



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

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The Permanent Mission of the Republic of Türkiye to the United Nations Office in 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 Letter by Mr. Tomoya Obokata, Special Rapporteur on the contemporary forms of slavery in the informal economy, dated 14 January 2022, has the honour to enclose herewith the contributions provided by the relevant Turkish authorities.

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

Geneva, 31 March 2022



Encl: As stated.

Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10

OHCHR REGISTRY

- 4 AVR. 2022

Recipients : ...S.P.D.

EnclosureSlavery



THE CONTRIBUTION OF THE MINISTRY OF LABOUR AND SOCIAL SECURITY
TO REPORT ON CONTEMPORARY FORMS OF SLAVERY IN THE INFORMAL
ECONOMY

Key questions and types of input sought

2. What are the examples of unregistered employment in your country?

Unregistered employment is the failure to notify the relevant public institutions and organizations such as the tax office and the social security institution of the work of their own or dependent employees, the wages and earnings they earn, or to under-report them as days or wages.

According to this definition, there are three types of informal work:

- a) **Employees to not Notifying the Social Security Institution:** The most proportion of informal employment consists of those whose various works never reported to the relevant institutions and organizations. Persons who receive income or be on welfare from SSI under various names may engage in unregistered employment of their own volition in order to ensure that these incomes, pensions continue uninterruptedly. Apart from the fact that retired persons are not registered, those who receive entitlement widowed-orphan pensions work informally so that their pensions are not suspension off, those who receive unemployment welfare from during a certain period of time they are unemployed are not deducted, if those are unregistered, and those who benefit from social assistance and services work informally so that their benefits are not suspension.
- b) **Under-reporting of Working Days:** In this type of unregistered employment, the number of working days of employees is under-reported to institutions and organizations. Employers want to create a cost advantage by under-reporting the number of days worked and trying to incur less premium debt than it should be. For instance, if an employer makes the notification of the insured who works 30 days a month over 15 days, the amount of premium employer has to pay is reduced by half.
- c) **Under-Declaration of Earnings Subject to Insurance Premium:** In this type of unregistered, the amount of wages or earnings related to the work of employees is under-



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reported to institutions and organizations. Although employers give higher wages to their employees, they under-report the amount of wages to the relevant institutions and organizations in order to create a cost advantage by paying less social security premiums and taxes. E.g.; If an employer pays 9,000 TL as a monthly wage to its worker, but notifies the relevant institutions and organizations over 4,500 TL and pays the premium and tax accordingly, the employer will halve the amount of premium employer has to pay.

3. In which sectors does labor exploitation take place? (For example, housework, agriculture, manufacturing, peddling, garbage collection, etc. Please provide detailed information on the nature and extent of exploitation, including forced/bonded labor, domestic slavery and child labor, including its worst forms).

Republic of Türkiye Ministry of Labour and Social Security, which has been actively fighting in the field of combating child labour since the beginning of the 1990s, coordinates and provides cooperation between public institutions and organizations, employers' organizations, universities and non-governmental organizations working on child labour.

The "National Program for Combating Child Labour (2017-2023)" and its annexed Action Plan, prepared with the contributions of all relevant parties. Within the scope of this National Program, the worst forms of child labour are defined as working mainly on the street, in heavy and dangerous jobs in small and medium-sized enterprises, apart from family work in agriculture, working in mobile and temporary agricultural works in return for wages.

In the Action Plan, there are 106 comprehensive precautionary articles covering issues such as eliminating poverty, which is the main reason for children to enter the working life, increasing the quality and accessibility of education, and improving social awareness and sensitivity. The Action Plan includes activities such as raising awareness for children and their families, vocational training and vocational training and directing them to public services.

In order to fight against child labour, the National Employment Strategy (2014-2023), was prepared with the contributions of all parties of working life. In 2023, to reduce child labour in other fields to below 2% by eliminating the worst forms of child labour, especially in



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industry, heavy and dangerous works, on the street and seasonal mobile temporary agriculture is aimed.

Studies on child labour in our country were carried out by TURKSTAT through Child Labour Surveys in 1994, 1999, 2006, 2012 and 2019. In this context, a steady decrease in the number of child labour observed since 1994. In this context, while the rate of children aged 6-17 working in economic jobs was 15.2% in 1994, this rate decreased to 10.3% in 1999 and 5.9% in 2006, and this rate to 5.9% in 2012 remained. According to the results of TURKSTAT's 2019 Child Labour Force Survey, the rate of children aged 5-17 working in economic activity was 4.4%.

According to TURKSTAT 2019 data, 221 thousand of 720 thousand economically active children in the 5-17 age group work in the agricultural sector, 171 thousand in the industry sector and 328 thousand in the service sector.

The table regarding the sectoral situation of unregistered employment in Türkiye by years is as follows.

| Years | Agricultural | Non-Agricultural | Industry | Service | Construction | General |
|-------|--------------|------------------|----------|---------|--------------|---------|
| 2003 | 91,15 | 31,55 | 36,43 | 29 | - | 51,75 |
| 2004 | 89,9 | 33,83 | 37,28 | 31,96 | - | 50,14 |
| 2005 | 88,22 | 34,32 | 38,11 | 32,27 | - | 48,17 |
| 2006 | 87,77 | 34,06 | 38,12 | 31,88 | - | 46,97 |
| 2007 | 88,14 | 32,34 | 35,51 | 30,63 | - | 45,44 |
| 2008 | 87,84 | 29,76 | 31,61 | 28,77 | - | 43,5 |
| 2009 | 85,84 | 30,08 | 33,43 | 28,4 | - | 43,84 |
| 2010 | 85,47 | 29,06 | 32,68 | 27,11 | - | 43,25 |
| 2011 | 83,85 | 27,76 | 31,5 | 25,71 | - | 42,05 |
| 2012 | 83,61 | 24,51 | 27,89 | 22,73 | - | 39,02 |
| 2013 | 83,28 | 22,4 | 25,23 | 20,9 | - | 36,75 |
| 2014 | 82,27 | 22,32 | 20,26 | 21,09 | 36,61 | 34,97 |
| 2015 | 81,16 | 21,23 | 19,13 | 20,05 | 35,58 | 33,57 |
| 2016 | 82,09 | 21,72 | 20,2 | 20,35 | 35,76 | 33,49 |



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| | | | | | | |
|-------------|-------|-------|-------|-------|-------|-------|
| 2017 | 83,33 | 22,1 | 20,03 | 20,95 | 35,8 | 33,97 |
| 2018 | 82,73 | 22,28 | 20,29 | 21,46 | 34,39 | 33,42 |
| 2019 | 86,62 | 22,96 | 20,03 | 22,55 | 37,74 | 34,52 |
| 2020 | 83,46 | 19,30 | 16,46 | 18,76 | 34,72 | 30,59 |

Source: TÜİK, Household Labour Force Survey Results

Firstly, seen in the table above, unregistered employment is very high in the agricultural sector. The unregistered employment rate in the agriculture sector, which was 91.15% in 2003, was realized as 83.46% in 2020. Although there is a certain decrease in the rate of unregistered employment in the agricultural sector, it is still very high. For this reason, when the sectors other than agriculture are analyzed, the unregistered employment rate in Türkiye in 2020 is 19.30%. This ratio, which was 31.55% in 2003, decreased by approximately 12 points

Considering the sectors other than agriculture, the highest unregistered employment rate was observed in the construction sector among the industry, service and construction sectors. Although there has been a downward trend in recent years, the unregistered employment rate in the construction sector in 2020 was 34.72%.

The unregistered employment rate is low in the industry and service sectors compared to other sectors. While the rate of unregistered employment in the industry sector was 36.43% in 2003, it was 16.46% in 2020. In the service sector, while the unregistered employment rate was 29% in 2003, it was 18.76% in 2020.

4. What percentage of the labour force in your country is in the unregistered sector/economy?

The table regarding the general situation of unregistered employment in Türkiye by years is as follows.

| Years | Unregistered Employment (thousand persons) | Those in employment (thousand persons) | Unregistered Employment Rates (%) |
|--------------|---|---|--|
| 2006 | 9.593 | 20.423 | 46,97 |
| 2007 | 9.423 | 20.738 | 45,44 |
| 2008 | 9.220 | 21.194 | 43,50 |

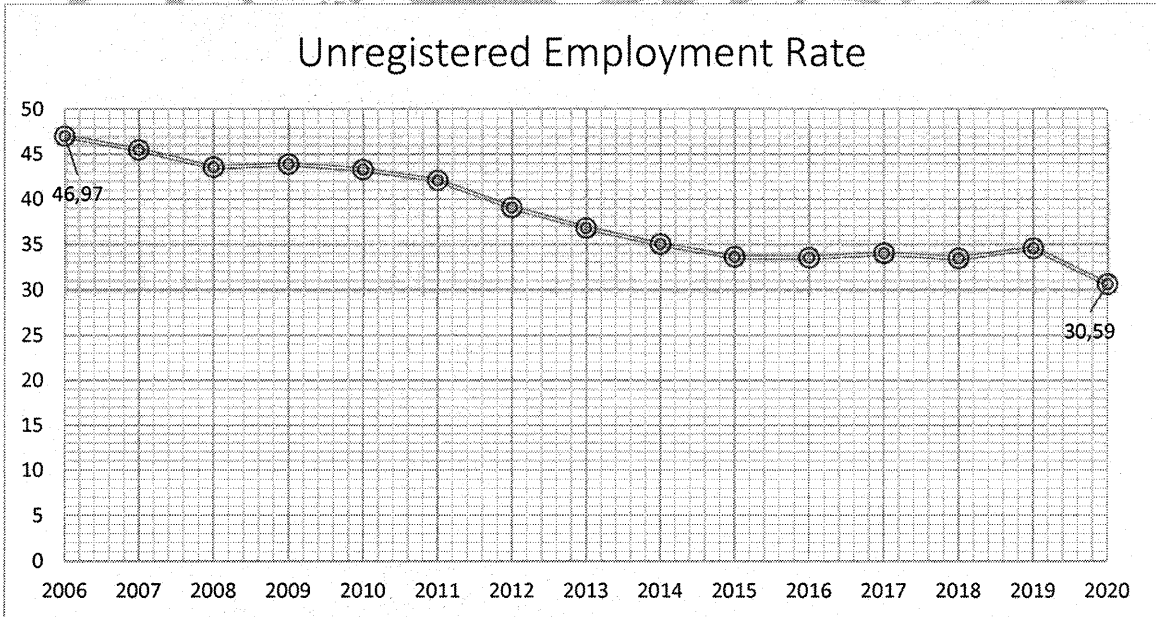


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| | | | |
|------|--------|--------|-------|
| 2009 | 9.328 | 21.277 | 43,84 |
| 2010 | 9.772 | 22.594 | 43,25 |
| 2011 | 10.139 | 24.110 | 42,05 |
| 2012 | 9.686 | 24.821 | 39,02 |
| 2013 | 9.379 | 25.524 | 36,75 |
| 2014 | 9.069 | 25.933 | 34,97 |
| 2015 | 8.938 | 26.622 | 33,57 |
| 2016 | 9.111 | 27.205 | 33,49 |
| 2017 | 9.575 | 28.189 | 33,97 |
| 2018 | 9.604 | 28.738 | 33,42 |
| 2019 | 9.692 | 28.080 | 34,52 |
| 2020 | 8.202 | 26.813 | 30,59 |

Source: TÜİK, Household Labour Force Survey Results

As seen in the table, while the unregistered employment rate was 46.97% in 2006, it was 30.59% in 2020. Accordingly, the rate of informal employment has decreased by approximately 16 points on an annual basis since 2006. The table regarding the annual course of informal employment is as follows.



Source: TÜİK, Household Labor Force Survey Results



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As seen in the figure, the rate of unregistered employment showed a steady decreasing trend over the years. Increasing efficiency and productivity in auditing, enhancing the level of awareness, increasing information and data sharing between institutions and increasing the quality of service had a great impact on this decrease. Despite this decreasing trend, the unregistered employment rate is still high in Turkey in comparison with the OECD and EU countries.

5. Who works in the unregistered sector in your country? Please provide detailed information regarding gender, sexual orientation, race, ethnicity, age, nationality, as well as social and/or economic status. Are certain categories of labours more affected by contemporary forms of slavery than others? If so, please explain.

The table regarding the gender-based status of unregistered employment in Türkiye over the years is as follows.

| | Women | Men |
|------|-------|-------|
| 2005 | 64,96 | 42,44 |
| 2006 | 62,95 | 41,43 |
| 2007 | 60,74 | 40,11 |
| 2008 | 58,45 | 38,15 |
| 2009 | 58,35 | 38,31 |
| 2010 | 58,49 | 37,2 |
| 2011 | 57,79 | 35,65 |
| 2012 | 54,17 | 32,7 |
| 2013 | 52 | 30,22 |
| 2014 | 48,44 | 29,29 |
| 2015 | 46,05 | 28,15 |
| 2016 | 44,26 | 28,75 |
| 2017 | 44,56 | 29,22 |
| 2018 | 42,15 | 29,43 |
| 2019 | 42,18 | 30,95 |
| 2020 | 37,11 | 27,57 |



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As seen in the table, the unregistered employment rate for women is higher than for men. The rate of unregistered employment for both men and women has decreased significantly since 2005.

6. What are the main factors pushing labours to engage in these practices in the unregistered economy (e.g. lack of employment contract, access to employment benefits and protection, complaint mechanisms and broader regulation/protection by the state)?

The reasons for unregistered employment in our country are examined in three groups. These are listed below.

a) Economic Reasons:

- 1) Unemployment
- 2) Inflation
- 3) Inequality in Income Distribution and Poverty
- 4) Reasons Arising from the Structure of the Market and Businesses

b) Administrative, Legal and Financial Reasons

- 1) Weight of Financial Burdens Related to Employment
- 2) Failure to Provide Effectiveness in Audit
- 3) Bureaucratic Transaction Redundancy
- 4) Lack of Coordination and Cooperation Between Public Institutions

c) Social and Psychological Reasons

- 1) Low Education and Consciousness Level of Labour Force
- 2) Negative Attitude to Public Services and Their Expenditures
- 3) Migration and Population Growth

7. Are contemporary forms of slavery in the unregistered economy more common in rural or urban areas? Please provide detailed information.

The table regarding the regional situation of unregistered employment in Türkiye in 2020 is as follows:



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| REGIONS | Registered | Unregistered | Total | Rate |
|---|---------------|--------------|---------------|--------------|
| Adana, Mersin | 763 | 472 | 1.235 | 38,22 |
| Ankara | 1.590 | 290 | 1.880 | 15,43 |
| Antalya, Isparta, Burdur | 833 | 353 | 1.186 | 29,76 |
| Aydın, Denizli, Muğla | 776 | 376 | 1.152 | 32,64 |
| Ağrı, Kars, Iğdır, Ardahan | 126 | 170 | 296 | 57,43 |
| Balıkesir, Çanakkale | 424 | 201 | 625 | 32,16 |
| Bursa, Eskişehir, Bilecik | 1.124 | 331 | 1.455 | 22,75 |
| Erzurum, Erzincan, Bayburt | 190 | 139 | 329 | 42,25 |
| Gaziantep, Adıyaman, Kilis | 495 | 295 | 790 | 37,34 |
| Hatay, Kahramanmaraş, Osmaniye | 567 | 332 | 899 | 36,93 |
| Kastamonu, Çankırı, Sinop | 162 | 138 | 300 | 46,00 |
| Kayseri, Sivas, Yozgat | 502 | 225 | 727 | 30,95 |
| Kocaeli, Sakarya, Düzce, Bolu, Yalova | 1.036 | 311 | 1.347 | 23,09 |
| Konya, Karaman | 538 | 283 | 821 | 34,47 |
| Kırıkkale, Aksaray, Niğde, Nevşehir, Kırşehir | 324 | 178 | 502 | 35,46 |
| Malatya, Elazığ, Bingöl, Tunceli | 321 | 229 | 550 | 41,64 |
| Manisa, Afyonkarahisar, Kütahya, Uşak | 688 | 435 | 1.123 | 38,74 |
| Mardin, Batman, Şırnak, Siirt | 231 | 158 | 389 | 40,62 |
| Samsun, Tokat, Çorum, Amasya | 526 | 477 | 1.003 | 47,56 |
| Tekirdağ, Edirne, Kırklareli | 538 | 204 | 742 | 27,49 |
| Trabzon, Ordu, Giresun, Rize, Artvin, Gümüşhane | 513 | 492 | 1.005 | 48,96 |
| Van, Muş, Bitlis, Hakkâri | 242 | 274 | 516 | 53,10 |
| Zonguldak, Karabük, Bartın | 228 | 125 | 353 | 35,41 |
| İstanbul | 4.365 | 998 | 5.363 | 18,61 |
| İzmir | 1.156 | 335 | 1.491 | 22,47 |
| Şanlıurfa, Diyarbakır | 353 | 383 | 736 | 52,04 |
| TOTAL | 18.611 | 8.204 | 26.815 | 30,59 |

As seen in the table, the rate of unregistered employment is higher in rural areas, while it is lower in urban areas.

8. What legislation and other measures exist in your country to address unregistered employment?

In Türkiye, various projects, activities and studies have been carried out in combating unregistered employment, in which all segments of the society are included in the process. Studies in this direction have been organized not only to register a certain group, but also to cover the entire labour market by spreading across the country. Therefore, although a great development has been achieved in recent years, combating unregistered employment, which is still one of the important problems of our country's labour market, not only focuses on certain



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groups such as a sector or regional employees, but also by considering all sectors and labour market throughout the country.

In general, many studies are carried out by the Social Security Institution in light of both preventive and punitive approaches to combat unregistered employment. These studies can be summarized under five main headings.

- 1) The first of these is the routine inspections of workplaces determined by the Institution based on denunciation and complaints, and workplaces that are determined to be risky as a result of risk analysis studies.
- 2) Secondly, within the scope of data sharing, mutual cross-examinations can be made with institutions in line with the professional information obtained from many public institutions and organizations and banks, and unregistered can be easily detected without an audit.
- 3) Thirdly, with the transfer of most of the services to the electronic environment, services have been facilitated by adopting a faster, more accessible and citizen-oriented service approach.
- 4) Fourth, premium reduction practices have been implemented in order to reduce the financial burden on employers, to support employers who pay their premiums in full and regularly, and to increase registered employment. In addition, employers who are found to employ unregistered workers are obliged to not be able to benefit from certain-term incentives.
- 5) Finally, many information-awareness activities are carried out in order to raise awareness of our citizens on the importance of social security and unregistered employment and to inform employers and employees about their rights and obligations.

9. What complaint mechanisms are in place for human rights violations for informal workers, including in contemporary forms of slavery?

In the event that citizens who suspect that they are employed without insurance within the scope of denunciation and complaints regarding combating unregistered employment, report this situation to the Social Security Institution in any way, the issue is evaluated first and



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necessary investigations are carried out immediately. Citizens can convey their denunciation and complaints about unregistered employment through the following methods;

- a) By calling ALO 170 Labor and Social Security Communication Center 24 hours a day, 7 days a week,
- b) Provincial Directorates of Social Security and Social Security Centers directly,
- c) By calling ALO 150 through CIMER (Presidential Communication Center) or via the link www.cimer.gov.tr.

10. Is the labour inspectorate in your country mandated to inspect the informal sector and to take action in case abuse/labour exploitation is detected?

The Directorate of Guidance and Inspection of the Ministry of Labour and Social Security is responsible for the duty and power of labour inspection.

According to Article 91 of the Labour Law No. 4857; *“The state monitors, supervises and inspect the implementation of the legislation related to working life. This assignment is carried out by the labour inspectors of the Ministry of Labour and Social Security, who are authorized to inspect and audit in sufficient number and quality to meet the needs.”*

In addition, in Article 95 of the Presidential Decree No.1, among the duties and powers of the Directorate of Guidance and Inspection, *“to fight against informal employment, to carry out audits based on sectoral analyses for this purpose and to propose the necessary measures in these matters”* is listed.

Inspection activities are of great importance in the fight against unregistered employment. Routine inspections are carried out for workplaces in suspicious situations with the data coming from workplaces that have been notified and complained about by our institution, workplaces that are determined to be risky as a result of risk analysis studies, and data from banks and other institutions and organizations.

The inspections are divided into two parts as programmed and unscheduled. By using the risk analysis method, programmed audits are carried out according to the workplace/sector that is determined to be risky. Apart from these, if the citizens who suspect that they are employed without insurance within the scope of unscheduled notices and complaints, notify our



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Institution of this situation in any way, the issue is evaluated first and the necessary investigations are carried out immediately.



