

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN TURKEY

REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE POLICIES OF TURKEY

Geneva, 10 and 12 December 2007

EXECUTIVE SUMMARY

Turkey has ratified all eight ILO Conventions on core labour standards. In view of restrictions on the trade union rights of workers and continuous problems with discrimination and child labour, further measures are needed to comply with the commitments Turkey accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001 and in the ILO Declaration on Fundamental Principles and Rights at Work.

Turkey has ratified the ILO Convention on Freedom of Association and Protection of the Right to Organise as well as the Convention on the Right to Organise and Collective Bargaining. However, for many workers freedom of association is nonexistent in either law or practice. Furthermore, there is insufficient protection against anti-union discrimination and the right to strike and the right to collective bargaining are severely restricted for many groups of workers, particularly public sector employees.

Turkey has ratified the ILO Convention on Equal Remuneration and the Convention on Discrimination. Despite theoretically adequate legal provisions, in practice women have less access to quality employment, are concentrated in low-paid jobs and often face discriminatory practices with regards to hiring and dismissals.

Turkey has ratified the ILO Convention on the Worst Forms of Child Labour as well as the Convention on Minimum Age. Nevertheless, and although it is probably decreasing, child labour is still prevalent in Turkey especially in agriculture, industrial work and different forms of informal and unprotected work relationships. There are a large number of street children involved in petty selling, begging and garbage collecting.

Turkey has ratified the ILO Convention on Forced Labour and the Convention on the Abolition of Forced Labour. In spite of an increasing effort to tackle trafficking forced labour nonetheless exists, notably in the forms of national and international trafficking of women and girls as well as forced begging by street children.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN TURKEY

Introduction

This report on the respect of internationally recognised core labour standards in Turkey is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: “We renew our commitment to the observance of internationally recognised core labour standards.” The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

The ITUC's affiliates in Turkey are the Confederation of Turkish Real Trade Unions (HAK-İŞ), the Confederation of Turkish Trade Unions (TÜRK-İŞ), the Confederation of Progressive Trade Unions of Turkey (DISK) and the Confederation of Public Employees' Trade Unions (KESK).

Turkey has a market-based economy with state involvement in some industries. Until the 1980s Turkey had a policy oriented towards import substitution but particularly due to the impact of the 24th January 1980 economic decisions and 12th September military intervention, subsequently shifted towards an export-oriented policy. Trade barriers have decreased significantly, both due to WTO commitments and to the membership of Turkey in a customs union with the EU. The private sector is growing rapidly while the state still plays an important role in basic industries, banking, transport and communication. The economy has gone through several crises, in 1994, 1998 and in 2001. Economic and political instability in the country has kept foreign direct investment flows relatively low, at less than USD 1 billion annually until 2005, but further economic and judicial reforms together with prospective EU membership are expected to boost FDI in the future.

35.9 percent of the labour force in Turkey lives from agriculture, but agriculture only accounts for 9.3 percent of GDP. The main agricultural products are tobacco, cotton, grain, olives, sugar beets, pulse citrus and livestock. Industry accounts for 31 percent of GDP and 22.8 percent of the labour force. Services account for 59 percent of GDP and 41.2 percent of the labour force.

In 2006, exports as a percentage of GDP amounted to 25.4 percent. Total exports this year stood at USD 91.89 billion, up from USD 30 billion in 1990. The main export commodities were apparel, foodstuffs, textiles, metal manufactures and transport equipment. Imports made up USD 132.1 billion, or 36.5 percent of GDP. The country's main imports were machinery, chemicals, semi-finished goods, fuels and transport equipment.

Turkey entered into a customs union with the EU in 1996. Following the agreement, Turkey eliminated tariffs on most industrial goods from the EU and

adopted the common external EU tariff for manufactured goods. Turkey is also part of an EU preferential trade regime.

Turkey's main export markets in 2006 were Germany (11.3%), the United Kingdom (8%), Italy (7.9%), the United States (6%), France (5.4%) and Spain (4.4%). The country's main import partners were Russia (12.8%), Germany (10.6%), China (6.9%), France (5.2%), the United States (4.5%) and Iran (4%).

I Freedom of Association and the Right to Collective Bargaining

Turkey ratified Convention No. 87 on the Freedom of Association and Protection of the Right to Organise in 1993, and Convention No. 98 on the Right to Organise and Collective Bargaining in 1952.

Trade Union Rights in Law

The law recognises freedom of association for nationals and foreign workers alike and the right to form a trade union, but there are nevertheless severe limitations to this right. In essence, the majority of problems with regards to the full protection and implementation of workers' rights are related to the general legislative paradigm as established in the 1982 Constitution and its lack of fundamental rights and freedoms. In this paradigm, the protection of the state has priority to that of its citizens. This is reflected in legislation that relates to the right to organise in various ways, seriously handicapping those people with the abilities and opportunities to exercise that right and so preventing them from organising in trade unions.

Several categories of public sector employees are denied the right to organise through section 15 of Act No. 4688, the Public Employees' Trade Unions Act (PETU). Section 15 lists a number of employees such as lawyers, civilian civil servants at the Ministry of National Defence and the Turkish Armed Forces, employees at penal institutions, special security personnel, public employees 'in positions of trust', presidents of universities and directors of higher schools, who are prohibited from joining trade unions. These limitations affect more than 450,000 public employees.

Unions must obtain official permission to organise meetings or rallies, and must allow the police to attend their events and record the proceedings. Like other associations, trade unions cannot use languages other than Turkish in their official activities. With regards to public sector employees, the PETU contains detailed provisions regarding the activities and functioning of trade unions, in breach of the principles of the right to organise.

There are several restrictions on collective bargaining. To be recognised as a bargaining agent, first of all a union must represent at least 50 percent plus one of the workers within a factory, and 10 percent of the workers within the relevant sector nationwide. Only one union per enterprise, the largest one, is authorised to conduct collective bargaining.

For the public sector, however, the law governing labour relations, the PETU, does not mention the concept of collective bargaining. Instead, it provides for what is called 'collective consultative talks'. The PETU defines in detail what these can cover, but the list is restricted to financial issues, covering salaries and other allowances, compensation and bonuses. This falls far short of the definition of collective bargaining contained in ILO Convention No. 98, and in practice leaves the power of decision making in the bargaining process with the government.

There are serious limitations on the right to strike. Indeed, there is still no formally recognised right to strike for the public sector, despite a revision of the PETU in 2005. The ILO has repeatedly stressed that sections 29 and 30 of Act No. 2822, which only relate to workers in the private sector and concern their right to strike, are incompatible with the Convention. The ILO has recalled that restrictions on the right to strike in the public sector should be limited to public servants who exercise authority in the name of the state and those working in 'essential services' in the strict sense of the term.

The law furthermore continues to ban solidarity strikes, general strikes, go-slows and workplace occupations. Severe penalties, including imprisonment, are possible for participation in strikes. Any strike that is not called by a trade union executive body is banned. Strikes over the non-observance of collective labour agreements are forbidden. Where strikes are allowed, there is an excessively long waiting period from the start of negotiations to the date when a strike can be held. Moreover, the union must follow specific steps before it can call a strike: collective bargaining must take place first, and if there is a decision to go ahead with strike action, the employer must be given at least one week's notice.

Finally, the Turkish authorities have the right to postpone strikes announced by local trade unions under the premise that the strike in question would constitute a risk to national security, public health and interests. This happens frequently and is generally in contradiction with the ILO conventions, which state that postponement of strikes is only possible in the case of a potential national disaster. Even in such cases, the right to postpone a strike cannot be left to the initiative of the government; to be in accordance with ILO conventions, the postponement of a strike must be considered by legal bodies and decided by an independent body approved by the parties concerned.

In its 2007 progress report on Turkey's EU accession, the European Commission summarised the state of Turkey's labour laws as follows: "...restrictions remain on the exercise of full trade union rights. Turkey fails to fully implement the International Labour Organisation (ILO) Conventions in particular as regards the right to organise, the right to strike and the right to bargain collectively. Turkey still maintains its reservations on Article 5 (right to organise) and Article 6 (right to bargain collectively) of the revised European Social Charter. Overall, little progress has been achieved with regard to labour rights and trade unions Turkey needs to adopt legislation guaranteeing full trade union rights in line with EU standards and the relevant ILO Conventions, in particular as regards the right to organise, the right to strike and the right to bargain collectively. Turkey also needs to reinforce the social dialogue mechanisms, including at tripartite level."

Trade Union Rights in Practice

While Turkey's laws are seriously deficient when it comes to trade union rights, the practice in the country is often even grimmer. As a starting point, for example, the percentage of the labour force covered by collective agreements still remains very low, owing to the threshold for collective bargaining set by the law. Hence, of the 11 million workers with labour contracts, only an estimated one million are covered by collective agreements.

There is significant government interference in union affairs. The confederation DISK is being prosecuted over the election of its representatives. The public sector confederation KESK and its affiliates have suffered interference in their statutes by the Ministry of Labour and Social Security. One of the reasons given is the fact that KESK's statutes contain the terms 'collective bargaining' and the 'right to strike', which according to the Ministry is not compatible with the term 'collective consultative talks', used in the PETU. Moreover, one of the articles of KESK's statutes notes that the union is established "with the aim of a world without any war and without exploitation, it contributes to a lasting peace in the country and in the world, the establishment of democracy with all its institutions against all kinds of oppression, to the struggle against fascism for democracy, against imperialism for sovereignty, against suppressions for freedoms and against racism and chauvinism for fraternity between peoples". This has been ruled to be incompatible with the purposes of Law No. 4688. Several other unions, K lt r-Sanat Sen, ESM, Haber-Sen and the Trade Union of Public Employees in Health (SES), all affiliated to KESK, have also been ordered by the Minister to change their statutes.

In practice collective bargaining is often obstructed. Thus, unions report that the government manipulates membership figures or claims that there are irregularities in the figures in order to deny them the right to collective bargaining. Furthermore, there are reports of union members being put under pressure to resign from their unions. Obstruction by employers is not duly punished, even when a labour court rules in favour of a union. Although workers dismissed because of their union activities have the right to be reinstated, in practice labour court verdicts often simply oblige employers to pay minor compensation. The ILO has repeatedly stressed that legal standards are inadequate if they are not coupled with sufficiently dissuasive penalties to ensure their application. And such is the case in Turkey.

The government frequently does not treat unions as full social partners, as was illustrated during the 2006 collective bargaining round. As a result of the government's overtly anti-union attitude during the 'collective consultative talks', held between 15 and 30 August, KESK decided to withdraw. In consequence, the government made all decisions unilaterally – as it has also done in previous years. Government pressure is furthermore often exerted on local authorities when it comes to putting into practice collective agreements. Hence, the Ministry of the Interior has pressured local authorities not to implement the 130 or so collective agreements that the KESK-affiliated All Municipalities' and Local Services' Employees' Union, TUM BEL SEN, had signed with municipal authorities during the last 13 years. On 21 November 2006, the European Court for Human Rights ruled in favour of the union in this case, yet the Ministry had not changed its approach by mid-2007: in eight municipalities, collective agreements signed by TUM BEL SEN were violated.

There is often pressure to leave unions. In practice, workers face discrimination because of their trade union membership, such as being transferred to other workplaces, often in other cities. Other forms of discrimination because of trade union membership and pressure on workers to leave the union also continue to be a problem. In the course of 2006, 15 public employees were transferred, 402 were subjected to 'disciplinary inquiries', 4 were given prison sentences, 131 were prosecuted in court, and 9 were fined. Two public sector unions were pressured with lawsuits in order for them to change their constitutions. In 14 different workplaces, the unions were prevented from using their offices and in three other cases, union offices were emptied by force during legitimate trade union activities.

Furthermore, private sector employers tend to ignore the law and dismiss workers for their union activities in order to weaken or destroy unions. In February 2006, 35 members of the Tekstil/Disk union were fired at Inteks International Textile Industry and Export because the company management did not want the union to reach a majority of unionised workers at the factory. In September 2006, the British packaging company DS Smith fired 22 members of the DISK-affiliated Tmka-Is (All Paper Workers' Union) because of their union activities. In the course of 2006, disciplinary measures were taken against 111 public employees because of their union activities; six unionised public employees had to undergo disciplinary inquiries, of which five were submitted to the Higher Disciplinary Court where they await prosecution for having distributed a trade union bulletin; 89 have been subjected to judicial inquiries, two of them simply because they were hanging up a trade union calendar. Within organisations affiliated to the trade union TRK-İŐ alone, approximately 30,000 workers have been dismissed due to their trade union activities since 2004 – a number which can only be expected to increase, as the lawsuits launched in order to re-employ the dismissed workers in 2004 are not finalised yet.

In addition to dismissals of workers due to their trade union activities, employers hire replacement workers during strikes and generally do what they can to intimidate striking workers, often through the involvement of the authorities. During the still ongoing strike of the union Haber-İŐ at Trk Telekom, the employer employed other workers instead of those who were on strike. These new workers are carrying out line maintenance services during the strike. Furthermore, the branch president and executive board members of the union 'Tmtis' (Transport Workers Union) have been arrested due to their organising activities after reports and accusations of their employer. At the time of writing they are still under arrest.

There are various restrictions and deficiencies regarding the enforcement of Labour Act Nr. 4857 dated 10/06/2003 regarding subcontracting practices, which fail to prevent the violation of this article by employers. As a consequence, the redefinition of "Workplace" in the Labour Act made it more difficult to acquire a Certificate of Competence to conduct a Collective Agreement. The provisions of the Act providing job security are insufficient in preventing dismissals and reemployment of dismissed workers by jurisdiction. The Article regulating the conditions of overtime work makes eleven hours daily and 66 hours weekly work possible without being paid. Article 34 regulating the right of the worker to stop working in case of delay in payment is unclear and cannot be implemented. Finally, the reply to the applications submitted by trade unions to the ministry for the determination of a majority at the work place or the industrial sector, in order for the trade union to

conduct the collective agreement, exceeds the legal period defined in the Act. The membership figures submitted by trade unions are not considered and the Ministry authorises the inspectors to inspect the workplace and the employers to provide the list of the worker instead. Such practice results in dismissals and workers being deprived of their collective agreement rights.

On occasion, unionists and protestors experience police violence and unlawful imprisonments. In March 2006, Motesan, one of a group of companies owned by the Turkish company Desan, terminated the contracts of 55 dockworkers who were affiliated to the Limter-Is union, which is in turn affiliated to DISK and the International Metalworkers' Federation (IMF), and refused to pay their wage arrears. On 23 May, the workers staged a protest action at the shipyard gates in Tuzla. On 31 May, the police attacked the workers, seriously injuring six and arresting 16, including Limter Is president Cem Dinç and union official Kamber Saygili, who remained in jail for 40 days. On 9 August, after months of struggle, the two union leaders were released and the workers paid.

One of the major problems in practice is also that only workers who are registered to receive social security benefits are entitled to join a trade union. This provides employers with a further motive to deny workers such benefits, in addition to the savings of not having to make the social security payments. Some employers are even reported to provide such benefits only to workers who they believe will not support establishing a trade union. A great many workers therefore remain employed under informal conditions, deprived a great many employment rights including that of freedom of association. The existence of a high degree of unregistered employment of workers lacking trade union protection leaves those workers employed under indecent working conditions, facing arbitrary dismissal, deprived of adequate occupational health and safety and employed with an income which is far less than the minimum wage.

Yet many employers in Turkey prefer informal working relationships in order to be able to reduce their labour costs and to act with a flexible manner in their employment and production strategies. As unemployment rates climb, more people are forced to work under such circumstances as a result of the inadequacy of the social security system and the lack of labour inspection and law enforcement. The existence of unregistered employment leads to the violation of further regulations regarding minimum wage, minimum age, over-time work and occupational health and safety. Another consequence of unregistered employment is, evidently, the lack of trade union rights. The workers without a trade union or social protection are deprived of bargaining power and are helpless against exploitation.

A further indication of the consequence of the obstacles too trade union organising in Turkey is the high rate of occupational injury and disease. 4,645,000 occupational accidents have been recorded in Turkey in the last 35 years and over that time 111,000 workers have become physically disabled, 40,000 have lost their lives and thousands of workers have been affected by occupational diseases. However, despite the fact that 70% of accidents take place in enterprises employing less than fifty workers, small enterprises remain excluded from the scope of the regulations on occupational health and safety.

Summary

The right to form trade unions is still generally restricted, with legislation being most restrictive in the case of public servants. In practice the right to organise is often violated. The right to collective bargaining is protected by law but in practice this right is not ensured. Many public sector employees, in particular, are excluded from collective bargaining. Although the right to strike is recognised, it is difficult to use in practice due to restrictions, and it is non-existent for public sector employees.

II Discrimination and Equal Remuneration

Turkey ratified Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination (Employment and Occupation) in 1967.

The principle of anti-discrimination is enshrined in the Constitution and upheld in several laws. However, there is no specific protection against discrimination on grounds of age or sexual orientation.

Under the law, women enjoy the same rights as men. Provisions protecting the equal treatment of women and men were included in legislation with the approval of the new Civil Act on 2 December 2001. The Constitution now include the statement that “women and men have the same rights” and that “the State is responsible for realising this equality” (Article 10, amended through Article 1 of Act 5170).

Societal and official discrimination is however widespread. Women continued to face discrimination in employment to varying degrees and are generally underrepresented in managerial level positions as well as in government. Although women are reported to generally receive equal pay for equal work in professional, business, and civil service positions, such is not the case in other parts of the economy. A large percentage of women in agriculture and in the retail, restaurant, and hotel sectors work as unpaid family labour.

The government has noted that some of the problems in relation to gender equality are the following: a) concentration of women as cheap labour in labour-intensive industries such as textile, food, ready-made clothing, and tobacco; b) a low rate of participation of women in the industrial sector especially in comparison to the agricultural sector; c) gender-bias in the labour market resulting in women working in traditional occupations, and the inability of women to apply for jobs considered to be male professions; d) lack of legal protection for women working in the agricultural sector, as unpaid family workers, and in the industrial and service sectors; e) women being concentrated at the lowest levels in the workplace, in low-salary jobs, discontinuous and temporary work without social security as well as in inadequate health and security conditions in the workplace, which put women’s health at greater risk; f) inequality at every level of education; g) discriminatory hiring and promotion policies and practices such as non-acceptance of women in particular jobs and professions, preventing women from being promoted to managerial positions, with

dismissal of women first in times of economic decline; h) lack of coverage of the social security network for many women.

Furthermore, job advertisements are still labelled “for men” and “for women”. Women continue to face violence and harassment in the workplace, and local experts assert that Labour Act 4857, which deals with sexual harassment, is inadequate and deficient. Overall, there is a lack of serious approaches to the issue in the country. Moreover, a lack of day-care and similar arrangements generally leave women with fewer possibilities in the labour market.

As the unskilled and uneducated women preferred by many enterprises are unregistered and not covered by the social security system, they lack trade union protection and consequently women are in the first group dismissed whenever enterprises seek to cut costs to increase competitiveness.

In its most recent progress report on Turkey’s accession to the EU, the European Commission noted that over the last years “as regards anti-discrimination and equal opportunities, limited progress was achieved and further alignment is required. (...) Low participation of women in the labour market and access to education remain points of concern.”

With regard to national and ethnic minorities, the law provides a single nationality designation for all citizens and does not recognise ethnic groups as national, racial, or ethnic minorities. Some discrimination in the labour market has been reported and the European Commission report states that, “the overall socio-economic situation in the south-east remains difficult. No steps have been taken to develop a comprehensive strategy to achieve economic and social development in the region and to create the conditions required for the Kurdish population to enjoy full rights and freedoms.”

Gay and lesbian rights activists maintain that homosexuals risked losing their jobs if they disclosed their sexual orientation and said the law did not protect their rights in such circumstances.

The European Commission noted that in relation to Turkey’s possible accession to the EU, the “transposition of the EC Directives concerning discrimination on grounds of racial or ethnic origin, religion or belief, disability, age and sexual orientation is incomplete.”

Summary

Although the law prohibits discrimination between men and women, in practice women are concentrated in low quality and low paid jobs, particularly in the private sector. There exists a salary gap and an educational gap between men and women. Illiteracy among women is much higher than among men. The legal framework remains inadequate to deal with both gender and other types of discrimination and inequality.

III Child Labour

Turkey ratified Convention No. 138, the Minimum Age Convention in 1998 and Convention No. 182, the Worst Forms of Child Labour Convention in 2001.

There are laws to protect children from exploitation in the workplace. However, the government does not effectively implement these laws, according to the US Department of State.

The Government provides free, universal and compulsory education up to the age of 14, the eighth year at school. However the World Bank has recently reported that while gross enrolment for grades one to eight are 96 percent, net enrolment for these grades in only 90 percent.

The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than eight hours a day. At the age of 15 children may engage in light work provided they remain in school. The law further provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the government prohibits children from working at night or in areas such as underground mining. The law prohibits children attending school from working more than two hours per day or 10 hours per week.

The Ministry of Labour and Social Security are reported to effectively enforce these restrictions in workplaces that are covered by the labour law, which include medium and large-scale industrial and service sector enterprises. However, a number of sectors are not covered by the law, including small-scale agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons. Further, the law does not regulate the work of children in artistic and cultural activities and in the media just as the current legislative framework does not tackle the issue of children working on the streets.

In spite of the provisions mentioned above, child labour is widespread in Turkey, particularly in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. According to the Labour and Social Security Ministry, more than half of child labour occurs in the agricultural sector. Local practices and informal systems provide work for young boys at low wages, for example in auto repair shops. Girls are rarely seen working in public, but many are nevertheless kept out of school to work in handicrafts, particularly in rural areas.

The National Child Labour Survey found a decrease in the rate of children involved in an economic activity, from 10.3 percent in 1999 to 5.9 percent in 2006. The State Statistical Institute reported in 2004 that the number of child labourers between the ages of 12 and 17 was 764,000, down from the previous year. However, the Institute stopped collecting specific data on child labourers thereafter. Some observers consider that there are no reliable statistics in this field and that the actual number of working children is rising.

There are a large number of street children in Turkey, mostly boys. These children working in the streets can be divided into two categories. The first group are children that go out on the streets during the day to sell many different kinds of items, such as napkins, chewing gums and water. These children return home in the evening. The other group of children are those that work and live in the streets. They are involved in garbage collection and separation, begging and often in drug abuse, street gangs and violence.

To combat the ongoing problem of child labour, the Ministry of National Education has been conducting a program in cooperation with the UN Children's Fund called 'Let Us Send Girls To School', which is designed to provide primary education for at-risk girls. By the end of 2006, the programme benefited nearly 250,000 school-age girls.

Summary

Child labour in Turkey is a problem. Children work mainly on family farms, in industry and in informal, unregistered activities. There are a large number of street children in Turkey working as street vendors or in forced begging. Though efforts to reduce child labour continue, these appear to be insufficient and there are shortcomings in the current legislation.

IV Forced Labour

Turkey has ratified both Conventions on Forced Labour: Convention No. 29, the Forced Labour Convention and Convention in 1998 and No. 105, Abolition of Forced Labour, in 1961.

The constitution prohibits forced and bonded labour. However, forced labour occurs in the form of forced begging by children, or children that are forced to work in the streets. The government's Social Services and Child Protection Institution operates 44 centres to assist children that are working in the streets.

The law prohibits trafficking in persons. Trafficking in women and children to and within the country for the purpose of sexual exploitation and occasionally labour is nevertheless widespread. There are allegations that police corruption at all levels contributes to this problem.

The country is a destination and source for trafficked persons. In 2006, the government identified 246 trafficking victims. In the first nine months of 2007, 124 were identified as victims of trafficking. 101 of those returned voluntarily to their countries of origin.

Young women seeking employment, particularly from Moldova, Ukraine, Belarus, and Russia, are at the greatest risk of being trafficked into the country. The most identified foreign victims are trafficked for sexual exploitation and are found in Istanbul, Ankara, and Antalya, although victims are identified in cities all around the country. There are media reports of Turks being trafficked internally and, according to

NGOs working in the field, the number of women trafficked internally for sexual exploitation is increasing.

Foreign victims trafficked to the country are typically recruited by small networks of foreign nationals and Turkish citizens, who rely on referrals and recruitment from friends and family members in the source country. Some victims answer newspaper advertisements or enlist the help of job agencies in the source country. Most victims arrive in the country believing they will work as models, waitresses, dancers, domestic servants, or in other regular employment. Traffickers typically confiscate victims' documents, then confine, rape, beat, starve, and intimidate them by threatening their families and ultimately forced them into prostitution, reports the US Department of State.

The law punishes trafficking with prison terms ranging from eight to 12 years' imprisonment in addition to heavy fines. The 2005 Penal Code specifically addresses trafficking as a crime. However, prosecutors have mostly tended to use other articles that regulate prostitution rather than the new law on trafficking, which has so far rendered the new law nearly ineffective. In December 2006, the parliament passed two amendments to the Penal Code that addressed this problem by removing forced prostitution from the article regulating prostitution and adding it explicitly to the anti-trafficking article. The amendments were signed into law by the President in December 2006. The government actively participates in international anti-trafficking investigations. During the year the government implemented agreements with neighbouring countries and regional groups providing for anti-trafficking law enforcement cooperation.

Genuine progress appears to continue in combating trafficking in human beings. A legislative amendment was recently adopted on human trafficking to allow for effective judicial implementation. The Minister of Interior has also issued a circular to all personnel working on cases of human trafficking followed by a handbook on the subject. 422 traffickers were arrested in 2006 and 279 more had been arrested as of the end of September 2007.

Summary

Forced labour is prohibited by law but does occur in Turkey. Women and girls are trafficked into Turkey or through Turkey for the purposes of forced prostitution. Numerous street children are forced to work on the streets or to beg. Some progress is now reported in the combating of trafficking.

Final Conclusions and Recommendations

1. The government of Turkey must strengthen trade union rights in law and in practice. It must generally apply fewer restrictions on workers, unions and their activities. It must give them more independence to act and cease interference in their affairs.
2. In relation to the public sector, the government must amend the legislation in order to allow for the right to collective bargaining and the right to strike for civil servants. The recourse to compulsory arbitration has to be restricted to essential services in the strict sense of the term, and hence cover considerably less people than it does today.
3. The right to collective bargaining needs to be made effective by removing the restrictions that currently apply. The rule that a union must represent 10 percent of workers in a sector in order to undertake collective bargaining should be removed.
4. There is a need for legislation that provides for adequate protection, with sufficiently effective and dissuasive penalties and sufficiently rapid judicial procedures, against acts of anti-union discrimination for trade union membership or activities and against acts of interference by employers or their organisations in trade union affairs.
5. The government must do more to reduce the inequalities and inequalities in access to employment and education that exist between women and men. Although programmes are in place to reduce these inequalities, more active measures have to be taken to effectively improve the position of women, to eliminate direct wage discrimination and to improve access of women and girls to education and training. The law on equal remuneration must be extended to cover effectively women in atypical work and in the agricultural sector. In addition, more efforts have to be made to eliminate discriminative measures with regard to dismissal of women and access of women to employment and social security, as well as undertaking active policies aimed at labour market desegregation. The government must further ensure there is no discrimination against minority groups.
6. More progress has to be made on the effective elimination of child labour, including the worst forms of child labour, and street begging. Increased enforcement of legislation on child labour is needed.
7. There is an overall need for increased labour inspection to ensure the application of the Labour Code as well as a need for training of labour inspectors.
8. The government must continue its progress on eliminating forced prostitution and trafficking of women and children. A stronger enforcement of the law is needed as well as stronger cooperation with the countries the women come from. The government must also look at how corruption within the police force is linked to trafficking.
9. In line with the commitments accepted by Turkey at the Singapore, Geneva and Doha WTO Ministerial Conference and its obligations as a member of the ILO, the

Government of Turkey should therefore provide regular reports to the WTO and the ILO on its legislative changes and implementation of all the core labour standards.

10. The WTO should draw to the attention of the authorities of Turkey the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the Government of Turkey in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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