**INFORMATION NOTE ON**

**PARTICIPATION OF PERSONS WITH DISABILITIES INTO DECISION MAKING PROCESSES IN TURKEY**

**1-3.) Legislative and Policy Framework**

The measures for promoting and ensuring full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities (PwDs) in Turkey have been set at the level of national policy. Pursuance of the issue of disability in all fields of policy under a rights based approach and ensuring participation of PwDs to decision making processes constitute the basis of disability policy in Turkey. Especially since the second half of 1990s, many significant institutional or legal arrangements have been actualized to promote the realization of human rights of PwDs.

United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) that promotes full and equal enjoyment of all human rights and fundamental freedoms by all PwDs was signed by the Government of The Republic of Turkey on 30 March 2007 and ratified on 28 September 2009. The Optional Protocol of the CRPD was signed on 28 September 2009 and ratified on 26 March 2015. Being an international agreement duly put into effect as per Article 90 of the Turkish Constitution, the CRPD - like all other conventions on human rights - has the same force with the Constitution in the hierarchy of norms. Within this scope, the CRPD not only forms a basis for all legal and administrative arrangements, but also constitutes a principle of law to which independent Turkish courts can directly refer.

Established as an organ of Prime Ministry with the objective of coordinating disability policy and services among other public institutions in accordance with Decree Law No. 571 in 1997, The Presidency of Administration for Disabled People (OZIDA) carried on its activities, which include promoting realization of human rights by PwDs, cooperating with public institutions in order to develop policy and services for PwDs, until 2011. OZIDA continued its activities from 1997 to 2011 with the aims of promoting and mainstreaming disability in all policy areas. In this period, Civil Society Organizations of PwDs were represented in two advisory boards of OZIDA together with other public institutions and organizations. The names of the concerned advisory boards were “Disability Council” and “Executive Committee on Disability”.

By enactment of Decree Law No. 633 on 08 June 2011, a new ministry under the title of Ministry of Family and Social Policy (ASPB) was established with the purposes of rendering social services and assistance more efficiently and with a more holistic approach. After this date, OZIDA that had been operating affiliated with the Prime Ministry since 1997 and the related units of Turkish Social Service and Children Protection Institution (SHCEK) that had been rendering disability services in local level were reconstructed to form the General Directorate of Services for Persons with Disabilities and the Elderly (EYHGM) under the roof of ASPB. In this regard, preparatory work regarding signature and approval of CRPD by Turkey was carried out under the coordination of OZIDA which was designated as the focal point of Turkey for promoting the implementation and monitoring of the CRPD.

The focal point of Turkey has been EYHGM since 2011. As the focal point EYHGM carries out various activities in order to promote and ensure implementation of the CRPD in cooperation with relevant ministries, public institutions, civil society organizations (CSOs) - particularly the ones representing persons with disabilities and academies. Within this context, it tries to mainstream disability into all policy areas and practices in parallel with various awareness raising activities aimed at different target groups.

In order to promote the implementation and monitoring of the Convention, Monitoring and Evaluation Board on the Rights of Persons with Disabilities was established in line with Prime Ministry Circular No. 2013/8. As civil society has an important role to play in the policy making process, it was envisaged that the board would be consisted of high level representatives of the related and responsible public institutions and representatives of disability CSOs and human rights institutions. The board has the tasks of carrying out administrative and legal work regarding protection, enhancement and usage of the rights of PwD, making recommendations on the possible measures to be taken, drafting and approving strategies and plans of action and ensuring cooperation and coordination among institutions. Through this Board Pwds can directly involve in decision-making processes that directly concern them.

Another consultation mechanism through which representatives of PwDs participate into the decision- making processes that directly affect them is the Consultation Board of the EYHGM established in January 2013 and meets bimonthly. This Board has twelve seats that are composed of six from academia working on disability field and six from the representatives of Disability CSOs. Disability Consultation Board serves as a platform for evaluating and reporting the efforts of the EYHGM, and developing policy and program proposals.

Understanding of disability policy in Turkey was shaped by Turkish Disability Act No. 5378 of 2005 that can be defined as a framework law on disability. The aim of the Act is to take necessary measures to provide equal opportunity as other individuals for full and effective participation of PwDs into the society through promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and by strengthening respect for their inherent dignity. This Act established that developing policies to prevent any possible governmental abuse of disability or PwDs in the provision of disability services in the light of immunity of human dignity and honor; ensuring anti-discrimination forms the basis of disability focused policies. Furthermore, ensuring that the opinions of PwDs, their families and their representative organizations taken into account during decision making processes or service provision was also included in the general principles. This Law was restructured on 6 February 2014 in line with the obligations stipulated by the CRPD. First and foremost, the principles of the CRPD are strongly reflected to the Act. Moreover, ‘person with disability’ is redefined based on human rights approach of the CRPD so as that a persons with disability refer to persons who have various levels of physical, intellectual, mental or sensory impairments which in interaction with attitudes and environmental conditions may hinder their full and effective participation in society on an equal basis with others (Art.4). Besides various terms including "disability based discrimination, types of discrimination, reasonable accommodation and accessibility" were defined in accordance with the CRPD.

The Constitution of the Republic of Turkey guarantees the right of PwDs to participate in political and public life based on equality principle that have critical importance for involvement in decision making processes. The related provision also includes that no privilege shall be granted to any individual, family, group or class and State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings (Art. 10).

The Constitution assures that; Turkish citizens have the right to vote, to be elected, to engage in political activities independently or in a political party, and to take part in a referendum in conformity with the conditions set forth in the law (Art. 67). In this regard, elections and referenda are held under the direction and supervision of the judiciary. All Turkish citizens over eighteen years of age have the right to vote in elections and to take part in referenda (Art. 68). However, persons who were deprived of legal capacity are listed among the persons that cannot be elected as parliamentarians (Art. 76). The elections are organized and audited by Supreme Committee of Elections (YSK). Pursuant to legal arrangements and practices of YSK, PwDs can cast their votes in equal terms with others. Law No. 298 of 26 April 1961 on Basic Provisions on Elections and Voter Registers defined some citizens as non-voters. It is stated that persons who were deprived of legal capacity shall not cast votes in elections or referenda. Persons with intellectual disabilities who were placed under the care of a guardian by judicial authorities are also taken within this scope and so, they cannot cast votes in elections or referenda. Law on Basic Provisions on Elections and Voter Registers includes some provisions about accessibility of voting centers and the procedures of vote casting. YSK is responsible for making necessary accessibility arrangements through its units established by law and providing information on elections through press and media. In this regard, Supreme Committee of Elections organizes training courses for the relevant personnel and provides information on how to cast votes. Furthermore, some private TV channels and TRT - the public television, report electoral process and all news in sign language. The number of channels providing sign language information increases day by day. Though there are some accessibility problems faced by PwDs in casting their votes, there are efforts to eliminate such problems in line with provisions of Turkish Disability Act.

Political parties that have seats in the Turkish Grand National Assembly have coordination centers working on disability issue. These centers are important mechanisms working in coordination with PwDs or their representative organizations to mainstream disability issues into the political framework of their parties. Persons with disabilities can take part in local government platforms, namely; provincial assemblies or municipal councils as members.

Turkish employees and employers have the right to form unions and higher organizations, without prior permission, and they also possess the right to become a member of a union and to freely withdraw from membership (Constitution, Art. 51). Furthermore, everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission (Art. 33). Within this scope, there are currently no practical barriers to hinder PwDs from establishing and operating CSOs. There are approx. 1000 associations carrying out activities in the field of disability. Besides, there are 10 disability federations and 2 confederations functioning as umbrella organizations. CSOs can cooperate with and receive support from public institutions. Moreover, public interest associations or foundations can benefit from tax exemptions or donation incentives. CSOs can also benefit from national or international quality funds in order to initiate projects.

Pursuant to the provisions of Regulation on Procedures and Principles of Strategic Planning in Public Institutions, ensuring participation of CSOs to strategic planning of all public institutions was accepted as one of the general principles. In line with this principle, ASPB and other institutions providing service for PwDs also ask for comments and contributions of CSOs in disability field. Moreover, Turkish Disability Act sets out the principle that participation of PwDs, their families and volunteering organizations to all decision making processes is essential. The Act also regulates the obligation of receiving opinion from ASPB in all legislative arrangements to be carried out by public institutions regarding PwDs.

**4.) Efforts to Strengthen the Capacity of CSOs of Persons with Disabilities**

Disability organizations take an active role especially in policy making and legislation preparation processes. EYHGM was assigned with the duties of ensuring coordination among universities, local governments, public interest foundations/associations, other CSO’s and private sector and preparing and implementing joint projects. In addition, the UN Convention on the Rights of Persons with Disabilities highlights that persons with disabilities should be involved in all policy-making affecting them, In spite of progressive achievement in recent years, there are still substantial challenges for ensuring genuine cooperation. One of the reasons is the inadequate capacity of CSOs that could adversely affect to their influence upon disability policy, as the voice of persons with disabilities in Turkey. The other reason is that CSOs have some difficulties in securing a mainstream funding in order to realise their projects.

* Improved Integration of Disabled Persons into Society

To increase the institutional capacity of disability CSOs; supporting good practices and strengthening their relations with all public institutions – notably EYHGM, the Project “Improved Integration of Disabled Persons into Society”, funded under EU – IPA, was initiated in 2009. The project which was actively started in 2011 and completed in June 2015 has contributed to the equal and effective enjoyment of human rights of persons with disabilities by strengthening the capacity of CSOs and improving administrative capacity of the EYHGM. The capacity of CSOs was increased through organising 16 regional training programs for the CSOs around the country) and awarding grants for their projects regarded as best practices. In this respect 23 projects of CSOs have granted. Those activities have improved the collaboration between EYHGM and CSOs and thereby resulted in a professional working relationship. Moreover, these activities have strengthened lobbying and advocacy activities of disability CSOs.

* Awareness Raising Seminars on Human Rights and Disability

General Directorate of Persons with Disabilities and Elderly People conducted a project titled "Awareness Raising Seminars on Human Rights and Disability" in 2012. The aim of the project was to hold awareness and knowledge raising seminars on human rights and disability to promote the realization and the protection of human rights of persons with disabilities in Turkey targeted to four major target groups, one of which were civil society organizations and the others were namely representatives of [public authorit](https://eposta.aile.gov.tr/owa/redir.aspx?C=55011a0a10544f9d8da0eaf05aa89896&URL=http%3a%2f%2ftureng.com%2fsearch%2fpublic%2520authority)ies, members of judiciary and [legislative bod](https://eposta.aile.gov.tr/owa/redir.aspx?C=55011a0a10544f9d8da0eaf05aa89896&URL=http%3a%2f%2ftureng.com%2fsearch%2flegislative%2520bodies)y experts. In this regard four seminars were realized to raise awareness on human rights and disability issues of four target groups. The project has brought about the following outputs that will contribute to sustainability of the project: Four implementation manuals that are prepared and published for the different target groups one of which is for CSOs of PwDs will be a reference material in providing human rights perspective for their field of work and how they will act in dealing with disability issues.

* Support to the Implementation and Monitoring of the UNCRPD in Turkey Project

The General Directorate of Services for Persons with Disabilities and the Elderly has been implemented the Project on “Support to the Implementation and Monitoring of the UNCRPD in Turkey” since 2013 in coordination with the Turkish Office of United Nations Development Fund to strengthen the Government of Turkey in her current efforts on monitoring the implementation of the Convention on the Rights of Persons with Disabilities as wells as its preparation of the report on the progress of the implementation in Turkey. Within this project, the awareness among line ministries, relevant public authorities and civil society organizations on CRPD and their required inputs for Turkey’s Report preparation process increased through seminars and workshops. In addition, indicator and related data sets under eight titles one of which is on Participation into political and public life was developed that will be used for monitoring of implementation of the Convention are developed in coordination with all relevant public authorities, civil society organizations especially the ones of persons with disabilities, human rights organizations and academia.

**5-) CSO Participation in Monitoring the Implementation of CRPD**

As it was indicated previously, in order to promote the implementation and monitoring of the Convention, Monitoring and Evaluation Board on the Rights of Persons with Disabilities was established in 2013 to increase the coordination capacity of EYHGM with line ministries, public authorities having responsibility in disability policy and implementation, representatives of disability CSOs and human rights institutions. The board has the tasks of carrying out administrative and legal work regarding protection, enhancement and usage of the rights of PwD, making recommendations on the possible measures to be taken, drafting and approving strategies and plans of action and ensuring cooperation and coordination among institutions. This platform can also be used by disability CSOs for monitoring the implementation of the CRPD.

Another consultation mechanism through which representatives of PwDs participate into the monitoring is the Consultation Board of the EYHGM established in January 2013 and meets bimonthly. This Board has twelve seats that are composed of six from academia working on disability field and six from the representatives of Disability CSOs. Disability Consultation Board serves as a platform for evaluating and reporting the efforts of the EYHGM, and developing policy and program proposals.

As the focal point of the CRPD in Turkey, EYHGM is responsible for preparing the National Report of the CRPD in coordination with the line ministries, relevant public authorities, CSOs of PwDs. In this respect, EYHGM drafted the national report in line with the principles embedded in CRPD and in cooperation with CSOs - particularly the ones representing PwDs, universities and public institutions. The reporting guidelines of the CRPD Committee was translated into Turkish and published on EYHGM's official website. Within this process, 37 CSOs including 21 disability and 16 human rights CSOs were requested for their contribution in written procedure. The draft of this report was presented to the opinion of CSOs. Besides, two weeks after the report was published, a meeting was held with the participation of umbrella organizations and 50 disability organizations representing various disabilities. The opinions and contributions of the organizations on the National Report were received in this meeting. It should be underlined at this point that the correspondence and collaboration experienced in preparation of the National Report certainly contributed a lot to awareness raising and public information efforts in Turkey.

Regarding accessibility, Turkish Disability Act that was put into effect in 2005 imposed obligations on municipalities and relevant authorities to address deficiencies in the provision of accessibility for persons with disabilities. According to this Law, within seven years of implementation of the Act, facilities and buildings belonging to public institutions including roads, sidewalks, pavements and public places must have been made accessible for persons with disabilities. In 2012 a sanction for non-compliance and a committee of evaluation and monitoring accessibility in all provinces in which members of CSOs of PwDs are represented are established during the years 2012 and 2013.

Regarding employment, representatives of CSOs of PwDs participate into monitoring of the use of the Administrative Fine Fund. In Turkey employers not fulfilling their quota requirement are entitled to pay levy. The collected fine is gathered in Administrative Fine Fund of Turkish Employment Agency. Allocation of funds is under the responsibility and authority of Commission on Allocation of Fine Funds consisting of representatives from employer and employee confederations, confederations of disability organizations and other relevant institutions. Through this Fund projects on employment, vocational training and rehabilitation are financed.