



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Concluding observations on the second periodic report of Türkiye\*

1. The Committee considered the second periodic report of Türkiye<sup>1</sup> at its 552nd and 553rd meetings,<sup>2</sup> held on 3 and 4 June 2024. At its 570th meeting, held on 14 June 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in response to the list of issues prior to reporting,<sup>3</sup> its follow-up report to the concluding observations on its initial report,<sup>4</sup> and the additional information provided by the multisectoral delegation, which was headed by the Chargé d'Affaires a.i. of the Permanent Mission of Türkiye to the United Nations Office at Geneva and other international organizations in Switzerland, and was comprised of representatives of the Ministry of Labour and Social Security, the Ministry of Trade and the Ministry of National Education, as well as other representatives of the Permanent Mission.

3. The Committee appreciates the open and constructive dialogue held with the delegation, the information provided by the State party's representatives and the constructive approach to the meetings, which allowed for a comprehensive analysis and the following conclusions.

4. The Committee is aware that Türkiye is a country of origin, transit and destination of migrant workers, hosting one of the largest migrant populations in the world. It acknowledges the nearly 3.8 million applicants or holders of international and temporary protection status, primarily from the Syrian Arab Republic, and the State party's efforts to integrate and provide support to migrants, while noting the continued challenges faced by the State party in ensuring the protection of the rights of migrant workers and members of their families.

#### B. Positive aspects

5. The Committee welcomes the ratification of the following international instruments:

- (a) The Paris Agreement on climate change on 11 October 2021;
- (b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 26 December 2017.

\* Adopted by the Committee at its thirty-eighth session (3–14 June 2024).

<sup>1</sup> [CMW/C/TUR/2](#).

<sup>2</sup> [CMW/C/SR.552](#) and [CMW/C/SR.553](#).

<sup>3</sup> [CMW/C/TUR/QPR/2](#).

<sup>4</sup> [CMW/C/TUR/CO/1/Add.1](#).



6. The Committee welcomes the adoption of the following legislative measures:
- (a) Amendment of Law No. 6458 on Foreigners and International Protection on 6 December 2019 and adoption of regulation No. 31953 on 14 September 2022, stipulating the principles and procedures for alternative measures to administrative detention;
  - (b) International Labour Force Law No. 6735 on 28 July 2016 and Implementing regulation No. 31738 on 2 February 2022, regulating the rights, obligations, policies and procedures for the international labour force;
  - (c) Circular No. 2024/5 on seasonal agricultural workers on 27 April 2024, and circular No. 2016/5 of the Ministry of National Education on 21 March 2016, regarding access to education for children of seasonal agricultural workers and migrant and semi-migrant families.
7. The Committee also welcomes the following institutional and policy measures:
- (a) Adoption of the National Development Plan for the period 2024–2028;
  - (b) Adoption of the strategy document and National Action Plan on Irregular Migration for the period 2021–2025;
  - (c) Adoption of the Action Plan on Human Rights for the period 2021–2023;
  - (d) Adoption of the harmonization strategy and National Action Plan for the period 2018–2023;
  - (e) Adoption of the national programme on the elimination of child labour 2017–2023;
  - (f) Establishment of the International Labour Force Advisory Board in 2024 and the Directorate General of International Labour Force under the Ministry of Labour and Social Security in 2016;
  - (g) Strengthening of the Presidency of Migration Management (formerly Directorate General for Migration Management) in 2021 and the Migration Board (formerly Migration Policies Board) in 2018.
8. The Committee views as positive that the State party voted in favour of the Global Compact for Safe, Orderly and Regular Migration, adopted by the General Assembly in resolution 73/195. It also notes as positive the State party's decision on 9 May 2022 to serve as a Global Compact Champion country. The Committee recommends that the State party continue to make efforts to implement the Global Compact within the framework of its international obligations contained in the Convention and other international human rights instruments.

## **C. Principal subjects of concern and recommendations**

### **1. General measures of implementation (arts. 73 and 84)**

#### **Current context**

9. The Committee recognizes that during the reporting period, the State party has hosted approximately 3.8 million refugees and asylum-seekers, including around 3.5 million Syrian nationals, constituting the largest refugee population globally. The Committee also acknowledges the positive measures undertaken by the State party to protect migrant workers and members of their families, including those in irregular situations, during the coronavirus disease (COVID-19) pandemic and in response to the February 2023 earthquake and its aftershocks. Noting that the State party continues to be exposed to high levels of mixed migration, the Committee remains concerned about the lack of long-term strategies to address the heightened poverty and vulnerability faced by migrant workers and their families, particularly those working in sectors with high rates of informal employment, such as agriculture, and those living in earthquake-affected areas or residing in refugee households.

10. **The Committee recommends that the State party take all necessary measures to develop and implement a framework ensuring the continued protection of the rights of migrant workers and their families during crises related to armed conflicts, natural disasters, pandemics and other emergencies. The framework should particularly focus on groups in the most vulnerable situations, including children, women and migrants in irregular situations, and mitigate the adverse effects of such events on their rights.**

#### **Legislation and application**

11. The Committee notes with satisfaction the adoption of the International Labour Force Law and the overall progress in strengthening the national legal framework relevant to migrant workers, particularly in ensuring access to public services, such as health and education. While noting the importance of managing the influx of migrant workers, as highlighted by the delegation, the Committee remains concerned that:

(a) The restrictive procedures for work permit applications for migrant workers, including those under temporary protection and in irregular status, and the associated fees contribute to job insecurity and dependence on a single employer, and encourage employers to hire undocumented migrant workers;

(b) The agricultural and domestic work sectors lack sufficient protection, supervision and enforcement mechanisms for migrant workers, leaving them vulnerable to discrimination and unequal remuneration;

(c) There is a lack of awareness among migrant workers and members of their families about their rights under the national legal framework.

12. **Reiterating its previous recommendation,<sup>5</sup> the Committee recommends that the State party:**

(a) **Revise the current work permit system, allowing migrant workers to apply independently for work permits not tied to a single employer, removing geographical restrictions on permits, or considering exemption from work permits for applicants residing in Türkiye for more than three years;**

(b) **Enhance the regulatory frameworks and oversight in the agricultural and domestic work sectors through strengthened enforcement, monitoring and inspection mechanisms;**

(c) **Strengthen awareness among all migrant workers and members of their families of their rights under the national legal framework, including the right to seek redress for violations.**

13. The Committee regrets the absence of disaggregated data on complaints filed by migrant workers and their families, as well as the lack of information on the application of the Convention and the Committee's general comments by the domestic courts.

14. **Reiterating its previous recommendation,<sup>6</sup> the Committee requests the State party in its next periodic report to provide disaggregated data on complaints filed by migrant workers and their families, and information on the application of the Convention by the domestic courts and other public bodies.**

#### **Declarations and reservations**

15. The Committee remains concerned that the State party has made declarations and reservations under articles 15, 40, 45 and 46 of the Convention that may hinder the full enjoyment of the rights of migrant workers and members of their families under the Convention. The Committee also notes that the State party has not yet made the declarations provided for under articles 76 and 77 of the Convention, recognizing the competence of the Committee to receive and consider communications from States parties and individuals.

<sup>5</sup> CMW/C/TUR/CO/1, para. 12.

<sup>6</sup> *Ibid.*, para. 14.

16. **Reiterating its previous recommendation,<sup>7</sup> the Committee encourages the State party to take the steps necessary to withdraw the declarations and reservations made with respect to articles 15, 40, 45 and 46 of the Convention. The Committee recalls its previous recommendation<sup>8</sup> and encourages the State party to make the declarations provided for under articles 76 and 77 of the Convention.**

#### **Ratification of relevant instruments**

17. The Committee notes with satisfaction that the State party has ratified the main human rights treaties and fundamental International Labour Organization (ILO) conventions. However, it remains concerned that the State party has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the following ILO instruments: the Migration for Employment Convention (Revised), 1949 (No. 97), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Minimum Wage Fixing Convention, 1970 (No. 131), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Labour Administration Convention, 1978 (No. 150), the Protocol of 1995 to the Labour Inspection Convention, 1947, the Private Employment Agencies Convention, 1997 (No. 181), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, the Domestic Workers Convention, 2011 (No. 189), the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and the Violence and Harassment Convention, 2019 (No. 190).

18. **Reiterating its previous recommendation,<sup>9</sup> the Committee recommends that the State party ratify or accede to the above-mentioned instruments as soon as possible.**

19. The Committee, while noting the information provided by the State party regarding conditional refugee status in terms of rights, services and procedures for determining international protection status, remains concerned about the impact of the reservation related to the geographical limitation of the Convention relating to the Status of Refugees and its 1967 Protocol. The Committee acknowledges that this limitation does not exclude any protection status from protection against refoulement. However, it is concerned about the rights of migrant workers and members of their families who are affected in this context and in particular about:

- (a) Allegations of forced returns of those with temporary protection, including those who sign voluntary return decisions;
- (b) Restrictions on freedom of movement for those with certain categories of protection status, potential sanctions, including detention and removal, and related restrictions on access to services in provinces where they are not registered;
- (c) The automatic issuance of residence permits to refugees, in contrast to those under temporary protection, who must apply for them, resulting in many individuals with temporary status being unable to work for years despite their regular status.

20. **The Committee recommends that the State party:**

- (a) **Consider withdrawing the reservation relating to the geographical limitation of the Convention relating to the Status of Refugees and its 1967 Protocol;**
- (b) **Ensure that all returns of migrants are conducted voluntarily, with informed consent and without coercion, and establish independent monitoring mechanisms to investigate allegations of forced returns;**
- (c) **Consider lifting restrictions on freedom of movement for individuals with protection status and ensure that they have access to services, regardless of their province of registration;**

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<sup>7</sup> *Ibid.*, para. 16.

<sup>8</sup> *Ibid.*, para. 18.

<sup>9</sup> *Ibid.*, para. 20.

(d) **Streamline the process for granting residence permits to individuals under temporary protection, ensuring timely access to work authorization, and update policies to grant work rights to facilitate their economic integration.**

#### **Data collection**

21. The Committee appreciates the State party's efforts to collect migration data but remains concerned about insufficient information on migration flows and related issues. It regrets the lack of detailed disaggregated data in the information provided, which is needed to fully assess the implementation of the Convention, especially as regards the social and economic situation and educational status of migrant workers and members of their families, migrant women and unaccompanied and separated migrant children.

22. **The Committee recommends that the State strengthen its efforts to ensure that the migration-related statistics system comprehensively covers all aspects of the Convention and collects detailed data on the status of migrant workers in the State party, disaggregated by sex, age, nationality, reason for entry and departure, type of work, migrant worker category, ethnic origin, migration status and disability. Where precise information is unavailable, such as for irregular migrant workers, data should be provided based on studies, or other relevant sources, in line with target 17.18 of the Sustainable Development Goals.**

#### **Independent monitoring**

23. The Committee acknowledges that the Human Rights and Equality Institution of Türkiye received B status accreditation from the Global Alliance of National Human Rights Institutions in October 2022. It notes the information about monitoring visits to places of detention conducted by the Institution as the national preventive mechanism. However, the Committee remains concerned that the institution is only partially compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and has yet to implement the recommendations of the Subcommittee on Accreditation. It is also concerned about the insufficient engagement of civil society in the work of the national preventive mechanism.

24. **The Committee recommends that the State party implement the recommendations made in the above-mentioned accreditation report and continue to strengthen the independence and operations of the Human Rights and Equality Institution of Türkiye, for example by ensuring that its Board reflects diversity, including gender representation, with term limits; implementing a transparent selection process based on objective criteria with broad participation; and requiring the Grand National Assembly to review the Institution's reports. The Committee also recommends that the State party ensure that the Institution engages effectively with civil society, particularly in its role as the national preventive mechanism.**

## **2. General principles (arts. 7 and 83)**

#### **Non-discrimination**

25. The Committee is concerned about the rise in cases of intimidation of and violence and racial discrimination against migrant workers and members of their families in Türkiye, as well as the discriminatory and xenophobic rhetoric against migrants used by some politicians, especially during the period leading up to the presidential election in 2023. The Committee is also concerned at the lack of long-term solutions for integrating Syrian nationals under temporary protection and their exclusion from the list of people eligible to apply for citizenship or long-term permanent residence.

26. **The Committee recommends that the State party:**

(a) **Consider enacting an anti-discrimination law that specifically addresses racial and other intersecting forms of discrimination against migrant workers and their families;**

(b) **Ensure prompt and impartial investigation of all complaints of discrimination or violence against, or harassment of, migrant workers so as to hold the perpetrators accountable and ensure access to legal aid for migrants who are victims of discrimination;**

(c) **Intensify efforts, in collaboration with the media and other stakeholders, to raise the general public's awareness of the need to combat discrimination against migrant workers and members of their families, and conduct awareness-raising campaigns, including among public servants, on the rights and presence of migrants in the State party's territory in order to prevent any manifestation or use of discriminatory rhetoric against them;**

(d) **Establish transparent pathways for migrant workers under temporary protection to transition to stable forms of legal status, such as long-term residence and citizenship, based on objective criteria.**

### **Right to an effective remedy**

27. The Committee notes the availability of national complaint mechanisms, but remains concerned about the limited access to justice for migrant workers, regardless of their migration status, due to their lack of awareness of the administrative and judicial remedies available to them, including filing complaints and obtaining effective redress, and to their reluctance to engage with complaints processes for fear of being deported and of other reprisals, and because of procedures that may not be sensitive to their situation and needs.

28. **Recalling its previous recommendations,<sup>10</sup> the Committee recommends that the State party take measures to facilitate access to justice for all migrant workers, including by removing all obstacles preventing them from filing complaints for abuses and violations; improving and appropriately resourcing complaints mechanisms and legal assistance to effectively and accessibly respond to the needs of all migrants; launching information campaigns on the administrative and judicial remedies available for filing complaints and obtaining redress; and thoroughly investigating abuses and violations, and punishing perpetrators as appropriate.**

## **3. Human rights of all migrant workers and members of their families (arts. 8–35)**

### **Protection from violence, threats and intimidation**

29. The Committee notes with appreciation Law No. 6284 on Protecting Family and Preventing Violence against Women and the State party's assurances that it is applied without discrimination, regardless of migration status or nationality. It also notes the provisions of the Law on Foreigners and International Protection that simplify the issuance of residence permits for victims of serious psychological, physical or sexual violence, prioritize the processing of their legal status and exempt them from deportation. The Committee is concerned, however, that gaps in both the scope of the existing legislation and its implementation, specifically in relation to migrant women, still exist. It is also concerned about:

(a) The forcible transfer of undocumented migrant women to removal centres when they file complaints about sexual and gender-based violence, which leads to barriers in reporting and lack of access to shelters;

(b) The lack of staff specialized in documenting and monitoring gender-based violence within the government institutions responsible for coordinating implementation of the provisions under the Law on Foreigners and International Protection;

(c) The lack of awareness among migrant workers and members of their families of the national referral mechanism for victims of gender-based violence;

(d) The lack of economic support for migrant women who are victims of gender-based violence.

<sup>10</sup> Ibid., para. 40.

30. **Recalling its previous recommendations,<sup>11</sup> the Committee recommends that the State party:**

(a) **Abolish the practice of forcibly transferring migrant women to removal centres when they file complaints of sexual and gender-based violence, provide regular residence status to the victims on humanitarian and related grounds as a tool for reducing their vulnerable situation and strengthening their protection, and ensure they have access to shelters;**

(b) **Establish a multilingual unit specialized in documenting and monitoring gender-based violence within the Presidency of Migration Management;**

(c) **Intensify awareness-raising among migrant workers and members of their families, including in their native languages, about the national referral mechanism for victims of sexual and gender-based violence;**

(d) **Take measures to ensure that migrant women who are victims of gender-based violence have access to the labour market and are economically empowered.**

#### **Border management and migrants in transit**

31. The Committee notes that although unaccompanied and separated children, including those in irregular situations, are in principle not accommodated in removal centres, inaccurate methods used in age-determination procedures can lead to detention and other inadequate treatment of children. Taking note of the information provided by the State party on the formal prohibition of pushbacks and collective expulsions, the Committee remains concerned at reports of pushbacks against migrants, including asylum-seekers, at the borders, including those with Greece, the Islamic Republic of Iran and the Syrian Arab Republic, at times with the use of disproportionate force, violence and inhuman and degrading treatment, which has reportedly led to deaths and serious injuries. Furthermore, the Committee is concerned at the lack of information on the actual measures implemented to thoroughly and independently investigate such allegations and, when those investigations are found to have merit, whether appropriate procedures have been followed, including access to justice and effective remedies, sanctions and measures to ensure non-repetition and prevention.

32. **The Committee reiterates its previous recommendations<sup>12</sup> and further urges the State party to adopt a human rights-based approach to border management, and take effective measures to prevent and address violence against and abuse of migrants in transit, including through proper investigations and follow-up on any allegations of violence and abuse, and by ensuring that the necessary measures are taken to prevent pushbacks. The Committee also recalls the recommendations by the Committee on the Rights of the Child<sup>13</sup> and the Committee on the Rights of Persons with Disabilities<sup>14</sup> and recommends that the State party implement proper age-determination procedures, gender-responsive and age-appropriate examinations and procedural accommodations throughout the process.**

#### **Labour exploitation**

33. The Committee notes the efforts to eradicate child labour in national plans and programmes and to encourage enrolment in school of children who are victims of child labour. The Committee remains concerned that migrant and refugee children are engaged in the worst forms of child labour, including as seasonal agricultural workers. It reiterates its concern that the minimum age for employment, set at 15 years, is lower than the age at which children normally complete compulsory education. The Committee is further concerned about reports of migrant workers being engaged in informal employment, at times with inadequate or

<sup>11</sup> Ibid., para. 46.

<sup>12</sup> Ibid., para. 42.

<sup>13</sup> CRC/C/TUR/CO/4-5, para. 45.

<sup>14</sup> CRPD/C/TUR/CO/1, para. 39.

without pay, exposed to labour exploitation and forced labour in sectors such as agriculture, domestic work, construction and textiles.

**34. Recalling its previous recommendations<sup>15</sup> and those by the Committee on the Rights of the Child,<sup>16</sup> and in line with target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Bring its legislation on the minimum age of employment into conformity with the age at which children normally complete compulsory education and with the ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182);**

(b) **Provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to migrant workers, in particular children, who have been victims of forced labour and exploitation;**

(c) **Increase unsolicited and unannounced visits of labour and other inspectors at the workplace, in particular in the sectors with the highest levels of informal employment, such as agriculture, construction, the textile industry and domestic work, and prosecute, punish and sanction persons or groups exploiting migrant workers, in particular children, or subjecting them to forced labour and labour exploitation.**

#### **Due process, detention and equality before the courts**

35. The Committee notes with satisfaction the amendment of the Law on Foreigners and International Protection in 2019 to cover alternative measures to administrative detention, and the adoption of regulation No. 31953 in 2022 outlining the principles and procedures for those measures, with a view to ensuring that administrative detention is used only as a measure of last resort. The Committee also notes the protocol that entered into force in 2023 for improved health-care services in the removal centres, including for emergency and preventive services, and referral pathways, such as for mental and reproductive health services. However, the Committee remains concerned about:

(a) Continued reports of arbitrary detention, at times for periods longer than sanctioned by law, and of the detention of children, persons with disabilities and others in vulnerable situations;

(b) The lack of information on the detention of migrant workers and members of their families in all places where deprivation of liberty takes place, including in places that may not be officially recognized as migration-related detention; on the practices employed in relation to migration detention; and with regard to detention linked to security reasons, such as of those designated by the State party as foreign terrorist fighters;

(c) Reports of ill-treatment, abuse of authority and corruption perpetrated by officials in the system, including in detention facilities, and of enforced disappearances.

**36. In accordance with the Committee's general comment No. 5 (2021) and its joint general comments No. 3 and No. 4/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, the Committee recommends that the State party:**

(a) **Ensure that alternative measures to administrative detention are enforced in practice and that clear grounds are specified when such measures cannot be implemented; that the decision is reviewed in under 24 hours by an independent and impartial judicial authority and is regularly assessed to determine if continued detention is necessary; that measures are taken to prevent arbitrary and unlawful detention; and that detention is used only as a measure of last resort and for the shortest possible time;**

(b) **Cease in law and in practice the migration-related detention of children, families and all other migrant workers in vulnerable situations;**

<sup>15</sup> CMW/C/TUR/CO/1, para. 44.

<sup>16</sup> CRC/C/TUR/CO/4-5, para. 46.



(c) **Provide, in its next periodic report, detailed information about the detention of migrant workers and their families in any type of facility where deprivation of liberty may take place, including removal centres, prisons, ad hoc facilities in the border areas, checkpoints, temporary accommodation centres, police stations and transit zones at airports. The report should include disaggregated statistics, reasons for and duration of the detention, procedural posture of the cases, detention carried out on the grounds of security, conditions of detention, any reviews conducted on the measures imposed, and any investigations conducted on allegations received;**

(d) **Further strengthen access to justice and effective remedies for foreigners, as noted in the 2019 judicial reform strategy, including access to different languages throughout the administrative and judicial processes; proper and transparent investigation of allegations of human rights violations, ill-treatment, corruption and enforced disappearances; and access to detention facilities by civil society organizations to provide information and both legal and non-legal assistance to migrant workers and their families.**

### **Expulsion**

37. The Committee notes the State party's policy of non-refoulement, voluntary return and prevention of collective expulsion, with specifications in the law regarding grounds and procedures for removal. However, it remains concerned about the statistics received from the State party on the expulsion of migrants in large numbers, especially from Afghanistan and the Syrian Arab Republic, without due regard to the political, socioeconomic and security situations of their countries of origin. The Committee is also deeply concerned about reports of continued involuntary returns resulting from acts such as the coercive signing of return documents.

38. **The Committee recommends that the State party:**

(a) **Uphold the principle of non-refoulement and the prohibition of collective and arbitrary expulsion, by thoroughly evaluating each case on an individual basis;**

(b) **Take the necessary steps to ensure that migrant workers who are subject to an administrative deportation or expulsion order can access support services and free legal representation, and are aware of and can exercise their right to appeal against the order;**

(c) **Transparently investigate allegations of coercive measures being deployed that result in involuntary return, prosecute those responsible and take effective measures to provide redress to the victims and prevent such expulsions in the future.**

### **Consular assistance**

39. The Committee notes that the State party has 57 offices for Labour and Social Security Counsellors and Attachés within its embassies and consulates in 29 countries, providing free legal advisory services to migrant workers, both in person and via digital platforms, including on cases involving discrimination against its citizens abroad and xenophobia. It notes the State party's acknowledgement of the expiration of mandates and insufficient staffing for those offices.

40. **The Committee recommends that the State party ensure that the offices are properly renewed, staffed and resourced to effectively provide assistance to, and protect and promote the rights of, Turkish migrant workers and members of their families. The Committee also invites the State party to provide, in its next periodic report, detailed and disaggregated information on the legal assistance extended by the State party to migrant workers and their families abroad.**

### **Remuneration and conditions of work**

41. The Committee notes the existence of nearly 3,000 labour investigators and social security auditors. However, the Committee is concerned about information indicating discrimination, disparities in remuneration and social security, exploitation and lack of complete and regular inspections in sectors with a high concentration of migrant workers,

including the agricultural sector, which continues to have the highest level of informal employment, and the domestic work sector that is primarily occupied by women.

**42. Reiterating its previous recommendations,<sup>17</sup> the Committee recommends that the State party ensure that migrant workers enjoy the same treatment as nationals in respect of remuneration and conditions of work, and that this obligation is strictly enforced through regular labour inspections, including in sectors where the informal employment of migrant workers is concentrated, in particular the agricultural, construction and textile sectors and domestic work.**

#### **Medical care**

43. The Committee notes with appreciation the efforts made by the State party to establish and operate migrant health centres and disability service units; train and deploy bilingual migrant health workers; produce informational documents in multiple languages; prioritize health-care services and psychosocial support for groups in vulnerable situations, such as unaccompanied and separated children; and provide health care free of charge to individuals with temporary protection status. The Committee, however, notes with concern the distinctions in the availability of services based on the status of the individual and the existing cultural and language barriers for migrants and refugees, limiting their access to health-care services.

**44. The Committee recommends that the State party continue to increase the number, geographic coverage and quality of health centres and their multilingual services and emergency medical care capacity, to ensure awareness of and access to health-care services for all migrant workers and members of their families, irrespective of their status.**

#### **Birth registration and nationality**

45. The Committee notes that children born to applicants or holders of international protection status may receive an international birth certificate and apply for identity documents in accordance with that status. However, the Committee is concerned of reports that a large number of infants born to Syrians under temporary protection remain unregistered, which may result in situations of statelessness.

**46. In line with the Committee's joint general comments No. 3 and No. 4/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and in accordance with target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party facilitate and encourage the birth registration and issuance of identity documents for all children of migrant workers free of charge, irrespective of their status. The Committee also recommends that the State party ensure all individuals have access to a nationality and take measures to prevent situations of statelessness.**

#### **Education**

47. The Committee notes the steps taken by the State party to implement alternative multicultural and multilingual education models, promote social cohesion education programmes, provide social assistance and train teachers to increase school enrolment rates and facilitate access to education and materials for foreign children, with efforts to seek longer-term solutions. However, the Committee is concerned about challenges that hinder access to education by children of migrant workers, including discrimination, xenophobia and language barriers.

**48. Recalling its previous recommendation<sup>18</sup> and those of the Committee on the Rights of the Child,<sup>19</sup> the Committee recommends that the State party:**

**(a) Reduce regulatory and practical barriers to ensure that children of migrant workers, irrespective of their status, have effective access to early childhood,**

<sup>17</sup> CMW/C/TUR/CO/1, paras. 58 and 60.

<sup>18</sup> Ibid., para. 68.

<sup>19</sup> CRC/C/TUR/CO/4-5, para. 43.

**primary and secondary education in a manner that promotes the integration of such children in their schools;**

(b) **Promote curricular reviews and initiatives in schools to address and prevent xenophobia or any type of discrimination or violence against children of migrant workers;**

(c) **Implement its plans to conduct a study on the particular situations faced by migrants and refugees in the context of education and devise appropriate interventions according to the findings, in line with the Convention.**

**4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)**

**Women migrant workers**

49. The Committee notes with concern reports of alleged deprivation of legal protection, discrimination, sexual violence against and physical assaults on women migrant workers, particularly domestic workers. The Committee is also concerned about the limited information available about access to support services and the complaint mechanisms available for women migrant workers.

**50. In line with the recommendations of the Committee on the Elimination of Discrimination against Women,<sup>20</sup> the Committee recommends that the State party enhance measures to safeguard women migrant workers, particularly domestic workers, including by raising public awareness of their rights through campaigns and improving access to information about complaint procedures.**

**Right to vote and participate in public affairs**

51. While noting the information provided by the delegation about the measures taken to integrate migrants with different types of status, including those with international and temporary protection, the Committee remains concerned about the exclusion of long-term migrants from participating in local affairs, which limits their ability to fully integrate and participate in civic life.

**52. Within the efforts for strengthening social integration and durable solutions for long-term residents, the Committee encourages the State party to evaluate the possibility of recognizing and facilitating migrants' right to vote at the local level in a progressive manner, based on the length of their regular residence, including those with international or temporary protection status.**

**Work permits**

53. The Committee notes with satisfaction the simplification of the work permit procedure by making it completely online and reducing the corresponding legal fees. The Committee also notes the State party's position on coordinating the distribution of migrant workers to meet national labour market needs through the existing system of granting work permits. However, the Committee is concerned about the negative outcomes of existing labour policies, including the increase of informal employment among foreign workers. The Committee is also concerned that the loss of employment can result in the loss of both work and residency permits for migrant workers.

**54. The Committee recommends that the State party:**

(a) **Align its legislation with the Convention to ensure that migrant workers retain their residence authorization if their employment ends before their work permit or similar authorization expires, in order to prevent migrant workers from falling into an irregular situation;**

<sup>20</sup> See [CEDAW/C/TUR/CO/8](#).

(b) **Ensure that the residence authorization is not withdrawn for at least the length of time for which they are entitled to unemployment benefits;**

(c) **Facilitate the granting of provincial and sectoral work permit exemptions for open jobs and occupations with labour supply difficulties, aligned with the labour force analyses provided by the İŞKUR agency, to achieve a more balanced and efficient labour market;**

(d) **Allow workers to apply for work permits individually, enabling them to work in different workplaces for a specified period, ensuring fairness and flexibility;**

(e) **Consider granting work permit exemptions that are specific to employees under temporary and international protection who have completed certain vocational training programmes;**

(f) **Undertake a comprehensive assessment of the impact of the lack of work permits and of labour policies on migrants and members of their families, with the aim of substantially increasing the issuance of work permits to all migrant workers holding any residence status, including those with international and temporary protection and migrants in irregular situations.**

**5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)**

**International cooperation with countries of transit and destination**

55. The Committee notes with appreciation the information provided by the delegation about the State party's efforts to strengthen cooperation with countries of transit and destination to protect the rights of migrant workers and address the root causes of migration. The Committee also notes the number of bilateral labour force agreements aimed at streamlining the processes and procedures concerning labour migration and fostering cooperation and partnerships. Nevertheless, the Committee is concerned about the lack of sufficient information available to assess whether these agreements comply with the provisions of the Convention.

56. **The Committee recommends that the State party:**

(a) **Ensure that its bilateral and multilateral labour force agreements fully adhere to the Convention, as well as to the Committee's general comments No. 1 (2011) and No. 2 (2013) and its joint general comments No. 3 and No. 4/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and prioritize the inclusion of measures to protect the rights of migrant workers in vulnerable situations, such as children and victims of human trafficking, discrimination or gender-based violence;**

(b) **Conduct thorough assessments of the current agreements to identify any gaps or inconsistencies with international human rights law, and subsequently revise them to ensure compliance;**

(c) **Allocate adequate resources and capacity-building efforts to enhance the State's ability to monitor and enforce compliance with the provisions of the agreements, addressing complaints and grievances from migrant workers and their families.**

**Return and reintegration**

57. The Committee welcomes the various measures the State party has adopted to facilitate the orderly return of Turkish migrant workers and members of their families and their reintegration into the economic and social life of the country. The Committee notes that the State party has concluded social security agreements with 36 countries, most of which are in the European Union. It is concerned, however, about the barriers faced by Turkish migrants in transferring social security benefits to Türkiye and other countries where they reside.

58. **The Committee recommends that the State party take measures to strengthen the social reintegration of those who return and address the portability of social security**

**contributions in bilateral agreements with all destination countries, including those for old-age pensions.**

#### **Trafficking in persons**

59. The Committee notes with appreciation the efforts to strengthen and align the institutional structure to combat trafficking in persons with international standards. It is concerned, however, about:

(a) The insufficient efforts to identify, assist and protect victims of trafficking, including due to the absence of clear identification guidelines and training for the relevant officials;

(b) The low number of cooperation protocols to combat human trafficking with the countries of origin of victims.

**60. In accordance with the Recommended Principles and Guidelines on Human Rights and Human Trafficking, the Committee recommends, in line with target 5.2 of the Sustainable Development Goals, that the State party:**

(a) **Consider adopting standard operating procedures on timely identification, referral, protection and assistance for victims of trafficking that are age-responsive, and that provide timely and equal access by victims of trafficking to fair and efficient asylum and statelessness determination procedures;**

(b) **Strengthen training for law enforcement officials, judges, prosecutors, labour inspectors and service providers on how to deal with trafficking cases in a gender-responsive and child-sensitive manner, and strengthen the capacity of Turkish diplomatic and consular personnel to identify and provide assistance to victims abroad;**

(c) **Consider increasing the number of cooperation protocols to prevent and combat human trafficking with the countries of origin of victims and ensure their effective implementation.**

#### **Measures to address migrant workers in an irregular situation**

61. The Committee notes the legal and regulatory measures taken by the State party to facilitate the employment of registered foreign workers. The Committee is concerned, however, that this falls short of addressing pathways for the regularization of the status of undocumented migrants in Türkiye. It is further concerned that migrant workers in an irregular situation have limited access to health care and social protection services, due to the fear of being reported, detained and deported.

**62. The Committee recommends that the State party:**

(a) **Adopt measures aimed at facilitating the regularization of the situation of migrant workers in an irregular situation so as to ensure that such a situation does not persist, and ensure that such workers are informed about the procedures;**

(b) **Establish a firewall between health care, social protection services and law enforcement.**

### **6. Dissemination and follow-up**

#### **Dissemination**

**63. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.**

#### **Technical assistance**

**64. The Committee recommends that the State party further avail itself of international and intergovernmental assistance for the implementation of the**

recommendations contained in the present concluding observations, in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with the specialized agencies and programmes of the United Nations.

#### Follow-up to concluding observations

65. The Committee requests the State party to provide, within two years (that is, by 1 July 2026), written information on the implementation of the recommendations contained in paragraphs 24 (independent monitoring), 32 (border management and migrants in transit, particularly regarding pushbacks), 36 (due process, detention and equality before the courts) and 54 (work permits) above.

#### Next periodic report

66. The Committee requests the State party to submit its third periodic report by 2 July 2029. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding that date, unless the State party explicitly opts for the traditional reporting procedure concerning its third periodic report. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.<sup>21</sup>

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<sup>21</sup> [HRI/GEN/2/Rev.6](#).