



# TURKEY

# A Migrant Integration Policy Index assessment

Carried out by



October 2013

## **Acknowledgements**

The MIPEX assessment has been carried out by Mr Thomas Huddleston of the Migration Policy Group in accordance with the MIPEX methodology.

# INTRODUCTION

## Implementation of OSCE commitments on migrant integration

Over the years, the OSCE participating States have agreed to a number of commitments in the field of migrant integration, such as:

- The need for their national migration practices to comply with their respective international obligations and OSCE commitments<sup>1</sup>;
- The obligation to combat discrimination, intolerance and xenophobia towards migrants and their families<sup>2</sup>;
- The need to take appropriate measures to enable migrants participation in the life of the society of the participating States<sup>3</sup>, including measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State<sup>4</sup>;
- The obligation to promote the integration of migrant workers in the host societies of participating States, in which they are lawfully residing, while encouraging their active participation in the integration processes<sup>5</sup>.
- The need to include respect for cultural and religious diversity and promotion and protection of human rights and fundamental freedoms in the national integration policies of the OSCE participating States<sup>6</sup>;
- The need to address<sup>7</sup> and to promote integration of migrants with respect for cultural and religious diversity and facilitating dialogue, partnership and co-operation on migration related issues between the OSCE participating States<sup>8</sup>;
- The need to elaborate or strengthen national strategies and programmes for the integration of regular migrants, which also requires active engagement of the latter<sup>9</sup>;
- The need to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.<sup>10</sup>

Therefore it can be concluded effective policies of integration of migrants are part of the commitments of the OSCE participating States in the area of migration.

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<sup>1</sup> Decision No. 5/09 on Migration Management of the Athens Ministerial Council.

<sup>2</sup> For example, see statements in the documents of the Sofia Ministerial Council (Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination), or the Athens Ministerial Council (Decision No. 5/09 on Migration Management).

<sup>3</sup> Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991 (Paragraph 38.2).

<sup>4</sup> Concluding Document of Helsinki - The Fourth Follow-up Meeting, Helsinki, 10 July 1992 (Decisions, chapter VI, paragraphs 37,38 and 45).

<sup>5</sup> Concluding Document of Budapest, 6 December 1994 (Decisions, chapter VIII, Paragraph 31).

<sup>6</sup> Document of the Thirteenth Meeting of the Ministerial Council, Ljubljana, 5-6 December 2005 (Decision No. 2/05 on Migration).

<sup>7</sup> Ibid, Paragraph 5.6.

<sup>8</sup> Document of the Fourteenth Meeting of the Ministerial Council, Brussels, 4-5 December 2006, (Ministerial Statement on Migration, Paragraph 5).

<sup>9</sup> Document of the Fifteenth Meeting of the Ministerial Council, Madrid, 29-30 November 2007 (Paragraph 7).

<sup>10</sup> Concluding Document of Helsinki - The Fourth Follow-up Meeting, Helsinki, 10 July 1992 (Decisions, chapter VI, paragraphs 37, 38 and 45).

Among the OSCE countries with a relatively new tradition of immigration, Turkey stands out as a particularly significant hub of migration flows for regular migrants, as well as for those irregular and in transit. While the country has historically been at the centre of major movements of voluntary and forced immigrants, throughout much of the 20<sup>th</sup> century it was regarded as a country of emigration. Turkey's geographical position, relative prosperity and current stability vis-à-vis its neighbours in the generally volatile region have, however, transformed it into a transit and destination country for migrants from Asian countries, the former Soviet Bloc, as well as the Middle East. While Turkey already hosted over 163,000 foreigners with residence permits in 2009, the actual number of migrants in Turkey is now likely to be much higher, in particular, taking into account the irregular migrant population.

While some work on migrant integration policies and practices has been undertaken by municipalities in areas where the main migrant communities are clustered, the issue should be more specifically addressed at the national level. The presence of a growing immigrant population, however, calls for particular attention to the evaluation and possible adjustment of existing migrant integration policies in Turkey. Moreover, migrant integration is also relevant in view of Turkey's membership of the OSCE and its adherence to OSCE commitments, and its ongoing effort to accede to the European Union and to adopt the relevant provisions of EU law in the area of migration, as well as to implement the recently concluded re-admission agreement between Turkey and the EU.

To this end, an assessment of migrant integration policies according to the internationally acknowledged Migrant Integration Policy Index (MIPEX) would be particularly useful, as a tool that has been used in 32 OSCE participating States (including all EU Member States) as well as in Japan and Australia, and serves to provide the public authorities and the civil society with up-to-date, reliable and comparable data. The MIPEX assessment is a tool that authorities can use to identify and advance issues relevant for migrant integration in order to make further progress in meeting related OSCE commitments. The assessment identifies key issues pertinent for migrants' integration, such as labour market mobility, family reunion or anti-discrimination measures. Most of all, the assessment provides solid data on the basis of which the competent authorities can make further policy improvements. It provides Turkey with information about the best practices of other participating States in the area of migrant integration, giving access to comparable data for scrutiny and debate. The MIPEX assessment allows Turkey to share its experiences on migrant integration with other countries in the region and also learn about new integration measures introduced by states with a longer relevant experience in this field. It may facilitate a meaningful dialogue on migrant integration with relevant regional actors, such as neighbouring migrant sending countries, as well as internal stakeholders, such as civil society. In addition, the results of the assessment also permit the authorities to monitor and evaluate progress achieved in migrant integration in the future.

### **What is the Migrant Integration Policy Index?**

Integration actors can struggle to find up-to-date, comprehensive research data and analysis on which to base policies, proposals for change and projects to achieve equality in their country. Instead they may find anecdotal, out-dated information and piecemeal statistics that are too disconnected from the real impact on people's lives to assist in formulating improvements.

MIPEX is a reference guide and fully interactive tool to assess, compare and improve integration policy. It measures integration policies in order to provide a view of integration policies across a broad range of differing environments. MIPEX was developed in these countries by the British Council and the Migration Policy Group. Using 148 policy indicators, MIPEX establishes the extent to which all residents are legally entitled to equal rights and responsibilities as well as to any support that addresses their specific needs to make equal opportunities a reality.

### **Uses for policymaking**

Policymakers and civil servants obtain a quick reference guide to assess the impact of their policy changes and also get an overall impression of their country's strengths and weaknesses. This allows governments to see the effects of their approach as well as of policy changes. It highlights policies that score well and possible areas for improvement. They can compare these strengths and weaknesses with other countries, either across the OSCE region, Europe and North America, or all the MIPEX countries at once. They can find inspiration for policies and learn lessons from their objectives, implementation, and results. Since policies are one factor influencing integration, MIPEX can be used as a starting point to evaluate how policy changes can improve integration in practice. Its research findings can be complemented by further information from official statistics, budgets, project and scientific evaluations, government reporting, and evidence from NGOs, courts and migrants.

### **What are the highest standards used by MIPEX?**

MIPEX demonstrates how countries can do better in creating the legal environment in which immigrants contribute to a country's well-being, where they have equal access to employment and education, live in security with their families, become active citizens and are protected against discrimination. For each of the 7 policy areas: labour market mobility, family reunion, education, political participation, long-term residence, access to nationality and anti-discrimination, MIPEX identifies highest international and European standards aimed at achieving equal rights, responsibilities and opportunities for all residents. These standards establish a basic rule-of-law approach, which have helped to improve policies in European Union and Council of Europe Member States, all of which are OSCE participating States. Where only minimum standards exist, policy recommendations are used from international research networks and civil society.

### **How does MIPEX obtain its scores?**

The policy indicators have been designed to benchmark current laws and policies against the highest standards through consultations with top comparative researchers as well as international and European institutions. A policy indicator is a question relating to a specific policy component of one of the 7 policy areas. For each answer, there are 3 options. The maximum of 3 points is awarded when policies meet the highest standards for equal treatment. A score of 2 is given when policies can be judged as being halfway to meeting the highest standards, and a score of 1 is given when they are furthest from the highest standards. Where a country has no policies on a specific indicator, it is given a default value of 1.

Within each of the 7 policy areas, the indicator scores are averaged together to give one of 4 dimension scores which examine the same aspect of policy. The 4 dimension scores are then averaged together to give the policy area score for each of the 7 policy areas per country which, averaged together one more time, lead to the overall scores for each country. In order to make rankings and comparisons, the initial 1-3 scale is converted into a 0-100 scale for dimensions and policy areas, where 100% is the top score.

### **MIPEX key legend (0-100)**

0	Critically unfavourable for integration
1-20	Unfavourable
21-40	Slightly unfavourable
41-59	Halfway favourable
60-79	Slightly favourable
80-100	Favourable for integration

**Who gathered the data?**

Unlike indexes based on expert opinion, MIPEX is based on public laws, policies and research. In every country, an independent expert in migration law, education and anti-discrimination, filled out the score for each indicator based on the country's publicly available documents as of 1 July 2013. All scores were anonymously peer-reviewed by a second expert. The expert team in Turkey was coordinated by Prof. Ayhan Kaya (Istanbul Bilgi University). The members of the expert team were:

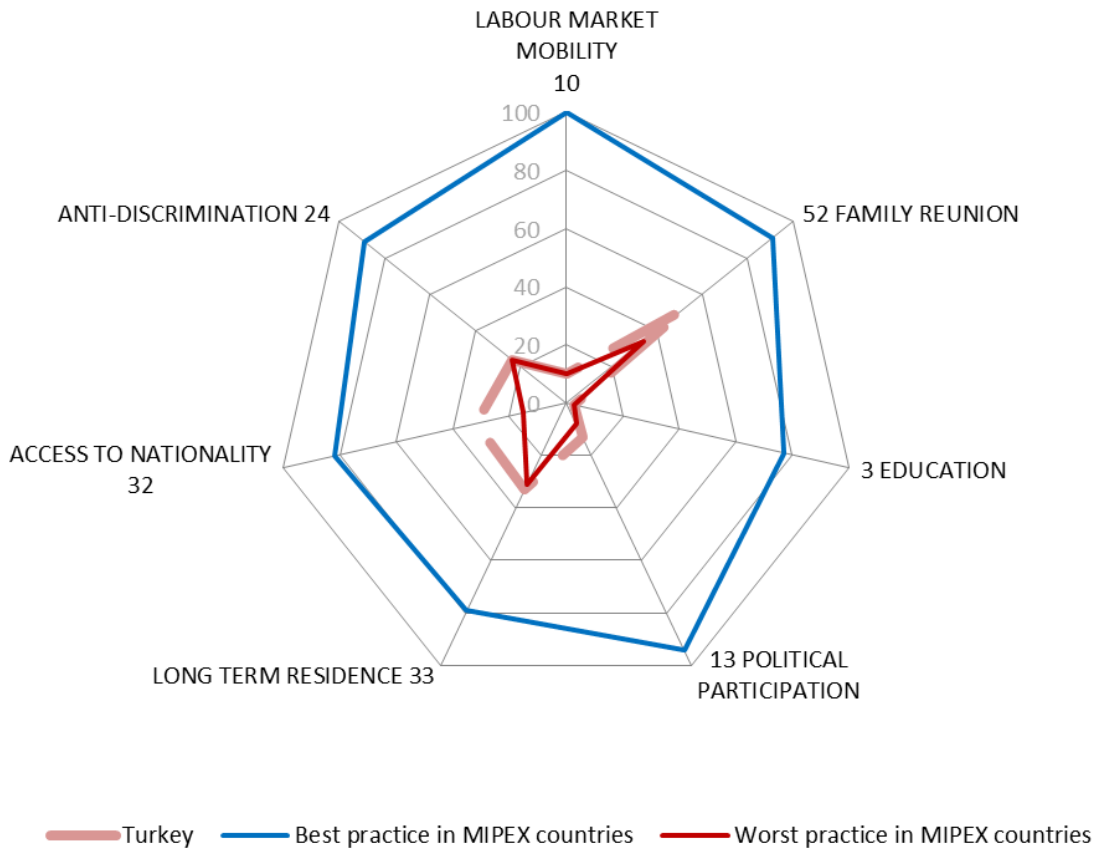
- Prof. Nuray Ekşi (Kültür University);
- Assoc. Prof. Didem Danıs (Galatasaray University);
- Prof. Ahmet Icdygu (Koc University);
- Assoc. Prof. Bianca Kaiser (Kemberburgaz University);
- Prof. Gülay Toksöz (Ankara University);
- Assist. Prof. Bertan Tokuzlu (Istanbul Bilgi University).

The Migration Policy Group moderated any discrepancies and checked the completed questionnaires for consistency across “policy strands” and countries over time. Migration Policy Group wrote up this country report based on its official scoring and analysis of the questionnaire results, following the established MIPEX procedure. Comparisons are made with the average practices in most MIPEX countries and OSCE participating States covered in the MIPEX. Special attention was paid to the comparison of Turkey to the new countries of immigration in the OSCE region, particularly their recent progress in establishing basic procedures and residence statuses.

# TURKEY

## A MIPEX assessment

### OVERVIEW



Turkey as a country with long history of emigration and immigration is today a major hub for mixed flows of asylum-seekers, irregular migrants, and migrant workers. Reliable statistics are limited. In addition to immigrants with Turkish origins, Turkey receives small numbers of newcomers from nearby countries, mostly visa over-stayers, who work in low-skilled sectors. It is also a major country of transit and destination for people fleeing from Syria, other neighboring countries, and farther afield in Asia.

Migrant integration is relevant to Turkey's current membership in the Organization for Security and Co-operation in Europe (OSCE), Council of Europe, and United Nations (UN). By the 1990s and 2000s, Turkey had signed most of the major UN Conventions that guarantee the rights of all persons including migrants, such as the International Convention on the Elimination of All Forms of Racial Discrimination and, most notably, the UN Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families. Turkey is one of the few countries in the world maintaining the geographical limitation of the 1951 Geneva Convention relating to the Status of Refugees to only European asylum seekers. Through the Council of Europe, Turkey has ratified the European Convention on Human Rights and the Convention on the Legal Status of Migrant Workers (ETS 93), but neither the Convention on the

Participation of Foreigners in Public Life at Local Level (ETS 144), nor the Convention on Nationality (EST 166).

Reform of Turkey's asylum and migration policies is closely related to EU harmonisation and negotiations. After years of discussion, Law 6458 on Foreigners and International Protection was passed by the Turkish Parliament in 2013 and welcomed by the UN and EU. Maintaining the geographical limitation, the law does create basic procedures for international protection, work permits, and residence permits. Under Article 96, the mutual 'adaptation' of immigrants and society can be facilitated through courses and information campaigns, depending on available funds and stakeholders' recommendations. A Migration Policies Board within the Interior Ministry will draft new migration strategies, determine and monitor implementation, and carry out mutual adaptation activities.

Even after passage of the Law 6458, the MIPEX assessment finds that Turkey's legal framework is slightly unfavourable for integration and ranks below the other MIPEX countries, scoring only 24-out-of-100 points. Immigrant workers and their families have restricted rights and little-to-no state support. The policies are unfavourable for labour market mobility, education, and political participation, even compared to other new countries of immigration in Central and Southeastern Europe. Turkey also has the weakest protections against discrimination because a dedicated anti-discrimination law and agency are still lacking and pending approval by Parliament. The country's relative strength, family reunion, is still incompatible with EU law and weak compared to laws in most MIPEX countries. Settled immigrants face not only a slightly unfavourable path to citizenship, as in several new countries of immigration, but also one of the least favourable paths to simply a long-term residence permit, far below EU standards. While Law 6458 improved transparency and the rule-of-law, the new family reunion and long-term residence statuses generally formalised existing practices, including new rights, but also new requirements. The new Migration Policies Board still has to create national adaptation strategies and programmes and determine the conditions for long-term residence.

## INTERNATIONAL MIGRATION STATISTICS ON TURKEY

Net migration <sup>1</sup>	3,0
Largest places of origin <sup>2</sup>	Kosovo <sup>3</sup> , former Yugoslav Republic of Macedonia, Russia
Foreign-born population <sup>4</sup>	1.864,900
Foreign-born as part of population <sup>5</sup>	2,5%
Women as part of foreign-born population <sup>6</sup>	48,4%
Refugees residing in Turkey <sup>7</sup>	267,063

<sup>1</sup> United Nations, Department of Economic and Social Affairs, Population Division (2013), *International Migration 2013, Wallchart* (United Nations publication, Sales No. E.13.XIII.8)

<sup>2</sup> This refers to foreign-born persons from countries that are not members of the EU. 2005 data, Chindea, A et al. (2008), *Migration in Turkey: A country profile 2008*, International Organisation for Migration, Geneva, Switzerland.

<sup>3</sup> All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

<sup>4</sup> United Nations, Department of Economic and Social Affairs, Population Division (2013), *International Migration 2013, Wallchart* (United Nations publication, Sales No. E.13.XIII.8)

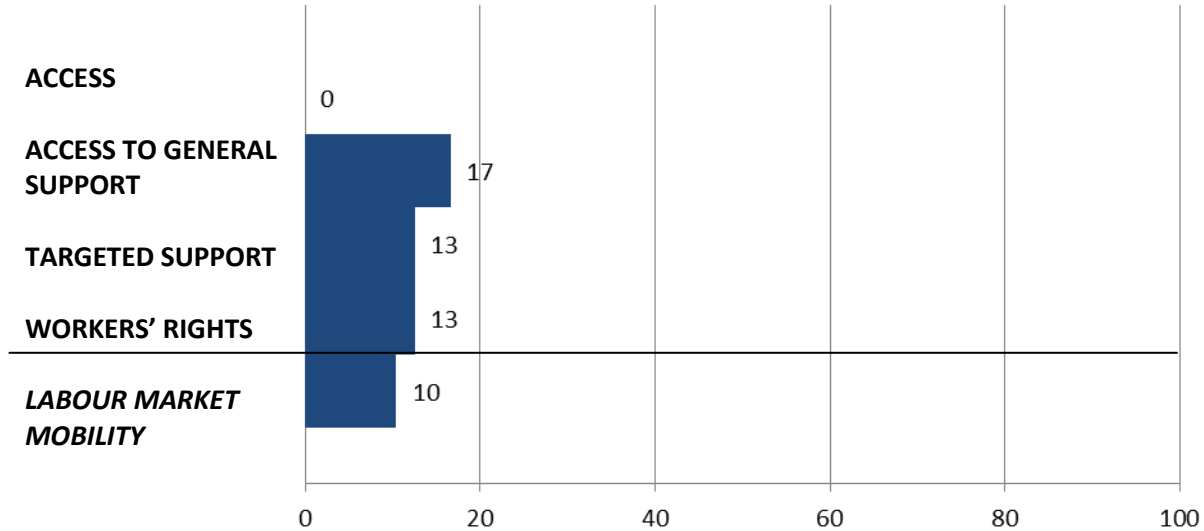
<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.*

<sup>7</sup> 2013 data, 2013 UNHCR Regional Operations Profile - Turkey, at <http://www.unhcr.org/pages/49e48e0fa7f.html>, (last accessed on 30.09.2013).



## LABOUR MARKET MOBILITY

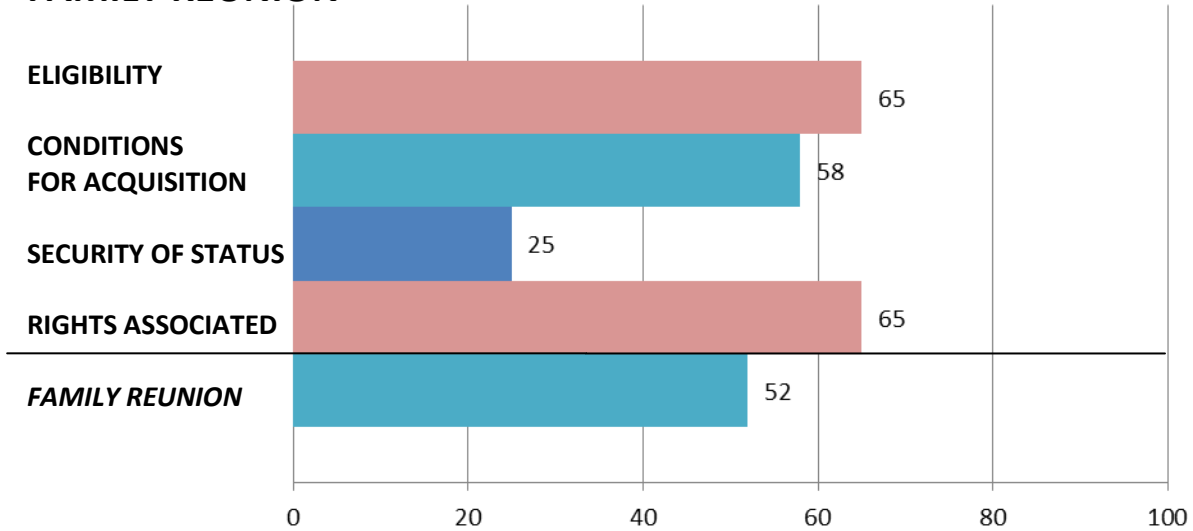


Turkey sets unfavourable conditions for labour market mobility, far below international and EU standards as well as the policies in the other MIPEX countries. Most legal migrant workers are tied to their employer, without equal rights as workers and without any general or targeted support to improve their job or skills. Their legal access to the labour market is critically unfavourable. While the 2003 law 4817 on Work Permits for Foreigners opened several jobs previously reserved for Turkish nationals (e.g. attorney, notary, and pharmacist), foreign workers and entrepreneurs still do not have equal access to the public sector and several parts of the private sector, unlike in most MIPEX countries including those in the OSCE region. Temporary workers and their families must wait years before they can freely change employers and sectors, which is allowed in other countries attracting labour migration. Their rights as workers are unfavourable for integration. Their right to social security depends on bilateral agreements between Turkey and their country of origin. Access to general or targeted support is also unfavourable. Only workers with permanent work permits enjoy equal access to trade unions, job security, and the public employment agency, unlike in the vast majority of MIPEX countries. Moreover, no foreigners can access the agency's vocational training courses. No labour market adaptation programmes have yet been adopted. More broadly in Europe, equal access to education, vocational training, and public employment services are guaranteed in most countries' legislation and under EU law.

### Equal access to general support

The so-called EU Single Permit Directive 2011/98/EU guarantees most non-EU migrant workers equal access to public employment services, education and vocational training (with some exceptions), the recognition of foreign qualifications, and branches of social security, and goods and services available to the public as well as targeted information on their rights. EU Member States are in the process of 'transposing' this EU Directive into national law, which should significantly improve labour market mobility in most EU countries, especially in new immigration countries in Central and Southeastern Europe. General and targeted support for migrant workers is already more favourable than average in several new immigration destinations, including Portugal, Spain, Estonia, and Romania.

## FAMILY REUNION

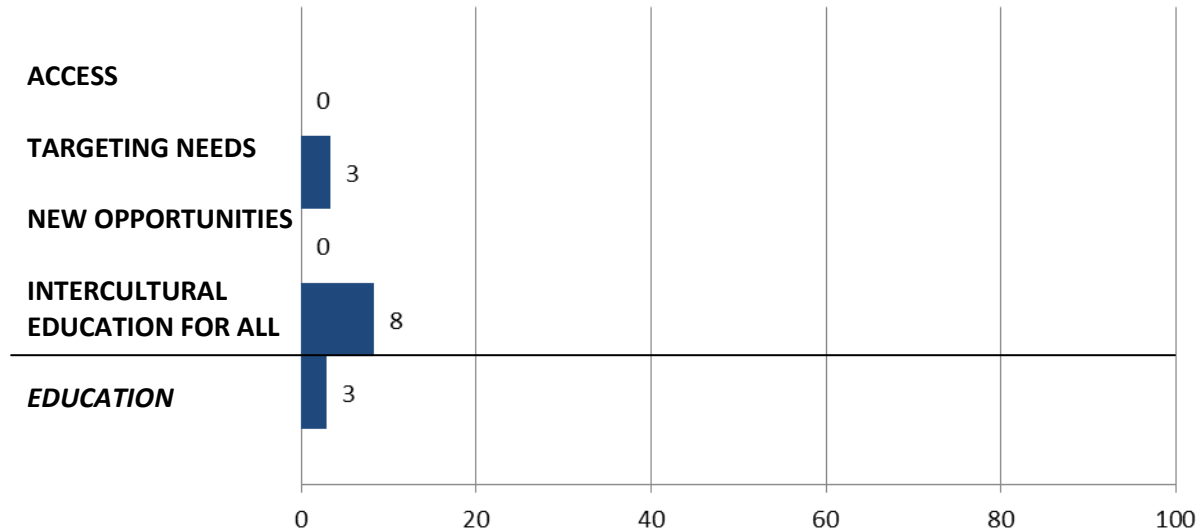


The new family reunion procedure under Law 6458 is just halfway favourable for integration and incompatible with the EU Directive on the right to family reunion (2003/86/EC). Turkey’s legal framework is far less favourable than the EU average (60), on par with laws in countries such as France, Bulgaria, and Greece but less restrictive than in Austria, Switzerland, Denmark, or Cyprus. Family reunion still remains a rather discretionary favour of the state—and not a right, as it is in EU law. Under a slightly inclusive definition of the family, a legal resident can apply after a year’s residence for his or her spouse, minor and adult children, as well as for their parents under certain conditions. Law 6458 introduced two more restrictive conditions for family reunion similar to most European countries: basic requirements on housing and income related to the minimum wage. The procedure is slightly discretionary, as authorities possess several grounds for rejection and withdrawal, without the time limits, individual assessment, or legal guarantees and redress required by EU law and most MIPEX countries’ laws. Reunited family members enjoy slightly more favourable residence rights thanks to Law 6458. After three years, all adult family members can apply for short-term residence permits autonomous of their sponsor. Special provisions protect families’ residence in case their sponsor dies, although provisions in case of divorce are restricted to spouses of only Turkish nationals. The major gap in rights is that reunited family members are not explicitly guaranteed the same right as their sponsor to employment, self-employment, education, and training.

### **The right to family reunion enshrined in law**

Established that family reunion is a right for all non-EU sponsors and families who meet the requirements clearly specified in law. For example, the Czech Republic before transposition of the EU Directive 2003/86/EC on family reunion did not have a specific policy for family reunion. Since 1 January 2000, the migration law has clarified that before any decision of rejection or withdrawal authorities must take into account the impact of their decision on a migrant’s private and family life. The best interest of the child must also be considered as a general principle of law. Since 2003, most European countries surveyed in MIPEX have established family reunion as a right, explicitly require an individual assessment, impose legal time limits for authorities to make a decision (usually nine months), and guarantee the right to a reasoned decision, appeal, and equal employment and educational rights for reunited families. However some gaps remain and procedures are still rather discretionary in many Southeastern European countries.

## EDUCATION

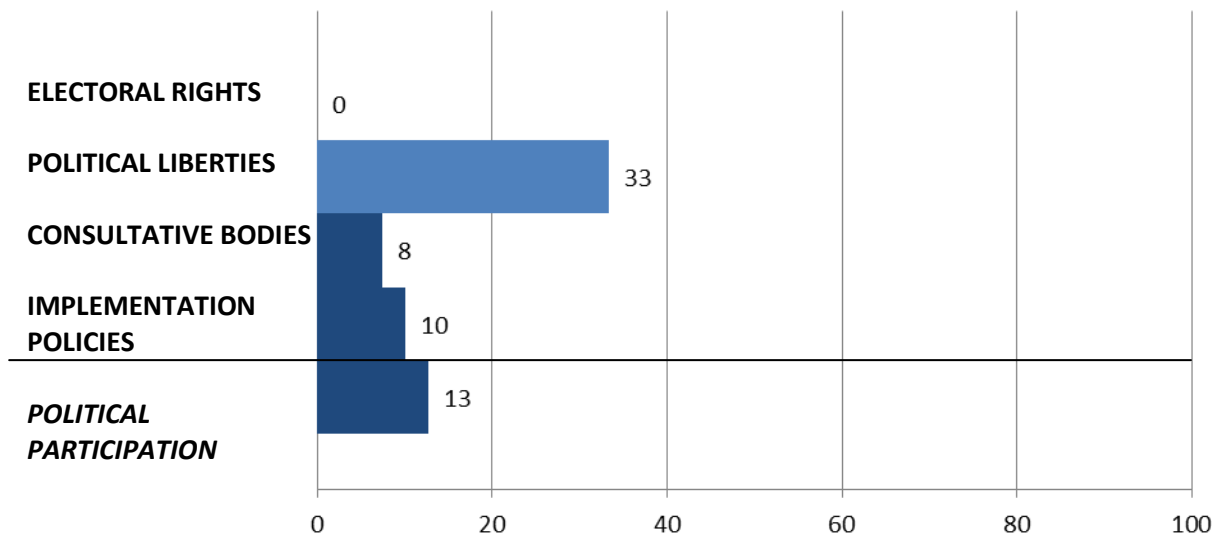


The education of immigrant children is an area of weakness for most OSCE participating States covered in MIPEX, especially the new countries of immigration in Central and Southeastern Europe. Nevertheless, Turkey obtained the lowest score on education policies compared to other MIPEX countries, most of which provide basic integration programmes for immigrant pupils. Firstly, legal access to education is wholly unfavourable for foreign pupils in Turkey. The children of legally-resident foreigners, asylum-seekers, and refugees are guaranteed the right to at least compulsory education. Beyond issues of legal access, immigrant pupils can access what general support exists for disadvantaged students. But if they have different needs than peers with similar social backgrounds (e.g. newcomers or those with limited knowledge of Turkish), they are not entitled to targeted support. No nation-wide policy has been developed to implement the general guidelines from the Education Ministry. Without clear requirements, schools are not prepared to address new needs and opportunities, and pupils do not get the support they need throughout their school career. Furthermore the state does little through its policies and guidance to implement intercultural education in schools, besides a passing reference in the Citizenship, Democracy and Human Rights courses to diversity and discrimination against migrants.

### **Adapting schools in recent countries of immigration**

For comparison, the children of undocumented migrants have the right to attend compulsory education in nearly all MIPEX countries and even attend all levels of the school system in half these countries. Beyond access, most MIPEX countries, including Central and Southeastern European countries, provide additional tuition or immigrant pupils to master the official language, additional funding or teachers for schools with immigrant pupils, and required teacher trainings on immigrants' needs and on intercultural education. Most also support the teaching of immigrant languages and cultures during the school day. Promising practices were identified in the MIPEX profiles for several new countries of immigration, such as Czech Republic, Estonia, Greece, Portugal and Spain.

## POLITICAL PARTICIPATION

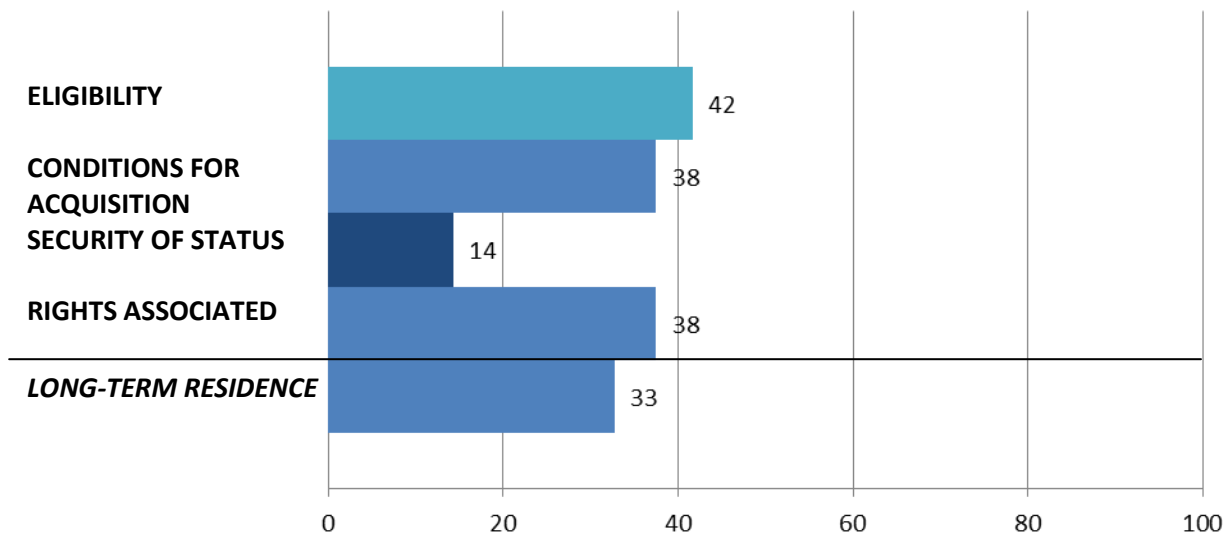


Foreigners are excluded from political participation in Turkey, as in only several Central and Southeastern European countries in the OSCE region. They cannot vote or stand in any election, unlike in the majority of OSCE participating States covered in MIPEX, including new countries of immigration, such as Greece, Hungary, Portugal, and Spain. Their basic political liberties are even slightly unfavourable. Foreigners cannot join political parties and cannot have their own associations or media unless one of the directors is a Turkish national. In contrast, equal political liberties are guaranteed in most MIPEX countries. Consultative bodies and implementation policies are also generally unfavourable in Turkey. So far there is no national policy of support or information on immigrants’ political participation. Foreign Citizens’ Councils are underdeveloped and weak. For example, the Council in Alanya, whose members are currently selected by civically active foreigners, exists at the initiative of the mayor, without its own legal basis. The new law 6458 created a Migration Advisory Board with governments, experts, international actors, and NGOs, but without any immigrant representatives.

### The participation of foreigners in public life at local level

The highest European standard, currently signed by a handful of states, is the Council of Europe Convention on the participation of foreigners in public life at local level (ETS 144). Signatory countries commit to inform foreigners of their political rights and to encourage and facilitate the creation of consultative bodies with representatives either elected by foreign residents themselves or appointed by their associations. Most EU countries have used a new European Integration Fund to support associations working on integration. Local and national authorities in Greece, Portugal, and Spain have started to dialogue and consult with associations of foreign residents. For example, the Spanish Forum for the Social Integration of Immigrants has an independent chair and issues opinions or reports on any drafts affecting social integration. The Forum has the right to prepare reports, plans, programs on request or own initiative and to formulate its own proposals and recommendations. Members participate extensively on reports and resolutions and secure much government consensus around their recommendations.

## LONG-TERM RESIDENCE

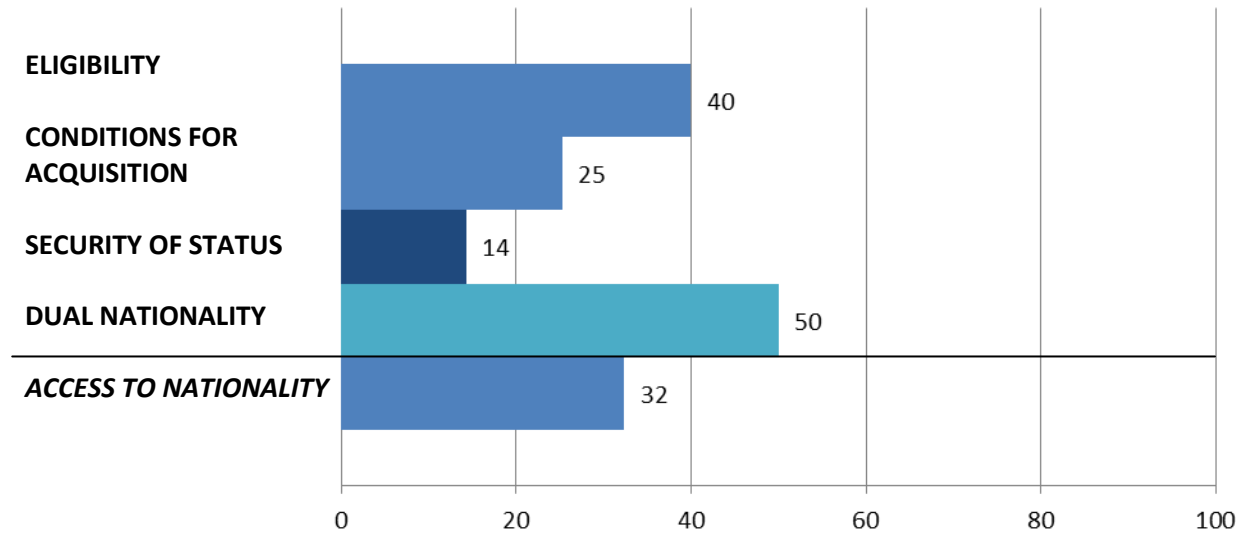


Immigrants still face a long and highly discretionary path to long-term residence, far below EU standards. Although Law 6458 created one clear status and procedure, the Migration Policies Board still must determine the conditions for long-term residence. The eligibility provisions are barely halfway favourable. Many legal categories of foreigners can apply, but only after an uninterrupted legal residence of eight years, longer than in any other MIPEX country (five years under EU law). The current conditions are slightly unfavourable, as applicants must prove not only sufficient and regular resources, but also no use of any kind of social assistance in the past three years, contrary to EU law. Currently only six OSCE participating States, which are EU Member States, exclude applicants using certain types of social assistance: Austria, Cyprus, Denmark, Germany, Greece, and Latvia. The status is also generally insecure. The reasons for rejection and withdrawal of long-term residence remain vague and discretionary. Long-term residents do not enjoy enhanced protection against expulsion, even for minors or residents of over 20 years. Only in exceptional circumstances can they leave Turkey for more than a year. Their rights are more favourable but incomplete. They do not have equal access as Turkish nationals to all areas of employment and social security, unlike in nearly all OSCE participating states covered in MIPEX.

### An entitlement to long-term residence

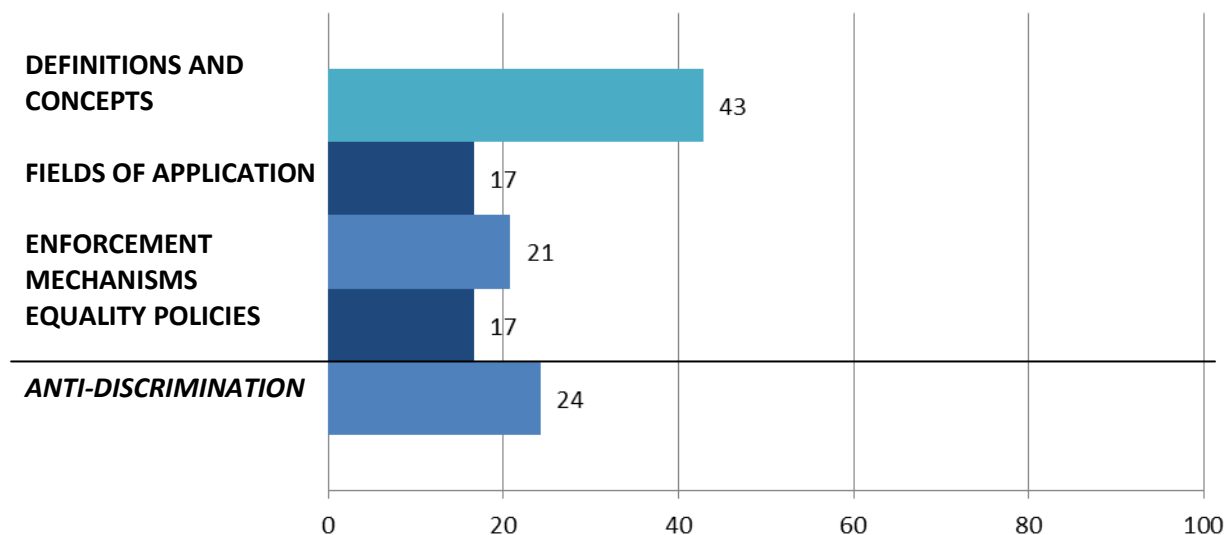
EU Member States agreed and implemented the EC long-term residence directive (2003/109/EC), with the common objective that the integration of long-term residents will promote economic and social cohesion. Since then, several new immigration countries introduced the entitlement to long-term residence for most temporary residents. For example, Portugal's 2007 law opened long-term residence to nearly all categories of legal residents and protected from deportation anyone born in the country, living there since childhood, or raising their children there. Under EU law, long-term residents must enjoy equal rights to employment, education and vocational training, study grants, unemployment benefits, social security, and access to goods and services available to the public, including housing. Long-term residents may also leave the EU for up to 12 consecutive months. Expulsion decisions must take into account several of their life circumstances.

## ACCESS TO NATIONALITY



Immigrants face a demanding and discretionary path to becoming Turkish citizens. Favourably, dual nationality is in principle accepted in Turkey, as in the majority of OSCE participating States covered in MIPEX. But unlike several reforming immigration countries in the EU, Turkey more resembles some of the recent immigration countries in Central and Southeastern Europe, where nationality policies remains less favourable for integration. For example, all children born in the country are not eligible to be citizens at birth (for current debates on introducing birthright citizenship, see Czech Republic, Greece, Italy, and Portugal). First-generation immigrants can apply relatively quickly (five years' legal residence) for naturalisation, but under discretionary legal conditions: a Commission's interview on language and social life in Turkey, an economic resource requirement, a criminal record requirement, and a good morals requirement. The conditions are less demanding in most other MIPEX countries, with the exception of Denmark, France, Romania, and Spain. Citizenship requirements like the interview on social life are less common across Europe, while language assessments tend to be more professional and proportionate. Another area of weakness in Turkey is the protection against involuntary loss of citizenship and statelessness. Unlike in most OSCE participating States in Europe surveyed, a naturalised citizen in Turkey can lose their citizenship on several grounds after many years, even if he or she would become stateless.

## ANTI-DISCRIMINATION



Unlike the other OSCE participating States covered in MIPEX Turkey lacks a dedicated law and specialised equality agency to protect its residents from discrimination. The only provisions come from the constitution, international law, and vague equality clauses in a few national laws in areas such as employment and education. No judicial interpretation on this issue has been established by the Constitutional Court. A draft law on Combating discrimination and the Establishment of an Equality council has been pending since 2010. Without a comprehensive law, the concepts of racial, ethnic, religious, nationality and other forms of discrimination are neither well-defined, nor specifically prohibited in all areas of life, such as social protection and advantages, health and housing. The existing enforcement mechanisms are generally unfavourable for enforcing these fragmented prohibitions. Civil, criminal, and administrative courts are technically open to all types of cases and able to use a wide range of compensations and sanctions. Given how hard discrimination is to prove, these channels are likely to be ineffective without specific anti-discrimination mechanisms required by EU law, including the shift in the burden of proof, protection against victimisation, and a wide set of possible sanctions. As such, potential victims in Turkey must bring forward a case alone, without a legal role for NGOs in support or on behalf of the victim and without the help of a specialised equality body. The equality commitments by the Turkish state are very limited. Human Rights Councils are meant to disseminate information and conduct social dialogue on human rights, while the public sector is supposed to respect the principles of non-discrimination.

### **A basic comprehensive law against discrimination**

One major MIPEX trend is that countries significantly and consistently improve on integration when they introduce basic anti-discrimination law and independent equality bodies. Only 6 EU countries had dedicated anti-racism laws when the EU in 2000 passed landmark legislation (Directives 2000/43/EC and 2000/78/EC). Since then, great progress has been made in all EU Member States, especially Central European and new immigration countries. For example, Romania's National Council on Combating Discrimination is an independent administrative body with a jurisdictional mandate. Hungary's Equal Treatment Authority also has the legal standing to intervene on behalf of the complainant, while also instigating its own procedures against certain public bodies. In the policymaking process, Bulgaria's Protection against Discrimination Commission can submit legally binding recommendations to the parliament and government to prepare bills and abolish discriminatory laws.