



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Turkey*

I. Introduction

1. The Committee considered the initial report of Turkey (CRPD/C/TUR/1) at its 439th and 440th meetings (see CRPD/C/SR.439 and 440), held on 13 and 14 March 2019. It adopted the present concluding observations at its 460th meeting, held on 28 March 2019.
2. The Committee welcomes the initial report of Turkey, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/TUR/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/TUR/Q/1).
3. The Committee appreciates the fruitful dialogue held with the State party's delegation and commends the State party for the strength of its delegation, which included representatives of relevant government ministries and the office of the ombudsman.

II. Positive aspects

4. The Committee acknowledges the State party's ratification of the Optional Protocol to the Convention in March 2015, and welcomes the progress achieved since the ratification of the Convention in 2009. It welcomes, in particular, the enactment of legislative reforms, including the amendment in 2014 to the Turkish Disability Act, to define disability-based discrimination and reasonable accommodation, and the amendments to 87 laws and nine decrees to eliminate derogatory terminology. It further commends the State party for amending the Constitution in 2010 to provide affirmative measures for, among others, persons with disabilities.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about the prevalence, in practice, of the medical, charitable and paternalistic approaches to disability, exemplified by disability assessments on the basis of medical reports, which reduce persons with disabilities to their impairments and health condition.
6. **The Committee recommends that the State party:**

* Adopted by the Committee at its twenty-first session (11 March–5 April 2019).



(a) **Revise its legislation and policies at the national and provincial levels to harmonize them with the human rights model of disability, upholding the principles of dignity, individual autonomy and equality of persons with disabilities in all areas of life;**

(b) **Amend current legislation concerning disability assessments, ensuring that persons with disabilities, through their representative organizations, are involved in the design of such legislation, and that multiple assessments do not create an undue burden for the persons involved; reduce the burden on applicants and promote consistency and transparency, with effective safeguards for persons with disabilities.**

7. The Committee is concerned that there is no updated and transparent information and no recorded progress in the areas covered by the strategy and national action plan on accessibility and the 2011–2013 strategy and plan on care services.

8. **The Committee recommends that the State party establish an effective mechanism to monitor the progress made in the fields of accessibility and support, involving persons with disabilities through their representative organizations in such monitoring.**

9. The Committee is concerned about the limited information on the progress made to adopt the national action plan and strategy paper on the rights of persons with disabilities, and on the sustained and formal mechanisms of consultation and involvement for the various organizations of persons with disabilities throughout the decision-making process since 2017.

10. **The Committee recalls its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention and recommends that the State party:**

(a) **Ensure transparent and meaningful consultations with representative organizations of persons with disabilities for the adoption of the national action plan and strategy paper on the rights of persons with disabilities and regarding its programmes and all legislation-related bills;**

(b) **Support persons with intellectual or psychosocial disabilities in setting up their representative organizations and include them in consultations concerning the implementation of the Convention;**

(c) **Promote and facilitate the establishment and functioning of organizations of persons with disabilities, guarantee their independence and autonomy from the State, and ensure their access to adequate funding mechanisms, including public funding and international cooperation, and the provision of support for empowerment and capacity-building.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned about:

(a) Discriminatory legislation and practices against persons with disabilities, such as the denial of legal capacity on the basis of impairment, unjustifiable provisions restricting the appointment of persons with disabilities as judges, prosecutors, governors or diplomats, and the legal prohibition of disability-based discrimination, which does not encompass indirect discrimination;

(b) Article 122 of the Turkish Penal Code (Law No. 5237), according to which the criminal offence of disability-based discrimination requires proof of being motivated by hatred;

(c) The absence of effective (recorded) sanctions in legislation in cases of denial of reasonable accommodation and the lack of information available about effective redress, including compensation and reparation in cases of disability-based discrimination;

(d) The absence of information about the situation and measures taken to address multiple and intersectional forms of discrimination against persons with disabilities belonging to ethnic groups, such as Roma persons with disabilities or persons of Kurdish origin with disabilities.

12. The Committee recalls its general comment No. 6 (2018) on equality and non-discrimination and recommends that the State party:

(a) **Revise its legal framework to repeal provisions that discriminate against persons with disabilities, as well as its anti-discrimination legislation, and harmonize it with the Convention, in particular applying the concept of reasonable accommodation in all areas of life; and establish appropriate sanctions in cases of non-compliance with reasonable accommodation required by persons with disabilities, including those with intellectual disabilities;**

(b) **Eliminate the requirement for proof of being motivated by hatred in the prosecution of cases of discrimination on the basis of disability;**

(c) **Monitor the number of discrimination claims on the basis of disability as a proportion of the total number of claims of discrimination, disaggregated by sex, age, geographical location, identified barriers and the number and percentage of judgments that led to compensation or sanctions, and ensure legal safeguards and remedies, as well as related procedures; and provide data on applied sanctions and fines, in cases of denial of reasonable accommodation;**

(d) **Adopt an antidiscrimination policy and specific measures to achieve inclusive equality for all persons with disabilities, including those belonging to minority groups.**

Women with disabilities (art. 6)

13. The Committee is concerned about the lack of specific indicators and mechanisms to measure and monitor the outcomes of public policies as regards achieving inclusive equality for women with disabilities. It is also concerned about the de facto inequality of women with disabilities in access to education and work, compared with men with disabilities. It is further concerned about the intersectional discrimination and exclusion of Roma girls with disabilities, in particular from education.

14. The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, recommends that the State party:

(a) **Adopt specific policies and affirmative action measures for the advancement and empowerment of women and girls with disabilities, and ensure that general public policies for women mainstream the rights of women and girls with disabilities;**

(b) **Adopt benchmarks and indicators concerning the progress on achieving inclusive equality for women and girls with disabilities, particularly in education and work, in urban and in rural areas, through general public policies on women;**

(c) **Adopt legislation and policies addressing the multiple and intersecting forms of discrimination against women and girls with disabilities, including those belonging to Roma communities.**

Children with disabilities (art. 7)

15. The Committee is concerned about:

(a) Insufficient data and information about the implementation of the first strategy paper and action plan on the rights of the children for 2013–2017 and the coordination strategy document on child protection services for 2014–2019, and about their

impact on the inclusion and participation of children with disabilities in society and in public decision-making processes;

(b) The lack of effective mechanisms to support children with disabilities in the community, including children living in rural areas, and to support children with disabilities in lodging complaints about the violation of their rights;

(c) The reports indicating that allowances for families of children with disabilities are subject to a minimum degree of impairment of 40 per cent.

16. The Committee recommends that the State party:

(a) **Establish a transparent mechanism to monitor the impact of relevant policies and strategies on the rights of children with disabilities, in close consultation with, and with the direct involvement of, organizations of children with disabilities, including children with intellectual disabilities;**

(b) **Improve early childhood development programmes for children with disabilities and develop community-based support for children with disabilities and their families, in particular for children living in rural areas;**

(c) **Introduce a mechanism enabling children with disabilities to lodge complaints in a confidential way before public authorities, in cases of violations of their rights, in particular with respect to violations occurring in the family, school and institutions;**

(d) **Extend the coverage and implementation of childcare allowances to families of all children with disabilities, so as to ensure that single parents can also gain access to such entitlements.**

Awareness-raising (art. 8)

17. The Committee is concerned about reports of predominant negative stereotypes and the stigmatization of persons with disabilities in society, in particular:

(a) The absence of an overall awareness-raising campaign to tackle stigma and prejudices against persons with disabilities and the lack of information on the planned communication strategy concerning the ombudsman's strategy paper for 2017–2021;

(b) The lack of translations of the Convention available in Turkish sign language and Braille;

(c) Discriminatory attitudes against living with a disability and biased information given to expectant parents by counselling services, leading to the termination of pregnancy, in particular in cases of a diagnosis of Down syndrome and spina bifida;

(d) Contents of primary school textbooks describing persons with disabilities as, among other things, "needy" and "incompetent" and considering them not to be "normal individuals".

18. The Committee recommends that the State party address discriminatory stereotypes against persons with disabilities, and that it:

(a) **Develop and implement an awareness-raising strategy, including campaigns in line with the Convention, with the meaningful involvement of organizations of persons with disabilities;**

(b) **Translate the Convention into Turkish sign language, Easy Read and other formats, and disseminate Braille transcriptions of the Convention;**

(c) **Raise awareness among all, in particular among medical professionals and service providers, of the contributions of persons with disabilities and the need to eliminate negative attitudes, including by providing information on support for parents;**

(d) **Promote positive perceptions and messages regarding persons with disabilities, focusing on their dignity, capabilities and contributions to society through**

campaigns targeting the general population, schools, public officials, the private sector and educational institutions.

Accessibility (art. 9)

19. The Committee is concerned about:

(a) The limited progress to meet the legally established deadlines to accomplish accessibility goals established in legislation and policies, such as the Turkish Disability Act and the national action plan on accessibility;

(b) The lack of publicly available, comparable, reliable and comprehensive data on financial sanctions and fines for non-compliance with accessibility standards, in electronic mass media, eGovernment services and banking services;

(c) The reports that the accessibility monitoring and audit commissions are not fulfilling their legal obligations, and that the sanctions imposed by the commissions are not applied.

20. **The Committee, recalling its general comment No. 2 (2014) on accessibility, recommends that the State party develop a comprehensive accessibility road map on the basis of detailed data, which sets benchmarks for the removal of existing barriers and promotes universal design for the built environment and for public services, such as transportation, and information and communications technology (ICT). It also recommends that the State party allocate sufficient resources for monitoring the implementation of accessibility standards, with an updated national database throughout all provinces and local governments, including by establishing enforceable and effective dissuasive sanctions for non-compliance.**

Right to life (art. 10)

21. The Committee is concerned about the lack of information and monitoring on the situation of persons with disabilities in institutions, in particular women, and the reported deaths of persons with disabilities.

22. **The Committee recommends that the State party establish an effective and transparent mechanism to investigate situations of persons with disabilities in neglect and destitution, in particular women, and the deaths of persons with disabilities in institutional settings, and that it release periodic public records on the matter.**

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned about the absence of information on a comprehensive strategy and action plan that ensures the inclusion and accessibility of disaster risk reduction measures. It is also concerned about the absence of periodic risk assessments and disaggregated data collection that would allow the State party to identify and address the specific risks that persons with disabilities face in armed conflicts, humanitarian emergencies and natural disasters.

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

(a) **Adopt a national strategy and protocols on disaster risk reduction and humanitarian emergencies, which includes persons with disabilities, in line with the criteria indicated in the Sendai Framework for Disaster Risk Reduction 2015–2030;**

(b) **Ensure that the Disaster and Emergency Management Authority involves organizations of persons with disabilities in the development of risk assessments, plans for disaster risk reduction and data collection efforts;**

(c) **Ensure the continuous provision of human, financial and technical resources for post-emergency rehabilitation, resettlement, reconstruction and rebuilding processes that are accessible and responsive to the specific requirements of persons with disabilities.**

Equal recognition before the law (art. 12)

25. The Committee is concerned about:

(a) The guardianship regime in the Civil Code that limits the capacity to act of persons with disabilities on the basis of psychosocial, intellectual or hearing impairments, and that at least 13,934 persons with disabilities are reported to remain under guardianship and institutionalized in public and private institutions;

(b) The reported ongoing practice of having two witnesses for notarial acts for persons with visual, hearing or speech impairments, despite amendments in 2005 to the notary proceedings prohibiting it;

(c) The lack of transparent and effective data on safeguards and remedies, as well as access to information in cases of violations of the right to legal capacity of persons with disabilities, in particular with regard to the rights to marry and to vote;

(d) The lack of information on the planned transition from substitute decision-making to supported decision-making.

26. The Committee recalls its general comment No. 1 (2014) on equal recognition before the law and recommends that the State party:

(a) Amend the relevant laws to abolish restrictions on the legal capacity of persons with disabilities, and replace the guardianship regime with supported decision-making mechanisms;

(b) Introduce an effective moratorium on new institutionalization of persons with disabilities under guardianship;

(c) Ensure compliance with the notary proceedings, as amended, to ensure equal recognition before the law for all persons with disabilities;

(d) Revise legislative measures in the Civil Code and in other laws that subject persons with intellectual impairments to medical authorization with regard to their right to marry or vote;

(e) Build the capacity of civil servants, law enforcement officials and judges, as well as social workers, on the recognition of the legal capacity of persons with disabilities and on safeguards and good practices to provide supported decision-making. The State party should meaningfully consult and involve persons with disabilities, through their representative organizations and the ombudsman, at the national, regional and local levels, for developing training programmes and awareness-raising about supported decision-making.

Access to justice (art. 13)

27. The Committee is concerned about:

(a) The lack of specific measures and transparent protocols with remedies to provide procedural and age-appropriate accommodation in judicial proceedings for persons with disabilities, including the official provision of quality sign-language interpretation for persons who are deaf, accessible formats of communication for deafblind persons, hard of hearing persons and persons with intellectual or psychosocial disabilities, in particular in civil cases;

(b) The limited provision of legal aid for persons with disabilities in all areas of the law and the lack of access to information about legal services;

(c) The barriers for physical accessibility to court buildings and prosecution offices;

(d) The law on judges and prosecutors (Law No. 2802), which prevents the employment of persons with disabilities as judges and prosecutors.

28. The Committee recommends that the State party:

(a) **Take steps to facilitate accessible and non-discriminatory access to the justice system for persons with disabilities by ensuring procedural and age-appropriate accommodation and clear administrative procedures on the basis of legislation;**

(b) **Ensure human and financial resources to provide persons with disabilities with legal aid, which is accessible and affordable, including through accessible information from and communication with lawyers;**

(c) **Allocate resources and develop a plan within the judiciary with a time frame and benchmarks to ensure the accessibility of police stations, courts and prosecution units, including the provision of accessible transportation;**

(d) **Amend the law on judges and prosecutors (Law No. 2802) and adopt legal measures to allow and facilitate the effective participation of all persons with disabilities in the justice system, including as judges, witnesses, complainants and respondents.**

Liberty and security of the person (art. 14)

29. The Committee is concerned about:

(a) Legislation, including the Civil Code and the law on the execution of penalties, and security measures allowing for the deprivation of liberty of persons with disabilities on the basis of the presumed dangerousness, for the purposes of treatment, rehabilitation or education, and their diversion from the justice system;

(b) The lack of information on legal and administrative review mechanisms for persons with intellectual or psychosocial disabilities in relation to institutionalization processes;

(c) Reports of detentions of persons with disabilities without accessible conditions at police and law enforcement institutions.

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

(a) **Remove from its legislation the concept of dangerousness and abolish institutionalization on the basis of that criterion, taking into account the Committee's guidelines on the right to liberty and security of persons with disabilities (see A/72/55, annex), and repeal exceptions to criminal prosecution and criminal responsibility that result in deprivation of liberty;**

(b) **Ensure that persons with disabilities have access, on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, to legal proceedings to appeal the deprivation of their liberty;**

(c) **Ensure that detention facilities and police and law enforcement institutions are accessible for persons with disabilities.**

31. **The Committee further calls upon the State party to be guided by its obligations under article 14 of the Convention, and the Committee's guidelines on article 14 of the Convention (2015) (see A/72/55, annex), throughout the regional discussions concerning a draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention).**

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

32. The Committee is concerned about:

(a) The absence of information about measures to protect the rights of persons with disabilities and prevent abuse and involuntary admission to psychiatric hospitals, residential facilities or other institutions;

(b) Insufficient accommodations available for persons with disabilities in prisons, reports of ill-treatment of persons with disabilities in prisons, limited access to remedies in cases of ill-treatment, and risks of reprisals;

(c) The lack of information about monitoring of residential facilities to prevent ill-treatment and the restrictions on monitoring by civil society organizations of persons with disabilities deprived of liberty.

33. The Committee recommends that the State party:

(a) **Adopt measures to prevent cases of solitary confinement, seclusion, physical, chemical or mechanical restraints, electroconvulsive therapy and any other involuntary treatment of persons with disabilities in institutions, and investigate and impose criminal and administrative sanctions on perpetrators;**

(b) **Take measures to provide persons with disabilities with individualized accommodations and accessibility in prisons, ensure awareness-raising among and the training of personnel working in mental health facilities and prisons about the rights of persons with disabilities, and ensure access for persons with disabilities to legal aid and a lawyer during custodial interrogation; adopt a protocol and establish a mechanism to prevent and address reprisals against persons with disabilities in cases of ill-treatment; and systematically collect information about measures taken to protect victims;**

(c) **Ensure the transparency and effectiveness of the existing monitoring mechanisms for detention and residential facilities, and the publication of their findings; collect information about measures taken to address cases of ill-treatment and establish and disseminate information in accessible formats about complaint mechanisms and remedies available; and ensure access for independent monitoring by civil society organizations, including organizations of persons with disabilities.**

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

34. The Committee is concerned about:

(a) The absence of a strategy to identify situations with a heightened risk of abuse and to address cases of gender-based violence against women and girls with disabilities, in particular in the family, residential facilities and schools;

(b) The limited accessibility of shelters, in particular violence prevention and monitoring centres, for women with disabilities who are at risk of, or victims of, various forms of gender-based violence;

(c) The lack of publicly available information on the monitoring mechanism of the ombudsman's office for institutions and its reports on findings, as well as on the monitoring activities conducted by the provincial directorates, the Ministry of Family, Labour and Social Services and the National Human Rights and Equality Institution.

35. The Committee recommends that the State party:

(a) **Release information on a regular basis about gender-based violence against women and girls with disabilities, promote awareness-raising and training among peers and from organizations of women with disabilities about situations of risk and violence, and allow the establishment of community networks that provide women and girls with disabilities with mechanisms for reporting violence that complement the "Women Support" mobile application. The State party should adopt clear legal and administrative safeguards and non-discriminatory measures to address all forms of gender-based violence against women and girls with disabilities, including sexual violence and domestic violence;**

(b) **Increase the human, technical and financial resources allocated to ensure the accessibility of shelters and, in consultation with civil society organizations, including organizations of women with disabilities, improve the availability of information and identify remaining attitudinal, procedural and physical barriers to**

the accessibility of shelters for women and girls with disabilities who are at risk of, or victims of, various forms of gender-based violence;

(c) **Ensure the functional, structural and financial independence of the National Human Rights and Equality Institution of Turkey, and ensure that its duties as the national mechanism for the prevention of torture cover the monitoring and prevention of torture in psychiatric hospitals and any other institution where persons with disabilities reside, in line with the provisions of article 16 (3) of the Convention.**

Protecting the integrity of the person (art. 17)

36. The Committee is concerned about reports of forced sterilization and forced abortion performed on women and girls with intellectual or psychosocial disabilities. It is also concerned about the lack of information about procedures to safeguard the physical and mental integrity of persons with disabilities, in cases in which guardians or other third parties request or authorize medical interventions without their consent.

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

(a) **Revise current legislation and prohibit the practice of medical interventions on the basis of consent by a third party acting as a guardian or tutor of persons with disabilities deprived of their legal capacity, and that it develop supported decision-making mechanisms for persons with disabilities that respect the will and preferences of the person and protect their dignity and individual autonomy;**

(b) **Adopt measures to ensure the prohibition of forced abortions and forced sterilizations, and raise awareness of forced medical interventions as harmful practices; and ensure that the prior and informed consent of persons with disabilities is given for any medical and surgical treatment;**

(c) **Ensure that brochures, social media posts and guidebooks on patients' rights are in accessible formats, such as Easy Read formats and plain language, and that persons with disabilities, doctors and health personnel in all health-care facilities are aware of them;**

(d) **Provide sufficient remedies, including compensation, reparation and rehabilitation, to persons with disabilities who have been subjected to any forced medical intervention, ensure that information retrieved by the National Human Rights and Equality Institution is expeditiously processed and that victims are assisted.**

Liberty of movement and nationality (art. 18)

38. The Committee is concerned about the limited information relating to:

(a) The proportion and situation of migrant workers, asylum seekers and refugees with disabilities in the State party;

(b) Procedural accommodations and support available to persons with disabilities throughout immigration or asylum-seeking procedures, including prior to resettlement, and training provided to personnel in charge of migration and the determination of refugee status;

(c) Public policies and programmes addressing the rights of migrant workers, asylum seekers and refugees with disabilities, and on the involvement of civil society organizations, including organizations of persons with disabilities, in identifying the support requirements of refugees with disabilities.

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

(a) **Conduct research and collect data to assess the situation of persons with disabilities on the move in the State party, including migrant workers, asylum seekers and refugees with disabilities, disaggregated by, inter alia, gender, age and ethnic background, and establish a multi-stakeholder mechanism, which includes organizations of persons with disabilities, aimed at informing public policies and programmes;**

(b) **Adopt a protocol on the provision of procedural accommodations and support during immigration procedures, refugee status determination procedures and resettlement; provide persons with disabilities with information on available accommodations and support, in accessible formats, Easy Read formats and in the native languages of the main migrant, asylum-seeking and refugee communities; and ensure the training of officials working at protection desks on the rights of persons with disabilities under the Convention;**

(c) **Ensure that, in public policies and programmes, migrant workers, asylum seekers and refugees with disabilities are recognized, and allocate the human, financial and technical resources to ensure the accessibility, reasonable accommodations and support that they may require, in particular for refugee women with disabilities.**

40. The Committee is concerned about information indicating that persons with physical disabilities require medical reports as a precondition for air travel, and that persons with intellectual or psychosocial disabilities require approval from their guardians to travel abroad.

41. **The Committee recommends that the State party abolish the discriminatory requirements of medical reports and third-party authorization preventing the freedom of movement of persons with disabilities within and outside the territory of the State party.**

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

42. The Committee is concerned about:

(a) The absence of a legislative framework in which the right of persons with disabilities to live independently and choose their place of residence is recognized;

(b) The prevalence of the institutionalization of persons with disabilities on the basis of an impairment, in facilities such as “hope homes”, including children with disabilities, who remain in residential nursery schools and orphanages;

(c) The medical approach to support, which is linked to institutions or followed for screening, diagnostic, intervention and rehabilitation purposes, in particular with respect to autistic persons, and the low level of awareness among persons with disabilities of the available forms of support and the mechanisms to gain access to them;

(d) The absence of measures aimed at obtaining personal assistance and the fact that the minimum wage in cases of in-home support is provided to relatives or guardians rather than to the persons with disabilities themselves;

(e) The absence of a holistic approach with respect to accessible community services for facilitating inclusion, in particular the lack of measures to ensure access to housing in the community.

43. **With reference to the Committee’s general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party:**

(a) **Revise the law on social services (Law No. 2828) to comply with the Convention, recognizing the right of persons with disabilities to live independently as an individual right, and establishing measures to facilitate the exercise by persons with disabilities of their autonomy in choosing where, and with whom, to live;**

(b) **In consultation with organizations of persons with disabilities, adopt, implement and monitor a strategy at the national and provincial levels, with a specific time frame and benchmarks to deinstitutionalize persons with disabilities, including children with disabilities, and replace all institutionalized settings with support for independent living;**

(c) **Allocate greater resources for developing individualized support for persons with disabilities, regardless of impairment or age, and ensure that human rights-based mental health is available for all persons with disabilities in all provinces;**

(d) **Systematically provide information in accessible formats to persons with disabilities and their families on how to obtain support to enable them to live independently and be included in the community;**

(e) **Enact policies and legislation and allocate financial resources for increasing accessibility in the community, including affordable housing, the built environment, public spaces and transport.**

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

44. The Committee is concerned about:

(a) The absence of a mechanism to certify qualified Turkish sign language interpreters, and insufficient measures to disseminate and promote the use of Turkish sign language in public offices, schools and cultural facilities;

(b) The insufficient measures to provide persons with disabilities living in rural areas with information in accessible formats, including Braille and Easy Read formats, and with accessible ICT;

(c) The insufficient enforcement of the Web Content Accessibility Guidelines and the low percentage of public websites compliant with those guidelines, and the fact that only some broadcasters apply sign language interpretation and audio description.

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

(a) **In conjunction with organizations of persons who are deaf, establish a mechanism to ensure the quality of interpretation services;**

(b) **Promote and facilitate the use of accessible formats, modes and means of communication, including in Braille and Easy Read formats, and grant persons with disabilities, including those living in rural areas, access to ICT, including through the provision of low-cost software and assistive devices;**

(c) **Redouble its efforts to ensure the accessibility of government websites, ensure that private entities providing information services through the Internet do so in accessible formats for all persons with disabilities, and apply sanctions to broadcast companies in cases in which there is a lack of compliance with accessibility standards.**

Respect for home and the family (art. 23)

46. The Committee is concerned about provisions in the Civil Code restricting the rights of persons with intellectual or psychosocial disabilities to marry and create a family by requiring health reports in which the absence of medical impediments is certified. It is also concerned about the stigmatization of persons with disabilities, preventing their parenthood roles, and the limited access to support for the parents of children with disabilities, which is provided only to parents of children with high support requirements.

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

(a) **Repeal provisions in the Civil Code that deny persons with disabilities the right to marry, and ensure that they can exercise their rights relating to marriage, family, parenthood and relationships on an equal basis with others;**

(b) **Adopt measures to support parents of children with disabilities in raising their children at home and to eliminate social stigma against persons with disabilities regarding parenthood, including through the adequate provision of allowances and support.**

Education (art. 24)

48. The Committee is concerned about:

(a) The persistence of segregated education, which is discriminatory at all levels, and the absence of an inclusive education system, reasonable accommodations and support, at all levels of education, despite the improvements to the physical accessibility of schools;

(b) The absence of systematic data on children with disabilities receiving individualized support in mainstream schools;

(c) The fact that curricula, in particular on mathematics and computing, have not been adapted to the requirements of students with disabilities, that teachers and non-teaching staff lack training on fostering quality, inclusive education, resulting in de facto denial of education for students who are deafblind.

49. **With reference to the Committee's general comment No. 4 (2016) on the right to inclusive education, the Committee recommends that the State party:**

(a) **Recognize inclusive education in its legislation as a substantive enforceable right, and adopt public policies and strategies to implement it at all levels, including in higher education, with appropriate human, technical and financial resources;**

(b) **Ensure the provision of adequate individualized support and accommodations to enable children with disabilities, including children with intellectual disabilities, to receive quality inclusive education on an equal basis with others;**

(c) **Ensure the systematic collection of data, disaggregated by age, sex, impairment and location, on progress towards achieving inclusive education;**

(d) **Adapt curricula around students' requirements, and provide training to teachers and other staff working in the education system on the rights of persons with disabilities under the Convention and competencies to foster inclusive education.**

Health (art. 25)

50. The Committee is concerned about:

(a) The insufficient availability, affordability and accessibility of hospitals and other health-care services for persons with disabilities, in particular concerning access to specialized treatments, physiotherapy, equipment for examination and accessible information;

(b) Attitudinal barriers and prejudices among health-care personnel, which prevent access for persons with disabilities to sexual and reproductive health, and a lack of measures to ensure the privacy of persons with disabilities during consultations or examinations;

(c) The lack of data, disaggregated by sex, age, ethnic origin and migration status, on persons with disabilities taking part in family practice systems, mobile health care, patient transportation services and conditional cash transfers to facilitate access to health services, in particular in rural areas.

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

(a) **Improve the availability, accessibility and affordability of health care for persons with disabilities, and take measures to ensure that investments in health-care infrastructure prioritize universal coverage, accessible equipment, specialized care and accessible information and interpretation services required by persons with disabilities;**

(b) **Strengthen training and awareness-raising among health professionals on the rights of persons with disabilities, including their sexual and reproductive rights, and adopt protocols on the conduct of medical examinations and consultations that respect the right to privacy of persons with disabilities;**

(c) **Implement monitoring mechanisms for community-based health care, such as the family practice system, mobile health care and patient transportation services, to identify the extent to which persons with disabilities, in particular in rural areas, have access to the programmes and health services provided.**

Work and employment (art. 27)

52. The Committee is concerned about:

(a) Discriminatory policies on the basis of impairment, promoting sheltered workplaces for persons with disabilities, which affect persons with intellectual or psychosocial disabilities in particular, rather than creating opportunities for their employment in the open labour market;

(b) Insufficient information about the provision of individualized support and accommodation in all sectors of employment, and insufficient information about effective remedies in cases of denial of reasonable accommodation;

(c) The low level of compliance with the 3 per cent employment quota for persons with disabilities in the public sector, and with employment quotas for persons with disabilities in the private sector.

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

(a) **Abolish legislation, policies and practices of sheltered employment and adopt a strategy with benchmarks and a time frame to promote an inclusive, open and accessible labour market in all sectors for all persons with disabilities, including women and persons with intellectual or psychosocial disabilities, and ensure continuous training on work competences, entrepreneurship and technical assistance for business management;**

(b) **Ensure that its legislation provides for effective remedies, including compensation in cases of discrimination on the basis of disability in the area of employment;**

(c) **Ensure equal requirements for employment quotas in the public administration and other work sectors, monitor their implementation and collect data on compliance with the quota system, and provide for adequate sanctions in cases of non-compliance;**

(d) **Bear in mind the linkages between article 27 of the Convention and target 8.5 of the Sustainable Development Goals, and ensure that persons with disabilities obtain productive and decent employment, in line with the principle of equal pay for work of equal value.**

Adequate standard of living and social protection (art. 28)

54. The Committee is concerned about:

(a) The negative impact of the financial crisis on persons with disabilities and their families, and their ability to cover the additional costs of disability-related requirements;

(b) Information indicating that social programmes, such as the disability pension programme and social housing projects, exclude persons with disabilities on the basis, inter alia, of medical assessments of impairment and the level of income of their families, and on the basis of nationality, as well as information indicating that cash assistance for refugees or those holding humanitarian residence permits relies mainly on international cooperation;

(c) The gender gap in disability pensions for women with disabilities.

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

(a) **Ensure that adequate levels of income and access to social protection, including allowances to cover the extra costs of disability, are protected as core components of public policies at all times, so as to prevent any disproportionate adverse impact on persons with disabilities in times of financial crisis;**

(b) **Amend the eligibility criteria for the recognition of the disability pension, and ensure that criteria and levels of support are compliant with the human rights model of disability and include all persons with disabilities; ensure the sustainability and expand the financial resources of programmes aimed at providing cash assistance**

for persons with disabilities holding humanitarian residence permits and for asylum seekers and refugees with disabilities;

(c) Adopt specific measures aimed at increasing the number of women with disabilities with access to allowances in the scope of social protection schemes.

Participation in political and public life (art. 29)

56. The Committee is concerned about:

(a) Legislative provisions that deny persons with intellectual or psychosocial disabilities the right to vote and stand for election;

(b) The lack of accessibility at polling stations and ballot boxes, and the absence of electoral materials and information in accessible formats, such as Braille, sign language and Easy Read formats;

(c) The lack of information on appropriate awareness-raising, including training programmes, for election officials to address the requirements of persons with disabilities in electoral and political processes.

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

(a) **Amend the basic provisions for elections and voter registration and eliminate the prohibition on persons with intellectual or psychosocial disabilities exercising their rights to vote and run for office;**

(b) **Adopt measures to ensure a secret ballot and the accessibility of the voting environment, including the provision of electoral materials and information in accessible formats for all persons with disabilities, paying particular attention to accessibility in rural and remote areas;**

(c) **Conduct appropriate training for election officials on the rights of persons with disabilities, at all stages of the electoral process, to enable their effective participation in electoral and political processes.**

Participation in cultural life, recreation, leisure and sport (art. 30)

58. The Committee is concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which ensures access to published material for blind persons, persons with visual impairments or otherwise print disabled.

59. **The Committee encourages the State party to adopt all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.**

60. The Committee is concerned about the limited information on the participation of persons with disabilities in mainstream sporting activities and sports facilities.

61. **The Committee recommends that the State party take measures to promote the participation, to the fullest extent possible, of persons with disabilities on an equal basis with others in mainstream sporting activities at all levels.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

62. The Committee is concerned that the national disability database does not cover all persons with disabilities, such as those with disabilities in institutions. It is also concerned about the lack of regular data about the situation of persons with disabilities, disaggregated by age, sex, geographic location and other criteria, for identifying the barriers facing such persons in exercising their rights. It is further concerned that civil society organizations, including organizations of persons with disabilities, cannot participate in processes concerning statistics and data collection.

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

(a) **Reinforce the use of the Washington Group short set of questions on disability when collecting information about the situation of persons with disabilities and the barriers to the exercise of their rights, and develop and regularly update a centralized database, in which data are disaggregated by age, sex, ethnicity, geographical location, including residential settings, and impairment type;**

(b) **Adopt measures to ensure the active involvement of and close consultation with persons with disabilities through their representative organizations, in the planning and design stages of data collection processes.**

International cooperation (art. 32)

64. The Committee observes with concern:

(a) The absence of information on guidelines for disability inclusion throughout the State party's technical cooperation and assistance programmes;

(b) The lack of information about access by civil society organizations, including organizations of persons with disabilities, to international funding for implementing the rights of persons with disabilities;

(c) The lack of information about measures to adhere to the Convention in efforts to implement the 2030 Agenda for Sustainable Development.

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

(a) **Adopt policy frameworks and guidelines on international cooperation, recognizing disability as an integral part of international development policies, and allocate adequate resources;**

(b) **Ensure that organizations of persons with disabilities can receive or seek funding and other resources from national and international sources;**

(c) **Actively involve and closely consult with persons with disabilities, through their representative organizations, on public budgeting processes, the monitoring of the Sustainable Development Goals at the national level, international decision-making and international cooperation.**

National implementation and monitoring (art. 33)

66. The Committee is concerned that:

(a) The new focal point for implementing the Convention, the General Directorate of Services for Persons with Disabilities and the Elderly, lacks mechanisms to closely consult with organizations of persons with disabilities concerning legislation, policies and programmes for implementing the Convention;

(b) The National Human Rights and Equality Institution of Turkey and the office of the ombudsman lack independence to monitor the implementation of the Convention and do not comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) The lack of systematic inclusion of organizations of persons with disabilities, including umbrella organizations, in the activities of the Monitoring and Evaluation Board on the Rights of Persons with Disabilities.

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

(a) **Adopt measures to strengthen the capacity of the General Directorate of Services for Persons with Disabilities and the Elderly at the national and provincial levels, including in its role to undertake consultations with organizations of persons with disabilities, and mainstream the Convention into all policy sectors;**

(b) **Ensure that the independent monitoring framework under article 33 (2) of the Convention complies fully with the Paris Principles, and take into account the Committee's guidelines on independent monitoring frameworks and their participation in the work of the Committee (see CRPD/C/1/Rev.1, annex);**

(c) Ensure the full and effective participation of persons with disabilities in independent monitoring of the implementation of the Convention, in accordance with the provisions of article 33 (2) of the Convention and the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, including by providing adequate funding.

IV. Follow-up

Dissemination of information

68. The Committee requests the State party to implement the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 12 (b) and 53 (a). It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

69. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

70. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read formats, and to make them available on the government website on human rights.

Next periodic report

71. The Committee requests the State party to submit its combined second, third and fourth periodic reports by 28 October 2023 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.
