



**SCREENING CHAPTER 23
JUDICIARY AND FUNDAMENTAL RIGHTS**

AGENDA ITEM IV: EU CITIZEN'S RIGHTS

**Country Session: Republic of TURKEY
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4.1. THE RIGHT TO VOTE AND STAND FOR EP ELECTIONS

Voting in diplomatic missions in Turkey is not prohibited by the Turkish legislation.

Foreigners may cast their votes in polling stations set up in the resident embassies and consulates for the elections in their home countries.

According to the established practice, embassies inform the Turkish Ministry of Foreign Affairs in advance so that the prior consent of the Turkish authorities can be obtained and appropriate security measures can be taken.



Turkey welcomes such arrangements on condition that public order is not violated, election campaigns are not conducted and voting takes place in the confines of designated places.

In the event that a request is made in this direction, the aforementioned conditions and reservations would apply with regard to the participation of EU citizens in the EP elections.



4.2. THE RIGHT TO VOTE AND RUN FOR OFFICE IN LOCAL ELECTIONS

In accordance with the Constitution and relevant election laws, only Turkish citizens are eligible to vote in local and general elections and be nominated for public offices in Turkey.

First paragraph of Article 67 of the Constitution reads as follows: “In conformity with the conditions set forth in the law, citizens have the right to vote, to be elected, and to engage in political activities independently or through a political party and to take part in a referendum.”

4.3. RIGHT TO MOVE AND RESIDE FREELY

Visa Requirements

Turkey implements a favourable visa regime for EU citizens aimed at facilitating their travels to Turkey.

Citizens of Germany, France, Denmark, Sweden, Czech Republic, Greece, Finland and Luxemburg are exempt from visa on their touristic visits to Turkey up to 90 days.

Citizens of other EU Member States travelling to Turkey for touristic purposes may obtain their visas at the Turkish border gates upon their arrival.



Residence in Turkey

Movement and residence of aliens are regulated under the Law on Residence and Travel of Aliens in Turkey (No.5683). There are also applicable provisions in the Passport Law (No.5682). Accordingly, aliens who are allowed to enter the country holding a valid travel document, as stipulated in the Passport Law, have the right to travel within Turkey without restrictions specific to foreigners.

EU citizens who hold a visa or benefit from visa exemption may initially obtain a three-year residence permit upon their arrival. These residence permits may be extended for five-year periods.



Identification cards issued to members of diplomatic and consular missions, military staff of NATO and representatives of international organisations substitute for ordinary residence permits. Officials in these categories are exempt from residence permit requirement.

As of 2005, 180.000 foreigners legally reside in Turkey.



Residence permits are issued on the following grounds;

- Employment,
- Installation and maintenance,
- Studies,
- Scientific research,
- Business contacts,
- Family reunification,
- Tourism and settlement,
- Medical care.



Work Permits

Article 15 of the Law on Residence and Travel of Aliens in Turkey (No.5638) stipulates that “Aliens may only be employed for jobs that are not prohibited by law for aliens”.



The following professions are reserved for Turkish citizens:

- Lawyer
- Security and Safeguarding staff
- Customs Broker
- Customs Counsellor Assistant
- Stock Exchange Broker
- Professional Tourist Guide
- Manager of Travel Agency
- Public Notary
- Independent Accountant, Financial Advisor, Certified Public Accountant
- Captain and Seaman
- Board Member of Cooperative Society



- Nurse
- Doctor
- Dentist
- Midwife
- Patient Care Taker in Hospital
- Pharmacist
- Private Hospital Manager
- Veterinarian



Foreigners who are exempt from work permits in view of the rule of reciprocity, international law and principles of EU law do not fall in scope of the Law on Foreigners' Work Permits. (Article 2)

In accordance with Article 8 of the Law, entitled Exceptional Cases, EU citizens and their spouses and children who are third country nationals may be issued work permits not subject to the required periods of residency and employment envisaged in the Law.



EU citizens benefit from the provisions of the Turkey-EU Association Council instruments on the basis of reciprocity.

Articles 6 and 7 of the Association Council Decision No:1/80, providing preferential rights for the Turkish workers in EU, are extended to the EU workers in Turkey.



4.4. DIPLOMATIC AND CONSULAR PROTECTION

Turkey is party to the Vienna Convention on Diplomatic Relations of 1961 and Vienna Convention on Consular Relations of 1963.

Foreign diplomatic missions and consular posts provide diplomatic and consular protection to their citizens in the framework of the aforementioned Conventions. Information on dead, injured or arrested foreigners is immediately conveyed to the relevant diplomatic or consular missions in Turkey.



The following EU Member States have resident diplomatic missions in Turkey:

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

Malta has Honorary Consuls in Istanbul and Izmir.



Countries may invoke Articles 6 and 46 of the Vienna Convention on Diplomatic Relations and Article 8 of the Vienna Convention on Consular Relations to provide protection for their citizens.

Article 6: “Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.”



Article 46: “A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.”

Article 8: “Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.”



On the other hand, foreign diplomatic missions in Turkey may also request consular cooperation on the basis of bilateral agreements concluded in this field.



THANK YOU FOR YOUR ATTENTION