



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Turkey

ILO
TECHNICAL
NOTE

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CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

*CHAPTER I. Adequacy of social security
benefits: income and poverty indicators and
standards*

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Country profile by Eurostat indicators, National indicators and ILO minimum standards

<u>Eurostat</u>	EU-Avg 2013	2005	2012	2013	2014
At-risk-of-poverty threshold (40%, single person)	€ 462.3		€ 130.1	€ 130.5	
At-risk-of-poverty threshold (50%, single person)	€ 577.8		€ 162.6	€ 195.9	
At-risk-of-poverty rate - 50%, before social transfers	19.5%				
At-risk-of-poverty rate - 50%, after social transfers	10.2%		16.3%	15.0%	15.0%
At-risk-of-poverty rate for children under 18 y.o. - 50% thrd	12.4%				
In-work poverty rate - 50% threshold	5.2%				
At-risk-of-poverty rate for pensioners - 50% threshold	6.0%				
Aggregate replacement ratio	55%				
Severe material deprivation (% of total population)	9.6%		59.2%	43.8%	29.4%
Persistent at-risk-of-poverty rate - 50% threshold	5.2%				
Social protection expenditure as % of GDP	25.0%				
Gini coefficient before social transfers	36.1%				
Gini coefficient after social transfers	30.5%	38.0%		40.0%	39.1%

<u>National indicators</u>		
Minimum wage (gross)	€ 400.5	2014, General Directorate for Labour
Minimum pension	€ 43.6	2013, The 32 nd Report on the European Code of Social Security
Average wage (net)	€ 534.1	2010, United Nations Economic Commission for Europe

<u>Government Report under the ECSS submitted in 2015</u>			
Standard benefits amounts to be provided in the detailed report 2016.			
The Office refers to the Technical Note 2014 :			
Reference wage of skilled worker	<u>Article 65-6b</u> : Manufacturing industry, data available for total skilled	€ 556.0	2010
Reference wage of unskilled worker	<u>Article 66-4b</u> : Manufacturing industry, data available for total unskilled	€ 451.0	2010
Standard old-age pension	<u>Skilled worker</u>	€ 222.4	2010
Standard old-age pension	<u>Unskilled worker</u>	€ 180.4	2010
Replacement rate Man with wife of pensionable age	Level prescribed by the Convention	40%	2010

Fig. 1. Income and poverty- single person, 2013

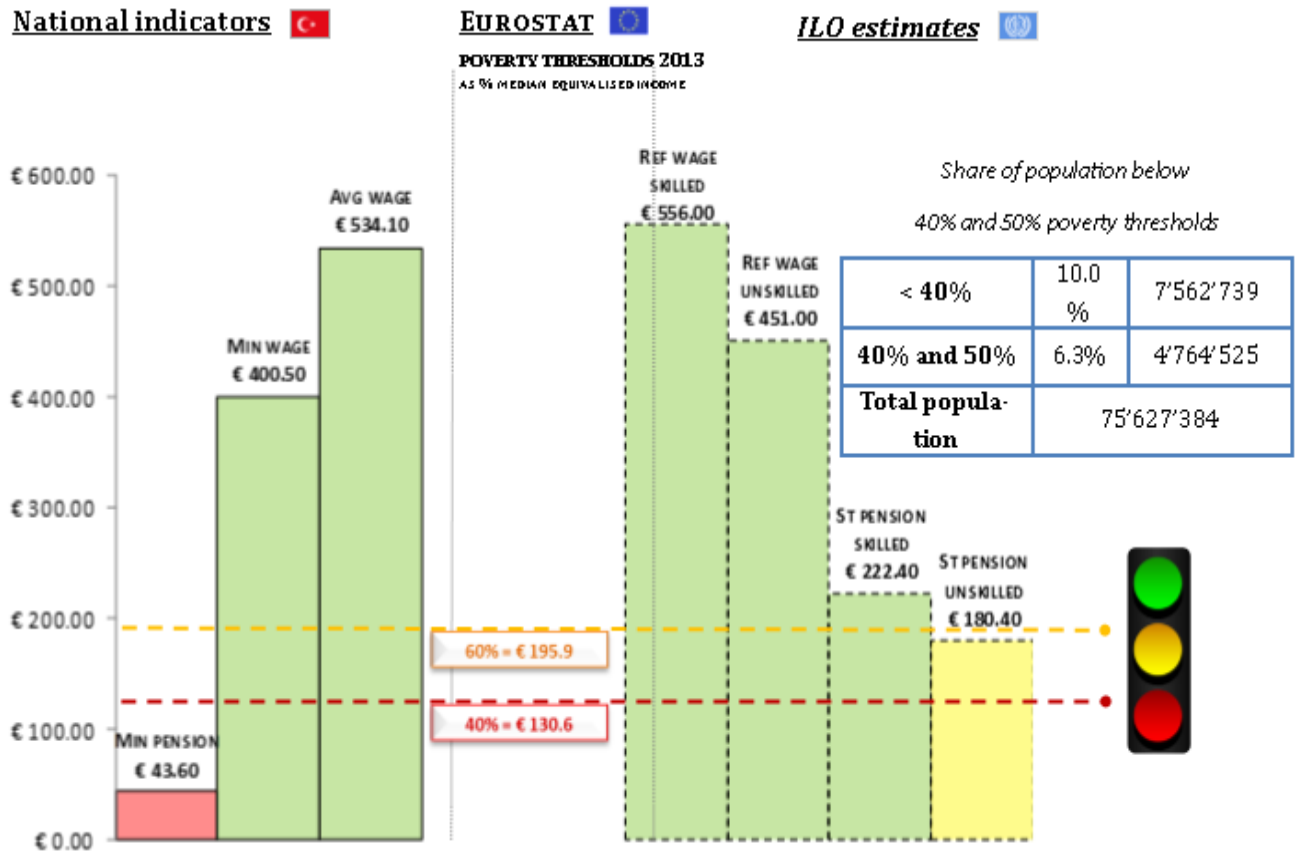


Fig. 2. Structure of population in poverty (Eurostat poverty thresholds of 60%) by the most frequent employment status, 2013

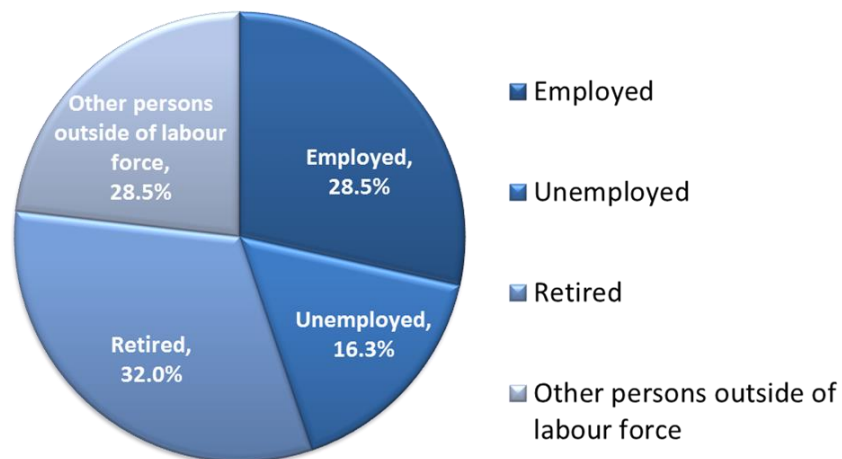
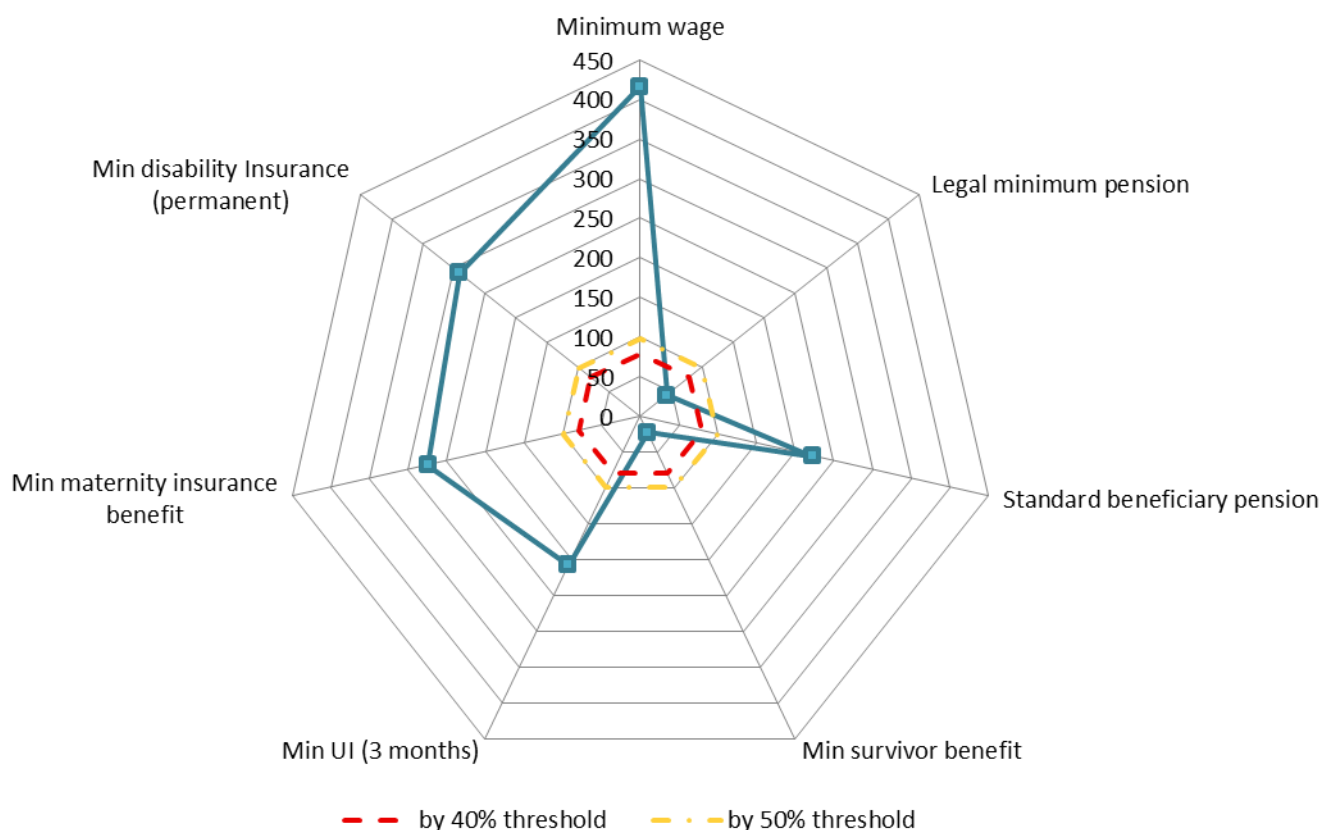


Fig. 3 Social benefits in comparison to Eurostat 40% and 50% poverty thresholds, 2014



Benefits/payments	Amount per month	Sources
Minimum wage	€ 415.5	Eurostat, 2013
Legal minimum pension	€ 43.6	SSA, 2012
Standard beneficiary pension	€ 222.4	SSA, 2012
Average pension	-	-
Survivor benefit	€ 21.8	SSA, 2012
Unemployment insurance benefit (UI - 3 months)	€ 207.8	SSA, 2012
Maternity insurance benefit	€ 274.2	SSA, 2012
Disability Insurance (permanent)	€ 290.9	SSA, 2012
GMI (single)	-	-
GMI (per adult living in a household)	-	-
At-risk-of-poverty threshold, 40 % (AROP)	€ 130.6	Eurostat, 2012
At-risk-of-poverty threshold, 60 % (AROP)	€ 195.9	Eurostat, 2012

Fig. 4. Social transfers as percentage of total equivalised household disposable income, by quintiles, 2012

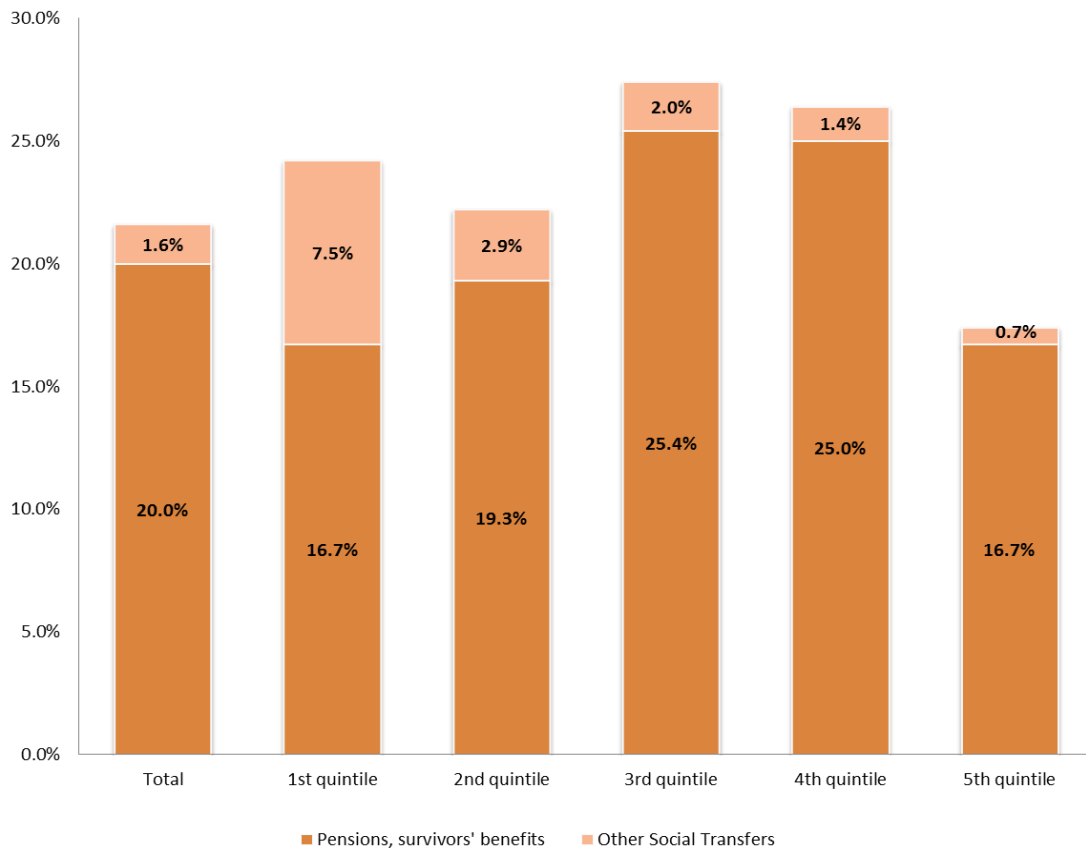
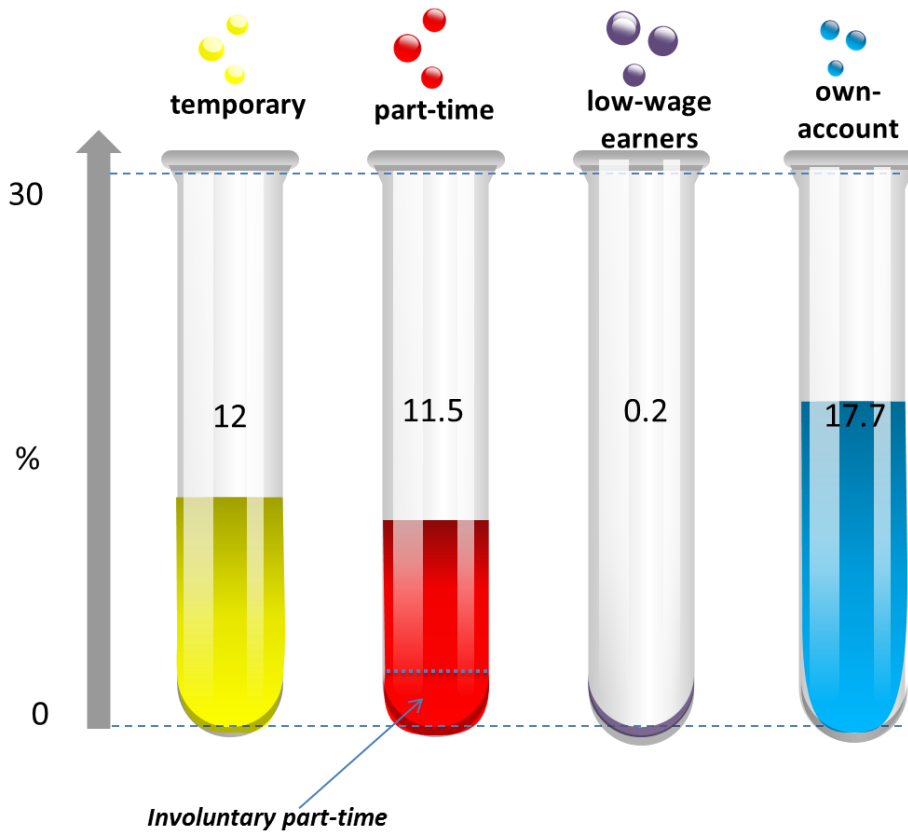


Fig. 5. Test on precarious employment: share of employed population by different job security situation, as % of total employment, 2012



CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits

- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
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- [Fig.9. Average monthly wages of male and female skilled and unskilled employees in the 2 sectors \(Manufacturing and Wholesale and retail trade\) with the highest number of male employees, in comparison to other wage indicators in Turkey](#)
- [Fig.10. Wage indicators in Turkey](#)

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

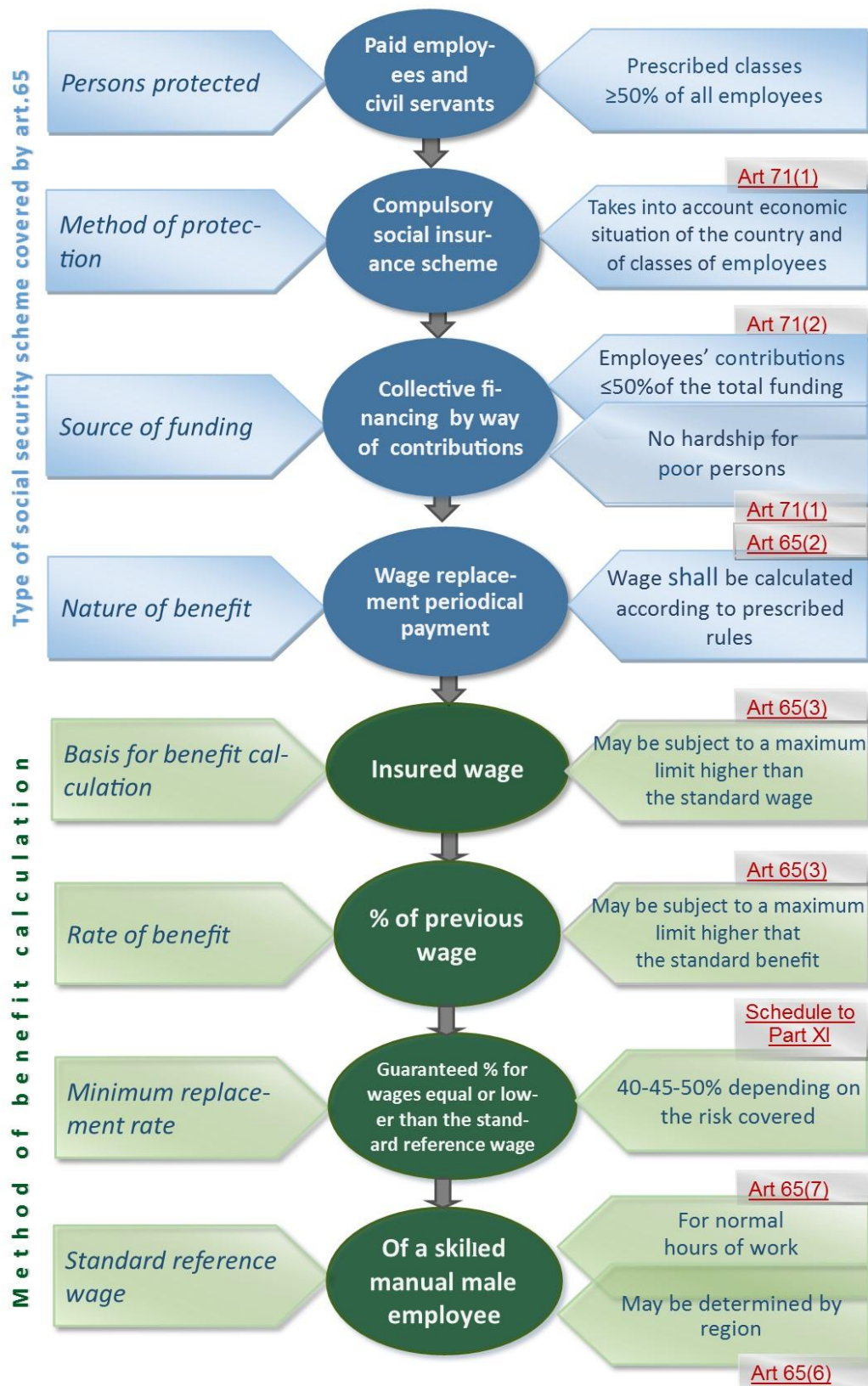


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

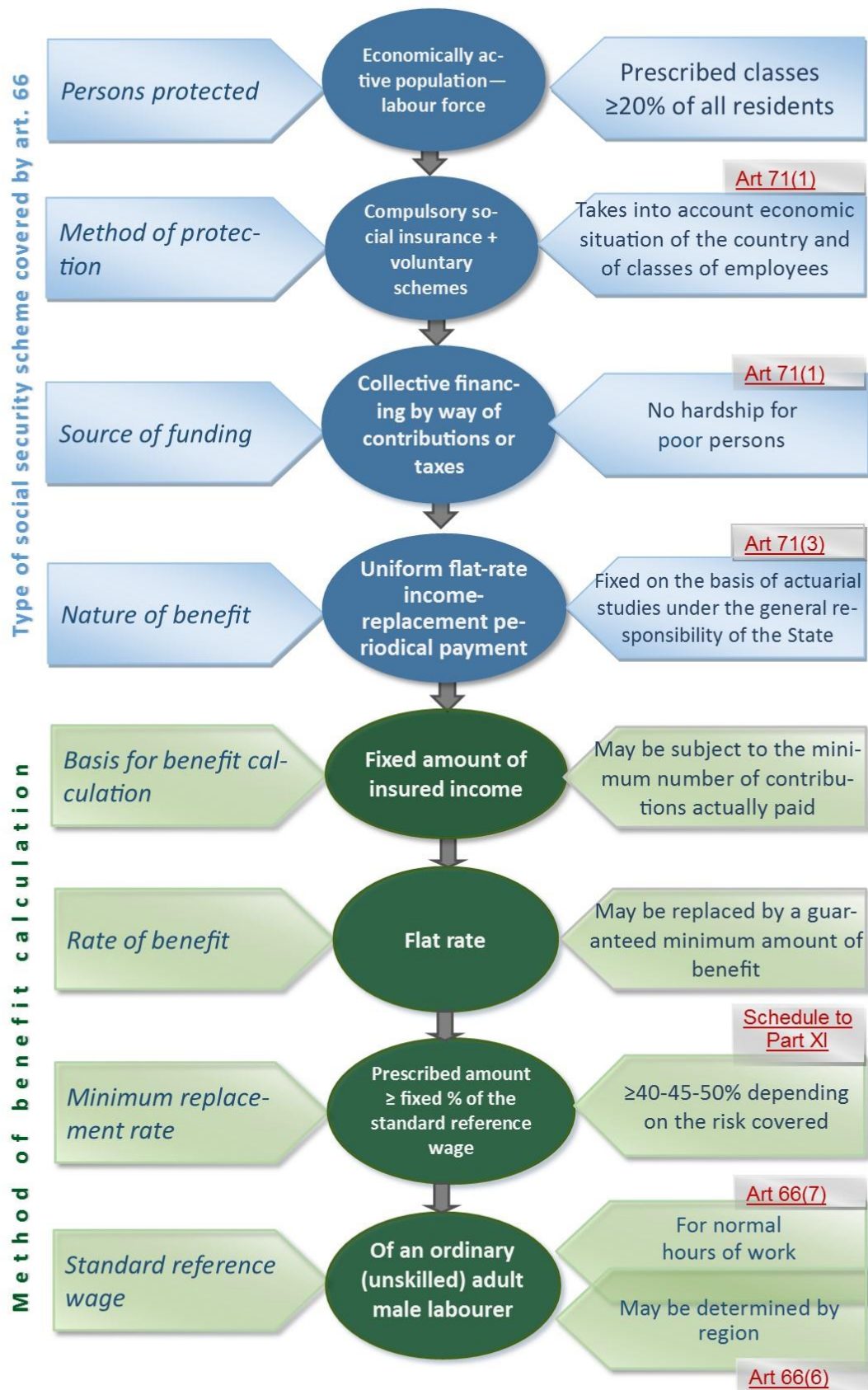


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

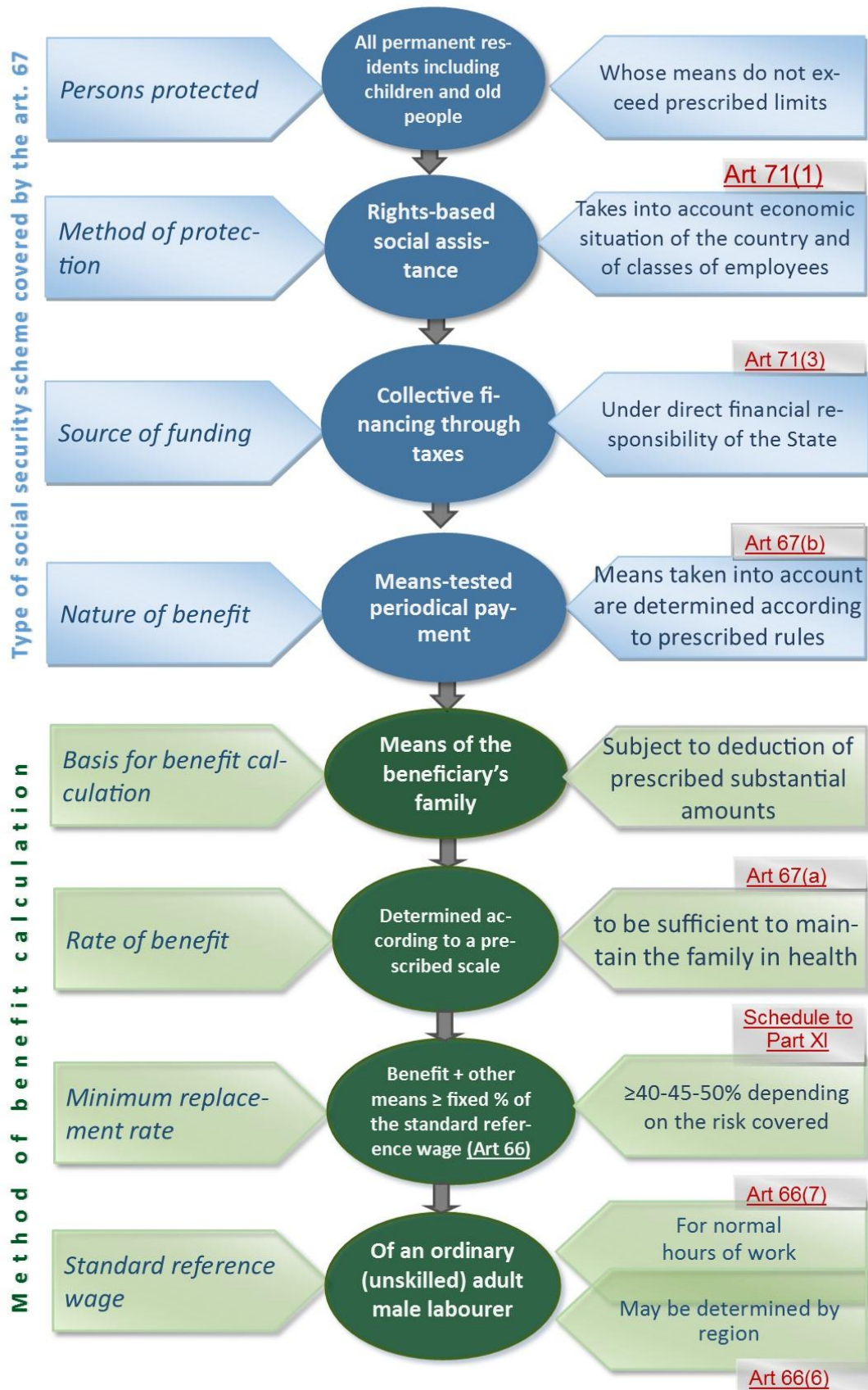


Table 1. Calculation of the reference wage under all options permitted by articles 65-66 of the ECSS/C102

Articles in the ECSS/C.102	Comments	Reference wage: amount		
		ILO calculations ¹⁻ 2010	Government ²	
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in manufacturing	625 euros ⁵	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	908 euros ⁶ (full-time and part-time employees)	
Article 66 (para 4): an unskilled manual male employee				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	539 euros ⁷	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008
<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

⁵ Structure of earnings survey (SES) – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

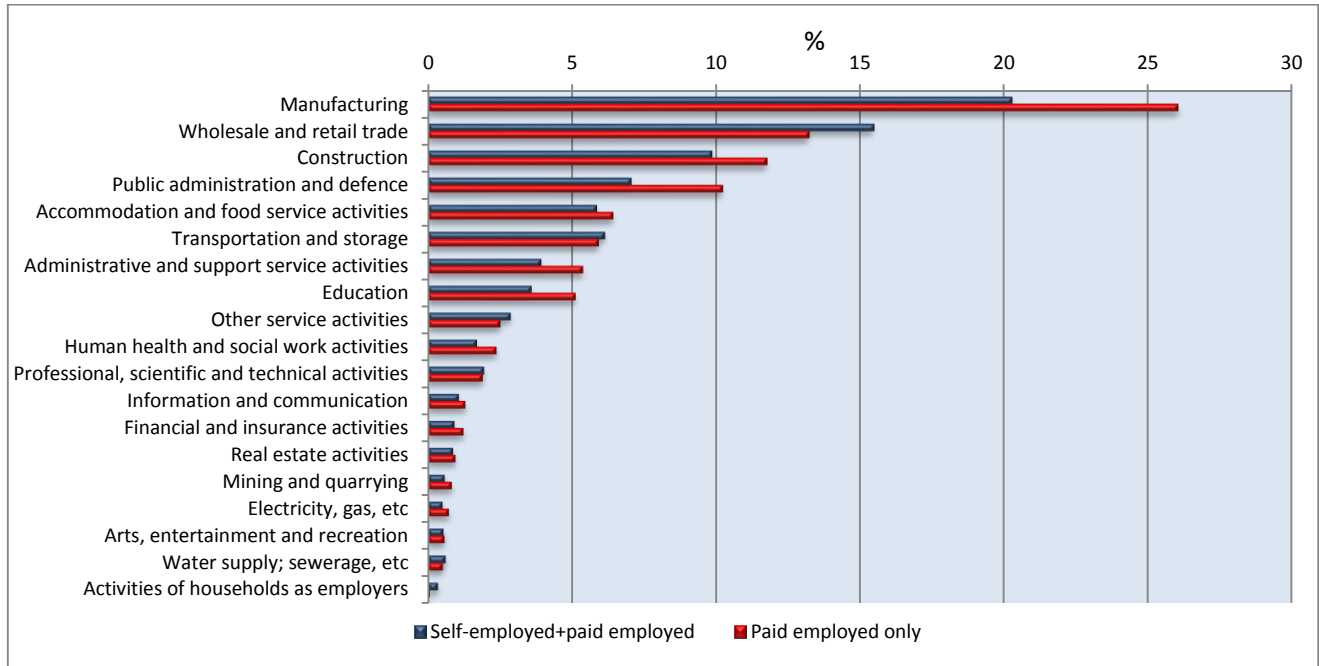
⁶ Structure of earnings survey (SES) – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en

⁷ Structure of earnings survey – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

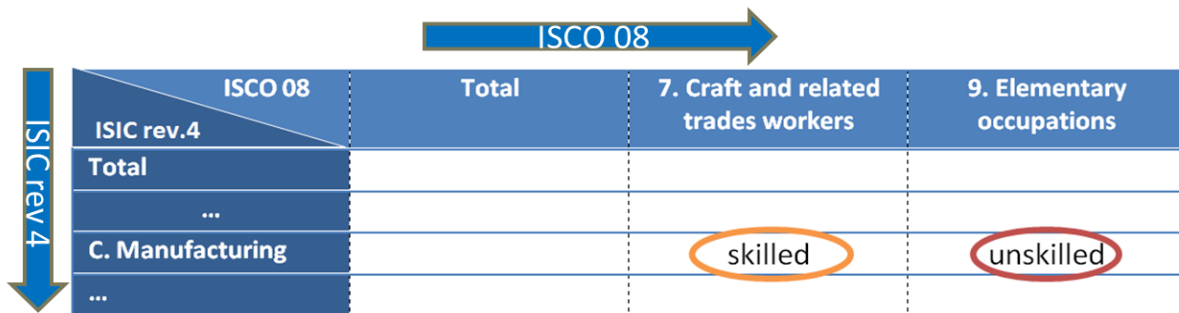
Fig.4. Share of employed males by economic activity in total male employment and share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: Eurostat LFS - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egaps&lang=en

Fig. 5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008



ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

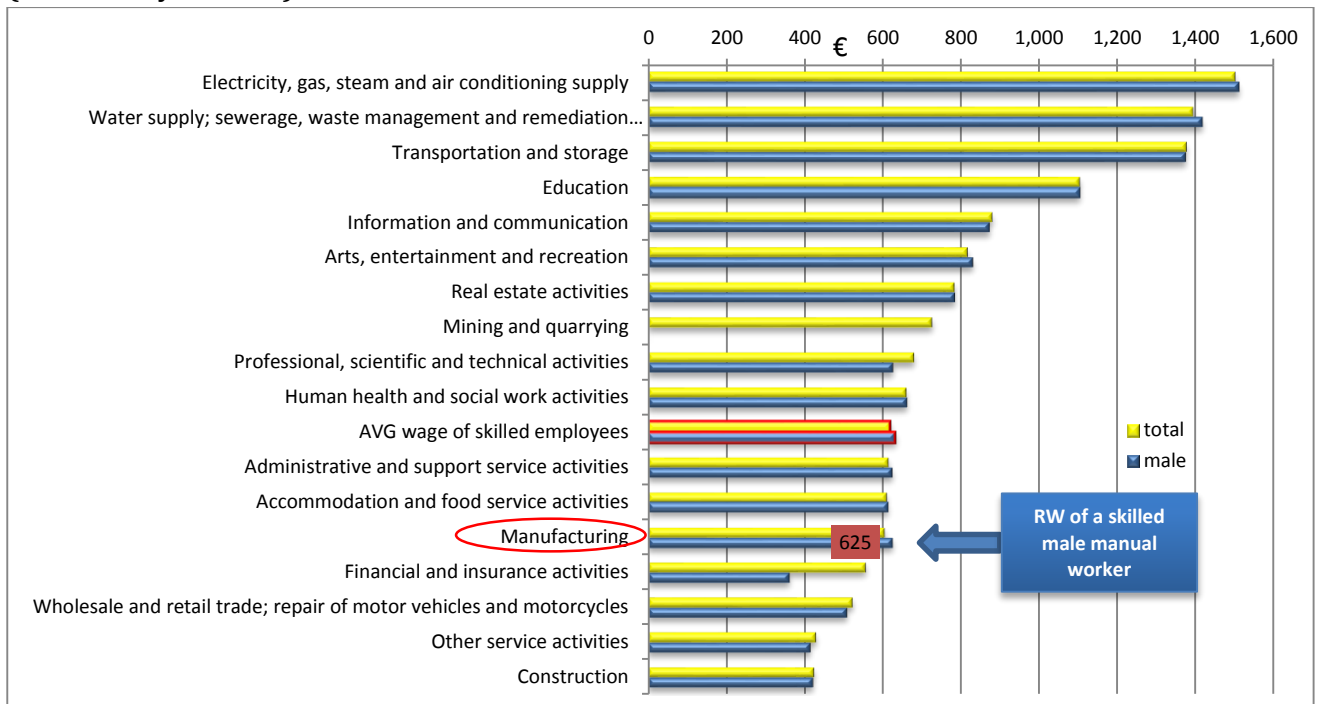
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

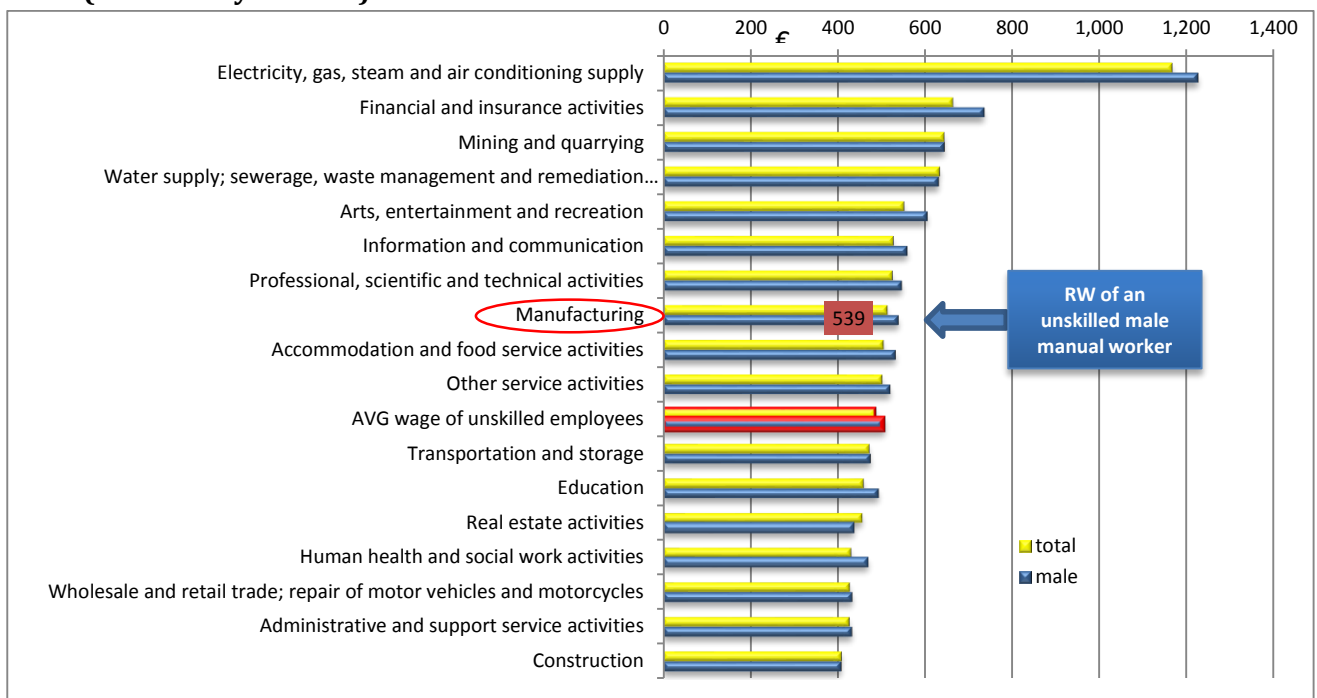
Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig.6. Average monthly wages of skilled employees by economic activity, SES-Eurostat, 2010 (new survey in 2014)



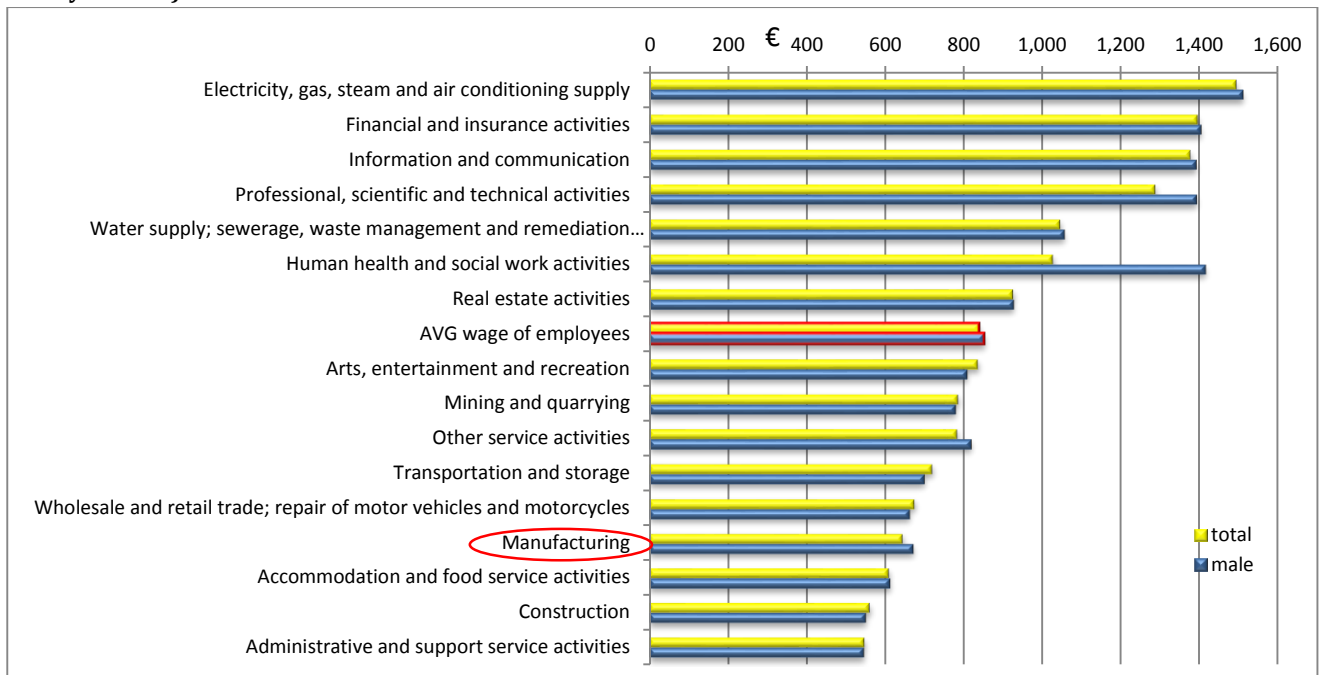
Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig.7. Average monthly wages of unskilled employees by economic activity, SES-Eurostat, 2010 (new survey in 2014)



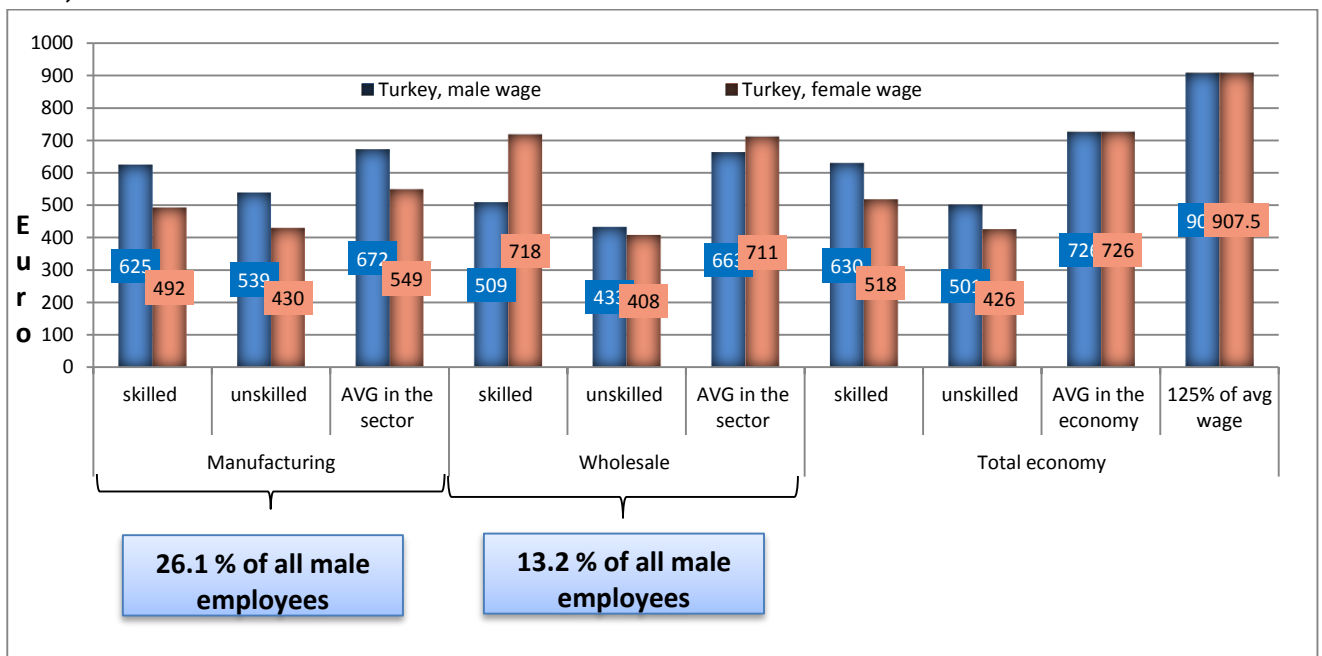
Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig.8. Average monthly wages of employees by economic activity, SES-Eurostat, 2010 (new survey in 2014)



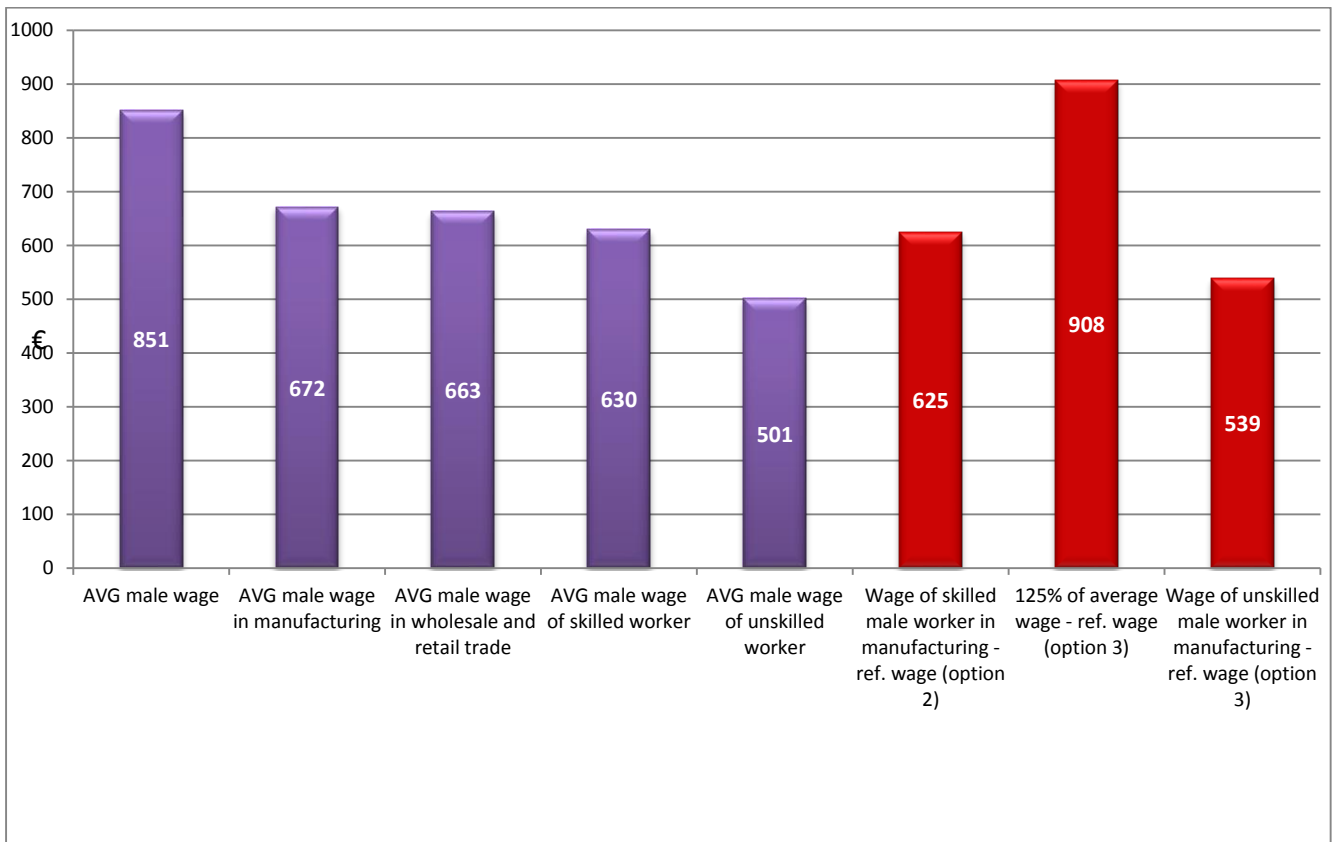
Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig.9. Average monthly wages of male and female skilled and unskilled employees in the 2 sectors (Manufacturing and Wholesale and retail trade) with the highest number of male employees, in comparison to other wage indicators in Turkey, SES -Eurostat, 2010 and EU-SILC, 2010



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en - 125% of average wage (include both full-time and part-time employees)

Fig.10. Wage indicators in Turkey, 2010



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en - 125% of average wage (include both full-time and part-time employees)

CHAPTER III. Integrated Management of compliance and reporting obligations of Turkey under social security provisions of the ratified international treaties on social rights

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- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2016](#)
- [Table 4. Up-to-date standards on which reports are due in 2017](#)
- [Next detailed report of Turkey under Article 74 of the ECSS. \(Extract from CEACR 2015 Conclusions\)](#)
- [Coordination of reporting between the ECSS and C102. Form for the annual report on the European Code of Social Security](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

Table 1. Up-to-date social security standards in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1 Art.13§1§2 §3, 14, 30	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

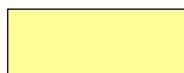


Social Security Standards in force for Turkey



Social Security Standards not in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11		☹️ Art.1§1		Art.3§1§2, 15§2	☹️ Art.16, 27§1b,c	☹️ Art.8§1	Art.15 §1§3		Art.4§1	
	☹️ Art.13§1		Art.1§3	☹️ Art.23	☹️ Art.3§3§4					Art.13§1, ☹️ 14§1	
										Art.13§2 §3,14§1,30	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Pending comments of the supervisory bodies



critical comments or non-compliance

Table 2. Pending comments of the supervisory bodies

Table 3. Up-to-date standards on which reports are due in 2016

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
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					Art.15§2					Art.13§1§2 §3, 14, 30	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2016

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
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	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
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C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2017

Next detailed report of Turkey under Article 74 of the ECSS

(Extract from CEACR 2015 Conclusions)

In accordance with the reporting cycle for the Code, the Government is due to submit a detailed report in July–August 2016 covering the five-year period from 1 July 2011 to 30 June 2016. In accordance with the reporting cycle on the application of Convention No. 102, the Government is also due to provide a detailed report in June–August 2016 for the period from 1 June 2011 to 31 May 2016. The Committee draws the Government’s attention to the alignment of reporting requirements under the Code and Convention No. 102 and the similarity of the report forms for both instruments, the objective of which is to reduce the administrative burden and avoid duplication of reports. It is for this reason that the report form for the Code explicitly provides that, where a government is bound by similar obligations resulting from the ratification of ILO Convention No. 102, it may provide the Council of Europe with copies of the reports submitted to the International Labour Office on the application of this Convention. The Committee emphasizes that this simplified procedure may be used next year to report on all the Parts of the Code that have been accepted. Conversely, the information provided by the Government in its annual reports on the Code is regularly taken into account by the Committee to assess the application of Convention No. 102.

Furthermore, by 31 October 2016, Turkey is also due to provide a report on the application of the provisions which have been accepted of the European Social Charter, in the context of the thematic group “Health, social security and social protection”, which includes the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), the right to benefit from social services (Article 14), the right of elderly persons to social protection (Article 23) and the right to protection against poverty and social exclusion (Article 30). The Committee notes that these Articles of the Charter are directly related to many provisions of the Code and of ILO social security Conventions and constitute a unique legal space of international social security law. As the reference period for the report under the Charter (1 January 2012–31 December 2015) falls within the reference periods for the detailed reports under the Code and Convention No. 102, the Government is invited to coordinate its compliance and reporting obligations under these instruments with a view to improving the quality and coherence of the information provided. Such coordination could be extended to include the submission of reports on the application of the social security provisions of United Nations human rights treaties, and particularly the International Covenant on Economic, Social and Cultural Rights, for which the next report is due in June 2016.

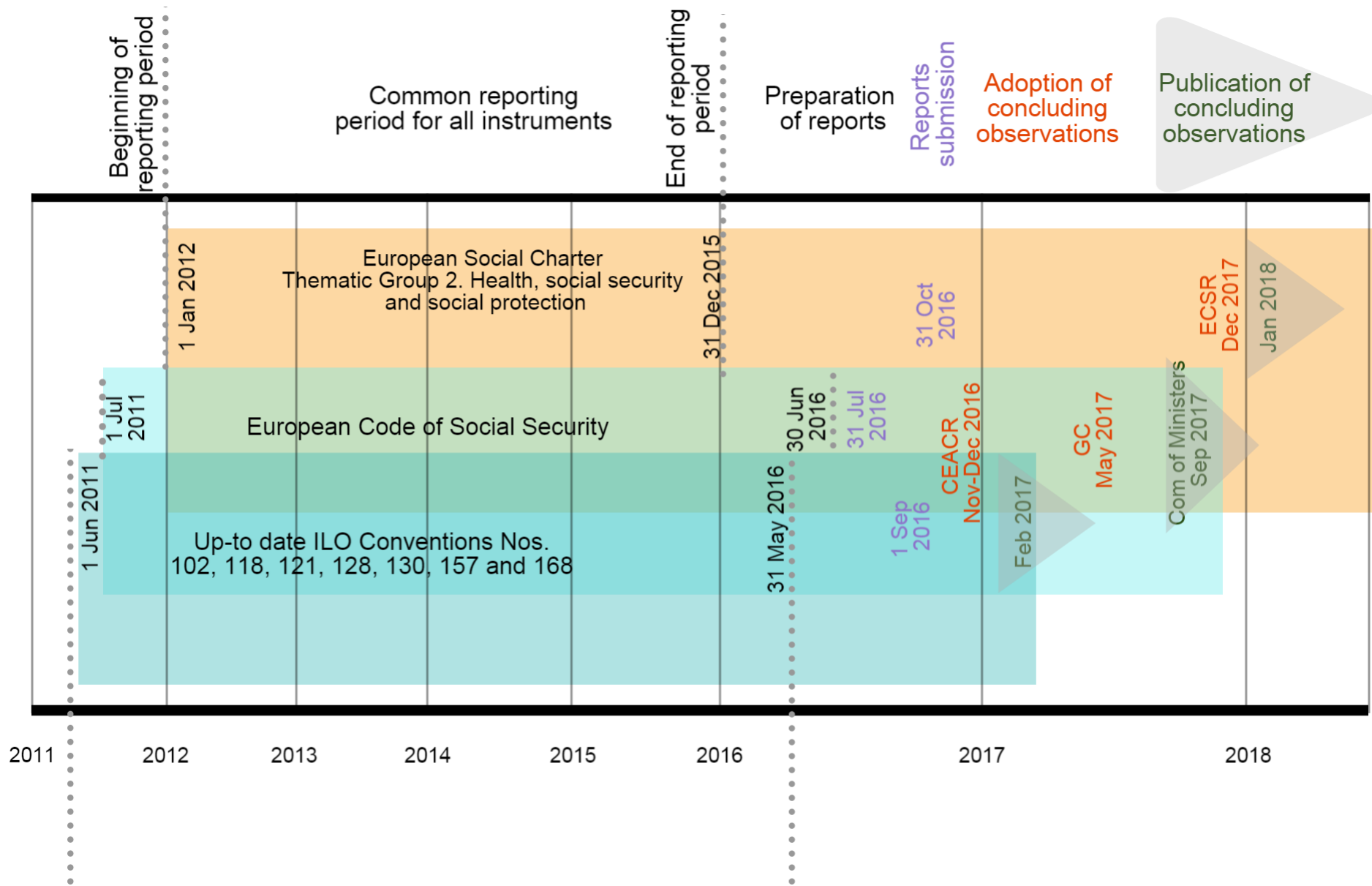
With regard to the coordination of substantive commitments, the Committee recalls that, when drawing up its conclusions on the application of the Code by a specific country, it takes into consideration the relevant comments made by other supervisory bodies, such as the European Committee of Social Rights and the Committee on Economic, Social and Cultural Rights of the United Nations. With a view to facilitating the integrated management of the obligations of Turkey under the social security provisions of the principal European and international treaties on social rights, the Committee refers the Government to the coordination table and the reporting schedules presented in the ILO technical note, as well as to the structured compilation of comments made by the respective supervisory bodies.

Coordination of reporting between the ECSS and C102
Form for the annual report on the European Code of Social Security (as modified
by the Protocol additional thereto)

If a Government is bound by similar obligations as a result of having ratified the Social Security (Minimum Standards) Convention adopted by the 1952 General Conference of the International Labour Organisation, it may communicate of the Council of Europe copies of the reports it submit to the International Labour Office on the implementation of this Convention.

Council of Europe, Strasbourg 1967

Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



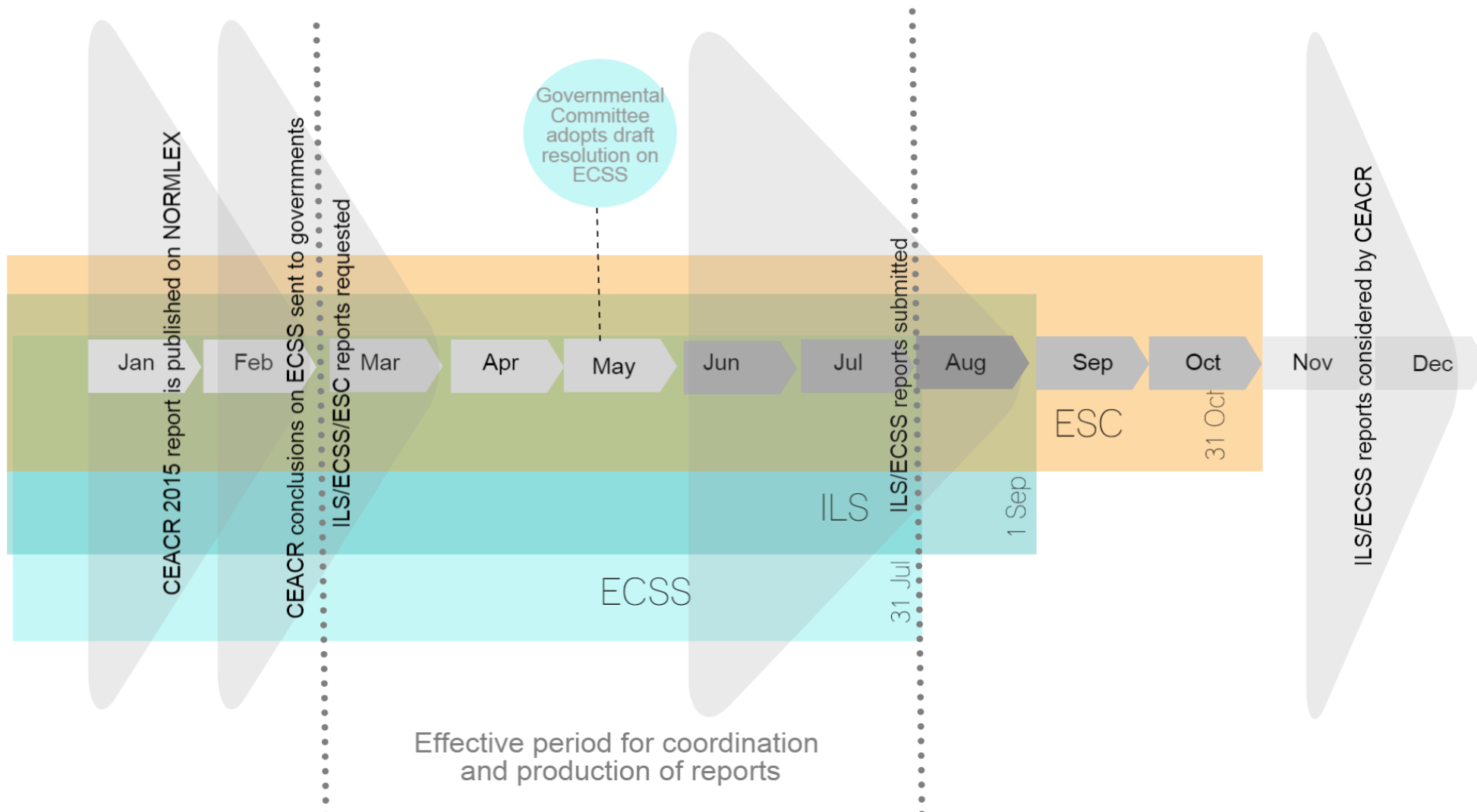


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Turkey](#)
 - [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)
1. **[United Nations](#)**
 - [International Covenant on Economic, Social and Cultural Rights](#)
 - [Convention on the Rights of the Child](#)
 - [Convention on the Elimination of All Forms of Discrimination against Women](#)
 - [Convention on the Right of Persons with Disabilities](#)
 2. **[Council of Europe](#)**
 - [European Social Charter](#)
 - [European Code of Social Security](#)
 3. **[International Labour Organization](#)**

Table 1. In force international treaties on social rights ratified by Turkey

Body	International Treaty	Entry into force for Turkey	Next report due on
United Nations	ICESCR	23 Sep 2003	30 Jun 2016
	Convention on the Rights of the Child	4 Apr 1995	3 May 2017
	Convention on the Elimination of All Forms of Discrimination against Women	20 Dec 1985	Submitted 26 Nov 2014, tbc in 2016
	Convention on the Rights of People with Disabilities	28 Sep 2009	Submitted 3 Aug 2015
Council of Europe	European Code of Social Security	8 Mar 1981	1 Jul - 31 Aug 2016
	European Social Charter (Revised)	27 Jun 2007	31 Oct 2015
International Labour Organization	Convention 102	29 Jan 1975	1 Jun - 1 Sep 2016
	Convention 103		
	Convention 121		
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

<i>Instrument</i>	<i>Supervisory body</i>	<i>Reporting cycle</i>	<i>Comments of body</i>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR); European Committee on Social Rights (ECSR); Governmental Committee (GC) of the ESC and the ECSS; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Periodic reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR); GC of the ESC and the ECSS; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR); Conference Committee on the Application of Standards (CAS).	Periodic reports every 5 years; detailed initial report after one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2011

(the numeration of comments is kept in accordance to the original)

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

16. The Committee is concerned that unemployment in the State party has not decreased despite the economic growth and the implementation, since 2003, of the National Employment Strategy. Moreover, the Committee is concerned that unemployment is particularly affecting young persons (art. 6).

The Committee urges the State party to ensure that any new labour market policies to be adopted by the State party are aimed at providing everyone with opportunities to secure an employment, particularly by:

(a) Implementing the conclusions from a comprehensive review of the past National Employment Strategy;

(b) Allocating more resources for job creation;

(c) Creating more favourable conditions for young people in the labour market through measures such as increases in vocational education opportunities.

In this regard, the Committee refers the State party to its general comment No. 18 on the right to work (2005) and its recommendations on technical and vocational training as contained in general comment No. 13 (1999) on the right to education.

17. The Committee expresses concern at the low level of the minimum wage in the State party, which does not allow for a decent standard of living for the workers and their families (art. 7).

The Committee urges the State party to review its system for determining the minimum wage, with a view to ensuring that it will enable workers and their families to enjoy a decent standard of living. The Committee also urges the State party to ensure, through its labour inspection system, that the minimum-wage standard is effectively enforced.

18. The Committee is concerned that there is a wide wage gap between men and women in the State party and that labour inspections have neither identified nor reported cases of violation of the principle of equal remuneration for work of equal value (art. 7).

The Committee calls on the State party:

(a) To raise awareness of the illegality of the application of different rates for men and women for work of equal value and of the obligation of employers in this regard;

(b) To provide accessible and effective remedies in case of discrimination in remuneration;

(c) To train labour inspectors in the application of the principle of equal remuneration for work of equal value and take other measures to ensure an effective enforcement of applicable legislation.

21. The Committee is concerned that about 20 per cent of the population in the State party does not benefit from any social security coverage. The Committee also regrets that the information provided to it has not enabled the Committee to ascertain to what extent the social security system provides protection against the social risks and contingencies required by the Covenant and as to whether the measures taken have been effective at improving the situation (art. 9).

The Committee requests that the State party include in its next periodic report:

(a) Detailed information on the coverage of the social security system of the State party, referring to the branches enumerated in paragraphs 12 to 21 of the Committee's general comment No. 19 (2007) on the right to social security;

(b) Detailed information on the coverage of the social security system of the State party, including for disadvantaged and marginalized groups, and on the number of holders of health green cards.

22. The Committee expresses concern at the small percentage of older persons who receive pension benefits and at the level of the pension, which does not provide for a decent standard of living for pensioners (arts. 9, 11 and 2, para. 2).

The Committee urges the State party to extend assistance to older persons who do not receive any income and to review the level of the pension benefit so as to ensure that it enables them to enjoy an adequate standard of living. In this regard, the Committee refers the State party to its general comment No. 6 (1995), and requests the State party to include in its next periodic report detailed information on the enjoyment of economic, social and cultural rights by older persons.

28. The Committee expresses concern at the acute shortage of housing in the State party, which is currently estimated at three million units. The Committee also regrets the absence of information on homelessness and inadequate housing in the State party (art. 11).

The Committee calls on the State party to step up efforts, including through the adoption of a national housing strategy, to increase the availability of adequate housing, particularly in view of the fact that the number of houses built under the auspices of the Housing Development Administration (TOKI) meets only 5 to 10 per cent of the housing needs. The Committee also calls on the State party to review the 1984 Mass Housing Act to ensure that it provides an adequate framework for realizing the right to adequate housing.

The Committee requests the State party to include in its next periodic report information on homelessness and on adequacy of housing. The Committee also refers the State party to its general comment No. 4 (1991) on the right to adequate housing.

29. The Committee is concerned that the maternal mortality remains high despite the progress achieved, in particular that a large number of women living in rural areas do not have adequate access to sexual and reproductive health care. The Committee is also concerned that available statistics on reproductive health relate only to married women. The Committee furthermore

regrets the absence of information on the existence of sexual and reproductive health education in the State party (arts. 12 and 10).

The Committee calls on the State party to ensure the enjoyment of reproductive health rights by everyone without discrimination and to consider amending the 2005-2015 Strategic Plan on Fertility Health to include targeted measures and resources to improve access to and provision of sexual and reproductive health services in rural areas. It also calls on the State party to collect data on the reproductive health of all women and girls, irrespective of their age and marital status, and to include in its next periodic report detailed information on sexual and reproductive health education and services. The Committee refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Convention on the Rights of the Child – Concluding observations 2012

[UN OHCHR website link, Treaty bodies database](#)

Allocation of resources

18. While noting the information provided by the State party that the Ministry of Finance is planning to adopt a functional budgeting system over the coming two years, so that all expenditure on children will be more visible, the Committee is concerned about the information that the State party's public social expenditure remains relatively low.

19. **The Committee urges the State party to take into account the recommendations from its Day of general discussion on "Resources for the rights of the child-Responsibility of States," held on 21 September 2007, and to:**

(a) Expedite the amendment of the relevant budgeting procedures in order to ensure that readily identifiable funds are allocated to the maximum extent of available resources for the implementation of the rights recognized in the Convention, further to article 4 thereof;

(b) Clearly state, on an annual basis, in order to enable an evaluation of the impact and effective utilization of expenditure on children, its priorities with respect to child rights and identify the amount and proportion of the budget spent on children – especially those in situations of marginalization – at the national and local levels; provide such information in its next periodic report;

(c) Take measures to increase its public social expenditure to the maximum extent.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2010

[UN OHCHR website link, Treaty bodies database](#)

Employment and economic empowerment

32. The Committee notes the various measures taken by the State party to support the participation of women in the labour market, including through the provision of training and the establishment of incentives, and to facilitate the reconciliation of family and work life, such as the provision of public nursery services for children up to 5 years of age. The Committee remains concerned, however, at the low rate of women's employment, which stood at 22.3 per cent in 2009, and which particularly affects women in urban areas. The Committee notes that the lack of necessary skills and education are among the main factors for the low rate of women's employment. The Committee is also concerned about the discrimination faced by women in employment, as reflected in the hiring process, the persistence of a wide gender pay gap and of occupational segregation, as well as women's concentration in agriculture in rural areas as unpaid family workers with no entitlements within the social security system.

33. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation No. 25. The Committee recommends that the State party continue to take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, through, inter alia, education, training and retraining and effective enforcement mechanisms, and to narrow and close the pay gap. The Committee further recommends that the State party pay particular attention to the conditions of women workers in the informal sector and to unpaid family workers with a view to ensuring their access to social services and social security. It calls upon the State party to improve its legislation banning discrimination within recruitment to employment in order to ensure its effectiveness. It also calls on the State party to provide in its next report detailed information about the measures taken, including the implementation of a Prime Ministry Circular on increasing women's employment and achieving equal opportunity, and their impact on realizing equal opportunities for women.

Health

34. While noting the measures taken to improve women's health, including through the provision of reproductive health services and the reduction of maternal and child mortality rates, as well as the priority accorded to maternal and infant health and family planning services among national programmes, the Committee is concerned that women, particularly in rural areas, continue to face difficulties in accessing health services, which require them to seek the assistance of their spouses or relatives to obtain access to health-care facilities. Women's low social status, economic dependence, and the social stereotyped attitudes and opinions are among the factors contributing to women's poor health in Turkey. The Committee is also concerned at the high prevalence of HIV/AIDS among women, who make

up 30 per cent of those infected. The Committee is further concerned at the increasing rate of suicides among women. In the south-eastern/eastern regions, the Special Rapporteur on violence against women, its causes and consequences notes that such suicides may be intimately linked to violence against women (see A/HRC/4/34/Add.2).

35. The Committee recommends that the State party strengthen implementation of programmes and policies aimed at providing effective access for women to health-care information and services, especially in rural areas. It requests that the State party provide, in its next periodic report, detailed information and data on measures taken to improve women's access to health services, particularly in rural areas, and the impact of these measures, in accordance with the Committee's general recommendation No. 24. The Committee also urges the State party to take comprehensive measures to combat the spread of HIV/AIDS, including preventive measures, and to ensure that women and girls have adequate and proper access to HIV/AIDS counselling and treatment. It requests the State party to provide information on the current rates of women and girls with HIV/AIDS and on the measures undertaken to combat this problem. The Committee requests the State party to take comprehensive measures to address the issue of suicide among women, including preventive measures targeted at the root causes of suicide, and to ensure the provision of psychosocial and other assistance to women. The Committee also requests the State party to provide information on the rates of suicide among women, on any investigations or studies carried out into the root causes for suicide and on measures taken to address the problem in its next periodic report.

Convention on the Right of Persons with Disabilities – Concluding observations

No concluding observations available yet.

2. Council of Europe

European Social Charter

[Official website of the European Social Charter, link to conclusions](#)

Article 1 - Right to work - Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes from the report that GDP growth rate in Turkey grew from 4.7 % in 2007 to 8.9 % in 2010 (despite a contraction of 4.8 % in 2009). The employment rate, whilst remaining very low, increased slightly, from 41.5 % in 2007 to 43.0 % in 2010. The unemployment rate showed a moderate increase between 10.3 % (2007) and 11.9 % (2010). Youth unemployment also increased moderately during the reference period, from 20.0 % in 2007 to 21.7 % in 2010, whilst the long-term unemployment rate¹ (as a percentage of all unemployed persons) remained stable, standing at 26.1 % in 2010. The Committee considers that the labour market situation in Turkey is mixed: whilst there continues being a sustained growth of the economy, this has still not been translated into a significant increase of the employment rate, which persists being very low. Moreover, unemployment levels also remain high, despite having been maintained with moderate increases.

Employment policy

The report provides no information on what active labour market measures are available in general to jobseekers (besides reference to two programmes to promote youth employment and an Action Plan on vocational training). Despite repeated requests, it also fails to provide information on the number of beneficiaries in the different types of active measures, and on the overall activation rate, i.e. the average number of participants in active measures as a percentage of total unemployed. Furthermore, it contains no data as regards expenditure on active labour market policies (as a percentage of GDP). The Committee recalls that in order to assess the effectiveness of employment policies it requires information on the above indicators. As the report contains no information on these matters, the Committee considers that there is nothing to show that employment policies have been adequate in tackling unemployment and in job creation.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 1§1 of the Charter on the ground that it has not been established that employment policy efforts have been adequate in combatting unemployment and in promoting job creation.

Paragraph 3 - Free placement services

In its previous conclusion (Conclusions XIX-1) the Committee found that the situation in Turkey was not in conformity with Article 1§3 of the Charter because notification of vacancies by employers to İŞKUR was subject to the payment of a fee. The present report indicates that no fee is charged by İŞKUR from employers who seek workforce from this organisation. The Committee considers that this clarification brings the situation into conformity with the Charter. It nevertheless asks the next report to indicate the legal basis where it appears that services provided by İŞKUR to employers and employees are free of charge. The total number of

vacancies notified to İŞKUR rose from 186,922 in 2007 to 368,636 in 2010. The placement rate decreased from 59.5% in 2007 to 55.6% in 2010 (111,375 were persons placed through İŞKUR in 2007 and 205,231 persons in 2010). The report indicates that the total number of staff in İŞKUR was 3,189 persons, including both the central offices and those in provincial organisations. The rate of personnel who hold higher education certificates is 80%. The Committee asks how many persons are involved in placement activities, and the ratio of placement staff to registered jobseekers.

The report states that a new Regulation on Private Employment Agencies was adopted in 2008. Private agencies are obliged to forward to İŞKUR on a regular basis statistics on vacancies, jobseekers, placements or any other information on request. Their activities are licensed and supervised by İŞKUR. At the end of 2010 there were 445 private employment agencies in operation.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Turkey is in conformity with Article 1§3 of the Charter.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

The Committee notes the existence of a policy which aims at fostering and preserving a culture of prevention as regards occupational safety and health. It also notes that Act No. 6331 will offer a comprehensive approach to occupational health and safety based on risk prevention, but that it had not reached the implementation stage during the reference period. It therefore asks for detailed information in the next report on this new legislation. It also reiterates its question relating to whether the policy is regularly assessed and reviewed in light of changing risks.

The Committee notes that social partners are consulted in the design and implementation of the occupational health and safety policy. It reiterates its request for information on the functioning and remit of the NOHSC as a body separate from the Tripartite Advisory Board. It also asks for information on workers' representation in undertakings with less than 50 employees.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Turkey is in conformity with Article 3§1 of the Charter.

Paragraph 2 - Safety and health regulations

New regulations on occupational health and safety entered into force during the reference period. They notably refer to workplace physicians and occupational safety experts. These regulations were drafted in consultation with the stakeholders. Sections 126 and 127 of Act No. 1593 of 24 April 1930 on the Protection of Public Health were amended regarding the workers in food businesses by Ministry of Health Decree No. 663 of 11 October 2011. The preparation of Act No. 6331 of 20 June 2012 on occupational health and safety had been started during the reference period. The Committee takes note of this information. It asks that the next report provide detailed and up-to-date information on Act No. 6331.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Turkey is in conformity with Article 3§2 of the Charter.

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Turkey.

Occupational accidents and diseases

The Committee previously noted (Conclusions 2009) that the figures for occupational accidents (6 893) and fatal accidents (1 084) in 2007 were extremely low compared to other States Parties, enquired how statistics on occupational accidents were compiled, and asked that the next report provide also standardised incident rates per 100 000 workers; statistics by sector of activity; and figures on cases of occupational disease.

The report indicates a downward trend in the number of occupational accidents (72 963 in 2008 and 62 903 in 2010) during the reference period. The corresponding standardised incidence rate per 100 000 workers was 829 in 2008 and 627 in 2010, which is excessively low in comparison to the average incidence in other States Parties, as illustrated by the EU-27 (2 269.42 in 2008 and 1 582.71 in 2010). The number of fatal accidents resulting from the abovementioned accidents increased sharply from 865 in 2008 to 1 444 in 2010.

The report refers to positive outcomes of the implemented National Occupational Health and Safety Policy with regard to the decrease in occupational diseases. No more information on occupational diseases was found in the report.

The Committee takes note of this information. It asks that the next report provide detailed information on obligations to report occupational accidents and on any measures taken to counter potential under-reporting in practice. It also reiterates its requests for information on occupational accidents with respect to different sectors of activity and for figures on cases of occupational disease. It further asks for the standardised rate of fatal accidents. The Committee would recall that the absence of the information required amounts to a breach of the reporting obligation entered into by Turkey under the Charter.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 3§3 of the Charter on the ground that measures to reduce the excessive rate of fatal accidents are inadequate.

Paragraph 4 - Occupational health services

The Committee notes that the report does not provide the requested information on how the progressive development of occupational health services is promoted, and that it does not establish the existence, during the reference period, of a strategy to institute occupational health services for all enterprises in all sectors of the economy. Recalling that the report must provide full, updated information on changes that have taken place in the relevant laws and regulations during the reference period, the Committee asks for detailed information in the next report on how Act No. 6331 and relevant regulations ensure that workers in all workplaces, and from all sectors, have access to occupational health services. In particular, it asks for information on the tasks of occupational health services; the proportion of undertakings equipped with such services or sharing them in practice; the number of workers monitored by such as compared to the previous reference period; and any sanctions and supervision mechanisms to ensure that employers comply with legal obligations in the matter.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 3§4 of the Charter on the ground that it has not been established that there is a strategy to institute access to occupational health services for all workers in all sectors of the economy.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Turkey.

Right to maternity leave

The Committee previously noted (Conclusions 2011) that pursuant, to Section 74 of the Labour Act No. 4857, "In principle, female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement and eight weeks after confinement". A similar provision applies to women employed in the public service under Section 104 of the Civil Service Act No. 657. Under Section 16 of the Press Labour Act, female journalists are entitled to maternity leave from the seventh month of their pregnancy until the end of the second month following birth.

Under the Labour Act, the leave can be extended, on the basis of a medical certificate, in case of multiple birth or if required in view of the worker's health condition and the working conditions. On the other hand, the law explicitly allows the prenatal leave to be shortened, with a doctor's consent or in case of preterm delivery, in which case the days not taken before the birth can be added to the postnatal leave. In this connection, while taking note of the pecuniary sanctions provided under Sections 104 and 105 of the Labour Act against employers who would not respect the employee's right to maternity leave, the Committee had requested clarifications as to whether there is a six-week period of compulsory postnatal leave, including for employed women coming under the Press Labour Act.

The Committee recalls that, while national law may permit women to opt for a shorter period of maternity leave, in all cases there must be a compulsory period of postnatal leave of no less than six weeks which may not be waived by the woman concerned. If no such compulsory leave is provided for, legal safeguards must exist to avoid any undue pressure on employees to shorten their maternity leave, in particular legislation against discrimination at work based on gender and family responsibilities, an agreement between social partners protecting the freedom of choice of the women concerned, or other guarantees enshrined in the general legal framework surrounding maternity, for instance a parental leave system whereby either parents can take paid leave at the end of the maternity leave.

The report refers to the possibility to prolonge the maternity leave by an additional leave of six months under Section 74 of the Labour Act, or up to 24 months for civil servants and their spouse, under Sections 104 and 108 of the Civil Service Act No. 657. In both cases, however, such leave is unpaid. The Committee reiterates its request of clarifications as to whether under the relevant laws (Labour Act, Civil Service Act, Press Labour Act) the postnatal leave provided is compulsory or can be shortened at the employee's request. It furthermore asks the next report to provide any relevant statistical data on the average length of maternity leave effectively taken. It reserves in the meantime its position on this point.

Right to maternity benefits

In its previous conclusions (Conclusions 2011), the Committee found that, while women employed in the public sector continue receiving their wage during maternity leave, the situation of women employed in the private sector and receiving maternity benefits under the Social Insurance and Universal Health Insurance Act No. 5510 was not in conformity with Article 8§1 of the Charter on account of the inadequate level of such benefits, corresponding only to 66% of the worker's earnings in the last three months. The Committee noted that were

entitled to this benefit the employed women who had contributed to the insurance scheme for at least 90 days over a period of one year prior to the birth.

In response to this finding, the report explains that the temporary incapacity allowance granted during the maternity leave is calculated on the basis of two thirds of the gross daily income of the employee. For the purpose of this calculation, the daily income which is taken into account cannot be less than the daily minimum wage (that is, for the first half of 2012, TRY 886.50 (€385) / 30 = TRY 29.55 (€13)) and cannot exceed 6.5 times this amount (TRY 29.55 x 6.5 = TRY 192.07 €83)). Accordingly, an employee earning the minimum wage would get as daily maternity allowance the sum of TRY 19.07 (€8) (2/3 of TRY 29.55), which would correspond to 83% of her net wage (TRY 23.37 (€10)).

The Committee takes note of this information, but asks the next report to clarify whether a woman earning more than the minimum wage is also entitled, on the basis of this regime, to an allowance corresponding at least to 70% of her previous wage. As regards the ceiling applying to the allowance, it recalls that a ceiling on the amount of compensation for high salary earners is not, in itself, contrary to Article 8§1. Various elements are taken into account in order to assess the reasonable character of the benefit reduction, such as the upper limit for calculating benefit, how this compares to overall wage patterns and the number of women in receipt of a salary above this limit. It accordingly asks the next report to provide data concerning the percentage of women earning a daily gross wage higher than the upper limit ceiling set by the law (i.e. 6.5 x the daily gross minimum wage), the wage bracket of this category or at least the average monthly wage for executive women. It reserves in the meantime its position on this point.

With reference to its Conclusions 2013 on Article 13, where the Committee had noted that certain provisions of Act No. 5510 only applied to foreign residents under conditions of reciprocity, the Committee asks the next report to clarify whether the provisions concerning the temporary incapacity allowance during maternity leave apply without restrictions to the nationals of States Parties to the Charter who are lawfully residing in Turkey.

In response to the Committee's request for clarification concerning the scope of the Press Labour Act, the report confirms that this Act derogates from the general regime set by the Labour Act No. 4857 and applies to all employees of the press sector. Pursuant to this Act, employed women on maternity leave are entitled to the payment of half their salary by their employer. The Committee asks the next report to provide further information on these provisions, including the conditions of entitlement to the benefits and their level, and considers in the meantime that the level of maternity benefits provided to women employed in the press sector is not adequate.

Furthermore, with reference to its Statement of Interpretation (Statement of Interpretation on Article 8§1, Conclusions 2015), the Committee asks whether the minimum rate of maternity benefits – under the Labour Act, the Press Labour Act and the Civil Service Act – corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 8§1 of the Charter on the ground that the level of maternity benefits provided to women employed in the press sector is not adequate.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

Right of access to health care

The Committee considers that Turkey has embarked on important reforms in the health care system, aiming at developing easily accessible, high-quality, efficient and effective health care services for the population. Although considerable improvements have been made to this end, it finds there are still challenges ahead. In its previous conclusion it requested information on the management of waiting lists and waiting time, as well as on measures to further improve access in rural areas (Conclusions 2009). The Committee reiterates its request for information on these important matters. In the meantime, pending receipt of such information it reserves its position on whether the situation is in conformity with the Charter.

As regards the right to protection of health of transgender persons the Committee received submissions from the International Lesbian and Gay Association (European Region) (ILGA) stating that "in Turkey there is a requirement that transgender people undergo medical treatment, including sterilisation, as a condition of legal gender recognition". It also claims that "the authorities fail to provide medical facilities for gender reassignment treatment (or the alternative of such treatment abroad), and to ensure that medical insurance covers, or contributes to the coverage of such medically necessary treatment, on a non-discriminatory basis". In this respect, the Committee refers to its question on this matter in the General Introduction.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Advisory and educational facilities

Counselling and screening

The Committee takes note of the variety of preventive health services for pregnant women and their children, which include health controls, screening and vaccination. In its previous conclusion, the Committee found that the situation was not in conformity with this provision on the ground that it had not been established that counselling and screening of the population at large as well as children and adolescents, through school medical check-ups, were adequate (Conclusions 2009). The report contains no relevant information on these matters. The Committee must therefore reiterate its finding of non-conformity on this ground. It asks again what mass screening programmes are available in the country, and also what is the situation concerning school health services.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 11§2 of the Charter on the ground that it has not been established that counselling and screening of the population at large as well as of children and adolescents, through school medical check-ups, are adequate.

Paragraph 2 - Advisory and educational facilities – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Turkey in response to the conclusion that it had not been established that counselling and screening of the population at large as well as of children and adolescents, through school medical check-ups, were adequate.

As regards screening, the Committee recalls that it should exist and preferably be systematic for all the diseases that constitute the principal causes of death (Conclusions 2005, Republic of Moldova). The Committee has ruled that "where it has proved to be an effective means of prevention, screening must be used to the full" (Conclusions XV-2 (2001), Belgium).

The report states that a series of programmes has been developed to combat certain chronic diseases, including the Cardiovascular Diseases Prevention and Control Programme, the Global Alliance Programme Against Respiratory Diseases, the Obesity Counteracting and Control Programme and the Diabetes Control Programme. Mention is also made of screening programmes in respect of maternal and child health, such as the "Iron-Like Turkey Programme", the "Programme for the Prevention of D Vitamin Deficiency", the "Hypothyroid Screening Programme", the "Hearing Screening Programme", the "Biotinidase Screening Programme" and the "Hemoglobinopathy Control Program". The Committee asks whether screening programmes are in place for cancerous diseases.

From another source (WHO, Turkey Health System Performance Assessment 2011, May 2012), the Committee notes that the coverage of health services in Turkey has improved in recent years, including in respect of cancer screening, antenatal care and newborn screening. There has been a progressive increase in women undergoing breast and cervical cancer screening – from 940 000 to 1.5 million and from 960 000 to 3.2 million, respectively, between 2007 and 2009).

Nevertheless, in the absence of up-dated information in the report, the Committee asks that the next report contain detailed statistical information on the results achieved through the above-mentioned programmed and any other existing mass screening programmes, including information on coverage rates (number of persons screened from the target population and on the impact of the screening programmes (impact on early diagnosis rates, survival rates, etc.). Meanwhile, it reserves its position on this point.

With respect to free medical supervision during schooling, the Committee recalls that its assessment takes into account the frequency of medical checks, their objectives, the proportion of pupils concerned and the level of staffing (Conclusions XV-2 (2001), France).

The report states that school health services are shared between family physicians and Community Health Centres and that there are legal arrangements about school health services in Turkey, without however going into any further detail. The Ministry of Education, the Ministry of Health and the Ministry of Agriculture conduct health programmes in schools together with non-governmental organizations. In this context the Ministry of Education and the Ministry of Health have signed a "Cooperation Protocol on School Health Services". The report further states that the health situation of pupils in primary and secondary schools "is controlled throughout the country."

In view of the lack of detail allowing a proper assessment of the situation, the Committee asks that the next report contain full information on health services provided during schooling, including on the frequency of medical checks, their objectives, the proportion of pupils concerned and the level of staffing. Meanwhile it reserves its position also on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Prevention of diseases and accidents

Concerning drugs, the state policy is set out in "The National Policy and Strategy in Combatting Addictive Substances and Addiction" for the period 2006-2012. The Committee asks to be kept informed on the implementation of this policy, namely on its impact concerning trends in drug consumption.

In its last conclusion, the Committee found that the vaccination schedule in Turkey was in conformity with the Charter (Conclusions 2009). As the current report contains no information on this, the Committee recalls that updated information on national immunisation programmes, as well as on measures to prevent epidemic diseases should be included in every report.

The Committee asks the next report to include information on measures taken to prevent domestic accidents, accidents at school and accidents during leisure time.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Turkey is in conformity with Article 11§3 of the Charter.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Risks covered, financing of benefits and personal coverage

As regards the personal coverage of the social security system, the Committee notes from the report that 87% of the population is covered.

Healthcare

As regards the personal coverage of the entire healthcare system, according to the report at the end of 2011 the total number of all insured persons, including the general system as well as the green card system stood at around 72 million persons, or around 98% of the population by the Committee's estimation.

Unemployment

The Committee recalls that the adequacy of unemployment benefit is inter alia also established by considering whether there is a reasonable initial period during which an unemployed person may refuse a job or a training offer not matching his/her previous skills without losing his/her unemployment benefits. The Committee asks whether the legislation provides for such a reasonable period.

Old-age

The Committee notes from the report under the European Code of Social Security that in 2010 the total number of insured persons, including employees on a service contract, self-employed as well as public servants stood at around 16 million persons. The Committee asks what is the share of total insured out of the total active population.

Sickness

According to the report, personal coverage amounted to around 13 million in 2009. The Committee notes from the report under the European Code of Social Security that the total number of the insured against sickness risk stood at 13.5 million in 2010. The Committee asks what is the share of the total insured out of the total active population.

Adequacy of the benefits

In its previous conclusion the Committee asked for information regarding the minimum levels of income replacement benefits as well as the level of poverty line. The Committee notes from the report that the poverty line, defined as 50% of the gross domestic product per capita stood at TL 729 (€364) in 2011. The Committee notes from another source that the poverty threshold, calculated as 50% of the median value of the consumption expenditure per equivalent household, defined as relative poverty line, stood at TL 4 069 in 2011 (TL 339 or €169 per month). The Committee will take this indicator into account when assessing the adequacy of income-replacement benefits. As regards unemployment benefit, according to the report it amounted to around 40% of the daily average gross wage. As the minimum monthly wage was determined at 796,50 TL (€398) for the period between 1 January 2011 and 30 June 2011, the minimum level of unemployment benefit calculated on the basis of the minimum wage amounted to TL 332 (€159) in 2011. As regards old-age benefit, according to MISSCEO the minimum pension stood at 35% of the average monthly salary. The Committee notes from the supplementary information provided by the Government that in 2011 the minimum pension stood at TL 782.40 (€372). The Committee notes that the level of the minimum pension is substantially higher than the above mentioned poverty threshold. However, it also notes that there is a discrepancy between the information provided in MISSCEO and that provided in the report. Therefore, the Committee asks for clarification and updated figures on the minimum pension for the reference period. As regards sickness benefit, the Committee notes from the report under the European Code of Social Security that the daily limits of the benefit are set out in Article 82 of the Law No. 5 510. Lower limit of the daily earning is one thirtieth of the minimum wage and the upper limit is 6.5 times the lower limit of daily earning. The Committee ask the next report to confirm that the minimum level of sickness benefit will never fall below the level of minimum wage. The Committee notes that the minimum levels of income-replacement benefits range between 40% and 50% of the median value of the consumption expenditure per equivalent household. The Committee asks the next report to provide updated information regarding the minimum levels of these benefits, calculated on the basis of the minimum wage as well as the information on any supplements (e.g. housing assistance) paid to persons who receive the minimum levels of these benefits.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

Turkey has ratified the European Code of Social Security and its Protocol on 7 March 1980 and has accepted parts I, II, III, V, VI, VIII, IX, X, XI, XII, XIII and XIV of the Code. The Committee notes from Resolution CM/ResCSS(2012) 18 of the Committee of Ministers on the application of the European Code of Social Security and its Protocol by Turkey (period from 1 July 2010 to 30 June 2011) that the law and practice in Turkey continue to give full effect to the parts of the Code which have been accepted, as amended by the Protocol, subject to receiving the information requested regarding maternity benefit.

Conclusion

The Committee concludes that the situation in Turkey is in conformity with Article 12§2 of the Charter.

Paragraph 3 - Development of the social security system

As regards developments in the area of health insurance, the Committee takes note of measures taken with a view to widening the scope of coverage and making the system more accessible. Under the Law No. 5 510 all insured persons can benefit from health services on an equal footing. Moreover, preventive healthcare is also covered. As regards children, they can benefit from healthcare notwithstanding whether universal health insurance premium has been paid or not. Healthcare provided under the universal coverage includes all types of care except for aesthetic.

Persons whose universal health insurance has been ended are registered by the social security institution and are thus obligatorily taken again under the coverage of universal health insurance system.

As regards the premium, its payment and its amount is decided on the basis of a means test. The premium of the persons whose monthly income per capita in a family is less than one third of the gross minimum wage is paid by the state. Individuals who benefit from Unemployment Insurance Law are also covered by the system. As regards old age insurance, according to the report, without changing the fundamental structure of the pension system, some rules, such as monthly pension assignment and number of premium days for retirement have been amended in order to make the pension system sustainable.

The Committee further takes note of measures taken with a view to combating informal employment. These measures have included, among others, raising of administrative fines for unregistered work, providing incentives to register in agricultural work, obligation of salary payment through the bank etc.

The Committee observes that these measures have been directed towards increasing the personal coverage of social security risks. The Committee refers to its conclusion under Article 12§1 and asks for statistics showing how these measures have affected the personal coverage of social security system in its unemployment, sickness and maternity branches.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Turkey is in conformity with Article 12§3 of the Charter.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Types of benefits and eligibility criteria

The Committee takes note of the developments in the social security system, which mostly started to be effective at the end of the reference period or beyond it, but finds that the information provided is insufficient to assess whether the new social assistance system complies with the Social Charter. The Committee notes from the report on Article 12 that all Turkish citizens who were not covered by contributory health insurance and could not afford to pay for health services were entitled to the "green card", financed by the state budget and covering the costs of in-patient and out-patient treatments, including medical exams and consultations, dental care and prosthesis, optical services and medicines. According to the report, the green card system did not cover the medical expenses of certain categories of inactive people, such as higher education students and conscripts.

The Committee understands that specific health coverage arrangements apply to such categories and asks the next report to confirm that this is the case, to clarify whether, under the

new system, there are people not entitled to health coverage (either under the contributory or the non-contributory system) and to provide any available relevant data in this respect. It reserves in the meantime its position on this issue.

Level of benefits

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit: according to MISSCEO, Turkey did not have during the reference period a general social assistance scheme providing for a minimum amount of social assistance that would be paid to a single person without resources. In the information provided to the Governmental Committee (Governmental Committee, Report concerning Conclusions 2009, Doc.T-SG(2011)1 final, §323), the authorities indicated that the new system to be introduced would provide for a subsistence payment, whose amount would be calculated on the basis of the poverty threshold, as determined by the Turkish statistics institute every year. However, the report does not indicate that such a system was yet in force in the reference period and it does not provide any data concerning the benefits paid to a single person without resources (other than old age pensioners or disabled people).
- Additional benefits: according to the information provided to the Governmental Committee (see above), the new social assistance system would provide for a rental assistance, amounting up to 50% of the statutory minimum wage for families in need, renting their accommodation. The report however does not confirm the entry into force of this or other benefits during the reference period.
- Medical assistance: see above.
- Relative Poverty threshold (defined as 50% of the median value of the consumption expenditure per equivalent individual): it stood at TRL 366 per month in 2011 (€177 at 1 January 2011, €148 at 31 December 2011).

In the light of the information above, the Committee reserves its position as to whether the level of social assistance is adequate.

Right of appeal and legal aid

The Committee asks the next report to specify whether an appeal is possible against all decision concerning social and medical assistance, and reiterates its previous request for relevant data on the appeals lodged and for information about the availability of legal aid.

Personal scope

The Committee points out that foreigners who are nationals of Contracting Parties, lawfully residing in the territory of another Party and lacking adequate resources, must enjoy an individual right to appropriate assistance on an equal footing with nationals without the need for reciprocity. Accordingly, the Committee asks the next report to confirm that nationals of Contracting Parties to the Charter, lawfully residing in Turkey, enjoy social and medical assistance rights on an equal footing with Turkish nationals, without any condition of reciprocity. It furthermore asks the next report to provide more detailed information, as well as any relevant statistical data, on the applications for social and medical assistance filed by foreign residents from Contracting Parties and the number of requests leading to the granting of social and medical assistance. In the meantime, it holds that foreign nationals, lawfully resident in Turkey are not entitled to social and medical assistance on an equal footing with Turkish nationals.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 13§1 of the Charter on the grounds that, during the reference period,

- there was no legally established general assistance scheme that would ensure that everyone in need had an enforceable right to social assistance;
- foreign nationals of other States Parties, lawfully residing in Turkey, were entitled to social and medical assistance on an equal footing with Turkish nationals only under condition of reciprocity.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

It notes from the report that there have been no changes to the situation which it has previously considered to be in conformity to the Charter: the beneficiaries of social and medical assistance are not exposed to any restriction in their political and social rights because of that.

Conclusion

The Committee concludes that the situation in Turkey is in conformity with Article 13§2 of the Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

According to the report, there are no services specifically addressed at people without resources or at risk of becoming so, but this kind of services are provided within the framework of the general social services. As the Committee had previously noted (Conclusions 2009), the report confirms that the General Directorate of Social Assistance and Solidarity has indeed the task of establishing social assistance strategies aimed at fighting poverty; alleviating poverty and its consequences through social assistance programmes; establishing a central social assistance database and the relevant objective standards; carrying out social assistance activities and performing the income test for the universal health insurance, implementing the Law No. 3 294 on Social Assistance and Solidarity Fund. The Social Assistance and Solidarity Encouragement Fund finances 937 Social Assistance and Solidarity Funds established in all the provinces and counties across the country with the mandate of granting cash and in-kind assistance to people in need and performing research studies in accordance with the above mentioned Law No. 3 294. The Committee asks the next report to provide updated and comprehensive information on the assistance provided by Social Assistance and Solidarity Funds, i.e. to confirm that they provide, free of charge, advice and personal assistance in the meaning of Article 13§3 to people without resources or at risk of becoming so.

According to the report, the total expenditure on social assistance and services was 1.38% of the GDP in 2010. In this respect, the Committee reiterates its question as to whether the resources allocated to social services are sufficient to give appropriate assistance as necessary.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Turkey is in conformity with Article 13§3 of the Charter.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

Organisation of the social services

Given the recent establishment of the Ministry, the single application of social benefits and services is still in progress. The Committee notes that new legislation is to be adopted soon and asks for the next report to provide detailed information on this legislation and its implementation.

Effective and equal access

The Committee previously asked detailed information on how decisions on the provision of social services were taken. The present report answers partially to this question by focusing on the particular case of the elderly and disabled persons. Given that the setting up of a general social services system is ongoing, the Committee asks the next report to explain how, generally speaking, decisions concerning the provision of social services are taken.

Concerning the issue of access to social services for nationals of other States Parties, the report once again provides a partial answer by only mentioning the case of the elderly, asylum seeker/refugee and unaccompanied children. The Committee asks the next report to provide information, on whether and how, nationals of other States Parties have access to social services.

The Committee reiterates its question on the geographical distribution of the services. Should the next report not provide the information requested, there will be nothing to establish that the situation is in conformity with Article 14§1 of the Charter. In view of the as yet uncompleted legislative reforms and the outstanding information requested, the Committee considers that it has not been established that there exists an effective and equal access to social services.

Quality of services

In its last conclusion, the Committee asked information on the qualification and number of staff in social services, but the report fails to answer to these requests. The Committee wishes also the next report to indicate the ratio of staff to users. The report is also silent on supervision mechanisms in charge of ensuring the adequacy of services, public as well as private. The Committee asks that all the information requested be included in the next report. Should the next report not provide the information requested, there will be nothing to establish that the situation is in conformity with Article 14§1 of the Charter. The Committee asks also whether there is any legislation on personal data protection.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 14§1 of the Charter on the ground that it has not been established that there exists an effective and equal access to social services.

Paragraph 1 - Promotion or provision of social services – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Turkey in response to the conclusion that it had not been established that there existed an effective and equal access to social services (Conclusions 2013).

The Committee recalls that effective and equal access to social services implies an individual right of access to counselling and advice from social services shall be guaranteed to everyone. Access to other kinds of services can be organised according to eligibility criteria, which shall not be too restrictive and in any event ensure care for those who lack personal capabilities and

means to cope. The goal of welfare services is the well-being, the self-sufficiency and the adjustment of the individual and groups to the social environment. The rights of the client shall be protected: any decision should be made in consultation with and not against the will of the client; remedies shall be available in terms of complaints and a right to appeal to an independent body in urgent cases of discrimination and violation against human dignity. Social services may be provided subject to fees, fixed or variable, but they must not be so high as to prevent the effective access of these services. For persons lacking adequate financial resources in the terms of Article 13§1 such services should be provided free of charge. The geographical distribution of these services shall be sufficiently wide and they must be guaranteed to all nationals of other States Parties who are lawfully resident or regularly working in the territory on an equal footing with nationals. (Statement of interpretation on Article 14§1, Conclusions 2009).

The report states that the procedure and principles for discharging of social services in Turkey are regulated by the Social Services and Society for the Protection of Children Code No. 2828. According to the Code, social services are delivered to unprotected and needy families, children, persons with disabilities, the elderly and other target groups. The report also confirms that nationals and foreigners are entitled to social services on an equal footing indicating that the Social Services and Society for the Protection of Children Code contains no provision discriminating between nationals and foreigners.

Otherwise, however, the report adds little to the information already examined by the Committee in its previous conclusion, in particular on the establishment in 2011 of the new Ministry of Family and Social Policy. The information provided on health insurance and social security concerns mainly Articles 11 and 12 of the Charter. Information is still lacking on any eligibility criteria for social services and the decision-making procedure, including appeals possibilities, on the resources available to the social services (financial and human) and on their geographical distribution. Figures are needed on the number of beneficiaries broken down by type of service, on staff and on expenditure. In the absence of this information the Committee reiterates its finding of non-conformity.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 14§1 of the Charter on the ground that it has not been established that there exists an effective access to social services.

Paragraph 2 - Public participation in the establishment and maintenance of social services

In its last conclusions, the Committee asked to be informed of the procedures that are to be followed by non-public service providers and the requirements they must satisfy to be allowed to offer services. The present report explains in detail these procedures in relation only to disabled persons and children. The Committee considers that in view of the lack of information and taken into account that the implementation of the Decree Law is still in progress, it has not been established that the conditions under which non-public providers take part in the provision of welfare services are in conformity with Article 14§2 of the Charter.

The Committee also wishes to know whether and how the Government ensures that services managed by the private sector are effective and are accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

In its last conclusions, the Committee asked information on the financial measures taken to promote the activities of voluntary organisations. Given the absence of an answer, the

Committee asks the next report to indicate the requested data. Should the next report not provide the information requested, there will be nothing to establish that the situation is in conformity with Article 14§2 of the Charter.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 14§2 of the Charter on the ground that it has not been established that the conditions under which non-public providers take part in the provision of welfare services are adequate.

Paragraph 2 - Public participation in the establishment and maintenance of social services - Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Turkey in response to the conclusion that it had not been established that the conditions under which non-public providers take part in the provision of welfare services were adequate (Conclusions 2013).

The Committee recalls that Article 14§2 requires States to provide support for voluntary associations seeking to establish social welfare services (Conclusions 2005, Statement of Interpretation on Article 14§2). This does not imply a uniform model, and States may achieve this goal in different ways: they may promote the establishment of social services jointly run by public bodies, private concerns and voluntary associations, or may leave the provision of certain services entirely to the voluntary sector. The "individuals and voluntary or other organisations" referred to in paragraph 2 include, the voluntary sector (non-governmental organisations and other associations), private individuals, and private firms. Moreover, in order to control the quality of services and ensure the rights of the users as well as the respect of human dignity and basic freedoms, an effective preventive and reparative supervisory system is required.

The report states that the participation of individuals and voluntary organizations in the establishment and maintenance of social services is foreseen by Decree Law No. 633/2011 conferring responsibility to the Ministry of Family and Social Policy in these matters. Under the Decree Law the Ministry identifies the principles, methods, and standards for the provision of social services and assistance activities by voluntary organizations as well as by natural and legal persons. The Ministry is also responsible for the inspection of social services and assistance carried out by these actors and ensures their compliance with predefined principles, methods, and standards.

In reply to the Committee's question, the report confirms that all services managed by the private sector are accessible on an equal footing to all regardless of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

The Committee notes that tax-exempt statute may be granted by the Council of Ministers to associations which pursue "public benefit". Public benefit association statute is also granted by the Council of Ministers upon the advice of the relevant Ministry and the Ministry of Finance and on the proposal of the Ministry of Internal Affairs. In order to obtain public benefit statute, an association must be operating at least for a year and must pursue public benefit (Section 27, Law No. 5253).

While acknowledging the information provided, the Committee asks that the next report contain more detailed information on the types of social services provided by voluntary associations and individuals and on the number of beneficiaries of these services. It also wishes to receive information on the public and/or private funding set aside for encouraging

participation by voluntary associations and individuals in social services provision and on the results of the supervision carried out by the public authorities. Finally, it asks whether and how the users of social services are consulted on questions concerning the organisation and delivery of social services. Meanwhile, the Committee reserves its position as to the conformity of the situation.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

Paragraph 1 - Education and training for persons with disabilities

No current data is available neither on the total number of persons with disabilities nor the number of persons with disabilities of 0-18 years of age. In order to assess the effective access to education and vocational training for persons with disabilities, the Committee wishes to be informed in the next report on these data.

The report indicates that the word 'disability' has been added to Article 122 of the Turkish Criminal Code under the section on "Discrimination" since the entry into force of Law No. 5378 on Persons with Disabilities, dated 7 July 2005. The Committee wishes to have further information on this anti-discrimination legislation and its implementation in relation to disability and education. Meanwhile, it reserves its position on this point.

The Committee recalls its case law, according to which "Persons with disabilities (children, adolescents, adults) must be integrated into mainstream facilities; education and training must be made available within the framework of ordinary schemes and, only where this is not possible, through special schools". According to the report, for the academic year 2009- 2010 there were 1136 special education institutions with 7579 teachers for 61 801 students with disabilities. In order to assess the effective access to education for persons with disabilities, the Committee asks the next report to indicate the number of persons with disabilities in mainstreaming education, including higher education.

The Committee wishes to be informed in the next report on the number of persons with disabilities in vocational training, including higher education.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Employment of persons with disabilities

Employment of persons with disabilities

The report states that in 2010 there were 32,257 persons with disabilities employed in both the public and private sectors. The report, further, indicates that in 2010 there were 18,787 persons with disabilities employed as civil servants. The Committee wishes to know whether these figures correspond to ordinary employment, sheltered employment or to both and asks the next report to indicate separately the number of persons with disabilities in ordinary employment and in sheltered employment. In order to better assess the employment of persons with disabilities, the Committee asks the next report to provide the number of working age persons with disabilities.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Integration and participation of persons with disabilities in the life of the community

The Committee wishes to be informed on how disabled persons are represented and consulted in governmental bodies at national and local level.

The Committee asks the next report to provide further details on all benefits and other forms of financial assistance available to persons with disabilities.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2015

Economic protection of families

Family benefits

In its previous conclusion (Conclusions 2011), the Committee considered that the situation was not in conformity with Article 16 because Turkey had no general system of family benefits. Only civil servants and workers covered by collective agreements were eligible for such benefits. The Committee had noted that a draft law was being prepared and requested information on its content, entry into force and implementation.

The Committee notes from the report that, although the setting up of a general system of family benefits remains on the agenda, the situation did not change during the reference period and remains therefore in breach of Article 16 of the Charter.

Vulnerable families

The Committee recalls that States are required to ensure the protection of vulnerable families such as single-parent families and Roma families, in accordance with the principle of equality of treatment. As the report does not provide the information requested on the measures taken in this respect, the Committee reiterates its question and holds that, should the next report fails once more to provide this information, there will be nothing to prove that the situation is in conformity with the Charter on this issue.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 16 of the Charter on the grounds that:

- it has not been established that associations representing families are consulted when framing family policies;
- there is no general system of family benefits.

Article 23 - Right of the elderly to social protection – Conclusions 2013

Legislative framework

The Committee previously asked whether anti-discrimination legislation (or an equivalent legal framework) to protect elderly persons outside the field of employment existed, or whether the authorities plan to legislate in this area. The report provides no information on any such

legislation. Therefore, the Committee concludes that the situation is not in conformity with the Charter in this respect.

Adequate resources

When assessing adequacy of resources of elderly persons under Article 23, the Committee takes into account all social protection measures guaranteed to elderly persons and aimed at maintaining the income level allowing them to lead a decent life and participate actively in public, social and cultural life. In particular, the Committee examines pensions, contributory or non-contributory, and other complementary cash benefits available to elderly persons. These resources will then be compared with median equivalised income. However, the Committee recalls that its task is to assess not only the law, but also the compliance of practice with the obligations arising from the Charter. For this purpose, the Committee will also take into consideration relevant indicators relating to at-risk-of-poverty rates for persons aged 65 and over. The Committee notes from another source¹ that the poverty threshold, calculated as 50% of the median value of the consumption expenditure per equivalent household, defined as relative poverty line, stood at TL 4 069 in 2011 (TL 339 or €169 per month). The Committee will take this indicator into account when assessing the adequacy of income-replacement benefits.

As regards old-age benefit, according to MISSCEO the minimum pension stood at 35% of the average monthly salary. Calculated on the basis of the minimum wage, it amounted to TL 278 (€139) per month in 2010. However, according to the supplementary information submitted by the authorities the minimum pension amounted to TL 782.40 (€284) per month in 2011. The Committee notes that this is substantially higher than the above-mentioned poverty thresholds and asks for clarification of the amount of the minimum pension as there is a discrepancy between the information available from MISSCEO and that provided by the authorities. It also asks for information on the conditions for entitlement to the minimum pension as well as the share of elderly persons in receipt of such a pension.

According to this information those who do not receive a pension (those who have never worked) must rely on social assistance. The report under Article 13 provides some information on social assistance for elderly persons. However the Committee needs further information in order to assess the situation, it asks the next report to provide full information on all assistance available to elderly persons not in receipt of a pension, including information on the conditions for receipt of such assistance.

Healthcare

The Committee recalls the importance of establishing health care programmes and services (in particular primary health care services) specifically aimed at the elderly, as well as guidelines on health care for elderly persons. In particular, there should be mental health programmes for any psychological problems in respect of the elderly, adequate palliative care services and special training for individuals caring for elderly persons. . The Committee therefore asks for more information on these matters in the next report. Information should also be provided on any measures taken on improving accessibility and quality of geriatric and long term care, or on the coordination of social and healthcare services in respect of the elderly.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 23 of the Charter on the ground that it has not been established that there is legislation protecting elderly persons from discrimination on grounds of age.

Article 23 - Right of the elderly to social protection – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by Turkey in response to the conclusion that it had not been established that there was legislation protecting elderly persons from discrimination on grounds of age.

The Committee recalls that anti-discrimination legislation should exist at least in certain domains protecting persons against discrimination on grounds of age. The focus of Article 23 is on social protection of elderly persons outside the employment field it requires States Parties to combat age discrimination in a range of areas beyond employment, namely in access to goods, facilities and services (Conclusions 2009, Andorra).

The report states that a draft Law on Combating Discrimination and Establishing an Equality Body is being prepared but has still not been adopted. It adds that there are anti-discrimination clauses in the Constitution and in various criminal, administrative and civil laws, which provide protection on varying grounds. According to the report, Article 10 of the 1982 Constitution provides an open-ended list of enumerated protected grounds. A 2010 amendment to this provision allows positive measures to be adopted for the elderly and persons with disabilities and to ensure equality between men and women.

While acknowledging the legislative developments accomplished and underway, the Committee understands that comprehensive anti-discrimination legislation to specifically protect elderly persons outside the field of employment still does not exist. It therefore holds that the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 23 of the Charter on the ground that there is no anti-discrimination legislation to protect elderly persons outside the field of employment.

Article 27 -- Right of workers with family responsibilities to equal opportunity and treatment - Conclusions 2015

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by Turkey.

Conditions of employment, social security

In its previous conclusion the Committee asked whether workers were entitled to social security benefits under the different schemes, in particular health care, during periods of childcare leave. The Committee notes that the report does not provide this information. It considers therefore that it has not been established that workers on parental leave are entitled to social security benefits.

The Committee further asks to what extent period of leave due to family responsibilities are taken into account for determining the right to pension and for calculating the amount of pension.

Child day care services and other childcare arrangements

In reply to the Committee question in the previous conclusion the report states that private nurseries and day care centres as well as private child clubs are inspected once a year in line

with the provisions of the Regulation No 22781 on Principles of Establishment and Operating of Private Nurseries and Day Care Centres and Private Child Clubs.

As is included in the Strategic Objectives of the Ministry for 2013-2017, it is envisaged to establish the system of self-assessment and reporting for the implementation of minimum standards and for effective and result-oriented monitoring so as to enhance the satisfaction of the beneficiaries.

Conclusion

The Committee concludes that the situation in Turkey is not in conformity with Article 27§1 of the Charter on the ground that it has not been established that workers on parental leave are entitled to social security benefits.

Article 30 - Right to be protected against poverty and social exclusion – Conclusions 2013

Measuring poverty and social exclusion

According to the report, one of the indicators used by the authorities to measure poverty is the relative poverty rate. The previous report stated that in 2004, 14.18% of the population were living below the at-risk-of-poverty threshold. In the period between 2004 and 2009 the rate underwent various changes, it has increased and decreased and the final indicator for 2009 is 15.12% which is higher than that reported for 2004.

Another indicator is the so-called hunger line. In 2004, 1.29% of the population was living below the hunger line, while in 2009 it was only 0.48% . The report specifies that this line refers to the cost of a package including staple food products required for a person to maintain his/her life.

However, according to Eurostat, the at-risk-of poverty rate was 26% in 2003 and 26.5% in 2006 (no further information on following years is available), which is significantly above other European countries (the EU average in 2011 was 16.5% for EU-27).

The report provides information on certain vulnerable groups such as people with disabilities and in the report under Articles 13 and 14 references are made to the progress on issues concerning children and women. There is no information on the situation of ethnic minorities and single mothers. The Committee recalls that Article 30 does not only cover poverty, but also social exclusion and the risk of social exclusion. It asks that the next report contain information on indicators used to measure the nature and extent of social exclusion.

Approach to combating poverty and social exclusion

The Committee previously asked for more information about the impact of any measures taken in terms of reducing poverty and, in particular, social exclusion and for more details on what has been done to integrate the various benefits and services across the policy areas referred to in Article 30, such as employment, housing, training, education and culture, and asked for quantified indicators of the means deployed, the number of beneficiaries and the results achieved for each of the measures concerned.

In reply, the report refers to the newly created Ministry of Family and Social Policy which is now responsible for the provision of education, consulting and social assistance to families in order to support children and their upbringing in the household and to eliminate discrimination against women, preserve and develop women's human rights, ensure women to benefit from all rights, opportunities and privileges in all domains of social life as equal members among other functions. The Committee repeats its request for the information on the measures developed, the number of beneficiaries and the results achieved.

In the sphere of social and medical assistance, compulsory health insurance for Turkish citizens who do not have any social security, started on 1 January 2012. After this date, some 9 320 000 persons, were given a green card according to Law No. 3 186 and benefited from free medical care (expenses were financed by the Ministry of Health). The Committee refers in this respect to its conclusion under Article 13§1.

The Committee asks that the next report contain more detailed information on measures taken to combat poverty and social exclusion, including on their results, on the resources allocated and on how they are integrated within the framework of a coordinated and overall approach. Meanwhile, it reserves its position as to whether the measures are adequate in light of the level of poverty in Turkey.

Monitoring and assessment

The Committee notes that an "e-state application" has been introduced by the General Directorate of Social Assistance of the Ministry of Family and Social Policy in order to share institutional (online) data which is oriented towards detecting poverty. The aim of the Project is to collect data in respect of social assistance applications. The Committee wishes to receive an explanation of this project and asks how it contributes to monitoring and assessing poverty and social exclusion.

In its last conclusion, the Committee asked for information, backed up by practical examples, on how individuals and voluntary associations take part in assessing measures to combat poverty. The report does not provide any information on this issue.

The Committee recalls that Governments must show how they monitor and evaluate poverty reduction measures as well as provide information on the results of such monitoring and evaluation (including on any changes/adaptations undertaken in consequence). It therefore asks for comprehensive information in the next report on all the elements of the system for assessing and monitoring measures to combat poverty and social exclusion.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

European Code of Social Security

Resolution CM/ResCSS(2015)20 on the application of the European Code of Social Security by Turkey

(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers' Deputies)

[Link to adopted by the Committee of Ministers resolutions](#)

The Committee of Ministers notes:

I. concerning Part II, Medical benefits, that as of 2012, all residents are covered under a universal health insurance programme introduced in 2008. The reform focuses on the extension of health insurance coverage to all citizens as well as on the improvement in the quality and the efficiency of the health system by addressing the fragmentation of the health system. Key elements of the universal health insurance include compulsory participation with contributions based on level of income; workers earning less than one third of the minimum wage and who receive unemployment benefit will receive all health services at no cost; children are automatically entitled to health insurance until age 18;

II. concerning Part VIII, Maternity benefit, Cost sharing, that while there is no co-payment for general care or hospitalisation, the insured must pay 5 Turkish Lira (TRY) for out-patient specialist care in public hospitals; TRY12 in private hospitals. Prescription drugs are fully reimbursed for certified chronic conditions and emergency room visits. The insured pays 20 per cent (10 per cent for pensioners) of the cost of all other prescription drugs;

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Determination of the reference wage, that the previous reports did not contain any information concerning the use of Articles 65 or 66 of the Code in calculating the replacement level of benefits;

IV. concerning social security and the reduction of poverty, that, in 2013, 22.3 per cent of the population and 36.3 per cent of persons under 18 years of age had income below the at-risk-of-poverty threshold (€195 calculated at 60 per cent of the median equivalised income);

Finds that the law and practice in Turkey continue to give full effect to all Parts of the Code that have been accepted, subject to determining the reference wage used for calculating the replacement level of benefits;

Decides to invite the Government of Turkey:

I. concerning Part II, Medical benefits, to indicate in its next report whether the reform also helped to improve the financial sustainability of the healthcare system by reducing deficits, improving collection of contributions and stabilising health expenditures;

II. concerning Part VIII, Maternity benefit, Cost sharing, to confirm that no such cost sharing is required in respect of medical care provided in case of maternity, as specified in Article 49 of the Code;

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Determination of the reference wage, to establish, in its next report, the method it will be using for determining the reference wage of the standard beneficiary under Articles 65 and 66 of the Code and to recalculate in the next detailed report the replacement level of benefits provided under each accepted Part of the Code on the basis of this reference wage. In doing so, the government may wish to refer to the above-mentioned "Technical note", transmitted to the government, which calculates for Turkey all the options allowed by the Code for the same time period (2010) for which complete and relevant Eurostat data are available. The government is asked to update the statistical information used in the "Technical note", indicating the precise source of data for future reference;

IV. concerning social security and the reduction of poverty, in view of the fact that prevention and reduction of poverty is one of the main objectives of the Code, to send in its next report the most recent and comprehensive statistics on the structure and dynamics of poverty in the country, including among the active population, pensioners and children, and on the guaranteed minimum amounts of social benefits in comparison with the established poverty line and/or subsistence minimum. In doing so, the government may wish to refer to the infographs in the above-mentioned "Technical note" and update the statistical and legal information on which they are based.

CEACR 2015 Conclusions on the application of the European Code of Social Security and its Protocol by Turkey

As a result of its examination, the Committee finds that the law and practice in Turkey continue to give full effect to all the Parts of the Code that have been accepted, subject to determining the reference wage used for the calculation of the replacement rate of benefits.

Part II (Medical benefit). Recalling that the national health system has had the objective, since 2008, of universal coverage and the effectiveness of the health system, the Committee requests the Government to indicate the principal challenges with which it is confronted in relation to the sustainable financing and administration of the health system (Articles 70 and 71 of the Code) and ensuring universal access to the various types of care guaranteed by the Code over the whole of the national territory, particularly in rural areas.

Part VI (Employment injury benefit), Article 38, in conjunction with Article 68(f) of the Code. Reduction of benefits in the event of serious negligence. Recalling that the Code only provides for the possibility of suspending benefit where the contingency has been caused by the wilful misconduct of the person concerned, the Committee asks the Government to indicate how the Social Security Institution (SSK) and the competent courts apply and interpret the concept of "serious negligence" in the event of which the temporary incapacity allowance and the permanent incapacity income granted to victims of employment injury or occupational disease can be reduced by one third.

*Part VIII (Maternity benefit). Cost sharing. The Committee notes the Government's indication that Law No. 5510 guarantees maternity health care irrespective of the completion of the normally required period of at least 30 days of insurance. However, the report does not indicate whether insured persons have to share in the cost of outpatient care provided by a specialist in public hospitals and privately. **The Government is therefore once again requested to confirm that no cost sharing is required in respect of medical care provided in the event of maternity, as required by Article 49 of the Code.***

*Part XI (Standards to be complied with by periodical payments), Articles 65 and 66. Determination of the reference wage. The Committee notes the detailed information, including statistics, provided by the Government concerning the number and different categories of persons protected and beneficiaries, the minimum and maximum limits of income taken into account for social insurance and the adjustment of benefits. The Committee nevertheless recalls that the successive reports provided by the Government, including the latest, do not contain any information on the replacement rate of benefits, as required by the Code in Articles 65 and 66. **The Committee therefore requests the Government to indicate in its next detailed report due in 2016 whether it wishes to have recourse to Articles 65 or 66 to determine the reference wage of the standard beneficiary and to recalculate the replacement rate of the benefits provided, under each accepted Part of the Code, on the basis of this reference wage. In so doing, the Government may wish to refer to the attached ILO technical note, which calculates for Turkey all of the options authorized by the Code for the same period for which all relevant data are available. Please update the statistical data used in the technical note, with an indication of the precise source of the data which will be used in future.***

Adequacy of social security benefits. Recalling that, in accordance with the Code, social benefits shall be sufficient to maintain beneficiaries and their families in health and

decency, the Committee requests the Government to indicate, for each accepted Part of the Code, the level of the various minimum benefits provided by the social security system. In so doing, the Government may wish to refer to the ILO technical note and to update the statistical and legal information on which it is based.

Article 74. Next detailed report on the application of the Code. (See above under Chapter III)

3. ILO Conventions

No observations/Direct requests