



United Nations
Convention on the Rights of
Persons with Disabilities (CRPD)

**Shadow
Report Turkey**

The Confederation of
the Disabled of Turkey
August 2018



The Confederation of the Disabled of Turkey
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is prepared by the coordination of
The Confederation of the Disabled of Turkey;
with the participation of the following organizations.

- Six Dots Foundation for the Blinds
- Lawyers Network for Children (ÇAÇAV)
- Eastern Mediterranean Federation for Disabled Associations
- Turkish Association of Visually Impaired in Education (EGED)
- Network for the Rights of Children with Disabilities (EÇHA)
- Woman with Disability's Association (ENG-KAD)
- The Confederation of the Disabled of Turkey
- Association of Barrier Free Access
- News Network by Women with Disabilities (EKHA)
- Barrier-Free and Happy Life Association
- Turkish Federation of the Blind
- Mersin Association for the Rights of Persons with Disabilities
- Healthcare Services Union (SAHIM-SEN)
- Samsun Federation of Disabled People
- Spina Bifida Association Turkey
- Turkey Disabled Association (TSD) Ankara Branch

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This shadow report contains a compilation of information as in which the situation in the country become visible, or, of proposed questions in which recommendations to the state are indirectly provided; both provides further guidances on the info to be provided each element. Each element is numbered and those numbers exceptionally may or may not correspond to the actual paragraphs or the articles of the Country Report. To provide the essential information and guidance, i.e. in order to facilitate the follow ups for the reader, those are provided in that format. The readers of the report should bear that in mind in case they read both reports.

Articles 1 to 4 GENERAL PRINCIPLES AND OBLIGATIONS

1. The definition of "person with disability" has been harmonized with Article 1 of Convention on the Rights of Persons with Disabilities (CRPD) by the amendments made in 2014 in the Law No. 5378 of 2005 on Disabled People a.k.a Turkish Disability Act No. 5378 and it refers to: "a person having various levels of physical, intellectual, mental or sensory impairments, which hinders this person from participating in the society in a full and effective manner on an equal basis with the others, in interaction with attitudes and environmental barriers".
2. The legislation defines "discrimination based on disability" and "reasonable accomodation". Any discrimination based on disability, including direct and indirect discrimination, is prohibited. Especially in the heading of education and employment, while there is a definite dictum that discrimination is prohibited, there is no provision in other areas that it is prohibited.
3. The law states that it is imperative to make reasonable arrangements to ensure equality and prevent discrimination, but does not envisage sanctions if there is no reasonable regulation on individual claims.
4. In the heading "social inclusion", it is stated that "the disability of the disabled is independent on the basis of equal conditions for the other individuals, and that the lives in society are essential and can not be forced into a private life order".
5. However, there is no mention of measures to ensure that disabled people live independently on equal terms.

6. As there are no measures in the context of accessibility and education and employment participation are not supported, the independence of disabled people can not be mentioned much. In general, the CRPD is not well known in justice mechanisms, so no decisions taken based on the Convention. Some examples are as follows:

Ceyda Evrim, a blind citizen has been refused to register the ITU Conservatory, even though she has won the examination of the liaison, lost the case she opened for discrimination in 2016. (The court did not refer to the CRPD.)

The case of a citizen who is a person with disability working in a municipality of Istanbul and who filed a lawsuit since there is no accessible toilet in the worksite. (The case result was positive, but the court did not refer to the CRPD).

In response to two witness requests for notary procedures, O.Y. trial was denied by the court because of the obstruction of independent treatment and discrimination practice and no reference was made to the CRPD during the proceedings.

The case opened by Firat Yıldız, who won the teacher's high school examination but was not read because of blindness and was denied the right to education, was rejected at the first court and the court did not find the CRPD. Firat Yıldız has brought the case to appeal, the Administrative Council of the Supreme Administrative Court of Appeals, which has examined the appeal, dismissed the decision of the first-instance court and referred to the CRPD's Article 24. Upon this, the first instance court abided by the order of annulment and decided to discriminate and canceled the relevant regulation. The Council of State ruled that Firat Yıldız was discriminated against (decision no. K2008 / 3520 dated 14 May 2008).

7. 2010-2011 Strategy and National Plan of Action on Accessibility has not been implemented effectively. There has been no considerable improvements made yet in these areas, although the extended deadlines, for making all physical environment, open areas and public transport vehicles accessible for PwDs, are expired.

8. There are no reliable, up-to-date, inclusive data on the PwDs in our country. Since Turkey Disability Survey conducted in 2002 was not conducted with scientific methods and tools, most of the results obtained are not supported by the other research data. The fact that the data are not reliable also prevents the plannings related to this field from being realistic and effective.

9. In Turkey, a PwD should receive a health report before using the rights. This report reflects the person's disability (deaf, blind etc.), degree of disability in %, and which rights are included (allowance, tax reduction etc.). This report is provided by 3 doctors in authorized hospitals. This reporting process depends on medical approach only and in some cases can vary according to the doctors' attitudes, even there is a standart list to specify the disability.

10. According to the health report, children who has at least 20% disability can benefit from Special Education. State makes it obligatory to have 40% to benefit all other support such as allowance, employment, cultural rights etc. The disability degree equal to 40% or more are determined in order for people to enjoy the rights of PwDs.

11. Medical approach is against CRPD. Evaluating the disabilities with "degrees", taking the medical approach into consideration and "gravely disabled" stigma are discriminative.

12. The State did not implicate NGOs to the process of State Report for CRPD Committee. After submitting the State Report, State did not publish the Turkish version of it as open source, and did not share it with NGOs who requested to receive it.

Proposed Questions:

Q1: What are your plans about habilitation the health reporting system to CRPD?

Q2: Are there any regulations within Turkey's legislation about employment rights of gravely disabled persons?

Q3: Which measures will be taken in courts in order to make the CRPD more applicable?

Article 5 EQUALITY AND NON-DISCRIMINATION

13. Disability based discrimination is prohibited by the Law on Disabled People, but the only criminal sanction for disability based discrimination takes place at the Turkish Penal Code.

14. Although disability based discrimination has been prohibited and sanctions regarding this has been imposed by Article 122 of TPC in 2005, it has become ineffective as it was tied to the condition of being committed on the ground of hatred with the amendment made in 2014. Although the discrimination is completely prohibited in the employment and education sections of Turkish Disability Act, what kind of penal sanctions will be imposed in case of this is not identified.

15. Discrimination in Notarial Acts: Notaries make the requirement of bringing two witnesses obligatory for persons with visual impairments degradingly, despite the fact that this practice is contrary to the general principles of law and regulations in force. Although this practice is totally against the third paragraph (Annex 3) of Article 15 of the Turkish Code of Obligations No. 6098 dated on 11/01/2011 and Article 73 and 75 (Annex 4) of the Law No. 1512 on Notaries dated on 18/01/1972, no sanctions are imposed by the state. In this regard, the case of Attorney O. Y., which was filed to the 12th Court of First Instance was dismissed (date of judgment: 11-04-2017).

16. While the visually impaired is notary and banking, the application of the witness request has been changed and the visually impaired have the right to operate independently. However, O.Y. In the case, the notary officer interfered with O. Y.'s independent transaction and demanded two witnesses from him. O.Y. the applicant has filed a lawsuit against him for discrimination and the failure to enforce the law.

17. The statements written under the section of General Obligations in Law such as "Disability based discrimination is prohibited, it is the basic essence of policies for PwDs in fighting against discrimination", "It is essential to ensure equality of opportunity for the PwDs to enjoy all the rights and services" are expected to provide legal protection for the PwDs in other areas. However, it is proven by the examples that PwDs are discriminated in every areas, including the right to life in particular. Few examples of the fact that no sanctions against discrimination are imposed are as follows:

2009 ÖSYM Guide to Higher Education Programs and Quotas Article 52 stated that "disabled students should not opt for disabled students because they do not have to give education or training to disabled students" under the application conditions. Four NGOs have made an allegation to the prosecutor for the crime of discrimination, but the prosecutor's office has not filed a lawsuit because it did not find any criminal elements and did not process it because it did not consider the provisions of the Convention. These statements in the guide could not be removed.

H.Ö., a person with physical impairment, filed a complaint against Büyükçekmece Municipality in 2009 since there is lack of service in municipality building due to architectural problems. The prosecutor's office dismissed the case on the grounds that there is no basis for bringing a formal charge against it.

T.T., who uses a wheelchair as a person with physical impairment, has filed a lawsuit against the driver of public bus in Istanbul on the grounds that the driver did not open the door of the bus. The judgment provided in 2012 by Istanbul 8th Court of Peace and the bus driver sentenced to 6 months in jail in accordance with Article 122/1 of the Turkish Penal Code. However, the case was dismissed due to the amendment made in the TPC in 2014, and the driver was not punished. In 2012, the title of the Article 122 was "Discrimination". In 2014 it was changed as "Hate and Discrimination"; hate objective became a must for discrimination. Thus, the case has been rejected.

18. Congenital anomaly diagnoses constitute a significant part of terminated pregnancies by medical termination. Legal regulations allow the termination of pregnancy if the fetus is found to be severely disabled. Termination of pregnancy is recommended to the families if anomalies associated with life such as spina bifida, down syndrome are identified. Lack of appropriate counseling services and the fact that the doctors stand with termination in these cases render families helpless. There are many individual stories reported by NGOs involved in the preparation of report in that regard.

Proposed Questions:

Q4: Do you intend to remove the "hate" statement in Article 122 of the Penal Code, which violates the definition of "disability based on discrimination" in Article 2 of the CRPD, which includes the discrimination clause with hate motive?

Q5: Do you have an undertaking to make arrangements that go beyond criminal law to prevent discrimination based on disability?

Q6: What kind of support services do you have for families who learn to be a disabled baby? Is it true that these families are being pressured by doctors to end your pregnancy? What are your upcoming plans to prevent this?

Article 6

WOMEN WITH DISABILITIES

19. The most 'up-to-date' official figures related to the disability are the data of 2011 Population and Housing Census. According to this; the proportion of women with disabilities is 57.2 percent. In other words, more than 3 million women are from at least one impairment category. There is no official statistics or analysis, which focus on the education, health, employment, access to rights and participation of women and girls with disabilities, or any disaggregated data in overall statistics system.

20. As well as there is no in-depth study made by government agencies on gender-based violence and discrimination against women and girls with disabilities, there is no policy that includes preventive measures. Legal-protective measures for fighting against gender-based violence are also valid for women with disabilities, but the state has not yet developed a plan to combat violence that takes into account the specific circumstances of the PwDs.

21. Also, there are no sustainable policies and action plans to protect and enhance human rights of women and girls with disabilities.

22. The studies, in which the two important UN Conventions-CEDAW and CRPD, which Turkey is a party state-can interact with each other, are only conducted by NGOs.

23. Parliamentary Commission on Equal Opportunities for Women and Men (KEFEK), which was founded in Turkey's parliament in 2009 by law, has not conducted any studies so far on women with disabilities (such as establishing sub-commissions, reporting). In 2016, "Sub Commission on Women with Disabilities and Women Having a Relative with Disabilities" was established under KEFEK, but after the initial meeting, no activities were conducted. KEFEK's studies can be found in its website:
<https://www.tbmm.gov.tr/komisyon/kefe>

24. There is no data available for women and girls with disabilities in the National Research on Domestic Violence Against Women in Turkey covering the country as a whole conducted in 2014 by the Directorate General on the Status of Women of Ministry of Family and Social Policies.

25. In the "National Action Plan for Combating Violence Against Women 2016-2020" women with disabilities were mentioned. For example; it is stated that women and girls with disabilities were more vulnerable to such risks as violence, injury, abuse, neglect, negligent behavior, ill-treatment or exploitation, both in the private and public areas; that forcing women with disabilities into beggary is a form of economic violence and measures and activities to improve the rights of women with disabilities were included in the action plan.

Proposed Questions:

Q7: What are the plans to consider gender equality in the design, implementation and monitoring of public services for PwDs? What indicators have been developed for this?

Q8: What legal measures have the State taken since 2009 to prevent violations of rights of women with disabilities and to empower women, and what measures are envisioned in the short term? Are all of those based on the CRPD?

Article 7

CHILDREN WITH DISABILITIES

26. It is seen that Country Report includes data, policies and strategies related to children with disabilities in sections such as education, health and violence. However, we regretfully have to inform that there is no non-discriminative, holistic and inclusive state policies to include children with disabilities in Turkey by protecting the child's best interests, supporting the development of children with disabilities, ensuring their full and equal participation in society.

27. As it is stated in Country Report, as specified in the Constitution and other laws in Turkey, all citizens including children with disabilities are considered equal. But in our Constitution there is no special emphasis on the children with disabilities. The Child Protection Law mentioned in Report focuses mainly on children who have been forced into crime and are in need of protection and not covers all children.

28. In the Country Report it is stated that 1st Strategy Paper and Plan of Action on the Rights of the Children (2013-2017) is prepared and it is planned to be implemented in 2013. In this action plan, there are very important aims targeted for children with disabilities. However, there is no data on the implementation of this Action Plan and whether the expected results have been achieved as of July 2018.

29. It is also seen that there is no developmental approach covering children with disabilities regarding participation of children. There are no mechanisms and practices to facilitate the participation of children with disabilities in decision-making processes, and so far no association has been established by children with disabilities.

Proposed Questions:

Q9: What are your plans for the development of holistic, inclusive and sustainable policies and programs for the protection, development and advocacy of the rights of children with disabilities?

Q10: What are your plans for developing comprehensive strategies and mechanisms to ensure the full and effective participation of all children with disabilities in all studies conducted on children, and for the adoption of children with disabilities perspective in all disciplines?

Article 8

AWARENESS RAISING

30. When we look at the Country Report, we see that systematic efforts have not been shown except a few studies to raise awareness. Special occasions such as Day of the Disabled cannot go far beyond meetings and fun events for a group of disabled people, not involving large masses.

31. On the State Report it has been told that guide books have been published in accessible formats, where seminars for different sectors have been held on the Convention on the Rights of Persons with Disabilities. These books, seminar information, etc. cannot be accessed from EYHGM's web site or other sources open to the public.

32. There is no such web page as of July 2018 when it is said that a separate web page for CRPD is opened on EYHGM (Directorate General of Services for Persons with Disabilities and the Elderly) web site. CRPD text is not accesible in Braille and Turkish sign language.

33. The representation of persons with disabilities in the means of communication does not conform to the spirit of the Convention. Often we see content that focuses on disability and shows people with disabilities as needy and poor people.

34. In public administration, we cannot speak of a sustainable and effective study for promoting CRPD and for raising awareness about rights of PwDs. The studies that were mentioned in the Country Report did not reach their goals.

35. Within the framework of the "Monitoring Group for Disability Rights" project the contents of the textbooks of class 1-8 were analyzed in 2013-2014 school year. Some findings are as follows: there are pitiful statements in the textbooks such as "the differences of disabled people should be accepted despite their deficiencies / incompetence". PwDs are regarded as needy people and it is advised to provide support to them. In the textbooks, PwDs and disabled people are not considered as 'normal individuals'. Disability is considered as a disease through the health-disease dichotomy, and it is used many times (especially in the Health Information textbook) by being associated with the concept of 'disease'. Particularly in the Religious Culture and Moral Knowledge textbook, PwDs are shown as a needy social group and are associated with concepts like "sick, old, weak, poor, bound, orphan". The concept of equality has not been found to be used in the context of disability. PwDs, who are often depicted as 'unhealthy individuals' in textbooks, are also considered as people who cannot fulfill their duties and responsibilities in this regard. Such expressions will cause PwDs not to be perceived as equal citizens of Republic. (http://secbir.org/images/haber/2012/07/derskitaplarindaengellilik_rapor.pdf)

36. It has been identified that the visual of PwDs were used without asking their permission in the public service ads of "Improving Social Integration and Employability of Disadvantaged Persons" (DESIP) project conducted by the Ministry of Labor and Social Security on the employment of PwDs. When it comes to PwDs, ethical principles are not taken into account.

Proposed Questions:

Q11: In education system, starting from pre-school education; what are your plans for raising awareness about disability?

Q12: Do you have a planned work for the recognition, access and implementation of the Convention on the Rights of Persons with Disabilities in all segments of society? How much budget do you allocate for this issue for 2019?

Q13: What kinds of studies are planned to prevent the abuse of disabled people in the media and to establish positive forms of presentation of disability?

Q14: What measures do you intend to take in creating accessible, transparent sources of information for all?

Q15: Do you plan educational studies for professionals in the media, education, employment, health and justice systems? How much budget do you allocate for these studies in 2019?

Article 9 ACCESSIBILITY

37. Despite there are Turkish Standards (TSI) related to accessibility, recent legislative arrangements made are not in conformance with these Standards. For example TSI Standards requires elevator for one floor; whereas in the new Planned Areas Building Bylaws, which was enacted in October 2017, it is stated that "Elevator facility is obligatory for the buildings having 4 floors and more, the buildings having less floors can also be built with elevators". We see here that it is arbitrary for the buildings having less than 4 floors to be built with elevators.

38. Although there are arrangements made for accessibility, since the practice of those are not followed and no penal sanctions are imposed, those arbitrary applications have continued.

39. Although there is Regulation on the Accessibility of Banking Services entered into force on 01.01.2018, today it is still quite common for people to have problems in banks. Most of the PwDs and most of the banks do not know about and are unaware of this regulation.

40. Government acknowledged in election manifesto of 24 June 2018 that the accessibility measures taken are not sufficient.

41. In 2013, the Accessibility Monitoring and Supervision Regulation was published. According to this directive, it is only appropriate to examine the accessibility of public buildings, open spaces and public transportation vehicles, and it is not intended to control information access.

42. Accessibility Monitoring and Supervision Commissions affiliated to each province governorate have been established with the aim of determining the additional time to fulfill the obligations laid down by the law, the application of administrative fines and the use of administrative monetary amounts recorded in the general budget. There are 2 NGO representatives at the committee for 6 people. The Commission decides which buildings to examine first. The deadline for the additional period is 07.07.2015.

43. Administrative fines are imposed on those who do not take the necessary measures within the time limit and can be collected if the penalty is approved by the provincial governor.

44. Accessibility Monitoring and Audit Commissions are not actively working and the penal sanctions imposed by the Boards are not approved by the Governorates. Board decisions often result in favor of the state. The PwDs have not been informed about the fact that they have a right to apply to the Boards if they face problems. Information on conditions of application is not available on the websites of the governorates.

45. As an excuse for the inaccessibility of the sanctuaries, it is stated that "some problems are faced in accessibility regulations, since the majority of the mosques are built by benefactor citizens and their property rights belong to natural and legal entities. It is planned that such problems will be overcome by activities to raise public awareness". Regardless of who own the buildings, the enforcement of laws shall not be avoided. There are examples where PwDs are not allowed into mosques: In Istanbul Şişli Cengiz Topel Mosque, an unprotected area at the entrance of the building is allocated as "the prayer place for PwDs". PwDs cannot enter into the mosque in cold or very hot weathers.

Proposed Questions:

Q16: How many mosques and djemevis in Turkey have the "accessibility certificate" according to TSI Standards?

Q17: Are the places where PwDs can get information about their rights and the complaints mechanisms promoted?

Q18: As a result of the reports of Accessibility Monitoring and Audit Commissions in your country, which institutions were imposed fines by years?

Q19: Within the scope of the Regulation on the Accessibility of Banking Services, are there any audit carried out about physical accessibility and access to information? According to this audit, how many bank services in our country are considered to be accessible?

Q20: What plans does the government have in terms of providing access to a specific timetable and budget?

Q21: What are the plans of the government to create legal regulations that regard the failure to achieve reasonable accommodation as a form of discrimination based on disability?

Article 11

SITUATIONS OF RISK AND HUMANITARIAN EMERGENCIES

46. In the Turkish Search and Rescue Regulation, the word disability is not mentioned at all. The legislation does not specify the basics on how to evacuate PwDs in natural disasters and in emergencies.

47. G.Ö. a 29 year old person with mental impairment, who was kept under control in a locked room died due to a fire, cause of which is unidentified, in the crisis control room in a private care center for PwDs in Konya (www.haberler.com/engelli-bakim-merkezinde-yangin-1-kisi-oldu-21-8424083-haber/). As it can be seen this example, lack of knowledge and skills in the training of officials regarding evacuation of PwDs risk the life of them. Particularly there is no information targeting the families directly provided for the ones in bed with wearable ventilators about what to do during a natural disaster.

48. Regulations on Emergency Situations in Workplaces includes the statement that; "If there are old, PwDs, pregnant or nursery in the workplace, measures are taken to accompany the children during evacuation". Yet, there is no clarity on what measures are proposed and which actually implemented. There is no plan for who will be escorted to disabled people during evacuation, what kind of training will be provided by accompanying persons, and in particular how and by what means wheelchair users will be evacuated. There is also no provision for accessible roads in the fire.

49. Hearing impaired people do not have the possibility to hear the ringing or announcement in an emergency. For this reason, it has to be a light warning system for emergency warning.

50. But; The Regulation on the Protection of Buildings from Fire is about the use of a light warning device for hearing impaired people. "It is not compulsory to use a light warning device in areas where hearing impaired persons are unlikely to be present".

Proposed Questions:

Q22: According to the Regulations on Fire Protection of Buildings; the prospect of not having hearing impairments in the building

Q23: What provisions are included in the Occupational Health and Safety legislation for ensuring PwDs to work in a healthy and safe environment?

Q24: What are the government's plans for emergency measures for disabilities to take place in the legislation?

Article 12

EQUALITY BEFORE THE LAW

51. Sterilization and abortion without seeking the consent of the individual is prohibited by the Penal Code. A 25-year-old mentally retarded woman passed the tube ligation at the first birth (in a private hospital in Ankara) with the permission of her and her spouse only with the permission of her mother. This is a case reported to NGOs. There is no data on the number of such cases in the health system.

52. There are legal limitations in the marriage of mentally and mentally disabled people in our country. Contrary to Article 23 of the Convention, in the Turkish Civil Code; there is a provision that prevents marriage, regardless of the free will of those who want to marry, to get married. In Article 133 of the Civil Code, "Mental illnesses cannot be married unless they are understood by the official health board report that they have no medical problems in their marriage". According to this; mental and mental disabilities that want to get married can get married if the doctor of psychiatry consents.

53. In the case that the vehicle received by being exempted from the special consumption tax belongs to the mentally or psychologically disabled individual; it is requested to appoint a guardian of the disabled individual in the purchase and sale of vehicles. For this reason, it is also prevented that the individual who has been elected as a guardian is allowed to use the elections.

54. PwDs, who are assigned a guardian legally, cannot vote in the elections.

Proposed Questions:

Q25: What is the number of forced abortion women in the private and public hospitals with the number of disabled men and women who are sterilized by court decisions without their permission?

What measures do you intend to take in this direction to reach a healthy diet?

Q26: Including cases where a violation of Article 12 has been approved by another person; what sort of precautions should be taken to prevent the enactment, approval and enforcement of forced abortion and forced sterilization?

Q27: Having regard to Article 23 of the Convention; do you think to make arrangements in the Civil Code for the regulation of the right of disabled people to marry with their own will and consent and to establish a family?

Article 13

ACCESS TO JUSTICE

55. The Disabled People in Prisons (<https://hapisteengelli.wordpress.com/>) was established within the scope of the Special Needs Amnesty Project launched by the Civil Society Association (CISST) in November 2012. CISST conducted a research for disadvantaged individuals between November 2012 and November 2013. According to the report of the research;

a) Statistical data on the disability of the Ministry of Justice mainly covers orthopedic, vision, hearing, speech and mental disabilities. Schizophrenia, bipolar disorder, such as mental disabilities, cardiovascular diseases, organ failure, cancer, metabolic disorders, such as people with HIV and special needs, such as disabled people do not count as disabled. CISST obtained data as a response to its application to State in July 2013, there are 115 disabled prisoners in Turkey. This number does not cover all the disabilities.

b) The application about the accessibility of the prisons was filed by the Ministry of Justice on 8 July 2013 and 4 September 2013 with the following replies: "There are 355-360 penitentiary institutions in our country. Since these institutions are not multi-storey, there is no obstacle to the living conditions of the disabled."

56. When prison visits were made with NGO representatives using prosthetic legs and using a wheelchair; It has been determined that the Ministry's response is not correct.

57. This answer is also given only considering the prisoners who use wheelchairs. Other disabilities in the prison were not considered. Whereas accessibility; embossed floor for visual impairments, sign language for hearing impaired personnel, paraplegic or medical devices for people with persistent illnesses.

58. The current law envisions the suspension of the penalties for "patients who can not be treated in prison" and those who "will not survive on their own in prison conditions". This requires that the "prisoner is a definite danger for life" and "not dangerous for the safety of the community" and this is not the court but the prosecution decides.

59. "Prison conditions" are not defined in the decisions of the Forensic Medicine Institute.

60. Many people with severe illness or disability are still in prison if they can not take care of themselves. The care of these people is done by other prisoners who volunteer to help them, by relatives who are permitted to enter, or by prisoners who have paid for their care. These people should be looked after by trained professionals.

61. The magnetic gates and retinal scanning in the prison entrances are a problem for both disabled prisoners and disabled people.

62. Visually impaired people do not enter the retina scan, but if they are physically invisible, they need to prove that they are visually impaired.

Proposed Questions:

Q28: How many disabled and chronic patients are in prisons?

Q29: What are your plans for the postponement of sentences of prisoners who cannot take care of themselves in prison or who can not be treated in prison?

Q30: What are your plans to ensure accessibility of all the buildings of the justice system in your country?

Article 16

FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE

63. There are significant problems regarding the accessibility of Violence Prevention and Monitoring Centers (ŞÖNİM). Individuals, who are wheelchair users or who have children with disabilities, who applied to ŞÖNİM, are referred to the institutional care if the physical structure is not accessible. In this case, the confidentiality of the ID information of women with disabilities cannot be protected.

64. The awareness of PwDs and their relatives are not raised against physical-sexual assaults, abuse and ill-treatment, and they do not know how to protect themselves and mechanisms for accessing to justice.

65. Media discloses PwDs' ID information or their place of residence, age and disability status. Dismissals and non-suit are occurred due to good conduct abatement, being released by the court pending a trial, "woman did not shout and ask help".

66. PwDs are exposed to domestic violence will only be possible by a close follow up.

67. There is no effective mechanism for the monitoring of cases of neglect, abuse and violence, especially of PwDs under institutional care.

68. Children with disabilities are the victims of violence in both public space and private space. Gender stereotypes, less or no social support, lack of solidarity, less or no knowledge about PwDs are among the reasons of violence.

Proposed Questions:

Q31: Because of the inaccessibility of the ŞÖNİM building, how many women have been referred to centers where institutional care are provided? What precautions are taken for the confidentiality of ID and security of women who are referred to care centers?

Q32: Is Women's Shelter, number of which is mentioned in the Country Report as "one"; which is restructured in accordance with accessibility principles and is providing service under the name of the Privatized Women's Shelter made widespread in all cities? How many are these shelters?

Q33: Is the independent audit mechanism mentioned in the paragraph 122 of the country report established? What are the activities of this mechanism made so far?

Article 19

LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY

69. Living independently for PwDs is to have the freedom to control and to choose their own life and lifestyle. In order to achieve this, firstly, it is necessary to provide decentralization, accessible environment and individual assistant services. It is seen in the Country Report that "the right to live independently and be included in the community" is not understood in accordance with the spirit of the Convention; independent living policy supports the institutional or family care for the PwDs.

Those who can benefit from institutional or family care are those considered with "severe disability report". Persons who can leave the home without a care giver or who can self-care cannot benefit from this support. There is no work in the direction of the development of the Personal Assistance services, which are one of the most important tools to support the independence of disabled people.

70. The legislation in our country, in accordance with Article 19; all the disability has the right to live in society as having equal choices with others. However, in the Country Report, it is often referred to as home or institutional care.

71. Politics has not been provided to the disabled to access their personal, spatial and social support they need for independent living. In addition, there are limitations in providing the hearing aid, wheelchair, orthosis, prosthesis. These equipments are quite expensive in our country and the State gives very little benefit. There is no obligation for disabled people to be provided with support from local authorities in order to make their dwellings accessible. Presence of prejudices in society; support services for the disabled are seen as "expensive and unnecessary".

72. For those who are 18 years of age but are not employed, there are certain criteria for the attachment of a disabled wage under the name of "social assistance" under Law No. 2022. The disabled individual is not considered an independent individual for this social assistance.

73. If the income per capita is less than one-third of the minimum wage (\$ 75 for 2018), the disabled individual's salary will be connected.

74. It is learned from the inhabitants or workers of nursing homes where PEG-Percutaneous Endoscopic Gastrostomy practice is provided to children especially to those who have difficulty in being fed orally such as children with CP, the children with "severe" intellectual disability are provided with sedative drugs to control the aggression of those children staying in the nursing homes.

However, it is almost impossible in our country to conduct an investigation in care homes in that regard, because these institutions are seen as "institutions inaccessible to the others" in case NGOs request an investigation.

75. Mothers who cannot find a solution to look after their children with disabilities are often becoming away from work life because they undertake the burden of care.

76. PwDs also have difficulties in accessing sexual health services. Even experts working on this field have prejudices that PwDs do not have a sexual life. There are no mechanisms to enable persons with physical impairments to undergo a medical examination independently; brochures and leaflets printed and distributed in subjects such as sexuality, sexual health, reproductive health are not accessible for people with visual impairments; the privacy of the persons with hearing impairments is not ensured due to lack of experts knowing sign language.

77. Desexualization of PwDs is one of the obstacles in front of an inclusive sexuality training. This makes them more vulnerable against sexual violence because they have difficulty in reporting such cases to the authorities. It is very difficult to stop this violence because the perpetrators of domestic violence and sexual violence they suffer are the caregivers of them.

78. Persons with intellectual impairments cannot understand or report the sexual violence they faced.

79. When PwDs want to have children, they are discriminated against by health officials and cannot access to the reliable information and support they need. It is even suggested for some PwDs to undergo an operation forcibly to stop the reproductive functions.

Proposed Questions:

Q34: By accepting the disabled individual as an independent individual in accordance with Article 19 of the Convention; do you think that you can make an arrangement where only the income of the disabled is paid without considering the social benefits of the family income?

Q35: Do you have a plan as the state for supporting the purchase of personal assistantship services by taking into account the individual needs of PwDs regardless of whether they benefit from care services? What is your state policy in this regard?

Q36: Do you have a plan to support people with disabilities who are not relatives or vassals but who want to live in their own home to receive services from caregivers recruited by the State, taking into account their individual needs?

Q37: When will you add a course module under the name of "independent living skills" in inclusive education institutions where PwDs can access to education?

Q38: How many PwDs staying in the institutional care are undergone a Percutaneous Endoscopic Gastrostomy practice?

Q39: Are you planning to make arrangements for supporting wheelchair, hearing aid, orthosis, prosthesis, etc., which will support independent living, with the aid of the state budget, taking into account individual needs?

Article 20 PERSONAL MOBILITY

80. The Country Report on personal mobility and transportation mentions the discounts provided for PwDs in inner and inter-city public transportation. However, no details are available on the accessibility of vehicles of transport, boarding and landing stops, stations and airports. There are voice announcement systems that indicate the stops in buses in Istanbul and Ankara, but these are not available in other cities.

It is observed that even the present announcements can not be operated properly due to human error and insufficiency of physical conditions. There are no Braille maps for the use of blinds at the metro stations. The guide lines at the airports are structured to take the person to the information desk only.

Article 21 FREEDOM OF EXPRESSION AND OPINION, AND ACCESS TO INFORMATION

81. In Country Report, translation and promotion of the Web Content Accessibility Guidelines (WCAG) criteria are mentioned, but there is no legislation on the enforcement and monitoring of these criteria. Although there are regulations and guidelines regulating physical accessibility, there is no comprehensive study regulating accessibility of information, webpages, and applications. Although the Information and Communication Technologies Authority (BTK) has provided some rules with its accessibility studies, only GSM operators have implemented them.

82. It is observed that the disability is shown on the TV series as a pitiful situation and dependency. There is still no improvement on TV broadcasts in order for those can be accessible by persons with hearing impairments (a broadcast with subtitle, sign language interpreter support) or be accessible for persons with visual impairments (a broadcast with audio support).

Proposed Questions:

Q40: How many TV channels in our country are accessible for persons with visual impairment and persons with hearing impairment?

Q41: To provide access to information in all public and private institutions; Do you intend to initiate an action plan for recruiting sign language interpreters, taking information access measures with the Braille alphabet and supervising them?

Article 23

RESPECT FOR HOME AND THE FAMILY

83. Applications for the adopting by PwDs are also denied (Article 13 of the Adoption Directive).

84. There is also discrimination in the provision of the Foster Family Legislation; a report is requested to prove that the applicant does not have any physical impairment, mental illness, ongoing sickness and infectious disease at a level that may harm the child.

Proposed Questions:

Q42: Which institution/unit is providing counseling services for parents with disabilities? How many parents with disabilities have received counseling by years?

Q43: Which special units provide counseling services for women with disabilities before and after childbirth, in which subjects are they provided with training / counseling, and how many women with disabilities are benefiting from this service by years?

Q44: Is the foster-parents and adoption laws considered to be amended in accordance with the Convention, which restricts the rights of persons with disabilities?

Q45: In which institutions and by which professional staff are the Family Counseling services, which are mentioned in the country report, provided to PwDs?

Article 24 EDUCATION

85. There are legal regulations in accordance with Article 24. However, in practice it appears that the Convention is frequently violated. As the conditions of accessibility in education are not provided, the dismissal rates of disabled people are high. Although the right to life-long education for the disabled is protected by the Constitution, there are no policies to ensure that they remain in compulsory education.

86. According to UNESCO's 2017 Global Education Monitoring Report; 18-24 years, indicating that the barriers between young people in Turkey over 60 percent early departure from school. This is the highest rate among 25 European countries.

87. There is no data recording system in our country that shows the educational attainment (age, gender, disability status) of disabled individuals.

88. For an inclusive education physical access to schools and access to information should be provided. Textbooks distributed free of charge to schools are not given in pdf format to blind students.

89. Located in the Convention; contrary to the statements regarding participation in equality of opportunity and general education in education; are sent to the NGOs where decisions are taken against the child. Among these decisions; the child's decision to coalesce is terminated and directed only to the schools that provide education for the disabled, the number of days and hours of education is reduced, the child is left in the classroom in the face of insisting that the child remain in the school

90. Instead of making arrangements for children with disabilities, school administrations must make a decision to the Guidance Center to ensure that children arrive at school on certain days and hours. Unfortunately, complaints about discrimination are not taken into account.

91. There is no legal regulation on participation in general education for children with severe disabilities (bed dependent). These children are enrolled in schools but their records are shown as "passive enrollment".

92. Children with disabilities; when it is not requested by school management in school records, as a solution; the child is directed to the schools providing education for the disabled. This is because administrators do not have knowledge of the Convention.

93. There are no health personnel and school social services experts who will provide continuous service to schools.

94. In the application made to KDK by a university student, who has severe hearing impairment, on the fact that no special precautions were provided during the entire education and therefore the graduation was delayed, it is observed that the institutions arbitrarily make the renewal of the health report by PwDs obligatory, that the institutions avoid the responsibility of them and that they are not aware of the provisions of CRPD, reasonable accommodation in particular. It has been seen that the student has not been able to benefit from CRPD's Article 24.

Proposed Questions:

Q46: Do you think that necessary studies should be done in order to make exams made by Student Selection and Placement Center (OSYM) in computer system with sign language according to obstacle situation?

Q47: What measures do you take to ensure that children who are bed-dependent or use respiratory devices are included in general education?

Q48: Regarding the physical and wisdom access of all schools including universities; what is the last date you set for taking all the measures?

Q49: What kind of work do you do to have tablets distributed to schools arranged in a way that can be used by sight, hearing and mentally handicapped children?

Q50: What measures do you intend to take in order to eliminate the lack of capacity, political will and technical knowledge in the implementation of the right to be an internally educated person?

Article 25 HEALTH

95. The laws in Turkey prohibit disability based discrimination in health care. A study conducted by the Presidency of Administration for Disabled People (2010) showed that more than 50% of persons with disabilities are often discriminated while receiving health care.

96. The state has efforts to ensure the accessibility for persons with disabilities, but there are still deficiencies about the accessibility of health institutions (physical access, access to communication and information); medical examination tables and equipment are not suitable for PwDs. For example, medical examination tables and mammography devices in maternity clinics are not particularly accessible for women with physical impairments.

97. Public health programs are not planned by considering PwDs. There are no reproductive and sexual health programs for PwDs.

98. There is no state policy in multidisciplinary clinics on the areas where services should be provided. Ex: In cases such as Spina Bifida, cerebral palsy, multiple sclerosis etc., it is necessary for patients to receive lifetime health care. However, in each region of the country, there are no specialist units in the treatment of these diseases in each hospital. These services often are not at affordable prices.

99. In the majority of cases of disability due to a rare illness, the treatment costs are not covered by the state. For example, individuals with Walf-Hirschhorn syndrome cannot get any subsidy although they are in need of physiotherapy. Children without motor development due to premature birth also cannot get the subsidy.

100. Children, who have to stay at home by being connected to the respiratory equipment (like Spinal Muscular Atrophy patients), do not have the right to get physiotherapy at home.

101. There is discrimination among the individuals, who are provided with physiotherapy, medical equipment, orthosis, prosthesis support, which are covered by social security. For example, for a dental implant, 700 liras (+-108 dollars) are provided to the MPs, however, PwDs can only get 90 liras (13 dollars) if only special conditions are met (like absence of teeth due to illness).

102. From those who use a wheelchair, the ones, who can use their hands or who do not suffer any cardiac disease, COPD or other illnesses, cannot get a subsidy from SGK. For example, persons with spinal cord paralysis cannot get a subsidy for obtaining a motorized wheelchair, if they can use their hands.

103. The physiotherapy services needed by persons with disabilities were terminated in 2016 for those aged 16. The age limit has been removed by the efforts of NGOs. However, disabled people over the age of 16 can take only the first 30 sessions of physiotherapy services they need from private centers and they have to take the remaining 30 +30 sessions from the service providers of the Ministry of Health.

104. With early detection of impairment, early support provision, special training and physiotherapy should be provided as of early stages. Providing early rehabilitation services for infants is vital even if there is no diagnosis yet. A policy in our country for infants at risk has not been developed.

105. In Turkey, the persons who have a right priorly to comment on the special training, home schooling, obtaining driving license, disability allowance, tax relief and purchase of medical supplies by PwDs, are doctors. This is a sign that the State still insists on applying the medical model, although it claims that it has shifted from social model and human rights perspective in disability. This is an important problem and creates the basis for many of the problems faced by PwDs.

Proposed Questions:

Q51: When will the "Regulation on the Special Needs Report for Children and Teenagers" pending since 2013 enter into force?

Q52: Is it planned to make arrangements for individuals diagnosed with rare diseases-who need to receive physiotherapy and are not covered by SGK?

Q53: Is there a study on the purchase of special tools for the use of obstacles, such as examination table, obstetrical examination table, mammography device?

Q54: Do you have a service plan for disabled people who need special health care services, including multidisciplinary clinics?

Q55: What kind of activities do you plan to do to improve the health of people with disabilities and to benefit from public health programs?

Article 27 WORK AND EMPLOYMENT

106. In accordance with Article 27 of the Convention; there is no active and sustainable policy to provide employment for the disabled, and what is available is insufficient. A few numbers of positive steps taken in the employment of PwDs have been realized by the persistent initiatives of the relevant NGOs.

107. Since 2012, Disability Public Personnel Selection Examination (EKPSS) and lottery method has been applied in order to choose the disabled people to be employed in the public. Physical, visual and hearing impairments are challenged due to technical problems in these exams; they are entering the same test as those with disabilities due to chronic illness. This creates inequality.

108. Career development opportunities for disabled people are being narrowed by eliminating the profession-acquiring disability and expert staffing in the EKPSS.

109. Since many lawyers and engineers are not assigned to their positions; do not have a chance to make their profession.

110. In the Regulation on Protected Workplaces, it is requested to open protected work places for mentally disabled individuals defined as hard-to-hire individuals. This is contrary to Article 27. Expanding protected workplaces; barriers will be prevented from being present in an open, inclusive and accessible workplace.

111. A large part of the persons with visual impairments, who are able to work, are employed as telephone operators in the operator units located at the basement floors of the institutions, regardless of the education they receive, of their professional skills and of the titles. The main reasons for this are prejudices on that persons with visual impairments cannot do a job properly and the cost of the technological infrastructure that enables this group to do their jobs properly is high.

112. According to the Labor Law; a penalty of \$408 is imposed for every disabled worker who is not employed and for each month he/she is not employed, even if he / she has the obligation to employ disabled workers. However, there is no penalty given to public institutions that do not employ disabled people.

113. There is no specific regulation on the right of PwDs to change their duty stations between institutions. Therefore, the institutions should take into account the excuses of PwDs they employed, such as excuses about disability, medical follow-up and treatment.

In an application made to KDK (Ombudsman) in this respect, it is observed that Ministry of Health did not take special measures for the best interest of the employee in line with Article 10 of the Constitution. So the Ministry of Health did not take into account Article 50 of the Constitution either.

114. The State institutions are obliged to ensure that PwDs access to services equally. It is observed that a candidate, who cannot use their hands, of Public Personnel Selection Examination for PwDs wrote a petition to OSYM to request an extra time by saying that solving the questions will take longer by using the marker, but OSYM sent a written answer in response to this petition dated on 12/02/2016 and said that "there is no extra time will be allocated for the disabled candidates benefiting from the markers". This was evaluated by KDK as a violation of Article 10 of the Constitution.

115. Decree Law on the Arrangement of Personnel Regime of State Owned Enterprises No. 399 of 1990 (KCC) clearly shows that Articles 12 and 27 of the Convention are clearly violated. This violation also indicates that there is no obligation to hire disabled people in the State Economic Enterprises. The KCC says that people with disabilities will not be hired and that the contracts of those who become disabled after entering the job will be terminated.

Proposed Questions:

Q56: In line with the number of PwDs who were not employed, the employers who do not conform to the 3% quota in the private sector, are imposed fines monthly. Is there such a sanction imposed as well in public sector?

Q57: Is there a system in which PwDs, who were employed in the public sector and became civil servants, but who receive salaries without going to work because the institution does not provide accessibility measures, is monitored and audited?

Q58: How many PwDs are there serving as governors and district governors? Are there any women among them?

Q59: What kind of plans do you have for increasing the participation of women with disabilities in the workforce?

Q60: What measures do you plan to take in order for disabled people to be employed in the appropriate jobs for their training and profession?

Q61: Do you consider removing the discriminatory provisions that explicitly restrict the employment of disability in your legislation, in accordance with Articles 12 and 27 of CRPD, and to ensure the employment of disability?

Article 28 ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

116. There is no official statistics about the poverty rate for PwDs. However, the statistics on "Old-Age and Disability Salary", which is provided to the elderly people aged 65 and over having no social security and to the PwDs being unable to work since they are not assigned a job by Turkish Employment Agency and to their dependents, will give an idea about the poverty status of PwDs in Turkey.

117. According to data of General Directorate of Social Assistance, the number of persons benefiting from Old-Age and Disability Salary Allowance in 2002 was 1.008.846 persons and was 1.333.001 persons in 2017.

118. Assuming that 6.6% of the population is from at least one impairment category as it was in 2011, the number of PwDs by 2017 is approximately 5,300,000. According to this, the poverty rate for the PwDs is approximately 25%. In other words, of PwDs, each 4 of them can be considered as poor people.

119. The allowance paid for these persons varies between 50 and 80 dolar depending on the levels of disability. This amount is below the hunger and poverty line in our country.

120. As a result, although the state is providing various supports to PwDs, even these supports cannot prevent them from living below the poverty line.

121. Although PwDs turn 18, in defining the Disability Salary, the incomes of their family members and dependents are also taken into account. In other words, many PwDs who cannot participate in labor force and are poor are not able to benefit from social benefits because the income level of their families are taken into account. This is a major barrier to independent living for PwDs.

Proposed Questions:

Q62: Are there any disaggregated data on the poverty status of PwDs? If not, what are you going to do to collect the data?

Q63: What kind of measures do you plan to take to prevent poverty among PwDs?

Q64: What is the reason for calculating the family income rather than the individual income, for assigning salary for PwDs? Do you think to amend this?

Q65: What policies are you following to prevent poverty and to provide the PwDs with a share from sustainable development and to ensure a disability perspective in all sectors that conduct these studies?

Article 29 PARTICIPATION IN PUBLIC AND POLITICAL LIFE

122. While Article 67 of the Constitution guarantees secret ballot for all, Article 93 of the Election Law stipulates that "those who are blind, paralyzed and not able to use their hands may vote with the help of another voter of the same poll". In other words, the law makers think that with Article 93, they have taken the necessary accessibility measures for the right to vote of PwDs and that this is sufficient. However, this article imposes a solution to the PwDs that violates individual autonomy and privacy.

123. Political parties only provide discounts in the amount of being candidate for nomination or free admission in applications of PwDs who are participating in the elections.

124. The "template" prepared by NGOs, which will enable persons with visual impairments to vote independently, is not currently implemented by the Supreme Electoral Council. It has been used with the efforts of NGOs in the last elections, but these templates have not been delivered to each persons with visual impairments.

125. No measures have been taken to provide secret and safe voting rights for all visually impaired persons who can and do not use Braille. Severe physical disabilities are unable to vote because they can not reach the ballot box because of lack of accessibility measures at the election sites. In the last elections, mobile crate implementation was made only for bedridden patients.

126. There are no MPs with disabilities coming from disabilities movement.

127. Only about 30 of the city council members around 20 thousand are obstacles.

Proposed Questions:

Q66:What measures are being taken to ensure that barriers are represented in municipal councils?

Q67: Will you develop a method for blind citizens to vote independently and secretly? Do you work on multiple voting options, including template, for blind and non blind visually impaired people?

Article 31 STATISTICS AND DATA COLLECTION

128. The Research on Employment and Problems of PwDs in Public Sector was conducted by the Ministry of Family and Social Policies in 2015, but its results have not been shared with the public. It is known that the people who are employed in the public sector by EKPSS-Public Personnel Selection Examination for PwDs, are discriminated in many ways. Despite the fact that more recent policies can be developed with these research results, the Ministry shares only the number of PwDs employed in the public sector and the information on their disability status.

The fact that the PwDs working in military institutions are not included in this research is a disadvantage in terms of the inclusive scope of the research

Proposed Questions:

Q68: When will the Research on Employment and Problems of PwDs in Public Sector be shared publicly?

Q69: When will the next population census be made? What is thought to be counting on to reveal what measures Turkey Disabled Profile with realistic data?

Article 33 NATIONAL IMPLEMENTATION AND MONITORING

129. While the Presidency of Administration for Disabled People (OZIDA) was an institution doing its work independently and effectively under the Prime Ministry, it was transformed into the General Directorate of Services for Disabled People and the Elderly (EYHGM)in 2011. OZIDA had effective and participatory activities in terms of NGOs, especially like the Disability Council; EYHGM cannot continue the effective and participatory activities It should be known that the NGOs whose views were taken into account in the process of preparing the National Report are not the human rights based NGOs working in the country.

130. In accordance with the requirements of the CRPD ratified by our country in 2008, The Prime Ministry Circular (Circular No: 2013/8) was published on 19 July 2013 for the establishment of the Monitoring and Evaluation Board on the Rights of PwDs. In the identification of NGOs to be included in such a Board, it was stated that "the establishment of the Board will be made by the participation of sufficient number of representatives from NGOs and other institutions having activities about PwDs, determined by the Minister of Family and Social Policies". This statement cast doubts on according to which principles the Ministry will choose NGOs, whether this choice will be inclusive in terms of representation.

The appeal to the court for the stay of the executions was made by Confederation of Disabled People, but there is still no conclusion. This Board held its first known meeting in May 2014, and there is no information on the meetings held after that.

131. One of the independent mechanisms required by Article 33.2 of the Convention on the Rights of PwDs is the Ombudsman Institution.

132. It seems that some recommendations made by the Ombudsman have not been taken into account by the ministries and agencies. There is no arrangement to ensure that recommendations are taken into consideration. For example; The Ombudsman has found that the individual is right and that he has recommended the Ministry of Family Affairs to make the necessary legal arrangements for an applicant who has suffered achondroplasia and has been unable to take advantage of his disability because of the difficulty he suffered due to achondroplasia. However, the Ministry has not yet made legal arrangements

Proposed Questions:

Q70: Do you intend to establish a NGO-based mechanism within the Ministry for monitoring the services provided to the disabled under the CRPD?

Q71: Do you intend to make an amendment to ensure that the recommendations of the Ombudsman Institution are taken into consideration compulsorily by the ministries, institutions and organizations that are complained about?

Q72: What kind of studies has Monitoring and Evaluation Board on the Rights of PwDs conducted until now? According to which principles were the NGOs that will serve on this board chosen? What is the date of latest meeting of this Board and what decisions were taken?