



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

## **Second periodic report submitted by Türkiye under article 73 of the Convention, due in 2021\*, \*\***

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\* The present document is being issued without formal editing.  
\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CMW/C/TUR/QPR/2).



## **Replies to the list of issues prior to reporting (CMW/C/TUR/QPR/2)**

### **Reply to paragraph 1 (a) of the list of issues**

1. International Labour Force Law No. 6735, which was entered into force on 13/8/2016 in order to meet the need for policy making due to the significant increase in irregular migration. In Türkiye, Directorate General of International Labour Force operates as the main service units of the Ministry of Labor and Social Security responsible for the prevention of undeclared work of foreigners, to organize the work and transactions regarding work permits and work permit exemptions for foreigners, to attract international skilled labor to Türkiye and the establishment of Türkiye's international labour policy.
2. Moreover, the Constitution of the Republic of Türkiye directly attributes responsibilities to the State for regulating a central planning and functioning of the health services. It also empowers the State to establish a universal health insurance system. Accordingly, the universal health insurance system has been established by the Social Insurances and Universal Health Insurance Law No 5510 that entered into force on 1 October 2008.
3. Foreigners who have pending international protection application or been granted international protection status and who are recognized as stateless can also access to the healthcare. The system provides comprehensive, fair and equitable benefits in terms of access to healthcare services. It was formed to provide for all people having residency in Türkiye.
4. As a result, all foreigners residing in Türkiye, regardless of their employment status, are covered by the health care system if they pay the national health security premium. Foreigners benefit from the same conditions as national citizens in terms of accessing benefits in kind in case of sickness. The health care and drug expenses of Syrians under temporary protection status are paid by the Turkish state. There is no requirement of a minimum period of contribution or residence for this benefit.

### **Reply to paragraph 1 (b) of the list of issues**

5. Türkiye is party to the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings, which are the two main conventions on combating human trafficking and protecting victims. Türkiye has been a pioneer since the beginning of the process among the states that signed the international protocols on combating human trafficking, and continues to pursue a steady and determined struggle in this field. Combating human trafficking is only possible through effective work in the areas of prevention, protection, prosecution and cooperation. Accordingly, Türkiye criminalized human trafficking for the first time by adding an additional article (201/b) to the Turkish Criminal Code (TCC) No. 765 on 03/08/2002. The crime of human trafficking was rearranged in accordance with the Palermo Protocol by way of Article 80 of the TCC numbered 5237, which entered into force on 01/06/2005. The offenders of this crime are now subject to imprisonment from 8 years to 12 years and a judicial fine up to ten thousand days. While the sanction of the human trafficking crime regulated in Article 80 of the TCC is more severe than the penalty applied in many European countries, the definition of the crime was also extended by adding the phrase 'forced prostitution' to the definition of human trafficking with the amendment made on 19/12/2006. In addition, the Regulation on Combating Human Trafficking and the Protection of Victims was published in the Official Gazette and entered into force on 17/03/2016, which determines the procedures and principles on preventing and combating the crime of human trafficking, protecting victims of human trafficking without discrimination between Turkish citizens and foreigners, granting residence permits to foreign victims and providing support services to the victims within the scope of human rights. With the amendment enacted on 06/12/2019 the phrase "human trafficking" has been added to the crimes that are considered to constitute a reason for arrest (catalogue crimes) in order to combat the crime of human trafficking more effectively, to collect evidence and to complete investigations and prosecutions as soon as possible. Catalogue crimes are listed in Article

100 entitled “Grounds for arrest” of the Criminal Procedure Code No. 5271. The important feature of catalogue crimes is that if they are committed, they constitute grounds for the arrest of the suspect or the accused. Thus, within the framework of Article 100 of the Criminal Procedure Code, strong suspicion that the crime of human trafficking has been committed can be considered as a reason for arrest. The amendment shows the determination of Türkiye in the fight against human trafficking.

6. The crime of human trafficking is prosecuted *ex officio* regardless of the victim’s complaint. Since the 8-12 years upper limit of prison sentence envisaged for the crime exceeds 10 years, the assize court is authorized to hear the cases and procedures related to the mentioned crime. The jurisdiction to hear a case rests with the court of the place where the crime has been committed (The Criminal Procedure Code (CPC) A. 12/1). In the case of an attempt to commit a crime, the court where the last attempt was made; in the case of continuous offences, the court where the interruption took place; and in the case of chain offences, the court where the last offence was committed is authorized (CPC A. 12/2). In the event that the crime of human trafficking is committed by an organization established for criminal purposes, it would be appropriate to determine the jurisdiction in taking into account the headquarters of the organization. Human trafficking is a universal crime and for this reason, a trial can be carried out in Türkiye in accordance with Turkish laws upon the request of the Minister of Justice even if a conviction or an acquittal decision is made in a foreign country, regardless of where the crime is committed, and whether the offender is a Turkish citizen or a foreigner. To that end, it is not necessary for the offender to be in Türkiye (TCC A.13). In addition, according to Article 16 of the TCC, any time spent in custody, detention, under arrest, or serving a prison sentence in a foreign country in respect of a crime irrespective of where the crime was committed shall be deducted from the penalty to be given for the same crime in Türkiye. The transnational characteristic of this offence does not make it a prerequisite for the occurrence of the offence. In view of the envisaged prison sentence, the essential limitation of action is fifteen years for the crime of human trafficking (TCC Article 66/1-d).

7. Labour inspection refers to the inspection activities which are carried out on behalf of the State and include research, examination and supervision with regard to the implementation of all legal provisions related to the working conditions and work environment such as working periods, wages, operational health and security, welfare of the employees, employment of children and youth, informality, unemployment, employment, labour market practices, and supply chains. In this context, inspections are carried out based on the working conditions and work environment regardless of the distinction between Turkish citizens and foreign nationals. Directorate for Guidance and Inspection of the Ministry of Labour and Social Security plans the labour inspection activities to be carried out in the workplaces during the year as “programmed inspections” and “non-programmed inspections” consisting of screenings. In programmed inspections, issues such as child or juvenile workers, victims of human trafficking, and illicit work are given priority as primary risk groups. In addition, complaints or notifications on human trafficking based on labour exploitation are examined with priority and included in the scope of non-scheduled inspections. In all inspections, labour inspectors examine whether a victim of human trafficking exists. In addition, in the reports prepared as a result of the inspections, relevant institutions and organizations as well as the Offices of the Chief Public Prosecutors are informed and notified on violations such as forced labour and human trafficking based on labour exploitation, since these activities are deemed as crime in Article 80 of the TCC No. 5237. Inspections are carried out by labour inspectors on foreign employees according to the International Labour Force Law no. 6735. The legal limit of the employment wage is regulated on Article 39, titled “Minimum Wage” of the Labour Law no. 4857, and it is prohibited to pay less than the minimum wage. This is also examined and inspected by labour inspectors without distinction between foreign and domestic migrant workers. In this framework, unregistered employment is combatted with various methods such as improving social security services, reducing the insurance premium costs with incentives, strengthening inspection capacity, and raising awareness and consciousness.

### **Reply to paragraph 1 (c) of the list of issues**

8. Türkiye ratified the Geneva Convention of 1951 with “Geographical Restriction” by exercising the right of choice stipulated in Article 1 in terms of place. Owing to its geographical proximity to the countries that are the source of international migration where war, conflict, political and economic instability occur, Türkiye increasingly turns out to be a transit and destination country for these countries in recent years. It has been hosting the highest number of international protection seekers in the world for many years. Unfortunately, however, international protection cooperation and burden sharing pointed out by the 1951 Geneva Convention are not sufficiently and effectively implemented.

9. The impact of geographical restriction on Türkiye’s migration legislation can be seen in Articles 61 and 62 of the Law No. 6458 on Foreigners and International Protection. Accordingly, “conditional refugee status” is granted to foreigners from outside the European countries, who meet the criteria for refugee status. There is no difference between refugee and conditional refugee status in terms of rights and services provided in Türkiye and international protection status determination procedures. The only difference between these two statuses is that conditional refugees are entitled to stay in Türkiye until they are resettled in a third country. However, due to very low resettlement quotas, this difference is not important in practice.

10. Finally, Article 4 of Law No. 6458 on Foreigners and International Protection adopts the non-refoulement for everyone covered by the Law, thus ensures that no foreigner shall be returned to a place where he or she would be subjected to torture, inhuman or degrading punishment or treatment, or where his/her life or freedom would be threatened because of his/her race, religion, nationality, membership of a particular social group or political opinion. Therefore, the geographical restriction application does not lead to any violation of rights.

### **Reply to paragraph 1 (d) of the list of issues**

11. As mentioned above, Article 4 of Law No. 6458 on Foreigners and International Protection (LFIP) prescribes non-refoulement for everyone covered by the Law, thus ensures that no foreigner shall be sent to a place where he or she would be subjected to torture, inhuman or degrading punishment or treatment, or where his/her life or freedom would be threatened because of his/her race, religion, nationality, membership of a particular social group or political opinion.

12. Pursuant to the Law, entry into and exit from Türkiye is carried out through border gates with a valid passport or documents in lieu of passport. Foreigners who do not have a valid document and a visa, visa exemption, residence or work permit suitable for the purpose of their stay are not allowed to enter the country. However, it is also stipulated that these conditions cannot be interpreted and applied in a way that prevent application for international protection.

13. In addition, the Law also stipulates that “those who of their own accord apply for international protection to the governorates within a reasonable period of time will not be penalized for violating the conditions for legal entry into Türkiye or for not being lawfully present in Türkiye, provided that they explain the valid reasons for their illegal entry or stay”.

14. The rights and services granted to international protection applicants and status holders in Türkiye within the scope of the Law are as follows:

(a) Right to be Informed: Foreigners within the scope of international protection are informed about the process in their own language or in a language they understand concerning their rights and obligations;

(b) Right of Registration, Certification and Residence in Türkiye: After the applications of foreigners requesting international protection are registered by the Governorates, they are issued an “International Protection Applicant Identity Document” containing their foreigner identification number. The identity document, which is not subject to any fees, is also a substitute for a residence permit. The identity document provides the right to stay until the final decision;

(c) Right to Education: The applicant or holder of international protection and his or her family members benefit from primary and secondary education services within the framework of the Article 89 of the LFIP. In this context, all foreigners under the scope of international protection have access to the right to education;

(d) Right to Health: The right to health within the framework of the provision of Article 89 of the LFIP, "... Those who do not have any health insurance and are unable to pay are subject to the provisions of the Law No. 5510 on Social Security and General Health Insurance dated 31/5/2006 for a period of one year from the registration of the international protection application. The one-year time limit is not sought for those with special needs and those who are deemed eligible for the continuation of insurance registration by the Ministry...";

(e) Right to Benefit from Social Assistance and Services: International protection applicants and status holders in need can be provided with access to social assistance and services. Thus, they can access to the rights and services through the Social Assistance and Solidarity Foundations (SYDV) under the Governorates or through the Red Crescent, or Ministry of Family and Social Services;

(f) Right to Access to Labour Markets: International protection applicants and conditional refugees can apply for a work permit after six months have elapsed from the date of application for international protection. Refugees and subsidiary protection status holders, on the other hand, can work independently or dependently from the date of granting of their status, and their identity documents replace work permits;

(g) Other Rights and Services:

- Right of objection;
- Legal aid and advocacy services;
- Right to request a travel document;
- Right to privacy;
- Right to request consulting and to use translation services.

15. In addition, Türkiye has Labour force agreements with 12 countries, including Germany, Australia, Austria, Belgium, France, Holland, Turkish Republic of Northern Cyprus, Qatar, Libya, Jordan, Azerbaijan and Kuwait. These agreements were mainly served as a declaration of good will by the parties in order to facilitate the process and procedures regarding the develop migration and exchange of labour, also cooperation and partnership between the two countries. In addition, Türkiye has Social Security Agreements with 36 countries, most of which are European Union Countries.

## **Reply to paragraph 2 of the list of issues**

16. The Eleventh Development Plan, which covers the period of 2019-2023 and presents a long-term perspective with the vision of "stronger and more prosperous Türkiye that produces more value and shares more fairly", was adopted by the General Assembly of the Turkish Grand National Assembly on July 18, 2019.

17. Under the title of "Qualified Person, Strong Society", the Eleventh Development Plan states that "social adaption of migrants will be ensured; the capacity of migration management will be strengthened".

18. In the field of judiciary, the Judicial Reform Strategy Document, which upholds the vision of "a trustworthy and accessible justice system", was announced to the public on 30 May 2019 and contains 9 aims, 63 objectives and 256 activities.

19. Included among the relevant aims, objectives and activities of the Judicial Reform Strategy Document, the activity specified in 4.13 prescribes that "international cooperation will be enhanced for cross border organized crimes, terrorism, financing of terrorism, cybercrimes, human trafficking, migrant smuggling, laundering of proceeds of crime and trafficking of narcotic drugs".

20. The works within the scope of this activity are carried out by responsible institutions.

21. Moreover, as a follow-up document to the Judicial Reform Strategy, Action Plan on Human Rights (Action Plan) was announced on March 2, 2021 and includes 9 aims, 50 goals and 393 activities under 11 Basic Principles. The Presidential Circular No. 2021/9 on the implementation process was published in the Official Gazette dated April 30, 2021, and the implementation schedule covering a two-year period was announced on the website of the Ministry of Justice.

22. The Action Plan encompasses various activities under the objective of “Protecting Vulnerable Groups and Strengthening Social Wealth” for reaching the goals “8.5 Rehabilitation of Foreigners under International Protection and Temporary Protection and Strengthening their Access to Justice” and “8.6 Combating Human Trafficking in an Effective Manner”.

23. The responsible institutions continue to work effectively on the realization of the activities according to the Implementation Schedule, within the stipulated deadlines.

24. In addition, adaptation activities for foreigners with different status in Türkiye are carried out within the framework of the Adaptation Strategy Document and the National Action Plan, which came into force with the decision of the Migration Board in 2018. Within the scope of the relevant document, the General Directorate carries out awareness-raising and information activities in cooperation with the relevant public institutions on the use of basic rights and services such as education, health, access to the labour market for foreigners of different status.

25. On the other hand, the work permit application procedures of foreigners are carried out by the General Directorate of International Labour Force affiliated to the Ministry of Labour and Social Security.

26. Regarding the document in question, monitoring and evaluation meetings are held every year in regular periods with the participation of relevant public institutions and organizations under the coordination of the General Directorate, and a total of 11 meetings were held between 2018 and 2023.

### **Reply to paragraph 3 of the list of issues**

27. Pursuant to Article 4 of the International Labor Force Law No. 6735, the Ministry of Labor and Social Security is authorized to determine and implement policies regarding the international labor force.

28. On the other hand, according to the Additional Article 1 of the Law No. 6735, the determination of the International Labor Force Policy Advisory Board is under the authority of the President and this committee has not been determined yet. Issues related to migration management and international labor force are currently being discussed at the Migration Board.

### **Reply to paragraph 4 of the list of issues**

29. Statistical data regarding the foreigners including many subsections (sex, age, nationality, field of occupation etc. and those working in various industries such as agriculture and domestic services and other stated information) are available in the official website of the relevant institutions. Link for “Irregular Migration Statistics”: <https://en.goc.gov.tr/irregular-migration>.

30. All inspections carried out by the Presidency of Guidance and Inspection affiliated to MoLSS are overseen whether there is migrant workers or migrant workers under temporary protection or not.

31. 17.691 foreign workers have been detected inspection carried out by the labour inspectors between 01.01.2016-31.12.2022. As a result of these inspection, administrative fine is proposed about the 1.322 foreigners and 756 workplaces. In addition, workplaces

employing 50 or less employees in the agricultural and forestry sectors can be inspected by labour inspectors on wages within the scope of article 113 of the labour law. In case of recruitment of workers for domestic services through private employment agencies is carried out by labour inspectors in accordance with Law No. 4904. On the other hands in these sectors, inspection can be made within the scope of the international labour law numbered 6735 for foreigners.

32. In addition, intermediation for finding job and worker in agriculture is mainly carried out by the Turkish Employment Agency (İŞKUR). However, in places where the İŞKUR does not have a provincial or branch office, or where communication, transportation and coordination difficulties exist, real or legal persons may be permitted by the Agency to act as intermediaries. Whether the intermediaries perform their duties properly or not is inspected by the Turkish Employment Agency's local administrative authorities.

### **Reply to paragraph 5 of the list of issues**

33. As a result of the work carried out within the scope of the Action Plan activity under the heading 1.2.b, "the decisions of the Ombudsman Institution and the Human Rights and Equality Institution of Türkiye will be opened to public access while ensuring protection of personal data", preparations have been completed to secure accreditation for Human Rights and Equality Institution of Türkiye (HREIT) by Global Alliance of National Human Rights Institutions (GANHRI). Accordingly, the Secretariat of the Sub-Committee on Accreditation (SCA) of GANHRI informed by an official letter dated October 10, 2022 that HREIT was accredited with B status.

### **Reply to paragraph 6 of the list of issues**

34. Information meetings are held by our Ministry in order to obtain accurate and complete information about the international labor policies and practices of workers and employers, the work of foreigners in our country and the rights of foreigners in our country. In those meetings, foreigners and employers are informed and awareness raising activities are carried out about work permit application procedures, relevant applicable legislation, policies and practices.

35. Also, foreign workers and employers can obtain detailed information from the Public Relations Unit of the Directorate General of International Labour Force, Alo 170 and our Ministry's website.

36. In addition, Information Centers (BİLMER offices) were established in 10 provinces where the foreigners are highly located in cooperation with the Ministry of Labour and Social Security and ILO with the aim of raising awareness and provide information about work permit application for foreigners in our country, information about the laws and regulations of foreigners' access to the labor market, rights and obligations, social security, vocational training, entrepreneurship and employment opportunities.

37. Furthermore, Alo 157, which started its activities as an Emergency Communication Line for Human Trafficking Victims in 2003, was taken over by the Presidency of Migration Management in 2014 and its service network was expanded, and started to serve under the name of Foreigners Communication Center (YİMER) as of 20 August 2015. YİMER provides non-stop service to foreigners in 7 languages 7 days 24 hours.

38. Communication Centre for Foreigners (YİMER 157) shares information about the procedures that the foreigners who would like to work in Türkiye must follow and gives service 7 days 24 hours, in 7 languages (Turkish, English, Arabic, Russian, Persian, German, and Pashto). Related to this issue, the legislation includes information like if foreigners must get a work permit or not in accordance with their legal status, and in which professions they may work.

39. In order to raise awareness and promote, trainings were given to the labour inspectors on the implementation of legislation and inspection strategies about migrant workers.

40. Also trainings about how to inspect for migrant workers are given by the Presidency of Guidance and Inspection for newly recruited all assistant labour inspectors.

### **Reply to paragraph 7 of the list of issues**

41. Numerous workshops and training sessions were attended by personnel from the Presidency of Migration Management, the Directorate General of Security, the Gendarmerie General Command, and the Coast Guard Command. These sessions focused on topics such as human rights, migrant rights, and both national and international legislation, with particular emphasis on the European Convention on Human Rights.

42. Between 2019 and 2023, 17,481 public personnel received training in the field of combating human trafficking. This diverse group included deputy governors, judges, prosecutors, law enforcement units, social security auditors, labor inspectors, bar associations, removal center personnel, protection desk personnel, municipality employees, Ministry of Family and Social Services personnel, doctors, university students, police officers, mukhtars, and teachers. Additionally, 839 staff members from civil society organizations received training on anti-trafficking during the same period.

43. Ministry of Foreign Affairs provides a professional orientation program to diplomatic personnel and their spouses who will be assigned abroad, and training on ethical rules, personnel management and disciplinary rules. Peacekeepers assigned abroad are also given training on ethical rules and disciplinary rules before starting their duties. During training for the profession, information is also given about international agreements and national legislation that outline the limits of a person's legal and criminal responsibilities. This training includes combating human trafficking as well as regular, irregular migration and international protection.

44. Specifically, our General Directorate organized a training focused on migration and human trafficking in three half-day sessions on November 8-12, 2021 in cooperation with the General Directorate for International Labor Force of the Ministry of Labor and Social Security and the International Organization of Migration (IOM). Within the scope of the training, 400 consular personnel and labor attaches were trained abroad. In this vein, we are planning to re-organize this meeting by enhancing its scope with combating migrant smuggling. In this process, the support of international organizations is essential for us.

### **Reply to paragraph 8 of the list of issues**

45. Action Plan on Human Rights, Goal 8.5 envisages “the Rehabilitation of Foreigners under International Protection or Temporary Protection and Strengthening of Their Access to Justice”. The goal specifies the following activity and designates the Ministry of Interior as responsible institution:

“Strategies will be developed towards meeting the basic needs, such as health, accommodation and education, of foreigners under international protection or temporary protection and victims of human trafficking; in this scope, joint efforts will be conducted with non-governmental organisation in order to facilitate their social adaptation.”

### **Reply to paragraph 9 of the list of issues**

46. As a general overview as per official employment of the migrants and foreigners, work permit and work permit exemption applications are evaluated by the Ministry within the scope of the International Labour Force Law No. 6735 which was entered into force on 13/8/2016 and other relevant legislation, work permits and work permit exemptions are given to those whose request is found appropriate.

47. In the 6th article of the aforementioned Law, titled “Authority and restrictions on work permit” it is stated that it is forbidden for foreigners to work or be employed in Türkiye without a work permit.

48. In the first paragraph of article 4, titled “Regulation of the international protection policy”, it is stated that the Ministry of Labor and Social Security is authorized to take action at the national and international level in order to determine the policy regarding international labour force and to implement the determined policy.

49. In the second paragraph; it is stated that the policy of international labour force is determined taking into account; International Labour force mobility and regional developments and Migration Board decisions, developments regarding employment and work life, sectoral and economic periodic changes, development plan and programmes, bilateral economic and cultural relations with the country of nationality of the foreigner, bilateral or multilateral agreements and international conventions to which Türkiye is a party, public order, public security and public health.

50. In the 6th article of the aforementioned Law, titled “Authorization and obligation in the work permit”, it is stated that the work permit will be given by our Ministry, based on the international labour force policy determined in accordance with the 4th article.

51. In the second paragraph of 7th article of the aforementioned Law, titled “Work permit application and evaluation” it is stated that work permit applications can also be made by the authorized intermediary institutions.

52. In the fourth paragraph, it is stated that the applications will be evaluated according to the international labour force policy.

53. In this context, foreigners who want to work and be recruited in Türkiye are obligated to go to the foreign representative office of Türkiye where the foreigner is a national or has legal residence and apply for a work visa.

54. Then the applicant foreigner must notify his employer in Türkiye of the 16-digit reference number to be given to him by the foreign representative office and the employer should use this reference number to apply for a work permit from our Ministry through the e-government portal. However, it is necessary for the employer to sign an employment contract with the foreigner before starting the work permit application process. The aim here is to prevent the foreigner from being deprived of his legal rights and being a victim depending on the establishment of an employee-employer relationship between the foreigner and the employer.

55. The rapidly developing migration management process brought complex and many topics to the agenda including the development of a migration policy based on human rights within the context of irregular migration and human trafficking, the protection of the rights of the migrant workers, preventing abuses, determining the areas of abuse correctly, carrying out preventive efforts in these areas, and combating informality. In the context of combating “human trafficking”, which is regulated as a crime in the Turkish Criminal Law, there are various regulations and sanctions within the framework of laws and secondary legislation in the domestic legal order. In particular, “forced labor” is one of the main areas of abuse that leads to the abuse of foreigners who migrate within the scope of labor migration. In this context, efforts to prevent irregular migration, violation of labor rights, human trafficking, unethical recruitment, forced labor, cheap labor and risks of trafficking in the context of labor exploitation are of great importance within the framework of preventing labor exploitation in the labor migration cycle. One of the main objectives of international labor policy is to fully comply with the migration policy with the relevant institutions and organizations in our country, which is directly affected by human mobility and which has become an international problem recently and also the follow-up and control of actions of foreigners including entry, stay in and exit from Türkiye.

56. Efforts for the establishment of secondary legislation regulations regarding “Authorized Intermediary Institutions for foreign work permit applications” are continuing, and after the completion of the regulation studies, the authorization to apply for a work permit may be given to authorized intermediary institutions in addition to the applicant.

57. However, in work permit applications, it is essential that work permit applications are made by workplace e-declaration users and their authorized personnel/employer in accordance with the legislation on authorized intermediary institutions and our international labor force policy until secondary legislation regulations are completed. Therefore, it is

evaluated as inappropriate for private employment agencies or other third real or legal persons authorized by the employer to apply for work permits.

### **Reply to paragraph 9 (d) of the list of issues**

58. Private employment agencies operate with the license which is given by Turkish Employment Agency and it let them operate for 3 years, provided that they meet the conditions sought by the Law no 4904. Similarly, in order to carry out a temporary agency work, it is necessary to obtain an additional authorization and to operate as a private employment agency for at least two years.

### **Reply to paragraph 9 (e) of the list of issues**

59. Inspection of the activities of private employment agencies and temporary agency work are carried out by the Ministry's labor inspectors. When a complaint notification regarding intermediation activities is received, it is sent to the labor inspectors for action to be taken.

### **Reply to paragraph 9 (f) of the list of issues**

60. In case it is determined that a foreign worker who does not have a work permit is employed by the temporary working agency, in accordance with Article 18 of the Law no 4904, it is taken into account for the cancellation of the temporary agency work authorization.

### **Reply to paragraph 9 (g) of the list of issues**

61. Regarding the Contract No. 181, Private Employment Agencies, Law no 4904 provides some level of harmonization, in terms of granting temporary agency work permit, its conditions and inspection. However, there is not a joint action in the labor market between the private employment agencies and the public employment agency.

### **Reply to paragraph 10 of the list of issues**

62. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was signed by Türkiye on January 13, 1999, was ratified by Law No. 4662 dated 26/4/2001, with the accompanying declarations and reservations. The Convention was enforced by the Council of Ministers on 18/6/2004, according to Article 3 of Law No. 244 dated 31/5/1963 and published in the Official Gazette dated July 8, 2004, No. 25516.

63. Concerning the position of the Convention in the hierarchy of norms, Article 90, paragraph 5 of the Turkish Constitution rules that international agreements duly put into effect carry the force of law. No appeal to the Constitutional Court can be made with regard to these agreements, on the ground that they are unconstitutional. Moreover, in the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail. Therefore, the Convention, which is part of national legislation, is among the norms that must be implemented by judicial and administrative authorities in accordance with the related provisions of the Constitution.

### **Reply to paragraph 10 (a) of the list of issues**

64. According to Article 21 of Law No. 6735; against the decisions taken within the scope of this Law, objections can be made to the Ministry within thirty days from the date of notification. In case of rejection of the objection, concerned persons may apply to administrative judicial remedy.

65. Migrant workers and their family members, including those in an irregular situation, regardless of their status can apply of their complaints via Alo 170 (Centre of Communication of Labour and Social Security) and Cimer (Presidency's Communication Centre).

### **Reply to paragraph 10 (b) of the list of issues**

66. Complaints that come from different such as Alo 170/Cimer etc. are inspected regardless of whether complainants are migrant or not. There are no data about complaints by sex, age, nationality, field of occupation, migration status and disability.

### **Reply to paragraph 10 (c) of the list of issues**

67. For the Turkish legal system, legal aid is the provision of legal assistance to anyone who requests it in criminal proceedings, and in civil proceedings to those who cannot file a civil lawsuit for economic reasons. This assistance includes exemption from court taxes, fees and costs or the appointment of a lawyer by the Bar Association.

68. The legal aid system is mainly regulated by the provisions of:

- Code of Civil Procedure No. 6100;
- Code of Criminal Procedure No. 5271;
- Attorneyship Law No. 1136;
- Legal Aid Regulation of the Union of Turkish Bar Associations;
- Law No. 6458 on Foreigners and International Protection (Articles 70, 81).

69. The scope of legal aid is regulated in the Code of Civil Procedure No. 6100, the Attorneyship Law No. 1136 and the Legal Aid Regulation of the Union of Turkish Bar Associations.

70. Article 334 of the Law No. 6100 titled “Persons who will benefit from legal aid” states:

“Persons who are in whole or in part incapable of paying the necessary trial or proceeding expenses without causing significant hardship to themselves and their families may benefit from legal aid in their claims and defenses, temporary legal protection requests and enforcement proceedings, provided that their requests are not manifestly unfounded.

Public interest associations and foundations may benefit from legal aid if they are found to be justified in their claims and defenses and if they are unable to pay the necessary expenses in whole or in part without falling into financial difficulty.

Foreigners may also benefit from legal aid subject to the condition of reciprocity.”

71. In line with Article 335 titled “Scope of legal aid”, the legal aid decision provides the following to the person concerned:

- (a) Temporary exemption from all adjudication and litigation expenses;
- (b) Exemption from posting collateral for litigation and adjudication expenses;
- (c) Advance payment by the State of all expenses incurred during litigation and enforcement proceedings;
- (d) If the case must be pursued with a lawyer, the provision of a lawyer whose fee to be paid later.

72. The court may also decide that the claimant may benefit partially from legal aid regulated in the previous paragraphs.

73. Legal aid continues until the finalization of the verdict.

74. According to Paragraph 2 of Article 336 titled “Legal Aid Request”:

“The claimant needs to submit financial documents showing that he is not in a position to meet the adjudication expenses, the evidence to justify the claim, and the summary of his claim to the court.”

75. According to Article 337 titled “Examination of Legal Aid Request”:

“The court may decide on the legal aid request without a hearing. However, in the event of a request, the examination is carried out with trial procedure. The verdicts of refusal of legal aid requests should clearly state the reasons as to why the information and documents provided are not accepted.

Verdicts of refusal of legal aid request may be appealed by submitting a petition to the court passing the verdict, within a week following the notification. The court whose decision is appealed shall send the file for examination of the objection to the next department in case there is more than one department of the civil court where the legal aid request is made. If the court has a single department, the appeal will be referred to the nearest court handling similar cases. The decision issued after the examination of the objection shall be final. If the legal aid request is refused, a new request may be made based on a subsequent substantial reduction in ability to pay.”

76. The provisions below are included in Article 339 titled “Collection of trial expenses postponed by legal aid”:

“All legal expenses postponed owing to the legal aid decision and the advances paid by the State are collected from the person who is found to be without merit at the end of the proceedings. If deemed appropriate, it may be decided to collect the legal expenses in equal monthly instalments within one year.”

77. In light of the above given explanation of regulations, it appears that the immigrants living in Türkiye can have access to legal aid, specifically legal assistance of lawyers and translators if they do not have the financial means to meet their expenses when their legal interests require it. In this respect, it is ensured that foreign nationals including immigrants benefit from legal aid on the basis of reciprocity with their country of citizenship.

### **Reply to paragraph 10 (d) of the list of issues**

78. Detailed explanations for this question are provided under 10 (a) above.

### **Reply to paragraph 10 (e) of the list of issues**

79. Detailed explanations in respect of this question are provided under 9 and 16.

### **Reply to paragraph 11 of the list of issues**

80. Due to the Coronavirus (Covid-19) outbreak; the foreigners under international protection, except for those with special needs, with chronic diseases or those in need of treatment, who are covered by Article 3 of the Law No 6458 on Foreigners and International Protection entitled “Definitions”, have benefited from the following measures since 06/04/2020, in order to prevent inconveniences that may arise in terms of public health:

- Policies were established by taking into account individual and public health conditions during the pandemic period;
- Considering the excessive migration burden that Türkiye is under in international protection processes, international protection procedures that may pose a health risk in crowded environments were carried out gradually with appointment systems;
- Proceedings were carried out with particular care for people with special needs, chronic diseases or for those in need of treatment;
- Face-to-face proceedings were transferred to digital media as much as possible (for example, road permit requests via e-government);

- During the completion of the international protection procedures by the Provincial Directorates, the areas of mutual communication in particular were restructured and made suitable for pandemic conditions by providing health-friendly environments;
- Necessary arrangements were made for foreigners in need of health care to access health services, especially for foreigners with corona suspicion;
- As a matter of principle, arrangements were made for conducting all proceedings in such a way so as not to cause grievance of foreigners during the pandemic period, and 81 provinces were instructed to take due action.

### **Reply to paragraph 11 (a) of the list of issues**

81. All institutions of Türkiye have been effectively and jointly fighting the COVID-19 pandemic. Necessary measures have been put in place to ensure the delivery of healthcare services migrants need. Accordingly, two main legislative changes were initially made to increase the coverage of healthcare services.

82. The first of these is the “Communiqué on Amending the Health Implementation Communiqué” issued by the Presidency of the Social Security Institution and published in the Official Gazette dated 9 April 2020, and numbered 31094. The definition of “emergency” was amended, and diagnoses of and treatment for pandemic cases were included in the scope of “emergency” cases during the pandemic.

83. The second is the “Supplementary Decree to the Presidential Decree dated 13/4/2020 and numbered 2399”, which entered into force after being published in the Official Gazette dated 14 April 2020 and numbered 31099. The said regulation guarantees that everyone, whether they have any social security, can benefit free of charge from all types of personal protective equipment to be provided by the Ministry of Health, tests used in the diagnosis of the disease, and medicines to be provided centrally in the fight against COVID-19.

### **Reply to paragraph 11 (b) of the list of issues**

84. Migrant Health Centers continued providing services actively during the pandemic in order to ensure the uninterrupted provision of basic healthcare services to migrants and effectively perform filiation activities for sick/exposed migrants. Bilingual migrant health workers were also deployed. Qualified staff who speak Arabic-Turkish and are employed by SIHHAT Project were involved in the filiation teams that were effectively mobilized by the Ministry of Health to manage the process. Additionally, documents such as COVID-19 pandemic guide, posters, brochures, algorithms, etc. created by the Scientific Committee were prepared in Arabic, English, and Farsi languages and made available to users on the website (<https://hsgm.saglik.gov.tr/tr/gocsagligi-anasayfa>) of the Ministry. Directorate-General for Promotion of Health also made the vaccine hotline and COVID-19 hotline available over 184 SABİM (MoH Communication Center) in different languages.

### **Reply to paragraph 11 (c) of the list of issues**

85. No special health restrictions were imposed on migrants during the pandemic restrictions. They were subjected to the restrictions imposed on all citizens across the country. Pursuant to Law No. 6331 on Occupational Health and Safety and related regulations, Occupational Health and Safety Training are routinely provided to all personnel working at Migrant Health Centers based on risk assessments. Training activities were planned and implemented online during the pandemic. Posters and brochures were also utilized to conduct awareness-raising and informative activities for employees.

### **Reply to paragraph 11 (d) of the list of issues**

86. No special health restrictions were imposed on migrants during the pandemic restrictions. They were subjected to the restrictions imposed on all citizens across the country.

While informing the families of migrants who died of the disease and delivering the bodies of the deceased, migrants were subjected to the same procedures and procedures as Turkish citizens, taking into account language-related and cultural sensitivities.

### **Reply to paragraph 11 (e) of the list of issues**

87. Ministry of Health provides healthcare services to foreigners living in our country as per the domestic legislation prepared in light of the relevant provisions of the “Law on Foreigners and International Protection”.

88. Basic and preventive healthcare services, vaccination, reproductive health, communicable diseases, and emergency health services are provided to all regular and irregular migrants in our country regardless of their nationality and status.

89. Syrians under Temporary Protection are covered by the Health Implementation Communiqué and medicines required for outpatient treatment are also included in the coverage. Other migrants the status of whom determined by the Presidency of Migration Management can also benefit from healthcare services defined in the relevant legislation.

### **Reply to paragraph 12 of the list of issues**

90. Above-mentioned explanations, in particular the detailed explanations under question 1 should be taken into consideration to the extent that they are relevant to the subject matter. There is no provision in Turkish legislation on migrant workers and their family members that restricts the rights of migrant workers and their families, nor is there any discriminative provision for them.

### **Reply to paragraph 13 of the list of issues**

91. According to Article 10 of the Constitution, “All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations”. In this context, all laws and legal regulations aimed at empowering women and protecting them from discrimination and violence are applied equally to everyone across the country, regardless of nationality.

92. The Ministry of Family and Social Services (MoFSS) continues its work with determination, believing that violence against women is unacceptable. The work is carried out in a wide range of areas with the comprehensive cooperation of all parties.

93. The purpose of the Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women is to regulate the procedures and principles for the protection of women, children, family members, and victims of stalking who have been subjected to violence or who are at risk of being subjected to violence, as well as to prevent violence against these people.

94. Persons who have been subjected to violence or are in danger of being subjected to violence can benefit from the protection offered by the Law without discrimination based on language, race, color, sex, age, political opinion, philosophical belief, religion, sect and similar reasons.

95. Institutional service mechanisms are important for the protection and support of victims of violence from recurrence of violence. In this context, various organizations and practices under the MoFSS aim to protect and support victims of violence:

- Violence Prevention and Monitoring Centers (ŞÖNİM) are non-boarding service units that provide psychosocial support, guidance and referral services on a 7/24 basis. There are 82 centers in all provinces for victims of violence within the scope of Law No. 6284;
- Women's shelters are social service institutions where women can stay temporarily, by protecting women and their children who have been subjected to physical,

emotional, sexual, economic and verbal abuse or violence from violence, solving their psycho-social and economic problems, and meeting their needs, if any, with their children in this period. Throughout Türkiye there are:

- 112 women's shelters in all provinces under the MoFSS with a capacity of 2,779;
- 33 women's shelters affiliated to local administration in 11 provinces with 735 capacity;
- 3 women's shelters under the Presidency of Migration Management with a capacity of 90;
- 1 women's shelter affiliated to a non-governmental organization with a capacity of 20;
- There are in total 149 women's shelters across the country with a capacity of 3,624;
- Within the Social Service Centers established to provide services in cooperation with public institutions and organizations in order to ensure social service intervention and follow-up at district level; in 410 Social Service Centers, contact points for combatting violence were established and guidance, counseling and referral services, especially the follow-up and monitoring of measures for victims of violence, psycho-social support within the scope of Law No. 6284, were started to be provided;
- “Alo-183 Social Support Line”, which operates under the MoFSS, works as a psychological, legal and economic counseling line for women and children who have been subjected to violence or are at risk of being subjected to violence and who need support and assistance; it informs them about their rights and where to apply. As of March 2020, a prioritization process was initiated on the 183 Social Support Line, taking into account the increase in calls received due to the pandemic. Victims of violence who call the Social Support Line can reach the relevant support staff by pressing the “0” button without waiting in line. The “ALO 183 Social Support Line” started to provide services to citizens through WhatsApp application as of May 2020 and BIP application as of the beginning of 2021. The line, which also provides services in Arabic and Kurdish, also has a short message communication feature and a 3G feature for hearing impaired individuals.

96. Refugee and asylum-seeking women, who are victims of violence, as well as their accompanying children, can benefit from the protective and preventive services provided by Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women.

97. Victims of violence and their children can receive services from women's shelters and SÖNİM's under the provisions of Law No. 6284, regardless of their status or nationality. The decision of withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence has not had any negative implications for the legal and administrative structures established to protect, support, and empower victims of violence.

98. The protection and prevention mechanism intended to be established for victims through the Convention is, in fact, already available under the Law No. 6284, which has been in effect since 2012.

99. The 4th National Action Plan on Combating Violence against Women (2021-2025) defines 227 actions under 5 main goals, namely legislation and access to justice, policy and coordination, protective and preventive services, public awareness, and data and statistics.

100. Türkiye will continue to protect the safety and rights of all women, with the principle of zero tolerance.

101. In addition, labour force realized as 34 million 334 thousand persons with 1 million 618 thousand persons increase and labour force participation rate realized as 53.1% with 1.7 percentage point increase in 2022 compared to the previous year. The labour force participation rate was estimated 71.4% for men and 35.1% for women in 2022.

102. The number of employed persons aged 15 years old and over realized as 30 million 752 thousand persons with 1 million 955 thousand persons increase and employment rate occurred as 47.5% with 2.3 percentage point increase in 2022 compared to the previous year. This rate was estimated at 65.0% for men and 30.4% for women.

103. The number of unemployed persons aged 15 years old and over decreased by 337 thousand persons to 3 million 582 thousand persons in 2022 compared to the previous year. The unemployment rate decreased by 1.6 percentage points to 10.4%. It was estimated at 8.9% for men and 13.4% for women.

### **Reply to paragraph 14 of the list of issues**

104. As it is known, in the second paragraph of Article 6 of the International Labor Force Law No. 6735, titled “Authority and liability in work permit”, “It is forbidden for foreigners within the scope of this Law to work or be employed in Türkiye without a work permit.”

105. In addition, it is not possible to pay wages below the minimum wage to foreigners who are granted a work permit in accordance with the current legislation. Sanctions are imposed in accordance with the provisions of our legislation for foreigners who are found to be working informally without a work permit, with a wage below the minimum wage.

106. In the first paragraph of Article 23, titled “Supervision Power”, it is stated that whether the foreigners and employers within the scope of this Law fulfill their obligations arising from this Law will be audited by Ministry’s labor inspectors, Social Security Institution inspectors and social security controllers.

107. Inspections, audits and investigations to be made pursuant to this Law will be carried out in accordance with the inspection, audit and investigation provisions of the applicable legislation, and relevant sanctions will be applied according to these provisions.

108. In the second paragraph; In case the inspectors of public administrations and law enforcement officers determine that employers employing foreigners and foreigners do not fulfill their obligations arising from this Law during any inspection, examination and control they will carry out in their workplaces in accordance with their own legislation, the situation will be notified to the Ministry.

109. In the third paragraph of the aforementioned article it is stated that the administrative sanctions in this Law will be applied by the Provincial Director of the Labor and Employment Institution (İŞKUR), according to the inspections made according to the first paragraph and the notifications made according to the second paragraph, according to the minutes and inspection reports sent.

110. On the other hand, there is no information and data in our Ministry regarding mentioned situations including exploitation of migrant workers and members of their families for both those in regular and irregular situations in various sectors, or any cases of domestic servitude, forced labour and sexual exploitation involving migrant workers. Again, all of the situations mentioned are issues that will require the application of various sanctions in accordance with the provisions of our current legislation.

111. Inspection activities continue to be carried out by our Ministry’s labor inspectors, Social Security Institution inspectors and social security controllers. In addition, the detections of law enforcement officers during all kinds of inspections and controls they will carry out in their workplaces in accordance with their own legislation are also processed by our Ministry, and news in the press regarding the subject are also considered as notifications and followed up.

112. According to Article 90 of the Constitution, international agreements duly put into effect bear the force of law. No appeal to the Constitutional Court can be made with regard to these agreements on the grounds that they are unconstitutional. In the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements prevail. As such, the provisions of international human rights treaties ratified by Türkiye may be directly invoked before Turkish courts.

113. Human trafficking including forced labour crime is regulated in the Turkish Penal Code (No:5237/Article 80). According to the Turkish Penal Code No:5237 Article 279, the government officers who learns the crime related to their duty is obliged to report the crime. It is overseen whether there are forced labour indicators in the work places in all inspections carried out by the labour inspectors. If there is any indicators, labour inspectors makes a complaint to the public prosecutor's office in order to ensure investigation.

### **Reply to paragraph 15 of the list of issues**

114. In Türkiye, within the framework of the social state conception included in the Constitution and in line with the principle of the best interests of the child in accordance with the United Nations Convention on the Rights of the Child, necessary legal and administrative measures are taken to protect all rights of the children regardless of race, language, religion, sect or ethnic difference, and all children are equally and complimentarily provided to access into education, health, social service and assistance.

115. Services for unaccompanied children, who come to our country through irregular migration and are caught by law enforcement units, are carried out in accordance with Article 66 of the Law on Foreigners and International Protection No.6458 and Unaccompanied Minors Directive dated 20.10.2015 No.152065 of Ministry of Family and Social Services. It is essential to consider the best interests of the child in all services.

116. Protective and supportive measures are implemented to unaccompanied children whose applications and registration procedures have been completed, within the scope of Child Protection Law No. 5395, thus ensuring that no child is put at risk.

117. Unaccompanied children, who are taken under protection and care, primarily benefit from family-oriented services. In cases where this is not possible, children between the ages of 0-12 are taken into care in Child Homes and Child Homes Buildings Complex, which are home-type care institutions; children between the ages of 13-18 are taken into care in specialized Child Homes Buildings Complexes.

118. In order to ensure the family integrity of the children, who are separated from their families during the migration process or after the migration, from the children under care in specialized Child Homes Buildings Complexes, activities on the follow-up and reunification of families are carried out in cooperation with the relevant institutions. In the centers, children are provided with services such as individualized psychosocial support and social cohesion.

119. Due to economic deprivation, children who will fall into the position of children in need of protection if they are not supported, are supported within their families or relatives within the scope of Social and Economic Support (SED) Service without taking a care injunction. The aim of the service is to strengthen families by supporting them economically and socially, to protect family unity and to ensure that children are cared for and supported alongside their families and relatives. Families are supported until they become self-sufficient.

120. Foster families are people or families who share the responsibility of education, care and upbringing of children who cannot be cared for a while within their natural family for various reasons, on a paid or voluntary basis, in short or long terms. With the intense activities and studies carried out within the scope of ensuring the care and upbringing of each child in a family environment, a rapid increase has been achieved in the number of children benefiting from Foster Care Service and this service has become a central position in our country's child protection system.

121. The Ministry of Family and Social Services focuses on protective and preventive services in order to support the healthy development of our children, to protect them from preventable risks and to ensure that they live in prosperity. For this purpose, monitoring activities are carried out as well as detection and intervention activities aimed at protecting our children in different risk groups with the Mobile Teams in our provincial directorates. In this context, field surveys, vocational studies with children, household visits, guidance activities for families, visits to educational institutions are conducted. The services by the

Mobile Teams are carried out in three groups: Children at Risk on the Street, Children Considered to be at Risk in Schools and Monitoring of Children at Risk.

122. “Social Cohesion Program” is conducted with the aim of minimizing the social cohesion problems of foreign children, raising their awareness of the existing risks and resources in the society, ensuring that they lead a happy and healthy life in accordance with their rights, and at the same time developing mutual understanding and tolerance between cultures.

123. ANKA Child Support Program has been developed to provide psychosocial support services to children who are victims of crime, pushed into crime, face social dangers on the street, use drugs and are pregnant. With the program, it is aimed to minimize the trauma caused by negative life experiences and to create positive attitude and behavior change, taking into account the individual differences and needs of children.

124. Child Support, Development and Training Program (ÇODEP) has been launched in order to protect and care for the children who are under protection and care in the Child Homes and Child Homes Buildings Complexes, to ensure that they have a job or profession with their physical, educational and psychosocial development, and that they are raised as useful people to the society. The program is implemented in all Child Homes and Child Homes Buildings Complexes.

### **Reply to paragraph 16 of the list of issues**

125. There is no provision restricting the rights of migrant workers and their families in Turkish criminal law regarding the apprehension, detention and arrest of these persons or their family members in investigations related to crimes committed by migrant workers and their family members in Türkiye, nor is there any discriminative provision for them.

126. Similarly, in the event that criminal acts are committed against these persons, the penalties to be applied and the procedures to be followed are determined in line with the provisions of the TCC and CPC.

127. The persons concerned have the right to express and defend themselves via a lawyer and interpreter, to be tried speedily, to notify their relatives in case of arrest or detention, and not to be subjected to arbitrary arrest or detention, in accordance with the investigation and prosecution procedures under the general provisions stipulated in the Criminal Procedure Code (CPC) No. 5271, to which the citizens of the Republic of Türkiye are equally subjected.

128. Turkish legislation regulates in Article 90 of the CPC No. 5271 “Arrest and the procedures to be carried out for the arrested person”; in Article 91 “Detention”; in Article 92 “Supervision of detention procedures”; in Article 95 “Notification to the relatives of the status of the individual arrested or taken into custody”; in Article 96 “Information given to interested parties about the arrest”; in Article 97 “Arrest record”; in Article 98 “Apprehension order and its grounds”; in Article 100, “Grounds for arrest”; in Article 101, “The decision for arrest with a warrant”; in Article 102 “The duration of detention”; in Article 107 “Notification of the status of the arrested person to his relatives”; in Article 108 “Examination of detention” in Article 109 “Judicial control”; in Article 110 “Judicial control decision and the competent authorities to rule”; in Article 110/A “Duration of detention under judicial control”; in Article 202 “Cases where the presence of an interpreter is required”; in Article 158 “Report of crimes and claim” and in Article 160 “Duty of the Public prosecutor informed of an offense”.

129. In addition, Article 141 with the title line “Motion for Compensation” of Section 7 entitled “Compensation related to the Measures of Protection” of the fourth part of CPC No. 5271 titled “Measures of protection of evidence” states that:

- (1) Individuals who during the investigation or prosecution;
  - (a) Have been arrested, detained or for whom the period of arrest has been extended against the regulations listed in statutes,
  - (b) Have not been taken before a judge within the legal detention period,

- (c) Have been arrested without being reminded of their legal rights, or after their rights have been reminded, their request to use such rights had not been fulfilled,
- (d) Although arrested in accordance with the law, were not brought before the court within a reasonable time and did not receive a ruling within this period,
- (e) After having been arrested or detained in accordance with the law, are decided not to be prosecuted or acquitted,
- (f) Were convicted persons who have spent more time in custody or detention than the time they have been convicted, or who have been punished with this penalty compulsorily because the penalty prescribed by law for the crime committed is only a fine,
- (g) Had not been given written documentation of grounds of their arrest or detention and the charges against them or, in cases where the written documentation was not possible, there was failure to provide the individual oral explanation about the abovementioned grounds,
- (h) Have been arrested without or with an arrest warrant and their status had not been notified to their relatives,
- (i) Had been subject to a search based on a valid order, but the execution of the order was not proportional,
- (j) Had been subject to the seizure of their property or of their assets, although the requirements as foreseen in the code had not been present, or measures of protection of their property had not been taken, or their property or their assets had been used outside of the scope of seizure, or had not been returned them timely,
- (k) People who are not allowed to benefit from the application opportunities stipulated in the Law against arrest or detention,

may claim all their material or immaterial losses from the State.

(2) The authorities that render decisions mentioned in subparagraph (1), subsections (e) and (f) shall notify the related party that they have the right to file a motion for compensation and this notification shall be included in the decision.

(3) Except for the cases mentioned in the first paragraph, lawsuits for damages due to the decisions made or actions taken by judges and public prosecutors, including personal fault, tort or other cases of liability during the criminal investigation or prosecution, may only be filed against the State.

(4) The State may have recourse to the judges and public prosecutors who abuse their duties by acting against the requirements of their responsibilities. Moreover, pursuant to et seq. of Article 141 of the Law No. 5271, the persons concerned may file a lawsuit for damages against the State due to the protection measures if the conditions specified in the law exist.

130. Consequently, free state services are available to migrant workers and their families under the Turkish legal order if they report their grievances. Turkish law provides legal aid to everyone who requests it in criminal proceedings and to those who cannot file a civil lawsuit for economic reasons in civil proceedings as explained in Article 10 (c) above.

### **Reply to paragraph 17 of the list of issues**

131. There are almost 3.5 million Syrian refugees in Türkiye and 9 million Syrians have been supported with those in Syria included. Due to the fact that the most durable solution for the Syrians is voluntary returns based on UN parameters. over 556.000 Syrians from Türkiye have returned to the stabilized areas. In this vein, Türkiye strictly complies with the principle of non-refoulement and no one is forced to return. Accordingly, Türkiye's constant efforts to create proper and sustainable conditions on the ground have been sustained to ensure voluntary returns.

132. On the other hand, Türkiye has implemented continuous endeavours in combatting irregular migration through effective border governance measures. However, strict border control should not be evaluated in the same framework with push-backs. As Greece's systematic push-backs in which migrants' rights are severely violated is considered, violation of almost all fundamental human rights can be seen. In contrast, Türkiye complies with international commitments for right to seek asylum and expect from all stakeholders to put an end to pushbacks and collective expulsions and treat asylum seekers as human beings with fundamental rights.

### **Reply to paragraph 18 of the list of issues**

133. In the Law on Foreigners and International Protection, No. 6458 dated April 4, 2013, administrative detention for deportation and its period are explicitly determined as well as alternative responsibilities to administrative detention of migrants. In the event that foreigners who fall under Article 54 of this Law are apprehended by law-enforcement units, the governorate shall be informed immediately to take a decision for such persons. Among the mentioned persons, a deportation decision against those for whom a deportation decision is deemed necessary shall be taken by the governorate. The period of evaluation and decision shall not exceed 48 hours.

134. In addition, it is emphasized that the period of administrative detention in removal centers shall not exceed six months. However, in case the deportation procedures cannot be completed due to non-cooperation of the foreigner or misinformation or false documents provided by the Unofficial Translation foreigner regarding his or her country, this period may be extended for a maximum of six additional months.

135. On December 24, 2019, amendments were made to Law No. 6458 through the Law published in the Official Gazette with decision number 7196.

136. The addition of Article 57/A titled 'Alternative Measures to Administrative Detention' introduced 7 distinct alternative obligations to administrative detention.

137. Regulation No. 31953, dated September 14, 2022, outlines the procedures and principles for the implementation of these alternative obligations. This regulation ensures a consistent application of Alternative Obligations to Administrative Detention across all 81 Provincial Directorates of Migration Management.

138. Foreigners facing deportation orders undergo an assessment to determine if alternative obligations can suffice for the completion of required procedures. Administrative detention is only employed as a last resort, ensuring the deportation processes are finalized in removal centers.

139. Article 57 of the mentioned Law delineates the duration of administrative detention for deportation in a restricted manner. Administrative detention naturally concludes upon the execution of the deportation order and is also terminated if the courts annul the administrative detention order following the foreigners' application for judicial remedy.

140. According to Paragraph 57/4 of the Law, "The governorates regularly evaluate whether there is a necessity for the continuation of administrative detention every month. If deemed necessary, the thirty-day period is not waited. Administrative detention shall be terminated immediately for foreigners for whom the continuation of administrative detention is not deemed necessary. Alternative obligations to administrative detention shall be imposed on these foreigners in accordance with Article 57/A." Provincial Directorates of Migration Management assess administrative detention monthly and, if necessary, terminate it promptly without waiting for a thirty-day period.

141. Psycho-social support personnel conduct pre-assessment interviews and unrestricted interviews with each foreigner upon arrival at removal centers. These interviews comprehensively assess the physical and psychological conditions of foreigners, addressing any illnesses or diseases. Continuous monitoring, control, and treatment are provided as necessary. For those not suitable for removal centers, alternative obligations to administrative detention are introduced, and their procedures are completed outside these centers.

142. The deportation decision, governed by Article 53 of Law No. 6458 on Foreigners and International Protection, is an administrative decision. According to Article 52, foreigners may be deported to their country of origin, transit country, or a third country. No deportation agreement with other countries is required for a foreigner to be deported from our country.

143. Amid the Covid-19 pandemic, comprehensive sanitary measures have been implemented in removal centers.

### **Reply to paragraph 19 of the list of issues**

144. Detailed explanations on legal guarantees regarding detention within the scope of criminal investigations can be found in Article 16 above.

### **Reply to paragraph 20 of the list of issues**

145. A protocol was prepared with the cooperation of the two institutions to set the procedures and principles regarding the provision of healthcare services to foreigners at Removal Centers operated by the Presidency of Migration Management and the payment of service fees, and entered into force in 2023.

146. 112 emergency health services, primary, basic, and preventive healthcare services are provided at Removal Centers. If needed, a “Health Report Indicating Battery and Coercion” is provided in the presence of an interpreter. Patients at the center are referred to secondary and tertiary healthcare facilities (including mental health, psychosocial support, and reproductive health services) by the physician in charge.

### **Reply to paragraph 21 of the list of issues**

147. Türkiye has strictly implemented the principle of non-refoulement with the understanding no forced return. In this vein, there is no mass deportation of any foreigner including Syrians, Afghans or else. However, Türkiye supports voluntary and dignified return of irregular migrants through projects conducted with international organizations to create proper and sustainable conditions.

148. However, Türkiye’s efforts regarding voluntary return of irregular migrants should not be evaluated in the same framework with push-backs. As Greece’s systematic push-backs in which migrants’ rights are severely violated is considered, violation of almost all fundamental human rights can be seen.

### **Reply to paragraph 22 of the list of issues**

149. Türkiye has continued to prevent violence towards migrants through its victim identification and protection efforts and improved its 4P (means that prevention, protection, prosecution and partnership) practices in the field.

150. In this regard, under Law on International Labour Force (No.6735), introduced in July 2016, human trafficking victims who are benefitting from victim support process (in accordance with the Law on Foreigners and International Protection) are categorized among those who might be granted work permits exceptionally (Article 17f).

151. Also, victims staying at shelters are provided with access to job opportunities. In this respect, it is aimed to increase the quality of support services provided to victims and reach more potential victims and to increase the number of interviews carried out with victims.

152. Accordingly, public service announcements have been created to raise awareness in the society in the field of human trafficking as well as technical meetings held with various public institutions and organizations at provincial level in order to increase awareness activities in the field of human trafficking and workshops organized to increase the awareness of stakeholders in the field of human trafficking.

### Reply to paragraph 23 of the list of issues

153. Issues such as conditions of work and remuneration are generally regulated in the Labour Law No. 4857.

154. Articles regulated in the Labour Law No. 4857 are enforcemented to all workers without exceptions regardless of nationality and sex.

155. There is International Labour Force Law No. 6735 for foreigners.

156. Also, there is occupational health and safety Law No. 6331 to enforcement.

157. According to the Labour Law article 91, the implementation of labour legislation governing working conditions is inspected by labour inspectors.

158. Inspection of working conditions are such as overtime, hours of work, weekly rest, holiday with pay, minimum wage (Law No. 4857) and occupational safety and health (Law No. 6331) audited and inspected by labour inspectors.

159. If the labour inspectors detect any infringement, administrative fine is implemented.

160. The workers in domestic services and the workers in the workplaces in agricultural and forestry services with less than 50 employees are covered by the Law of Obligations in order to overcome privacy and audit difficulties and the provisions of the Law of Obligations are not less protective than the Labour Law. In addition, workplaces employing 50 or less employees in the agricultural and forestry sectors can be inspected by labour inspectors on wages within the scope of article 113 of the labour law. In case of recruitment of workers for domestic services through private employment agencies is carried out by labour inspectors in accordance with Law No. 4904. On the other hands in these sectors, inspection can be made within the scope of the international labour law numbered 6735 for foreigners.

161. There is rule regarding of workers who terminated/has been terminated of work contract in labour law No. 4857. According to the No. 4857, Article 91/2 workers' personal benefits arising from the law or contract could be inspected providing that the working contract continuous.

162. There is also a regulation on equality in the labour law No. 4857, Article 5.

163. No discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship.

164. The employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his (her) employment contract due to the employee's sex or maternity.

165. Inspections are carried out by labour inspectors in accordance with this article. (No. 4857/5).

166. If any infringement is detected, administrative fine is implemented.

167. Issues such as conditions of work, renumeration and protection from dismissal are regulated in Labor Law No. 4857 and there is no provision that differentiates migrant workers from nationals with respect to these issues in the International Labor Force Law.

168. Article 5 of the Labor Law No. 4857 titled "Principle of equal treatment" states that:

"There can be no discrimination based on language, race, color, sex, disability, political opinion, philosophical belief, religion and sect and similar reasons in the employment relationship.

Unless there are fundamental reasons, the employer cannot treat differently to a part-time worker compared to a full-time worker, or to a fixed-term worker compared to an indefinite-term worker.

Unless biological or work-related reasons necessitate, the employer cannot directly or indirectly treat differently to an employee in the conclusion of the employment contract, in the creation, implementation and termination of the employment contract, due to sex or pregnancy.

For work of the same or equal value, a lower wage cannot be agreed on the basis of sex.

The application of special protective provisions due to the sex of the worker does not justify the application of a lower wage.”

169. In accordance with the provisions of our relevant legislation including Law No. 4857 and Law No 6735, no discrimination is foreseen among Turkish citizens and the foreigners in terms of rights and the foreigners are subject to equal treatment with Turkish citizens.

### **Reply to paragraph 24 of the list of issues**

170. Unaccompanied minors, even in irregular situations, are not accommodated in removal centers. Upon identification by law enforcement officers, they are directed to the relevant facilities of the Ministry of Family and Social Services, which is specialized in handling such cases.

171. For children in removal centers with their families, deportation-related processes are initially monitored and controlled from outside the centers through alternative obligations to administrative detention. Administrative detention is applied as a last resort for families with children.

172. As a final option, playgrounds and libraries have been established in removal centers to ensure that children of families in these centers can spend their time meaningfully. Specifically, children's books tailored for various age groups, including those aged 0-3, have been provided.

173. To support the physical and psychological well-being of children in our removal centers, psycho-social support staff cater to their needs.

174. Non-formal education course programs are organized through a protocol between the Ministry of Interior and the Ministry of National Education. Playtimes and various activities are arranged to make their time meaningful.

175. To safeguard the right to education for children of irregular migrants under alternative obligations to administrative detention, collaboration between the Ministry of Interior and the Ministry of National Education facilitated the enrolment of 1477 children in educational institutions. In Türkiye, a party to the 1954 Convention relating to the Status of Stateless Persons, stateless persons have access to primary and secondary education.

176. In Türkiye, international protection applicants, international protection status holders, and their family members are entitled to primary and secondary education services, as outlined in Article 89 of Law No. 6458 on Foreigners and International Protection. Additionally, Article 26 of the Temporary Protection Regulation specifies that foreigners under temporary protection may access health, education, labor market, social services, aids, interpretation, and similar services. Moreover, Article 28 ensures that education services are provided under the supervision and responsibility of the Ministry of National Education. Therefore, the entitlement of foreigners under temporary protection and international protection to education services is guaranteed by legislative provisions.

177. Ongoing efforts between the Ministry of Interior and the Ministry of National Education are underway for a long-term solution.

### **Reply to paragraph 25 of the list of issues**

178. Detailed explanations in respect of this question are provided under 1 above.

### **Reply to paragraph 26 of the list of issues**

179. There is no direct restrictive duty assigned to the Directorate of Migration Management for keeping the population registry of foreigners (Foreigners' Register). However, it is stipulated in the first paragraph of Article 99 of Law No 6458 on Foreigners

and International Protection that “the Directorate General or governorates shall collect, protect, store and use personal data pertaining to foreigners, applicants and holders of international protection pursuant to the relevant legislation and international agreements to which Türkiye is a party to”.

180. International protection applicants or status holders may receive birth report from the hospital, for their children born in Türkiye and apply to Registration Offices to receive a birth notification form and then add their new-born children to their own files by applying to the Provincial Directorates of Migration Management. An International Protection Applicant Identity Document or an International Protection Status Holder Document is issued for a newly-born foreign child in accordance with the status of the person in custody of the child.

### **Reply to paragraph 27 of the list of issues**

181. Türkiye has no specific facilitated procedure for exit of personal effects and belongings of migrant workers and members of their families. They are subject to the regular procedure, which has no limitation regarding personal effects and belongings except items whose export is banned.

182. According to article 2/1(c) of the Communiqué on Free Exports No. 2008/12, goods and vehicles to be taken by foreigners working in Türkiye can be exported free of charge. In addition, according to Article 170/1(a) of the Customs Regulation, a verbal declaration is sufficient for the export of personal belongings of passengers and tourists.

### **Replies to paragraphs 28 and 31 of the list of issues**

183. The issued work permit also provides the right for residence until it expires or cancelled. In the event that the work permit expires or is cancelled, the right for residence depending on the work permit also expires. After expiration or cancellation of work permit, migrant worker may apply for a residence permit with his/her reason (to benefit from an entitled unemployment benefit, to seek job etc.) within legal period or may apply for a new work permit.

184. International protection status and temporary protection are regulated in the Foreigners and International Protection Law, No 6458. According to the Law, there are our different group as refugee status, secondary protection status, conditional refugee status, international protection application holders under the international protection regimes and there are temporary protection as a separate group.

185. Accordingly, refugee status holders and secondary protection status holders can work in Türkiye without obtain work permit.

186. On the other hand, conditional refugee status holders, international protection applicant holders and foreigners under temporary protection are required to obtain work permits in order to work in Türkiye.

187. In order to increase the number of work permits issued for foreigners under international protection or temporary protection, different measures were taken. First of all, work permit applications are made online completely since 2017, there is no need to physical document to submit. The number of necessary documents for the application was minimized and the minimal criteria is used for the evaluation of application. The legal fees to issue work permit is decreased to one third of other applications. In order to increase the employability and labor market integration of foreigners under temporary protection different Project were carried out with different national and international NGOs.

188. In order to increase registered employment of foreigners working in seasonal agriculture and animal husbandry, work permit exemption application processes have been facilitated. In addition, the work permit exemption for foreigners who will work in this field is not subject to any legal fees.

### **Reply to paragraph 29 of the list of issues**

189. Article 34 of Law No. 6458 regulates family residence permits, allowing permits to be issued for a duration of up to 3 years at a time. This applies to the foreign spouse of foreigners, refugees, and subsidiary protection status holders who possess one of the residence permits. Additionally, family residence permits can be granted to their foreign child and their spouse's dependent foreign child.

### **Reply to paragraph 30 of the list of issues**

190. In Türkiye, the export of personal and household effects, as well as necessary work-related equipment of migrant workers. are exempted from duties and taxes.

191. The import of the personal effects are also exempted from duties and taxes as long as they met the criteria set in the legislation. The process is regulated by the article 58 of Resolution No. 2009/15481 and the list in the Annex 9. Items listed in section (A) of Appendix-9 may only be brought as accompanied baggage and those listed in section (B) may be brought as accompanied baggage or one month prior or three months after the arrival of passenger. For other type of passenger goods, exemption shall be applied to the part having total value of 150 Euros (passengers under the age of 15) or 430 Euros. In case the exemption values are exceeded, a single and fixed tax depending on the country it is brought from (18% for goods from the EU member states or 30% for goods from other countries) shall be applicable to the part exceeding those values. If the total value of items in accompanied baggage exceeds 1500 Euros, then the effective rates of importation taxes on the said item shall be applicable.

192. Natural persons transferring residence to Türkiye permanently may import their household effects as long as they met the criteria set in the legislation. The process is regulated by the article 57 of Resolution No. 2009/15481. Natural persons must have been residing at least 24 months out of the Turkish Customs Territory before the transfer to Türkiye. In order to benefit from the relief, they have to have/buy a residence or rental contract for at least 1 year period in Türkiye. Household effects covers all personal effects, household linen, furnishings and equipment intended for the personal use of the individuals. In order to benefit from relief, the goods shall be used, the property of the importer, non-commercial nature and brought directly by the individuals before their arrival or after 6 months of their arrival.

### **Reply to paragraph 32 of the list of issues**

193. Work permit and work permit exemption applications are evaluated by our Ministry within the scope of the International Labour Force Law No. 6735 which was entered into force in on 13/8/2016 and other relevant legislation, work permits and work permit exemptions are given to those whose request is found appropriate.

194. In the 6th article of the aforementioned Law, titled "Authority and restrictions on work permit" it is stated that it is forbidden for foreigners to work or be employed in Türkiye without a work permit.

195. In the first paragraph of article 4, titled "Regulation of the international protection policy", it is stated that the Ministry of Labor and Social Security is authorized to take action at the national and international level in order to determine the policy regarding international labour force and to implement the determined policy.

196. In the second paragraph; it is stated that the policy of international labour force is determined taking into account; International Labour force mobility and regional developments and Migration Board decisions, developments regarding employment and work life, sectoral and economic periodic changes, development plan and programmes, bilateral economic and cultural relations with the country of nationality of the foreigner, bilateral or multilateral agreements and international conventions to which Türkiye is a party, public order, public security and public health.

197. In the 6th article of the aforementioned Law, titled “Authorization and obligation in the work permit” it is stated that the work permit will be given by our Ministry, based on the international labour force policy determined in accordance with the 4th article.

198. Therefore, while issuing work permits to foreigners, an evaluation is made within the scope of international labor policy and many factors are taken into account in this process.

199. In the first paragraph of Article 22 of the Implementing Regulation of the Law No. 6735 titled “Work permit evaluation criteria”, it is stated that the Ministry will determine criteria in the evaluation of work permit applications, taking into account the following issues:

(a) The education of the foreigner, the job he will take at the workplace, his professional knowledge and experience, the harmony between the job he will take at the workplace and his professional knowledge and experience, his salary, the languages he knows and the like;

(b) Paid capital, equity, gross sales, export and investment amounts, field of activity, sector or geographical area in which it operates, total employment level, the ratio of Turkish and foreign employees in total employment, short and medium-term commitments regarding the level of investment and employment, and the like of the legal entity to which the foreigner is a partner or will be employed;

(c) Labor market researches and analyzes in terms of compliance with international labor policy, positive and negative labor force evaluation lists to be prepared within this scope, national security and public order, bilateral relations with the country of citizenship of the foreigner in line with the principle of reciprocity, bilateral or multilateral agreements to which Türkiye is a party and international conventions and so on;

(d) Turkish Employment Agency records regarding whether there is a person with the same qualifications to do the same job in the country for the job and profession for which a work permit is requested, and the like.

200. In accordance with the provisions of our applicable legislation, work permit provides the rights for residence permit within the period of validity and foreigners holding work permit are not required to apply for residence permit separately.

201. The issued work permit also provides the right for residence until it expires or is cancelled. In the event that the work permit expires or is cancelled, the right of residence depending on the work permit also expires. After expiration or cancellation of work permit, migrant worker can apply for a residence permit with his/her reason (to benefit from an entitled unemployment benefit, to seek job etc.) within legal period or may apply for a new work permit.

### **Reply to paragraph 33 of the list of issues**

202. Issues such as conditions of work and remuneration are generally regulated in the Labour Law No. 4857.

203. Articles regulated in the Labour Law No. 4857 are enforcemented to all workers without exceptions regardless of nationality and sex.

204. According to the Labour Law article 91, the State monitor, inspect and audit the implementation national and international legislation on work life. Implementation of labour legislation governing working conditions is inspected by labour inspectors.

205. Inspection of working conditions are such as overtime, hours of work, weekly rest, holiday with pay, minimum wage (Law No. 4857) and occupational safety and health (Law No. 6331) audited and inspected by labour inspectors.

206. If the labour inspectors detect any infringement, administrative fine is implemented.

### Reply to paragraph 34 of the list of issues

207. Under the coordination of the Ministry of Interior, continuous effort is led by the Presidency of Migration Management, the Directorate General of Security, the Gendarmerie General Command and the Coast Guard Command in the fight against irregular migration. This is executed within the framework of the Irregular Migration Strategy Document and the National Action Plan.

208. Our fundamental strategy in combating irregular migration involves four stages:

- (a) Addressing the problem at its source;
- (b) Implementing effective border security measures;
- (c) Ensuring effective apprehension within the country;
- (d) Establishing solid and expeditious deportation mechanisms.

209. In this context:

(a) Humanitarian and development-oriented assistance is employed in countries, particularly northern Syria, Afghanistan, Pakistan, and Bangladesh, to prevent irregular migration movements at the source;

- (b) Ongoing reviews of visa policies are underway;

(c) Uninterrupted efforts persist to maintain the highest level of border security, incorporating measures such as security walls, lighting systems, cameras, optical towers, patrol roads, and wire fences;

(d) Continuous reconnaissance and surveillance activities are conducted through UAVs, while the Police and Gendarmerie Forces execute regular patrol activities along established routes;

(e) Nationwide monthly initiatives, the Peace of Mind Practices against Irregular Migration, persist, accompanied by increased road controls conducted by our law enforcement units.

210. In the ongoing fight against migrant smuggling:

(a) New legal regulations, imposing increased sanctions, have been implemented. Legal provisions enabling the confiscation of vehicles used by migrant smugglers have been introduced;

(b) Field operations are actively conducted, and Mobile Migration Points are established in all metropolitan cities. Individuals questioned at these points without a legal right to stay are directed to Removal Centers for deportation procedures;

(c) Rigorous border measures, efficient deportation processes, and the deterrent effect of inspections and operations against irregular migrants within the country have notably diminished migration pressure compared to the previous year. This year's (2023) count of apprehended irregular migrants is nearly 250,000;

(d) In our country, none of the foreigners under international protection and temporary protection are sent to a country where they would face torture, inhuman or degrading punishment or treatment, or where their life or freedom would be jeopardized based on their race, religion, nationality, membership of a particular social group, or political opinion. This aligns with the provisions outlined in Article 4, titled "Non-Refoulement," of Law No. 6458 on Foreigners and International Protection.

### Reply to paragraph 35 of the list of issues

211. Türkiye aims to improve the situation of irregular migrants in their country of origin, to ensure their departure from our country on a voluntary basis, in accordance with human dignity, in accordance with international standards.

212. In this context, an additional regulation was made in the Law on Foreigners and International Protection No. 6458 on 24 December 2019 in order to lay the foundations of the Nationally Supported Voluntary Return Mechanism.

213. With this regulation, the support determined by the “Voluntary Return Regulation” will be provided to irregular migrants, victims of human trafficking and foreigners in the international protection application process who want to return their country/third country voluntarily.

214. With this mechanism, it is foreseen that the return of irregular migrants will be carried out on a voluntary basis, and the duration of their stay in the repatriation centers will be shortened, administrative cases arising from disputes between the administration and the foreigner will be eliminated, and the financial burden on the administration regarding return procedures will be reduced.

215. Also, in the ninth paragraph of Article 23 of the International Labor Force Law No. 6735, titled “Supervision Power”, it is stated that “the employer or employer’s representative is obliged to cover the accommodation expenses of the foreigner who does not have a work permit and, if any, his spouse and children, the expenses necessary for their return to their country and, if necessary, health expenses. If these expenses, costs and spendings are covered by the budget of the Ministry, the amounts paid in accordance with this article are collected from the employer or employer’s representative in accordance with the Law on the Collection of Public Receivables No. 6183 dated 21/7/1953. The procedures and principles regarding the implementation of this paragraph shall be determined jointly by the Ministry of Interior and the Ministry.”

216. New projects and regulations are implemented every year by the relevant institutions with the aim of maintaining strong legal, social and economic ties with Turkish diaspora abroad. In addition, these institutions work to determine the social, cultural, legal, economic and political needs of our diaspora and to implement appropriate policies and strategies for these needs.

### **Reply to paragraph 36 of the list of issues**

217. The important steps taken as of the end of 2022 within the scope of the implementation of the United Nations Global Action Plan to Combat Human Trafficking are briefly indicated below:

(a) Institution Report of the National Rapporteur on Combating Human Trafficking: The Anti-Trafficking Coordination Commission established in accordance with Article 5 of the Regulation on Combating Human Trafficking and Victim Protection decided at its 2020 assembly to assign as National Reporting Institution the Human Rights and Equality Institution of Türkiye (HREIT) with examining and reporting on the activities carried out in the field of combating human trafficking. HREIT prepared the First Anti-Trafficking Report in 2022 in order to monitor and evaluate the implementation of anti-trafficking activities of public institutions and organizations, including the implementation of the National Action Plan to Combat Human Trafficking, to identify shortcomings related to the legislation on this issue and to ensure the creation of comprehensive recommendations;

(b) Definitions of Children Used by Terrorist Organizations in Their Armed Activities: It was rendered by the decision No. 2020/1.1 of the Coordination Commission on Combating Human Trafficking that convened in 2020 to the effect that “the files of children collected by terrorist organizations through various methods (threats, kidnapping, deception, taking advantage of his helplessness, etc.) and forced to serve for terrorist organizations shall be submitted together with the findings of the relevant law enforcement agency, to the provincial directorates of migration management for the administrative evaluation of whether they are victims of human trafficking in accordance with the Regulation on the Fight against Human Trafficking and Protection of Victims. The identification of victims of human trafficking is carried out on children under the age of 15 (including 15 years) through the file, and on other children (between the ages of 16 and 18) according to the interviews to be conducted by the provincial directorate of migration”. Within this scope, 14 children in 2021

and 16 in 2022, in total 30 children used by terrorist organizations in their armed activities have been identified as victims of human trafficking.

218. In addition, in order to contribute to the preparations for the 3rd National Action Plan, in cooperation with the Presidency of Migration Management (PMM), the United Nations Migration Organization (IOM) prepared and published the “Survey on Combating Trafficking in Human Beings (Istanbul)”, the International Center for Migration Policy Development (ICMPD) prepared and published the “Research on Child Trafficking and Labour Trafficking in Türkiye” and the Council of Europe prepared and published the reports “Gap Analysis in the Investigation Procedure and Prosecution of Trafficking in Human Beings Cases in Türkiye”, “Child Trafficking and Protection of Children” and “Trends in Trafficking in Human Beings in Türkiye: Analysis and Recommendations for Action”. Consultation meetings on these reports were held with the representatives of relevant institutions, at first separately and then with the participation of all of them. Within the scope of the EU Support to Combating Trafficking in Human Beings in Türkiye Project/IPA II project, which was signed as of 2 December 2022 in cooperation with the Revenue Administration and IOM and will continue for 36 months, it is aimed to strengthen Türkiye’s capacity to combat human trafficking in accordance with the EU’s Trafficking in Human Beings Acquis, the Council of Europe Convention and other international standards, and studies have been initiated for the Third National Action Plan. It is aimed to support the national action plan with field and desk-based researches prepared within the scope of the projects that are being carried out or planned to be activated.

219. Within the scope of combating human trafficking, there are at least 2 anti-trafficking experts in 81 Provincial Directorates of Migration Management (PDMM) who are responsible for conducting interviews with potential victims and identification procedures, and who are responsible for the coordination after the identification process. In addition, liaison officers have been identified from other public institutions in order to enhance efforts in this field. Support services for victims are carried out in cooperation with international organizations and non-governmental organizations, especially our shelters.

### **Reply to paragraph 36 (a) of the list of issues**

220. Human trafficking including forced labour crime is regulated in the Turkish Penal Code (No. 5237/Article 80).

221. According to the Turkish Penal Code No. 5237 Article 279, the government officers who learn the crime related to their duty is obliged to report the crime.

222. It is overseen whether there are forced labour indicators in the workplaces in all inspections carried out by the labour inspectors.

223. If there is any indicators, labour inspectors makes a complaint to the public prosecutor’s office in order to ensure investigation.

### **Reply to paragraph 36 (b) of the list of issues**

224. In order to prevent grievances caused by human trafficking crime, all kinds of active and proactive combat methods are implemented and training activities are ongoing to increase the awareness of the personnel in combating this crime and to increase their skills in investigation methods. In this context, 34,386 public personnel were trained in 2022. The compilation process regarding the number of trainings is ongoing. In addition, 13,336 written materials (booklets, brochures, reports, posters, etc.) were prepared by both PMM and PDMM to be used in the activities carried out in 2022. In addition to the aforementioned prevention activities, the Annual Report on Combating Human Trafficking in Türkiye, which includes statistical data on the activities of relevant institutions and organizations and the fight against human trafficking within the framework of the national steering mechanism, has been prepared every year since 2016.

225. Accordingly, 140 labour inspectors have been trained in 2022 about human trafficking for the purpose of labour exploitation on national and international regulations in cooperation with Council of Europe.

226. Moreover, all labour inspectors have been trained how to combat against forced labour.

227. Efforts to strengthen institutional capacity of Presidency of Guidance and Inspection to combat against human trafficking for the purpose of labour exploitation continue.

### **Reply to paragraph 36 (c) of the list of issues**

228. Some of the activities carried out by the Department of Protection of Victims of Human Trafficking of PMM in order to ensure effective coordination are listed below.

229. Within the scope of the EU Support to Combating Trafficking in Human Beings in Türkiye Project/IPA II project, signed as of 2 December 2022 in cooperation with the PMM and the United Nations Organization for Migration (IOM), which remain in force for 36 months, it is aimed to strengthen Türkiye's capacity to combat human trafficking in accordance with the EU's Trafficking in Human Beings Acquis, the Council of Europe Convention and other international standards, and it is also aimed to prepare the Third National Action Plan in line with the Council of Europe Convention, to strengthen the national structure to combat trafficking in human beings and activities have been planned accordingly.

230. As of 15 December 2022, the implementation of the project titled "Initiative for Strengthening the Identification Process of Victims of Human Trafficking in Istanbul", supported by MATRA funds, has started.

231. Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Türkiye Project, implemented under the "Horizontal Facility for the Western Balkans and Türkiye (2019-2022)", a joint initiative of the European Union and the Council of Europe, ended with the "Closing Conference" on 8 December 2022. The aim of the project is to improve the protection of human rights in the context of migration and to strengthen the implementation of European standards in this field and to prevent and effectively combat human trafficking in Türkiye through the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

232. Within the scope of the project to support the preparations of Türkiye's third national action plan in "Research on Child Trafficking' and Labour Trafficking in Türkiye to Support Evidence-Based Policy Formulation and DGMM Decisions on Türkiye's Anti-Trafficking Response" (Research on Combating Trafficking in Human Beings) implemented by ICMPD from 01.09.2020 to 31.03.2022 with funding from the UK in cooperation with PMM, an additional activity was carried out; good practices reports on the functioning of National Referral Mechanisms for eight of European countries (Netherlands, the UK, Italy, France, Germany, Romania, Greece, Sweden) were prepared and submitted to the PMM.

233. The overall objective of the "Research on Child Trafficking' and Labour Trafficking in Türkiye to Support Evidence-Based Policy Formulation and DGMM Decisions on Türkiye's Anti-Trafficking Response" (Research on Combating Trafficking in Human Beings) Project, which started on September 1, 2020 and was completed on March 31, 2022, funded by ICMPD with UK funds in collaboration with the Presidency of Migration Management, is to contribute to the knowledge base for policy-making and decision-making on Türkiye's fight against human trafficking and to facilitate their implementation with targeted capacity building activities, through research on human trafficking based on child trafficking and labour exploitation, focusing on both Syrians under Temporary Protection (SuTPs) and Turkish citizens in nine selected pilot provinces (Istanbul, Hatay, Gaziantep, Sanliurfa, Kilis, Adana, Izmir, Konya and Bursa). The studies on the draft report prepared by analysing the findings obtained from the field visits are continuing.

234. In cooperation with the Department for the Protection of Victims of Human Trafficking of the Presidency of Migration Management and the United Nations High Commissioner for Refugees (UNHCR), followings are focused on:

- Strengthening procedures for the identification of victims of trafficking and international protection needs;
- Supporting the connection between international protection and human trafficking;
- Supporting the technical capacity of the staff of the Presidency of Migration Management and Provincial Directorate of Migration Management (PDMM) in relevant areas;
- Strengthening coordination and cooperation between the Presidency of Migration Management and relevant actors and raising awareness on human trafficking.

235. In this context, in order to strengthen the procedures for identifying victims of trafficking and international protection needs, a survey on the procedures for identifying victims and international protection needs in PDMM was conducted in 81 provinces in cooperation with UNHCR and PMM. This survey was supported by face-to-face on-the-job visits to a total of 10 PDMMs in order to identify good practices and experienced challenges, and ultimately to establish standardized working procedures.

236. UNHCR provided support to update the interview and registration forms used in the trafficking victim identification process and to develop a comprehensive guide on interview techniques in the context of trafficking towards supporting the establishment of connection between international protection and human trafficking and supporting the technical capacity of PMM and PDMM staff in related areas. In addition, face-to-face trainings were organized on interview techniques in the context of trafficking and on the connection between trafficking and international protection. Furthermore, in order to identify other training needs of staff working in the field of human trafficking, a survey on training needs was developed and shared with 81 PDMMs. It is aimed to identify other training needs in the field and to create training programs responding to these needs by taking into account the results of the survey and the feedback provided during the on-the-job visits and trainings, conducted with PDMM staff working in the field of human trafficking and international protection.

### **Reply to paragraph 36 (d) of the list of issues**

237. Cooperation at national level is ensured with the national guidance mechanism. Accordingly, anyone who declares to be a victim or who is aware of the crime of human trafficking can report this situation to the Foreigners Communication Center (YIMER 157), 112 and ALO 170, the Chief Public Prosecutor's Office or law enforcement officers (in writing, verbally or electronically). Notifications and complaints made to the Presidency of Migration Management (PMM), Provincial Directorates of Migration Management (PDMM), emergency hotlines and hotlines are immediately reported to the Chief Public Prosecutor's Office or law enforcement officers. Notifications or complaints submitted to the governorship or district governorship are directed to the relevant Chief Public Prosecutor's Office. Non-governmental organizations (NGOs) notify the PDMM, the Chief Public Prosecutor's Office or law enforcement officers about reports regarding the human trafficking crime. An official report is prepared regarding verbal complaints and denunciations and the report is delivered to the Chief Public Prosecutor's Office as soon as possible. Public institutions and organizations that have a high probability of encountering a victim of human trafficking shall notify emergency lines and hotlines, and immediately the PDMM, the Chief Public Prosecutor's Office or law enforcement officers about any person they suspect to be a victim. When people who are identified as victims of human trafficking choose to benefit from victim support services, they are informed of the scope of protection, and the process is continued. In the light of this information, victims are offered opportunity to repatriate voluntarily and safely or to benefit from victim support programs and protection services in accordance with their statements. According to Articles 23 and 24 of the Regulation on Combating Human Trafficking and Protection of Victims, support services for Turkish citizens who are defined as victims of human trafficking and all children, regardless of their nationality, are provided in specialized units under the Ministry of Family and Social Services (MoFSS) and support services for foreign national victims of human trafficking and their accompanying children, if any, are provided in specialized shelters within the PMM. Another victim support service, Voluntary and Safe Return Program, is coordinated by the

PMM to ensure safe return of a victim to his/her home country or a third country by taking necessary protection measures if the victim does not wish to benefit from the support program during or at the end of the support program.

238. The services of the MoFSS (Ministry of Family and Social Services) Directorate General for Child Services for children are carried out within the framework of the priority of a family-oriented approach in line with children's rights by prioritising the best interests of the child and aim to protect all children between the ages of 0-17 in Türkiye, to protect their rights and to ensure their welfare. To this end, the Juvenile Protection Law No. 5395 entered into force in 2005. The Law in question was prepared in accordance with the rights to life, development, protection and right of protection, which form the basis of the United Nations Convention on the Rights of the Child. In order to support the development of children and to raise generations who are conscious and sensitive to risks, protective and preventive services are focused on and mechanisms are established to anticipate risks to children and to take necessary steps. In addition, "the principle of the best interests of the child" is taken as a basis in the services provided for children. The focus is on protective and preventive activities aimed at protecting children from risks. Social service interventions for children are carried out within the scope of protective and supportive services under Law No. 5395. In this context, activities are carried out to support children primarily with their families. In cases where it is not possible to support the child with the family and it is evaluated that it would not be in the best interest of the child to be with the family, it is ensured that the child is provided with services from child care institutions which are appropriate for their age, sex and condition. Child Support Centres, one of the child care institutions, are specialised to provide psycho-social support services for unaccompanied children who are victims of crime, dragged into crime, at risk on the streets. Psycho-social support programmes for children are implemented in the centres and the programme aims to minimise the trauma caused by negative life experiences and to create positive attitude and behaviour change by taking into account the individual differences and needs of children. In the centres, children are provided with access to basic social services (such as shelter, education, health) and individualised psycho-social support services. In addition, children are encouraged to participate in social, cultural, sportive, artistic, etc. activities in line with their interests and abilities.

239. On the other hand, the MoFSS, General Directorate on the Status of Women provides support services for women who are the victims of violence and their accompanying children. In this context, in Türkiye, there are 148 women's guesthouses with a total capacity of 3,576, including 112 affiliated to the MoFSS, 33 affiliated to local administrations, 1 affiliated to NGOs and 2 affiliated to the PMM (for foreign victims of human trafficking). Foreign victims of human trafficking receive services in shelters operated by the PMM.

240. In addition, the legislative infrastructure for the establishment of directorates of judicial support and victim services in the provinces has been prepared by the Ministry of Justice, Department of Judicial Support and Victim Services by the Presidential Decree No. 63. The Ministry of Justice carries out studies on the rights and services to be provided to victims of crime in order to contribute to the establishment of an effective, sustainable and accessible victim support system within the framework of restorative justice and social rule of law principles for victims in the judicial process and especially for victims in vulnerable groups such as women, children, disabled, elderly and victims of human trafficking. In Article 7 of the aforementioned Decree, the services to be provided to vulnerable groups are specified and victims of human trafficking are also entitled to benefit from these services if they apply to the directorates of judicial support and victim services.

### **Reply to paragraph 36 (e) of the list of issues**

241. Under the coordination of PMM, in cooperation with public institutions and organisations, NGOs and international organisations, training and awareness activities are carried out to prevent the crime of human trafficking, information is provided and support services are provided to victims for protection. The Coordination Board for Combating Human Trafficking has met every year since 2017, under the chairmanship of the Deputy Minister of the Ministry of Interior, in order to ensure that the national guidance mechanism is carried out properly and to improve coordination and cooperation among institutions and

organisations. In addition, Provincial Coordination Commission on Combatting Human Trafficking meetings, which are considered to be important in order to ensure cooperation and coordination within the scope of combating human trafficking at provincial level and to raise awareness, are held in 81 provinces. During the meetings, decisions are taken regarding the support services which can be provided to the victims and the activities and trainings planned to be organised in the provinces. In addition, statistical data are regularly collected through designated liaison officers (anti-trafficking experts).

242. After the PMM became operational in 2014, there has been a steady increase in the number of victims identified over the years through increased awareness activities and trainings.

243. While the PMM interviewed 8,077 people on the suspicion that they may be victims of human trafficking in 2021, this rate increased by 163% to 21,236 in 2022.

244. Human trafficking is classified as sexual exploitation, labour exploitation, forced marriage, forced begging, child selling, child soldier and organ-tissue trade. According to this classification, sexual exploitation and labour exploitation rank first in the last five years (Table 1).

Table 1

Type of Exploitation	2018	2019	2020	2021	2022	Total	%
Sexual Exploitation	95	144	160	200	161	<b>760</b>	<b>55.2</b>
Labour Exploitation	39	55	73	111	107	<b>385</b>	<b>27.9</b>
Forced Marriage	-	11	4	54	41	<b>110</b>	<b>8.0</b>
Forced Begging	-	4	43	22	16	<b>85</b>	<b>6.2</b>
Child Soldier	-	-	-	14	16	<b>30</b>	<b>2.2</b>
Child Selling	-	1	1	1	2	<b>5</b>	<b>0.4</b>
Trading in Organs-Tissue	-	-	1	-	2	<b>3</b>	<b>0.2</b>
<b>Total</b>	<b>134</b>	<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>	<b>1378</b>	<b>100.0</b>

245. When the age range of victims of human trafficking is analysed, it is seen that approximately 30% of the victims were children and 60% were between the ages of 18-35 in 2018-2022 (Table 2).

Table 2

**Age distribution of victims of human trafficking (2018–2022)**

Age	2018	2019	2020	2021	2022	Total	%
(-) 18 years	17	30	162	118	72	<b>399</b>	<b>29.0</b>
18-25 years	62	83	47	119	113	<b>424</b>	<b>30.8</b>
26-35 years	44	70	55	128	111	<b>408</b>	<b>29.6</b>
36 (+) years	11	32	18	37	49	<b>147</b>	<b>10.7</b>
<b>Total</b>	<b>134</b>	<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>	<b>1378</b>	<b>100.0</b>

246. The majority of victims in Türkiye are women who have been trafficked for sexual exploitation. As such, 82.1% of the victims identified in the last five years are women (Table 3).

Table 3  
**Sex distribution of victims of human trafficking (2018–2022)**

Sex	2018	2019	2020	2021	2022	Total	%
Women	111	195	221	321	283	<b>1131</b>	<b>82.1</b>
Men	23	20	61	81	62	<b>247</b>	<b>17.9</b>
<b>Total</b>	<b>134</b>	<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>	<b>1 378</b>	<b>100.0</b>

247. Foreigners from Syria, Uzbekistan, Afghanistan and Kyrgyzstan and Turkish citizens constitute the top five nationalities in the ranking of victims of human trafficking between 2018 and 2022 (Table 4).

Table 4  
**Nationality distribution of victims of human trafficking (2018–2022)**

Nationality	2018	2019	2020	2021	2022	Total	%
Syria	15	37	159	158	108	<b>477</b>	<b>34.6</b>
Uzbekistan	29	44	38	63	57	<b>231</b>	<b>16.8</b>
Afghanistan	21	14	11	22	33	<b>101</b>	<b>7.33</b>
Türkiye		2	11	42	33	<b>88</b>	<b>6.39</b>
Kyrgyzstan	14	32	14	12	15	<b>87</b>	<b>6.3</b>
Morocco	18	28	5	5	11	<b>67</b>	<b>4.86</b>
Indonesia	6	11	2	5	5	<b>29</b>	<b>2.10</b>
Azerbaijan	3	6	9	9	6	<b>33</b>	<b>2.39</b>
Turkmenistan	3	5	4	11	6	<b>29</b>	<b>2.10</b>
Iraq		1	2	10	12	<b>25</b>	<b>1.81</b>
Iran	1	2	2	9	9	<b>23</b>	<b>1.67</b>
Ukraine	3	10	2	5	2	<b>22</b>	<b>1.60</b>
Kazakhstan	7	4	4	3	2	<b>20</b>	<b>1.45</b>
Russia	1	4	3	6	1	<b>15</b>	<b>1.09</b>
Moldova	1	4	1		3	<b>9</b>	<b>0.7</b>
Other	12	11	15	42	42	<b>122</b>	<b>8.85</b>
<b>Total</b>	<b>134</b>	<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>	<b>1 378</b>	<b>100.0</b>

248. When the cities where victims of human trafficking were identified are analysed, it is seen that cities with high foreign population and entertainment sector such as İstanbul and Antalya come to the forefront. Again, in the same period, İstanbul, Sanliurfa, Gaziantep, Antalya and Izmir were the first five cities where 58% of the victims (794 people) were identified (Table 5).

Table 5  
**Distribution of victims of human trafficking by cities where they were detected (2018–2022)**

City	2018	2019	2020	2021	2022	Total	%
İstanbul	42	48	98	130	58	<b>376</b>	<b>27.3</b>
Sanliurfa		3	71	34	9	<b>117</b>	<b>8.5</b>
Gaziantep	1	17	5	52	41	<b>116</b>	<b>8.42</b>
Antalya	32	30	17	12	15	<b>106</b>	<b>7.69</b>
Izmir	14	28	16	14	7	<b>79</b>	<b>5.7</b>
Hatay	7	19	7	13	27	<b>73</b>	<b>5.30</b>
Bursa	3	3	14	6	17	<b>43</b>	<b>3.12</b>

City	2018	2019	2020	2021	2022	Total	%
Ankara	8	3	3	16	11	<b>41</b>	<b>2.98</b>
Eskisehir				9	30	<b>39</b>	<b>2.83</b>
Adana	14	3	4	6	7	<b>34</b>	<b>2.47</b>
Other	13	61	47	110	123	<b>354</b>	<b>25.69</b>
<b>Total</b>	<b>134</b>	<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>	<b>1 378</b>	<b>100.0</b>

### Reply to paragraph 36 (f) of the list of issues

249. Law No. 6458 on Foreigners and International Protection (LFIP) stipulates that the residence permit granted to foreign national victims of human trafficking in order to allow time for recovery and reflection may be extended for periods of maximum six months in view of the safety, health or special circumstances of the victim and that the total period may not exceed three years under any circumstances. In addition, the residence permit for victims of human trafficking is not subject to the same conditions as other residence permits. The LFIP also stipulates that no deportation decision can be taken against victims of human trafficking who currently benefit from the victim support process.

### Reply to paragraph 37 of the list of issues

250. In the ongoing efforts to combat migrant smuggling, recent legal regulations have been enacted, amplifying sanctions, and specific provisions have been introduced for the confiscation of vehicles used by migrant smugglers.

251. Türkiye, within the scope of its work in the field of combating the crime of migrant smuggling, has placed special emphasize on planned and projected operational works aimed at revealing the organizations of this crime operating both nationally and internationally. In addition, Türkiye continues to work in coordination with all national and international institutions, organizations and non-governmental organizations in combating migrant smuggling.

252. Türkiye signed bilateral Readmission Agreements (regarding readmission of their citizens) with 15 countries (Greece, Russia, Yemen, Nigeria, Bosnia Herzegovina, [Kyrgyzstan](#), Pakistan, Romania, Syria, Ukraine, Belarus, Montenegro, Moldova, Kosova, Norway) and EU (Readmission Agreement will be implemented towards third country nationals once visa liberation is granted to Turkish citizens) so far.

253. Türkiye also signed Cooperation Protocols in the field of combating human trafficking with Belarus, Georgia, [Kyrgyzstan](#), Moldova, Ukraine.

### Reply to paragraph 38 of the list of issues

254. Information regarding Labour Force Agreements and Social Security Agreements can be found above under the answer of question 1.

### Reply to paragraph 39 of the list of issues

255. The International Labor Force Law, No. 6735 was accepted by the TBMM on 28/7/2016 and entered into force on 13/8/2016.

256. The Law No 6775 is the basic law that regulates working and work permits of foreigners in Türkiye. By the entry into force of Law No 6735, the Law on Work Permit of Foreigners, No 4817, was repealed.

257. According to the law, as a rule, obtain a work permit is required for foreigners to work in Türkiye.

258. Within the scope of the law, the procedures and principles regarding works and transactions related to work permits and the authorities and responsibilities within this scope are regulated. There are also provisions regarding the determination, implementation and monitoring of policies regarding international labor.

259. The General Directorate of International Labor Force was established by the Law in 2016, under the Ministry of Labor and Social Security in order to carry out the works specified in the scope of the Law.

260. There are five regulation on work permits of foreigner as: Implementing Regulation on International Labor Force Law, Turquoise Card Regulation, Regulation on Work Permits of Foreigners Working in Free Zones, Regulation on Work Permits of Foreigners under Temporary Protection and Regulation on Work Permits of International Protection Application Holders and International Protection Status Holders.

261. The Implementing Regulation on International Labor Force Law is the basic regulation. Within the scope of the Regulations, fundamental procedures and principles, authorities and responsibilities, and rights and obligations regarding work permit and work permit exemptions are regulated in a detailed way. (such as procedure and principles regarding applications, evaluation criteria, evaluation of the applications, rejections of applications, issuance of work permits, different types of work permit, suspension of work permit, work permit exemptions, fees, administrative appeal and judicial remedies, inspection and administrative fines etc.).

### **Reply to paragraph 39 (a) of the list of issues**

262. With the amendment made in the Paragraph 1 of Article 79 of the Turkish Penal Code No. 5237 with the Law No. 7445 dated 05.04.2023, the lower limit of the penalty for the crime of migrant smuggling has been increased from 3 years to 5 years.

### **Reply to paragraph 39 (d) of the list of issues**

263. In 2009, Türkiye became a party to the Convention on the Rights of Persons with Disabilities (CRPD), which was adopted by the United Nations (UN) in 2006 in order to encourage and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities and to strengthen respect for their human dignity.

264. The Directorate General of Services for Persons with Disabilities and the Elderly (EYHGM) of the Ministry of Family and Social Services, which is the focal institution responsible for monitoring the implementation of the CRPD, is responsible for coordinating the work of determining policies and strategies at the national level so that all persons with disabilities and older persons, including immigrants, can participate in social life by enjoying their human rights without discrimination, determining the principles, procedures and standards regarding the social service activities carried out for persons with disabilities and older persons, and providing cooperation and coordination between the relevant public institutions and organizations and voluntary organizations in this field.

265. In this context, the 2030 Barrier-Free Vision Document, which is a roadmap for legal, institutional and practical studies to be carried out in the field of disability in Türkiye until 2030, with the vision of building an inclusive society where persons with disabilities can realize their potential, was prepared under the coordination of EYHGM with the contribution and participation of representatives of relevant public institutions and organizations, civil society organizations operating in the field of disability, and academicians, and was shared with the public by our President, Recep Tayyip ERDOĞAN in 2021. The first National Action Plan on the Rights of Persons with Disabilities, prepared with a participatory approach, under the coordination of EYHGM, in order to create 275 activities to be carried out between 2023 and 2025 for the realization of 31 goals and 107 action fields under 8 objectives determined in the Barrier-Free Vision Document, was shared with the public on December 2, 2022 and started to be implemented.

266. In order to guide our country's policies, programs and services in the field of ageing, the 2030 Ageing Vision Document, which is a high-level policy document that can be taken as a reference in matters related to ageing, is being prepared, in which all relevant stakeholders contribute and participate. The 2030 Ageing Vision Document aims to enable individuals to actively participate in the active ageing process at every stage of their lives, to strengthen the rights of older persons, to develop new service and support models for older persons with a rights and social inclusion-based approach, to strengthen intergenerational solidarity, and to present a new vision with a family and society-oriented approach. It is planned to implement the Vision Document with action plans.

267. With the vision of society that leaves no one behind, all individuals, including women, men, children, the youth, persons with disabilities, older persons, asylum seekers and those under temporary protection, are the essential element of social development without discrimination. In this context, policies and practices in the field of disability for a more just and egalitarian world are based on a rights-based and inclusive understanding. The Turkish Disability Act, which came into force in 2005 and sets out the national policy, is the most important reflection of this understanding.

268. The Ministry of Family and Social Services works to develop integrated care service models and institutional services, as well as community-based services and services that support persons with disabilities and older persons to continue their lives in their own social environment, in line with the goal of enabling persons with disabilities and older persons to take part in social life independently. One of the main service areas offered within the framework of Türkiye's hosting of asylum seekers and people under temporary protection is care services.

269. Home Care Allowance, which has been continuing since 2006 in order to meet the care needs of persons with disabilities without having them leave their social environment, is procured to provide home care for persons with disabilities who are stated as with severe disabilities in the Health Board Report for Persons with Disabilities and whose per capita income in the household is below 2/3 of the net minimum wage. Foreign nationals with disabilities can also benefit from Home Care Allowance if they meet these criteria and have a legal residence permit in our country. As of 2022, the number of foreign nationals benefiting from Home Care Allowance is 774.

270. In active living centers, guidance and support services and day care services are provided to persons with disabilities and older persons and their families including foreign nationals in order to increase the quality of their lives, and to contribute to their active participation in social life. In this direction, within the scope of community-based rehabilitation activities, studies are carried out to improve the day services and to increase their capacity in a way to include refugees, especially in the provinces where most of refugees live.

271. In addition, persons with disabilities and older persons can receive residential care services in nursing homes and care and rehabilitation centers for persons with disabilities and family counseling centers affiliated to our Ministry. Foreign nationals with disabilities, who are registered by the Provincial Directorate of Migration Management and given a temporary protection identity document, and who have a legal residence permit in Türkiye, can benefit from care services for persons with disabilities. In this context, there are 78 foreign nationals benefiting from care services for persons with disabilities.

272. Older refugees and asylum seekers can receive service from Nursing Homes and Care and Rehabilitation Centers for Older Persons free of charge if they meet the criteria of the Circular numbered "B.02.1.SÇE.0.09.01.00" on "Proceedings of Asylum Seekers and Refugees". Older persons seeking asylum and/or those who are refugees and asylum seekers can also benefit from our Ministry's residential care services free of charge if they meet the necessary criteria. In this context, there are 24 foreign nationals receiving service in nursing homes.

**Reply to paragraph 40 (e) of the list of issues**

273. 568 unaccompanied children under foster care (up to the end of March 2023) and 1.138 unaccompanied children under institutional care (up to the end of March 2023).

**Reply to paragraph 40 (h) of the list of issues**

274. Reported cases of trafficking in and smuggling of migrants, investigations, prosecutions and sentences imposed on perpetrators, disaggregated by sex, age, nationality and purpose of trafficking:

(a) Eurostat and United Nations Office on Drugs and Crime (UNODC) have been collecting data on crime and criminal justice using one joint questionnaire (United Nations Crime Trend Survey-UN-CTS). TurkStat compiles data for UN-CTS from the related organizations such as MoI and MoJ and transmits data via eDAMIS to Eurostat annually. The information on migrant smuggling data included in UN-CTS is given for the reference years 2019, 2020 and 2021 at the attached file;

(b) In addition, statistical data for the last three years (2021, 2020, 2019) have been published on the website of the General Directorate of Criminal Records. Statistics on a yearly basis and the relevant links are presented below. Statistical data for 2022 has not been officially published yet.

275. Link for “Forensic Statistics 2021”:

<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/310520221416422021H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>.

276. See smuggling of migrants and human trafficking (p. 21, 41, 43, 49) for the relevant pages of the text.

277. Link for “Forensic Statistics 2020”:

<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/501202216013122420211449082020H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>.

278. See smuggling of migrants and human trafficking (p. 21, 41, 43, 49) for the relevant pages of the text.

279. Link for “Forensic Statistics 2019”:

<https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/22420211427211062020170359HizmeteOzel-2019-bask%C4%B1-%C4%B0SA.pdf>.

**Reply to paragraph 41 of the list of issues**

280. Regarding CMW’s mandate based on Articles 76-77 of the Convention, our reservation regarding the related substances still remains valid.

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