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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 (afternoon) and 14 (morning) March 2019, respectively, and adopted the following 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 Public Investigation Institution (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 particularly welcomes legislative reforms including the amendment of the Turkish Disability Act, 2014, which defines disability based discrimination and reasonable accommodation, and the amendment of 87 Laws and nine Decrees eliminating derogatory terminology. It further commends the amendment of 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 in disability assessments based on medical reports, which reduce persons with disabilities to their impairments and health condition.

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

6. The Committee recommends that the State party:

(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 their design, and that multiple assessments do not create an undue burden for the person 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 recorded progress in the areas covered by the Strategy and National Plan of Action 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 about the progress made to adopt the National Plan of Action and Strategy Paper on the Rights of Persons with Disabilities, and about the sustained and formal mechanisms of consultation and involvement of the diversity of 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 Plan of Action and Strategy Paper on the Rights of Persons with Disabilities and 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 No. 5237, according to which the criminal offense of disability-based discrimination requires the proof of hatred motivation;

(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 with disabilities of Kurdish origin.

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 discriminatory provisions against persons with disabilities, as well as its anti-discrimination legislation and harmonize it with the Convention, particularly apply the concept of reasonable accommodation in all areas of life, and establish appropriate sanctions in case of non-compliance with reasonable accommodation required by persons with disabilities, including those with intellectual disabilities;

(b) Eliminate the requirement of hatred motivation 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, barriers identified and the number and percentage of judgments that led to compensation or sanctions, 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 concrete measures to achieve inclusive equality by all persons with disabilities, including those belonging to minority groups.

Women with disabilities (art. 6)

13. The Committee is concerned about the lack of concrete indicators and mechanisms to measure and monitor the outcomes of public policies in 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 to men with disabilities. It is further concerned about the intersectional discrimination and exclusion of Roma girls with disabilities, particularly 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 rural areas through general public policies on women;

(c) Adopt legislation and policies addressing 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 (2013-2017) and the Coordination Strategy Document on the Child Protection Services (2014-2019) and on 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 for children with disabilities to lodge complaints about violation of their rights;

(c) The reports indicating that allowances for families of children with disabilities are subject to a degree of impairment assessed over 40 percent.

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 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, particularly 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 violation of their rights, particularly in the family, school, in institutions;

(d) Extend the coverage and implementation of child care allowances to families of all children with disabilities ensuring that single parents can also access this type of entitlements.

Awareness-raising (art. 8)

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

(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 of the Ombudsman Institution (KDK) Strategy Paper (2017-2021);

(b) The lack of available translations of the Convention in Turkish Sign Language and Braille;

(c) Discriminatory attitudes against life with a disability and biased information to expectant parents by counselling services, leading to termination of pregnancy, particularly in cases of a diagnostic of Down syndrome and spina bifida;

(d) Contents of primary school textbooks describing persons with disabilities as, among others, 'needy' and 'incompetent' and not considered as '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 organisations 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, particularly medical professionals and services providers on 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 of 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 standards and legislation on accessibility and the reported lack of progress to meet the deadlines set by the law of the National Plan of Action on Accessibility;

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

(c) The reports that the Accessibility Monitoring and Audit Commissions are not fulfilling their legal obligations and the sanctions imposed by these 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 roadmap based on detailed data, which sets benchmarks for the removal of existing barriers, and promotes universal design for built environment, public services, such as transportation, information, and communication. It also recommends that the State party allocate sufficient resources for the monitoring of the implementation of accessibility standards with an updated national database throughout all provinces and local governments, including 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, particularly 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 neglect and destitution of persons with disabilities, particularly women, and deaths of persons with disabilities in institutional settings, and release periodic public records on this matter.

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned about the absence of information on a comprehensive strategy and plan of action that ensures inclusion and accessibility of disaster risk reduction measures. It is also concerned about the absence of periodic risk assessments and disaggregated data collection that allows 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, inclusive of 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 Presidency involves organizations of persons with disabilities in the development of risk assessments, plans for disaster risk reduction and data collection efforts;**

(c) **Ensure continuous human, financial and technical resources for post-emergency rehabilitation, resettlement, reconstruction, and rebuilding processes, which 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 limiting 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 continuing practice of two witnesses for notarial acts for persons with visual, hearing or speech impairments, despite amendments to the Notary Law 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, particularly with regard to the right 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 of the legal capacity of persons with disabilities and replace the guardianship regime with support decision-making mechanisms;

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

(c) Ensure compliance with the Notary Law, 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 the right to marry and the right to vote of persons with intellectual impairments to medical authorization;

(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 meaningful consult and involve persons with disabilities through their representative organizations and the Ombudsman, at the national, regional and local levels for developing trainings and awareness-raising about the 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 official provision of quality sign-language interpretation for persons who are deaf, accessible formats of communication for deaf-blind, hard of hearing persons, and persons with intellectual or psychosocial disabilities, particularly in civil cases;

(b) The limited provision of legal aid for persons with disabilities in all areas of 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 the Judges and Prosecutors (No. 2802), which prevent 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 based on legislation;

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

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

(d) Amend the Law on the Judges and Prosecutors (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 presumed dangerousness for treatment, rehabilitation or education purposes 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 the police and law-enforcement institutions.

30. The Committee recommends that the State party:

(a) Repeal from its legislation the concept of dangerousness and abolish institutionalization based on the same 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 their deprivation of 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 report of the Committee on the Rights of Persons with Disabilities Supplement No. 55 (A/72/55), annex I), throughout the regional discussions concerning an Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No 164) (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 into psychiatric hospitals, residential facilities, or other institutions;

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

(c) The lack of information about monitoring of residential facilities to prevent ill treatment and the restrictions to the 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, electro-convulsive therapy, and any other involuntary treatment of persons with disabilities in institutions, and investigate and impose criminal and administrative sanctions to perpetrators;**

(b) **Take measures to provide persons with disabilities with individualized accommodations and accessibility in prisons, ensuring awareness raising and 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 an attorney 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 for protecting victims;**

(c) **Ensure transparency and effectiveness of the existing monitoring mechanisms of detention and residential facilities, the publication of their findings, and 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 of 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 of heightened risk of abuse and to address cases of gender-based violence against women and girls with disabilities, particularly in the family, residential facilities, and schools;

(b) The limited accessibility of shelters in particular the ‘violence prevention and monitoring centers’ by women with disabilities at risk or victims of different forms of gender-based violence;

(c) The lack of public and available information on the monitoring mechanism of the Ombudsman office (KDK) on institutions and its reports on findings as well as by the monitoring activities conducted by the Provincial Directorates, the Ministry of Family, Labor and Social Services, and the National Human Rights and Equality Institution.

35. The Committee recommends that the State party:

(a) **Release regular information about gender-based violence against women and girls with disabilities, promote awareness raising and training from 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 reporting mechanisms of 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 human, technical and financial resources allocated for accessibility of shelters and, in consultation with civil society organizations, including organizations of women with disabilities, improve information available, identify remaining attitudinal, procedural and physical barriers to accessibility of shelters by**

women and girls with disabilities at risk or victims of different forms of gender-based violence;

(c) Ensure the functional, structural and financial independence of the National Human Rights and Equality Institution of Turkey, and that its duties as the national mechanism for the prevention of torture cover 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 where guardians or other third parties request or authorise medical interventions without their consent.

37. The Committee recommends that the State party:

(a) Revise current legislation and prohibit the practice of medical interventions based on third party's consent acting as guardians or tutors of persons with disabilities deprived of their legal capacity, and that it develop supported decision-making mechanisms for persons with disabilities that respect 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 patient rights' brochures, social media posts and guidebooks are in accessible formats such as Easy Read and plain language and known by persons with disabilities, doctors and health personnel in all health care facilities;

(d) Provide sufficient remedies, including compensation, reparation and rehabilitation to persons with disabilities who have been subjected to any forced medical intervention, ensuring that information retrieved by the 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 accommodation 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 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 support requirements by refugees with disabilities.

39. The Committee recommends that the State party:

(a) Carry out research and data collection 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, including organizations of persons with disabilities, aimed at informing public policies and programmes.

(b) Adopt a protocol on the provision of procedural accommodation and support during immigration, refugee status determination procedures and

resettlement, and provide persons with disabilities with information on accommodations and support available, in accessible formats, Easy Read and in native languages of the main migrant, asylum-seeking and refugee communities, and ensure training of officials working at protection desks on the rights of persons with disabilities under the Convention;

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

40. The Committee is concerned about information indicating that persons with physical disabilities require medical reports as a pre-condition 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 recognizing the right of persons with disabilities to live independently and choose their place of residence;

(b) The prevalent institutionalization of persons with disabilities on the basis of impairment in facilities such as 'Hope homes', including children with disabilities, who remain in nursery residential schools and orphanages;

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

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

(e) The absence of a holistic approach 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 no. 2828 to comply and adhere to 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 concrete timeframe 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 access 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 the absence of:

(a) 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, cultural facilities;

(b) Sufficient measures to provide persons with disabilities living in rural areas with information in accessible formats, including in Braille, Easy Read and accessible information and communications technology;

(c) The insufficient enforcement of the Web Content Accessibility Guidelines and the low percentage of public websites compliant with these guidelines and 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 Deaf persons, 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, Easy Read, and grant persons with disabilities, including those living in rural areas, access to information and communications technology, including the provision of low-cost software and assistive devices;

(c) Redouble its efforts to ensure accessibility of government websites, ensure that private entities providing information service through the internet do so in accessible formats for all persons with disabilities, and apply sanctions to broadcast companies in case of 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 found a family by requiring health reports certifying absence of 'medical impediments'. It is also concerned about stigmatization of persons with disabilities preventing their parenthood roles, and the limited access to support for parents of children with disabilities, which is limited 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 the right of persons with disabilities to marry, and ensure they can exercise their rights relating to marriage, family, parenthood and relationships on an equal basis with others;

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

Education (art. 24)

48. The Committee is concerned about:

(a) The persistence of segregated education that is discriminatory at all levels, the absence of an inclusive education system, reasonable accommodation and support, at all levels of education, despite the improvement of 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, particularly on mathematics and computing, has not 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 deaf and blind.

49. With reference to the Committee's general comment No. 4 (2016) on 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 higher education with appropriate human, technical and financial resources.

(b) Ensure the provision of adequate individualized support and accommodations enabling 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 the progress to achieve 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, particularly concerning access to specialized treatments, physiotherapy, equipment for examination, and accessible information;

(b) Attitudinal barriers and prejudices among health care personnel preventing persons with disabilities' access to sexual and reproductive health, and lack of measures to ensure privacy of persons with disabilities during consultations or examinations;

(c) The lack of disaggregated data by sex, age, ethnic origin, migration status of persons with disabilities taking part in the family practice systems, mobile health care, patient transportation service, 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 availability, accessibility and affordability of health care for persons with disabilities, and take measures to ensure that investments in health care infrastructure address 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 consultation respecting 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 systems to identify the extent to which persons with disabilities, particularly in rural areas, access these programmes and the 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 in particular affecting persons with intellectual or psychosocial disabilities 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 effective sanctions in cases of denial of reasonable accommodation;

(c) The low compliance with the 3 per cent quota of employment of persons with disabilities in the public sector, and with employment quotas of 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 timeframe 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, ensuring continuous training on work competences, entrepreneurship, and technical assistance for business management;**

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

(c) **Ensure equal requirements for employment quotas in the public administration and other work sectors, and 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 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 based on, inter alia, medical assessments of impairment and the level of income of their families and on the basis of nationality, and that in-cash assistance for refugee persons or those holding humanitarian residence permits rely mainly on international cooperation;

(c) The gender gap in disability pension 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 extra costs of disability are protected as core components of public policies at all times to prevent the 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 in-cash assistance for persons with disabilities holding humanitarian residence permits, asylum seekers and refugees;**

(c) **Adopt specific measures aimed at increasing the number of women with disabilities who access 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) Lack of accessibility of polling stations, ballot boxes, and absence of electoral materials and information in accessible formats such as Braille, sign language and Easy Read;
- (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 Election and Voter Registration, and eliminate the prohibition of persons with intellectual or psychosocial disabilities in exercising their rights to vote and run for office;**
- (b) **Adopt measures to ensure 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 allows access to published material to blind persons, persons with visual impairments or otherwise printed 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 about 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, for example persons 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, identifying the barriers facing persons with disabilities 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 is disaggregated by age, sex, ethnicity, geographical location, and 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 in 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 Human Rights and Equality Institution of Turkey (TIHEK) and the Ombudsman Institution (KDK), lack of 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 (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 across all policy sectors;

(b) Ensure that the independent monitoring framework under article 33 (2) of the Convention, complies fully with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and take into account the Committee's rules of procedure (see CRPD/1/Rev.1, annex) relating to the role and engagement of independent monitoring frameworks;

(c) Ensure the full and effective participation of persons with disabilities in independent monitoring of the Convention, in accordance with the provisions of

article 33 (2) of the Convention and the Committee's general comment No. 7 (2018), including by providing adequate funding.

IV. Follow-up

Dissemination of information

68. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations, and would like to draw the attention of the State party to the recommendation contained in paragraphs 12 (b) and 53 (a), on which urgent measures must be taken. 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 reports.

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 and to make them available on the government website on human rights.

Next report

71. The Committee requests the State party to submit its combined second, third, and fourth periodic reports by no later than 28 October 2023, and to include therein information on the implementation of the present concluding observations. The Committee invites 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/combined reports of a State party. The replies of a State party to such a list of issues constitute its report.
