**UNITED NATIONS**

**SR on “GENDER and TOXICS”**

**CONTRIBUTION of the REPUBLIC of TURKIYE**

**Note: The inputs are compiled from the views of the Ministry of Family and Social Policies, the Ministry of Environment, Urbanization and Climate Change, and the Ministry of Agriculture and Forestry.**

**Inputs for Implications for Human Rights of the Environmentally Sound Management and Disposal of Toxic and Hazardous Substances**

Everyone has the right to health and well-being throughout life, enjoying the highest possible standard of physical and mental health. As it is known, pandemic, natural disasters, climate change and immigration factors, as well as economic, technological and demographic transformation have negative effects on humanity today. These changes and transformations have more negative impacts on children, young persons, women, persons with disabilities and older persons. Vulnerable persons become even more vulnerable, social justice is undermined, discrimination increases and inequality deepens in terms of all rights.

Toxic and hazardous substances leads to an increase in the number of persons with disabilities due to negative effects on health. Simultaneously, the fact that persons with disabilities, including women, are exposed to discrimination and inequality in all areas of social life causes them to be more affected by toxic and hazardous substances. This is due to the fact that persons with disabilities are more exposed to poverty, malnutrition, inadequate hygiene conditions, unfavorable housing conditions, low-skilled and low-paid jobs and have limited access to health care services.

It is of great importance to take measures to address the adverse environmental conditions, including toxic and hazardous substances in a disability-inclusive manner in order to achieve the SDGs. In line with the global development agenda, the main approach of the Republic of Türkiye is disability prevention and persons with disabilities, including women, can benefit from fundamental rights and freedoms and to be able to lead a life worthy of human dignity. The Disability Law was published in 2005 in order to implement the approach. In 2009, by ratifying the Convention on the Rights of Persons with Disabilities, the Convention became a part of domestic law of the Republic of Türkiye. In 2021, the 2030 Barrier-Free Vision Document was announced with the vision of building an inclusive society where persons with disabilities, including women, can realize their potential. The National Action Plan on the Rights of Persons with Disabilities (2023-2025) has started to be implemented for the realization of the goals of the Vision Document. In the Action Plan, activities are determined according to the following goals;

* Development of effective prevention and early intervention services with a holistic approach,
* Strengthening inclusive, affordable and sustainable healthcare services, including reproductive health,
* Strengthening the accessibility of information and communication technologies,
* Strengthening the access of persons with disabilities to justice and making complaint mechanisms accessible,
* Development of open, inclusive and accessible employment opportunities for persons with disabilities,
* Encouraging persons with disabilities to be able to live their lives in accordance with their own preferences,
* Providing appropriate supports for their varying needs depending on their disability,
* Taking disability-inclusive measures in disaster and humanitarian emergencies, including toxic and hazardous substances,
* Ensuring the participation of persons with disabilities, including women, and CSOs representing them in the policy-making, implementation, monitoring and evaluation processes.

We also provide services for girls between the ages of 13 and 18, especially girls such as victims of abuse and pregnant adolescents. In addition, we have many women employees in our childcare organizations. For this reason, we attach importance to the work to be done to prevent our women and girls from being exposed to toxic substances.

Pregnancy is an important health event and we are aware that toxic and harmful substances can have lifelong harmful effects health and well-being for pregnant and newborn. There may also be some damage moving decently between generations. Governments around the world are failing to control the production of an increasing amount of toxic substances. Therefore, taking the necessary measures is of great importance to protect the health of future generations.

We assess that the possible dangers that may arise in the groups we serve are as follows:

It increases the exposure of many employees and girls, especially cleaning and maintenance personnel working in our organizations, directly or indirectly to toxic substances.

Girls who are in adolescence are becoming more interested in makeup products that do not have clean ingredients.

It is observed that the awareness of the use of hygiene products during adolescence is low.

The activities carried out by the Ministry of Family and Social Policies

* Anka Psychosocial support program is being conducted for children who receive institutional care services. Within the framework of this program, individual and group activities are carried out to carry out awareness-raising activities for children on issues of privacy, reproductive health and safety.
* In order to protect the children receiving institutional care services by conducting health follow-ups, trainings are organized on maternal and child health issues in order to protect them from possible dangers.

**Examples of how governments have addressed gendered harms of toxics and harmful substances, through regulations, training of medical and/or other public health practitioners or grant making, for example.**

Turkish industry has been handling hazardous chemicals including the ones hazardous to gender related health for a long time. The first policy specific to hazardous chemicals started in 1973 with the regulation on precautions to be taken for works including explosive, flammable and hazardous substances. With the introduction of EU accession process, this policy was harmonized with EU directives, including the ones related with chemical substances at work (98/24/EC) and carcinogens, mutagens and reprotoxic substances at work (2004/37/EC). In addition to these regulations, Türkiye has a special and specific regulation on protecting working people from the effects of dusts at workplaces. Furthermore, for the effective and correct determination of occupational exposures of working people to chemical substances, Türkiye put into force a piece of regulation in 2014 which gives Ministry of Labor and Social Security the authority to audit and authorize the occupational hygiene laboratories. The risk assessment processes related to chemicals in the harmonized EU directives together with the additional regulations mentioned above help to detect and take under control the exposures of the working people to chemicals, including carcinogens and reprotoxic substances.

In the Occupational Health and Safety legislation of Türkiye, there are many sub-regulations aligned with the European Union Council Directives concerning chemicals, and carcinogenic and mutagenic substances:

* Regulation on Health and Safety Measures in Working with Chemical Substances
* Regulation on Health and Safety Measures in Working with Carcinogenic or Mutagenic Substances
* Regulation on Conditions of Employment of Pregnant or Breastfeeding Women and Breastfeeding Rooms and Child Care Facilities
* Regulation on Conditions of Employment of Female Employees in Night Shifts
* Regulation on Combating Dust
* Regulation on Health and Safety Measures in Working with Asbestos
* Regulation on Part-Time Work to be Performed after Maternity Leave or Unpaid Leave
* Regulation on Work Requiring a Maximum of Seven and a Half Hours a Day or Less in Terms of Health Rules
* Regulation on Vocational Training of Those to be Employed in Dangerous and Very Dangerous Classes of Work ... etc.

In order to prevent employees from toxic substances in the workplace environment, these issues are applied in the workplaces covered by Occupational Health and Safety Law No. 6331:

* risk assessment,
* reduction of use,
* prevention and reduction of exposure,
* precautions to be taken when working with hazardous chemicals,
* occupational hygiene,
* personal protection,
* informing employees,
* training,
* occupational exposure limit values with health surveillance,
* biological limit values and health surveillance measures,
* the employer's assessment of the effects on employees of chemical, physical, biological factors and working processes that are considered dangerous for the health and safety of pregnant or breastfeeding employees and taking general and special measures according to the results of this assessment... etc.

In Annex I of the Regulation titled "Precautions to be taken for Factors Considered Hazardous to the Health and Safety of Pregnant, Newly Born or Breastfeeding Employees", it is stated that *"It is essentially forbidden to employ pregnant, newly born and breastfeeding employees in jobs where carcinogenic, mutagenic, highly toxic, toxic, harmful and allergic substances used. However, if there is a necessity to employ the employee and these substances cannot be technically replaced with less harmful ones, pregnant employees may be employed with mutagenic and reproductively toxic substances, and breastfeeding and new-born employees may be employed with substances other than chemicals that may be harmful to the nursing child, provided that all precautions are taken and their health status and exposure levels are kept under constant control."*

Pursuant to Article 5 of the "Regulation on the Procedures and Principles of Employment of Child and Young Workers", *it is forbidden for workers under the age of 18 to work with substances that are harmful to health and cause occupational diseases.*Article 5 titled also reads as follows: *"In addition, even if they are among the permitted jobs depending on their age, they are not allowed to work in preparation, completion and cleaning works, in the production and wholesale of alcohol, cigarettes and addictive substances, in flammable, explosive, explosive and hazardous substances, wholesale and retail sale of harmful and hazardous substances, manufacturing, processing and storage of such substances and all kinds of work where there is a possibility of exposure to these substances, work carried out in environments with high noise and / or vibration, work requiring work in extremely hot and cold environments, work with substances harmful to health and causing occupational diseases, in jobs where there is a possibility of exposure to radioactive substances and harmful rays, in jobs that require excessive attention and uninterrupted standing, in jobs that are paid on a piece-rate and premium system, in jobs that do not allow them to return home or to their family at the end of work, except for jobs for educational purposes, Workers under the age of 18 cannot be employed in jobs that are above their physical and psychological competencies with the report of the workplace physician, in jobs that are likely to bring lack of training, lack of experience, lack of attention to safety, money carrying and collection jobs and jobs that coincide with the night period specified in the first paragraph of Article 69 of the Labour Law No. 4857."*

In Article 9 of the "Regulation on the Duties, Authorities, Responsibilities and Training of Occupational Physicians and Other Health Personnel". *"To closely monitor and protect groups requiring special policies such as pregnant or breastfeeding women, persons under 18 years of age, persons with a diagnosis or preliminary diagnosis of occupational disease, persons with chronic diseases, the elderly, disabled persons, persons with alcohol, drug and drug addiction, persons who have had more than one occupational accident, to inform them and to take special consideration in the risk assessment to be made. "*, *"In line with international standards and the results of the risk assessment carried out in the workplace, taking into account the personal characteristics of the employee, the hazard class of the workplace and the nature of the work, periodic examinations are repeated at least once every five years in less dangerous jobs, at least once every three years in dangerous jobs, at least once a year in very dangerous jobs, and at least once every six months for children, young and pregnant employees from the group requiring special policy. However, if deemed necessary by the workplace physician, these periods are shortened."*, To organize reports by conducting the necessary health examinations for the placement of employees such as groups requiring special policy, those diagnosed or pre-diagnosed with occupational diseases, chronic diseases, substance addiction, those who have had more than one occupational accident, to prepare a report by conducting the necessary health examinations for the placement of employees in the appropriate job, in case of an employee diagnosed or pre-diagnosed with occupational disease, to ensure the health of other employees in the environment where the person works.

However, it is important that domestic services, which are not covered by the Occupational Health and Safety Law No. 6331, and those who produce goods and services on their own behalf without employing employees, especially women employees, do not have access to adequate occupational health and safety measures, training and information at the desired level. Again, practices for improvement and development can be developed especially for the sectors to be determined (agriculture-underground cultivation, service...etc.) where children accompanying or assisting female employees may also be exposed to high exposure.

In addition, "Biological Exposure Indicators Sub-Working Group" was established in 2023 within the sub-working groups of the Anti-Dust Commission. There are members from 5 institutions and organizations. The sub-working group carries out studies on the basis of substances, especially heavy metals, and carries out the preparation of biological exposure indicators, biological limit values and health surveillance guidelines for the substance studied.

Occupational Hygiene Basic Training is organized in cooperation with İHİDER-ETOK-İSGÜM for 5 days.

On the website of Directorate General of Occupational Health and Safety (https://www.csgb.gov.tr/isggm/hizmetlerimiz/yayinlar/) under the heading "Publications"; many books, guides, brochures, posters, etc. are available to guide occupational physicians and occupational health and safety professionals in terms of health surveillance.

On the inspection side, occupational health and safety inspections are conducted as scheduled inspections and unscheduled inspections, taking into consideration statistical data from previous years, national policies and needs, risks and priorities in the working life, and the resources of the Directorate for Guidance and Inspection. Scheduled inspections are carried out in areas or sectors determined as a result of assessing and prioritizing problems in the working life, or targeting a specific risk group, with the aim of auditing the implementation of all or part of the legislation related to working life, by setting specific targets. Unscheduled inspections, which consist of examinations, are carried out based on complaints, notifications, etc., or documents received by the Directorate that are deemed compatible with inspection services and are included in the inspection program outside of the scheduled inspections.

In this context;

1. As specified in the Occupational Health and Safety Law No. 6331, matters concerning whether the conditions of groups requiring special policies, such as young, elderly, disabled, pregnant, or nursing employees, as well as female employees, are considered in risk assessment studies,
2. Matters related to whether the provisions of the Regulation on Conditions of Employment of Pregnant or Breastfeeding Women and Breastfeeding Rooms and Child Care Facilities, which determine the measures to be taken to ensure and improve the health and safety of pregnant, recently given birth, or nursing employees at workplaces, which kinds of work are prohibited for these employees during certain periods, the conditions and procedures to be followed in the jobs they can be employed in, how nursing rooms or childcare nurseries will be established, and what conditions they must meet,
3. Matters regarding the implementation of the provisions of the Regulation on Health and Safety Measures in Working with Chemical Substances, which sets the minimum requirements to protect the health of employees from existing or potential risks arising from the effects of chemical substances present, used, or processed in any way at the workplace, and to ensure a safe working environment,
4. Matters concerning the compliance with the relevant provisions of the Regulation on the Principles and Procedures of Occupational Health and Safety Training for Employees, which include training on chemical risk factors and other subjects for groups requiring special policies and employees with special duties,

are included among the subjects of inspections.

It is considered that it would be appropriate to determine the necessary rules under the umbrella of the United Nations on the issues, like preventing trade in hazardous and toxic wastes and being transferred to other countries by the countries that caused, to impose penalties/compensations on those who do not comply with the determined system and rules.

Thus, pollution of natural resources such as water, soil and air in other countries that are not responsible for hazardous and toxic wastes can be prevented. Human, animal, plant, environment and biodiversity can also be protected and food safety can be ensured.

In addition, it is of great importance to reduce the formation of hazardous and toxic wastes, determine the severity and effects of the hazard, control the causing sectors, prevent exposure, and increase R&D activities on issues involving uncertainty. In this regard, it is considered that it would be beneficial to carry out the necessary studies, under the umbrella of the United Nations, to determine and implement preventive and corrective rules, and to apply international sanctions when necessary.

The related department of the Ministry of Agriculture and Forestry, TAGEM (General Directorate of Agricultural Research and Policy) serves as the funding body for research and development (R&D), its efforts to address gendered harms from toxics and harmful substances would primarily involve supporting research projects, capacity building initiatives, and policy development related to agriculture and food production. By investing in gender-responsive research, capacity building, policy development, and community engagement initiatives within the agricultural R&D sector, TAGEM plays a vital role in addressing gendered harms from toxics and harmful substances and promoting gender equality in agriculture and food production systems.

**ANNEX 1**

**TÜRKİYE POLLUTANT RELEASE AND TRANSFER REGISTER SYSTEM**

**FACT SHEET**

"Pollutant Release and Transfer Register (PRTR)" is an electronic database that contains information on the release of certain pollutants from certain industrial activities into receiving environments such as air, water, soil and transports through wastewater for treatment, processing, etc. and hazardous/non-hazardous waste transports, based on regular reporting by facilities.

PRTR is based on the Aarhus Convention and the Pollutant Release and Transfer Register (PRTR-Kiev) Protocol, which is a part of the Convention. The European Union has published and implemented the European-PRTR (E-PRTR) Regulation to fulfill the requirements of the PRTR Protocol.

As it says in 2008 National Program of Türkiye for the Adoption of the EU Acquis, the need for preparation of pollutant emission inventory, compatible register of the inventory for reporting, and establishing and operating of the reporting system in accordance with "Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 on the establishment of a European Pollutant Release and Transfer Register and amending Directives 91/689/EEC and 96/61/EC" has been identified and ***2009 and later has been determined for the harmonization of the legislation and it has been stated that the implementation will be considered within the context of full membership perspective.***

**The By-Law on Pollutant Release and Transfer Register (KSTK-PRTR) in Türkiye was published in the Official Gazette dated December 4, 2021 and numbered 31679**, but did not enter into force for all industrial activities/sectors at the same time.

Article 26 of the By-Law titled "Enforcement" is as follows:

***Entry into force***

***ARTICLE 26*** *– (1) This Bylaw will enter into force according to the following time-lines;*

*a) For the following activities listed in Annex-1.*

*1) For the energy sector and production and processing of metals sector from the date this Bylaw comes into force,*

*2) For the mineral industry sector and chemical industry sector from one year after the date this Bylaw comes into force,*

*3) For the waste and wastewater management sector and paper and wood production and processing sector from two years after the date this Bylaw comes into force,*

*4) For the intensive livestock production and aquaculture sector, animal and vegetable products from the food and beverage sector and other activities from three years after the date this Bylaw comes into force.*

*b) For other provisions from the date this Bylaw comes into force*

Due to the gradual implementation, it will be 2027 at the earliest for all sectors and industrial activities to be included in the PRTR System and for the data verification of the submitted reports to be completed.

**The PRTR Center has already carried out work and operations for approximately 2500 industrial facilities**, including the review and approval of registration applications of facilities to the PRTR System and quality control of the information in the PRTR reports submitted by the facilities. When all sectors are included, **the PRTR System is expected to cover more than 4000 installations.**

The PRTR By-Law applies exactly the same rules as the European Pollutant Release and Transfer Register (E-PRTR) Regulation in terms of the industrial activities and pollutants covered and the content of the information to be made public, but the second paragraph of the Transitional Article of the PRTR By-Law states that **"The provisions related with the public access to the PRTR in the fifth and eight sections of this Bylaw are not implemented by the Ministry until the technical infrastructure is completed."**