**Recommendations by UN human rights mechanisms concerning the rights of persons with disabilities with respect to Turkey**

**Main issues raised by TBs**

* Discrimination of children with disabilities
* Awareness-raising campaigns on the rights of persons with disabilities and to combat the stigmatization, prejudice and discrimination
* Need for comprehensive and disaggregated data collection, including on women and children with disabilities
* Inaccessibility of buildings, parks, hospitals, transportation
* Independent monitoring mechanisms in order to prevent any form of ill-treatment in psychiatric institutions
* Inclusive education: lack of strategy and implementation
* Unemployment rate: need for implementation of affirmative measures
* Social protection: exclusion of some persons with disabilities and need for improvement of schemes

Concluding Observations of the CEDAW Committee, 2016

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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 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 de-institutionalization 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](file:///C:\Users\Victoria\AppData\Local\Temp\uhri.ohchr.org\Document\File\90d49f79-5ccb-44f7-938b-b58e82db07ad\a206683e-636b-42da-8804-500a4a7bdac9), 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](file:///C:\Users\Victoria\AppData\Local\Temp\uhri.ohchr.org\Document\File\42383336-2984-4dde-ac74-115bd1eec2a3\a9f66597-a00c-46dd-b626-6a14abacbb55), 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:

(e) Convention on the Rights of **Persons with disabilities**, in 2009.

**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](file:///C:\Users\Victoria\AppData\Local\Temp\uhri.ohchr.org\Document\File\0e019640-0076-4fab-a047-65a280b25f23\910e4a57-afaa-4255-999d-fab6e2fea5f0), 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.

**Ratification of other treaties**

47. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Turkey to consider ratifying the treaty to which it is not yet a party — the International Convention for the Protection of All Persons from Enforced Disappearance. (1 ... and the Convention on the Rights of **Persons with disabilities**.)

Concluding Observations of the CRC Committee, [CRC/C/15/ADD.152](file:///C:\Users\Victoria\AppData\Local\Temp\uhri.ohchr.org\Document\File\2f39e96b-b1b5-4af7-b6a5-f5c3c0da5cc9\3967cb1f-e552-4ba4-a381-80d1888653f9), 2001

**Data collection and analysis**

21. The Committee notes with appreciation measures taken by the State party, such as the establishment of the Child Information Network within the framework of the 1997-2000 Government of Turkey and UNICEF Master Plan of Operations and its continuation in the period 2001-2005 as the Child and Woman Information Network Project. It nevertheless expresses its concern at the absence of a unit within the State Institute of Statistics (SIS) responsible for the systematic collection of disaggregated data for all areas covered by the Convention and in relation to all groups of persons under 18 years of age.

22. The Committee recommends that the State party continue to develop a system of data collection and indicators consistent with the Convention and provide additional support to the Child Information Network. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect or ill-treatment; **children with disabilities**; children belonging to minorities and various ethnic groups; children who are internally displaced; children in conflict with the law; child asylum seekers; children who work; adopted children; and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data in the formulation of policies and programmes for the effective implementation of the Convention.

**Non-discrimination**

29. The Committee is concerned that the principle of non-discrimination (art. 2 of the Convention) 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**; children born out of wedlock; girls; refugee and asylum seeking children; children who are internally displaced; and children living in the south-eastern region and in rural areas, especially with regard to their access to adequate health and educational facilities.

30. The Committee recommends 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.

**Parental responsibilities**

41. While noting as a positive step the recent establishment of Family Consultation Centres in a number of cities, the Committee is nevertheless concerned that there is no appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in the case of female headed families.

42. The Committee encourages the State party to undertake effective measures to improve social assistance to families, including through counselling and community-based programmes, and to implement fully the programme of cooperation with UNICEF on enhancing family capacity, in order also to reduce the number of children in institutional care.

**Children with disabilities**

49. While noting as a positive development the establishment of the Administration of the Disabled as the agency coordinating services, and the removal of some structural obstacles in education, employment and rehabilitation, the Committee remains concerned about the huge number of **children with disabilities** who are institutionalized and the general lack of resources and specialized staff for these children.

50. The Committee recommends that the State party undertake measures to ensure that the situation of **children with disabilities** is adequately monitored in order to assess effectively their needs. It also recommends that the State party allocate the necessary resources for programmes and facilities for all **children with disabilities**, especially those living in rural areas, and develop community-based programmes to enable these children to stay at home with their families. In the light of the Standard Rules on the Equalization of Opportunities for **Persons with disabilities** (General Assembly resolution 48/96) and the Committee’s recommendations adopted at its day of general discussion on “The rights of **children with disabilities**” (see CRC/C/69), 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.