazi, Maltepe, Mersin and Sakarya Universities while Anadolu, İstanbul Bilgi, Maltepe, Sakarya and Middle East Technical Universities offer distance education at the graduate level. Ankara University has a distance graduate programme in theology.

549. Tuition fees differ for each university and faculty. The average cost of a student, the contribution of the student and the contribution of the State in the 2005–2006 academic year are illustrated in the table below.

Table 46

Average cost of a student, contributions of the student and the State

(2005–2006 academic year)

<i>Name of the faculty and programme</i>	<i>Average cost of a student (YTL)</i>	<i>Contribution of the student (YTL)</i>	<i>Contribution of the State (YTL)</i>
Faculty of Medicine	12 047	458	11 589
College of Foreign Languages	9 261	306	8 955
State Conservatory	6 615	456	6 159
Faculty of Fine Arts	2 982	245	2 737
Integrated College for the Disabled	2 982	147	2 835
Faculty of Engineering	2 370	300	2 070
Faculty of Science and Literature	1 985	220	1 765
Faculty of Law/Faculty of Economic and Administrative Sciences	1 790	243	1 547
Faculty of Education	1 591	220	1 371
Graduate School	1 190	200	990

Source: Official Gazette.

550. Education expenses of university students who cannot afford are met through scholarships and they can stay in public student boarding houses.

551. In 2005, 480.992 students were granted credit for the tuition fee by the General Directorate of Higher Education Credit and Hostels Institution, which amounts to 130 million YTL in total. 697 million YTL was allocated as education credit to 537.018 students. Moreover, 97.179 students benefited from the education scholarship of an amount of 153 million YTL in total. As of October 2006, the number of university students granted scholarships and education credits by the General Directorate of Higher Education Credit and Hostels Institution are submitted in the table below.

Table 47

Scholarships and education credits provided by the General Directorate of Higher Education Credit and Hostels Institution

(As of October 2006)

<i>Type</i>	<i>Number of students</i>	
	<i>Scholarship</i>	<i>Education credit</i>
Pre-Bachelor's and Bachelor's Degree	132 396	563 222

Type	Number of students	
	Scholarship	Education credit
Master's Degree	2 861	5 680
Doctorate	240	374
Credit for tuition fee	505 348	

Source: Ministry of National Education.

552. In the 2006–2007 academic year, 1.824 public student boarding houses with 366.769 bed capacity served primary and secondary school students. The number of the private student boarding houses for primary and secondary school students in the same academic year is 2.735. For the students in higher education, 216 boarding houses with 198.945 bed capacity are in service.

553. The amount of the tuition fees, scholarships and credits, and their payment procedure are determined in collaboration with the Ministry of Finance on the basis of economic conditions.

554. Besides, some institutions distribute scholarships and credits in return for compulsory service after graduation.

555. There were no private universities in Turkey until 1984. The Higher Education Law No. 2547 made it possible for private universities to be established by non-profit foundations. Private universities operate under the supervision of the Council of Higher Education. With the aim of partially defraying the expenditures of private universities, the Ministry of Finance may provide state assistance upon the application of the higher education institution concerned, the endorsement of the Council of Higher Education and the recommendation of the Ministry of National Education. The amount of state assistance cannot exceed 30% of the total budgetary expenditure of the private university.

556. *Special education* is designed to address the educational needs of the disabled children aged 0–18, who cannot benefit from regular education services due to their physical, mental, psychological, emotional or social handicaps. Provisions are also made to enable handicapped students to study at regular schools along with other children of the same age. Efforts are underway to expand this programme of educational integration. With the aim of organizing, coordinating, supervising and evaluating guidance, psychological counselling and special education services at educational institutions, a special education guidance and counselling services unit has been established in each province.

557. In accordance with the Law on the Disabled and the Law No. 5378, education expenses of the disabled children, whose attendance in special education and rehabilitation centres under the supervision of the Ministry of National Education is deemed appropriate, are covered by the Ministry of National Education since 2006.

Table 48

Special education institutions

(2006–2007 academic year)

Level of education	Number of institutions	Number of students			Number of teachers
		Total	Male	Female	
Total	644	39 520	24 421	15 099	6 811
Total of formal education	489	32 027	20 262	11 765	6 296
Nursery classes within special education schools	61	503	316	187	96

Level of education	Number of institutions	Number of students			Number of teachers
		Total	Male	Female	
Primary schools for the hearing impaired	49	5 429	3 119	2 310	1 069
Primary schools for the visually impaired	16	1 420	814	606	395
Primary schools for the orthopaedic impaired	5	374	222	152	92
Primary schools for the educable mentally impaired	49	2 743	1 812	931	787
Special education classes within primary schools		9 428	5 933	3 495	
Training centres for autistic children	18	725	585	140	222
Primary schools for the children with adaptation problems	1	27	27	-	7
Primary training and implementation schools for the educable mentally impaired	115	5 101	3 187	1 914	1 434
Private special education primary schools	95	2 566	1 545	1 021	717
Vocational high schools for the orthopaedic impaired	2	74	53	21	23
Vocational high schools for the hearing impaired	15	1 279	891	388	179
Vocational high schools for the educable mentally impaired	63	2 358	1 758	600	1 275
Total of non-formal education	155	7 493	4 159	3 334	515
Vocational training centres for the educable mentally impaired	119	2 235	1 536	699	46
Science and arts centres for talented and gifted children	34	5 175	2 552	2 623	469
Vocational training centres for autistic children	2	83	71	12	-

Source: Ministry of National Education.

558. *Private education institutions* are private schools, courses and training centres which operate under Law No. 5580 on Private Education Institutions, which entered into force on 14 February 2007 and replaced Law No. 625 on Private Education Institutions. These institutions carry out their activities under the supervision and inspection of the Ministry of National Education. Private Turkish schools are primary and secondary education institutions opened by legal and real persons who are Turkish citizens. Private foreign schools, on the other hand, are opened by foreign nationals and corporate bodies. Private minority schools are opened and operated by non-Muslim minorities. International private education schools are opened either solely by individuals and corporate bodies with foreign nationality, jointly through partnership with Turkish nationals or by Turkish nationals or corporate bodies.

559. Anyone who wishes to attend private education institutions may do so provided that s/he meets the conditions required by the institution and is able to afford the education expenses.

560. Those who want to open a private education institution may do so at every level of education in accordance with the relevant legal arrangements. Establishment of such institutions is subject to the Law No. 5580 on Private Education Institutions. Such institutions may provide education within the framework of the said Law.

561. Investments in the field of education in accordance with this Law can be subsidized if it is foreseen in the development plans and programmes of the Government. Other necessary conditions for the establishment of private education institutions shall be specified with the regulation.

562. The number of private education institutions is constantly on increase. Table 49 illustrates the relevant data on private education institutions.

Table 49

Private education institutions (2006–2007 academic year)

Level of education	Number of institutions	Number of students			Number of teachers
		Total	Male	Female	
Total	11 461	2 703 114	1 684 222	1 018 892	107 201
Total of formal education	2 718	335 939	182 526	153 413	38 021
Preschool education	1 244	36 410	19 247	17 163	3 629
Primary education	757	213 071	116 099	96 972	21 475
Secondary education	717	86 458	47 180	39 278	12 917
General secondary education	696	85 547	46 509	39 038	12 673
Vocational and technical secondary education	21	911	671	240	244
Total of non-formal education	8 743	2 367 175	1 501 969	865 479	69 180
Private teaching centres	3 986	1 071 827	562 916	508 911	47 621
Motor vehicles drivers course	2 181	1 001 606	784 544	217 062	14 378
Various courses	2 576	293 742	154 236	139 506	7 181

Source: Ministry of National Education.

Non-formal education

563. Non-formal education caters for the educational needs of individuals who have never received formal education or who are currently at a particular stage of their education or who have left their studies at some stage. It provides adults with literacy skills, as well as with new qualifications or further knowledge and skills in particular interest areas to help improve their standards of living. Non-formal education is in either general or vocational-technical nature.

564. Between 1997–2001, 579.000 people have attended literacy courses. Sufficient reading books, workbooks and teachers' guides for literacy courses are published and delivered to the areas where needed.

565. *Vocational courses* train individuals who have left the formal education system and do not possess qualifications for employment in business sector. When practical training is involved, the participant is insured by the Ministry of National Education against occupational accidents or sicknesses during training. The participants may take experienced apprenticeship exams after training. Apprenticeship training is offered in 89 fields in all provinces. Primary school graduates aged 14–19 are eligible for apprenticeship.

566. *Socio-cultural courses* are opened in public training centres in order to promote, maintain and expand cultural values and to provide citizens with the information they need in general education subjects. Activities such as seminars, exhibitions, meetings, competitions, symposia, panels, signature days, bazaars, ceremonies are also organized in public training centres. Approximately 5 million people a year benefit from such activities as participants or visitors.

567. In the context of *vocational training*, primary school graduates who are below the age 14 and who work in one of the 110 branches mentioned in the Law No. 3308 on Vocational Training may receive training as candidate apprentices. Candidate apprentice

training aims at providing vocational information and guidance. Those above the age of 14 and meeting the requirements may receive training as apprentices. The period of apprentice training varies from 2 to 4 years depending on the nature of vocation. Upon completion of this training, experienced apprenticeship certificate is given to those who pass the related examination. The experienced apprentices take proficiency courses in vocational training centres in order to improve themselves professionally and to open a workplace of their own.

568. Educational activities arranged outside the framework of formal education are carried out mostly in public education centres, which provide literacy courses, vocational courses, social and cultural courses and applications for people of all ages and education levels. In 2006, 721.338 men and 953.047 women attended 79.635 vocational courses.

569. Such non-formal educational activities are provided in 366 types of courses and 925 public education centres.

570. Furthermore, with a view to supporting the concerned people in receiving literacy courses and other incomplete education, implementing completion programmes, helping them acquire vocational, social, and cultural skills and improving their existing knowledge and skills, pursuant to the Regulation on Non-Formal Education Institutions dated 2006, centres are established in provinces and districts for courses, seminars, meetings, symposia, clubs, and similar activities.

Distance education

571. Distance education services are offered in order to provide equal learning opportunities for all and to support education provided in primary, secondary and higher education institutions.

572. Within the framework of open primary school initiative launched in 1997 in accordance with the Law on Eight-year Compulsory and Uninterrupted Education, former primary school graduates who remained outside the education and training system have been given a chance to complete the eight-year primary education through distance education.

573. The Regulation of the Ministry of National Education on Open Primary Education School dated 2001 provides the opportunity to complete primary education in open primary school for those who never attended primary education in formal education system, who continue primary education at any stage, or who left school.

574. Open high school provides education opportunities for students who cannot attend or continue formal education institutions, who are older than the formal education age or who want to transfer to an open high school from formal high schools.

575. Open vocational and technical education schools aim at providing training for those who have completed primary education but have not had the chance to take vocational education for various reasons. They also provide vocational knowledge and skills for those who have not been able to continue higher education, by implementing distance learning including face to face education programmes when needed.

576. In the 2004–2005 academic year, 266.743 students attended open primary education programmes, 314.773 students benefited from open high school programmes. 252.030 attended general secondary education programmes and 62.743 students benefited from open vocational and technical education programmes.

Enrolment in basic education

577. Pre-school, primary and secondary education, and non-formal education in Turkey is provided by 56.388 education institutions throughout the country.

578. The enrolment rate in the 2005–2006 academic year has reached 95,59% in primary education, 85,18% in secondary education and 34,46% in higher education. Disaggregated data on enrolment rates in Turkey are submitted in Table 50.

Table 50
Enrolment rates in Turkey (%) (1997–2007)

Academic year*	Enrolment rate	Primary education			Secondary education			Higher education		
		Total	Male	Female	Total	Male	Female	Total	Male	Female
1997–1998	Gross	89.51	96.26	82.43	52.79	60.20	44.97	19.52	22.92	15.95
	Net	84.74	90.25	78.97	37.87	41.39	34.16	10.25	11.28	9.17
1998–1999	Gross	94.31	100.72	87.60	57.15	64.89	48.99	21.67	25.47	17.68
	Net	89.26	94.48	83.79	38.87	42.34	35.22	10.76	11.81	9.67
1999–2000	Gross	97.52	103.31	91.47	58.84	67.10	50.15	21.05	24.55	17.42
	Net	93.54	98.41	88.45	40.38	44.05	36.52	11.62	12.68	10.52
2000–2001	Gross	100.93	106.32	95.31	60.97	69.67	51.84	22.25	25.55	18.79
	Net	95.28	99.58	90.79	43.95	48.49	39.18	12.27	13.12	11.38
2001–2002	Gross	99.45	104.19	94.51	67.89	76.94	58.38	23.37	26.59	19.99
	Net	92.40	96.20	88.45	48.11	53.01	42.97	12.98	13.75	12.17
2002–2003	Gross	96.49	100.89	91.91	80.76	93.36	67.52	27.12	31.00	23.04
	Net	90.98	94.49	87.34	50.57	55.72	45.16	14.65	15.73	13.53
2003–2004	Gross	96.30	100.31	92.14	80.97	90.80	70.67	28.15	32.23	23.88
	Net	90.21	93.41	86.89	53.37	58.08	48.43	15.31	16.62	13.93
2004–2005	Gross	95.74	99.48	91.85	80.90	89.53	71.88	30.61	34.79	26.63
	Net	89.66	92.58	86.63	54.87	59.05	50.51	16.60	18.03	15.10
2005–2006	Gross	95.59	98.83	92.24	85.18	95.07	74.88	34.46	38.78	29.94
	Net	89.77	92.29	87.16	56.63	61.13	51.95	18.85	20.22	17.41
2006–2007	Gross	96.34	99.21	93.37	86.64	96.24	76.66	-	-	-
	Net	90.13	92.25	87.93	56.51	60.71	52.16	-	-	-

Source: Ministry of National Education.

* Enrolment rates are calculated by the latest population projections according to the results of the General Population Census in 2000.

Table 51
Number of schools, students and teachers by level of education (2006–2007 academic year)

Level of education	Number of schools	Number of students			Number of teachers
		Total	Male	Female	
Total	56 388	19 383 060	10 481 054	8 902 006	679 880
Preschool education	3 222	640 849	334 252	306 597	10 016
Primary education	34 656	10 846 930	5 684 609	5 162 321	402 829
Public	33 898	10 346 509	5 408 525	4 937 984	381 354
Private	757	213 071	116 099	96 972	21 475
Open primary schools	1	287 350	159 985	127 365	-

Level of education	Number of schools	Number of students			Number of teachers
		Total	Male	Female	
Secondary education	7 934	3 386 717	1 917 189	1 469 528	187 665
Public general secondary education	2 993	1 775 244	942 561	832 683	90 716
Private general secondary education	696	85 547	46 509	39 038	12 673
Open high schools	1	281 427	167 348	114 079	-
Public vocational and technical high sch.	4 223	1 171 119	721 394	449 725	84 032
Private vocational and technical high sch.	21	911	671	240	244
Open vocational and technical high sch.	-	72 469	38 706	33 763	-
Non-formal education	10 576	4 508 564	2 545 004	1 963 560	79 370
Public	1 833	2 141 389	1 043 308	1 098 081	10 190
Private	8 743	2 367 175	1 501 969	865 479	69 180

Source: Ministry of National Education.

Table 52
Trainees enrolled in adult education and permanent education (2005)

Institution	Number of institutions	Number of trainees	Number of teachers
Girls' Art School	366	88 336	193
Maturation Institute	12	1 681	312
Adult Technical Education Centre	12	155	-
Public Education Centre	922	1 126 103	5 079
Vocational Training Centre	359	333 255	4 555
Special Education Schools	285	9 654	1 761
Vocational Courses	-	48 619	-
Special Training	6 688	1 843 712	45 850
Total	8 644	3 451 515	57 750

579. Necessary precautions are being taken to ensure that primary education students continue their education. Despite all precautions, the rate of the children unregistered in primary education and those who do not regularly attend to school is around 3,5%.

580. The number of the students who have left secondary education (including those with school leaving certificates) in the 2003–2004 academic year is 232.735 (72.648 girls and 160.087 boys).

Teaching staff

581. Studies are carried out to facilitate the employment, the administration and the supervision of teachers. These studies also include the analysis of the duty to be carried out by the teachers at proficient levels.

582. Since 2004, due to the high level of administrative workload, the intra- and inter-city location change procedures of teachers have been carried out through internet for the purpose of rational use of human resources, transfer and sharing of power from centre to rural areas, and making use of e-state applications. As a result of the use of internet, appointments of the teachers have been carried out timely and postal expenses have been saved to a great extent.

583. The number of the teachers in pre-school, primary, secondary, and non-formal education institutions in the 2006-2007 academic year was 679.880 in total.

584. In order to eliminate the shortage of pre-school teachers, graduates of the child development sections of the girls' vocational schools have been given the opportunity to attend 2 years or 4 years of education at Anadolu University. In this context, 10.000 teachers have been trained and employed in pre-school education services.

585. In the 2004–2005 academic year, 20.000 teachers were appointed in order to meet the requirements in primary and secondary education.

586. Legal and employee rights of teachers are treated in the same category with all the other civil servants subject to the Law No. 657 on Civil Servants.

587. Within the framework of Teacher Education Component of the “Support for Basic Education Project” financed by the MEDA fund of the EU, endeavours have been carried out to set teachers' proficiency at EU standards, and a national report on the “Draft on the General Proficiency in Teaching” has been published. In this connection, teachers' proficiency shall be monitored and improved.

588. The said proficiency shall be used in

- (i) Formulation of the teacher training policies;
- (ii) Selection of teachers;
- (iii) Pre-service and in-service training of teachers;
- (iv) Self-training of teachers;
- (v) Supervision and evaluation of teachers' performances.

589. With the Law No. 5204 amending the Basic Law on National Education and the Law on Civil Servants, an increase by 20% increase in teaching compensation for the qualified teachers and a 40% for the master teachers have been provided.

590. Special and general conditions of the qualified and master teachers will furthermore be arranged with a regulation, by which teachers will be given the opportunity to climb the career steps on the basis of their success, productivity and efficiency.

Financing of education and investments

591. Turkish education system is centralized. Education institutions, except for higher education institutions, are established, administered and rearranged under the legislation drawn up by the Ministry of National Education. Private education institutions of every type and level are also established and administered in accordance with the legislation. Programmes of the education institutions, except for those of universities, are determined by the Ministry.

592. Requirements concerning personnel, school or equipment are determined annually. Decisions regarding necessary financing, and budgetary and extra-budgetary resources are given at the beginning of the financial year.

593. Related data on the budget of the Ministry of National Education are submitted in Table 53.

Table 53

Budget of the Ministry of National Education (1997–2007)

Year	GNP (YTL)	Consolidated budget (YTL)	Budget of Ministry of National Education (YTL)	Proportion of the budget of Ministry of National Education over	
				GNP (%)	Consolidated budget (%)
1997	29 393 262 100	6 361 685 500	512 234 445	1.74	8.05
1998	53 012 780 600	14 789 475 000	1 243 108 000	2.34	8.41
1999	78 282 967 000	27 143 467 196	2 131 808 500	2.72	7.85
2000	125 970 544 000	46 713 341 000	3 350 330 000	2.66	7.17
2001	184 766 666 000	48 359 962 500	4 046 305 625	2.19	8.37
2002	280 550 667 000	98 071 000 000	7 460 991 000	2.66	7.61
2003	356 681 000 000	147 230 170 000	10 179 997 000	2.85	6.91
2004	428 932 000 000	150 658 129 000	12 854 642 000	3.00	8.53
2005	486 401 000 000	156 088 874 910	14 882 259 500	3.07	9.53
2006	561 988 000 000	174 339 990 202*	16 568 145 500	2.95	9.50
2007**	628 443 000 000	204 902 262 572*	21 355 634 000	3.40	10.4

Source: Ministry of National Education.

* Central Government Budget.

** Proposed.

594. In accordance with Article 76 of the Law No. 222 on Primary Education, local administrations in rural areas, special provincial administrations, municipalities and villages are obliged to reserve at least 10% of their budgets for education services in their vicinity. With such an allocation, sports, artistic and cultural facilities for schools are built and operated.

595. More detailed information on the investment in education can be found in the following tables.

Table 54

Investment budget of the Ministry of National Education (1997–2007)

Year	Budget of Ministry of National Education (YTL)	Investment budget of Ministry of National Education (YTL)	Share of investments in the budget of Ministry of National Education (%)
1997	512 234 445	76 884 950	15.01
1998	1 243 108 000	373 262 000	30.03
1999	2 131 808 500	408 341 000	19.15
2000	3 350 330 000	666 782 000	19.90
2001	4 046 305 625	779 855 000	19.27
2002	7 460 991 000	1 281 690 000	17.18
2003	10 179 997 000	1 479 050 000	14.53
2004	12 854 642 000	1 244 150 000	9.68

<i>Year</i>	<i>Budget of Ministry of National Education (YTL)</i>	<i>Investment budget of Ministry of National Education (YTL)</i>	<i>Share of investments in the budget of Ministry of National Education (%)</i>
2005	14 882 259 500	1 230 306 000	8.27
2006	16 568 145 500	1 241 498 000	7.49
2007	21 355 634 000	1 490 000 000	7.00

Table 55
Support to education by public and special provincial administrations (1997–2006)

<i>Year</i>	<i>Support by public</i>		<i>Support by provincial special administrations</i>	
	<i>Amount in the year the support is provided</i>	<i>Amount by 2004 SPO deflator</i>	<i>Amount in the year the support is provided</i>	<i>Amount by 2004 SPO deflator</i>
1997	18 471 454	252 686 087	6 749 144	92 327 046
1998	50 986 181	403 680 194	16 435 656	130 128 373
1999	71 210 217	374 635 044	27 721 024	145 839 565
2000	84 682 400	315 678 150	47 064 128	175 445 156
2001	83 801 008	171 484 704	69 051 344	141 301 991
2002	96 020 373	139 279 863	114 261 319	165 738 794
2003	144 030 560	162 034 378	182 356 168	205 150 686
2004	104 837 117	104 837 117	677 741 292	677 741 292
2005	213 714 999	226 537 905	948 183 585	1 005 074 628
2006	234 689 755	234 689 755	1 187 132 414	1 187 132 414

Source: Ministry of National Education.

Table 56
Classrooms built (2003–2006)

<i>Year</i>	<i>Total</i>	<i>Preschool education</i>	<i>Primary education</i>	<i>Secondary education (Vocational and technical education included)</i>	<i>Non-formal education</i>	<i>Within the framework of 100% support for education campaign</i>
2003	15 253	610	13 959	553	131	-
2004	28 078	884	17 471	2 476	104	7 143
2005	28 698	951	20 256	683	155	6 653
2006	28 243	748	19 301	1 336	114	6 744
Total	100 272	3 193	70 987	5 048	504	20 540

Source: Ministry of National Education.

Promotion of literacy

596. In order to increase the literacy rate, various courses have been opened at various institutions and diverse campaigns have been introduced. Moreover, various campaigns and projects have been put into practice in order to increase efforts of combating illiteracy.

597. *The Programme of Facilitated Literacy Education* which was signed between the Ministry of National Education and the Turkish Rotary Associations in 1999 and renewed in 2003 has been put into practice. A survey for the evaluation of implementation of the Programme of Facilitated Literacy Education has been conducted. Findings of the survey prove the success of the Programme.

598. Within the framework of the Programme of Facilitated Literacy Education a local project including Ankara, Antalya, Sanlurfa, Mardin, Mersin and Gaziantep was drawn up and put into effect in September 2004 with the contribution of the International Rotary Associations.

599. *The Project of "Child-Friendly Learning Environment"*, drawn up for the children in 6–14 age group for the period of 2001–2005, aimed to create an opportunity to reintegrate those who could not attend school for any reason or those who were not successful in the education system. The Project was implemented in 24 schools in Ankara, Izmir and Van.

600. *The Project of "Education for All"*: In the World Conference on "Education for All", held in Thailand in 1990, several goals were determined and accepted by the participant countries. These goals included: universal access to learning; a focus on equity; emphasis on learning outcomes; broadening the means and the scope of basic education; enhancing the environment for learning; and strengthening partnerships by the year 2000. The World Education Forum, held in Dakar in 2000, reaffirmed the commitment to achieving "Education for All" by the year 2015. The Forum identified six key education goals which aim to meet the learning needs of all children, youth and adults by 2015. The six goals are: Expanding early childhood care and education; providing free and compulsory primary education for all; promoting learning and life skills for young people and adults; increasing adult literacy by 50%; achieving gender parity by 2005 and gender equality by 2015; and improving the quality of education.

601. Within the framework of the project, a National Committee has been set up and a National Action Plan has been drawn up and sent to the UNESCO. The implementation of the Action Plan is being observed and country reports are being prepared. Good practices have been enhanced through seminars aiming at experience-sharing of the countries.

602. With a view to reaching out to different levels of education and increasing literacy rates, children, elderly, disabled, unemployed people and migrants with low-income levels, workers with low skill levels, those living far from education centres, children under protection, convicts and detainees, drug addicts under treatment have been identified as the prioritized groups for life-long learning.

Equal access to different levels of education

603. In accordance with Article 10 of the Constitution on equality before law, everyone is endowed with the right of equal education.

604. Opportunities are offered to improve the living standards of those who belong to disadvantaged groups and the children of immigrants who have not attended school in a regular pattern unlike their coevals, and to provide them with a healthy environment.

605. To this end, *Mobile Village Schools* have been established. These schools are grouped in four categories:

- (i) Schools for communities who migrate in certain times of year to certain places for transhumance;
- (ii) Schools in places where tribes and nomadic groups choose to live according to the conditions of their livestock;
- (iii) Schools in places where people live in groups for a few months and spend the rest of year as nomadic groups;
- (iv) Schools in places where people reside at a certain address for a while and then migrate in groups to other locations.

606. Girls in rural areas are in a disadvantaged position compared to boys. In order to eliminate this situation and to increase the schooling rate among girls, the campaign “Let’s go to School, Girls!” was launched in 2003 with the support of the UNICEF, relevant public agencies and institutions, NGOs and local administrations. (See paragraphs 97–99).

607. Another disadvantageous group is made up of those children who need special education. The special education services for such children in Turkey have been arranged by the 1977 Decree Law No. 573 Regarding Special Education. This Decree Law establishes Special Education Services Regulation and Counselling Services Regulation which arrange the operation of special education institutions opened to ensure that those who need special education enjoy their right to receive standard and vocational education within the framework of the objectives and principles of the Turkish national education.

608. The Special Education Services Regulation, issued pursuant to the Decree Law No. 573 regarding Special Education by the Ministry of National Education on 18 January 2000, guarantees that the services shall be provided to those in need of such education. The said Regulation covers the education of the children who are visually, hearing, orthopaedic and mentally impaired, children with speaking and adaptation problems, children who have been hospitalized and treated for a long period, and talented and gifted children. Detailed information on special education institutions can be found in Table 48.

609. Establishment of regional primary boarding schools and primary schools with boarding houses is subject to Article 1 of the Regional Schools Regulation drafted pursuant to the Law No. 222 on Primary Education. Article 1 of the said Regulation states that “boarding schools shall be opened in places where there are several villages, where no schools have yet been opened for various reasons and in villages where there are scattered houses”.

610. In this process, regional primary boarding schools and primary education schools with boarding houses were opened in accordance with Article 25 of the Law No. 1739 on National Education and Article 9 of the Law No. 222 on Primary Education.

611. Expenditures of the students who come from poor families and who attend such schools are met by the State. Measures have also been taken to improve the standards of these schools.

612. In the 2004–2005 academic year, a total of 172.176 students attended 300 regional primary boarding schools and 281 primary schools with boarding houses.

613. It is of utmost importance for the Ministry of National Education that the students who graduate from regional primary boarding schools and primary schools with boarding houses are provided with the boarding opportunities at the secondary education stage through exams as vacancy situation allows. In order to improve the opportunities of boarding schools and scholarships, the Ministry of National Education works in close coordination with the Ministry of Labour and Social Security and the Directorate General for Family and Social Research of the Office of the Prime Minister.

614. The Ministry of National Education introduced *Bussed Primary Education* in the 1989–1990 academic year and the endeavours continue to reach out to places in need of such education. Bussed education is implemented in order to provide an opportunity for better quality education and to provide equal opportunities to the students who used to attend multi-grade schools in slightly and sparsely populated areas or where there are no schools. Students are transported to the schools in the city centres by bus in this system. In the 2004–2005 academic year, 698.061 students were transported from 31.500 places to 6.337 schools in the city centres.

615. In addition, the *Non-formal Education Project* was introduced by the Ministry of National Education in collaboration with the Modern Education Foundation in Istanbul in 2002. The purpose of the said project is to provide scholarships for the students in need. Within this framework, youth and community centres, summer schools and various courses are opened in the suburban areas of big cities. The project aims to provide the parents and the students with education in every necessary field. Courses on maintaining success, efficient studying techniques, communication, urban life, coping with stress, children rights education, social values and efficient use of time are some of the courses provided within the project.

616. The double-shift education at some schools in big cities is gradually placed by full day education. Joint class practice in small places is gradually eliminated and the students are carried to central schools to help them enjoy quality education opportunities. In accordance with the Law No. 4306, transportation, lunch, book and stationary expenses are covered by the Ministry of National Education.

617. The issue of *minority education* is related to Articles 37–45 of the Lausanne Peace Treaty of 1923.

618. The Law No. 1739 on National Education lays out the provisions binding for all education institutions in the Turkish education system without any discrimination. Therefore, the stages of education, curricula and weekly schedules at non-Muslim minority schools do not display any difference in terms of general objectives and principles when compared to other public schools.

619. Turkish nationals belonging to non-Muslim minorities have their own education institutions. As of 2007, Turkish citizens belonging to non-Muslim minorities have 42 primary and secondary schools. These institutions are regulated by the Law on Private Education Institutions. In minority schools, mother tongue of the Turkish nationals belonging to non-Muslim minorities is taught as a compulsory course for the same duration devoted to Turkish course. In these schools, courses except Turkish and Turkish culture are taught in their own languages.

620. Students belonging to non-Muslim minorities may also, if they so desire, attend any other public or private school not run by their respective minorities, without any restriction.

621. According to the Law No. 625 on Private Education Institutions, the Deputy Director of the schools where language of education is not Turkish (including minority schools) and of the schools established by foreigners had to be a Turkish citizen and teacher of Turkish language or Turkish culture who is able to speak the language of education. If a teacher meeting these qualifications was not member of the teaching staff, the Deputy Director was appointed among the teachers of Turkish nationality and “Turkish origin”. With the new Law No. 5580, the expression of “Turkish origin” has been removed. The new Law also stipulates that when the teacher of Turkish language or Turkish culture who is able to speak the language of education and who is a Turkish citizen is not among the teaching staff, any teacher of Turkish nationality can be the Deputy Director.

622. Article 42 of the Constitution states that no language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training or education. Foreign languages to be taught in institutions of training and education and the rules to be followed by the schools conducting training and education in a foreign language shall be determined by the law. The provisions of international treaties are reserved.

623. Law No. 4771 dated 3 August 2002, also known as the “third harmonization package”, amended the “Law on Foreign Language Education and Teaching, and the Learning of Different Languages and Dialects by Turkish Citizens” to allow private courses to teach different languages and dialects traditionally used by Turkish citizens in their daily lives.

624. With a view to regulating the implementation of the aforementioned amendment, the Ministry of National Education issued the “Bylaw on Learning in Different Languages and Dialects Traditionally Used by Turkish Citizens in Their Daily Lives” which took effect following its publication in the Official Gazette No. 25307 dated 5 December 2003.

625. In conformity with the said Bylaw, a number of private courses for teaching languages and dialects traditionally used by the Turkish citizens in their daily lives have already been opened in several provinces since 2003.

Main challenges and objectives

626. The difficulties faced while providing education services can be summarized as follows:

- (i) Problem of double-shift education and crowded classes in some schools arising from the fact that population growth and education investments do not follow an harmonious path;
- (ii) Deficiency in education services in big cities as a result of emigration from rural areas;
- (iii) Scattered and remote resident areas in the cities;
- (iv) Inadequate physical condition of some schools and deficiency in equipments;
- (v) Inadequate attendance to schools due to the fact that some children are not sent to school in order to make use of their work power, particularly in rural areas;
- (vi) Reluctance in rural areas to send girls to school for economic and cultural reasons;
- (vii) Difficulties faced by secondary education students and university students in gaining practice in vocational and technical fields;
- (viii) Insufficient cooperation between schools and the industrial, agricultural and livestock sectors;
- (ix) Inadequate practice in certain vocational and technical fields;
- (x) Insufficient budget shares in research and development studies concerning education.

627. Objectives for improving the quality of education in every field can be summarized as follows:

1. Devising life-long learning programmes for rural population.
2. Developing a system of comprehensive fundamental skills and key requirements.

3. Standardizing and documenting skill levels, and ensuring their validity at national and international levels.
4. Including and supporting NGOs in life-long learning and its implementation.
5. Improving vocational and technical education and increasing its appeal.
6. Promoting private sector activities in every field.
7. Introducing a restructuring process in the central organization of the Ministry of National Education, enhancing its institutional capacity, transferring power and responsibility to rural organization and education institutions.
8. Providing practitioners a comprehensive and continuous education, raising formation teachers for effective use of computer classes, providing teachers in-service education seminars regarding the more effective implementation of the new curriculum.
9. Expanding information and awareness raising campaigns and media support.
10. Expanding guidance and orientation in way to cover pre-school education institutions.
11. Implementing effective programmes which would increase the quality of pre-school education and ensure active participation of families and the society.
12. Taking all types of measures with a view to schooling the children who do not go to school.
13. Continuing efforts to increase compulsory education to 12 years.
14. Increasing measures for augmenting the schooling rate in all education levels.
15. Continuing curriculum renewal studies which focus on reforms and research-orientedness, and encouraging the students for scientific research and entrepreneurship.
16. Developing non-formal education opportunities, including e-learning, with a view to adopting life-long learning approach in the society.
17. Providing a restructured attendance system for higher education informing the students adequately on programmes, allowing them to make use of their interests and skills in an array of fields during secondary education, and introducing a structure based on success at school and in conformity with the curriculum.
18. Establishing quality guarantee system in education institutions and developing a model based on performance assessment for the purpose of expanding quality education opportunities.

International cooperation

628. International cooperation is an important aspect of implementation of Turkey's education strategies. Knowledge and experience sharing, as well as international donor contribution help deliver improved education services throughout the country. Major education projects carried out under international partnership are outlined below.

629. In accordance with a loan agreement which was concluded with the World Bank in June 1998, an initial credit of USD 300 million was given to Turkey in support of *the Basic Education Programme (BEP)* aimed at expanding the scope and increasing the quality of basic education in Turkey. Under the BEP, construction of 121.000 new classrooms, pensions with 110.000 capacity and 7.200 lodgings for teachers, as well as the

improvement of 39.400 primary education schools, 30.700 of which are in rural areas have been scheduled. Within the framework of the BEP,

1. 1.647 schools have been restored, additional classrooms have been built in 166 primary education schools, 45 regional boarding primary education schools and primary education schools with boarding house have been repaired and rehabilitated.
2. 22.854 primary education schools in rural areas have been equipped with 51.465 computers and computer equipment for teachers' and directors' use.
3. 1.500 laptop computers have been purchased and distributed to primary education inspectors and formation trainers.
4. Fully functional and equipped information technology classes have been opened in 2.802 primary education schools in 81 provinces to start computer assisted education.
5. Restoration of 178 primary education schools in rural parts of Sirnak, Mardin, Van, Bitlis and Hakkari, as well as rehabilitation and additional construction work in 105 central village primary education schools in Kocaeli, Yalova, Batman, Igridir, Bartin and Sirnak have been completed.
6. 119.000 sets of "Effective Teaching and Learning Handbook for Teachers" composed of 12 module books have been published and distributed to Provincial National Education Directorates.
7. 13 regional primary education boarding schools which required urgent restoration have been repaired.
8. 1.300 primary education schools in rural areas have been renovated.
9. Laboratory school curriculum application guidebooks have been published and distributed to governorates for the standardization of the curricula in primary education schools in provincial and city centres as well as in rural areas.
10. 44 primary education schools in Ankara have been rehabilitated and additional facilities have been constructed to improve quality of education.
11. 31 regional boarding primary education schools have been urgently repaired.
12. 22.287 primary education schools in rural areas and their 2.993.692 students have been provided with teaching materials to help improve success level of children from low-income families, to make schools more attractive for students.

630. With a view to increasing physical and technical capacity of secondary education institutions and improving the quality of secondary education, *the Secondary Education Project (SEP)* was launched in May 2005. The overall cost of the four-year project is estimated USD 130 million. The World Bank contributes USD 30 million to the implementation of the project.

631. Decreasing number of students per classroom, reducing double-shift education, restructuring the education programmes and methods to meet the EU standards, ensuring high flexibility to enable students to exhibit their interests, aspirations and abilities, achieving more professional planning, good management, effective inspection and quality service in secondary education are the main objectives of the SEP.

632. Within the scope of the project:

- (i) Additional classrooms, additional floors and new schools and buildings shall be constructed;
- (ii) Management shall be reinforced, cooperation shall be ensured for environmental participation;
- (iii) Schools shall be equipped with modern tools and equipment;
- (iv) Schools shall be open to development;
- (v) A flexible programme structure shall be established to ensure horizontal and vertical transition and vocational orientation and guidance shall be provided in the institutions;
- (vi) Support for education shall be obtained from all public institutions and organizations, civil society organizations and the public, and the organization and arrangement needed to make education institutions functional shall be made;
- (vii) School directors, teachers and other personnel shall be given in-service training;
- (viii) Information technology shall be extensively used in education;
- (ix) Vocational orientation, guidance and counselling services shall be reorganized;
- (x) A measurement and evaluation system shall be developed on the basis of vocational standards and certification principles.

633. *Support to Basic Education Programme (SBEP)* drafted within the framework of the MEDA was signed on 8 February 2000 and was put into effect on 11 September 2002 for a period of five years.

634. The project addresses five theme areas in order to support the educational reforms conducted at the national level:

- (i) Quality of education;
- (ii) Communication;
- (iii) Management and organization;
- (iv) Teacher training;
- (v) Non-formal education.

635. The SBEP considers basic education as an instrument of poverty alleviation. From this perspective, the project aims to increase the access to and quality of education, to develop living conditions in the most disadvantaged urban and suburban areas, to include the disadvantaged children, young people and adults to the education system by enhancing the overall education level, and to increase the formal and mass education rates particularly among girls and women.

636. Within this framework, the following objectives have been carried out:

- (i) Supporting new educational strategies and policies developed for the education services, curriculum/programme development and non-formal education;
- (ii) Developing new approaches and standards for in-service and pre-service training for teachers;
- (iii) Developing the scope of implementation and organization of basic education reform;

- (iv) Developing new communication approaches for raising consciousness regarding basic education;
- (v) Providing opportunities for teachers, principals, and inspectors for the development of their vocational capacity and thus to increase education quality;
- (vi) Preparing and conducting programmes with a view to enhancing the access to education, especially for the girls;
- (vii) Increasing administrative and organizational capacity of the provincial national education directors;
- (viii) Increasing the literacy course attendance rates;
- (ix) Putting emphasis on the basic education of the disadvantaged groups.

637. Awareness raising campaigns and other activities to promote participation in formal and mass education have also been conducted.

Article 14

638. As mentioned in Article 13 of the Report in detail, primary education in Turkey is provided in accordance with the following provisions of Article 42 of the Turkish Constitution and is free of charge.

Article 15

Cultural policy of Turkey

639. Cultural policy of Turkey is based on the principles of tolerance and cultural diversity. Freedom of religion and conscience, freedom of thought and opinion, freedom of expression and dissemination of thought, freedom of science and arts, freedom of press, protection of the historical, natural and cultural heritage, and promotion of arts and artists are among the indispensable parts of the cultural policy of Turkey. In this respect, Articles 24, 25, 26, 27, 28, 29, 30, 31, 32, 62 and 63 of the Constitution provide the basis for cultural policy.

640. In the preamble of the Constitution there is a permanent reference to the right of everyone to take part in the cultural life.

The acknowledgment that it is the birthright of every Turkish citizen to lead an honourable life and to develop his or her material and spiritual assets under the aegis of national culture, civilization and the rule of law, through the exercise of the fundamental rights and freedoms set forth in this Constitution in conformity with the requirements of equality and social justice.

641. In line with the fundamental principles of equality and non-discrimination, every Turkish citizen is considered an integral part of the Turkish national identity and culture. Diversity in origins of the individuals is the source of richness in Turkish society.

642. Main objectives of the cultural policy of Turkey are:

- (i) Protection and development of national culture;
- (ii) Strengthening and enhancement of the cultural structure; and
- (iii) Dissemination of cultural activities.

643. Turkey intends to increase access to culture from all parts of the community. Therefore, one of the priorities of Turkey is to initiate and support the development of a database of cultural statistics, compatible with the EU practices.

644. In the field of culture, the Ministry of Culture and Tourism is the main governmental body. However, although the main responsibility for formation and implementation of the cultural policy lies with the Ministry of Culture and Tourism, the Ministry acts in cooperation with other governmental and non-governmental bodies to achieve these ends. The Ministry of National Education and the universities have also important roles in culture and arts.

645. Cooperation with other states and international organizations, such as the Council of Europe, the EU and the UNESCO, is an essential part in formulation and enhancement of the Turkish cultural policy. Turkey has bilateral cultural cooperation agreements with 88 states, 15 of which are EU member states.

646. Among others, Turkey is party to the following conventions on culture:

UN conventions

- (i) Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954;
- (ii) First Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954;
- (iii) Convention on the Means of Prohibiting and Preventing the Illicit Import, export and Transfer of Ownership of Cultural Property, 1970;
- (iv) Convention concerning the Protection of the World Cultural and Natural Heritage, 1972;
- (v) Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971; and the Protocol amending its Articles 6 and 7, 1987;
- (vi) International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, 1961;
- (vii) Convention for the Safeguarding of the Intangible Cultural Heritage, 2003.

Council of Europe conventions

- (i) European Cultural Convention, 1954;
- (ii) Convention for the Protection of the Architectural Heritage of Europe, 1985;
- (iii) European Convention on the Protection of Archaeological Heritage (Revised), 1992;
- (iv) European Convention on Cinematographic Co-Production, 1992;
- (v) European Landscape Convention, 2000.

647. Turkey has adopted the general policies of the “UNESCO Action Plan on Cultural Policies for Development”, endorsed at the 1998 Stockholm UNESCO Intergovernmental Conference, as one of the main components of its cultural policy. In fact, the said UNESCO policies have been incorporated into Turkey’s “Long-term Strategies and the Development Plan” documents. In this respect, from the theoretical and legal points of view, Turkey can be regarded at an advanced level in including the universal cultural policies in its development strategies. Turkey’s cultural policy, which involves providing financial support for every branch of culture and arts, protecting the cultural heritage and folk

culture, and its institutional infrastructure for culture are in line with the principles and policies of the UNESCO.

Preservation and presentation of cultural heritage of the mankind

648. Article 63 of the Turkish Constitution serves as a safeguard of the historical, cultural and natural assets of the nation.

Article 63

The state shall ensure the conservation of the historical, cultural and natural assets and wealth, and shall take supportive and promotion measures towards that end.

Any limitations to be imposed on such privately owned assets and wealth and the compensation and exemptions to be accorded to the owners of such, as a result of these limitations, shall be regulated by law.

649. The Law No. 1710 on Ancient Monuments came into effect in 1973. All movable and immovable cultural and natural properties in Turkey were taken under protection with the Law No. 2863 on the Protection of Cultural and Natural Heritage, dated 1983; the Law No. 3386, which introduces amendments in certain provisions of the former law; and the attached 19 regulations.

650. Other related legal arrangements are the Law No. 2527 on the Compilation of Printed Writings and Pictures, dated 1934; the Law for the Encouragement of Tourism No. 2634, dated 1982; the Environment Law No. 2872, dated 1983; the Law No. 2873 on National Parks, dated 1983; the Bosphorus Law No. 2960, dated 1983; the Zoning Law No. 3194, dated 1985; and the Coastal Law No. 3621, dated 1990.

651. Cultural and natural sites in Turkey have been determined on the basis of classification according to their features by experts belonging to various disciplines, which may be listed as follows:

- (i) **Urban Protected Sites:** These are the areas manifesting integrity due to their homogenous natural peculiarities and artefacts, and also their aesthetical and historical value. (Mardin, Amasya, Bursa, etc.);
- (ii) **Historical Protected Sites:** These are the areas which need to be protected due to their historical values. (Conkbayiri, Gallipoli peninsula, etc.);
- (iii) **Natural Protected Sites:** These are the areas in which there are natural attractions and peculiar natural and geological formations, and age-old forests. (Hierapolis, Cappadoccia, Damlatas Cavern, Duden Falls, etc.);
- (iv) **Archaeological Protected Sites:** These are the areas in which there are antique settlement areas, ruins, and places submerged in water. (Ephesus, Hattusha, Phaselis, etc.);
- (v) **Miscellaneous Protected Sites:** These are the areas in which a part or all of the mentioned protected areas exist, depending on the characteristics of the area (Cappadoccia, the Bosphorus, etc.).

652. Turkey, which has hosted many civilizations in different stages of humanity, stands among the rare places in the world due to the combination of the cultural values descent from ancient civilizations, its geographical location, and its natural attractions. On the World Heritage List of the UNESCO, there exist 9 cultural and natural properties of Turkey, namely:

- (i) Archaeological Site of Troy (1998) – Cultural;
- (ii) City of Safranbolu (1994) – Cultural;

- (iii) Great Mosque and Hospital of Divrigi (1985) – Cultural;
- (iv) Hattusha: the Hittite Capital (1986) – Cultural;
- (v) Historic Areas of Istanbul (1985) – Cultural;
- (vi) Mountain Nemrut (1987) – Cultural;
- (vii) Xanthos-Letoon (1988) – Cultural;
- (viii) Göreme National Park and the Rock Sites of Cappadocia (1985) – Natural/Cultural;
- (ix) Hierapolis-Pamukkale (1988) – Natural/Cultural.

653. 18 properties of Turkey are also on the Tentative List:

1. Ephesus (1994)
2. Karain Cave (1994)
3. Sumela Monastery (2000)
4. Alahan Monastery (2000)
5. St. Nicholas Church (2000)
6. Harran and Sanliurfa (2000)
7. The Tombstones of Ahlat the Urartian and Ottoman Citadel (2000)
8. Seljuk Caravanserais on the Route from Denizli to Dogubeyazit
9. Konya, the Capital of Seljuk Civilization (2000)
10. Alanya (2000)
11. Mardin Cultural Landscape (2000)
12. Bursa and Cumalikizik Early Ottoman Urban and Rural Settlements (2000)
13. Edirne Selimiye Mosque (2000)
14. St. Paul Church, St. Paul's Well and the Surrounding Historical Quarters (2000)
15. Ishak Pasha Palace (2000)
16. Kekova (2000)
17. Mountain Gulluk – Termessos National Park (2000)

654. The protection of cultural and natural heritage is an important component of Turkey's cultural policy. General Directorate of Monuments and Museums of the Ministry of Culture and Tourism provides support to excavations, research, exploration, restoration and conservation for the purpose of discovering and protecting the cultural and natural heritage.

655. An extra allowance, calculated in a way not to be lower than that of the preceding year, is included in the annual budget of the Ministry of Culture and Tourism for the purpose of protecting and reviving cultural and natural properties in the country and Turkish cultural properties abroad. The said allowance is directly transferred to the account of Ministry of Culture and Tourism Central Directorate of Revolving Fund.

656. Archaeological excavations and land area studies conducted on land surface and underwater are carried out in accordance with Article 35 of the Law No. 2863 on the

Protection of Cultural and Natural Heritage and the related Regulation No. 18495, dated 1984.

657. International cooperation in the protection of cultural heritage is both useful and desirable. In this context, Turkey is open to cooperation for the protection of its archaeological sites. The figures on excavations and research in Turkey carried out by national and foreign scientific committees and experts belonging to museum directorates as of 2000 were as follows:

(i) Scientific land excavation (national):	51
(ii) Scientific land excavation (foreign):	33
(iii) Land surface research (national):	40
(iv) Land surface research (foreign):	36
(v) Museum excavation:	56
(vi) Excavations for saving properties:	66
(vii) Drilling excavation:	542

658. Movable properties discovered in these excavations are documented in accordance with scientific principles, and they are either exposed in the nearest local museums or kept in the museum depots. Immovable properties, on the other hand, are exposed in nature with due restoration and environmental arrangements.

659. In Turkey, alongside 110 private museums under the supervision of the Ministry of Culture and Tourism, there are also 188 museums run by the said Ministry. Among these museums, there are 46 archaeology and history museums, 12 monumental museums, 56 ethnography and anthropology museums, and 74 general museums. Moreover, there are 128 cultural sites affiliated with the Ministry of Culture and Tourism.

660. In order to protect cultural and natural sites under threat, the Ministry of Culture and Tourism works *inter alia* within the framework of the protocols it signed with the DSI in 1995, the Turkish Coal Enterprises in 1996, and the GAP Regional Development Administration in 1997, as well as within the framework of the protocol signed between the DSI and the Rectorship of Middle East Technical University in 1998.

661. Concerning the preservation of the cultural properties during construction of dams, determination, documentation and property-saving works in the regions selected by the DSI for dam construction are carried out by the Ministry of Culture and Tourism in coordination with other public and non-public institutions.

662. In this respect, a model project conducted in the archaeological areas submerged in waters of Keban Dam, in the course of which over 600 archaeological sites were documented, can be regarded as a successful example towards saving archaeological properties.

663. Moreover, excavations for saving archaeological properties have been carried out in Horum, Tilbes, Tilvez, Tilobur, Tilmusu mounds, as well as in Zeugma antique city located near Birecik Dam lake. Cultural properties revealed in the excavations in Zeugma are displayed in Gaziantep Museum. Endeavours of the Ministry of Culture and Tourism for preservation of the cultural and archaeological properties that will be submerged in DSI's prospective dam areas continue.

664. Regarding the handwritten works as one of the most significant sources of Turkish cultural history, arrangements on building a Library Museum within the National Library are under way for the purpose of exhibiting rare and invaluable works. Moreover, there

exists a compilation directorate in Istanbul and a compilation office in Ankara established in accordance with the Law on the Compilation of Printed Writings and Pictures.

665. With a view to bringing the diversity and richness of Turkish cultural heritage to the foreground, the Ministry of Culture and Tourism carries out policy development studies by using resources duly in the fields of research, compilation, publication, and archiving. In this framework, education services are provided through the creation of written and visual material for public with the collaboration of related public and non-public institutions; documentaries are produced and broadcast; statistical information regarding related activities are kept; and all related archival and library services are supported.

666. The studies on the intangible cultural heritage of Turkey have been undertaken since 1966 at the Directorate General for Research and Education of the Ministry of Culture and Education, which is responsible for the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The Ministry of Culture and Tourism has the richest archive in this field at its Folk Culture Information and Documentation Centre which contains 133.507 original documents such as audio tapes, ethnographic material, written documents, photographs, slights, and similar items.

667. In order to raise awareness on the intangible cultural heritage, the Ministry of Culture and Tourism has submitted to the Public Research Grant Committee of the Scientific and Technological Research Council of Turkey (TUBITAK) a project entitled "Developing Museum Model and Implementing Its Pilot Application in Virtual Space in Accordance with the Scientific Criteria to be Developed in Research and Presentation of the Intangible Cultural Heritage".

668. Moreover, for ensuring more participation in cultural life, the Ministry of Culture and Tourism provides financial assistance for festivals, shows, and scientific conferences in the framework of the "Regulation on the Assistance to be Provided to the Projects of Local Administrations, Associations, Foundations and Private Theatres".

Legal arrangements for promotion of cultural and artistic development

669. Legislation on the promotion of cultural and artistic development are as follows:

- (i) Law No. 5632 on the Establishment of the National Library, dated 23 March 1950;
- (ii) Law No. 5225 on the Promotion of Cultural Investments and Initiatives, dated 21 July 2004.

With this law, in order to build, repair, and operate film studios, movie theatres, the following are provided: all kinds of facilities for the creation, production and exhibition of cultural and artistic works as well as special cultural and artistic research, education and implementation centres; reduction in income tax withholding; reduction in employer's insurance premium shares; subsidies for energy and other expenses; employment of foreign personnel and artists; and license for holding activities in the weekends and national holidays.

Private entrepreneurs are encouraged with a view to augmenting investment towards production, introduction, distribution and expansion of cultural works. Income Tax Law has also been amended for similar purposes.

The following activities which are carried out by public administrations with general and special budget, special provincial administrations, municipalities, villages, associations working for public interest, foundations exempted from tax by the Council of Ministers, institutes and organizations conducting scientific research, and which are supported or deemed appropriate for support by the Ministry of

Culture and Tourism shall be subject to tax with 100% deduction from income tax base:

(a) Preparation and dissemination of audio-visual and print materials such as books, catalogues, brochures, films, tapes, CDs, VCDs and DVDs for the organization of non-commercial national and international cultural and artistic activities contributing to the presentation of Turkey's culture, art, history, literature, architecture and other cultural heritage;

(b) Publication and distribution of related research;

(c) Expenditures, also all donations with relation to the construction, maintenance and modernization of research, education and implementation centres for activities in the field of cultural heritage, fine arts, cinema, contemporary and traditional handicrafts, as well as ateliers and film studios, and provision of all kinds of equipment.

The same applies to corporate taxpayers.

(i) Law No. 5224 on Evaluation, Classification and Support of Cinema Films, dated 21 July 2004;

(ii) Regulation on the amendments to the regulations pertaining to foreigners, or those applying on their behalf, wishing to do scientific research, study, or film shooting in Turkey, as well as to members of the foreign press, dated 10 November 2003;

(iii) Directive on Procedures and Principles Concerning the Use of Works Belonging to Public Institutions and Establishments, dated 16 October 1986;

(iv) Regulation Concerning Support of Cinema Films, dated 13 November 2004;

(v) Directive on Principles Pertaining to Foreigners, or Those Applying on Their Behalf, Wishing to Do Scientific Research, Study, or Film Making, as well as to the Members of Foreign Press, in the Libraries Attached to the Ministry of Culture and Tourism General Directorate of Libraries and Publications, dated 12 February 2004.

Institutional arrangements for promotion of cultural and artistic development

670. The General Directorate of Fine Arts of the Ministry of Culture and Tourism contributes immensely to national artistic life in Turkey with symphonic orchestras, Classical Turkish music choirs, Turkish folk music choirs, and music and dance groups. There are 6 symphonic orchestras, 11 choirs, and 7 groups including around 1.400 artists at 24 art institutions.

671. Museums of painting and sculpture in Ankara, İzmir, and Erzurum offer precious examples of the most important collections of Turkish fine arts.

672. Moreover, there are 55 State Fine Arts Galleries throughout Turkey subject to the Regulation on State Fine Arts Galleries dated 1984.

State Theatres

673. State Theatres, established in accordance with the Law on the Establishment of State Theatres and Opera dated 1949, are among the most professionally organised theatres in Europe. They offer plays in 40 theatres every evening in 13 provinces, 36 stages, and organize around 500 tours in Turkey and abroad, as well as national and international festivals. State Theatres are a member of the European Theatre Convention.

Private theatres

674. The Ministry of Culture and Tourism provides monetary assistance to private theatre projects every year in accordance with the decisions of the Assessment Committee. The support provided for private theatres was given under the Regulation on State Support for Private Theatres until 2006. Following the annulment of the said Regulation, the Regulation on the Assistance to be Provided to the Projects of Local Administrations, Associations, Foundations, and Private Theatres was put into effect in 2007.

State Opera and Ballet

675. The General Directorate of State Opera and Ballet of the Ministry of Culture and Tourism, established by the Law No. 1309 dated 1970, continues its activities in Ankara, İstanbul, İzmir, Mersin, and Antalya. Around 70–80 performances are staged each month.

National Library

676. Primary objectives of the National Library are to support research on Turkish culture, to collect relevant works and documents in Turkey and publications on Turkish culture abroad, to facilitate all sorts of scientific and artistic studies, and to contribute to cultural policy of Turkey. Around 1.500 readers and researchers visit the National Library everyday.

Public libraries

677. In connection with the cultural policy of Turkey to include everyone into cultural life, there exist 1.162 libraries across Turkey, which host activities including provision of internet services so as to enlighten public and increase the attendance of public in the libraries.

Book Pathology and Restoration Centre

678. There are 165.405 manuscripts and 273.604 rare books in 28 libraries of the General Directorate of Libraries and Publications of the Ministry of Culture and Tourism. The book pathology and restoration centre serves to restore 26.413 manuscripts, 2.325 volumes of periodicals in Arabic script, and 1.000 rare works and maps from Ottoman era.

Cultural centres

679. Cultural centres are established with a view to contributing to the cultural and artistic development through cultural and artistic activities, reading halls and materials, computer courses, cine-vision and technological activities. In certain provinces, performances and works of art are also displayed in the cultural centres, and international festivals, congresses and conferences are organised as well.

International Standard Book Number (ISBN) and International Standard Serial Number (ISSN) Centres in Turkey

680. As part of intellectual property rights, ISBN and ISSN Centres are responsible for keeping the records on works published in Turkey, tracking the changes occurred in publishing, offering compiled information to researchers, providing statistical information on publications in Turkey, forwarding the compiled information to the international centre and increasing the publicity on publications and periodicals in Turkey.

681. Moreover, under the auspices of the Ministry of Culture and Tourism:

- (i) Compilation studies concerning performance arts, handicrafts, rituals and other social activities are carried out;

- (ii) Festivals, competitions, memorial days are arranged;
- (iii) Traditional Turkish theatre performances are displayed in their classical and adapted forms;
- (iv) Courses are offered to raise young artists;
- (v) Works on Traditional Turkish Theatre Museum are conducted;
- (vi) Festivals in Turkey and abroad are organised;
- (vii) Activities are done in order to sustain the tradition of troubadour;
- (viii) Folk culture documentation is provided;
- (ix) Courses for teaching Turkish dialects and accents are provided;
- (x) In-service training programmes related to all of these activities are conducted.

Related projects

Electronic document management – archive project

682. This project started out in 2006 and will be implemented in two stages within four years. The aim of the project is to provide an e-archive in the National Library.

Transfer of National Library collection to visual system project

683. This project aims to transfer printed and handwritten works to digital platform. In the framework of the project, 1.155.500 handwritten works and 4.000 old records are to be transferred into visual system. As of December 2007, 24.239 manuscripts have been transferred into visual system.

National reference index database project

684. This project primarily aims at compilation of the scientific works in all fields at the national level into a reference index source.

Project of transferring National Library written and periodical publications collection to microform system

685. The aim of this project is to carry the images of written and rare works and periodicals in the National Library collection to microform films to prevent them from wearing out and to increase their usage rate.

Conducting Total Quality Management at the National Library

686. Total Quality Management is planned to be implemented at the National Library for the purpose of enhancing the quality of services, activities, and products.

Financial support to the promotion of cultural and artistic development

687. Allowances of 20.541.603 YTL from the investment budget of the 2005 financial year and 27.314.226 YTL from the current expenditures budget were transferred for the cultural centres and other investment and current expenditures which are under the authority of the General Directorate of Investment and Enterprises.

688. As of 30 November 2007, the investment budget of the Directorate of National Library was 2.846.000 YTL.

689. On the other hand, the Ministry of Culture and Tourism supports investments and undertakings which aim to ensure that individuals and public at large benefit from the products of the cinema efficiently, and to improve the cinema sector in the fields of education, investment, entrepreneurship, production and projection for the creation of an effective cultural communication environment.

690. In this respect, the film producers, directors, script writers and amateurs are financially supported with the resources allocated in the Ministry's budget for the film projects both before and after the production.

691. National and international film festivals, cultural and social events in the cinema sector, and private projects and productions with an aim to promote Turkey abroad are granted allowances by the Ministry of Culture and Tourism from the Ministry's budget and revolving funds.

692. Moreover, the Promotion Fund of the Office of the Prime Minister, which was created in order to increase the resources of the institutions responsible for promoting Turkey abroad and to disseminate the Turkish culture, subsidizes the cultural projects parallel to this objective since 1985.

International cooperation for supporting the development and expansion of culture

693. Turkey attaches importance to the international cooperation for the development and expansion of culture. Accordingly, through its membership to the international and regional organisations, Turkey participates in various multilateral cultural programmes, and encourages and contributes to the development of intercultural exchange and dialogue.

Cultural exchange programmes

694. With a view to enhancing bilateral cultural cooperation, cultural exchange programmes have been signed with 35 countries. These programmes cover the fields of culture and arts, education and science, archives and libraries, youth and sports, mass media and contacts between people.

695. Since its establishment, the National Library exchanges information and publications with international institutions also in line with cultural exchange programmes. The National Library is a member of international library organizations such as the International Federation of Library Associations (IFLA), the Congress of Muslim Librarians and Information Scientists (COMLIS), the International Federation for Information and Documentation (FID), the Conference of Directors of National Libraries (CDNL), the Conference of European National Librarians (CENL), and works in close cooperation with them. In this respect, the National Library conducts information and publication exchange with a total of 83 countries, 560 libraries, oriental studies institutes and information centres.

Project of "A Turkish Library in Every Country"

696. Turkey contributes to the "Readcom Project", launched in 2006 and supported by the European Commission, with two partner institutions: The Ministry of Culture and Tourism and the YADA Foundation. The Project will be finalized in 2008, and all materials used in the Project will be exhibited in the libraries and Readcom website.

697. Readcom invites people to join its reading and writing clubs in Austria, Belgium Poland, Portugal and Turkey, where the members learn, debate and share elements of their countries' history, culture, current political situation, lifestyle, customs, and problems vis a vis other European Cultures.

698. Within the framework of this project, approximately 50.000 books, which primarily include the publications of the Ministry of Culture and Tourism and the prestigious and source publications obtained from the Promotion Fund of the Office of the Prime Minister and other bodies, were sent to 100 universities in 40 countries. Publications on Turkish culture and arts were sent to universities, research centres and Turcology departments of the universities abroad. Taking into account the continuity of the project, the books exhibited in international book fairs were evaluated with a view to establishing a Turkish library in the reputable centres in the world.

International book fairs

699. Since 1989 the Ministry of Culture and Tourism has participated in 134 international book fairs in various 34 countries, such as the book fairs in Frankfurt, Kazan, Moscow, Teheran and Tokyo.

Project on the Automation of the United Nations Publications

700. The National Library is one of the depositor libraries of the UN. Works published by the UN and its affiliated institutions are sent free of charge to the National Library. The Project on the Automation of the UN Publications, which aims at transferring the UN publications into computerized system, was launched in 2006 and is expected to be completed in 2008.

701. Another illustration of Turkey's involvement in international cooperation is that Turkey was one of the 10 countries which supported the restoration of the Mostar Bridge in Bosnia-Herzegovina, one of the world heritages recognised by the UNESCO, which had been destroyed during the Bosnian War in 1993. The restored Mostar Bridge was opened in July 2004.

702. Other activities for development and diffusion of culture can be summarized as follows:

(i) According to the agreement signed in 2006 between the Ministry of Culture and Tourism and the Frankfurt Book Fair, Turkey is the Guest of Honour at the Frankfurt Book Fair in 2008. Turkish culture, arts and literature will thus have a platform to be promoted in Europe;

(ii) Istanbul was selected by the EU as the European Capital of Culture for 2010, which is a unique opportunity for Istanbul, Turkey and Europe. Istanbul's candidacy to become one of Europe's capitals of culture has been a primary example of successful collaboration between Istanbul civil society organizations and government bodies. Principal goal of Istanbul 2010 is to carry out a comprehensive urban development project through arts and culture, and reveal Istanbul's cultural wealth and heritage by highlighting the richness of Turkey's culture in the context of diversity of European cultures and by stressing the elements in Turkish history and culture shared with Europe to give a sense of being closer to each other in Europe and beyond, while respecting their diversity;

(iii) The year 2007 was the 800th anniversary of the birth of the eminent poet and philosopher Mevlana Celaleddin-i Rumi, who lived in Turkish Seljuk Empire in Anatolia. Mevlana's mystical relationship with God produced masterpieces which have been an inspirational source of unity of humanity, love and peace, transcending religious, ethnical and national lines well beyond the borders of Turkey. In recognition of the conformity of Rumi's message with the objectives and the mission of the UNESCO, upon the proposal by Turkey together with Afghanistan and Egypt, the 33rd UNESCO General Conference decided to associate the UNESCO with celebrations of the 800th anniversary of the birth of Rumi in 2007.

The celebrations were held throughout the world, including Vatican, Cairo, Madrid, Singapore, Tokyo, the UNESCO headquarters in Paris and the UN headquarters in New York, with the participation of thousands of people from all faiths and origins;

(iv) Special days, weeks and months on Turkish culture in different countries are held;

(v) Turcology centres and departments in foreign universities are established for the promotion and dissemination of Turkish language;

(vi) Closer relations have been developed with the Turkic republics, which are mainly carried out by the Ministry of Foreign Affairs, the TIKA and the Joint Administration of Turkic Culture and Art (TURKSOY). Students from Turkic republics are encouraged to study in Turkey and granted scholarships;

(vii) Reduced fares for entry to archaeological sites and museums are applied for pupils, students, elderly people, and the disabled;

(viii) Book fairs are organized;

(ix) The Ministry of Culture and Tourism regards the quality of cultural publications to be more important than their quantities. In this sense, it supports the publication of prestigious books, which are not considered as commercial by the private sector and yet which could provide immense contribution to Turkey's cultural life and to the promotion of Turkish culture, art and literature.

The Ministry of Culture and Tourism also backs the organisation of professional institutions in the field of publication in order to help them in relation to the international publication market and to strengthen national publishing. In this respect, the Ministry of Culture and Tourism undertakes the Translation Subvention Project (TEDA).

TEDA, which is essentially a translation and publication subvention project, was vitalized in 2005 for the wider dissemination of Turkish culture through the translation, publication or promotion of Turkish cultural, artistic and literary work outside of Turkey. Within the framework of TEDA, which aims to share Turkish cultural, artistic and literary spirit with the readers outside of Turkey in their own languages, the Ministry of Culture and Tourism provides subventions to international institutions, enterprises, companies, foundations and publishing firms which will publish such books.

The Project has extensively attracted the attention of international society and held a great success. Since the beginning of the project; the publishers from 132 different countries have been given support for the translation, publication and promotion of 317 works. Both the number of works being granted subvention and their success reveal the significance of TEDA's role in the dissemination of Turkish written heritage throughout the world.

703. The Turkish History Institution also conducts activities and projects including the "Project on Turkish History- From the Beginning Up to Date", the "Project on Turkey's Social and Cultural History" and the "Project on Detection of the Historical Turkish Works Abroad".

Media and culture

704. Turkey has a rich and a very dynamic broadcasting sector, aware of the opportunities and challenges that the new media landscape will bring both to public and private broadcasters in preparing themselves to the digital age. Turkey attaches significance

to the development of freedom of information, universal rights, new technologies and becoming an information society.

705. The private broadcasting in Turkey started pursuant to the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts, dated 1994. As of August 2006, there were 23 national, 16 regional and 212 local television channels broadcasting in Turkey. The number of private radio stations operating was as follows: 35 national, 99 regional and 948 local. The public television channels and radio stations (including universities, meteorology and others) are not included in these figures. The number of cable television stations is 70 while 102 television and 50 radio stations broadcast via satellite. In Turkey, there are approximately 1300 broadcasters. In this sense, the introduction of private broadcasting in Turkey within the last decade has contributed to the cultural prosperity of the country.

706. The Law on the Establishment of Radio and Television Enterprises and Their Broadcasts addresses the concept of language, which is perceived as one of the fundamental components of cultural life, in order to ensure the protection of cultural diversity. With the Law No. 4771 dated 3 August 2002, the said Law was amended as to allow broadcasting in different languages and dialects traditionally used by Turkish citizens in their daily lives. With a view to regulating the implementation of the aforementioned amendment, the RTUK issued the “Bylaw on Broadcasting in Different Languages and Dialects Traditionally Used by Turkish Citizens in Their Daily Lives by Public and Private Radio and Television Corporations”, which took effect following its publication in the Official Gazette No. 25357 dated 25 January 2004.

707. Broadcasts in local languages and dialects include news, music and documentaries in Bosnian, Kirmanchi, Zaza, Circassian and Arabic. Radio-1 and TRT-3 broadcast programmes in Bosnian on Mondays, Arabic on Tuesdays, Kirmanchi on Wednesdays, Circassian on Thursdays and Zaza on Fridays. On 7 March 2006, the RTUK issued permission for several private radio and television stations upon their applications to broadcast in Kirmanchi and Zaza. The said stations started their broadcasts in these dialects on 23 March 2006.

708. Paragraph (g) of Article 4 of the Law on the Establishment of Radio and Television Enterprises and Their Broadcasts stipulates that broadcasts shall serve for the improvement of the general objectives and basic principles of the Turkish national education system and the national culture. Likewise, Article 31 provides that radio and television enterprises shall be obliged in their programming to give place in certain ratio and hours to the education, culture, Turkish folk and Turkish classical music programmes. In line with Article 31, alongside the private broadcasters, TRT-2 television channel solely broadcasts cultural programmes. Also, TRT-INT and TRT-TURK television channels, whose broadcasts extend to Europe, Middle East, Central Asia, Australia, New Zealand, the United States of America and Canada, help introduce and promote the Turkish culture abroad.

709. The fundamental international legislation on television broadcasting to which Turkey is a party is the European Convention on Transfrontier Television. Article 10 of the Convention regulates arrangements regarding the promotion and protection of European culture.

710. International cooperation bears utmost importance in ensuring contractual rights and obligations. In order to attain such cooperation, RTUK experts attend the regular meetings of the Council of Europe Standing Committee on Transfrontier Television Convention, the responsible body for the implementation of the Convention.

Protection of intellectual and artistic property rights

711. Main legislation regulating the protection of intellectual property rights is the Law No. 5846 on Intellectual and Artistic Works, dated 5 December 1951. In the said Law, the work has been defined as all kinds of artistic and intellectual products of science and literary (including all types of photographic works of a technical or scientific nature and also critical and scientific publications), music, artistry (including the photographic works having an aesthetical value) or cinematography (including audio-visual) which are carrying the mark of its author. The author of the work is the person that creates the work.

712. The said Law aims at specifying and protecting the moral and financial rights of the owners of intellectual and artistic works, performers or interpreters of such works, producers of phonograms, and producers and radio-television broadcasting companies which fix films. The Law also regulates the conditions regarding the use of such works and lays out the sanctions in case of their usage contrary to procedures and principles envisaged.

713. The Law has been amended four times taking into consideration the changing dynamics of intellectual and artistic property rights and the transformation of the world economic system.

714. The first amendment in the Law in 1983 introduced arrangements concerning professional unions and performing artists. The second amendment regarding the introduction of an effective intellectual property rights protection in line with international standards was made in 1995 with the Law No. 4110. Consequently, the variety of works included in the Law was enhanced; the period of protection for works and exceptions to the intellectual property rights were re-specified; and arrangements regarding professional unions were made. Furthermore, provisions providing protection for rightful owners against unjust infringement of rights were amended to provide increased punishment and provisions regarding compulsory banderoles for certain works in order to fight acts of piracy.

715. In 2001 a third and a highly comprehensive amendment in the Law on Intellectual and Artistic Works was introduced with the Law No. 4630, which aimed at providing a deterrent in acts of piracy by accepting such acts as an organized crime.

716. With the Law No. 4630,

- (i) Purpose, scope and definitions were added in the Law on Intellectual and Artistic Works;
- (ii) Additional arrangements were introduced with a view to protecting moral and financial rights of the owner of works in the electronic domain as well;
- (iii) In order to prevent intellectual property rights violations, fines were increased and imprisonment periods were prolonged, new measures on placing banderoles on non-periodical publications and materials containing cinema and musical products were introduced, supervisory boards for the use of banderoles were established;
- (iv) Arrangements providing the prevention of the entry of counterfeit works through customs as well as the closure of places doing unauthorized reproduction were also introduced;
- (v) Film producers who fix the films first were included among related rightful owners of works. In this way, film producers were defined clearly with respect to rightful owners and the rights they possess as specified by the Law;
- (vi) Sanctions to prevent possible changes in the works and in the information regarding the works in the electronic domain were also defined.

717. However, taking into consideration the dynamic nature of the field of intellectual property rights, the international conventions coordinated by the EU and the World Intellectual Property Organisation (WIPO), and also sectoral demands, in order to prevent acts of piracy and to eliminate the problems encountered between professional unions and the users, a comprehensive legislation amendment was introduced with the Law No. 5101, dated 2004, which can be summarized as follows:

- (i) The sale of works in the form of books, cassettes, CDs, VCDs and DVDs, protected by the Law on Intellectual and Artistic Works, in the streets, squares, bazaars, pavements, piers, bridges, and similar open places is prohibited;
- (ii) Law enforcement officers and municipal police have been given the right to *ex officio* confiscate and collect such material sold in the streets with or without banderoles;
- (iii) Provisions regarding the use of banderoles in cinema and music works and non-periodical publications have been re-arranged and *ex officio* control without any prior complaint has also been provided;
- (iv) The discretion of the judiciary has been enhanced with new arrangements. Thus, the judges have been granted the power to evaluate the envisaged imprisonment and fines which have a binding effect on the freedom, by considering the peculiarities of facts and the severity of crime;
- (v) The Law also provides that facilities which produce materials regarding the fixing or reproduction of intellectual and artistic works, and/or fill, reproduce and sell such materials, or distribute them to public, shall be certificated by the Ministry of Culture and Tourism;
- (vi) Procedures regarding the settlement of disputes arising from the payments concerning intellectual and artistic properties used and/or transmitted by the public places and broadcasting companies have been established;
- (vii) Procedures and principles regarding registration have been re-specified;
- (viii) New arrangements have been introduced concerning the obligations of the professional unions, and their supervision and determination of rates;
- (ix) Facilities which produce, reproduce or distribute intellectual and artistic works as well as the financial rightful owners, are jointly obliged to place signs and serial numbers required by the Ministry of Culture and Tourism, and also standard international codes on the carrying material;
- (x) Provisions enabling the re-payment to the owner of work in case of resale of the original copies of intellectual and artistic works have been rearranged;
- (xi) Rights of broadcasting companies which are accepted as rightful owners have been rearranged in detail;
- (xii) "Sui generis" protection in databases has been provided;
- (xiii) A database which is to include professional unions, public places, broadcasting companies as well as the facilities which produce, and/or sell, reproduce or distribute materials concerning intellectual and artistic works will be created for use during investigations and examinations.

718. One of the most significant aspects of the Law No. 5101 is that it gives law enforcement officials and municipal police the duty and the power to act *ex officio* when they deem appropriate and collect copies and publications reproduced and distributed without authorization and contrary to procedures, as well as all material and evidence used

for reproduction, and submit them to the public prosecutor alongside the crime report. Apart from law enforcement officials and municipal police, supervisory boards established within governor's offices have the power to monitor. These boards notify the competent authorities about the cases contrary to the Law on Intellectual and Artistic Works and work in collaboration with the General Directorate of Turkish Police.

719. Moreover, "Regulation on the Certification of Businesses Undertaking the Distribution or the Recording, Reproduction and Sale of Materials on Which Intellectual Property and Works of Art Are Determined" came into force on 18 April 2005.

720. The related provisions of the Law on Combat against Criminal Organizations for Benefiting Purposes will be applied to the crimes cited in the Law on Intellectual and Artistic Works if they bear relevance.

721. In order to provide effectiveness in combat against acts of piracy, relevant provisions of the Customs Law No. 4458 and the Anti-Smuggling Law No. 4926 will be applied concerning the export and import of copies of the works in case there is an assault on intellectual property rights.

722. Furthermore, in order to ensure that the Law on Intellectual and Artistic Works is implemented more effectively, endeavours for awareness-raising among public continue through seminars, meetings and other activities.

723. Other sub-legislation introduced for the implementation of the Law on Intellectual and Artistic Works are listed below:

- (i) Regulation on the Procedures and Principles Concerning the Use and/or Transmission of Works, Performances, Productions and Publications, dated 8 June 2004;
- (ii) Regulation on Amendments in the Regulation Concerning the Procedures and Principles of the Implementation of Bandroles, dated 6 November 2004;
- (iii) Regulation on the Certification of Businesses Undertaking the Distribution or the Recording, Reproduction and Sale of Materials on Which Intellectual Property and Works of Art Are Determined, dated 18 April 2005;
- (iv) Decision of the Council of Ministers on Giving Share From the Sale Prices of the Handwritten Originals of the Works of Fine Arts, Scientific, Literary and Musical Works, dated 27 September 2006;
- (v) Regulation on the Registration of the Intellectual and Artistic Works, dated 17 May 2006.

724. Moreover, with a view to ensuring the protection of substantive and moral rights of owners' all works presented to public through radios and televisions, paragraph (o) of Article 4 of the Law on the Establishment of Radio and Television Enterprises and Their Broadcasts provides that broadcasts shall not violate the rights of the right holders stipulated by the Law on Intellectual and Artistic Works. In addition, Article 37 regulating the principles for the use of works, phonograms and productions broadcast by radios and televisions states that radio and television enterprises shall pay copyright fees to the copyright holders for works featured in their broadcasts. The rules for copyright fees are formulated by the RTUK after having obtained the views of professional associations.

Institutional arrangements for the protection of intellectual property rights

725. Disputes arising from the situations contrary to the Law on Intellectual and Artistic Works are handled by specialized courts in Istanbul, Ankara and Izmir. The number of specialized courts has reached 21. In provinces where there are no specialized courts, they

are handled by other courts. Upon the request of the courts, expert views are provided by the Ministry of Culture and Tourism.

726. The Ministry of Culture and Tourism also works in collaboration with other professional unions regarding intellectual rights violations. There are 24 professional unions established with a view to pursuing the legal rights of the owners of works. These unions are obliged to inform the Ministry concerning the works, performances, phonograms, productions they represent and provide information on their members. They are subject to the supervision of the Ministry of Culture and Tourism with regard to the administrative and financial matters in accordance with the Law on Intellectual and Artistic Works.

International cooperation for the protection of intellectual property rights

727. Turkey is a member of the WIPO and is party to 14 international treaties on intellectual and artistic property rights. Ratification process is under way for the Patent Law Treaty and Singapore Treaty on the Law of Trademarks.

728. Furthermore, within the process of Turkey's accession to the EU, Turkey has largely aligned its legislation concerning intellectual and artistic property rights with the *acquis* of the EU. In this respect, for Turkey's due implementation of its obligations regarding intellectual rights originating from the Customs Union between Turkey and the EU and for the prompt and effective implementation of the courts of relevant legislation, the project on "Effective Implementation of Intellectual and Industrial Property Rights in Turkey" was launched in 2002 in cooperation with the EU. The Project was completed in 2004 by an international symposium in Istanbul. Under the framework of the project, 7 judges and 1 public prosecutor attended special training in various European countries for a period of one year, and were appointed to newly established 8 intellectual property specialization courts. Furthermore, computer and software-hardware requirements of these courts were met, and a documentation centre, namely the Research Centre of Intellectual and Industrial Property (FISAUM), was established in Ankara University. The work on construction of a communication network among courts, the FISAUM, the Ministry of Justice, the Turkish Patent Institute, and the Undersecretariat of Customs is underway.

729. Moreover, within the framework of 2004 Pre-Accession Programme, the Twinning Project on "Supporting Turkey's Efforts in the Full Alignment and Enforcement in the Field of Intellectual Property Rights with a Focus on Fight Against Piracy" was undertaken from May 2006 to November 2007. The Project aimed at improving the existing legal measures on intellectual property rights and strengthening the legal, administrative and institutional capacity of the Directorate General Copyright and Cinema and its services to comply with the rules and practices of the EU intellectual property rights system. The Project also focused on the promotion of the protection of intellectual property through developing a well structured strategy for awareness raising activities.

Arrangements for the people with special needs and disabilities

730. In 1991 the National Library initiated a special computer service for the visually-impaired, with which the users can read the printed material in audio form and also get printout on Braille paper.

731. In order to support the development and dissemination of culture and arts, "speaking library" services are provided for the visually-impaired users in 14 public libraries. In the speaking library sections of the libraries, which are furnished specifically for the visually-impaired, the users can use the Internet, CD players and cassette player systems and computer hardware and thus listen to the books recorded on tapes, and record from CD to tape.

732. Through the recording of the works requested by the users on tapes by voluntary readers, the speaking library collection has been enriched. In collaboration with the TRT, copies of stories, novels and plays are obtained. Also, some of the broadcasts aired on TRT radios are recorded on CDs and sent to the speaking library sections of the public libraries.

733. Furthermore, in accordance with additional Article 11 of the Law No. 5846 on Intellectual and Artistic Works, in case there is no copy of common or printed scientific and literary works, including course books for the disabled, their reproduction by the disabled person or by a third person for non-commercial purposes as one copy for the use of the disabled person; or their reproduction or lending by an education body, foundation or association providing service for the disabled, in required quantities, in the form of CDs, tapes, Braille alphabet and similar formats may be carried out without obtaining authorization and permission. These copies shall in no way be sold, made commercial items, or used for other purposes. Also, the copies shall bear information regarding rightful owners as well as the reproduction purpose.

Protection of the freedom of science

734. Article 27 of the Turkish Constitution is the safeguard for the freedom of science. In the said article it is stipulated that:

Everyone has the right to study and teach freely, explain, and disseminate science and arts and to carry out research in these fields.

The right to disseminate shall not be exercised for the purpose of changing the provisions of Articles 1, 2 and 3 of this Constitution.

The provisions of this article shall not preclude regulation by law of the entry and distribution of foreign publications in the country.

Turkey's science and technology policies

735. Turkey's science and technology policies are determined by the High Commission of Science and Technology (BTYK). Under the presidency of the Prime Minister, the BTYK consists of the representatives of the relevant State Ministries, the Ministry of National Defence, the Ministry of Finance, the Ministry of National Education, the Ministry of Health, the Ministry of Agriculture and Rural Affairs, the Ministry of Environment and Forestry, the Ministry of Industry and Trade, the Ministry of Energy and Natural Resources, the State Planning Organization, the Undersecretariats of Treasury and Foreign Trade and two eminent universities; of the chairpersons of the Higher Education Council, the Scientific and Technological Research Council of Turkey (TUBITAK), the Turkish Atomic Energy Agency, the Turkish Union of Chambers and Stock Exchanges (TOBB); and Director General of the TRT. Meetings of the BTYK have been held twice a year since 1989.

736. The TUBITAK, which was founded in 1963 with a view to developing science and technology policies, contributing to the creation of the necessary infrastructure in the field of science and technology, pioneering the improvement of culture of science and technology, and encouraging, supporting, coordinating and conducting the research and development activities, provides secretarial services for the High Commission, prepares the agenda, and arranges possible draft resolutions for the approval of the High Commission. Examining and reporting of the decisions of the High Commission are also among the duties of the TUBITAK.

737. At its meeting in December 2000, the BYTK assigned the TUBITAK for determination of the new science and technology policies for the period of 2003-2023,

which is known as the “Vision 2023”. The Vision 2023 sets forth four main socio-economic objectives:

- (i) Increasing Turkey’s competitiveness in industry;
- (ii) Improving the life standards of the people;
- (iii) Achieving sustainable development;
- (iv) Improving information and communications infrastructure.

738. The Vision 2023 also provides strategic fields of technology for Turkey, which are:

- (i) Information and communications technologies;
- (ii) Biotechnology and gene technologies;
- (iii) Nanotechnology;
- (iv) Mechatronic;
- (v) Production processes and technologies;
- (vi) Material technologies;
- (vii) Energy and environment technologies;
- (viii) Design technologies.

739. At the 10th BTYK Meeting held on 8 September 2004, Turkey’s basic objectives, principles and main targets in the field of science and technology were determined, which over all constitute the Turkey Science and Technology Strategy.

Basic objectives:

- (i) Improving the living standards of people;
- (ii) Finding solutions for social problems;
- (iii) Increasing Turkey’s competitiveness;
- (iv) Disseminating culture on science and technology.

Basic principles:

- (i) Strategic approach;
- (ii) Outcome-focused approach;
- (iii) Cooperation between public and private sectors;
- (iv) Efficiency;
- (v) Participation;
- (vi) Accountability;
- (vii) Cohesion between authority and duties;
- (viii) Flexibility.

Main targets:

- (i) Increasing the demand for research and development;
- (ii) Increasing the number and the quality of scientists, vocational and technical personnel;
- (iii) Increasing the share of research and development expenditures in the GDP.

740. As a means for the Science and Technology Strategy, Turkish Research Area (TARAL) was defined, which includes all scientific, technological and research and development actors who are partners in the implementation of the aims and targets of the strategy. These actors are public and private institutions, NGOs and universities which carry out together the activities of science, technology and research and development with the TUBITAK as coordinator.

741. Another aspect of the Science and Technology Strategy is the “Science and Technology Policy Implementation Plan” (BTP-UP), which sets out the basic fields of action within the said strategy in the TARAL for the period of 2005–2010. These fields of action are as follows:

- (i) Raising awareness and developing culture on science and technology;
- (ii) Educating scientists;
- (iii) Supporting research based on outcome and quality;
- (iv) Activating national scientific and technological management;
- (v) Strengthening scientific and technological performance of the private sector;
- (vi) Improving research environment and infrastructure;
- (vii) Activating national and international connections.

Support for science and technology

742. While the amount of allowances used by the TUBITAK between 1964–2003 was 1.840.000.000 YTL, this amount has risen to 2.300.000.000 YTL between 2004–2007.

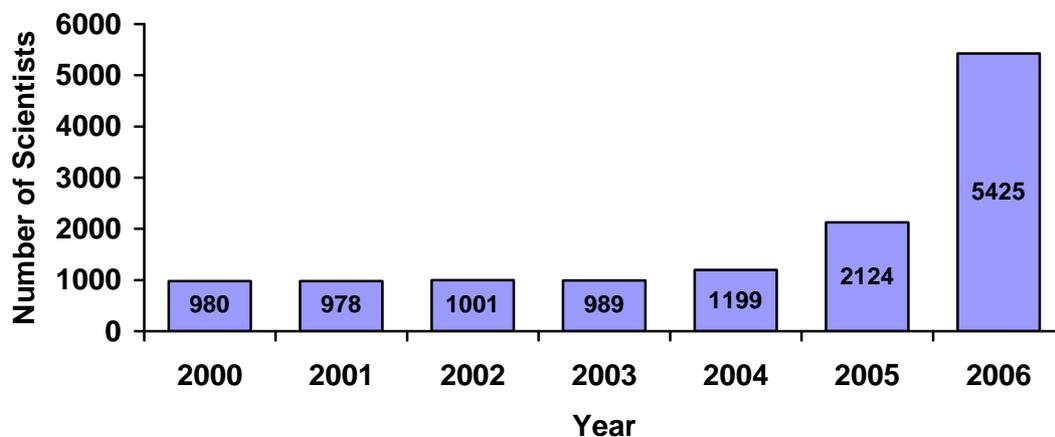
743. The amount of the financial contribution of the TUBITAK to the universities for the research and development activities in 2003 was 28,8 million YTL, whereas this figure was 272,7 million YTL in 2006.

744. The number of projects supported by the TUBITAK within the framework of the “Programme on the Support for Industrial Research and Development Projects” in 2003 and 2006 were 279 and 534 respectively. In fact, the support for the industrial sector between 2004–2007 was 662 million YTL, which was 2,2 times more than the support provided between the years 1996–2003.

Raising and supporting scientists

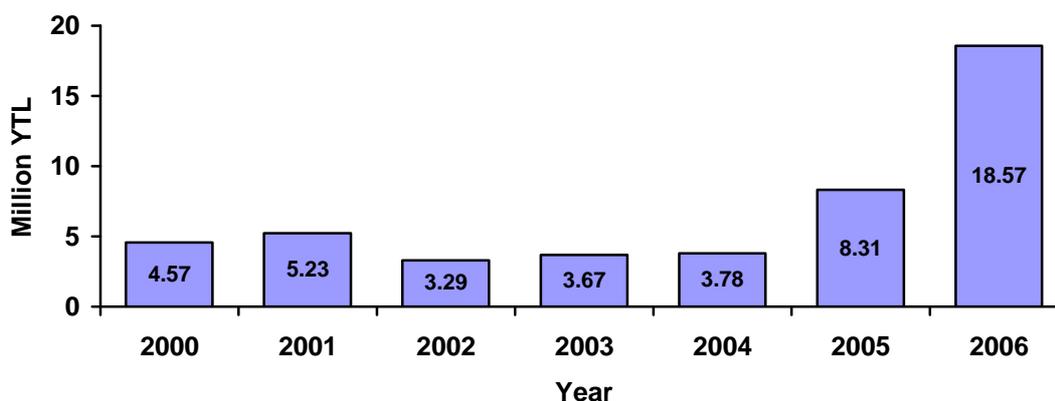
745. The TUBITAK develops and implements various support programmes for raising the workforce which is of great significance in Turkey’s scientific and technological advancement. As it can be inferred from the graphs below, the number of the supported scientists and the amount of the financial contribution of the TUBITAK have been in constant increase. To illustrate, whereas the number of scientists supported by the TUBITAK in 2000 was 980, in 2006, 5425 scientists were supported. The amount of the financial contribution increased from 4,57 million YTL in 2000 to 18,57 million YTL in 2006. Of the scientists supported by the TUBITAK, 62% were affiliated with universities, 30% public institutions, and 8% private sector.

Figure VII
Number of scientists supported by the TUBITAK (2000–2006)



Source: TUBITAK.

Figure VIII
Amount of financial contribution to scientists by the TUBITAK (2000–2006)*



Source: TUBITAK.

* With 2005 fixed prices.

746. The TUBITAK has considerably increased the number and amount of the graduate and post-graduate scholarships since 2005. While the number of the graduate and post-graduate bursaries in 2000 were 45 and 16 respectively; in 2006, 1877 graduate and 733 post-graduate scholarships were distributed.

747. In order to raise scientists in natural and social sciences and humanities, scholarships are granted to the students who have passed the university entrance examination among the first 5000 and who have chosen to study in the above mentioned fields of study.

748. Within the framework of the “Academic Research and Development Support Programme”, the TUBITAK provides support for the universities and private and public

sector research and development institutions in order to improve the research infrastructure, promote academic research and create suitable research environment. Table 57 illustrates the data on academic research and development supported by the TUBITAK between the years 2000 and 2006.

Table 57

Academic research and development supported by the TUBITAK (2000–2006)

Years	Number of active projects	Budget for the support for active projects*	Average project budget**	Number of projects concluded	Annual expenditure*	Average annual expenditure per project**
2000	843	13.2	15.6	297	9.6	11.3
2001	1 001	15.7	15.7	242	10.1	10.1
2002	1 242	22.5	18.1	263	12.5	10.1
2003	1 227	28.8	23.4	370	7.4	6
2004	1 353	35.6	26.3	337	11.5	8.5
2005	2 353	142.8	60.7	426	78.8	33.5
2006	3 091	272.7	88.2	559	108.5	35.1

Source: TUBITAK.

* Million YTL, with 2005 fixed prices.

** Thousand TYL, with 2005 fixed prices.

Awareness-raising in science and technology, and development of culture of science and technology

Science games, toys and experiment sets

749. In order to introduce science to the whole public, especially to the pre-school and primary school children, and create curiosity and interest in science, the Project on Science Games, Toys and Experiment Sets has been launched. Observation and experiment sets are planned to be put on the market. Activity programmes and written material are also to be prepared.

Islamic Science and Technology History Museum

750. With the protocol signed by the TUBITAK, the Ministry of Culture and Tourism, Istanbul Municipality and Frankfurt Johann Wolfgang Goethe University Arab-Islam Sciences Institute on 16 January 2007, works on the foundation of the Islamic Science and Technology History Museum in Istanbul have been initiated.

Popular science magazines

751. The TUBITAK has been publishing the monthly “Science and Technique Magazine” for the readers above the age of 13 since 1967, the monthly “Science Child Magazine” for the age group 7–12 since 1998, and the monthly “Curious Little Magazine” for the children between the age of 3–6 since 1 January 2007.

Solar and hydrogen energy car races

752. With a view to improving the self-consciousness of the university students, improving their teamwork abilities and drawing the attention of the public to the clean energy technologies, the TUBITAK has been organising the “Formula-G Solar Car Races” since 2005. Moreover, efforts are underway for the Hydromobile car races.

753. Furthermore, for the purpose of encouraging the youth to conduct research in basic and applied sciences, project competitions among the primary and secondary school students are organised by the TUBITAK. Youth science camps, trainings on nature, and theoretical and applied summer/winter science schools in the fields of natural sciences, engineering and technological sciences, social sciences and humanities are also crucial in promotion of science among the youth.

International cooperation

754. Within the period of September 2006–February 2007, representatives of the TUBITAK participated in the following regional and international meetings and activities:

- (i) Meetings of the High Level Representatives' Committee and Field Committees of the European Cooperation in the field of Scientific and Technical Research (COST);
- (ii) Meetings of the Permanent Committee of the European Science Foundation (ESF);
- (iii) General Assembly of the International Association for the Promotion of Cooperation with Scientists from the New Independent States of the Former Soviet Union (INTAS);
- (iv) Regional Education Workshop of the Inter-Islamic Network on Water Resources Development and Management (INWRDAM);
- (v) Executive Committee Meeting of the International Energy Agency (IEA);
- (vi) Science and Technology Working Group Meeting of the Organisation of the Black Sea Economic Cooperation (BSEC);
- (vii) Science Committee for Peace and Security of the North Atlantic Treaty Organisation (NATO);
- (viii) UNESCO Conference on "Why to invest in science in Southeast Europe?" in Slovenia between 27–29 September 2006;
- (ix) Membership to the Association of Science-Technology Centres (ASTC) on 18 November 2006;
- (x) Meeting with representatives of the European Space Agency (ESA) between 18–19 December 2006;
- (xi) Technological Foresight Training for Organizers of the United Nations Industrial Development Organisation (UNIDO) in Turkey between 20–24 November 2006;
- (xii) The Second International Science and Research Day organised by the TUBITAK was held in Ankara on 8 November 2006.

755. Various instruments are employed for the implementation of international cooperation, which can be summarised as follows:

Project-based

- (i) EU Framework Programmes for Research and Technological Development;
- (ii) Supports for projects within the framework of bilateral and multilateral cooperation programmes;
- (iii) Supports for national projects.

Scientist-based

- (i) *Mobility of Scientists:* With the Marie Curie Programme of the EU Framework Programmes, the support is given for the mobility of scientists in Europe. Also, the Programme on Support for Guest Scientists enables foreign scientists and researchers to be invited to Turkey for research and training purposes;
- (ii) *Scholarships:* The TUBITAK grants graduate and post-graduate scholarships in order to support the scientists. Foreign scientists who would like to do his/her doctorate and post-doctorate studies in Turkey can also benefit from these scholarships;
- (iii) *International Science Olympics:* Participation of the primary and secondary school students in the international science olympics and project contests are encouraged.

Participation in international activities

- (i) Conferences, project fairs, meetings and seminars are held with a view to enabling the Turkish and foreign scientists to conduct joint projects and activities;
- (ii) Within the framework of the bilateral science and technology agreements, activities such as joint scientific meetings, workshops and scientist exchanges are supported;
- (iii) Participation of the Turkish scientists in the events held by the regional and international organisations are encouraged.

Awards

- (i) In addition to the Science, Service and Promotion Awards of the TUBITAK, from 2007 onwards the TUBITAK Special Award, equivalent of the TUBITAK Science Award, will be given to those Turkish scientists residing abroad who have contributed to science at international level;
- (ii) In order to encourage the participation in the EU Framework Programmes as coordinator, the Project Encouragement Award is granted.

Participation of Turkey in the EU Framework Programmes for research and technological development

756. Since December 2002, Turkey has been participating in the EU Framework Programmes for Research and Technological Development, which are the EU's main instruments for supporting collaborative research, development and innovation in science and technology. Turkey has taken part in the 6th Framework Programme, which was concluded by the end of 2006, and, as of June 2007, has acceded into the 7th Framework Programme covering the period of 2007–2013.

757. The three priority areas to which Turkey actively contributed within the 6th Framework Programme were sustainable development, information society technologies and international cooperation. Within the framework of the Programme, approximately 20 million Euros were allocated for the establishment of 27 Technological Perfection Centres.

758. During the 6th Framework Programme, it has been observed that the performance of the Turkish institutions taken part in the Programme has risen year by year. To illustrate, whilst the rate of acceptance of the projects in which Turkey partook between December 2002–April 2004 was 10,5%, it rose to 18,7% in the period of April 2004–December 2006. Of the accepted projects, 50% were from universities, 20% from research centres, 15% from small and medium size enterprises, 5% from industrial establishments, 3% from NGOs, 1% from public institutions, and 6% from other institutions. Total number of

applications from December 2002 until the end of the Programme (December 2006) was 2.982.

759. The TUBITAK has prepared an action plan for the 7th Framework Programme in cooperation with the EU Commission. The following five main strategic objectives for the action plan have been determined:

- (i) Strengthening the administrative infrastructure;
 - (ii) Information and education;
 - (iii) Enhancing cooperation;
 - (iv) Initiatives for abroad;
 - (v) Carrying out the negotiations at a technical level.
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