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HUMAN RIGHTS LAW RESEARCH CENTER



rusihak

Ruh Sağlığında İnsan Hakları Girişimi
Human Rights in Mental Health Initiative



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Association of Persons with Disabilities of Turkey (*Türkiye Sakatlar Derneği*);

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INTRODUCTION:

In 2005, the Republic of Turkey adopted the Disability Law (Law No: 5378) (*Özürlüler Hakkında Kanun*) which exclusively regulates matters relating to disability for the first time. Following the adoption of the Law, amendments have been made in various laws and regulations have been issued in order to implement the aforementioned Law. Discrimination on the ground of disability was prohibited for the first time by this Law. Moreover, Article 122 of the Turkish Penal Code (*Türk Ceza Kanunu*) which prohibits discrimination was amended and in certain areas, discrimination on the ground of disability became a crime. Turkey became a State Party to the United Nations Convention on the Rights of the Persons with Disabilities in 2009 and signed the Optional Protocol, therefore manifested its will to become a State Party. Although these developments are important in the direction of equal and full enjoyment of human rights and fundamental freedoms by the persons with disabilities in Turkey, both the legislation and the implementation fall behind the obligations of the State Parties envisaged by the United Nations Committee on Economic, Social and Cultural Rights. In this framework, it should be mentioned that especially the implementation is extremely problematic and has inconsistencies within itself.

This report aims to point to the problems faced by the persons with disabilities in Turkey in terms of their enjoyment of economic, social and cultural rights; to facilitate the Committee's evaluation of the Initial Report submitted by Turkey and to guide the relevant institutions of the Republic of Turkey in fulfilling their obligations arising from the Convention. Even though there is a comprehensive evaluation of the situation in Turkey in this report, it does not cover all the problems faced by the persons with disabilities with regard to the enjoyment of the rights and freedoms under protection by the Convention. Because in terms of certain types of disabilities, some special measures should be taken in order to ensure the enjoyment by the individuals of the rights and freedoms protected under the Convention. An extended report will be submitted to the session at which the Committee will evaluate Turkey's report, taking into consideration the "list of issues" prepared by the Committee and the answers given by the Government to the questions in the list.

GENERAL EVALUATION:

The Government adopted various legislation in order to ensure the equal and full enjoyment by persons with disabilities of human rights and freedoms, starting from 2005. Although these efforts are highly appreciated, some common problems for each category of rights exist. First of all, some of the legislation does not lay down any sanctions or certain terms are not defined. Consequently persons with disabilities, those who are under an obligation to implement the legislation and even the courts have difficulties in the implementation and application of the legislation. For example, Article 14 of the Disability Law (*Özürlüler Hakkında Kanun*) prohibits discrimination and also envisions the obligation of reasonable accommodation. However, neither in the Law nor in any other legislation, concepts of discrimination and reasonable accommodation are defined. In addition to this, the Law does not indicate any sanctions in cases of violations of these obligations. For this reason, although the Law came into force more than 5 years ago, it is in practice not possible to make legal claims based on most of the provisions of the Law (Law No: 5378). It was also not possible for the courts to hold that the obligation to provide reasonable accommodation was violated.

Attention must be paid to the quality of the information provided by the Republic of Turkey in its Initial Report. **Almost all of the information submitted is about the measures taken;**

but there is no assessment on the outcomes of these measures. Yet, if the aim is to ensure the enjoyment by the individuals of their economic, social and cultural rights, the main focus should be on the outcomes of these measures. The State presumes that the measures taken are adequate to reach the aims in every situation, without necessarily evaluating if the legal or administrative measures really solve the problem that they aim to address. Therefore, the State does not conduct any monitoring to evaluate the impact of such measures; does not collect data which would enable to compare the situation before/after the measures; and as it is the case in its Initial Report, does not provide information on the outcomes.

In this regard, **the State assumes that it is enough to adopt legislation to ensure the enjoyment of rights and freedoms. Furthermore, it is assumed that there is no violation of the legislation in cases when such a claim has not been made. It is not questioned whether the legislation is problematic in terms of its clarity or in what ways it is problematic or why the individuals do not refer to administrative or judicial remedies.** In many cases, persons with disabilities are not aware of their rights; cannot understand the legislation because of the complexity of the legal language; discouraged by the complexity of administrative and legal remedies; or simply do not have access to the courts because of lack of financial and physical accessibility.

One of the reasons for the discrepancy between the implementation and the legislation is that the practitioners (public institutions, employers in the private sector, teachers etc.) are not trained adequately regarding their obligations under the Law. Briefings given regarding the legislation are not longer than a few hours and hundreds of persons attend to these briefings, consequently specific issues in various areas (health, education, employment, social security etc.) are not covered. However, the aim of the information provided by the State should be to transform the mentality of the participants as well as to raise awareness of persons in charge of implementation. It is not possible to change the mindset of persons which has been structured over many years, through general briefings.

Another reason why the implementation falls behind the legislation is **inadequate monitoring.** For example, even though, there is a quota in employment, in practice important problems exist. The employers in the private sector who are obliged to provide quota for persons with disabilities employ them only on paper, but do not want them to work in the workplace in practice. Persons with disabilities who are employed only on paper are included in the statistics of the State as individuals who are employed.

The State has to collect **disaggregated data**, in order to be able to make plans. However, there is no comprehensive research or data collection activity, other than a research done in 2002. As a matter of fact, the figures given in Table 9 in the report, regarding the employment of the persons with disabilities, for which the source was mentioned as the Ministry of Labour and Social Security (*Çalışma ve Sosyal Güvenlik Bakanlığı*), are the figures taken from the research conducted by the State Institute of Statistics (*Devlet İstatistik Enstitüsü*) in 2002.¹ In other words, these numbers are outdated.

A common problem regarding all rights and freedoms is the lack of mainstreaming. Instead of making all services accessible to everyone, the State designs special services for persons with disabilities and give these services in an environment where there is only persons with disabilities and their family members. Indeed, almost all the information submitted by the Government in its Initial report is on services exclusively provided for and specially designed for persons with disabilities. However, in most situations it is actually

¹ http://www.ozida.gov.tr/arastirma/tr_ozurluler_arastirmasi/blm1.pdf (accessed on 24 april 2010) available in Turkish and English.

necessary and possible to take certain measures to ensure that persons with disabilities benefit from mainstream services together with other individuals. Only in very limited situations, it can be argued that the best interests of persons with disabilities require provision of special services. For example, paragraphs 136 and 141 of the report refer to special vocational training programmes provided by the employment agency (*İŞKUR*). Even though special training programmes are required for persons with severe disabilities, this should be considered as an exception and generally measures should be taken to ensure that persons with disabilities have access to every vocational training programme. They should not be forced to attend programmes that are specially designed for them. Besides, it cannot be assumed that these training programmes solve or reduce the scale of the unemployment problem. What is important is the outcomes of these measures. **How many persons with disabilities have participated in these vocational training programmes organised by İŞKUR and how many of them are employed in the areas they received vocational training?** If the Turkish Government submits relevant data regarding these questions, evaluation of the effectiveness of these special vocational training programmes can be measured.

Another general problem is that, services provided do not reflect a holistic approach. For example, the State provides social financial benefits for persons with disabilities who are in poverty. However, other **measures, such as education, vocational training etc. which will eliminate the causes of poverty are not taken.**

It should also be emphasized that most of the **measures** that are mentioned in the report are **limited to big cities only** and in rural areas as well as in small cities the services are not satisfactory both in terms of quality and in quantity.

Some of the services which are cited in the State report for ensuring the enjoyment of rights and freedoms are not in practice accessible for various reasons. Article 7 of the Regulation Regarding the Procedures and Principles in Providing the Public Services (*Kamu Hizmetlerinin Sunumunda Uyulacak Usul ve Esaslara İlişkin Yönetmelik*) which was adopted in 2009, requires measures to be taken so that the persons with disabilities can easily access to public services. However there is no monitoring or sanction. Firstly, there is a difficulty in accessing the information regarding these services. The information should be produced and circulated in different formats considering the visually-impaired, hearing-impaired and mentally disabled persons. Each institution provides information regarding its services only and there are no referral mechanisms. In addition to this, public buildings where these services are provided, public transportation vehicles, sidewalks and crosswalks are not accessible. Even though there is legislation, implementation is not in compliance with the legislation. **The reason is that the implementation of the legislation is not monitored and no sanctions are applied to those who are responsible for violations of law.** Temporary provisions of Article 2 and 3 of the Disability Law (*Özürlüler Hakkında Kanun*) of 2005, require “all existing public buildings, all existing roads, sidewalks, crosswalks, open and green areas, recreation grounds and similar social and cultural infrastructure and all buildings where services open to general public are provided and public transportation vehicles run by public or private sector” to be made accessible for the persons with disabilities in seven years after the Law enters into force. Although 5 years have passed since then, there is no plan of action or no actual action taken. In other words, **those who are under an obligation have not taken any action to determine the number of inaccessible buildings, areas open to public and the number of inaccessible vehicles; the budget required to make them accessible; when and in which order these will be made accessible.** In addition to this, not all the public buildings, roads, sidewalks and other public areas built after 2005 are accessible. Municipalities keep on buying inaccessible buses, trams, metros etc. Neither administrative

nor judicial procedures were initiated against those who have negligence in this regard. Also, it is allowed to build buildings other than public buildings, without complying with the accessibility standards and this is a barrier in front of the employment of the persons with disabilities.

When measures are taken regarding accessibility, required standards are not met and persons with disabilities are not consulted. Ultimately, it seems as if measures are taken but these measures cannot bring about accessibility for individuals. Again, these situations remain without any sanction. **If the State provides data on the number of persons sanctioned because they have not complied with the accessibility legislation at all, or have not complied with accessibility standards, this data would show that the legislation does not have an impact in practice.**

Another problem is that accessibility is taken as a problem of persons with physical disabilities only. First and foremost, buildings providing public services and generally buildings and public transportation vehicles do not have signs which would guarantee the independent movement of the visually impaired persons. The visual signs which would guide the hearing impaired persons and which would guarantee their independent access to services and translation services in sign language are limited. Especially in some sectors such as health sector, there is a lack of sign language interpreters. **The State should take measures to employ sign language interpreters, especially, but not limited to health services and should train the interpreters on the terminology etc. used in the environment they operate.** If for example a sign language interpreter who works in a hospital does not know anything about health related terminology, that also would limit the scope and quality of the services provided.

The State has to solve the accessibility problem immediately. In this regard, if the undertaker firms do not comply with accessibility requirements when building public transportation services or public buildings, bridges, roads, sidewalks and crossroads, they should be prohibited to participate in future tenders.

Accessibility problem also has a financial dimension. The Scientific and Technological Research Council of Turkey (*Türkiye Bilimsel Araştırmalar Kurumu, TÜBİTAK*) conducted a research in 2006. According to the data of the “The Second Analysis of the Research on Persons with Disabilities in Turkey”, more than half (57.3 %) of the persons with disabilities cannot have access to the services they need because of lack of financial resources.² **This data can be seen as the proof of the fact that any little financial contribution asked for the provision of services that persons with disabilities need, is a barrier before receipt of services for more than half of the disability population.**

III. Article 2(2): Non-discrimination

As it is mentioned in the Government’s report, there are some regulations which prohibit discrimination in the national legislation. Turkey is also under obligation at the international level by becoming a State Party to many international conventions that prohibit discrimination on the ground of disability. However, there are serious problems both in legislation and in practice. First of all, there is no definition of discrimination in the national legislation. Different types of discrimination are not mentioned, defined or prohibited clearly. Denial of reasonable accommodation is not defined as discrimination. In addition to this, non-discrimination is a brand new concept in Turkey. There is no case law regarding the the

² <http://www.engelliler.gov.tr/arastirma/ilerianaliz/ilerianaliz.doc>

prohibitions of discrimination. The only exception to this is the Article 10 of the Constitution which enshrines “equality before the law”. The Disability Law (*Özürlüler Hakkında Kanun*) mentions the **obligation of the reasonable accommodation** even though it is limited to the workplaces only. However, **there is no clarity with regard to the content and scope of this obligation.**

The legislation on the prohibit of discrimination is not clear on sanctions. Exceptions are the Labour Code (*İş Kanunu*) and the Turkish Penal Code (*Türk Ceza Kanunu*). Except the Labour Code, no other legislation shifts the burden of proof in cases of discrimination or prohibits victimization. As a result, victims of discrimination fear administrative or judicial reprisals and cannot refer to administrative or judicial remedies. Therefore, the number of discrimination cases before courts is minimal. There are no statistics on the numbers of cases of discrimination on the ground of disability. However, it is assumed that this number is no more than 2 or 3. For these reasons, the presumption of the Government that there exists no discrimination in employment in Turkey either in the legislation or in practice does not reflect the reality. **The Government interprets the lack of legal cases as lack of discrimination in Turkey.** However, there is not a single country in the world including Turkey where there is no discrimination on the ground of disability. **The State has not defined what discrimination is; has not taken procedural measures (such as shifting of burden of proof) to facilitate the use of legal remedies; does not collect data on the reasons of the unemployment of persons with disabilities or why children with disabilities do not all attend schools. And in lack of all sorts of data, State concludes that there is no discrimination in Turkey, neither in the legislation, or in practice.** As a matter of fact, the numbers given in the State report under the title of “right to work” show that discrimination is extremely widespread in the employment of persons with disabilities in the public sector.

In para. 26 of the State report, remedies available to persons who claim to be subjected to discrimination are cited. **How many applications have been made so far by persons who claimed that they were discriminated against on the ground of disability? How did these applications result? In how many of the applications, the outcome confirmed that there is discrimination on the ground of disability? Has any sanction been imposed as a consequence of these decisions or judgements?**

Turkey has to screen the legislation and closely monitor the practice in terms of discrimination on the ground of disability. The problems have to be identified and the prohibition against discrimination should be made effective. There is no action plan on the fight against discrimination on the ground of disability. And if the State continues to claim that there is no discrimination, such an action plan will never be adopted in the close future. An Action Plan Against Discrimination which was published on the website of the Administration for Disabled People (*Özürlüler İdaresi Başkanlığı*) in former years has been removed from the website. Although some of the discriminatory provisions were taken out of the legislation, the practice still is as if these discriminatory provisions do exist. On the other hand, it is considered that some of the regulations in the legislation have discriminatory effects. For example, Article 8 paragraph (g) of the Law on Judges and Prosecutors (*Hakimler ve Savcılar Kanunu*) (Law No: 2802) includes the condition of “not having any physical and mental illness or disability that would prevent conducting the obligations of the judge and prosecutor continuously and in every part of the country, not having disabilities such as having difficulties in controlling the movements of the organs, speaking different than it is accustomed and which would be found odd by people”. Despite the fact that this provision indicates that those persons who cannot conduct this occupation cannot be candidates, it is observed that persons with disabilities who graduate from the law faculties do not apply assuming that they will not be accepted as candidates. It is also known that even if they apply,

they fail in interviews. As a matter of fact, according to the data received in October 2009 from the State Personnel Presidency (*Devlet Personel Başkanlığı*), the Ministry of Justice (*Adalet Bakanlığı*), which should be one of the most diligent public institutions in terms of non-discrimination principle and has to employ 1813 persons with disabilities due to the quota requirement, has not employed a single person with disability.³

Although some of the discriminatory provisions have been removed from the legislation, there is a risk that these can be adopted again. For example, according to the amendment made in article 75 of the Law on the Notary (*Noterlik Kanunu*) by the Disability Law (*Özürlüler Kanunu*) the signatures of visually impaired persons are valid without a witness. However, according to the Article 15 of the Draft Law on Obligations (*Türk Borçlar Kanunu Tasarısı*) which was submitted to the Presidency of the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi Başkanlığı*) “the signatures of the visually impaired persons are not binding on them, if it is not confirmed according to the procedures or if it is not proven that they are aware of the text when they signed them”.⁴ In the rationale of the Draft Law, the amendment was justified on the basis that the blind “should not be left unprotected against the legal transactions that would put them under debt”. It is explicit that, persons with disabilities are not seen as owners of rights but as objects of protection.

In this regard, raising awareness of the society in general is extremely important. For example, an demonstration was organised by the Foundation of the Disabled (*Özürlüler Vakfı*) on 19 December 2009 in Mecidiyeköy which is one of the central locations in Istanbul, to protest the fact that the metrobus are not accessible for persons with disabilities. This demonstration attracted negative reaction from the general public, as they were in the opinion that persons with disabilities should stay at home. The Government kept silence on this matter. This example shows that **the demands of the persons with disabilities to benefit from the rights and freedoms equally are not recognized by the general public either and the state is not attempting to change this attitude in an effective manner.**

It is also known that the persons with disabilities face with multiple discrimination. For example, the data shown in Table 48 demonstrates that the number of girls with disabilities is far below the number of boys with disabilities in terms of schooling. **According to this data, while the number of the boys who attend to schools which give special education is 20.262, the number of the girls is 11.765.** The reasons of this situation should be explored and eliminated. It is not alleged that the state does not admit girls into schools. However, primary education is compulsory. Therefore, the reasons why the parents are not sending their daughters to schools should be identified. It is also an obligation of the state in combatting discrimination to eliminate this situation and to **enable these children to continue their education after the primary schools.**

IV. Article 6 and 7:

As it is indicated in the report, in the national legislation discrimination is prohibited in terms of right to work. In various laws, the obligation of reasonable accommodation is laid down. Moreover, there is a quota requirement both for the public and private sectors. However, it is not possible to claim that the practice is in compliance with the legislation.

³ The data is cited in the written answer given to a parliamentary question asked by the Member of the Parliament from Denizli Mr. Ali Rıza Ertemür.

⁴ <http://www.tbmm.gov.tr/sirasayi/donem23/yil01/ss321.pdf> (accessed on 24 April 2010) The link is to the Draft Law on Obligations published by the Turkish Grand National Assembly on its official web-site.

As far as it is understood from the report, up to date and actual data is not available. The data reflected in the report in Table 9 are the results obtained in the research conducted by the State Institute of Statistics (*Devlet İstatistik Enstitüsü*) in 2002 based on a sampling.⁵ However, everyone in employment has to be registered due to taxation and social security. Therefore, the Ministry of Labour and Social Security (*Çalışma ve Sosyal Güvenlik Bakanlığı*) has to have up dated data which reflects the actual situation. **If, even the number of the persons with disabilities who are employed is not known by the state, it cannot be assumed that the number of persons with disabilities who for various reasons, including discrimination, cannot participate in employment. The state has to collect disaggregated data regarding persons with disabilities, including the reasons of unemployment. The state also has to prepare an action plan to increase the employment of the persons with disabilities.**

Although it is guaranteed in the legislation that discrimination in employment is prohibited on the ground of disability and the quota requirement to employ persons with disabilities is envisaged both in the public and private sectors, implementation is far behind the legislation. For example, **according to the official data, the number of the persons with disabilities that has to be employed in public bodies and institutions in the framework of quota is 48.459 and currently 38.192 is vacant. While sanctions are imposed for the workplaces that do not comply with the quota requirement in the private sector, no sanction is imposed for public bodies and institutions. The state itself does not act in compliance with the legislation that it adopted.**

There are concrete cases in which the state treats persons with disabilities in a discriminatory manner regarding the right to work. For example, **the state compels the persons with disabilities to take special exams designed for them and does not appoint the persons with disabilities who succeed in general examinations just for the reason that they are persons with disabilities and they should have taken the special exams. There are two concrete examples of this practice and the highest administrative court, the Council of State also holds that, persons with disabilities can only be employed through special exams. In both of these cases, plaintiffs who are disabled have succeeded in the Selection Examination for Professional Posts in Public Organizations (*Kamu Personeli Seçme Sınavı*) and were placed as public servants. But their placements were annulled on the basis that, they have taken general exams. When the case came before the Council of State (*Danıştay*), the judgment was as follows: “It is in line with the law to not to appoint the plaintiff to the post that he was placed, since he has taken the general examination. Since his employment should be through quota for the persons with disabilities ... he should take and pass the special examination designed for the persons with disabilities.”⁶ This judgement manifests also that the administration and the Council of the State themselves do not abide by the provision of non-discrimination on the ground of disability with regard to enjoyment of the right to work. A regulation which aimed to make the employment of the persons with disabilities easier turned out to become a barrier before them to become public servants by taking the general examination with everybody else. This is defined as direct discrimination by international law. The fact that such a situation was not remedied by the Council of the State (*Danıştay*) itself is also an indicator why the legislation of non-discrimination is not effective in Turkey.**

⁵ http://www.ozida.gov.tr/arastirma/tr_ozurluler_arastirmasi/blm1.pdf (accessed on 24 April 2010) available in Turkish and English.

⁶ The case law was reached through the website of the Council of the State (*Danıştay*). Council of the State 12th Chamber, E. 2006/2864, K. 2006/4487, Date of the judgement: 8/11/2006.

There is the quota requirement of a workplace only when the number of employees is above 50. Household Labour Force Survey (*Hanehalkı İşgücü Araştırması*) (2009 December) conducted by the Turkish Statistical Institute (*Türkiye İstatistik Kurumu*) points that 58.7 % of the employees work in workplaces that employ 1 – 9 persons.⁷ This data indicates that the number of the workplaces which employ 50 or more persons is considerably low. It is known that the workplaces try to escape from this obligation by keeping the number of the employees at 49. It must be assumed that the state knows the number of the workplaces that employ 49 persons. On the other hand, **some of the employers employ persons with disabilities on paper, not to pay the administrative fine and ask the disabled employee to not to come to work. These workplaces should be identified by the state and necessary sanctions must be imposed.**

Firms which does not obey quota requirements should not be allowed to participate in public tenders.

Another problem before the employment of the persons with disabilities is non-accessibility of public transportation and buildings of employment. **Non-accessibility of public buildings not only prevents persons with disabilities from being employed there, but also from having access to public services provided in these buildings.** Besides, the obligation to provide reasonable accommodation both in public and private sectors is not put into practice. If data regarding sanctions that are imposed on employers who do not comply with reasonable accommodation requirements is submitted by the State, the level of implementation will be seen clearly. If no sanction has been imposed since the adoption of the legislation in 2005, then it can be interpreted as the ineffectiveness of the legislation, since it is not possible that this obligation is not violated even for once since 2005.

An action plan is needed to increase the participation of the women with disabilities in employment.

The state has to identify the sectors in which there is a need for workforce and vocational training programmes should focus on these sectors.

The number of employed persons with severe disabilities, especially those employed under the quota is not known; but it is estimated that this number is very low. There is legislation on sheltered workplaces, however in practice the number of sheltered employment is very low. Data should be provided by the State on the number of sheltered workplaces and the total number of persons with severe disabilities employed there. The State should also increase the support given to these workplaces, in order to guarantee that more persons are employed.

The possibility of the workers to continue working after becoming disabled is generally limited. There is no data regarding public servants who continue working after becoming disabled.

Official data indicates that the state is active in legislation but passive in implementation. However, not only the number of the persons with disabilities employed in public sector but also the chances that a person with disability is promoted as a public servant is important. The state must have data regarding the number of the persons with disabilities who work as a public servant, and promoted to the level of general directorate. In this regard, especially in some professions, it is observed that the persons with disabilities are not employed. For example, **what is the number of judges, prosecutors or governors (*kaymakam*) who were disabled when they were employed?** It is hard to argue that all disabled candidates fail at written exams. It is either they are discouraged to make applications or they fail at interviews.

⁷ <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=6208> (accessed on april 2010)

If this argument is not valid, the State can prove otherwise by submitting data on the number of disabled applicants, the number who passed written exams and the number of disabled persons who succeeded in interviews. If there is no disabled candidate judge, prosecutor or governor (*kaymakam*), then it is necessary to identify reasons and take measures these to eliminate problems, including discrimination against the persons with disabilities.

Data to be submitted by the State on the number of disabled persons working in various positions and their ranks as public servants will give a clear picture on public employment of persons with disabilities.

There are other problems in employment. For example, teachers with disabilities are appointed only to schools for children with disabilities. If this practice continues, there will be no vacancy for teachers with disabilities who are recently graduated from faculties of education.

V. Article 9:

Through the “Law on Social Insurance and General Health Insurance” (*Sosyal Sigortalar ve Genel Sağlık Sigortası Kanunu*) adopted in 2006, three separate social security systems were merged. Although the Law aims to bring everyone under social security system, the statistics published by the Social Security Institution indicate that there is a growth in the number of persons who are outside the social security system. While in 2007, persons outside the system constituted 17% of the population, in 2008 it dropped to 16%, but then in 2009 the percentage of persons outside the social security system reached to 20%.⁸

Consequently, **more than 14 million people in Turkey do not benefit from social security. As the number of persons with disabilities who are unemployed are more than the general population, it can be concluded that a considerable percentage of that 14 million people without social security are persons with disabilities.** It is a fact that persons with disabilities living in rural areas do not have social security. According to the research done in 2002 by the State Statistics Institute, 53,45 % of persons with physical, visual, hearing-speaking, mental disabilities do not have social security. According to the same research, the percentage of persons with chronic diseases who do not benefit from social security is 36%. Although the research is based on sampling, it is still important, as the data collected in this research indicates the scale of the problem. There is no plan published or announced outwise on how and when persons outside the scope of social security will be included in the system.

The State should adopt a plan of action as soon as possible.

VI. Article 11:

According to the “Second Analysis of the Turkey Disability Research (2002)” made by the Scientific and Technological Research Council of Turkey (*TUBITAK*) in 2006, more than 57,3% of persons with disabilities cannot have access to services they need, because of lack of economic resources.

It is a fact that the number of persons with disabilities who are employed is minimal. The vast majority of persons with disabilities depend on the income support provided under Law nos.

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http://www.sgk.gov.tr/wps/wcm/connect/bc7c6900420e74bf869fe6147082daa3/2010_02_sigortali.xls?MOD=AJPERES

2022 and 5737. These Laws provide that under certain conditions, cash benefits are given to persons with disabilities.

Cash benefits given under Law No. 2022:⁹

| | 2010 |
|--|---------------------------------|
| | January-June |
| | Payments in Turkish Lira |
| 1-Old age (65+) | 97,3 TL |
| 2-Old age in need of care (65+ (more than 70% disabled) | 291,9 TL |
| 3-Disability allowance (40%-69% disabled) | 194,6 TL |
| 4-Disability allowance for persons with disabilities in need of care (70% Disabled) | 291,9 TL |
| 5-Allowance paid to the carer of a person with a disability under the age of 18 (40% Disabled) | 194,6 TL |

Number of persons with disabilities benefitting from disability allowances paid under Law No. 2022:¹⁰

| Person benefitting from the allowance | Number of persons |
|--|--------------------------|
| 1 – Old age (above 65) | 867.035 |
| 2- Persons with disabilities in need of care and above the age of 65 | 10.538 |
| 3 – Persons with disabilities (40%-69% disabled) | 255.990 |
| 4 – Persons with disabilities in need of care (more than 70% disabled) | 103.980 |
| 5 - Carers of persons with a disabilities under the age of 18 | 28.631 |
| Total | 1.266.174 |

A guideline was published by the Social Security Institution regarding the implementation of the Law No. 2022 and the conditions to receive disability allowances were laid down.

⁹

http://www.sgk.gov.tr/wps/wcm/connect/38b2e78041afd80f82e7a68d6f306d3e/2010_01_primsiz+.xls?MOD=AJPERES 97 Turkish Liras is about 50 Euro.

¹⁰

http://www.sgk.gov.tr/wps/wcm/connect/38b2e78041afd80f82e7a68d6f306d3e/2010_01_primsiz+.xls?MOD=AJPERES

According to the guidelines, if the total income of a person with a disability above the age of 18 (40-69% disabled) is below 83,08 TL (43 Euro), then 166,16 TL (86 Euro) monthly will be paid as disability allowance (the figures are from July 2008).¹¹ According to 2010 figures, if the total income of a carer of a child with a disability is below 92,67 TL (48 Euro), then 194,60 TL (100 Euro) will be given as disability allowance. **If there are more than one disabled child in the household, only one receives disability allowance.** The number of persons receiving disability benefits under these conditions is 46.346.

According to 2010 figures, the minimum and maximum disability allowances are 194,6 TL and 291,9 TL respectively. When these allowances are compared to the figures on hunger levels and poverty levels published by the Turkish Statistics Institution (*TUIK*), the result clearly shows that, the living conditions of persons receiving these allowances is dreadful. According to research made by *TUIK* in 2008 yılında, for a household of 4, the hunger level is 275 TL (142 Euro). The poverty level was predicted as 767 TL (395 Euro). And these figures are valid only if there is no disabled person with special needs in the household. Accordingly, the disability allowance are not at a level which can guarantee a life in dignity. And, as no other long term and calculated measures are taken together with the payment of disability allowances, the only thing guaranteed is a life at hunger level.

Another disability related allowance is paid under Additional art. 7 of the General Directorate of Social Services and Child Protection Agency Law is “care at home support”. If the carer of the disabled person is receiving benefits under other schemes, then they are no more qualified to receive this “care at home support” and vice versa. Thus they are not complementary. However, the aims of these two social benefits are different. The “care at home support” should be paid to the carer of the disabled person as a compensation for the labour of the carer. That is exactly why the amount is determined in relation to minimum wage. On the other hand, disability allowances are paid as subsistence benefits. As the amount is barely enough for the disabled person to survive, if the carer is not paid separately, at least two persons would be forced to live in extreme poverty.

Another important issue regarding “care at home support” is that, the support is only in cash. And during the inspections made, attention is only paid on how the money is spent, not on whether the quality and quantity of the care provided is adequate.

The applications for any of these social benefits take around a year to be concluded.

Another issue under article 11 of the Convention is the situation of persons with disabilities in institutions. Persons with disabilities living in institutions, especially persons with serious disabilities, are highly disadvantaged in enjoying their human rights, including their right to adequate food and clothing. However, as the quantity and quality of the staff in these institutions are not at a satisfactory level, serious human rights violations are experienced in institutions. The number of persons with disabilities who have lost their lives due to lack of enough food and water is unknown to the authors of this report. It is also unknown whether adequate investigations are carried out or not on the death of persons with disabilities in institutions. A report was published by *Mental Disability Rights International* in 2005, regarding human rights violations experienced by persons with disabilities in institutions. Although measures are by the Government taken since 2005, it is not possible to say that, the problems are solved completely. It is important in this regard, to know the number of persons with disabilities living in these institutions as well as the number and qualifications of the staff. Nutritionists should be employed so as to guarantee that especially persons with disabilities who cannot feed themselves, children with disabilities and old persons with

¹¹ http://www.sgk.gov.tr/sgkshared/sgk/rehberler/2022/2022_UYGULAMA_KLAVUZU.pdf

disabilities get enough food and water. The State has to share with the public and the Committee, the information on measures taken in this respect.

Housing is also a big problem for persons with disabilities in Turkey. In spite of the amendments made in the Building Code in 1997, almost none of the houses are built in compliance with the accessibility standards. Although the Disability Law of 2005 removed some of the legal obstacles before persons with disabilities regarding alterations in residential buildings, the situation has not changed much, as the financial burden of these alterations fall on persons with disabilities. Because of lack of financial resources, in practice not much has changed. For residential buildings, permits are not based on accessibility standards. Even in mass housing projects, only a very limited number of accessible housing is built. If figures are provided by the State on the number and percentage of accessible housing built by the Housing Development Administration of Turkey, the extent of the problem can be seen.

VII. Article 12:

In Turkey, health care facilities in general (private and public hospitals, university hospitals, foundation hospitals, education and research hospitals, healthcare centers and clinics, mother-child healthcare centers, dispensaries, pharmacies and such) **are not accessible**. The existing ramps are not built in accordance with universal standards. In order to assess the situation, the Ministry of Health has to provide the total numbers of buildings where health care is provided, the number of buildings accessible according to universal standards and measures taken in this respect. It is very important to know when all health related facilities shall be made accessible.

Accessibility in health care services cannot be limited to physical accessibility measures. The Ministry of Health and other institutions responsible under this article have to **take necessary measures to make all health services accessible for persons with visual impairments and deaf persons**. Currently, there are no special measures taken. Medicine boxes and prospectuses are not produced in formats accessible to persons with visual impairments. Health personnel in general did not receive a sensitivity training on the provision of health services to blind persons. **There are no sign-language interpreters in facilities providing health services and emergency health services are also inaccessible for deaf persons**.

Hospital beds, stretchers, medical imaging and scanning devices are not accessible for persons with physical disabilities. Untrained personnel's help creates more risks than the benefits.

The State report refers to measures on the health situation of the disadvantaged groups in paras. 509-511. However, persons with disabilities were not mentioned.

Currently there are around 5600 physiotherapists in Turkey. However, around 4500 more are needed. The number of new graduates from 22 faculties every year is close to 450. These figures clearly prove that the State has to take urgent action to increase the number of physiotherapists.

According to 2008 figures, there are 54 boarding rehabilitation centers, most of which are outside city centers. The number of persons benefiting the services of these centers is 3735. The quality and quantity of the services provided in these centers and the living standards of persons with disabilities in boarding rehabilitation centers is below what is required for a life

in dignity. It is hardly possible to say that adequate rehabilitation and health care services are provided in these institutions. The services are almost limited to boarding.

The number of rehabilitation experts employed in these boarding rehabilitation centers will make it possible for the Committee to assess the quality and quantity of the services provided in the boarding rehabilitation centers. The State should also provide information on whether routine health controls of persons with disabilities living in these institutions are made; the number of persons who lose their lives in institutions; the reasons of deaths and whether investigations are carried out or not, on the death of residents of such institutions.

The common problems in mental health hospitals, rehabilitation centers and other institutions where persons with disabilities reside, are lack of personnel in general and lack of qualified personnel, ill-treatment of especially unqualified personnel and lack of adequate rehabilitation and health services. These issues were also brought up by the European Committee for the Prevention of Torture, in its reports on Turkey.¹²

Problems are also experienced by persons with disabilities whose care is done at home. Most family members who take responsibility of the care of the disabled member of the family are not trained on how the care should be provided. This lack of information in many cases cause further health problems for persons with disabilities. The number of professionals who can provide care services for persons with disabilities is extremely limited. When they leave hospitals, they are left in the hands of inexperienced and untrained persons. Thus, the State should take measures for persons with disabilities who are discharged from hospital and establish a system of monitoring.

In 2008 the Law on Social Insurance and General Health Insurance was amended. The amended Law requires that, apart from the premiums paid, in order to receive health services contributions should also be paid. These contributions have become a barrier for poor sectors of the society. Although in certain cases these contributions are reimbursed, first the contributions have to be paid and applications for reimbursement have to be made. Poor and mostly uneducated sectors of the society do not know about the reimbursement and it is hard to deal with the bureaucracy.

In 2009 art. 68 of the Law on Social Insurance and General Health Insurance was amended by Law No. 5917. This amendment extended the health services which require contributions to cover inpatient treatments and orthosis and prosthesis. Although there is an upper limit to the contributions to be paid, this new amendment makes it harder for persons with disabilities to afford some of the health services.

Another problem for persons with disabilities is that, medicines and other medical supplies have to be bought by the patients and then the Social Security Institution reimburses the costs. However, in many cases, these medicines and medical supplies are very expensive.

The Social Security Institution publishes a Health Implementation Circular where it declares the maximum cost it will cover.¹³ For example, according to the Health Implementation Circular Annex C5, the Institution will reimburse 2200 TL (1134 Euro) for a wheelchair. However, first the person has to pay and buy the wheelchair which in certain cases is more than 2200 TL. Then applies to the Institution to be reimbursed. Then at least 45 days later,

¹² Please see Annex I and II.

¹³ <http://rega.basbakanlik.gov.tr/eskiler/2010/03/20100325M1-1.htm>

gets reimbursed. Some times it takes 3 months to be reimbursed. Additionally, according to the Health Implementation Circular, the person has to buy the wheelchair within 5 days after the prescription, in order to preserve the right to be reimbursed. Quite often, it is impossible to find the money to buy a wheelchair within such a short period of time.

Instead of buying or otherwise providing medicines or medical supplies (including wheelchairs etc.) itself, the Institution is transferring this responsibility to persons who are in need of medicines and medical supplies. This is an undue burden on persons with disabilities, along with other disadvantaged sectors of the society.

Limitations brought by the Health Implementation Circular on the type, cost and the quantity of medicines and medical supplies make it hard and sometimes impossible for persons with disabilities to reach the right quality and quantity of medical supplies. For example the limitation on the quantity of catheter to be reimbursed, decreases the quality of the lives of persons with disabilities who continuously need to use catheter.

Some medical supplies which are vital for persons with disabilities are not reimbursed at all. For example certain types of catheter. Sometimes, the reimbursed part of the cost is incomparable to the real cost. For example, the upper limit of reimbursement for a wheelchair is 2200 TL (1134 Euro). However, the wheelchairs used by persons suffering from muscle diseases cost around 30.000 Euro.

Persons with disabilities who have difficulties in standing still, suffer from difficulties in dental treatments and when medical imaging and scanning is needed. Special measures should also be taken to facilitate these processes.

VIII. Articles 13 and 14:

Similar to the situation in other rights and freedoms, most problems experienced in the area of education result from the discrepancy between law and implementation. Especially because of the **lack of infrastructure and qualified staff needed in order to fully satisfy the requirements of the legislation.**

Turkey has taken important legislative measures to bring the education system in line with the general trends. According to the legislation, in principle children with disabilities shall attend mainstream education. Although inclusion of students with disabilities to mainstream education is a positive step, for the time being it is not possible to talk about inclusive education. First of all, **mainstream education facilities, transportation to these schools, educative tools (charts, maps etc.) and other education materials are not accessible to most of the children with disabilities. Neither the teachers in mainstream education, nor students without disabilities and their families are trained.** Consequently, students without disabilities exclude students with disabilities; families of students without disabilities express their uncomfot regarding the presence of students with disabilities in classrooms and the teachers do not know what to do in these situations.

In the beginning of this report, accessibility problems were mentioned as a general, widespread problem. The same is valid also for school buildings. All school buildings in Turkey are built based on a few different projects and these projects are not in compliance with the universal accessibility standards. First of all, almost in all school buildings, there is a staircase leading to the main door of the school. Although the Ministry of National Education has taken some steps, most school buildings are still inaccessible. Besides, the accessibility problems in education can only be solved with a comprehensive and holistic approach. Not only the main

entrance, but also the toilets, canteens, gardens, playgrounds, laboratories etc. should all be accessible. Otherwise students with disabilities will not be able to equally benefit from education. In November 2009 the Ministry of National education has published a circular which required action to be taken “to make all schools accessible.” This also proves that, 4 years after the Disability Law was adopted, still education is physically not accessible. But no disciplinary or legal action is taken against persons who have shown neglect in this regard.

Students with disabilities also have difficulty in having access to support materials. Especially students with visual disabilities cannot have access to materials distributed in class, maps, globes, rulers and other materials used to facilitate learning.

The legislation has also recognized the right of students with disabilities to receive special education support they need because of their impairments. However, **only 8 hours of individual special education support or 4 hours of group special education support monthly** is covered by the State financially. This means 1 or 2 hours of special education support per week. Students who need more hours of special education support have to cover the costs themselves.

The problems about the full participation of students with disabilities in mainstream education is not limited to accessibility problems. **Apart from a small number of teachers who are graduates of “special education” departments of education faculties who work in special education schools, teachers employed in mainstream education do not know anything about “inclusive education” or education of students with disabilities.** They do not know what these students’ special education needs are, how their success will be evaluated, how they should communicate with these children, etc. The classrooms are crowded and the teachers cannot find time to specially deal with students with disabilities. The Ministry of Education conducted a number of trainings for teachers in mainstream education (a few hours to big groups of teachers), however the scope of these trainings are far from solving the problem. At the end of 2009, the Ministry of Education and the Anatolian University have signed a protocol. According to this protocol, teachers who are willing shall be able to attend a 3 months distance learning programme. After the completion of the programme, the candidates will take a test, and if they pass, they will be qualified as special education teachers.

Provision of special education to children with disabilities is a serious work. And no one can become an expert on special education in 3 months, especially through a distance learning programme. Thus, the authors of this report understand this as a temporary measure. As inclusive education is permanent, it must be presumed that apart from these temporary measures, the Ministry of Education has long-term plans to rectify the situation.

As a long-term solution we propose that special education is included in the curriculum of all Education Faculties and a monitoring system should be established especially to monitor the performance of teachers providing education to students with disabilities in inclusive education environments. According to para. 556 of the State Report, “Provisions are also made to enable handicapped students to study at regular schools along with other children of the same age. Efforts are underway to expand this programme of educational integration.” However, no further information is given.

The State report does not contain information on the number or percentage of students with disabilities, who have successfully completed their primary education and have continued their education in secondary schools. Disaggregated data is needed in this regard. The information given by the State should allow a comparison between the success rates of children with disabilities in special education schools and in mainstream education. The authors of this report do not suggest that children with disabilities should attend special

education. We suggest that only if necessary measures are taken, mainstream education can be defined as inclusive education and be beneficial for children with disabilities.

Because of lack of adequate “special education support in public schools”, children with disabilities who attend mainstream schools have to go to private special education centers, to receive the extra support they need. However, there are frequent complaints about the quality and quantity of the support provided in these centers. For example, some of these centers are not accessible for persons with physical disabilities. More importantly, complaints are received regarding the inefficacy of the curriculum followed in these centers. State has to take measures to prevent these centers -which are inadequate in many respects-, to abuse families financially. Only persons who have expertise in the area should be allowed to work in these centers and the Ministry of National Education should inspect these centers continuously, using strict criteria. The number and qualities of the full-time and part-time staff, staff-student ratio, the curriculum followed in these centers and the general treatment of the children with disabilities in these centers have to be closely monitored. The State has almost completely transferred the provision of “special education support services” to these centers. So at least, the State should carry out its inspection responsibility with utmost prudence.

In table 48 of the State report, numbers of children with disabilities benefitting from special education is given. The figures provided in this table clearly indicate a **huge difference in the number of female and male students in education**, which means that a considerable number of female disabled children do not receive education. If all female disabled children are not at school, it is impossible to assume that all male disabled children are receiving education. The State has to provide the numbers and reasons of disabled children not enjoying their right to education. The State has to adopt a plan of action in this respect.

Although discrimination based on disability in education is prohibited, as this prohibition is not internalized, even explicit direct discrimination cases go unnoticed by the authorities. Two concrete examples can be given: In 2009, an announcement by the “Executive Board of the Foreign Secondary Schools Entrance Exam” (*Yabancı Ortaöğretim Okulları Sınav Yürütme Kurulu*) was made on the web-site of the Ministry of National Education. The announcement read: “We cannot provide education to students in need of special education and to students who have physical disabilities. As those students will not be able to register to our schools, they will not be allowed to take the “Private Foreign Secondary Schools Entrance Exam” which will take place on 31 May 2009.” Similarly, in the 2009 University Entrance Exam Guidelines (*2009 Öğrenci Seçme ve Yerleştirme Sınavı Kılavuzu*), information was given about all university, faculty and departments. One University explicitly had warned the disabled candidates, saying that “students with disabilities should not choose our University.” Upon reactions by disability NGOs, it was accepted that the expression found in the Guidelines was inappropriate and against the law. These two examples indicate that when relevant public authorities are publishing announcements on their web-sites or publishing Guidelines which are official documents, or carrying their other daily work, they do not pay attention whether their actions are discriminatory or not. **In other words, the prohibition of discrimination is not mainstreamed.**

In the State report, the percentage of children with disabilities who do complete primary education is not given. Although the number of children who are registered in primary schools is an important data; it does not give much clue about the problems faced by students with disabilities in education. **The State should collect data on why students with disabilities drop school and adopt a plan of action to decrease the number of drop-outs.**

Some children with disabilities are more disadvantaged than the general disability community in the area of education. Children with autism is an example. The total number of persons with autism is unknown, which makes it impossible to project the number of special education experts in this area. What is known today is that, the current number of persons with expertise on the education of persons with autism is not adequate.

Table 48 in the State report only gives numbers of students in primary education and then the number of students with disabilities in **special vocational schools**. There is **no information** in this table on the **number of students with disabilities attending mainstream vocational schools or number of disabled students in mainstream secondary education**. According to the information received from official sources by the authors of this report, in **2008-2009 academic year, while the number of students with disabilities in mainstream primary schools was 42647, the number of students with disabilities in mainstream secondary schools was only 2663. These figures give an idea about the number of students in higher-education. The State has to take urgent action to increase the number of persons with disabilities in secondary education, vocational education and higher-education.** Otherwise, persons with disabilities will be trapped in poverty and minimal income, for decades to come.

Especially students with mental disabilities do not continue education after primary schools. They spend rest of their lives either on the streets or at home, because of lack of rehabilitation and other services. Only the State can provide data on the number of persons with mental disabilities out of school system and the reasons of drop-outs.

The **education and rehabilitation of persons with disabilities in institutions** is also a big problem. Primary education is compulsory for all. However, observations indicate that not all children with disabilities living in institutions receive education. The State should collect disaggregated data on gender, type of disability, type of school attended (primary, secondary, mainstream, special, vocational etc.) regarding persons with disabilities in institutions. Rehabilitation should also be considered as part of education. Otherwise, it will be impossible for persons in institutions to become independent persons one day.

For young children with disabilities, it is at utmost importance to receive pre-school education. According to the figures given in Table 48 of the State report in 2006-2007 academic year, the total number of students in “nursery classes within special education schools” is only 503 and only 187 of these students are female. Milli Eğitim According to the information published on the Ministry of National Education’s web-site, the number has reached only to 659 in 2009-2010 academic year.¹⁴ The State should take urgent measures to increase the number of students in pre-school education.

According to art. 15 of the Disability Law of 2005, Turkish Official Sign Language shall be developed. However, 5 years after the adoption of the Law, the process is still ongoing. **There is no information on when the process will be finalized and education will be provided through sign-language.** This is a rather urgent matter, as recognition of the sign language is only the first step. The State has to train teachers who will teach sign language to others. Action also has to be taken to disseminate information on the official sign language to deaf persons (who use an unofficial sign-language) and current sign-language interpreters. There is no information on this issue in the State report.

Persons with disabilities face important obstacles in higher-education. Most university facilities are inaccessible. Persons with specific disabilities are unwanted in certain departments.

¹⁴ http://orgm.meb.gov.tr/Istatistikler/2009-2010_GENEL_SONUC.pdf

Persons with disabilities who for various reasons did not attend school or persons who became disabled beyond school age have very limited education and rehabilitation opportunities. For example, for adults who have lost their sight, there are only 2 rehabilitation centers in Turkey (one in Ankara and other is in Istanbul) where they can learn how to move around independently and how to read *braille*. The total capacity of these centers is around 70 persons. Besides these centers, in summers courses are organized for persons with all types of disabilities where they learn how to read and write. But for each disability group, only one course is organized. Because of the limited capacity of schools where these courses are given and lack of staff, only a limited number of persons can attend these courses. In conclusion, **independent living skills trainings for adults are very limited.**

Public training centers under the Ministry of National Education provide vocational courses for persons with disabilities. However, instead of mainstreaming these courses, specific courses are organized for persons with disabilities in limited areas. So **persons with disabilities are not free to choose the area they want to receive vocational training, but they have to make choices within limited options.**

IX. Article 15:

Accessibility problems of the libraries, concert halls, archeological sites, museums etc. should be identified and an action plan has to be adopted and shared with the general public. Sign-language interpreters have to be employed in these places. Information should be provided in alternative formats for persons with visual and mental impairments.

The Ministry of Culture has to consider the accessibility of the services or places where these services are provided, while making decisions on which cultural and artistic activities or projects will receive financial support.

The Ministry should also increase its support on cultural and artistic creations by persons with disabilities. A meaningful budget should be allocated in this regard. The budget allocated currently is unknown.

Both the public and the private sector should be under a legal obligation to provide access to cultural and artistic performances. **Currently most theatres, cinemas, and exhibition halls are inaccessible and no legal action is taken to rectify the situation.**

In paras. 687-692 of the State report, it is expressed that financial support is given to promote cultural and artistic development. **What is the percentage of the support given to promote cultural and artistic development of persons with disabilities?**

In para. 745, it is expressed that *TUBITAK* develops and implements various support programmes for raising the workforce towards scientific and technological advancement. What is the number of persons with disabilities who has benefitted from these support programmes?

Television programmes are not broadcasted in accessible formats for persons who are deaf and blind. Sign language interpretation is available limited to news, even that does not cover hourly news casts. The State needs to adopt a plan of action to provide full access to TV programmes.

Discriminatory discourse in mass media is widespread and legal action is not taken.

In para. 731, it is expressed that “speaking library services” are provided in 14 libraries. The state has to take action to increase the number of such libraries.

X. Recommendations:

The recommendations below are only general recommendations. Other recommendations are found in the text above.

1. Turkey should become a party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities;
2. An action plan against discrimination on the ground of disability should be adopted;
3. All types of discrimination should be prohibited, including denial of reasonable accommodation;
4. Trainings on prohibition of discrimination should be given to public servants, judges and prosecutors;
5. The problems regarding sanctions should be solved (both clarity in legislation and implementation);
6. In taking measures, the State should adopt a results based approach;
7. Measures of awareness raising of the public should be taken;
8. Accessibility standards should be further developed;
9. Disaggregated and up-dated data should be collected;
10. Instead of designing special services, focus should be on mainstreaming general services;
11. The quality of care and rehabilitation services in hospitals, care and rehabilitation centers and other institutions should be closely monitored;
12. Trainings should be given to persons who are responsible for the care of a family member at home;
13. Employment of persons with disabilities should not be limited to the quota regime;
14. A holistic approach should be adopted and the coordination between different state organs should be enhanced;
15. An action plan has to be adopted on the education of children and adults with disabilities;
16. State should enhance its efforts towards cooperation with the civil society.