



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

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

List of issues to be taken up in connection with the consideration of the initial report of Turkey (E/C.12/TUR/1), concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights

I. General framework within which the Covenant is implemented

1. In view of the fact that the Covenant has direct effect in Turkish law and is applicable in national courts, as stated in paragraph 2 of the State party report, please cite examples where the Covenant has been invoked in domestic courts either as grounds for a case or for interpretative purposes.
2. Please explain why civil society organizations were not involved in the preparation of the State party report.
3. Please indicate whether the State party intends to withdraw remaining reservations to human rights treaties, in particular the reservation to article 13 (paras. 3 and 4) of the Covenant, on the right to education.
4. Please inform the Committee of the status of the draft bill on the establishment of an independent human rights body and of other steps taken by the State party to establish a national human rights institution compliant with the Paris Principles and able to address human rights issues, including economic, social and cultural rights.

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

Article 2, paragraph 2 – Non-discrimination

5. In view of the fact that the Constitution of the State party provides for equal treatment and non-discrimination, please inform the Committee as to whether the State party intends to expand the prohibited grounds of discrimination to bring its legislation on discrimination into conformity with the Covenant. In particular, please inform the Committee as to whether the State party intends to resubmit a legislative amendment to explicitly include “sexual orientation” as a prohibited basis for discrimination. Please inform the Committee of concrete measures taken by the State party to address stigma and discrimination on the basis of sexual orientation, and the impacts thereof.

6. Please provide information on the measures, legislative or otherwise, taken by the State party to ensure the protection of national, ethnic and religious minorities from all forms of discrimination. Please also provide information on results achieved, giving disaggregated data, concerning both the communities addressed by the 1923 Treaty of Lausanne (Armenian, Greek and Jewish) and other minorities.

7. Please provide information on the extent of the implementation, if any, of the 2005 Disability Law, including on the outcomes on the enjoyment of economic, social and cultural rights by persons with disabilities. Please explain why, despite this law, physical access to houses, schools, public transportation, hospitals and public institutions has not been provided for people with disabilities. Please inform the Committee of measures taken by the State party to give effect to article 30 of the Labour Law, which requires workplaces with 50 or more employees to employ persons with disabilities, giving information on compliance.

8. In light of the ratification of the Migrant Workers Convention, please inform the Committee of the measures the State party intends to take to ensure effective access to health care services, education and employment by migrants, asylum seekers and refugees, such as facilitating the issuance of residence permits.

9. Please provide statistical data on cases dealt with by the Human Rights Presidency, Human Rights Boards and other relevant bodies concerning allegations of discrimination and violations of economic, social and cultural rights. Please also comment on the effectiveness of these bodies in handling discrimination cases.

Article 3 – Equal rights of men and women

10. Please inform the Committee about the impacts of legislative amendments made by the State party to strengthen gender equality. Please also indicate whether any gender-based assessment of the impact of legislation and policies has been undertaken to overcome traditional cultural stereotypes.

11. Please provide detailed information on measures taken by the State party to improve and accelerate women’s equal participation in public life and decision-making at all levels. Please provide recent statistical data on women’s representation (a) in Parliament, Government and other public positions; (b) in senior positions in the public service, including the judiciary, the police, and academia; and (c) in high-ranking posts in the private sector.

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

Article 6 - Right to work

12. Please explain to the Committee the meaning of “duty to work” as stipulated in article 49 of the Constitution and how this principle is applied in the exercise of the right to work.

13. Taking note of the measures, legislative and otherwise, adopted by the State party in 2003 to address unemployment, as detailed in paragraphs 134 to 142 of the State party report, please supply recent statistical data on unemployment since 2004, disaggregated by sex, age group and rural/urban distribution.

14. Please provide details on the obstacles faced by the State party in the enforcement of the Labour Law as indicated in paragraph 184 of the State party report. Please also provide information on work in the informal economy in the State party, including its extent and the sectors concerned, and on measures taken to enable informal workers to move out of the informal economy and encourage employers to register their companies, to ensure access by informal workers to basic services and social protection and to strengthen protection from violations of their rights by employers.

Article 7 – Right to just and favourable conditions of work

15. Please explain how the rights afforded by the Regulation on the Working Conditions of the Employees Working in Agricultural and Forestry Business as referred to in paragraph 182 of the State party report and also by labour legislation applicable to businesses and “business relations” listed in paragraph 180 of the State party report differ from those provided for under Labour Law No. 4857.

16. Please provide information, disaggregated by company size and rural/urban distribution, on the implementation of occupational health and safety regulations as listed in paragraph 154 of the State party report, including data on non-compliance, either reported through complaints or uncovered by labour inspections,.

Article 8 – Trade union rights

17. Please indicate whether the draft law to amend Act No. 2821 on trade unions and Act No. 2822 on collective labour agreement, strike and lock-out and the draft law to amend Act No. 4688 on Civil Servants Trade Unions have been adopted. Please provide information on the substance of amendments.

Article 9 – Right to social security

18. Please inform the Committee as to whether, through the three social security institutions, the Social Security Organisation (SSK), the Social Security Organisation for Craftsmen and Artisans and the Self-Employed (BAG-KUR) and the Pension Fund (Emekli Sandigi), the State party is able to provide comprehensive coverage in line with the Committee’s general comment No. 19 on the right to social security.

19. Please explain how private social security systems in the State party operate. Please also provide detailed information about the benefits afforded to holders of “green cards”. Please inform the Committee of any groups that do not have any form of social security, their size and of any efforts undertaken by the State party to correct the situation.

20. Please provide information on maternity protection afforded to women workers not covered by Law No. 657 on Civil Servants, Labour Law No. 4857 or Press Labour Law No. 5953, and also on the existence of a protection scheme for women involved in atypical work and women who are not covered by work-related maternity benefits, as recommended by the Committee's general comment No. 19 on social security.

Article 10 – Right to marry and found a family, protection of the family, mothers and children

21. Please inform the Committee as to whether the State party has made progress in combating gender-based violence, including domestic violence and honour killing and whether these acts have been criminalized. Please also inform the Committee whether spousal rape is a criminal offence in the State party's legislation.

22. Please inform the Committee of the activities and functions of the Directorate General for Family and Social Research mentioned in paragraph 288 of the State party report, giving information on cases dealt with by the body.

23. Given that the State party is a transit and destination country for trafficked women and children, please indicate the laws, policies and measures taken by the State party to combat prostitution and trafficking. Please supply comparative statistical data on prostitution, sale and trafficking of women and children in, to and out of the territory of the State party and on judicial cases and convictions in this connection.

Article 11 – Right to an adequate standard of living

24. Please indicate whether housing policies, such as the Mass Housing Law, have been successful in giving full effect to the right to housing as provided for by article 11 of the Covenant and article 57 of the State party's Constitution.

25. Please indicate whether the provisions of Law No. 775 on prevention of slums comply with the obligations of the State party, in particular with regard to forced evictions, in line with the Committee's general comment No. 7 on the right to adequate housing: forced evictions. Please provide information on the practical application of the Law, including on eligibility to housing under article 31 of the Law, as referred to in paragraph 423 of the State party report, the authorities in charge of implementing the scheme, and the average amount, if figures are available, of housing provided annually under the scheme.

26. Please indicate what policies and measures the State party has undertaken to ensure that the Covenant rights of people affected by large infrastructure construction projects, including the Ilisu dam, are protected.

27. Please indicate whether a national survey on homelessness and inadequate housing has been undertaken, and, if so, please give details of its findings, in particular as to the number of individuals, families and street children who are homeless or inadequately housed and the number of persons living in overcrowded or structurally unsafe housing.

28. Please inform the Committee of the poverty line in the State party in terms of income according to household size. Please also supply information on the percentage of households falling below the lines by region.

Article 12 – Right to the highest attainable standard of physical and mental health

29. Please provide an update on the implementation of the Health Transformation Programme. Please indicate whether the Programme has addressed the issue of the shortage of health professionals. Please provide information on affordability of health care services, including the percentage of individuals or households who cannot finance health expenses.

30. Please provide information on measures taken, and their impacts,:

(a) To prevent abuse of alcohol and tobacco, and the use of illicit drugs and other harmful substances, in particular among children and adolescents, and to ensure adequate treatment and rehabilitation of drug users, including substitute drug dependence therapy;

(b) To prevent sexually transmitted diseases, including HIV/AIDS, educate high-risk groups, children and adolescents as well as the general public on their transmission, provide support to persons with HIV/AIDS and their families, and reduce social stigma and discrimination; and

(c) To ensure adequate treatment and care in psychiatric facilities for mental health patients, as well as periodic review and effective judicial control of confinement.

31. Please provide information on the availability of sexual and reproductive health services and educational and awareness programmes, especially for adolescents and youth throughout the State party.

32. Please inform the Committee about the measures that the State party intends to take to enable refugees and asylum-seekers to have access to adequate and affordable health care services.

Articles 13 and 14 – Right to education

33. Please indicate the measures taken to reduce drop-out rates at the primary and secondary levels, in particular for girls, children from ethnic minorities, poorer households, and migrant and refugee children.

34. Please indicate the enrolment rate of children with disability at all levels of education in regular schools.

Article 15 – Cultural rights

35. Please inform the Committee of the accessibility and affordability of cultural goods and activities, access to cultural and natural sites, and participation in cultural life, especially by disadvantaged and marginalized groups, including those from rural and deprived urban areas, older persons, persons with disability and minorities, in line with the Committee's general comment No. 21 on the right of everyone to take part in cultural life.
