The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report and List of Issues and replies submitted to the Human Rights Committee, as well as Concluding Observations of other treaty bodies (see Annex below).

**TURKEY**


**IDA suggested Recommendations:**

- Take steps to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

  Articles 2, 3 and 7

- Address the heightened risk for women and girls with disabilities of becoming victims of violence, abuse, and exploitation in the home, community and institutions, and to adopt measures to ensure the accessibility of services and information to victims with disabilities, including training of police and other interlocutors.

- Related to segregation in special schools and institutions, adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above.

  Articles 2, 7 and 9, 26

- Take steps to remove children with disabilities from institutions and to develop community based services and support (including increased social assistance and welfare benefits) to ensure that families can care for their children at home. Equally, adopt measures to
IDA recommendations on Turkey

ensure that adults with disabilities can benefit from community based services and live in the community. Devise a general plan for the closure of institutions for disabled children and adults and the development of community based services in close consultation with organisations of persons with disabilities. (see Concluding Observations of the CRC Committee, CRC/C/15/ADD.152, 2001, paras 41-44, 49, 50, in Annex below)

- Ensure that persons with disabilities, including persons with psychosocial and intellectual disabilities, can enjoy the right to liberty and security of person, and are not deprived of their liberty unlawfully or arbitrarily, and that the existence of a disability shall in no case justify a deprivation of liberty. Repeal Articles 432\(^1\) and 433\(^2\) of the Turkish Civil Code to be in accordance with Article 9, ICCPR and Article 14, CRPD. (see Report of the Working Group on Arbitrary Detention, A/HRC/4/40/Add.5, 2007, in Annex below)

Articles 2, 7, 10 and 26

- Adopt measures to ensure that all health care and services provided to children and adults with disabilities, including all mental health care and services, are based on the free and informed consent of the individual concerned, and that involuntary treatment and confinement are not permitted by law. (see Concluding Observations of the CESCRR Committee, E/C.12/TUR/CO/1, 2011, para 30, CAT Committee, CAT/C/TUR/CO/3, 2011, para 23, and Report of the Working Group on Arbitrary Detention, A/HRC/4/40/Add.5, 2007, in Annex below)

- Ensure that reproductive health services are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law.

Article 2, 14, 26

- Ensure the effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations and support, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, in accordance with Article 13 of the CRPD.

Article 2, 16, 26

- Reform the law in accordance with Article 16, ICCPR and Article 12, CRPD to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned. (See also report of Special Rapporteur on Torture, 28 July 2008, A/63/175, paras 73 and 44)

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\(^1\) Article 432 of the Civil Code allows the territorially competent civil court to assign persons with mental health problems who “harm their own family and surroundings” to an institution.

\(^2\) Article 433 provides that the same court is competent to order the release of the patient from the mental health institution. The provisions apply equally to persons with substance abuse problems.
IDA recommendations on Turkey

Articles 25 & 26
- Repeal Article 76 of the Constitution\(^3\) and Article 11 of the Parliamentary Elections Law\(^4\) that exclude persons with psychosocial and intellectual disabilities from their right to vote and be elected, which is in violation of the right to political participation as set out in Article 25, ICCPR and Article 29, CRPD and contrary to the latest international standards on political participation\(^5\).

**State report**

Selected disability references in the state report:

18. In September 2010, with the amendment to article 10 of the Constitution entitled “Equality Before the Law”, positive discrimination gained a constitutional basis for women and men who require social protection, such children, the elderly and the disabled. The inclusion of positive discrimination in the Constitution is a significant improvement to strengthen the protection of constitutional rights. With this amendment, it is guaranteed under the constitutional framework that special measures to be taken by the administration in respect of those who require protection shall not be construed to be “contrary to the principle of equality”. As such, the State will be free to take special measures for those in need of protection to ensure equality among all sectors of the society.

19. The principle of equality is enshrined in various other laws regulating specific areas of political, social and economic life. There are specific laws such as the Civil Code (Article 8 – principle of equality in capacity of persons as subject to rights), the Law on Social Services and Child Protection (Article 4 – non-discrimination in eligibility to receive social benefits), the Political Parties Law (Article 82 – prohibition of racism, Article 83 – protection of the principle of equality), the Basic Law on National Education (Article 4 – principle of equality in education, Article 8 – gender equality-affirmative action), the Labour Law (Article 5 – principle of non-discrimination, equal treatment), the Law on Disabled People (Article 4 – non-discrimination against people with disabilities).

278. Within the framework of recent constitutional amendments, positive discrimination has been granted as a constitutional right for persons who require social protection, such as children, the elderly and the disabled, as well as women in order to achieve de facto equality between men and women.

**List of issues**

6. Please provide information on situations where temporary special measures (“positive discrimination”, article 10 of the Constitution) have been introduced as a means of addressing disadvantage or underrepresentation of women, persons with disabilities,

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\(^3\) Constitution (1982, as amended 2001) Article 76 states: “Persons who have not completed their primary education, who have been deprived of legal capacity...shall not be elected deputies.”


\(^5\) This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, A/HRC/19/36, 21 December 2011 para 45 This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, A/HRC/19/36, 21 December 2011 para 45
persons belonging to minorities or others as well as the impact of these measures in relation to their access and participation in the political arena, education, employment, the justice system, health-care services and other areas if public life. Please indicate the resources allocated to implement such measures. Please also provide information on any training or information dissemination aimed at familiarizing public officials with the concept of temporary special measures.

14. In relation to violence against women and children, please provide information on (a) steps taken to evaluate and strengthen Law 4320 and to enact comprehensive legislation prohibiting all forms of violence against women and children; (b) examples where perpetrators of violence against women and children have been prosecuted and punished; (c) steps taken to protect women and children - including women and children subject to multiple forms of discrimination, such as disability or minority status - from violence, through the provision of adequate support services and adequately resourced shelters; (d) the results of the Turkey-EU Pre-Accession Financial Programme of 2006, the project entitled “Shelters for Women Subject to Violence”; (e) the number of protection orders issued over the last five years; (f) the expansion over time in the dissemination of information to relevant individuals on shelters, support services and avenues to seek protection and redress; (g) the expansion over time of training programmes for public officials, the judiciary, law enforcement personnel and health service providers to ensure that they address and combat all forms of violence against women and children and provide adequate support for victims; and, (h) the expansion over time of public awareness campaigns combatting violence against women and children.

18. What steps are being taken to eliminate the institutionalization of children and adults with disabilities by strengthening community-based services and support (including through increased social assistance and welfare benefits) to children with disabilities and to their families, including foster families?

Replies to list of issues
Question 6
As regards disabled persons:
Although freedom is important for every individual, the disabled will suffer from some inequalities if they are treated with the others. Hence, in order to maintain an actual equality, some extra cautions need to be taken. In this regard, in order to reinforce the legal framework of equality for the disabled, the 10th article of the constitution was amended in 2010 so that extra cautions to maintain equality between disabled and others should not be regarded as contrary to the equality principle. All of the programs and activities regarding the disabilities should be evaluated in this frame.

Against this constitutional framework, some important legislation was made. The law which made some changes to the “restructuring of some public debt”, Social Security and General Health Insurance Law was drafted.

The disabled public workers cannot be assigned night shifts, or night duties against their will. The daily working conditions need to be identified according to their handicaps. Moreover, the disabled are entitled to take a separate exam to get public employment. A special regulation concerning the public recruitment of the disabled has been legislated. To this end, an exam has been held in April 2012 for the disabled.
Furthermore, a system of quota and fine has been implemented in Turkey as an affirmative action to maintain equality for the disabled. According to the article 30th of the Labour Law, private employers having more than 50 workers need to recruit at least 3 percent, and the public sector need to recruit 4 percent. As of November 2011, through the quota system 12,211 disabled works in Public Sector and 70,550 works in private sector were recruited.

Amid these improvements, a great deal of inconvenience still exists in the employment of the disabled. In order to encourage the disabled to participate in labor “the Law of the Disabled” entered into force in 2005, “sheltered workplaces” were constructed and a regulation was drafted. In 2012 this system is going to come to the existence fully.

Another field of sustaining equality is special education. It is important to provide accession to the education and to maintain the continuity. From 2004-2005, the Ministry of Education and the Ministry of Family and Social Policies have developed a project in which the disabled in need are transported to the special education classrooms. The number of disabled benefitted from this opportunity has risen from 6900 to 40.907 from 2005 to March 2012.

According to the data provided by the Ministry of Education, Directorate General for Special Education and Counselling, the number of students carried, and the resources spent are as follows:

<table>
<thead>
<tr>
<th>Years</th>
<th>Number of Students</th>
<th>Amount Spent (TL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004 - 2005</td>
<td>6.901</td>
<td>1.929.000</td>
</tr>
<tr>
<td>2006 – 2007</td>
<td>21.813</td>
<td>18.900.000</td>
</tr>
<tr>
<td>2007 – 2008</td>
<td>24.314</td>
<td>27.375.000</td>
</tr>
<tr>
<td>2008 – 2009</td>
<td>27.145</td>
<td>34.856.000</td>
</tr>
<tr>
<td>2009 – 2010</td>
<td>31.982</td>
<td>43.641.000</td>
</tr>
<tr>
<td>2010 – 2011</td>
<td>36.245</td>
<td>56.262.000</td>
</tr>
<tr>
<td>2011 – 2012</td>
<td>41.000</td>
<td>70.000.000</td>
</tr>
<tr>
<td>Total</td>
<td>205.571</td>
<td>262.643.000</td>
</tr>
<tr>
<td>2012 – 2013 (Planned)</td>
<td>45.000</td>
<td>85.500.000</td>
</tr>
</tbody>
</table>

Also, the expenses of the private special education institutions are paid provided that the needy get 8 hours of individual education per month (2 hours per week), 4 hours of group education (1 month per week). These funds are allocated by the Ministry of Finance through Ministry of Education. As of January 2012, the number of students receiving the special education support is 245.00.

According to the data provided by Directorate General for Special Education Institutions, the number of students taking service in these rehabilitation institutions, and the resources spent are as follows:

In the health sector, affirmative actions are available too. One of the measures is that the disabled are exempted from the fee for the disability reports. Moreover, through the circular numbered 2010/79, the disabled have the priority to get the service in polyclinics; all the shared places and elevators are oriented with audio and visual signs; shared facilities like elevators, toilets, lavabos and application desks are arranged according to the needs of the disabled; all these services are broadcasted on the convenient boards for the disabled; hospitals are build with convenient roads for wheelchairs; escorts are provided for needy disabled in hospitals to ease procedures; sign language experts are employed for the
hearing-impaired; carrying service is provided for the needy disabled; a park space for the disabled in the hospital is reserved.

Besides, through the circular numbered 2010/80, the disabled and people with special needs are provided with the full and continuous treatment and priority in the hospitals.

Furthermore, efforts towards increasing the awareness of public and municipality officers are made. In 15 cities 1700 municipality managers and 1750 municipality employees were provided technical trip and local meetings. Also 280 public managers and 457 technical staff were provided with applied training in these briefings. Informative actions about the body law concerning the disabled towards the public are made through seminars, conferences as well as the web pages of the Ministry of Family and Social Programs, the General Directorate for the Disabled and other media. In the project “Turkey without Barriers”, conferences regarding measures of affirmative action and the related body law were held in 62 cities from June 207 to April 2011.

Employment of Disabled and other Disadvantageous Groups

As regards the practices concerning the disabled and ex-convicts, the quotas applied and the punishments implemented in case of non-compliance with the quota play an important role for supporting the employment of these groups.

Under Article 30 of the Labour Law, in workplaces which employ more than 50 persons, a quota of 3 per cent for private sector and 4 per cent for public sector are applied. A fine of 1700 TL per month is charged in case of non-compliance with the quota for disabled persons.

Question 14

Apart from the measures that have been taken in particular within the framework of Law no. 6284 as explained above, Law no. 2828 on Social Services and Child Protection Agency contains provisions with a view to protect women and children subject to multiple forms of discrimination such as disabilities from violence through the provision of adequate support services and adequately resourced shelters. If a women is in need of such services, she is settled in a care and rehabilitation centre in accordance with her age, gender, and disability group. If a disabled women was raped and is pregnant, she is settled in a shelter house. Likewise, if the mother is younger than 18 she is settled in a social service institution until the delivery of baby and provided with care. Following the maternity they are settled in other care centres.

Question 18

Turkey ratified the Convention on the Rights of Persons with Disabilities in September 2009. Article 61 of the Turkish Constitution states that “The state shall take measures to protect the disabled and secure their integration into community life”. Legislation on services for children with disabilities was first passed in 1997. This legislation was updated in 2005, through Law No. 5378. The latter law aims to prevent disability, resolve problems related to the health, education, rehabilitation, employment, care and social security of the disabled, provide for their full development, remove obstacles to their participation in society and ensure coordination of public services for them. It opposes discrimination and sets 2012 as a deadline for making public buildings and local transport accessible to disabled people.

According to the provisions of the relevant law, the care services shall be provided by the natural and legal persons and public institutions. Care services can be presented in
home care or institution care models. First of all it is essential that the service to be provided without separating the person from his/her home or physical environment.

If the child’s care is not possible in the family environment, the foster family system is applied. In order to promote foster family system, the amount of fee that is paid to the foster families of disabled children is twice the amount that is paid to the foster families of ordinary ones. If the foster family system is not possible, than in order to promote the family based care and to reduce the number of requests for the institutional care, home based care services are provided.

If the disabled person, who is in need of care but does not benefit from the services such as home care fee or institutional care, requests support from the authorities, the personnel appointed by relevant institutions provide the support for the home-based care. There are ongoing efforts for the generalization of the home-based care service model in 2012.

Under the present circumstances, the disabled person’s relative or the guardian, who provides home-based care, is paid a fee at the amount of minimum wage. If the care service is provided in a private centre, an amount of two minimum wages is paid. As of July 2012, 6872 disabled persons were provided by the care services of residential institutions, and an amount of 79.081.624 TL was paid for these services. As of December 2011, 352.859 disabled persons were provided with home-based care service, and 21.197.408.410 TL was paid for these services. The targeted number of disabled persons those are provided with home-based care services is 465.000 in 2012. It should be noted that the necessary arrangements concerning “support service for home-based care”, which is a new service model for the care of disabled persons, were provided in 2010.

In 2011, a legislative regulation entered into force in order to provide free care services to the disabled persons in rehabilitation and care centres up to 30 days per year, in case their families cannot provide home-based service for a short period of time for several reasons.

For the cases having any alternative apart from the institutional care, alternative service models such as house-type social service entities having smaller capacities and better physical conditions have been provided for the disabled persons.

In order to provide the necessary care services in the social environment and the city that they live, the “Prospect House Project” (Umut Evi Projesi) has been implemented as an alternative care model. The aim of this project is to provide care services in houses or apartments as small groups to the disabled persons for whom the home-based service in family environment is not possible. In the meantime, to provide active social life to the persons with disabilities for whom the necessary care is being provided in the care and rehabilitation centres. These “Prospect Houses” are considered to be an additional unit to the care and rehabilitation centres. The first “Prospect House” opened in İzmir in 2008. As of December 2011, 8 prospect houses have been in service in Turkey. On the other hand, in order to provide better service to the people with disabilities, the Barrier Free Living Centre Model that based on one floor independent houses having gardens has been applied. In addition to the care and rehabilitation centres available, there are ongoing efforts in order to generalize the family consultancy and rehabilitation centres for the daytime care services to the disabled persons.

The project “Cost Free Transportation for Children in Need of Special Education to Ensure their Access to Schools”, implemented jointly by the Directorates General of Services for the Disabled and Elderly Affairs, and Social Services of the Ministry of Family and Social Policies and Ministry of National Education, was first implemented during the second term of
the academic year 2004-2005 (February-June 2005). During this period transportation services were provided to 6,901 children attending special schools, and 200,000,000 TL have been spent up to date. In 2011-2012 academic year, similar services provided to 41,000 children, approximately, attending special schools or special classes, resulting in the expenditure of 61,000,000 TL. In this regard, the transportation expenses for the disabled children are provided from the Social Assistance and Solidarity Promotion Fund within the framework of the Project.

Furthermore, with a view to elimination of the institutionalization of the disabled children and adults, the projects for Home-Based Care of Elderly and Disabled Persons have been supported. Between 2007 and 2012, 36 projects have been supported and 2,096 persons (disabled adults, children and elderly) have benefitted from the home-based care services.

On the other hand, there have been two projects run by the Ministry of National Education:

- The Strengthening of Preschool Education Project: The purpose of the project is to upgrade and establish quality child day care and pre-school education services for disadvantaged children and their families through the capacity building of Ministry of National Education institutions, public institutions, municipalities, NGOs, and development of community based models and partnership.

- The International Inspiration Project: The budget of the project is 1,5 million GBP. The main aim of the project is to make a difference in the lives of all disadvantaged children including those with disabilities, and the children and young people of all abilities. The project plans to achieve this aim by effectively using high quality and inclusive physical education, sport and play in schools and communities through the support of teachers, community leaders and volunteers.
ANNEX - Selected disability references in Concluding Observations and views with respect to the Turkey

Concluding Observations of the CRC Committee, CRC/C/TUR/CO/2-3, 2012

II. Follow-up measures undertaken and progress achieved by the State party
3. The Committee welcomes as positive the comprehensive human rights reform process undertaken by the State party, including numerous constitutional amendments and legislative reform packages, in particular the adoption of the following legislative measures:
   (c) Legal Amendments concerning the Persons with Disabilities (2005), on education, rehabilitation, care and social security of children with disabilities;
4. The Committee also notes with appreciation the ratification or accession to:
   (c) Convention on the Rights of Persons with Disabilities, in 2009;
5. The Committee also welcomes and commends the adoption of policies and programmes that promote the rights and wellbeing of children, including:
   (c) Disability Action Plan (2006-2015);

Data collection
20. The Committee welcomes recent improvements in the data collection system of the State party and data provided by the State party in its report and written replies on some areas covered under Convention. However, The Committee remains concerned about the lack of regular data in areas like child poverty and well-being, child labour, children with disabilities, injury and risk behaviour. It also regrets lack of data disaggregated by gender, geographic location, ethnicity and socio-economic background, which would help the monitoring of equal enjoyment of their rights by all children in the State party.
21. The Committee encourages the State party to set up a comprehensive data collection system to provide with regular and timely data, especially in areas like child poverty and well-being, child labour, children with disabilities, injury and risk behaviour, and to analyze the data collected as a basis for assessing progress achieved in the realization of child rights and designing policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity, and socio-economic background to facilitate analysis on the situation of all children.

C. General principles (arts. 2, 3, 6 and 12 of the Convention)
Non-discrimination
28. The Committee reiterates its concern that the principle of non-discrimination is not fully implemented for children belonging to minorities not recognized under the Treaty of Lausanne of 1923, in particular children of Kurdish origin; children with disabilities; girls; refugee and asylum-seeking children; and children living in Eastern and South-Eastern regions and in rural areas, especially with regard to their access to adequate health and education.
29. The Committee reiterates its recommendation that the State party take appropriate measures to prevent and combat discrimination. It also recommends the collection of appropriate disaggregated data to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination. The Committee further recommends the State party to include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child
IDA recommendations on Turkey

undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

Freedom of association and peaceful assembly
38. The Committee takes note of the improvements in ensuring freedom of association, primarily though the Law of Association (2004), which allows children over the age of 15 “with the requisite mental maturity” to establish children’s associations with the written permission of their legal guardians, while children over the age of 12 may join children’s associations, with the written permission of their legal guardians. However, the Committee notes with concern that obstacles to children’s freedom of expression, association and peaceful assembly still exist, such as the minimum age of 19 to form an organisational committee for out-doors meetings as well as extensive bureaucratic procedures in establishing associations.

39. The Committee recommends that the State party continue its efforts to ensure full enjoyment of the freedoms of expression, association and peaceful assembly for children through amending legislation to remove remaining obstacles to these rights, including the minimum age to form an organisational committee for out-door meetings. The Committee further recommends that the State party take all measures to remove other obstacles in procedures and facilitate the process to ensure that children are able to exercise their rights in accordance with the law.

Corporal punishment
44. The Committee takes note of the amendment to the Civil Code (2002) which removed the parents’ “right of correction” as well as amendments to the criminal legislation which prohibit corporal punishment as a sentence for crime and as a disciplinary measure in penal institutions. The Committee however remains concerned that corporal punishment is still not explicitly prohibited in the home and in alternative care settings. The Committee is concerned at reports that corporal punishment is considered acceptable in homes and that corporal punishment has been in some cases used in psychiatric facilities and rehabilitation centres. The Committee notes that while corporal punishment is prohibited in schools, reports indicate prevalence of this practice in addition to a continued perception amongst adults of its educational value which raises grave concern over the interpretation and implementation of the ban of corporal punishment in schools.

45. The Committee reiterates its previous concerns and concluding observations (CRC/C/THA/CO/2, paras. 40 and 41), in line with its General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence and its General Comment No. 8 (2006), on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment in adopting measures to combat all forms of violence against children.

The Committee recommends that the State party:
(a) eliminate the practice of corporal punishment, including by explicitly prohibiting corporal punishment in the home and in alternative care settings;
(b) monitor the implementation of the prohibition of corporal punishment in schools, including investigating and taking appropriate action against perpetrators;
(c) develop measures to raise awareness on the harmful effects of corporal punishment and promote alternative forms of discipline in families.
E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)
Children deprived of a family environment
46. The Committee takes note of the efforts undertaken by the State party in improving conditions of children deprived of parental care, including by adopting the Law on Child Protection (2005) and the continued process of deinstitutionalization. Despite these efforts, the Committee is concerned at reports of high numbers of children remaining in institutions with inadequate conditions, limited staff capacity, inadequacy of educational support or recreational activities.
47. The Committee recommends that the State party:
(a) continue its efforts to improve the conditions for children deprived of parental care, in particular by providing more qualified professionals and effective monitoring of conditions for such children;
(b) consider conducting an impartial evaluation of the child care system and the deinstitutionalization process so far, with a view to identifying both good practices and areas where adjustment may be necessary. In this respect, the Committee encourages the State party to seek the cooperation of UNICEF;
(c) take into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.

F. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)
Children with disabilities
50. The Committee welcomes the legal amendments concerning the people with disabilities of 2005 which provides for education, rehabilitation, care and social security services for children with disabilities. Despite the State party’s efforts to provide children with access to education, it is concerned that a large number of school age children with disabilities do not enjoy their rights to education and a high percentage of children with disabilities remain in special education programs. Furthermore, the Committee regrets that the State party did not provide sufficient information as to whether support for children with disabilities reaches children everywhere, whether it is adequate and whether the goal of integrating them into the community is sufficiently attained.
51. The Committee recommends that the State party intensify its efforts to ensure the full enjoyment of the rights of children with disabilities and provide in its next periodic report information on the extent, quality and outcome of services and programs. In light of the Committee’s general comment No. 9 (2006) on the rights of children with disabilities, it is also recommended that the State further encourage their inclusion in society and integration into the regular educational system, including by providing special training to teachers and by making schools more accessible.

Concluding Observations of the CESCR Committee, E/C.12/TUR/CO/1, 2011

C. Principal subjects of concern and recommendations
11. The Committee notes with deep concern that persons with disabilities in the State party continue to face great difficulties in exercising their rights under the Covenant, including
with regard to access to employment, housing, education and health care. The Committee also notes with regret that persons with disabilities have continued to lack proper access to buildings, parks, hospitals, transportation systems and other public places and services. The Committee is further concerned that a significant number of persons with disabilities do not receive social security benefits (art. 2, para. 2).

The Committee urges the State party:
(a) To provide persons with disabilities with their full rights under the Covenant and without discrimination and ensure that they have physical access to buildings, parks, hospitals, school, transportation systems and other public places and services;
(b) To allocate resources for making the necessary accommodations to public and private infrastructure and services in the State party, as required by the provisions of articles 2 and 3 of the Disability Act;
(c) To raise public awareness, including through mass campaigns, about the rights of persons with disabilities, so as to combat negative stereotypes and prejudices;
(d) To strictly monitor the enforcement, both in the public and private sectors, of the quota system established by article 30 of the Labour Act, which prescribes the recruitment of at least 1 person with disabilities in every establishment which employs more than 50 people;
(e) To combat the marginalization of persons with disabilities by taking account of their special needs in the income-maintenance schemes of the social security system;
(f) To put into place a mechanism for collecting data on the enjoyment of economic, social and cultural rights of persons with disabilities so as to ascertain the nature of their difficulties, and to assess the impacts of the Disability Act.

Bearing in mind the Committee’s general comment No. 5 (1994) on persons with disabilities, the Committee requests the State party to include detailed information on the implementation of the above-mentioned recommendations in its next periodic report.

30. While the use of unmodified electroconvulsive treatment (ECT) without anaesthesia and muscle relaxants in mental health facilities has been abandoned and ECT application guidelines have been circulated to medical faculties, the Committee remains concerned that the State party has not taken measures, legislative or otherwise, to abolish these practices (art. 12).

The Committee calls on the State party to regulate, through the adoption of necessary amendments to existing legislation, the use of electroconvulsive treatment on mental health patients.

Concluding Observations of the CAT Committee, CAT/C/TUR/CO/3, 2011

1. B. Positive aspects

4. The Committee welcomes that, in the period since the consideration of the second periodic report, the State party has ratified or acceded to the following instruments:

Treatment of persons requiring psychiatric care

23. The Committee notes with concern the lack of information provided in the State party’s report on conditions in rehabilitation centres with respect to offenders requiring psychiatric care. While noting information by the representative of the State party on five rehabilitation centres for detainees with psychiatric problems currently within penitentiary institutions, the Committee is concerned at the lack of information on the conditions of these
facilities, including the full and effective exercise of the fundamental safeguards of such detainees. The Committee is furthermore concerned at the lack of information on general conditions, legal safeguards and protection against ill-treatment of persons in psychiatric facilities and mental hospitals, and notes with concern the high number of electroconvulsive treatment (ECT) administered in mental hospitals and clinics indicated in the State party’s report (para. 306). Further, the Committee regrets the lack of information on access to such facilities by independent monitoring mechanisms (art. 16). The State party should undertake a serious review of the application of electroconvulsive treatment (ECT), and should end any other treatment which could amount to acts prohibited under the Convention, of persons requiring psychiatric care. The State party should ensure by law and in practice fundamental legal safeguards for all persons requiring psychiatric care, whether in psychiatric facilities, mental hospitals or penitentiary institutions. The State party should furthermore allow access to psychiatric facilities and mental hospitals by independent monitoring mechanisms in order to prevent any form of ill-treatment.

Concluding Observations of the CEDAW Committee. CEDAW/C/TUR/CO/6, 2010

Disadvantaged groups of women

38. The Committee is concerned about the situation of various disadvantaged groups of women, including Kurdish women and women of ethnic and minority communities, migrant women and women asylum-seekers, elderly women, as well as women with disabilities, who may be more vulnerable to poverty and violence and are at risk of multiple forms of discrimination with respect to education, health, employment and social and political participation. The Committee notes the lack of comprehensive data and information on the situation of such women, in particular the lack of information and data provided by the State party on women with disabilities, disaggregated by age and type of disability, in both rural and urban areas. The Committee also notes that Kurdish women continue to be in a vulnerable and marginalized situation with unofficial data indicating high illiteracy and low education rates.

39. The Committee calls upon the State party to take effective measures to eliminate discrimination against women of ethnic and minority communities, migrant women and women asylum-seekers, elderly women, as well as women with disabilities, both in society at large and within their communities, particularly in the areas of education, health, employment and political and public life. It also calls upon the State party to be proactive in its measures, including through the development of targeted programmes and strategies, to increase women’s awareness of and access to education, health and social services, training and employment, as well as to familiarize them with their rights to gender equality and non-discrimination. The Committee requests the State party to collect data and conduct regular and comprehensive studies on the situation of various disadvantaged groups of women, and to provide such information and statistical data in its next report. The Committee also requests the State party to include in its next report comprehensive information on the situation of Kurdish women and girls, including data on their educational opportunities and achievements, access to employment and health-care services and participation in public life and decision-making.