**CONTRIBUTIONS BY TURKEY**

**FOR THE**

**REPORT OF THE SECRETARY-GENERAL**

**ON THE IMPLEMENTATION OF RESOLUTION ON "A GLOBAL CALL FOR CONCRETE ACTION FOR THE TOTAL ELIMINATION OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND THE COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION"**

**Introduction**

Turkey firmly upholds the principle that all human beings are born equal in dignity and rights. Any doctrine or practice of racial superiority is legally and morally unacceptable and cannot be justified on any ground.

As a party to the International Convention on the Elimination of All Forms of Racial Discrimination, Turkey strongly supports the fight against all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance.

**Legislative Framework**

Respect for human rights is an inviolable principle of the Turkish Constitution. The Turkish constitutional system is based on the equality of all individuals without discrimination before the law, irrespective of “language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such consideration” (Art. 10, Constitution).

Turkey continuously reviews its laws and regulations with a view to bringing them further in line with its international human rights obligations and commitments.

All forms of discrimination are prohibited and heavily penalized by law in accordance with the Constitution.

In this framework, a number of important amendments were made with regard to the provisions of the Turkish Criminal Code penalizing acts of discrimination. Hate crime has been included in the Turkish Criminal Code and the penalty for the offence of discrimination and hatred has been increased.

Furthermore, the Turkish Labour Law, Civil Servants Law, Civil Law, Law on Political Parties, Law on Social Services, Law on National Education, Law on the Establishment and Broadcasts of Radios and Televisions as well as the Law on Trade Unions and Collective Bargaining Agreements have provisions with regard to the prevention of all forms of discrimination.

The Law on the Protection of Personal Data has entered into force upon being published in the Official Gazette on 7 April 2016. The said law provides enhanced guarantees to the protection of the private and family life as well as personal data.

The Law on the Human Rights and Equality Institution of Turkey was published in the Official Gazette on 7 April 2016. This Law aims to protect and promote human rights on the basis of human dignity, to ensure the right to equal treatment and to prevent discrimination in the enjoyment of legally recognized rights and freedoms. In line with these principles the Law establishes a Human Rights and Equality Institution to effectively fight against torture and ill-treatment and to act as a national preventive mechanism. Within the scope of this Law, discrimination on the basis of gender, race, color, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability and age is prohibited. The Law stipulates that in the case of violation of the prohibition of discrimination, relevant public authorities and professional organizations with public institution status shall be responsible for the termination of the violation, elimination of the consequences and prevention of recurrence as well as to take the necessary measures for the judicial and administrative follow-up.

Victims of racism or discrimination can apply to the Office of the Prosecutor or law enforcement authorities for the investigation of their claims. Furthermore, if the claims pertain to civil servants, the applications can be made to the public institutions of the suspects with a view to opening the necessary administrative investigations. Under certain circumstances, the Office of the Prosecutor or law enforcement authorities can launch investigations ex officio. Moreover, relevant legislation enables victims of discrimination to claim pecuniary and non-pecuniary damages.

Anyone who believes his/her constitutional rights have been violated due to discrimination, including racial discrimination, has a right to individual application to the Constitutional Court as well as to the European Court of Human Rights after exhausting domestic remedies.

**Education and Health Services**

In line with the Constitution and relevant legislation as well as its international obligations, Turkey’s education and health services are designed and provided with utmost consideration to its firm commitment towards eliminating all forms of discrimination.

**“Law on Foreigners and International Protection” and harmonization activities of Turkey**

Turkey has a strong tradition of responding to affected peoples in need. In fact, Turkey’s land has historically been home to countless peoples, regardless of their religious, ethnic or linguistic backgrounds, who had to flee their original lands in dire need.

Today, facing the biggest humanitarian crisis of a protracted nature stemming foremost from the conflict in Syria, Turkey hosts millions of affected people fleeing from their homes. This makes Turkey the biggest refugee-hosting country in the world.

Turkey takes comprehensive measures with a view to ensuring the well-being of those who flee to Turkey.

In this framework, Turkey’s harmonization policies are regulated under the title of “Harmonization” (article 96) within the scope of Law No: 6458 on Foreigners and International Protection. Harmonization and Communication Department was established under the Directorate General of Migration Management (DGMM).

The following work and activities have been carried out by the Harmonization and Communication Department of DGMM:

1. Supporting the Development of National Integration Policy:

Works towards supporting the Development of National Integration Policy started in November 2015 and is expected to be concluded in June 2017. The objective is to develop a comprehensive strategic and institutional framework in compliance with political, socioeconomic and historical migration approaches of Turkey as well as the new international migration management framework.

1. Translating Law No: 6458 on Foreigners and International Protection to 10 languages

Law No: 6458 on Foreigners and International Protection has been translated into 10 languages in order to enable foreigners to access proper information. The translations of the Law have been published in hardcopy and made available on the official web page of DGMM.

1. Official institutional website in four different languages:

Legal arrangements and various information that foreigners in Turkey may need are available on the official institutional website. Contents of the website are regularly updated. Institutional website provides services in Turkish, English, French and German.

1. Communication center for foreigners (YİMER): Hotline 157

YİMER hotline provides information to foreigners on activates and procedures of DGMM. Foreigners can reach YİMER in six languages 24/7 by dialing 157 in Turkey and +903121571122 abroad. In addition to giving information, hotline 157 provides service as an emergency call center. In coordination with relevant authorities, YİMER also responds to calls of victims of human trafficking.

1. Language courses and vocational courses for foreigners

Within the scope of the document of corporation signed by the Ministry of Interior, DGMM and the Ministry of National Education (Director General for Lifelong Learning), foreigners in Turkey have opportunities to attend language, hobby and vocational training courses in public education centers free of charge.

**Services provided to applicants or international protection beneficiaries**

Access to education, health and labor markets for the applicant or international protection beneficiary is regulated by article 89 of Law No: 6458 on Foreigners and International Protection. In this framework;

* Applicant or international protection beneficiary and family members have access to primary and secondary education,
* Access to social assistance and services maybe renewed for applicants or international protection beneficiaries who are in need,
* Applicants or international protection beneficiaries who are not covered with any medical insurance and do not have financial means to afford medical services benefit from the universal medical insurance.

Beneficiaries can also apply to the Ministry of Labor and Social Security for a work permit after six months following the lodging date of an international protection claim. The beneficiary, upon being rented the status, may work independently or be employed.

**Services provided to Syrians benefiting from temporary protection**

In accordance with her obligations stemming from international humanitarian law, Turkey maintains open border policy for Syrians fleeing violence and places Syrian nationals in temporary protection under international law, and provides them free services ranging from food and shelter to health and schooling as well as psychological assistance, vocational training and social activities.

Temporary protection regulation issued by the Decision of the Council of Ministers on 22 October 2014 regulates the legal status of Syrians in Turkey. Within this scope, foreigners that fall under this Regulation are given temporary protection identification documents. These documents, which are not subject to any charges or fees, give the right to legally stay in Turkey and provide the basis for foreigners to carry out their social and legal actions as well as receive health, education, access the labor market, social assistance, interpretation and similar services.

Furthermore, “Regulation on Work Permits for Foreigners Under Temporary Protection” was prepared pursuant to article 29 of the Temporary Protection Regulation and entered into force on 15 January 2016.

The best interest of the child are observed in all proceedings related to children. Health services, psychosocial support, rehabilitation and all other assistance and support to be provided to unaccompanied children and those with special needs are prioritized and provided free of charge within the capacity.