



PERMANENT MISSION OF THE REPUBLIC OF TURKEY
TO THE UNITED NATIONS OFFICE IN GENEVA

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-URGENT-

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the joint communication letter by Philip Alston, Special Rapporteur on extreme poverty and human rights; Elina Steinerte, Vice-Chair of the Working Group on Arbitrary Detention; Koumbou Boly Barry, Special Rapporteur on the right to education; David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism dated 20 February 2018 (Ref: OL TUR 2/2018), has the honour to enclose herewith an information note comprising the response of the Government of the Republic of Turkey.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 30 April 2018



Office of the High Commissioner for Human Rights
Special Procedures Branch
Geneva

Information Regarding the Joint Communication of the Special Rapporteur on extreme poverty and human rights; the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism dated 20 February 2018

(REFERENCE: OL TUR 2/2018)

1. The Government would like to present its observations and relevant information herein below in respect of the Joint Communication of the Special Rapporteur on extreme poverty and human rights; the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism dated 20 February 2018.

State of Emergency and its continuation

2. In its previous responses submitted to the UN Special Mechanisms, as well as in “Observations Regarding the Joint Communication of the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and association dated 11 April 2017 (Reference: AL TUR 4/2017)”, the Government provided comprehensive information on terrorist threats faced by Turkey.

In particular, in connection with the Fethullahist Terrorist Organization/Parallel State Structure (FETÖ/PDY), it was underlined that the elements within the Turkish Armed Forces of FETÖ/PDY attempted an armed terrorist coup on 15 July 2016 to topple the democratically-elected President and overthrow the Government. Fighter jets, used during the coup attempt, bombed the Presidential Complex, the Turkish Grand National Assembly and National Police buildings and their premises; fire was opened on civilians that took to the streets to protest the coup attempt; 251 people were killed and more than 2.000 wounded.

It is obvious that the coup attempt resulted in a tragedy. Undoubtedly, it was not “an ordinary disaster or unrest”, but it was an “extraordinary situation threatening the life of a nation”.

3. Following this extraordinary situation, according to the provision in Article 120 of the Constitution and sub-paragraph (b) of the first paragraph of Article 3 of State of Emergency Law, prescribing that state of emergency can be declared “in the event of

the emergence of serious indications of widespread acts of violence aimed at the destruction of the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence”, State of Emergency was declared for 90 days as from 21 July 2016.

4. Furthermore, the Government wishes to underline that as from July 2015, PKK terrorist organization heavily intensified its decades old acts of terror in Turkey. In recent years, it adopted tactics to blend in with the local population and moved its violence to urban centers, trying to establish control in certain regions by putting civilians’ lives at risk and even using them as human shields. PKK terrorist organization even declared so-called “autonomy” in some districts.

Moreover, Turkey has to continue to fight DEASH and similar groups that adopt its wicked ideology.

5. The severity of terrorist threats faced by Turkey was acknowledged by relevant international circles. In January 2018, NATO Secretary General Jens Stoltenberg said that “Turkey is the NATO Ally which *has suffered most from terrorist attacks over many years* and Turkey, as all of the countries, have the right to self defence,.....¹
6. In order to completely eliminate these terrorist threats, Turkish state has the legitimate right and the responsibility to take all necessary measures in accordance with its international obligations. Ongoing State of Emergency in Turkey is necessary for measures to be taken in the most swift and efficient manner.
7. These measures are taken within the limits of the rule of law and international obligations. Domestic legal remedies exist for those who believe they have been wrongfully processed through anti-terrorism probes. The Government of Turkey shows utmost care to the protection of fundamental rights and freedoms.
8. In recent years, the developments unfolded in neighboring countries to Turkey, especially in Syria, clearly demonstrated that citizens become victims of massive deprivation of rights and liberties in the events of internal turmoils fomented by terrorist groups. Therefore, the assessments about the State of Emergency measures should also take into account the possible deprivation of fundamental rights and freedoms of the citizens in the case that terrorist organizations would achieve their goals or would create an overall turmoil in the country.
9. After the declaration of State of Emergency following the July 15th terrorist coup attempt:

¹ https://www.nato.int/cps/en/natohq/opinions_151089.htm

- Efforts are still underway to eliminate the members of the terrorist FETÖ/PDY which secretly and incrementally began to organize within the government since the end of 1970s, especially security bureaucracy, aiming at seizing all constitutional institutions of Republic of Turkey (executive, legislative and judicial powers),
- Time is needed to eliminate the organization's crypto-members, due to their cell structure based on confidentiality and working methods with strict adherence to confidentiality;
- Disintegration of the organization has yet to be fully completed because of a strong ownership achieved within the organization over the years, through educational institutions, psychological control methods and religious concepts and norms;
- Intensive attempts of terrorist organization FETÖ/PDY to create internal turmoil, political instability and chaos conditions in Turkey are still on-going, through instructions of the terrorist organization's members and senior leaders, who are abroad and not extradited to Turkey;
- FETÖ/PDY leader Fetullah Gülen, residing in the USA, and the leaders of the terrorist organization DAESH continue to threaten Turkey, at times through using internet and social media;
- As it became clear after the incident of the assassination of Mr. Andrey Karlov, former Russian Ambassador to Turkey, there is a persisting risk of attempts to create sensational actions in Turkey, to be conducted especially by FETÖ/PDY members in critical institutions and who have not been identified yet;
- Terrorist organizations like DAESH, PKK/KCK/PYD-YPG, fueled by instability and disputes in Syria and Iraq continue to threaten Turkey's national security;

- Especially after military Operations called Euphrates Shield (2016) and Olive Branch (2018), it is regarded that these terrorist organizations seek for revenge actions against Turkey, like perpetrating suicide attacks and bombed attacks ;

Taking into consideration of the persistence of above-mentioned conditions which generated the State of Emergency, as well as the continuing need to take swift and effective measures against terrorist organizations, State of Emergency is extended until mid-July 2018, in accordance with the recommendations of the National Security Council.

10. In this context, the Government would like to cite a few examples of the benefits of the swift and efficient implementation of these State of Emergency measures against terrorist organizations :

- In 2017, a total of 697 major terrorist attacks planned by PKK/KCK/PYD-YPG (684), DAESH (10) and illegal leftist terrorist organizations (3) were foiled. Of these planned 697 attacks, it was intended to use explosives in 634, bomb loaded vehicles in 9 and suicide bombers in 3.
- In 2018 until 19 March 2018, a total of 50 terrorist attacks planned by PKK/KCK/PYD-YPG (49) and DAESH (1) were foiled. Of these planned attacks, it was intended to use explosives in 47 and bomb loaded vehicles in 2.

Claims in connection with State of Emergency Measures and Turkey's international obligations:

11. The Government would like to state that the claims levelled against Turkey in the Communication that "Emergency measures are not in accordance with Turkey's obligations under the ICESCR" are baseless and such claims indicate lack of proper understanding of the situation in Turkey, and the insufficient analysis of the previous responses submitted by the Government.
12. Turkey resolutely maintains its commitment to the principles of democracy, human rights and the rule of law while intensively struggling against diverse and serious terrorist threats. Contrary to the claims cited in the Communication, the measures taken have always been in accordance with the understanding that "*there are legal limits to the measures that the State can take*".

13. Therefore, it should be once more emphasized that Turkey takes State of Emergency measures in compliance with its obligations under international human rights law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This understanding was repeatedly presented in previous responses of the Government to the Communications received from the UN Special Mechanisms.

14. As a matter of fact, Article 4 of International Covenant on Economic, Social and Cultural Rights, states that *“The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.”*

15. Restrictions to fundamental rights are addressed in Article 13 of the Constitution as below :

“(As amended on October 3, 2001; Act No. 4709) Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be contrary to the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular Republic and the principle of proportionality.”

Moreover, the following is set out in Article 15: *“In times of war, mobilization, martial law, or a state of emergency, the exercise of fundamental rights and freedoms may be partially or entirely derogated, or measures derogating the guarantees embodied in the Constitution may be taken to the extent required by the exigencies of the situation, as long as obligations under international law are not violated.”*

16. The Government wishes to underscore once more that it is not only a requirement of ICESCR, but also Turkish constitution that the measures envisaging to restrict rights and freedoms should be in accordance with law. At the same time, in view of the terrorist coup attempt staged by the FETÖ/PDY and its other activities vis-à-vis Turkish state and society, the Government’s tasks include bringing those who staged an armed coup before the justice and adopting measures to prevent a further attack on national will.

17. Furthermore, after the declaration of State of Emergency, Turkey resorted to the right of derogation from the obligations in the European Convention on Human Rights (“ECHR”) and International Covenant on Civil and Political Rights (“ICCPR”).

Notifications of derogation from Convention obligations were submitted to the Council of Europe in accordance with Article 15 of the ECHR and to the Secretariat of the United Nations in accordance with Article 4 of the ICCPR, concerning the rights permitted by the Conventions.

18. In line with Article 4 of the ICCPR, the Decree-Laws are issued and measures are taken to the extent strictly required by the exigencies of the situation and proportionate to the crisis faced. All measures were required to eliminate the influence of terrorist organizations within the State. The Government would also like to underline that while taking the measures under Article 15 of the ECHR, the State parties naturally continue to be subject to the supervision of the European Court of Human Rights (ECtHR).
19. In this regard, efforts have been made to break the organization's influence in the country. It is necessary to identify, one-by-one, all FETÖ/PDY members, who have infiltrated into all sections of public institutions and organizations in order to ensure that events similar to July 15th terrorist coup attempt would never happen again.
20. *State of Emergency measures were taken as prescribed by law and to protect public welfare and in compliance with the principles of "legality", "absolute necessity" and "proportionality"* and in line with positive obligations of state. They were limited to the exigencies of the situations in connection with State of Emergency. These measures do not aim at citizens but the members of terrorist organizations which have infiltrated into public institutions and organizations. At present, the conditions generated the State of Emergency still persist. The need to take swift and effective measures against terrorist organizations continues. Therefore, State of Emergency was extended until mid-July 2018.
21. In view of the claim that "most of the Emergency Decrees have not been approved by the Grand National Assembly of Turkey" is at odds with the realities. As of March 2018, all Decree Laws have been endorsed by the Parliament and enacted as such.

Claims in connection with "Transparency"

22. The Government does not concur with the Communication's oversimplification and mischaracterization of the Bylock, an intra-organizational communication tool used by the members of the terrorist FETÖ/PDY, as a simple "*data protection software*".

For perusal and reference, it is worthwhile to mention that, in a number of court decisions in Turkey, ByLock programme has been thoroughly evaluated and the following findings were considered:

- 1- ByLock programme was subjected to a number of technical assessments, such as reverse engineering, encryption analysis, analysis of network behaviour and the codes of the connected servers.

2- Accordingly, it was established that ByLock application had been designed to encrypt each and every message with a different coding system in order to ensure maximum protection against decoding.

3- It was also established that ByLock application was intended not for global clients, but for FETÖ/PDY members, since:

- There are “Turkish” expressions in the source codes of the application.
- User names, group names and most of the codes cracked comprise of Turkish expressions.
- Almost all of the content that was de-cyrted is in Turkish.
- Apparently the application had a wide circle of users (it had a user group of more than two hundred thousand); yet it was known by neither Turkish public nor foreigners before the 15th July terrorist coup attempt in Turkey.

4- The technical studies have revealed that solely signing up to the application was not sufficient to contact with the users in the system. User names and codes provided mostly face-to-face or by an intermediary (courier, the existing ByLock user etc.) should be added by both sides in order to communicate with each other. Messaging could only start after both users at the each end of the communication line added each other’s user name and code in their smartphones. In other words, ByLock was designed to only allow cell-type communication that is reminiscent of the working modalities of other terrorist organizations.

5- Bylock allowed different types of communication methods, such as voice call, instant messaging, e-mail delivery and file transfer. Therefore, users did not need any other communication tool. Moreover, since all the communication was transmitted through the server, groups created and the contents of the communication could be monitored and controlled by the administrator of the Bylock.

6- The correspondence was deleted automatically from the device in specific periods without requiring a manual process. In other words, the system was designed to take all necessary precautionary measures for the security of the communication that would prevent access to the past data of the users and the correspondence should the device be seized as a result of a probable judicial proceedings. In addition, server and communication data of the application was also encrypted within the application database and this is regarded as an additional security measure in order to prevent identification of users and ensure the communication security.

7-In order to disguise themselves, the users set a unique and quite long password. For example, there are passwords consisting of about 38 digits among the data, and more than half of the passwords consist of 9 digits and more.

8- Except for a brief period of time when the application was downloadable from Google or Apple AppStore, ByLock could only be uploaded into the devices of users manually.

9- Technical experts worked exhaustively in order to decrypt the messages. Recent findings on the decoded messages shows that almost all of the messages contained FETÖ-related communication and users were apparently were all familiar with the specific jargon of the FETÖ terrorist organization.

10- Testimonies of FETÖ members who are now subject to judicial control proceedings (either in custody, arrest, detention, etc.) after the military coup attempt staged by FETÖ/PDY units on 15 July 2016 demonstrates that Bylock was used as an organizational communication tool by the members of FETÖ/PDY organization.

Taking into account all the elements specified above, it was concluded that ByLock application was available particularly for the members of FETÖ/PDY terrorist organization. The use of “Bylock” application constitute strong suspicion for the membership, connection or affiliation with FETÖ/PDY terrorist organization. A new case-law is being developed in this regard.

23. As far as the Human Rights Defenders are concerned, freedom of expression, assembly and association are safeguarded by the Turkish Constitution. The Government attaches utmost importance to the maintenance of vibrant and pluralistic nature of Turkish civil society, as well as to the work of human rights defenders. Comprehensive reform process over the last fifteen years has greatly contributed to the enabling environment for the civil society. Proceedings against members of certain human rights organizations are not related with their activities within these organizations and are conducted in connection with criminal charges of individuals.
24. With regard to the transfer of students of the closed higher education institutions to other State-run universities or foundation-run universities, the Government would like to state that in accordance with the Decree Law on Measures to be taken Under State of Emergency No. 667 dated 23 July 2016, some of the higher education institutions run by foundations have been closed down. The relevant procedures set up and implemented for transfer of the students of these closed higher education institutions, *as per their preferences* and in accordance with the Decree Law No. 667 and the authority granted to the Executive Board of Council of Higher Education (CoHE) within the scope of the decisions of the CoHE General Assembly dated 4 August 2016 are attached herewith as Annex-I.
25. There were 64.738 students in the universities which were closed down by the State of Emergency No. 667. As it was not possible to place all these students in a single university, they have been placed at various higher education institutions and possible

grievances have been compensated by enabling them to receive education as special students.

26. Furthermore, the procedures to be implemented regarding students who were not able to submit their preferences for university departments in connection with university exams or who could not enroll at a given time in accordance with Decree Law No. 667 were reassessed in the meeting of the Executive Board of Higher Education on 1 February 2017. Based on the authority given to the Executive Committee CoHE in the General Assembly of CoHE on 4 August 2016, it was decided that applications of such students would be received until the beginning of the spring semester 2016-2017, namely 1 March 2017.
27. In connection with the primary and secondary education institutions, the relevant institutions of the Ministry of National Education and Governorates in provinces have been informed about the measures to relocate or transfer the students of the closed private schools to official primary and secondary education institutions within the context of the Ministerial Instruction No. 11157421 dated 11 October 2016 and Ministerial Instruction No. 7853561 dated 25 July 2016.

Claims in connection with civil servants

28. In its previous responses to the UN Special Mechanisms, the Government underlined that Article 141 of Civil Servants Law No. 657 under the title of "Rights and Obligations of the Officials Who are Suspended from Duty", stipulates that civil servants who are suspended from duty or who are arrested or taken into custody for any offence, whether related to their duty or not, shall be paid two-thirds of their salary during this period. They also continue to benefit from the social rights and benefits as prescribed in the said provision. In addition, if the conditions mentioned in the article 143 happen, remaining one-third of their salary shall be paid accordingly and thus personal rights acquired in the social security regime shall be maintained, in case the suspension measure is revoked.

Actually, the state can decide to apply the measure of suspension from the duty of a civil servant as a precaution if it is considered that such suspension is necessary in respect of public service requirements. The decision of suspension from the duty is not a measure decided by the Decree Laws but it is an administrative one.

29. As per Article 141 of the Civil Servants Law no 657, all public servants, who are suspended from work, taken into custody or detained as a result of administrative and judicial investigations on grounds of membership, affiliation or connection to terrorist organizations or structure/entities or organizations or groups, determined by the National Security Council as those engaging in activities against the national security of the State, are paid 2/3 of their salaries during their suspension, custody or detention periods.

The salaries are paid in full, to the civil servants who are reinstated after administrative or judicial investigations or following the end of custody or detention, periods. For the suspended personnel, the unpaid portion (1/3) of their salaries are reimbursed retrospectively. Civil servants continue to enjoy their social rights and benefits even if they are suspended from work, taken into custody or detained. They maintain their social rights and benefits during the relevant period as per the Article 141 of the Civil Servants Law No. 657.

30. Furthermore, the General Directorate of Social Assistance of the Ministry of Family and Social Policy is carrying out its assistance programs in accordance with the Law on Social Assistance and Solidarity (No. 3294), the Law on Enpensioning the Turkish Citizens Who Turn 65 and who are Needy, Helpless and Orphan (No. 2022) and the Law on Social Services (No. 2828). The Social Assistance and Solidarity Foundations (SASF), founded in every province and sub-province are organized as private law legal entities and provide assistances to the poor and needy citizens.
31. Those who are subject to the Communication can also apply to the relevant Foundation where they reside and benefit from cash and in-kind assistances provided by these Foundations. There is no legal impediment for their application. An Information Note on this matter is also attached as Annex-II.
32. With regard to concern raised in the Joint Communication about “*finding any public information on the number of applications received and considered by the Inquiry Commission on the State of Emergency Measures, decisions rendered in the cases, and remedies provided in successful cases*” the Government wishes to inform that necessary announcements about the work of the Inquiry Commission on the State of Emergency Measures are published in the web-site of the Prime Ministry in a transparent way and the proceedings as well as the statistical information are duly disseminated in Turkish language.

Accordingly, it was indicated in these announcements that the Commission employs 230 staff members including 80 Rapporteurs (Judges, Experts and Inspectors). A special information technology system has been set up for the Commission for receiving applications, making assessments and archiving. Information received from relevant institutions are stored in this system. The Commission is also permitted to access to previous court decisions. As of 26 April 2018, classification, registry and archiving processes of 385.000 documents have been completed.

According to Article 9th of the Law No : 7075, the Commission accepts or rejects an application through reviewing the submitted and all collected documents. At the examination stage, according to the Article 5th of the said Law, the Commission can request any necessary information and document that fall within its area of competence from applicants. Except the conditions prescribed by law, the state institutions, organizations and also judicial authorities should provide any information and document to the Commission without a delay and they should facilitate the Commission to examine the issues on-site. All decisions are taken individually. The decisions are

written with their reasonings based on verifiable evidences.

As of 26th April 2018, the number of applications submitted to the Commission is 108.660 and the number of the decisions taken by the Commission is 13.850.

Applicants whose cases are concluded positively by the Commission are appointed to proper positions according to their titles in 15 days by the State Personnel Administration or the Council of Higher Education. If an application is rejected by the Commission, an applicant can appeal it before courts.

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ANNEX-I

Council of Higher Education Decisions on the Transfer of Students :

In accordance with the Paragraph 4 of Article 2 of Decree Law No. 667 and the authority granted to the Executive Board of Council of Higher Education (CoHE) within the scope of the decisions of the CoHE General Assembly dated 4 August 2016, it was decided that ;

1) All associate and undergraduate students, registered to the foundation-run higher education institutions closed down (including those registered with special talent exam) shall be centrally placed by considering their preferences through the Student Selection and Placement Centre (OSYM) based on their OSYM/DGS (External Transfer Exam) scores for the year they were registered in the closed higher education institution and the basic scores of the programs with the same names of the other higher education institutions in the year they were registered,

The students shall be enabled to choose the program in the same name they were enrolled (in equivalent names for some programs) and the students registered in programs with foreign language as medium of instruction shall be able to choose the programs in the same name along with those with Turkish language as medium of instruction (in equivalent names for some programs), and the students registered in programs with Turkish language as medium of instruction shall also be able to choose the programs in the same name with foreign language as medium of instruction (the students registered in programs with Turkish language as medium of instruction should have the foreign language proficiency required to continue the program by the higher education institution they are placed and those who failed foreign language proficiency should have preparatory class and may continue the program if they are successful),

2) The student's relevant score of the enrolled year shall be taken into consideration during the placement in the preferred university programs; in case that the basic score of the preferred program for the relevant year is lower than or equal to the student's score, the student shall be placed; in case that the student is not placed in any of the preferred programs, the student shall be placed in a program whose basic score is equal to or approximate to the student's score, if a program whose basic score is equal or approximate to the student's score is available for the relevant year; in case that the student's score is lower than the basic scores of all programs for the relevant year, the student shall be placed in the program with the lowest score for the relevant year; during

the placement process for internal transfers from overseas higher education institutions, relevant university exam score of the student at the year he/she registered to the overseas higher education institution, if available, shall be valid, if university exam score is not available, student's score shall be accepted as 180 based on the score type of this program,

3) Following the central placement of the students of the closed foundation-run higher education institutions, if they so wish, they can take courses optionally in the context of individual studies in the higher education institutions and those courses shall be recognized by the higher education institutions they were placed in, considering their scores in the years they were registered by ÖSYM.

4) In case that the program or the class of the relevant program is not available in the province where the foundation-run education institutions were closed down, this program shall be launched semi-operationally within the coordinator university and students shall be accepted to this program on individual basis; in case that the program is not available semi-operational within the coordinator university (List is indicated below), the program shall be launched following the notification to the Higher Education Council by the coordinator university, and even if this procedure is not finalized, the coordinator university shall accept these students through appropriate procedure.

LIST OF COORDINATOR UNIVERSITIES

Closed Foundation Higher Education Institutions	Coordinator University
1 Bursa Orhangazi University (Bursa)	Bursa Teknik University
2 Canik Başarı University (Samsun)	Ondokuz Mayıs University
3 Fatih University (Istanbul)	Istanbul University
4 Gediz University (Izmir)	Izmir Katip Çelebi University
5 Ipek University (Ankara)	Ankara Social Sciences
6 Izmir University (Izmir)	Dokuz Eylül University
7 Melikşah University (Kayseri)	Erciyes University
8 Mevlana University (Konya)	Selçuk University
9 Murat Hüdavendigâr University	Istanbul University
1 Selahattin Eyyubi University (Diyarbakır)	Dicle University
1 Şifa University (Izmir)	Ege University
1 Süleyman Şah University (Istanbul)	Istanbul Medeniyet University
1 Turgut Özal University (Ankara)	Yıldırım Beyazıt University
1 Zirve University (Gaziantep)	Gaziantep University
1 Kanuni University (Adana)	<i>Has not started education yet</i>

INFORMATION NOTE

Ministry of Family and Social Policy prepares and implements its social assistance programs within the scope of the objective criteria determined in Social Assistance and Solidarity Law no.3294, the Law no.2022 regarding Empensioning the Turkish Citizens Who Turn 65 and Who are Needy, Helpless and Orphan and the Social Services Law no.2828 **on the basis of neediness** and without any political, philosophical or religious discrimination.

From this point of view, all social assistance programs implemented by our Ministry are provided as “public service” according to the social state principle stated in our Constitution within the scope of the objective criteria.

In order to benefit from the social assistance programs provided by the Law no.3294, citizens should be poor and needy, should not be covered by the social security institutions and not have any income or allowances provided by these institutions or according to the criteria to be determined by the Board of the Social Assistance and Solidarity Foundation, total income per capita in the household should be below the one third of the monthly minimum wage.

In order to benefit from the social assistance programs provided by the Law no.2022, citizens should fulfil the requirements such as not to have any social security and to have income per capita in the household being below the one third of the monthly minimum wage in addition to disability and elderly criteria.

In order to benefit from the social assistance programs provided by the Law no. 2828, citizens should fulfil the requirements such as to have income per capita in the household being below the two thirds of the monthly minimum wage, to have gravely disabled report and to need home-care.

Within this context, citizens, who fulfil the objective criteria determined by the aforementioned Laws, could benefit from the all assistance programs even if they are dismissed from the public service.

Furthermore, there is not any requirement as “*not to be dismissed from the public service*” among the application requirements for social assistance programs carried out by the Ministry. Therefore, there is no information in the relevant databases about the dismissed public servants among the social assistance beneficiaries.

The table below shows social assistance.

LA W	TYPE OF ASSISTANCE	NEEDINESS CRITERIA
3294	<p>Periodical Assistance (Food, Sheltering, Heating Assistances, Assistances for the Foreigners, Assistances for the Terror Victims, Assistances for the Relatives of Martyrs and Veterans, Disaster and Emergency Assistances, Public Soup-Kitchen)</p>	<ul style="list-style-type: none"> • There should not be any social security in the household and citizens should be evaluated as needy and poor by the Board of Trustees of Social Assistance and Solidarity Foundations • If there is social security, total income per capita in the household should be below the one third of the net minimum wage (483,64 TRY for 2018) • “Neediness Criteria” is not required in 30 days from the date that disaster or emergency situation has occurred. • To have requirements specific for the assistance
	<p>Regular Assistances (Conditional Education and Health Assistances, Assistance for the Women Whose Husbands are Dead, Assistance for the Needy Families of the Soldier, Assistance for Orphans, Assistance for the Needy Children of the Soldier)</p>	<ul style="list-style-type: none"> • There should not be any social security in the household and citizens should be evaluated as needy and poor by the Board of Trustees of Social Assistance and Solidarity Foundations • To have requirement specific for the assistance programs (e.g death of the husband etc.)
2022	<p>Assistances for the Elder and the Disabled</p>	<ul style="list-style-type: none"> • Disabled citizens should not have any social security and total income per capita in the household should be below the one third of the net minimum wage (483,64 TRY for 2018) • Elder citizens should not have any social security and average income of the person and his wife should be below the one third of the net minimum wage (483,64 TRY for 2018)
5510	<p>Citizens whose Premium (G0) within the scope of General Health Insurance are Provided by the State</p>	<ul style="list-style-type: none"> • Total income per capita in the family should be below the one third of the gross minimum wage (676,49 TRY for 2018)

2828

Home-Care Allowances

- Total income per capita in the household should be below the two thirds of the net minimum wage (**967,27 TRY for 2018**)