



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

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Consideration of reports submitted by parties  
to the Convention under article 35

### List of issues in relation to the initial report of Turkey

Addendum

### Replies of Turkey to the list of issues\*, \*\*

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\* The present document is being issued without formal editing.

\*\* The annexes are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of Persons with Disabilities.

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**Abbreviation list**

ACSHB	Ministry of Family, Labor and Social Services
AFAD	Disaster and Emergency Management Presidency
ASD	Autism Spectrum Disorder
CRPD	Convention on the Rights of Persons with Disabilities
ECHO	European Union Civil Protection and Humanitarian Aid
EGM	General Directorate of Security Affairs
EHK	Turkish Disability Act No 5378
EU	European Union
EYHGM	General Directorate of Services for Persons with Disabilities and the Elderly
GSB	Ministry of Youth and Sports
GSS	General Health Insurance
ICF	International Classification of Functioning, Disability and Health
ISKUR	Turkish Employment Agency
KAMIS	Web Sites of Public Institutions
KDK	The Ombudsman Institution
KHK	Decree Law
KTB	Ministry of Culture and Tourism
KYK	Credit and Dormitories Institution
MEB	Ministry of National Education
MTV	Motor Vehicles Tax
OSYM	Student Selection and Placement Center
OTV	Special Consumption Tax
RAM	Counselling and Research Center
SB	Ministry of Health
SONİM	Violence Prevention and Monitoring Centers
SSPE	Subacute Sclerosing Panencephalitis
SUT	Communiqué on Healthcare Practices
SUY	Social Adaptation Aid
TAİEX	Technical Assistance and Information Exchange Instrument
TBMM	Grand National Assembly of Turkey
TCK	Turkish Criminal Law No 5237
TIHEK	Human Rights and Equality Institution of Turkey
TOKİ	Housing Development Administration
TRSM	Community Mental Health Centers
TSE	Turkish Standards Institution
TSİM	Module of Statistics on Basic Health
UAB	Ministry of Transportation and Infrastructure

UNAIDS	The Joint United Nations Programme on HIV/AIDS
UNICEF	United Nations International Children's Emergency Fund
UOM	National Prevention Mechanism
URSEP	National Plan of Action on Mental Health
UYAP	National Judiciary Informatics System
WFP	World Food Programme
WHO	World Health Organisation
YOK	Higher Education Council
YSK	Supreme Electoral Council

## **A. Purpose and general obligations (arts. 1–4)**

### **Question 1**

1. Through an amendment on the relevant provisions of Turkish Disability Act in 2014, the act was revised in line with the obligations imposed by CRPD. Therewith, the objectives and principles of the law were restructured with a right based approach, plus various terms including “disability based discrimination, types of discrimination, reasonable accommodation and accessibility” were defined. Furthermore, the medical-oriented definition of disability that emphasizes deficiencies or incapacities was demised and the definition that addresses disability as part of the interaction of individuals with the social environment was accepted. Prohibition of discrimination was regulated in a separate article and obligation of implementing reasonable accommodation measures was stipulated in order to ensure equality. Additionally, the amendments stipulated that it is essential to ensure PwDs live independently in society among other individuals and that they cannot be forced to lead an excluded way of life. The law also stipulated providing PwDs with access to community based support including individual support services. Besides, through new provisions added in National Education Basic Law (Art.4) and Labor Law (Art.5), disability-based discrimination in the sectors of education and employment was prohibited. In this regard, awareness-raising activities such as seminars and publications, structural activities such as conducting researches or constructing indicators as well as legislative activities aimed at fighting against disability-based discrimination and promoting the implementation of CRPD are carried out by ACSHB.

2. Moreover, the Project “Supporting the Capacity of Implementation and Monitoring of CRPD” (2013–2016) was conducted by EYHGM in cooperation with UNDP with the purpose of improving and monitoring the implementation of CRPD at sectoral and general levels. Within the scope of project activities, various activities were carried out to increase awareness of all relevant public institutions and indicator sets, which aim at specifying the level of exercised rights, were developed on the fields of employment, health-care, education, culture and tourism, sports, right to be free from exploitation and violation, participation to political and public life. Additionally, with the purpose of specifying at a common ground under the coordination of EYHGM the legal, institutional and practical requirements to achieve protection and improvement of the rights of PwDs, the preparatory work for the National Plan of Action and Strategy Paper on the Rights of PwDs started with the cooperation and participation of all parties, including CSOs, in 2017. Within the frame of preparatory work, strategic goals and objectives were defined to develop comparable and reliable disability statistics and to strengthen the opportunities of PwDs in terms of vocational education and employment. Furthermore, the efforts on preparing a Barrier-Free Vision Document aimed at improving services for PwDs and the elderly with an inclusive and rights-based approach started by the end of 2018.

### **Question 2**

3. With the objectives to extend the rights based approach to all levels of society and to steer practices in this direction, Turkish Legislation was reviewed in 2013. The terms such as “handicapped, faulty” or “impaired” in 87 Laws and 9 Decree Laws were replaced with “persons with disabilities”.

### **Question 3**

4. Medical Reports on Disability are issued in line with the procedure defined in Regulation on Criteria and Classification of Disability and Board of Medical Reports for PwDs. The disability rates of PwDs with multiple disabilities or health conditions are calculated in total through the use of Balthazar Formula. By 2018 December, medical reports on disability are issued by 381 competent hospitals. In cases of objections to be raised against the issued reports, they are reviewed by 71 arbitration hospitals, as per 2018 December data. After receiving this kind of a medical report, PwDs can benefit from 9 separate public services (namely; Home Care Allowance, Disability Allowance, Destitute Allowance, Income Tax Reduction, reduction in/exemption from various taxes, Disability

ID Card, Special Education Aid, Employment, retirement due to disability). The Regulation on Disability Assessment for Adults and the Regulation on Special Needs Report for Children were drafted in the light of current needs and demands of citizens and with the purposes of developing a common practice for the fields that require a rating, classification and definition of disability and disseminating the use of international classification tools. The work on these two regulations is about to accomplish soon. In drafting the regulation for adults, Functional Independence Measure (FIM) was utilized. Educational assessment and diagnosis of individuals in need of special education is performed by Counseling and Research Centers (RAMs) affiliated with MEB. Referral of individuals to RAMs is carried out by the staff of the school, by parents; or by professionals of care institutions for individuals who stay in care centers. Educational assessment, if necessary, can also be made at residences. Alongside the adaptation and updating of the universal measurement tools that are currently used, standardization and local measurement tools are developed in order to improve the quality of educational assessment and diagnostic service.

#### **Question 4**

5. Pursuance of the issue of disability in all fields of policy under a rights based approach and ensuring participation of PwDs to decision making processes constitute the basis of disability policy in Turkey. Ensuring that the opinions of PwDs, their families and their representative organizations taken into account during decision making processes or service provision was defined as general principle of EHK. In this regard, disability organizations participate in policy making, programming, implementation and monitoring activities of ACSHB.

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

#### **Question 5 (a)**

6. Being the high-level policy documents of Turkey, National Plan of Action and Strategy Paper on the Rights of PwDs, that is currently being prepared, and Barrier-Free Vision Document provide for significant measures on fighting against disability based discrimination (See paras.1–5).

#### **Question 5 (b)**

7. With the objective of fighting against discrimination on all grounds including disability, Human Rights and Equality Institution of Turkey (TIHEK) was established in 2016 and the law of establishment defined the types of discrimination as follows; “Discriminating in favour of/against someone, giving orders to make discrimination or fulfilling such orders, multiple discrimination, direct/indirect discrimination, mobbing at the workplace, not applying reasonable accommodation measures, harassment and discrimination based on any assumed grounds”. Besides, this law provides that “if persons who already started or participated in administrative or legal proceedings to have the principle of equality being observed or to prevent discriminative practices, as well as their representatives, are imposed to adverse treatment because of those proceedings, such treatment shall also be considered as discrimination”. The law prohibits discrimination on the basis of gender, race, colour, language, religion, faith, sect, philosophical or political opinion, ethnic origin, wealth, birth, civil status, medical condition, disability and age. It also stipulates that; “public institutions and organizations that provide education, training, judicial services, law enforcement, health services, transportation, communication, social security, social services, social aid, sports, accommodation, cultural, touristic or similar services, professional organizations with the nature of public institutions, real or private legal persons shall not discriminate against persons who benefit from, apply for benefiting from or those wishing to be informed of such services. This provision shall encompass the access to public places and buildings. Persons and institutions who are responsible for the planning, offering and auditing of these services shall be liable for taking into consideration the needs of persons with different types of disabilities and fulfilling reasonable

accommodation measures". Additionally, natural and legal persons can apply to TIHEK with a claim of being imposed to discrimination during the proceedings of purchasing or renting property, participating to political and public life or to employment processes including vocational education. Children under guardianship or protection can also submit an application to the institution. The identities of applicants are not disclosed upon request. TIHEK is authorized to impose an administrative fine between 1000 and 15000 TL. Another complaint mechanism that can be applied with the claim of discrimination is the Ombudsman Institution (KDK). Upon application, KDK gives legal warnings or provides recommendations to public institutions about all types of administrative actions/procedures/attitudes or behaviours that are deemed to constitute discriminatory actions. Applications are processed in accordance with national and international legislation and court practices; then the resolutions are submitted to TBMM through annual reports. In addition to administrative procedures for individuals, KDK makes structural proposals such as legislative amendments. The applications are kept confidential upon request. KDK performs the task of awareness-raising through releasing its annual reports, special reports, all printed publications, as well as its resolutions on all types of administrative actions/procedures/attitudes or behaviours that are deemed to constitute disability based discrimination.

#### **Question 5 (c)**

8. With the purpose of regulating the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey, Law on Foreigners and International Protection entered into force in 2013. This Law applies to the activities and actions related to foreigners; the international protection to be extended in cases of individual protection claims of foreigners at borders, the border gates or within Turkey; the immediate temporary protection to be provided to foreigners in cases when there is a large influx into Turkey and where they cannot return back to the country they were forced to leave. Within the scope of this law, applicants with disabilities and PwDs who have the status of being under international protection are defined as individuals with special needs. According to the Regulation published in 2016 regarding the implementation of this Law, the special needs of the applicants are determined firstly to ensure that they can benefit from the services for individuals with special needs. Those who are assessed to have special needs at any stage of international protection processes are given priority in all procedures and proceedings, they are provided with necessary convenience, and their states are recorded. As per recent data, 26.919 disabilities were defined in 24.305 foreigners who live in Turkey. They include physical/ mental/neurological/physiological disabilities and chronic illnesses. In case they hold a residence permit in Turkey, foreign nationals in need of care can benefit from all the services for Turkish citizens within the framework of the Regulation on the Care, Rehabilitation and Family Counseling Services issued in 2010. In this context, a total of 42 foreign nationals; 1 Moldovan, 1 Pakistani, 1 Azerbaijani, 26 Syrians, 8 Afghans, 3 Iraqis, and 2 Iranians with disabilities benefit from services in Turkey.

#### **Question 6**

9. Within the framework of the Official Statistics Program, statistics on the offices of public prosecutors and criminal courts in Turkey are produced from Forensic Data Bank based on UYAP records and those statistics cover information on the type of crime and court decision taken in line with the relevant articles of TCK or other laws. Herewith, disability disaggregated statistics cannot be submitted.

#### **Women with disabilities (art. 6)**

#### **Question 7**

10. National Plan of Action and Strategy Paper on Empowerment of Women (2018–2023) that was prepared by all relevant parties under the coordination of ACSHB stipulates developing a supported employment model for women with disabilities. National Action Plan on Combating Violence against Women (2016–2020) underlines that women with disabilities and their children are more vulnerable to violence, abuse, neglect, ill treatment

and exploitation. In this regard, the plan of action states that awareness raising activities aimed at public or public officials should also include information about the rights of PwDs; the materials to be prepared should meet the needs of relatively more vulnerable women; public services and the responsible institutions (Such as providing access to the Hotline ALO-183 Social Support Line for women with disabilities, refugees, migrants, etc.); special therapy and rehabilitation programs planned for the children that have been victims, witnesses or perpetrators of violence should take into account the situation of certain vulnerable groups such as PwDs or refugees.

11. To ensure the effective functioning of the monitoring on the complaint mechanism in the field of women's rights, the Women's Rights and Ombudsman Workshop was organized by KDK in 2017 in cooperation with women's research and practice centers and with the participation of representatives from CSOs, universities and bar associations working in the field of women's rights. The workshop tackled the rights of the women, including rights of women with disabilities, assessed the current situation and the steps to be taken in the field such as supportive services for the victims of violence. Besides, the problems of women with disabilities were also addressed in Workshop on Women's Rights and Ombudsman that was held by KDK in 2017 with the participation of TBMM Commission on Equality of Men and Women and CSOs working in the field of human rights of women.

#### **Children with Disabilities (art. 7)**

##### **Question 8 (a)**

12. Juvenile Protection Law provides for taking protective and supportive measures in terms of consulting, education, care, health and shelter, for the purpose of protecting any juvenile whose physical, mental, moral, social or emotional development and personal safety is in danger, who are neglected or abused, or who are victims of crime. In this regard, ACSHB targets providing care to children in need of protection at their homes instead of care institutions. In line with this goal, 670 children with disabilities (30 between 0–3 years old, 41 between 4–5, 216 between 6–9, 252 between 10–14, 103 between 15–18 and 28 above 19 years old) live with foster families and another 10 started to live with families through adoption. Various financial aids are given to children with disabilities. One of these aids is allowance for the relatives of minors under 18 years old, whose beneficiaries are impoverished families with a child with a minimum disability degree of 40%. As long as they meet the eligibility criteria, the beneficiaries of this programme are monthly and regularly paid 1/4 of the monthly minimum wage (which was 433,68-TL for the period of 2018 July–December). In the framework of this financial aid programme, 366,63 million TL was transferred for 94,268 people in 2017. By October 2018, the total amount of fund transferred to 89,752 people was 278,19 million Turkish Liras. Another social assistance program is home care assistance. The beneficiaries of this programme are monthly and regularly paid 3/4 of the monthly minimum wage (which was 1179,40-TL for the period of 2018 July–December). By October 2018, a total of 117.057 persons who undertake care responsibility for children with disabilities under 18 years of age (68.999 boys and 48.058 girls with disabilities) benefited from this programme. Another aid programme is free transportation of students with disabilities to schools.

13. In 2017, 295 million Turkish Liras was allocated and used for free transportation of 94,082 students with disabilities. In addition, there are some periodic benefits, from which PwDs can benefit with priority, such as food, shelter, firewood and educational material aids.

##### **Question 8 (b)**

14. In addition to the measures stated in paragraphs 12–13, another service to improve the welfare of children under 8 years of age is the regular financial aid programme for SSPE (Sub-acute Sclerosing Panencephalitis) patients which started in January 2018. By October 2018, a total of 1.6 million TL was paid to 231 beneficiaries within the scope of this programme. Regarding access to health services; children under the age of 18 years, as

mentioned under paragraphs 12–13, are directly covered by General Health Insurance (GSS) and health insurance premiums for them are covered by ACHSB.

#### **Question 8 (c)**

15. Care services are rendered to children in need of protection in social service institutions, while children with severe physical/mental or psychological disabilities receive care services in care centers for the disabled. For the purpose of improving services for children in need of protection, including those with disabilities, the Workshop on Integrated Care System for Children under Protection and Care Services was organized in 2018 with the participation of experts from international institutions and professionals from ACSHB. For the effective implementation of the Child Protection Law by the responsible parties, Coordination Strategy Document on Child Protection Services (2014–2019) was published. The primary objective in child protection services is to take preventive measures and to build cooperation among institutions. For this purpose, provincial and district coordination units, which are responsible for the services for the protection of children, were established in order to ensure effective implementation of the child protection system. In addition, any reports made to ACSHB's 183 Social Support Hotline that operates 7/24, or the reports submitted to the ministry through law enforcement agencies or public prosecutors' offices are examined urgently. Then a detailed social environment analysis is carried out on the victim child and his/her family. Following the review of situation, necessary protective and supportive measures are taken and the child is supported within the framework of the measures taken by the court. Furthermore, KDK prepared and published a web page that can be used by all children including children with disabilities, to communicate their complaints about institutions.

#### **Awareness Raising (art. 8)**

#### **Question 9**

16. With the purpose of raising public awareness in order to enhance the rights of women, children and PwDs as stipulated by KDK Strategy Paper (2017–2021), preparation of a communication strategy was planned. Disability rights are tackled in International Ombudsman Symposiums that have been organized by KDK since 2013 with the participation of representatives of the ombudsman institutions of various countries, representatives of other countries, international organizations and administrators of administrative institutions. Within the scope of the 2018 Symposium, the issue of refugees with disabilities was discussed. Besides, KDK has been publicizing its resolutions and activities on the rights of PwDs by means of informative spot films on each International Day of Persons with Disabilities since 2015.

17. As per the action line on awareness raising activities that was embedded in 2016–2019 National Plan of Action on Persons with ASD, ACSHB provided trainings to a total of 4362 participants (professionals, families, university students) in 81 provinces. Additionally, informative meetings were held with the members of Provincial Boards on Monitoring and Assessment of Autism Action Plan and trainings were given to professionals employed in institutions affiliated with ACSHB or in private nursery schools. Within the scope of the same action line, informative programmes on ASD were broadcasted in local TV channels and a special page was published on the Ministry's website. Furthermore, several publications such as ASD, Family Information Guide and Training Set for Instructors, Families and the Care Personnel who interact with Individuals with ASD were published and disseminated. In addition, with the campaign launched in April 2018 under the motto of Take Notice – Accept and Walk with Us, awareness raising activities (such as broadcasting spot films, organizing awareness marches and using blue lighting) were carried out in 81 provinces.

18. Within the scope of the communication project titled "There is Another You", that was conducted in cooperation with UNICEF, various awareness raising activities such as creating a web page (<https://birsendahavar.aile.gov.tr/en>), broadcasting spot films, preparing brochures, finding catch-phrases were carried out. Also, as part of the Project activities, the Survey on the Social Distance between Children with Disabilities and the



Society was conducted with 4.465 participants in 44 provinces. Later, the findings of this survey were published.

19. With the cooperation of ACSHB and Ministry of Culture, the short film contest titled “Are you aware?” was held with the theme of dyslexia in 2016 and with the theme of ASD in 2017. Likewise, spot films on ASD, dyslexia and Down syndrome were prepared and broadcasted.

20. Social Protection and Support Program for Children and Youth is carried out by Ministry of Interior in cooperation with relevant parties to address the social deprivation of disadvantaged children and young people, including PwDs. Within the scope of this program, projects that involve social and cultural activities are carried out by Provincial Security Directorates.

### **Accessibility (art. 9)**

#### **Question 10 (a)**

21. Within the framework of the measures taken to ensure the implementation of Law No. 6353, a revision was made on the Regulation on Production, Modification and Installation of Vehicles in 2013 which stipulated convenience in making vehicles accessible. In this context, 2014 amendments on EHK brought forward provisions on making arrangements to ensure accessibility in intercity transportation, service and tourist vehicles as well as accessibility of built environment and ICT. In addition, a standard on public transport system was published. Additionally, a regulation was issued in 2017 in order to identify accessibility obligations of intercity road transport service providers, travel agencies, road side service station and terminal operators, shuttle service providers, intercity maritime transportation and coastal facility operators, railway train operators, airline transporters and terminal operators. The regulation that defines the construction criteria for cities was revised in 2017 and the technical criteria included in the accessibility standards are specified in detail. A special budget code was assigned to track accessibility expenditures. This code was used for the first time by public institutions and organizations within the scope of preparatory work for 2018 budget. To ensure that accessibility arrangements are made properly, ACSHB annually sends a letter of reminder to ministries and other relevant institutions to have Accessibility Allowance included in the budget preparation period. In 2017, the Accessibility Guide for Children was prepared with EU funding in cooperation with a universal design expert in order to set standards for meeting accessibility needs of children. In order to ensure that parking spaces allocated to PwDs are not used by other drivers in shopping center parking lots and to take criminal action against the violators, EGM sent instructions to the governors’ offices in 2017. Through Accessibility Support Projects implemented within the scope of studies to promote good practice examples; 81 public schools in 2014, 38 government offices in 2015, and 35 hospitals authorized to issue health committee reports for disability in 2016 were selected as pilot areas for accessibility arrangements and respectively 5.405.000 TL, 7.758.000 TL, 4.430.000 TL funds were transferred to them. For the purpose of effective implementation and dissemination of accessibility arrangements, meetings are held with public institutions and local authorities with the participation of universities and CSOs. After completion of the Project named “Accessibility Perception for PwDs in Turkey” that was conducted in 2014, a total of 601.000 brochures on accessibility were distributed in order to raise public awareness. Furthermore, ACSHB organizes face-to-face and online distance learning programs on accessibility for professionals working in local administrations and public institutions. In this context, approximately 5.000 professionals were trained in 2013–2018.

22. In order to raise awareness on accessibility in universities and to expand the practice country-wide, 5 seminars were organized under the title of Accessible Universities at regional level to which the representatives of 183 universities participated. Films prepared to provide training on determining the accessibility status of open spaces and buildings were released to the public on the website. On the other hand, IPA Project titled “Accessibility of Passenger Transportation Services in Turkey” (2017–2018) was carried out by UAB. Within the scope of this Project, 5 working groups for different modes of transport were formed and CSOs, the Advisory Board and the Steering Committee

responsible for administrative audit were represented in these groups. The Project aims at establishing a platform for accessible passenger transportation services and strengthening the technical and institutional capacity of UAB through this platform. The Project activities, some of which are currently going on, include creation of a national action plan and strategy paper on accessibility, implementation of pilot projects, training of trainers and communication campaigns and awareness raising activities. In line with the recommendations embedded in Barrier Free Access to Information and Communication Technologies, that was prepared in 2012 with the participation of related parties including CSOs under the coordination of BTK, mobile operators have started to implement some applications between 2012–2014 to ensure accessibility and to provide discounted service delivery, especially for subscribers with visual and hearing disabilities. Besides, subscription contracts and invoices are offered free of charge in Braille or in audio format to the consumers with disabilities, on their request. This service was also stipulated by the Regulation on Consumer Rights in Electronic Communication Sector in 2017. Board Decision on Procedures and Principles Regarding Measures for Groups that shall be Socially Supported was published in 2018 by the Information Technologies and Communication Authority. This arrangement proposes ensuring that PwDs can benefit from electronic communication services with an additional discount of 25%. It also stipulates introduction of visual and written communication centers, giving priority to the calls to be made by subscribers with disabilities to call centers, ensuring that the information about the accessible dealers is published by the operators and introducing smart phone applications that take into account the needs of PwDs in 2019. With a circular issued in 2016, checklists used for accessibility audits were revised and a total of 1771 questions in 11 forms were reviewed. In 2017, the circular on the application of administrative fines was issued.

**Question 10 (b)**

23. Audit priorities are identified through Circulars that are issued every year. As a result of the audits conducted within this context, 58 administrative fines were imposed by June 2018. On the other hand, with the purpose of promoting good practices of accessibility, buildings, open spaces and public transportation vehicles that are assessed to comply with accessibility criteria are certified.

**Question 10 (c)**

24. National e-Government Strategy and Action Plan (2016–2019) was prepared and published in 2016 with the objective of promoting the use of information and communication technologies in public service provision in accordance with 10th Development Plan (2014–2018) and the Information Society Strategy and Action Plan (2015–2018). In this context, it is planned to have e-government services reformed to take into account the needs of all disadvantaged groups. In this regard, a workshop was organized in 2017 with the participation of related parties, including CSOs, in order to determine the needs and expectations and to ensure accessibility of e-government services accordingly.

**Question 10 (d)**

25. Accessibility Assessment Forms for Health Facilities (166 parameters), which were prepared in line with the Basic Information Guide on the Accessibility of Health Institutions of Ministry of Health, are filled in by TSIM. Data inputs are also monitored periodically through TSIM Web Interface. Accordingly, the total accessibility level of health facilities affiliated with the Ministry of Health was specified to be 72% by September 2018. Moreover, the requirement of accessibility was included in the criteria to award Group-A titles in the classification of the titles for family physicians.

26. As for patient rights and practices; guides, brochures and informed consent forms were printed out in Braille and were sent to public health facilities in 2014. Sign language trainings for the staff employed in public health facilities continues. Currently, there are 2600 personnel who can use sign language in health facilities.

**Right to Life (art. 10)****Question 11**

27. When needed, protective measures to be taken in accordance with Law No 6284 for women with disabilities who are victims of violence are followed up by SONIMs. Then, women with disabilities at a degree less than 40% are placed to women guesthouses affiliated with ACSHB. But women with mental or psychological disabilities at a degree of more than 40% and women with physical disabilities who are unable to fulfil self-care needs are placed to care centers for PwDs affiliated with the Ministry. Besides, due to the facts that old public buildings cannot be reconstructed to ensure accessibility or the accessibility of female guesthouses in rented buildings is not provided by the property owners; either one of the guesthouses in the province (if there are more than one) or a part of the guesthouse is made accessible.

**Situation of risk and humanitarian emergencies (art. 11)****Question 12**

28. Dhaka Conference on Disability and Disaster Risk Management is taken as a reference for the studies on situations of risk and humanitarian emergencies in Turkey. Having organized in-service trainings on the subject until 2015, Disaster and Emergency Management Administration (AFAD) has been working in cooperation with the relevant public institutions, academicians, disability CSOs, PwDs and their families on the method and contents of trainings on disaster prevention for PwDs. In 2016, a voluntary commission was established by AFAD employees in accordance with the outcomes of Dhaka Conference. Firstly, the Commission had the technical infrastructure of AFAD's web page designed disability friendly in order to ensure compliance with the standards in Web Content Accessibility Guidelines. However, some updates for new data entries have not been activated yet. Within the scope of Campaign Turkey is Ready for Disasters carried out in 2016, a video was prepared and published to raise disability awareness (<https://www.youtube.com/watch?v=3wKZ5DccoJU>). In addition, another video in sign language was published to provide information on disaster preparedness. (<https://www.youtube.com/watch?v=ivv48gIeCS0>). Europe Disaster Risk Reduction Forum (EFDR) that was held in Istanbul in 2017 under Turkey's term presidency was designed accessible for PwDs and during the event, translation in international sign language was provided for the participants. Besides, the web page of the event (<http://www.efdrturkey.org/>) was published in a disability friendly format. The booklets titled First 72 Hours after an Earthquake and Disaster Awareness Education for Individuals and Families that were prepared with the knowledge and experience of previously held workshops were printed in Braille and shared with relevant CSOs. AFAD plans disseminating audio format of these booklets. 4 trainers attended to sign language trainings in AFAD training center and Sign Language trainings are planned to be extended to provinces.

**Equal Recognition before law (art. 12)****Question 13**

29. Within the scope of an EU funded study that was conducted in 2016 in order to identify and provide solutions for the problems faced in placing under guardianship the PwDs who stay in institutions affiliated with ACSHB, a draft guidebook covering frequently asked questions and a report on examples of good practice were prepared. By October 2018, the numbers of PwDs under guardianship are 612 persons in care centers affiliated with the Ministry and 13,872 persons with mental/psychological disabilities in private care centers supervised by the Ministry.

30. In addition, the courts decided to appoint guardians for 615 persons in 2016, 37 of which were on request due to mental illness or weakness. This figure increased to a total of 794 guardianships, 54 of which were on request, in 2017 and it decreased to 455 people, 34 of which were on request, in 2018. In 2015, a joint meeting was held by Human Rights in

Mental Health Initiative (RUSIHAK) and KDK. Representatives of CSOs from Ireland, Bosnia and Herzegovina, Albania, Kosovo and Serbia discussed the examples of good practice in terms of Article 12 of CRPD and within the framework of the Committee's comments. At the meeting, the role of ombudsman institutions in this paradigm shift is discussed. The meeting also focused on transition from the current approach of medical model to the rights-based approach for persons with mental disabilities and the role of ombudsman institutions in this paradigm shift.

### **Access to justice (art. 13)**

#### **Question 14**

31. The Project "On-site Service Provision" that was conducted by EGM in 2014, aims at ensuring performance of all necessary work and operations on the spot of the incident, upon the request of the complainant, complainant, victim or denouncers. To ensure effective and proper implementation of the Project, 1.775 Mobile Kits for Statement Taking were distributed to police centers. Currently, trainings given as part of this Project continue. In the years of 2015, 2016 and 2018, a total of 3.051 personnel were trained. The number of participants of the trainings between 2014–2018 are; 391.260 men, 3.492 of which have a disability, 190.761 women, 2.823 of which are women with disabilities, and totally 582.021 persons, 6.315 of which have a disability. On the other hand, PwDs are given priority in the procedures and proceedings. In order to ensure that persons with hearing disabilities can access to security services, 95 Turkish security personnel attended to Turkish sign language trainings within the scope of EGM in-service training programme in 2017. In addition, the police academy has also organised a total of 9 trainings on Turkish sign language and on communicating with persons with hearing disabilities since 2011.

### **Liberty and Security of Person (art. 14)**

#### **Question 15**

32. In Turkey, several institutions render service for individuals with intellectual and psychosocial disabilities. In this regard, alongside with Regional Psychiatric Hospitals, inpatient psychiatric units in general hospitals, boarding institutions such as care centers for PwDs, TRSMs provide service within the framework of community based mental health model. By October 2018, there are 9 regional mental health hospitals rendering public service with a capacity of 3761 beds (See. Table 1.a).

33. Whereas the number of beds in inpatient psychiatry services within general hospitals (public, private and university) was 8.456 in 2013, it increased to 9.168 in 2018. Though the number of examinations in the same years increased respectively from 9.500 to 10.200, the number of inpatients and the number of boarding days have decreased (See Table 1.b). By October 2018, there are 97 residential facilities, 7 day centers, 142 Hope Homes and 220 private care centers, which add up to a total of 466 institutions, affiliated with ACSHB. Within the scope of the UOM mission, TIHEK can perform monitoring visits to the above written organizations with or without notice. The aforementioned institutions are in the jurisdiction of the KDK at the same time and they can be subject to an audit by KDK upon request.

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

#### **Question 16 (a)**

34. The Report of the Workshop on Increasing the Effectiveness of Mechanisms for the Prevention of Domestic Violence against Women and Children that was organized in the TBMM in February 2018 was released to the public. Afterwards, KDK initiated a special reporting process. In order to prevent any possible ill treatments in women's shelters affiliated with ACSHB, indoor collective spaces and external areas are recorded by surveillance cameras. In the event of non-fulfilment of public officials' obligation to

prevent violence against women, relevant provisions of TCK are applied against the delinquents.

**Question 16 (b)**

35. In order to enhance the effectiveness of investigations about torture and ill-treatment, the Circular No. 158 was issued by the Ministry of Justice in 2015. The Circular refers to various ECHR judgments including the judgment in the case of *Price v. United Kingdom*; thus clarifies the current situation and proposes to have several measures taken to raise public awareness, such as protection of the right to a fair trial and of other universal rights, prevention of human rights violations and avoidance of any action with regard to torture and ill treatment. Minor or adult victims who are referred to rehabilitation and/or treatment as per a court verdict are initially assessed by specialists at primary health care institutions, and then the ones, for whom an intervention is deemed necessary, are referred to a secondary/tertiary health-care institutions. On the other hand, the services for the women staying in women's shelters as victims of violence include guidance; counseling; medical, psychological, social and legal support and counseling and other services such as referral to appropriate vocational courses.

**Question 16 (c)**

36. Accessibility arrangements in existing buildings and penitentiary institutions of the judicial system are performed by the Offices of the Chief Public Prosecutors and Directorates of Penal Institutions. The new buildings are designed and constructed in accessible style by the Ministry of Justice. Based on the task of monitoring penal institutions as UOM, TIHEK prepared a checklist to obtain information on several issues such as the number of PwDs staying in the institution, special measures that were taken by the administration and the accessibility status. As a result of the visits paid to the institutions, TIHEK submits recommendations. In addition, PwDs who are deprived of their liberty can also evaluate the services they receive. Subsequently, TIHEK monitors whether the recommendations are taken into account by the visited institution or not. Another individual complaint mechanism with regard to this issue is KDK. In 2018, KDK initiated studies for the preparation of a special report in order to assess the current situation of the detained PwDs in penal institutions including prisons or in other penitentiary institutions and to identify the problems in the penal system, including accessibility related problems.

**Freedom from exploitation, violence and abuse (art. 16)**

**Question 17 (a)**

37. There are ongoing efforts to disseminate in 81 provinces the Provincial Action Plans that were prepared with the purpose of ensuring local implementation of the Third National Plan of Action on Fighting against Violence against Women (2016–2020) and that were put into effect in 70 provinces by November 2018 with the participation of local actors. Plan of Action and Strategy Paper on Fighting against Early Marriages and Forced Marriages (2018–2023) was completed and Provincial Emergency Action Plans were prepared. In line with the main objective of inter-agency cooperation and policy development embedded in the Action Plan, efforts are being made to register the supportive and/or protective decisions taken as per Law no. 6284 in a common data system through an inter-agency integration study. Within the scope of the two-year work plan signed with UNICEF in April 2018, training and awareness raising activities aimed at the prevention of early and/or forced marriages are continued. In accordance with the related provision of Law No. 6284 that stipulates utilization of various technical means and methods in the case of violence committed against women, including women with disabilities, electronic bracelets are used for the perpetrators of violence in 6 provinces. Additionally, Women Support Mobile Application was developed in cooperation with ACSHB and the Ministry of Internal Affairs and it was brought into use by March 2018 in order to provide effective and rapid intervention for women who are victims of violence or who are at risk of violence. On the other hand, trainings are organized in cooperation with the relevant institutions in order to improve institutional capacity and to raise awareness. With the objective of ensuring early identification and prevention of child neglect and abuse, the content of trainings for

teachers were prepared under various headings such as Safe Schools, General Information on Child Neglect and Abuse; Tips to Identify Abuse – Types and Effects of Abuse; Duties and Responsibilities of School Management. Through these in-service training programs, all teachers were trained between 2015 and 2018. In addition, a circular was issued in 2018 by the Ministry of Justice with the target of increasing the effectiveness of investigations on sex crimes perpetrated against children and women.

**Question 17 (b)**

38. The physical arrangements made to improve accessibility in women's shelters are covered by the budget item for maintenance and repairs. However, expenditures made directly and solely for accessibility arrangements cannot be identified. As to the rehabilitation work; while professional activities for women and children (such as hobby courses, group studies, individual interviews, play therapy) are carried out by professionals, health care is carried out by health personnel.

**Question 17 (c)**

39. Upon the reasons explained in paragraph 9, there is no disability disaggregated data about persons who are victims of physical or sexual violence and abuse (See para. 9).

**Question 17 (d)**

40. Law No. 2828 stipulates that the administrative fines and temporary liberty binding punishments to be imposed on the personnel who commits any offense against persons under protection and care, including PwDs, in social service organizations, shall be increased by one third. In accordance with the relevant arrangement, Directorate of Guidance and Inspection of ACSHB audits these institutions at least once a year. The revision of legislation in 2013 stipulated that an administrative fine shall be imposed to institutions in case it is understood by inspection that they have any deficiencies or contradictions compared to the conditions identified by the relevant regulation on opening, working conditions, management of the institutions and effective provision of services. In case the concerned institution does not make up the deficiencies or remove the contradictions within 30 days, twice the amount of the previous administrative fine is re-imposed and if the problems are not corrected within the following thirty days, then the institution is closed by the ACSHB. The same amendment in Law No. 2828 also stipulates that; in case any physical, sexual, medical, psychological or economical abuse including threatening, pressure or arbitrary restriction of freedom of beneficiaries occurs in social service institutions, managing directors who failed to take necessary preventive measures are punished with judicial fine. In the event that such a fine is imposed to the institution or to its founders or managing directors with the aforementioned reasons; or if it is understood that the institution had started providing service without receiving official permissions; or the operating rights were taken over or transferred without former official permission; or if it is understood that the documents submitted to authorities prior to opening of the institution do not reflect the truth, ACSHB closes the institution in question.

**Question 17 (e)**

41. Disability disaggregated data is not available (see para. 9).

**Protecting the integrity of the person (art. 17)**

**Question 18**

42. The reproductive health program for PwDs will be initiated by health facilities, family health centers and wellness centers in 2019. The program will cover counseling on reproductive health, safe motherhood, sexually transmitted infections and on family planning. By year 2017, 11.763 health professionals attended to reproductive health education. In addition, brochures and the guidebook on patient rights and health practices and informed consent forms were distributed to public health facilities in Braille and audio CD formats in 2014.

43. With the objective of preventing torture and ill-treatment and protecting human rights, TIHEK organized the Training Program on Fighting against ill-Treatment in the Context of National and International Legislation in November 2018 and provided training on the right to an informed consent to the physicians, nurses and supervisors of regional psychiatric hospitals, inpatient psychiatry services, children's shelters, rest homes and penitentiary institutions. In addition, during visits to institutions, TIHEK seeks information on whether or not informed consent was obtained from PwDs or information about whether or not they were informed about their treatment process.

### **Liberty of movement and nationality (art. 18)**

#### **Question 19**

44. Protection desks have been set up in update centers that were established within the scope of "Data Update Project". Those with special needs among the Syrian foreigners who apply to the centers are directed to the desks. Following a detailed meeting with the applicants, the relevant institutions are notified for the provision of required guidance and service. Another procedure aimed at providing appropriate support in the immigration process of foreigners with disabilities is resettlement. In resettlement procedure, persons who are assessed to have special needs, including PwDs, are referred to Office of High Commissioner for Refugees for submission to the appropriate placement countries that are identified by fulfilment of necessary reviews. Foreign nationals are settled in the European countries by a one-to-one placement procedure as per the Readmission Agreement. There are several reasonable accommodation practices such as conducting the interviews for wheelchair using foreigners on the ground floor of the service buildings. There are approximately 90 protection desks in 27 provinces in which psychologists, social workers and project personnel work.

### **Living independently and being included in the community (art. 19)**

#### **Question 20 (a)**

45. For the promotion of deinstitutionalization, supportive services are rendered to PwDs in their residences. In this context, PwDs and their families are provided with services through family consultation and rehabilitation centers that provide day care. In addition to half-day or full-day care services, these centers focus on rendering family education and counseling services through different activities and therapy methods such as social or employment skills development, music, literacy/supportive education, physiotherapy and health monitoring, drama, psycho-social rehabilitation and rehabilitation through agriculture or animals, hydrotherapy, hypo therapy, handicraft, occupational therapy, shoe cover production, kitchen practice workshops, social and sports activities. Whereas there were 441 PwDs receiving service in 6 day centers, there were 446 PwDs in 7 day centers by October 2018. As stated in the Strategic Plan for 2019–2023, ACSHB plans to open 1 day center in 2019, 2 in 2020, 3 in 2021, 4 in 2022 and 5 more in 2023. Another service model is home care support service and it covers care services and psycho-social support services provided by the caregiver at the residence of PwDs. The number of beneficiaries of this service was 30 PwDs in 2013 and 94 PwDs by October 2018. As per the aforementioned Strategic Plan, the Ministry aims to increase the capacity of this service by 5%. Another service model is temporary care. Through this service, PwDs can temporarily receive care services from relevant public institutions for up to thirty days within a year upon the application of their legal representatives. In this period, all care related needs of PwDs are met by institutions. The number of beneficiaries of this service was 116 PwDs in 2013 and 272 PwDs by October 2018. On the other hand, community-based mental health services are being generalized gradually. In accordance with URSEP published in 2011, it was planned to provide psychiatric services within the general hospitals in the period of psychotic relapses, instead of opening regional psychiatric hospitals, and to generalize TRSMs for follow-up, treatment and rehabilitation after discharge of patients. The number of TRSMs, which was 71 in 2013, reached up to 171 in 2018. It is planned to reach 200 by 2023. By September 2018, 294.564 persons benefited from this service.

46. Mental Health Services Enhancement Program was prepared in 2016 in order to raise the awareness of family physicians about psychosocial support and medical treatment methods for mental health. The program aims to reduce the risk of secondary traumas and diseases through early intervention to children and adults. By 2018, 897 family physicians and 496 Syrian physicians were trained in the scope of the program. Besides, within the scope of protective and preventive mental health studies, psycho-social support services have been rendered in health centers operated within the primary health care services. In 2017–2018, 209 professionals of such centers attended to 80 hours of Psychosocial Support Practitioner Training. Furthermore, within the frame of ASD Scan and Tracking Programme that was conducted in order to provide orientation and psychosocial support services to individuals with suspected autism and their families and to establish a chain of screening, diagnostics and intervention, provincial autism teams of relevant professionals were established. As part of this program, autism awareness trainings are organized at the local level for health professionals and other professionals working in the field of services for children. In this context, 425.276 people were trained between 2014 and 2018. Since 2017, 391 medical staff (151 children and adolescent psychiatrists plus 240 occupational staff) have been trained and assigned to those teams. The teams provided training to 12,440 family physicians and 8,742 family health personnel between April and December 2017; and to 9,190 family physicians and 4,371 family health personnel by September 2018.

47. In the National Plan of Action for Individuals with ASD (2016–2019), it is planned to extend the short-term and day care and rehabilitation services for individuals with ASD, which were practiced as a pilot study, at the national level. It is also planned to improve the quality of care services for individuals with ASD who benefit from home care services. EYHGM and UNICEF Turkey prepared a project titled “Developing a Rehabilitation Model for Individuals with ASD” within the scope of 2014–2015 working plan. As part of the project activities, in-service and on-the-job trainings were given by the academicians of Anadolu University Faculty of Education Special Education Department to 330 professionals employed in the rehabilitation centers designated as pilot institutions. The training material was published into a book and distributed. Training modules for individuals with ASD, including persons with mental disabilities, are planned to be used in in-service and on-the-job trainings of ACSHB professionals in 81 provinces. An online training portal will also be established to support these trainings.

#### **Question 20 (b)**

48. PwDs can benefit from KTB theaters, operas and ballet performances and enter to the museums affiliated with KTB free of charge. In addition, assistants of PwDs can also enter into museums and archeological sites free of charge. In accordance with the relevant regulation, KTB encourages cultural projects for PwDs with priority. There are efforts underway to develop the criteria to be used in awarding an accessibility certificate to good practice examples in tourism sector. In addition, the efforts to ratify the Marrakesh Treaty signed in 2013 are currently in progress.

49. By 2018, 287 Youth Centers affiliated with GSB carry out activities that support the youth, including PwDs, in terms of social, cultural, artistic and sportive aspects. Besides, Yenisehir Youth Center renders service only to young PwDs. 22.507 young people participated in 720 activities in this center in 2018. In 2018, 4 youth camps were organized especially for PwDs. International activities organized by GSB include young PwDs.

50. Projects aimed at promoting participation of PwDs in sports, culture, arts and social life are supported with priority through Youth Projects Support Program. Within the scope of this program, 119 disability projects have been supported with a total of 8.722.250 Turkish Liras fund in the period of 2014–2019. PwDs are included in the mobility activities of “The Cities and Cultures Project”. In the period 2014–2018, 500 PwDs benefited from the project activities. Whereas the number of licensed sporters registered to disability sports federations was in 34.675 in 2014, it respectively increased to 37.167 in 2015, 37.535 in 2016, 40.434 in 2017 and 42.771 in 2018.



**Question 20 (c)**

51. URSEP includes measures on developing and disseminating community-based mental health services for deinstitutionalization (see paras.45–47). The Project “Improving Services for PwDs” (2010–2014), technically supported by WHO, contributed to the development of appropriate and effective community-based services for persons with mental and psychological disabilities. Following the conclusion of this project, another supplementary Project titled “Social Inclusion of Persons with Mental Disabilities” was launched in July 2018 with EU co-financing and with the technical support provided by WHO. The project, with a budget of 3 million Euros, aims at making high-level policy on health and social care; increasing the capacity of service providers and awareness of legislators as well as improving the quality of life of persons with mental disabilities and their families.

**Personal mobility (art. 20)****Question 21**

52. In accordance with Social Security and General Health Insurance Law; the costs of orthosis, prosthesis, medical equipment and materials to be used for supporting independent life of PwDs are reimbursed for the contracted service providers within the scope of SUT. Exemption from OTV, MTV and customs duty exemptions are the regulations that support PwDs in vehicle purchase. The limits on engine capacities of the vehicles to be imported with an exemption from customs duty were extended in 2016. The number of customs offices authorized for import procedures was increased from 1 to 7. The obligation to apply personally to the authorized commissions during the vehicle import process was removed for persons who completely lost extremity functions. Goods and materials that were specially produced for educational, scientific or cultural development of persons with visual disabilities are exempt from customs duty. Through the activities of the Project “Accessibility Arrangements in Service Buildings” that is included in the Investment Program of Ministry of Commerce, rural and central service buildings of the Ministry were made accessible.

**Freedom of expression and opinion, and access to information (art. 21)****Question 22**

53. Within the scope of the Research Project (2015–2017) that was conducted for the development of a national sign language, data was collected from 116 Turkish sign language users with hearing disabilities from different regions of Turkey and thus the Turkish Sign Language Grammar Book was prepared and published along with its English translation. The data obtained from the project formed the basis for the Turkish Sign Language Dictionary. Designed as a video-based online dictionary, the content is available in two languages; Turkish Sign Language and Turkish. Studies on preparing a Regulation on the implementation and dissemination of Turkish Sign Language are in progress.

54. Awareness raising studies were conducted with the “KAMIS Guidelines Project” (2014–2017) to ensure that public institutions comply with web accessibility standards. In the end of the Project, a standard was prepared and it was later approved by TSE as a national standard and published. In addition, KAMIS Guidelines Information Portal was prepared and the dissemination activities for this portal continue. On the other hand, the e-government system includes accessibility options. For example, the Project “No Barriers at E-Government” has been offering sign language support in the video call center since 2015.

55. The Projects titled “Third Hand and the Seeing” *Eye* were carried out on the basis of the Protocol on Cooperation for Accessible IT Projects which was signed by ACSHB and UAB in 2013. The Third Hand Project, 1000 tablet PCs and accessibility devices were distributed free of charge to PwDs who cannot use their hands. As part of Seeing Eye Project, a total of 5000 smartphones with navigation and screen reading software were distributed to persons with visual disabilities in 2011, 2013 and 2017.

56. In order to ensure that PwDs can access to broadcast services on an equal basis with other individuals, the related regulation was revised in 2014 by RTÜK. In this context, the following obligations to embed subtitles have been imposed for series, news programs and movies produced for cinema and TV; thirty percent in the following three years and fifty percent in five years for state TV channels; twenty percent in the following three years and forty percent in five years for private media companies broadcasting at national level.

57. With the concerned revision, it is stipulated that the broadcasters shall inform the RTUK about the statistical data on the accessibility related practices. Currently, sign language translation and audio description especially in web broadcasts are applied by some broadcasters. RTUK plans to organize meetings for the preparation of a Regulation on the access of persons with visual or hearing disabilities to media services with the participation of interested parties in order to increase the media visibility of the disadvantaged groups identified by the RTÜK Strategic Plan (2016–2020), to ensure that these groups are represented properly and to enhance their access to broadcasts. In this context, a workshop was held in December 2018. Besides, the web site of KDK was made accessible for persons with hearing disabilities.

### **Respect for privacy (art. 22)**

#### **Question 23**

58. The Regulation on the Rights of Patients underlines that the respect for the privacy of the patient is essential and it defines the measures to be taken in this regard. In addition, SB issued the Circular on Respecting Patient Privacy in 2016 and instructed health institutions to comply with the relevant legislation in 2017. On the other hand, as per the provisions of Law on the Protection of Personal Data enacted in 2016 and the related regulations; data relating to race, ethnic origin, political opinions, philosophical beliefs, religion, sect or other beliefs, appearance and dressing, membership of association, foundation or trade-union, health, sexual life, criminal conviction and security measures, and biometrics and genetics were defined as special categories of personal data and it was prohibited to process special categories of personal data without obtaining the explicit consent of the data subject.

### **Respect for home and the family (art. 23)**

#### **Question 24–25**

59. ACSHB provides counseling, guidance and training services to the families of PwDs in day centers for rehabilitation and family counseling. As of November 2018, 12 centers provide day care and family counseling services to 436 PwDs and their families. The websites of central and provincial organization of ACSHB provide information on these services. Furthermore, free of charge Family Education Program, which consists of 28 modules, including education, communication, law, economics, media and health, is provided by ACSHB with the objective of developing basic family life skills. Within the scope of public trainings, 11.505 people were trained in the law module under the title of rights of PwDs. A total of 4.322 people were trained in the health care module that covers topics such as caregiving to PwDs, psychological support, nutrition, cleaning and personal hygiene support under the main heading of healthy living and prevention from illnesses. PwDs also benefit from the consultancy services in divorce process and family counseling rendered in 81 provinces by the provincial organization of ACSHB.

### **Education (art. 24)**

#### **Question 26**

60. According to MEB statistics as of 2018, 268.977 of 372.743 students at formal education age with the need of special education continue education in mainstreaming/inclusive classrooms. When compared to 2014 data, there is an increase of this figure by approximately 50% (See Table 3.a). Besides, 50.941 students attend to special education classes in half-time (See table 3.b). In addition, the data on the number of

PwDs attending to free of charge supportive special education and on the amount of the resource allocated to special education are included in Table 3.d. Whereas the number of students benefited from the education services provided in special education schools and institutions was 38.695 in 2014, this number reached to 52.825 in 2018 with a 36% increase (See Table 3.c). In 2018, a total of 1087 students, 523 of whom are girls and 564 of whom are boys, benefited from the service of education in hospitals. In 2018, a total of 9.251 students, 4.398 of whom are girls and 4.853 of whom are boys receive education at home. (See Tables 3.a, 3.b, 3.c, 3.d)

**Question 27 (a)**

61. As per the article titled Generality and Equality that was added to the Basic Law of National Education in 2014, disability based discrimination is prohibited in education. The main approach in the education of PwDs is mainstreaming/integration. In this regard, a circular was issued in 2017 in order to redefine the application and to increase the quality of education. The circular identifies the duties and responsibilities of teachers, school administration and provincial/district education directorates and it stipulates that schools shall make special arrangements to meet the needs of students and shall provide appropriate training materials for individuals.

62. Vision Document for Education Services in 2023 that was released in 2018 with the target of reforming the national education system plans to provide better quality services at every stage of education and to develop new models starting from the diagnostic phase for individuals in need of special education. In this context, the planned activities include national mapping on special education needs; establishment of a coordination mechanism; encouraging local governments; providing in-service training for classroom and branch teachers; developing new inclusion models on dyslexia, autism and similar issues in cooperation with CSOs and institutions at international and national level. Scheduling activities and preparation of working plans for these targets have started. MEB cooperates with the public, the private sector, CSOs and local governments in all studies on special education and this cooperation is explicitly expressed in high level policy documents as an obligation.

**Question 27 (b)**

63. First of all, the main objective of the MEB Strategic Plan for 2015–2019 is to inform all sections of the society about special education, particularly the teachers who do not work in the field of special education. In this context, 380.000 teachers were trained in Awareness in Special Education Trainings in 2015–2017. Two week trainings that started by 2016 have been continued so far and a total of 15.000 teachers in other branches working with students with special education needs have received trainings. IPA Project titled “Increasing the Quality of Special Education Services for Inclusive Education” (2018–2021) that was prepared with the cooperation of MEB and UNICEF with EU funding, aims to increase the quality of education by creating flexible, individualized and innovative educational environments for disadvantaged individuals who need special education. The activities of this 3 year project includes increasing occupational skills of professionals involved in the education of individuals in need of special education, diversifying educational materials and environments and raising awareness of families and the public.

**Question 27 (c)**

64. In order to ensure equality among the candidates in examinations and to measure knowledge and skills by taking into consideration the health conditions or disability, OSYM takes reasonable accommodation measures to support the diversified support needs of individuals in the examination process. OSYM, YOK, universities, public institutions and CSOs cooperate and conduct studies to create effective exam practices and environments. The candidates with restricted vision who have less than 25% disability degree but do not request reader assistance in exams have been entitled to additional exam time since 2018. OSYM organizes exam places in line with personal needs identified by candidate health reports and petitions. In this context; though applicants with disabilities

who have to use special tools, equipment or devices that will damage the security of the exam took tests in 15 exam buildings in which all kind of wired/wireless communication was cut off located in 14 provinces in 2017; they have started to take tests in 81 provinces by 2018 with the principle of “to be everywhere with everyone”. Due to the developments in examination methods, participation of candidates with disabilities/health conditions/special conditions increased in the examinations held between 2014 and 2017 (See Table 3.e).

65. Commission for Students with Disabilities established under the body of YOK in 2010 makes decisions to be implemented by the universities for the fulfilment of reasonable accommodation for university students with disabilities. It took the decision on the application of reasonable accommodation measures in examinations in August 2011; on including Design for All principle into the curricula of relevant departments including Architecture, Urban and Regional Planning, Interior Architecture, Industrial Design and Landscape Architecture in September 2013; on adoption of a scoring system in favour of students with disabilities for departments that matriculate students with special talent exams in 2013, 2014, 2017 and 2018, and on the quota system etc. As per YOK data, the number of students with disabilities increased from 39.983 in the education period 2017–2018 to 49.145 in 2018–2019. Accordingly, the number of students with disabilities increased 20% for persons with visual disabilities, 32% for persons with hearing disabilities, and 70% for persons with Asperger Syndrome or ASD and 64% for persons with mental disabilities. Following the decision on entitlement of PwDs to take talent exams for matriculation in 2017, the number of students with mental disabilities who entered universities through such exams increased from 69 to 113. YOK organized Barrier Free Access Workshop to raise awareness and to promote good practices of accessibility in 2017 and Workshop on Education without Barriers to improve the quality of service provision in 2018. In the workshop, Accessible University Flags and Barrier-Free Curriculum Certificates were awarded in order to promote good practices. In 2019, YOK plans to award Disability Friendly University Certificates to universities that provide disability inclusive education environments. Besides, universities are encouraged to guide students with disabilities in application to exchange programs. A total of 34 students with disabilities (28 students in 16 public universities and 6 students in 5 foundation universities), benefit from the Erasmus program. As per the decision taken by YOK in 2018, PhD programs on Thesis/Non-Thesis Sign Language Interpretation Master Degree and Doctoral Programs have been opened in Ankara University and these programs have been included in the priority scholarship programs. In this context 3 students receive scholarships. As per the same decision, Autism Studies Application and Research Centers was opened in two universities and ASD Master’s Degree Program was opened in Necmettin Erbakan University. The number of scholarships granted to students with disabilities by KYK has reached to 4.545 in 2018, whereas this number was 575 in 2014. The number of students with disabilities staying in public dormitories increased from 906 in 2014 to 1.753 in 2018. The number of accessible rooms in these dormitories increased from 555 in 2015 to 1419 in 2018 (See Table 3.f).

### **Health (art. 25)**

#### **Question 28 (a)**

66. The costs of diagnosis and treatment provided in terms of sexual and reproductive health, HIV/AIDS and sexually transmitted infections that are within the scope of social security are covered by GSS and there is no problem in access to medicines. PwDs can benefit from these services offered under the GSS (see para. 70). In addition, training activities including peer education are promoted for all target groups in order to reduce the number of new cases. In line with UNAIDS and WHO recommendations, SB carries out its work on HIV/AIDS in cooperation with relevant stakeholders.

#### **Question 28 (b)**

67. With an amendment made on the Regulation on the Rights of Patients in 2014, it was stipulated that; even in the cases where the consent of the legal representative is sufficient, the minors or patients with limited legal capacity are heard and thus included in the information and decision making process as much as possible. With the same

arrangement, health institutions are required to take the necessary measures regarding this issue. In this regard the consent documents, as well as the guidebooks and brochures on the patient rights are prepared in Braille format for persons with visual disabilities. On the other hand, the proceedings of patients with hearing disabilities are performed by the personnel who received sign language trainings.

#### **Question 28 (c)**

68. Since 2012, persons without social security have been covered by GSS by receiving a payment up to 3, 8% of the monthly minimum wage (60, 89-TL). Those who cannot still benefit from social security plans can apply to the Social Assistance and Solidarity Foundations to have GSS premiums paid by the state. In this context, if the income level of a person is assessed to be less than 1/3 of the gross minimum wage, then ACSHB pays GSS premiums on behalf of him/her.

#### **Habilitation and rehabilitation (art. 26)**

##### **Question 29**

69. Syrian refugees benefit from rehabilitation services offered by SUT in equal terms with nationals. Disability service units have been established and inaugurated in polyclinics in primary and strengthened centers for migrant health. Syrian PwDs under temporary protection are provided with health care services in TRSMs and Voluntary Healthcare Facilities. Within the framework of “Wellness Project” (2016–2019), it has been planned to provide services to Syrians in 10 TRSMs located in 9 provinces. Within this framework, 4 TRSMs have started rendering service. Within the framework of the Directive on Procedures on Health Services to be provided to People under Temporary Protection, it was planned to open a voluntary health facility in order to provide free of charge diagnosis and treatment to outpatients in the fields of physical therapy and mental health. Accordingly, 5 voluntary health facilities have been inaugurated in different provinces and 3 facilities are pending for approval. The project “Developing Home Based Health Care and Social Services” (2018–2019), that was prepared in cooperation with WHO, aims to train 350 Syrian women as caregivers in 7 provinces and to employ them as health caregivers for PwDs. In addition, 534 physicians and 459 auxiliary health personnel working in Migrant Health Centers were provided with trainings with the objective of providing psychosocial support in the field of mental health. In 2017, Syrian personnel have been included in those trainings that were started in 2016. Immigration desks affiliated with Provincial Administrations for Migration (see para. 28) or Provincial Directorates of Migration Management refer immigrants, refugees and asylum-seekers to institutions that provide rehabilitation facilities. The data on country-wide health services provided to persons with temporary protection status by the SB are given in Table 4.

#### **Work and employment (art. 27)**

##### **Question 30**

70. The number of public bodies that are liable to employ workers with disabilities countrywide is 1.383 by the end of September 2018. The quota to be filled was 17.783 workers with disabilities, but a total of 14.782 persons are employed. In other words, 6.154 positions are vacant by September. On the other hand, 2.291 workers with disabilities are employed as quota surplus. In the light of this data, the percentage of compulsorily employed PwDs in the public sector is approximately 65.4%. As to the figures in the private sector; the number of private employers that are liable to employ workers with disabilities countrywide was 18.672. The quota to be filled was 113.887 workers with disabilities, but a total of 107.103 PwDs are employed. In other words, 22.074 positions are vacant by September 2018. On the other hand, 7.507 workers with disabilities are employed as quota surplus. In the light of this data, the percentage of compulsorily employed PwDs in the private sector is approximately 80.6%. The number of PwDs employed as public officials is 51.814, and 11.317 positions are currently vacant (See Table 5).

**Question 31 (a)**

71. Sheltered workshops in Turkey are work places that are specifically established for persons with mental and/or psychological disabilities. By 17 December 2018, there are 80 persons with mental and/or psychological disabilities employed in 9 sheltered workshops (5 in industrial sector and 4 in service sector) at countrywide. The primary objective of sheltered workshops in Turkey is ensuring participation of PwDs in the open labor market. Accordingly, quota-levy scheme and incentives for employers and employees are utilized as the main methods to achieve this objective. In addition, sheltered employment is also used as a means to employ persons with mental, emotional or psychological disabilities that have face certain challenges in open labour market. While all PwDs, notwithstanding the type of disabilities, were included in the scope of sheltered employment through Regulation on Sheltered Workshops that was issued in 2006, the beneficiaries of this practice was limited only to persons with mental, emotional or psychological disabilities through an amendment made on this regulation in 2013. In order to promote implementation of sheltered employment through recruitment of PwDs in open labor market, ACSHB carried out a project between 2014 and 2017. ACSHB initiated a complementary dissemination project in 2018. Additionally, National Plan of Action and Strategy Paper on Employment that covers the years between 2017 and 2019, aims at increasing the rate of employment of PwDs through improving vocational counseling and generalizing the grants targeting persons who set up their own businesses.

**Question 31 (b)**

72. As part of the Grant Scheme of the Project “Improving the Social Integration and Employability of Disadvantaged Persons” that was funded by EU under IPA Programme, 4.5 million Euros out of 23 million Euros budget were allocated to support 24 projects that cover activities on fighting against discrimination.

73. With the purpose of promoting employment of PwDs at private sector, the employers’ contribution for national insurance that is calculated as the lowest daily earning of each person with a disability employed within the scope of quota scheme or in sheltered workshops is paid in full by the Treasury. In addition, the employers’ national insurance contribution for each person with a disability employed without a legal obligation is paid in half by the Government. The fines imposed to employers that violate quota scheme obligations are collected in a fund and this fund is used for financing projects on placement and orientation of employees with disabilities to vocation or workplaces; to provide assistive technology products or to support them in starting business. In this regard, 27 projects on providing assistive devices to facilitate working conditions of employees with disabilities and 29 projects on providing job orientation to persons were financially supported between the years of 2015 and 2018.

**Adequate standard of living and social protection (art. 28)****Question 32 (a) and (b)**

74. Within the framework of the efforts on fighting against poverty, various aid programs for PwDs are carried out. In this context, poor PwDs with at least 40% disability at or over the age of 18 years can benefit from the disability pension program. Those with a disability degree between 40% and 69% receive regular monthly payments at the amount of 1/4 of the minimum wage (433,68-TL in July–December 2018), while those with or over 70% disabilities receive 2/5 of the minimum wage monthly (650,52-TL in July–December 2018). The total amount of benefits allocated within this program was 3.1 billion TL for 613.480 PwDs in 2017 and 2.4 billion TL for 609.457 PwDs by October 2018. Another social aid program is home care assistance (see paras. 12–13). In order to support home care service for PwDs in need of care, 3/4 of the minimum wage (1.179, 40-TL in July–December 2018) is monthly and regularly paid per person. Within the scope of this aid program, 5.5 billion TL has been transferred to 513.276 PwDs by October 2018. As of November 2018, 25.5 million TL has been transferred for 29.510 PwDs and the elderly living alone in order to meet their daily needs such as home cleaning, personal care or cooking. Tuberculosis patients are monthly paid 3/4 of the minimum wage (1.179, 40-TL),

on the condition that they are in psycho-social or financial deprivation. As of November 2018, a total of 15.5 million TL has been paid to 2.037 tuberculosis patients.

75. Within the scope of the electricity bill subsidy program, which started in November 2018 with the objective of supporting the treatment of PwDs whose health conditions depend on devices due to severe chronic diseases, an in-cash aid is provided at a maximum amount of 1/8 of the minimum wage (200 TL) per each invoicing period. In the first month of the aid, uninterruptible power supplies are provided and debts of accumulated electricity bills are also paid.

#### **Question 32 (c)**

76. The scope of the income tax reduction for PwDs, which is taken into account in the calculation of taxable incomes, has been extended in order to contribute to the costs made by PwDs due to disabilities. Thus, dependents of employees, self-employed PwDs or PwDs dependent to self-employed persons and all taxpayers subject to small business taxation have been included in the scope of income tax reduction. In most of the social benefits, the condition of neediness/financial deprivation is sought in application process. Though the criterion of Turkish Citizenship is sought during the assessment of applications for disability pensions, Turkish applicants are not discriminated on the basis of gender, age, ethnic or social origin. However, foreign nationals who have the permit to reside with Turkish nationals can also benefit from home care support service that is rendered for the provision of home care services to PwDs in need of care.

77. Funded by ECHO under the contract signed with the EU and conducted by the partnership of WFP, ACSHB and the Turkish Red Crescent, SUY delivers cash assistance to vulnerable foreigners under temporary or international protection, applicants of international protection and holders of humanitarian residence permit. The beneficiaries of SUY are determined on demographic criteria. Households that provide the sought demographic criteria are financially supported with 1/13th of the minimum wage (120,00 TL). One of the criteria within the scope of SUY is to have at least one PwD in the household. As of November 2018, there are 20.729 households that meet this criterion and benefit from this aid. In addition, the Program for Supporting Persons with Severe Disabilities is also implemented within the scope of the SUY. Within the framework of the program, regular in-cash aid at the amount of 2/3 of the minimum wage (600 TL) is provided to foreign nationals with severe disabilities. As of November 2018, there are 5.967 beneficiaries of this program.

#### **Question 32 (d)**

78. TOKI implements various mass housing projects that meet the needs and preferences of disadvantaged groups including PwDs. In this context, 5% of the dwellings in social housing projects, which are produced and sold by TOKI by lot-drawing procedure, are allocated to nationals with at least 40% disability and applications of PwDs are taken in a separate category. Applicants who cannot win ownership in the first lot-draw are included in the category of "other" and they are entitled to a second draw. In all processes of house sale by lot-drawing procedure in TOKI's social housing projects, quotas are reserved for PwDs country-wide. Besides, universal standards that comply with accessibility criteria are used in the housing projects of TOKI.

#### **Question 32 (e)**

79. 267738 women and 345742 men with disabilities, corresponding to a total of 613.480 PwDs, receive disability pension. Disaggregated information by age for beneficiaries of disability pension is annexed in Table 6.

#### **Participation to political and public life (art. 29)**

##### **Question 33 (a)**

80. PwDs can inquire about the type of their disabilities (visual or orthopedic) on Domestic Voters Query Module on website [www.ysk.gov.tr](http://www.ysk.gov.tr). In case they enter and register

their e-mail addresses and/or mobile phone numbers in this module, they are informed about elections through e-mails or messages. Persons with visual or orthopedic disabilities, after communicating their accessibility requests to the relevant units, can either cast votes personally or in assistance of one of their relatives. In order to promote participation of PwDs to political and public life, a workshop was organized in cooperation with EU TAIEX in Ankara between 13 and 14 October 2014. The participants of the workshop included representatives of CSOs, relevant public institutions and academicians. Furthermore, another workshop was organized in 2016 under the title of “Barrier Free Election” Workshop with the cooperation of ACSHB and YSK and representatives of political parties; CSO’s including disability organizations and all relevant stakeholders. Additionally, on 9 June 2016, an assessment meeting was held on preparation of a website in compliance with Universal Accessibility Rules with the participation and contributions of civil society organizations. The meeting focused on assessing and identifying the accessibility requirements on YSK’s website and as a result, the website was made accessible for persons with different types of disabilities. For the first time in Turkey, mobile ballot boxes were put into service for presidential and parliamentary elections held on 24 July 2018 in order to ensure that bedbound voters (either due to an illness or a disability) can cast their votes. As a result, a total of 17.359 persons in 739 districts could take part in elections and cast their votes through 1307 mobile ballot boxes. 77.59% of the 606.082 voters registered to have a disability in the voter roll participated in 25th Term General Elections. The rate of voters with disabilities that participated in the following elections are as follows; 78.43% of the 622.012 voters in 26th Term Parliamentary Elections; 76.54% of the 612,703 voters in the Constitution Referendum of 16 April 2017; 78.05% of the 667.974 voters in Presidential and 27th Term Parliamentary Election of 24 June 2018. Currently there are on-going efforts to make polling stations accessible for the General Local Elections to be held in March 2019.

#### **Question 33 (b)**

81. YSK took two consecutive resolutions to ensure that PwDs can vote independently by using split tickets. The resolutions no 435 and 564 taken in the years of 2017 and 2018 have been published on YSK’s website and were also communicated to provincial and district provincial election boards.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

##### **Question 34**

82. Disability related questions of the Population and Housing Survey conducted in 2011 were prepared “Washington Group” recommendations and they also comply with the principles of ICF. In the Survey, 6 body functions were questioned and these questions were expected to be answered by one of the following options: “No difficulty”, “Yes, some difficulty”, “Yes, a lot of difficulty” or “I cannot do it at all”. In evaluation of the responses, self-evaluation of the respondent was considered. For questions except the ones regarding seeing and hearing, difficulty in function was questioned without taking into consideration any assisting equipment. Questions regarding seeing and hearing were directed to all ages where for others only those that are 3 years or older were covered. Difficulties that take a period shorter than 6 months (such as fractures of the hand or arm, ear or eye surgery) were not taken into consideration for all types of disabilities. Furthermore, only the rate of respondents who declared that either they have a lot of difficulty in performing a function or cannot do it at all was taken into account in calculation of proportional disabilities:

- **Population with at least one type of disability:** covers the proportion of people at or over 3 years old who declared that either they have a lot of difficulty in performing at least one function or cannot do it at all;



- **Persons who have difficulty in seeing:** covers persons who declared that either they have a lot of difficulty in seeing or cannot see at all though they use assistive equipment;
- **Persons who have difficulty in hearing:** covers persons who declared that either they have a lot of difficulty in hearing or cannot hear at all though they use assistive equipment/devices;
- **Persons who have difficulty in speaking:** covers persons who declared that either they have a lot of difficulty in speaking (such as speech impairment, lalopathy or stammering) or cannot speak at all;
- **Persons who have difficulty in walking or climbing up/down stairs:** covers persons who declared that either they have a lot of difficulty in walking or climbing up/down stairs or cannot do any of them at all;
- **Persons who have difficulty in holding or lifting something:** covers persons who declared that either they have a lot of difficulty in holding or lifting something or cannot do it at all;
- **Persons who have difficulty in learning, doing simple calculations, remembering and concentrating when compared to their peers:** covers persons who declared that they have a lot of difficulty in learning, doing simple calculations, remembering and concentrating when compared to their peers or cannot do any of them at all.

83. Implementation and monitoring of CRPD in cooperation with EU-TAIEX in order to raise awareness about and to promote the implementation of Article 31 of CRPD: the TAIEX Workshop on the Collection of Disability Data and Statistics was organized in 2012 with the participation of all relevant parties, particularly with the representatives of disability CSOs.

84. The Project “Supporting the implementation and monitoring of CRPD in Turkey” (2013–2016) was conducted in cooperation of ACSHB and UNDP in order to improve the quality of disability data and to raise awareness of all relevant stakeholders about the obligations imposed by CRPD. As part of the Project activities, indicator sets were developed, with the coordination of relevant public institutions, civil society organizations and academicians, on seven priority areas (right to employment, education, healthcare, right to be free from violence and abuse, right to participate in social and political life, right to participate in cultural and touristic activities and the right to participate in sports activities) that will facilitate the monitoring of implementation process. Thus, it has been planned to obtain data disaggregated by disability, gender, age and regional differences. In addition, within the context of the preparatory work of National Plan of Action and Strategy Paper on the Rights of PwDs, a workshop on data and statistics was held at the end of 2017 with the participation of representatives of relevant institutions, particularly disability CSOs. Aims, objectives and activities of the plan of action were drafted in this workshop.

### **International Cooperation (art. 32)**

#### **Question 35**

85. See paras. 1–5.

### **National implementation and monitoring (art. 33)**

#### **Question 36**

86. Human Rights Institution of Turkey was abolished and replaced by TİHEK in 2016. TİHEK was established with the tasks of fighting against ill-treatment, torture and discrimination, ensuring equality and protecting and promoting human rights. In this context, TİHEK, which is also responsible for fighting against disability discrimination, corresponds to the independent mechanism envisaged by CRPD. In addition, acting as an independent and effective complaint mechanism in the functioning of public services, KDK is the public institution responsible for assessing, investigating and making suggestions

about all types of procedures and actions of public institutions in terms of compliance with law and equity within the understanding of justice based on human rights (see para. 6). KDK encourages CSOs to cooperate with public institutions and assembles various CSOs that specialize in different fields with a pluralistic approach. Within this scope, the workshop titled “Ombudsman Institution: a New Mechanism for the Solution of the Problems faced by PwDs” was organized in 2013 with the participation of the representatives of disability organizations and the report of the workshop was published and disseminated to relevant administrations. Besides, the annual report of the workshop covering the evaluations and recommendations was submitted to the TBMM.

87. EHK emphasizes that the participation of PwDs, their families and CSOs in the process of policy making, decision-making and service provision for persons with disabilities is essential. In this context, disability CSOs has become an active partner of policy making, implementation and monitoring processes in the field of disability. Accessibility Assessment and Monitoring Commissions, which started to be established in 2013, are outstanding examples for the participation of persons with disabilities in the implementation and monitoring processes at local level. These Commissions, which were established to support and disseminate accessibility applications, have the authority to impose fines. On the other hand, education seminars are organized at regional level in order to strengthen advocacy and legal remedy seeking capacities of disability CSOs and to encourage active participation of PwDs in decision making mechanisms. In this context, 24 training seminars were organized at regional level between 2014 and 2016. In addition, the National Plan of Action and Strategy Paper on the Rights of PwDs is prepared with the participation of disability CSOs. It is planned that this document, which aims at mainstreaming the issue of disability in all policy fields, will also include measures to strengthen the participation of PwDs in decision-making mechanisms and monitoring processes.

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